



**NEW ZEALAND
GOVERNMENT GAZETTE.**
FOR THE
PROVINCE OF NEW PLYMOUTH.

Published by Authority.

Vol. II.]

NEW PLYMOUTH, SATURDAY, JUNE 3, 1854.

[No. 14.]

*Superintendent's Office,
New Plymouth, 3rd June, 1854.*

THE following is re-published from the *New Zealand Gazette* for general information.

CHARLES BROWN,
Superintendent.

GENERAL ASSEMBLY.

—o—
SATURDAY, 27TH MAY, 1854.
—o—

The Officer Administering the Government opened the General Assembly at the Council Chamber, at 2 o'clock p. m., when His Excellency delivered the following

ADDRESS.

Gentlemen of the Assembly,—

On the departure of His Excellency Sir George Grey, and during his absence from the colony, it became my duty as the Senior Military Officer in this country, and in obedience to Her Majesty's command, to assume the powers and duties of Governor and Commander-in-Chief, and to administer the Government of these Islands in conformity with the regulations prescribed for my guidance by the Royal Letters Patent and Instructions now in force in that behalf. When I entered upon the duties of office as the head of the Civil Government of the country, the crowning act for

giving effect to the measure for granting a Representative Constitution to the colony was still to be performed.

Holding office but temporarily;—feeling myself bound not to embark in any measure which may embarrass the policy or effect the duties of the permanent Governor of the country; and believing that statesman-like qualities of a high order are needful for conducting to a successful issue the experiment in Constitutional Government about to be attempted in New Zealand, I might well have shrunk from the responsibility of calling together the first and most momentous meeting of the General Assembly. But possessing the necessary legal authority, and seeing that Her Majesty's subjects in New Zealand have a right to the exercise of the powers conferred upon them by the British Parliament, I felt that I ought not to allow considerations personal to myself to disappoint their expectations and to delay them indefinitely in the enjoyment of their constitutional privileges; and trusting that under the circumstances under which the Government of the country has devolved upon myself, I may rely upon your friendly co-operation and cordial support, I determined to summon, and I have this day been allowed the memorable privilege of opening the First Parliament of New Zealand.

Looking to the physical aspect of these Islands,—to the irregular and isolated manner in which they have been colonized and to the existence of a numerous and intelligent Native Race, advancing in the scale of civilization, but not yet accustomed to the exercise of political power, it must be admitted to be no easy task to devise a constitution for New Zealand which shall be adopted to the condition and circumstances of the country, and which shall confer upon its inhabitants, as one

NOTICE.

Crown Lands' Office,
New Plymouth, 26th May, 1854.

THE undermentioned Allotments of Land will be put up to Auction at the Court House, New Plymouth, on Saturday, the first day of July, 1854, at 11 o'clock, a. m.

Ten per cent. of the purchase money to be deposited at the Sale, and the remainder paid within one month, or deposit forfeited.

TOWN OF NEW PLYMOUTH.

| Section No. | Lot No. | Contents. A: B: P. | Upset price. Per Lot. |
|---|---------|-----------------------|--------------------------|
| 87 | 1 | 1 | £12 10 |
| 88 | 2 | 1 | 12 10 |
| 149 } 150 } 151 } 196 i } 196 k } | 3 | 1 1 24 | 40 0 |
| 158 | 4 | 1 | 8 0 |
| 161 | 5 | 1 | 8 0 |
| 162 | 6 | 1 | 8 0 |
| 163 | 7 | 1 | 8 0 |
| 164 | 8 | 1 | 8 0 |
| 176 | 9 | 1 | 8 0 |
| 178 | 10 | 1 | 8 0 |
| 181 | 11 | 1 | 12 10 |
| 182 | 12 | 1 | 12 10 |
| 183 | 13 | 1 | 12 10 |
| 184 | 14 | 1 | 12 10 |
| 185 | 15 | 1 | 12 10 |
| 186 | 16 | 1 | 12 10 |
| 192 | 17 | 1 | 12 10 |
| 193 | 18 | 1 | 12 10 |
| 620 | 19 | 1 | 15 0 |

