



NEW ZEALAND GOVERNMENT GAZETTE.

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. VI.]

AUCKLAND, TUESDAY, OCT. 6, 1846.

[No. 15.]

Colonial Secretary's Office,
Auckland, 29th September, 1846.

TENDERS will be received at this Office on Monday, the 12th October, 1846, from Parties desirous of Contracting for the Work and Materials for the Repair of the Drain in Queen Street.

A Plan and Specification of the Work required to be performed can be seen on application at the Office of the Surveyor-General.

Tenders to be sealed and endorsed—"Tenders for Repairing the Drain in Queen Street."

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

Colonial Secretary's Office,
Auckland, 2nd October, 1846.

HIS Excellency the Lieutenant-Governor directs it to be notified, that the name of JEREMIAH NAGLE, Esq., has been removed from the Commission of the Peace of this Colony, at his own request.

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

Colonial Treasury,
Auckland, 5th October, 1846.

NOTICE is hereby given, that a License has been issued to Mr. WILLIAM CONNELL, Queen Street, Auckland, to exercise the business or calling of Auctioneer, in New Zealand for the term of one year, commencing on the 1st day of April, 1846.

A. SHEPHERD,
Colonial Treasurer.

LEGISLATIVE.

Council Office,
Auckland, 3rd October, 1846.

HIS Excellency the Lieutenant-Governor directs it to be notified, that among the measures about to be proposed for the consideration of the Council, will be the following.

J. COATES,

Clerk of Council.

- 1.—A Bill to provide for the Establishment and Maintenance of a Constabulary Force.
- 2.—A Bill to amend "An Ordinance for appointing a Board of Trustees for the management of Property to be set apart for the Education and Advancement of the Native Race."
- 3.—A Bill to confirm certain Rules, Forms, and Tables of Fees, touching the Practice of the Supreme Court.
- 4.—A Bill for the Naturalization of certain Persons in the Colony of New Zealand.
- 5.—A Bill to amend "An Ordinance for Establishing a Supreme Court."
- 6.—A Bill to regulate the Appointment and the Duties of Sheriffs in the Colony of New Zealand.
- 7.—A Bill to provide for the Support of Destitute Families and Illegitimate Children.

Colonial Secretary's Office,
Auckland, 29th September, 1846.

HIS Excellency the **LIEUTENANT-GOVERNOR** has been pleased to direct the publication of the following Schedule, for general information.

By His Excellency's command,

ANDREW SINCLAIR,

Colonial Secretary.

SCHEDULE of Purchasers who have forwarded Copies of the Native Titles, and Plans of the Survey of Lands, obtained from the Natives under Certificates waiving the Crown's Right of Pre-emption, with a Fee at the rate of 1*d.* per acre, in pursuance of Governor FitzRoy's Proclamation of the 10th October, 1844, and the Notice in the *Government Gazette* of the 7th December, 1844.

