



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. III. AUCKLAND, THURSDAY, JULY 18, 1850. No. 15.

To all to whom these presents shall come,
I, Sir George GREY, K.C.B., Governor-in-Chief of New Zealand, send, greeting.

WHEREAS, by an Act made and enacted in the Parliament, holden in the ninth and tenth years of the reign of Her Majesty Queen Victoria, intituled "An Act to grant certain powers to the New Zealand Company," after reciting that divers land-orders or contracts for sale and conveyance of land, &c., in New Zealand, had been issued and made by the said Company, but as to which no conveyances had then been required, and from deaths of and dealings by purchasers various and conflicting claims to conveyances and such land-orders or contracts might arise, it is, amongst other things, enacted that a conveyance by the Company or their trustees in whom the same shall be vested of the lands, &c., to which any such land-orders or contracts shall relate for the estate and interest thereby contracted to be conveyed remaining unexpired or undetermined at the time of the conveyance to the purchaser or purchasers named in such land-order or contract, on his, her, or their request, or to any person or persons, and on proof of his, her, or their title, to the satisfaction (if the conveyance shall be required in New Zealand) of a nominee or nominees of the Company, approved of by the acting Governor of the colony for the time being, in writing, registered according to the laws for the time being in force for the registration of deeds, &c., in the colony, shall be deemed a full and complete performance by the Company of the contract or obligation contained in or resulting from such land-order to convey the said lands,

&c.: And whereas, by an instrument in writing under the seal of the New Zealand Company, and bearing date the 20th day of September, 1849, the said Company did nominate, constitute, and appoint

WILLIAM FOX,

of Wellington, in New Zealand, Esquire, or other chief agent for the time being, resident in New Zealand;

FRANCIS DILLON BELL,

of Nelson, in New Zealand, Esquire;

WILLIAM HALSE,

of New Plymouth, in New Zealand, Esquire;

WILLIAM CARGILL,

of Otago, in New Zealand, Esquire;

JAMES KELHAM,

of Wellington aforesaid, Esquire;

FRANCIS JOLLIE,

of Nelson aforesaid, Esq., or any two of them, to be their nominees for the purpose of performing all and singular the powers relative to such investigation and proof of title as aforesaid: Now these Presents Witness that I, the said Governor of New Zealand, pursuant to the power and authority in me vested for that purpose by the said recited Act of Parliament, do hereby approve of the said nominees of the New Zealand Company.

In witness whereof I have hereunto set my hand, this sixteenth day of July, one thousand eight hundred and fifty.

(Signed) G. GREY.

By His Excellency's command,

(Signed) C. A. DILLON.

PROCLAMATION.

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

WHEREAS the undermentioned Ordinance, enacted by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, was passed in the 12th year of the reign of Her Majesty Queen Victoria, No. 1, "an Ordinance to provide for the establishment of Provincial Legislative Councils in the Colony of New Zealand, Session 9, which Ordinance having been by the Right Honourable Earl Grey, one of Her Majesty's Principal Secretaries of State, laid before the Queen, Her Majesty has been pleased to confirm and allow the same.

Now, therefore, I, the Governor-in-Chief of New Zealand, do hereby proclaim and make known to all whom it may concern, that Her Majesty has been graciously pleased to confirm and allow the before-mentioned Ordinance.

Given under my Hand and issued under the Public Seal of the Islands of New Zealand, Government House, at (L.S.) Auckland, in the Province of New Zealand, this 12th day of July, in the year of our Lord one thousand eight hundred and fifty.

(Signed) G. GREY,
Governor-in-Chief.

By His Excellency's command,
(Signed) C. A. DILLON,
Civil Secretary.

GOD SAVE THE QUEEN!

Civil Secretary's Office,
Auckland, July 18th, 1850.

HIS Excellency the Governor-in-Chief has been pleased to direct the publication of the subjoined Despatch, lately received from the Right Honourable the Secretary of State for the Colonies.

By His Excellency's command,
C. A. DILLON,
Civil Secretary.

DESPATCH FROM EARL GREY TO GOVERNOR GREY.

Downing-street, 22nd Dec., 1849.