| No. | No. | A. | R. | P. | Per Lo |
|------|-----|----|----|----|--------|
| 621 | 20 | | 1 | | 15 0 |
| 776 | 21 | | 0 | 22 | 8 0 |
| 858 | 22 | | 1 | | 20 0 |
| 964 | 23 | | 1 | | 10 0 |
| 1039 | 24 | | 1 | | 12 10 |
| 1040 | 25 | | 1 | | 12 10 |
| 1041 | 26 | | 1 | | 12 10 |
| 1043 | 27 | | 1 | | 10 0 |
| 1059 | 28 | | 1 | | 8 0 |
| 1517 | 29 | | 1 | | 10 0 |
| 1518 | 30 | | 1 | | 10 0 |
| 1519 | 31 | | 1 | | 10 0 |
| 1520 | 32 | | 1 | | 10 0 |
| 1521 | 33 | | 1 | | 10 0 |
| 1522 | 34 | | 1 | | 10 0 |
| 1999 | 35 | | 1 | | 15 0 |
| 2001 | 36 | | 1 | | 12 10 |
| 2005 | 37 | | 1 | | 15 0 |
| 2006 | 38 | | 1 | | 15 0 |
| 2007 | 39 | | 1 | | 15 0 |
| 2014 | 40 | | 1 | | 20 0 |
| 2015 | 41 | | 1 | | 20 0 |
| 2016 | 42 | | 1 | | 20 0 |
| 2017 | 43 | | 1 | | 17 10 |
| 2020 | 44 | | 1 | | 20 0 |
| 2021 | 45 | | 1 | | 20 0 |
| 2022 | 46 | | 1 | | 20 0 |
| 2023 | 47 | | 1 | | 20 0 |
| 2078 | 48 | | 1 | | 15 0 |
| 2080 | 49 | | 1 | | 15 0 |
| 2081 | 50 | | 1 | | 15 0 |
| 2082 | 51 | | 1 | | 15 0 |
| 2086 | 52 | | 1 | | 12 10 |
| 2094 | 53 | | 1 | | 8 0 |
| 2095 | 54 | | 1 | | 8 0 |
| 2096 | 55 | | 1 | | 6 0 |

W. HALSE,
Commissioner of Crown Lands.



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giving effect to the measure for granting a Representative Constitution to the colony was still to be performed.

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people, and without distinction of race, a liberal measure of representative self-government.

A minute examination of the Constitution which has recently been granted to this country will no doubt lead to the discovery of defects, and some of its more important provisions may also be open to objection; but looking to the spirit in which a constitution has been granted to the people of New Zealand, we have reason to believe that favourable consideration will be given to their suggestions for its amendment; and that any alteration which after experience, and on deliberate consideration, may be found to be needed for giving free scope to its development, will, so far as may be consistent with the interests of Her Majesty's native subjects, be readily conceded by the Crown and Parliament,—seeing, however, that it confers upon the colonists, on a wide electoral basis almost unfettered powers of self Government—that it gives to them the power of regulating the sale and disposal of the Waste Lands of the Crown—that it empowers the General Assembly to secure to the various Provinces, now governed by an Elective Legislature under an Elective Head the disposal of their Revenues, and to mould their political institutions to the circumstances of the country, and that it opens both to the General and to the Provincial Legislatures a wide field of practical usefulness, their newly acquired charter of Representative Government may well deserve a fair trial and grateful acceptance from the colonists of New Zealand.

Although the broad outline of the Constitution has been prescribed by Parliament, a wide field for modification and adjustment has been wisely left for local legislation.

As the power of the General Assembly extends throughout the Islands—as it is almost without limitation or restriction, on certain specific subjects exclusive, and in all cases supreme; while the jurisdiction of the local Councils is, with certain exceptions, co-existent with, yet subordinate to, and liable to be controlled and modified by the power of the General Assembly, it may be desirable that at the outset of your proceedings, some guiding principle should be adopted by which it may be determined on which of the subjects within their common jurisdiction, the superior authority should take the initiative in legislation; and under what circumstances and to what extent it should exercise its controlling and overriding power in respect to laws which may, from time to time, be enacted on those subjects by the local Councils.