Individuals in whose favor the Right of Pre-emption was waived.	No. of Acres over which the Right of Pre-emption was waived.			No. of Acres over which the Right of Pre-emption was waived.		
	A.	R.	P.	A.	R.	P.
Thomas Shepherd	48	2	0	1000	0	0
George O. Ormsby	30	0	0	60	0	0
Thomas Henry	1200	0	0	900	0	0
Patrick Donovan	681	1	10	700	0	0
Joseph May	62	0	0	800	0	0
J. H. Watt	400	0	0	500	0	0
James Beveridge	261	2	0	180	0	10
Frederick Whitaker	2200	0	0	40	0	0
John P. Du Moulin	2000	0	0	450	0	0
Joseph Robinson	255	1	20	980	0	0
David Graham	900	0	0	250	0	0
Thomas Cleghorn	600	0	0	1500	0	0
C. Fulton	1450	0	0	John Brigham	2540	0
G. E. Elliott	750	0	0	Joseph Newman	300	0
C. Partridge and J. S. Polack	3100	0	0	Daniel Lorrigan	450	0
J. Waite	100	0	0	Robert Thomson	1780	0
Thomas F. McGauran	20	0	0	R. F. Porter	900	0
Charles H. McIntosh	401	2	0	Eliza Gaden	600	0
Wm. G. Goddard	44	1	30	William Porter	800	0
Alice Porter	600	0	0	William Hay	990	0
W. F. Porter	2000	0	0	Patrick Coyle	20	0
J. Harris and A. J. Hatfield	3300	0	0	Benjamin Smith	55	0
John A. Langford	250	0	0	Charles Robinson	600	0
R. White and G. Willson	2000	0	0	George May	8	0
William Gamble	200	0	0	Thomas Jackson, an Island &	1000	0
Adam Chisholm	3050	0	0	John Long Heyd'n	800	0
Daniel Lynch	20	0	0	James Magee	34	3
John Goodfellow	500	0	0	Thomas Russell	1000	0
Hugh Goodfellow	500	0	0	Fred. S. Peppercorne	800	0
William Goodfellow	500	0	0	H. Hayr	3	0
William Cleghorn	500	0	0	C. H. Moffitt	400	0
Thomas D. Cleghorn	500	0	0	Peter Imlay	990	0
W. Harkin and J. Egan	200	0	0	John Scott	16	3
Charles Ring	90	0	0	John Oakes	950	0
Patrick Lundon	123	0	0	Charles Stuart	400	0
William Hart	886	0	0	Robert Forbes	8	2
James C. Hill	400	0	0	William F. Blake	200	0
				John Regan and Tim. Dwane	300	0
				Daniel Clucas	800	0
				Rev. J. Wallis, on behalf of Wesleyan Missionary Society	42	0
				Total.....	54260	2
						32

ADDRESS

OF HIS EXCELLENCY THE LIEUTENANT-GOVERNOR,
ON OPENING THE LEGISLATIVE COUNCIL.

GENTLEMEN OF THE LEGISLATIVE COUNCIL,

It has been my duty to assemble you under circumstances of no ordinary kind, and which are, indeed, so unusual that they must, I fear, necessarily impart to my opening Address a character somewhat different from that which such documents usually wear.

You will see from the extracts of a despatch which I have directed to be laid before you, that Her Majesty's Government contemplate introducing some great changes into the constitution of this Colony. It seems very probable that this Territory will be shortly divided into two colonies; the Executive attached to one of which will, in some respects, exercise a superintending controul over that of the other Colony. This change in the existing constitution will, I believe, be accompanied by the introduction into the Legislative body of members elected by the Colonists; and it is probable that a still more extensive development will, at an early period, be given to the representative principle.

In the meantime, as I am not only ignorant of what may be the exact form of the future government of this Colony, but also of the extent of naval and military protection which Her Majesty's Government may be able permanently to afford it, as well as of the extent of pecuniary assistance which may be granted in aid of its revenues by the Imperial Parliament, it is not in my power to submit to you such definite and precise measures as I could have desired, nor to ask you to assent to any Estimates for the future expenditure of the Colony, which can be hoped to wear any character of permanence.

At the same time that I labor under these disadvantages from the change which the Colony is about to undergo, I have to encounter the still greater disadvantage of finding nothing settled upon a fixed and permanent basis. I have not to conduct a change such as frequently takes place in the Colony, having attained to a high degree of prosperity and advancement under certain institutions which have worked well for years, its inhabitants are admitted to a share in the administration of its government. But, in the present case, the form of government established having admittedly failed to give either contentment to the people, or peace or prosperity to the country, and rapid and frequent changes having taken place in the mode under which its Revenue was collected, and Justice administered between the two races, and the whole country having been involved in a state of embarrassment and difficulty, I am required not only to advise as to the form of Government which should be introduced here, but I am also required during the time my suggestions are under consideration, and then until effect can be given to them, not only to carry on the government under its present constitution, but at the same time to make preparations for the great changes which are about to be introduced into it.

Under these circumstances it becomes necessary for me to request you to lighten, by your advice and assistance, those difficulties against which I have to contend, and to afford me that large confidence which is absolutely requisite to enable me to overcome the difficulties of my position. In order that I may establish a just claim upon you for the assistance I require, and for the confidence which I solicit, it is right that I should unreservedly put you in possession of the principles on which I propose to conduct the Government until such time as our Institutions have taken a settled form.

I intend then, in as far as practicable, to submit to this Council nothing but measures of a general character and which affect only general interests, leaving to each Settlement, as soon as the new form of constitution is introduced, the consideration of those measures of a local character, which it is hardly probable a Council, sitting at so remote a distance from some of them, could arrange in a manner satisfactory and advantageous to all.