SIR,—I have to acknowledge the series of Despatches enumerated by dates and numbers in the margin, all of them relating to the subject of the Establishment of Provincial Legislative Councils, and to that of the proposed introduction at a future time of representative Government in one or both of the Provinces into which New Zealand is now divided, and

in such others as may hereafter be comprised within its limits.

2. My answer to these Despatches has been hitherto postponed, because, being made aware by your Despatch of November 29, 1848, that the Ordinance of November 18, 1848, for the establishment of Provincial Legislative Councils was already in operation for the province of New Munster, I considered it most advisable to wait for further accounts of the manner in which it had been received, and of the general state of the colony, before submitting it to the Queen for confirmation. I have now to inform you that Her Majesty has been pleased to confirm and allow this Ordinance. You will communicate Her Majesty's decision to the inhabitants of the colony under your government, by a proclamation to be published in the usual and most authentic manner.

3. I likewise concur entirely in your views and proposals respecting the future introduction of representative institutions, by the creation of Legislative bodies, such as you have described, exercising the same functions respectively as the General and Provincial Councils now constituted by you.

4. But, at the same time, I do not think it at all advisable that Parliament should interfere (in the manner proposed in the resolution of the Council of New Munster, and in your despatch of February 2, 1849) by passing at present any new Act for the purpose of giving effect to these views. For I do not perceive that you propose that any change in the existing form of Government beyond such changes as you are empowered to make with the advice of your Legislative Council, by the Act of 11th & 12th Vict. ch. 5) should actually come into operation before the expiration of the five years for which the constitution of the island is suspended. This being the case, I consider it to be manifestly inexpedient that Parliament should now pass an Act in order to make provision for a time as yet so far distant, when it is quite possible that in the interval experience may point out some advisable changes in the details, if not in the general features, of such a measure. Nor can it be necessary to introduce such a Bill into Parliament for the mere purpose of affording to the colonists a guarantee that their enjoyment of representative institutions shall not be unnecessarily delayed: since by the Acts now in force the suspension of those institutions can last only for the five years above mentioned, at the end of which time they will, of themselves, come into operation, and it is certain that nothing but a sense of obvious necessity would induce Parliament to continue their suspension.

5. With respect to the postponement for the present of the introduction of those institutions, I entirely concur in the reasons which you have assigned for it in your recent despatches, particularly that of March 22, 1849, confirmed as its representations are by the fuller description of the state of society and progress of the Colony contained in your Despatch of July 9, 1849, transmitting the Blue Book. You have advanced reasons appa-

rently conclude against immediately discontinuing the whole of the pecuniary assistance afforded by this country towards the civil expenditure of the colony, or reducing at once the military assistance now afforded it to an amount more nearly proportioned to the force maintained in other colonies of similar European population. But the same reasons apply with equal force against the immediate grant of a representative Government: since, whenever this is given, it must be considered as its indispensable accompaniment that the mother country should soon be relieved from all charge on account of the civil administration of the colony, as was pointed out in my Despatch of the 1st February, 1847, and should also be relieved from a very large portion of the burden of its military protection.

6. With respect to the civil list, I have to call your attention to the legal authority under which it is reserved, in order that the provisions made by Parliament respecting it may be duly complied with. The Act of 1846 (9 and 10 Vic. ch. 103, Sec. 12) empowers the Queen to appropriate by letters patent a civil list not exceeding £6,000 per annum for each province. The letters patent issued under that Act accordingly reserve £6,000 per annum for each province. The instructions provide that the civil list so appropriated shall be applied "as the Lords of the Treasury shall direct."

7. It is obvious that this provision will only become of real importance when a popular legislature shall be created, to which the power of controlling the whole public expenditure, except that portion reserved as a Civil List, will be entrusted. In the mean time, while the whole Colonial Revenue is appropriated by yourself, with the aid of a Legislature, nominated by the Crown, and acting under the directions of Her Majesty's Government, with respect to the salaries to be assigned to the various public servants in the colony, it is practically immaterial which of these salaries are nominally charged upon the Civil List under the sanction of the Lords Commissioners of the Treasury. But while this matter is of little or no practical consequence, it is not the less necessary to avoid even any technical departure from the rules laid down by Parliament. Now the Act 11 Vic., c. 5, which suspends many other provisions of the Act and Letters Patent of 1846, does not suspend those relating to the Civil List. It appears, therefore, that they are still in force, and that they are not alterable except in the manner provided by that act:—viz., by the enactment of an Assembly framed under the Act of 1846. But as no such Assembly has been constituted, nor can be constituted while the powers given by the Act remain suspended, it would seem that the present temporary legislatures possess no power to alter them.