The general measures which I propose to submit to you, will have for their object, in the first place, the settlement of the revenue of this country upon such a satisfactory basis, as to the sources from which

it is to be raised, as well as to the prospect which it holds out, of this country being at no very distant period able from its internal resources fully to provide for its own expenditure, as will justify the British Parliament in continuing to afford to it the pecuniary aid it at present requires, and at the same time shew that the principle of popular representation may be safely extended to it. Whilst, in the second place, the objects of the measures I intend to submit to you, will be, to give to the Laws of Great Britain a practical adaptation to the circumstances of this country; to afford the benefit of a prompt and vigorous administration of justice to as large a proportion as possible both of the European and Native population; to provide for the safety of life and property, and to secure to the native population benefits and rights which they have not hitherto enjoyed, and which will, I believe, tend greatly to promote their morality and social advancement.

With regard to the sources from which a Revenue can be most advantageously raised in this Colony, I think it right to offer the following remarks to the Council:—

In the lowest estimates of the native population, it is admitted that they at present exceed the Europeans in the ratio of, at least ten to one. Hence I have been led to conclude that if any attempt is made, as was formerly the case, to obtain a Revenue by direct taxation upon the property of the Europeans alone, from which that of the natives is to be exempted, it will be found impossible to raise the funds absolutely requisite for the protection, controul, and good Government of the Natives. Indeed, it would be essentially unjust and ruinous to the European population to attempt to do so. In endeavouring, therefore, to raise a revenue by taxation of this nature, the Government must necessarily forego all intention of maintaining the Establishments requisite to attain the above mentioned objects;—that is, it must abandon all hopes of rendering secure the lives and properties of Europeans, and of promoting the civilization of the Aborigines, by protecting the well disposed, but weak, against the violence of the turbulent and strong.

No reasonable expectations could at present be entertained of successfully amending the former system by subjecting the property of Europeans and Natives alike to direct taxation. No establishments are in existence which could collect such taxes, nor do I deem it probable that the large warlike population of natives, who are yet to a great extent ignorant of our customs and laws, could be brought quietly to submit to a taxation of this nature.

Whilst these objections, and many others of great weight appear to me to render it hopeless to expect to raise a Revenue by direct taxation, I entertain no doubt whatever, that a revenue which will amply suffice to defray all the expenses (excepting those of Naval and Military protection) which need be incurred in providing establishments in all respects adequate for the good government and complete controul of both races, can, in the course of a few years, be provided by a judicious system of indirect taxation;—that is, by levying moderate duties of customs upon all imported goods, these duties being so arranged as to press in a fair degree upon the population of both races.

An undoubted necessity exists for raising a revenue of this nature. The present condition of this Colony in reference to its financial state is different from that of all other portions of the empire. It is not in the ordinary position of a young country, the establishments of which could grow in the same proportion as its population, commerce, and revenue. The fact is, that a large population rapidly becoming civilized, and capable shortly of affording a considerable commerce and revenue, already exists here, but no establishments have yet been formed for the protection of life, property or commerce, or for the collection of a sufficient revenue, or indeed for the good government and controul of this large population, who if their energies are not directed into proper channels, and if they are not well governed and kept under controul, will certainly be the cause of continually repeated disturbances and of a great expense.

It is therefore, clear, both that a considerable expenditure in excess of the revenue will be necessary for some years to come, and that the Local Government

should with energy address itself to the task of laying such foundations for the collection of an adequate revenue as may enable it with confidence to look for aid from the British Parliament.

In point of abstract justice I can see no objection to requiring the Native population to contribute their fair proportion to the revenue. They are now very generally acquiring much valuable property; they are secured by the Government in the possession of their lands; they are beginning to feel the advantages of security of life and property, which they have never hitherto known, and it is difficult to see why they should not be required to contribute their fair share to do for advantages which if not afforded to them, they must necessarily retrograde into their former state of barbarism.

With regard to the second class of laws to which I propose to direct your attention, namely, those which relate to the extension of a prompt and vigorous administration of Justice over as large a portion as practicable of this territory, it must be conceded that there probably, (looking to the native population as well as to the dispersed nature, character, and pursuits of a portion of the European population), never existed a country or circumstances which required that the administration of Justice should be more prompt and vigorous than in New Zealand; yet, owing to the peculiar character of some of the local enactments which affect Her Majesty's subjects of both races, I doubt if there is in any portion of the British possessions, in which the administration of Justice is so feeble, indeed, I might say so impracticable. You will, therefore, I trust, consider that you have no more important and pressing duty to perform than to reconsider the various Ordinances to which I allude, to determine what portion of those powers which are generally regarded as of right belonging to a Justice of the Peace should be restored to the Magistrates of this territory; what steps should be taken for remedying the defects which have been found to exist in the "Native Exemption Ordinance," and whether any, or what, modifications can be advantageously introduced into the various Rules which regulate the duties of such local officers.

Some recently made, and promptly applied to the evils which exist. I have directed that several measures, which I trust will have this effect, should be prepared for your consideration. I shall be glad if you can give these measures a more perfect form than that in which they are now before you; or if you can devise others better calculated to meet the important ends contemplated.

I have directed that a Despatch from the Secretary of State should be laid before you, which relates to three local Ordinances, in which I am about to propose various amendments for your adoption.

The most important measures relating to the Natives which it is my intention to submit to you, have for their object the introduction into this country of such modifications of the British Law as appear adapted to the circumstances of the Native population; and at the same time calculated to accustom them by degrees to take an active part in the administration of the laws of their country:—a great step in advance which, if it can be made, appears to me more likely than any other I am acquainted with, to attach them, by the ties of interest and a sense of benefits received, to those Institutions which we have introduced amongst them.

Already some progress has been recently made in the attainment of this object, as the Natives when employed in the Police Force, and paid for, and clothed in all respects in the same manner as Europeans, have not only proved active and valuable constables, but have so completely emancipated themselves from their former

prejudices as not to hesitate to assist in the apprehension of offenders of their own race, whatever might be their rank or influence.

I shall also recommend to your consideration measures which will secure to the Natives the expenditure for their advantage of a fair share of the proportionable amount which they contribute to the revenue; either for the support of hospitals, the education of orphan children, or for purposes of a similar character. And above all, I trust, that you may be able to devise some means which will prevent European fathers from abandoning, and leaving in a state of destitution and misery, families of Natives whom they have brought into the colony of the same race.

The latest accounts which have reached me from the northern and southern portions of this Island, in which disturbances have at various times prevailed, are of the most satisfactory character; but I must confess that I, in my own mind, attach now but comparatively little importance to these disturbances. What can be effected in this country by the gallantry of the officers and men, composing Her Majesty's forces has now been fully evinced upon many occasions; it has also been ascertained that the settlers are willing and able (far beyond what I had expected) to protect their houses and families and to drive off an invading foe; and above all we have in every instance found that the great mass of the native population, have not only invariably declared themselves upon the side of the Government, but have also by their services in the field given practical proof of the sincerity of their declarations and of their warm attachment to the British race. Undoubtedly they have always shown an anxiety that the local Government should evince by the strength of the Force at its disposal, that it had the means of securing the permanent tranquillity of the country and of assuring the ultimate safety of those tribes who might come forward upon the side of good order; but it was not to be expected that tribes just emerging from a state of barbarism, subjected to various prejudices and dreading the animosity of their own excited countrymen would hesitate to commit themselves to the aid of the Government. They have been for years a terror to the country, unless they saw that the Government was determined to support them, and that it had at its disposal a force which would enable it to give effect to those determinations.

In conclusion I must congratulate you and the inhabitants of the Colony generally upon the comparative prosperity which prevails throughout these Islands, a prosperity which has not only ameliorated the condition of Her Majesty's subjects of European descent, but which has also produced a marked influence upon the native population, who are now not only in many instances pursuing improved modes of agriculture, but are also growing large quantities of grain for their own consumption and for sale to the Europeans. I can only trust that during the interval which must elapse ere the Legislation of the Colony is entrusted to other hands, we may succeed in promoting this dawning prosperity, and in laying the foundation of laws and institutions which may not only suffice for the present emergency, but may tend to the permanent and enduring welfare of this country.

(Signed)

G. GREY.

Council Chamber,
Auckland, Oct. 5th, 1846.

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New Zealand Government.