8. On the other hand, the Ordinance of the 18th Nov., 1848, appears to assume that the existing temporary legislature has power to provide a Civil List (sections 23 and 24). As, however, it has in point of fact, only repeated the provisions already in force, and as these sec-

tions of the Ordinance may have been framed under a different view of the law from that which I have above suggested, I have not thought it necessary to delay the confirmation of the Ordinance on account of them. It is sufficient for me to have directed your attention to the circumstance. If the above view be correct, any alteration in the amount of the Civil List during the suspension of the Constitution, can only be effected by Parliament, or through an amendment of the Letters Patent by the Queen.

9. But you will observe that, in any view, the "directions and appointments" of the Lords of the Treasury are necessary in order to legalize the appropriation of the Civil List. As no estimates of this part of the expenditure, distinct from the remainder of it, have hitherto reached me, I wish you to transmit them at your earliest convenience, with a view to procuring the sanction of their Lordships to the appropriation thus authorized by yourself, which, under the circumstances, will satisfy substantially the words of chap. xi. of the Instructions.

10. On the general question of the Civil List, my opinion is, that a representative legislature, when it comes into operation, ought to be as little fettered as possible by Parliamentary enactments in making such changes as may from time to time be required in the appropriation of the revenue.

11. At the same time, I consider it to be indispensable that permanent provision should be made for the maintenance of the various establishments which have been created for the benefit of the natives. The fact that while the natives are large contributors to the revenue they must for some time have comparatively little influence in a representative legislature, affords, as you have observed, a conclusive reason for requiring that the discontinuance of an expenditure in which they are vitally interested without the consent of the Crown shall be effectually guarded against. With this view, I am of opinion that the existing local legislature should carefully consider what amount of permanent expenditure is required for the establishments in question, and for other objects connected with the interests of the natives, and should then pass Ordinances by which the amount of this expenditure should be charged upon the revenue of the colony in the same manner in which in this country various expenses on account of the Civil Government, which it is considered inconvenient to submit to annual discussion, have been charged by Parliament on the consolidated fund.

12. Under the provisions of the Act of Parliament now in force, the existing legislature of New Zealand, although maintained only for a period, has full power to pass any Ordinances that may appear necessary for the general interests of the community.

13. These Ordinances will continue in force when the authority of the body by which they have been passed shall cease to be available for further legislation: and though they will, of

course, be subject to alteration by the new legislature which will hereafter be created, no such alteration can take effect without the consent of the Governor as the representative of the Crown, and would be liable, like all other measures of the local legislature, to be disallowed by Her Majesty. A enactment, therefore, creating a permanent change on the revenue for expenditure regarding the natives would afford them all the security that could be desired.

14. The provisions of section 12 of the Ordinance appear to effect all that is necessary in the way of reserving subjects of general importance to the jurisdiction of the Central Legislative Council. There are, however, many other heads on which it should seem very expedient that uniformity of legislation should be maintained in the islands. Such are, for instance, criminal laws inflicting either the punishment of death, or secondary punishments of serious magnitude; laws regulating the course of inheritance of real or personal property, or the mode of disposing of property by will, and the extent of power exercisable by a testator; laws prescribing rules for the naturalization of aliens; and, perhaps, laws regulating the form and effect of deeds, and other evidence of contracts.

15. And it is to be observed that, in points of this kind, convenience requires that the law of the different provinces should not only be framed with a view to substantial similarity, but that it should be absolutely identical in language, both because a mere difference in wording will often result in important though unintentional differences of substance, and also in order that decisions of courts of law given in one province may apply, beyond possibility of doubt, to the law as it stands in others.

16. These considerations, however, I leave to your judgment, without wishing to prescribe to you any particular manner of carrying them into execution. It may be that the power possessed by the Lieutenant-Governors of refusing their assent to any laws infringing this desirable uniformity which might be passed by the Legislatures of the Provinces would be sufficient to preserve them from material dissimilarity on these subjects, without the necessity of strictly reserving them for the central Legislature.

17. I concur, further, in the suggestion of your despatch, No. 76, of June 22nd, 1849, that the legislation respecting the native races is not one of the subjects exclusively reserved for the general legislature by the Ordinance of November 18th, the Lieutenant-Governors of the Provinces, and yourself, should, for the present, reserve for Her Majesty's assent or disallowance any Ordinance which may be passed amending or repealing any law affecting the interests of the native race, to which the Royal assent has once been given by the Governor. You will therefore take care that

suspending clauses be inserted in all such Ordinances, without which you will understand that it is Her Majesty's pleasure that they should not be assented to on her behalf by the Governor or Lieutenant-Governors of New Zealand. This instruction will of course apply to any Ordinance which may be passed relating to expenditure in which the native race are interested.

18. With respect to the boundaries between the Provinces: I understand you to be of opinion (from your despatch of February 6th, 1849), that there is no substantial objection (representative institutions being for the present postponed) to that proposed in my despatch of the 28th of February, 1848, between New Ulster and New Munster. You are therefore authorized to proclaim it at once.

19. The separation from New Munster of the two other projected provinces, of which Otago and New Canterbury are to form the nuclei respectively, must, for the present, be postponed, until the settlement of the latter is somewhat more advanced and the general convenience can be consulted with more certainty as to its limits.

20. It will also be necessary before these new Provinces are proclaimed that they should be able to defray the expenses of the establishments which will thus be required, without assistance either from the Parliamentary grant, or from the revenue of the older Provinces. It is impossible, while there is ample room in the islands for all the emigrants who can desire to go to New Zealand, that Her Majesty's Government should consent to the indefinite multiplication of new settlements, at a distance from those originally formed, except on the condition that those who think proper to form such new settlements, will be ready to bear the whole of the charges which are thus rendered necessary for additional government establishments.

I have, &c., &c.

(Signed)

GREY.

Governor Grey,
&c., &c.

Civil Secretary's Office,

Auckland, July 17th, 1850.

TENDERS will be received at this Office, until 12 o'clock, P.M., of the 23rd day of July, for building

A LONG BOAT

for H. M. Colonial Brig "Victoria." The specification and any information required may be obtained on application to Mr. Philip Augustus Deck, the commander, or at this office.

Tenders to be sent in duplicate, endorsed, "Tender for Building Long Boat for Government Brig."

C. A. DILLON,

Civil Secretary.

Colonial Secretary's Office,
Auckland, July 18th, 1850.

HIS Excellency the Governor-in-Chief has been pleased to direct that the following Returns be published for general information.

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

A RETURN showing the Number of LIVE STOCK, and Quantities of the principal kinds of PROVISIONS imported into Auckland, from the 6th of April to the 5th of July, 1850.

Description.	Quantity.			Value.		
	£	s.	d.			
Cattle, Horned ..	6			30	0	0
Sheep	38			19	0	0
Beef, salted	229 Casks			296	0	0
	tons	cwt.	qr.			
Biscuit	13	11	0	163	10	0
Butter, salted	1	15	2	143	7	0
Cheese	3	10	0	118	15	0
Coffee	0	6	0	15	15	0
Flour	275	10	0	2,420	0	0
Oatmeal	0	18	0	11	0	0
Rice	9	11	0	136	0	0
Sugar, moist	134	0	0	2,228	0	0
“ refined	21	11	0	513	0	0
Tea	228 chests, 241 half chests, 31 catties			1,046	10	0
	Total ..			£	7,140	17 0

N.B.—This Return does not include Importations Coastwise.

H. M. Customs,
Auckland, 8th July, 1850.

W. YOUNG,
Collector.

A RETURN of the PRINCIPAL EXPORTS, the Produce of New Zealand, from the Port of Auckland, from the 5th April to the 5th July, 1850.

Articles.	Quantity.			Value.		
	£	s.	d.			
Bacon and Hams ..	3	cwt.		9	0	0
Boots and Shoes ..	1	case		40	0	0
Cordage	4	tons	2 cwt. 0 qrs.	157	10	0
Flax	10	tons	6 cwt. 0 qrs.	167	0	0
Grain, Oats	30	bushels		7	10	0
Hides and Skins ..	375			43	0	0
Hay	3	tons		15	0	0
Onions	4	tons		49	0	0
Ore, Copper	165	tons		1,640	0	0
Potatoes	154½	tons		863	10	0
Preserves	240	lbs.		9	0	0
Timber, sawn	353,314	feet		1,649	0	0
	Total ..			£	4,649	10 0

H. M. Customs,
Auckland, 8th July, 1850.

W. YOUNG,
Collector.

RETURN OF CIVIL CASES DISPOSED OF AT THE RESIDENT MAGISTRATE'S COURT AT AUCKLAND,
From the 30th April, 1849, to the 30th April, 1850.

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

	Number of Cases.	Judgment for the Plaintiff.	Judgment Confessed.	Paid into Court.	Judgment for Defendant.	Nonsuited.	Settled out of Court.	Warrants to dis-train.	Warrants to commit in Default.	Debts paid since Imprisonment.	Amount in figures of debts paid since im-prisonment.	Cases where the ex-cess of £20 was abandoned.	Amount in figures of excess of £20 abandoned.	Total number of Cases where the claim was recovered.	Amount in figures of claims recovered.	Total number of cases that came to a hearing.	Total number of Cases Settled out of Court.	Amount in figures of Cases settled out of Court.	Total number of Claims made.	Amount in figures of claims made.						
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.					
Under 40s.	283	54	47	44	30	39	69	35	3	Nil	Nil	Nil	Nil	145	205	4	4	214	69	101	12	0	283	649	14	6
Exceeding 40s., under £5..	277	66	41	52	23	35	60	49	9	6	20	14	2	159	528	3	5	217	60	227	15	6	277	904	3	5
Exceeding £5, under £10..	225	40	29	38	17	44	57	34	7	1	10	0	0	107	890	18	10	168	57	471	8	11	225	1,608	10	0
Exceeding £10	249	37	31	20	42	55	64	35	8	8	131	16	7	88	1,319	8	3	185	64	782	14	11	249	2,913	11	3
	1034	197	148	154	112	173	250	153	27	15	162	10	9	499	2,943	14	10	784	250	1,583	11	4	1,034	6,075	19	2
WHERE EUROPEANS WERE PLAINTIFFS AND MAORIES DEFENDANTS.																										
Under 40s.	27	5	3	Nil	3	2	14	Nil	Nil	Nil	Nil	Nil	Nil	8	7	1	7	13	14	13	8	0	27	38	0	1
Exceeding 40s., under £5..	8	Nil	3	Nil	Nil	Nil	5	Nil	Nil	Nil	Nil	Nil	Nil	3	11	9	4	3	5	12	4	2	8	29	10	0
Exceeding £5, under £10	1	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	1	4	8	6	1	Nil	Nil	Nil	Nil	1	4	8	6
Exceeding £10	1	Nil	Nil	Nil	Nil	Nil	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	1	1	11	5	10	1	13	5	4
	37	6	6	Nil	3	2	20	Nil	Nil	Nil	Nil	Nil	Nil	12	22	19	5	17	20	36	18	0	37	85	3	11
WHERE MAORIES WERE PLAINTIFFS AND EUROPEANS DEFENDANTS.																										
Under 40s.	7	Nil	Nil	2	2	1	2	Nil	Nil	Nil	Nil	Nil	Nil	2	2	2	0	5	2	2	17	0	7	10	14	11
Exceeding 40s., under £5..	7	4	Nil	Nil	Nil	Nil	3	Nil	Nil	Nil	Nil	Nil	Nil	4	5	16	8	4	3	12	3	1	7	27	16	0
Exceeding £5, under £10	9	5	Nil	Nil	2	Nil	2	1	1	Nil	Nil	Nil	Nil	5	15	3	3	7	2	17	15	4	9	43	1	2
Exceeding £10	11	6	Nil	Nil	1	Nil	4	Nil	Nil	Nil	Nil	Nil	Nil	6	27	10	4	7	4	170	8	8	11	312	6	11
	34	15	Nil	2	5	1	11	1	1	Nil	Nil	Nil	Nil	17	50	12	3	23	11	203	4	1	34	393	19	0

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THOS. BECKHAM, Resident Magistrate.