To devise a system of legislative action suited to the requirements of these Islands—to adapt it to the peculiar circumstances of the country and its people; and to provide for its harmonious operation—is a work which may well deserve the attention, and exercise the wisdom and ability of the statesmen of New Zealand.

Seeing that the colony is composed of a number of detached settlements, each from another more than 100 miles apart, with no facilities of intercommunication—planted by various founders, on different systems, and each independent of the other—with little intercourse between them, either social or commercial—with no common sympathy—and heretofore without the slightest bond of union; seeing, too, that each of its several Provinces has been invested with large powers of local legislation, it will rest with the General Assembly of these Islands whether New Zealand shall become one great nation exercising a commanding influence in the Southern Seas, or a collection of insignificant, divided, and powerless petty States.

To mould its various Provinces into one united people,—to create amongst them a feeling of common sympathy, and to inspire them with the pride of a common nationality, may well become the leading object of the Assembly of New Zealand,

and may suggest the guiding principle on which its legislation should proceed.

In order that the New Zealand Islands may ultimately become one great country; that they may be united by a feeling of a common patriotism, be subject to one general authority, and governed by the same law, the power of the central Government will require to be strengthened and extended; while the legislative authority of the Provinces will need at the same time to be rather narrowed in its range.

To accomplish this important object, maintaining at the same time harmonious relations with the local Councils;—to exercise the overruling power of the Assembly, without unduly or prematurely interfering with their legislative authority, and in matters within their common jurisdiction, so to exercise the authority of the Assembly, that its legislative action may be viewed by the subordinate Legislatures as a welcome interposition, and not as an act of uncalled-for interference, is the great practical problem to be solved by the General Assembly of New Zealand.

Under the existing difficulties of intercommunication, it would be impossible, at present to govern these Islands efficiently, and in detail, by a single central authority; and although it would under any circumstances, be an unwise policy to seek to centre all legislative power in one General Legislature, yet it is essential to ultimate unity, that measures should be taken to render communication practicable between the inhabitants of the various Provinces. Looking at their isolated position, and to the extensive legislative authority conferred upon them, it can scarcely be doubted that if the colonists continue to be cut off from all intercourse with one another, they will tend to still further separation, rather than to national union,—that a provincial rather than a national feeling, will prevail amongst them,—that the Provincial rather than the General Legislature will be the chief object of their interest; and that their views and sympathies, their patriotism and ambition, will rarely extend beyond the Province in which they may reside. To counteract this tendency to Provincial isolation, means should be taken to discover and make practicable for Postal communication, the best lines of road between the several Provinces. Post-houses and ferries should be established along the lines of route, and other similar measures should be adopted to facilitate intercourse between their inhabitants.

To the same end, also encouragement should be afforded to well considered undertakings, for establishing Steam communication between their several ports. Having the command of the revenues of the colony, it will be within the power of the Assembly to promote the accomplishment of these objects by appropriating towards them an adequate portion of the Public Funds. Nor is it of less importance that by a careful vigilance and timely interposition, the Assembly should endeavour to prevent the growth of an inconvenient diversity of Provincial Legislation, and to secure for New Zealand, on subjects of importance, a general uniformity in the Law.

In the meanwhile, however, and in the actual condition of the country, in order to secure efficient Government for the outlying districts of the Colony, to foster in their inhabitants a spirit of self-reliance, and to prepare them for the exercise of still higher political privileges—I believe that the Provincial Councils should for the present continue to exercise the powers conferred upon them by the charter—that, subject to a general contribution towards the support of the central Government, and in aid of national public works, that the revenues raised within each province should for the present be left to local management, and that in matters of local interests the provincial authorities should be in-

vested in common by one general act of the Assembly, with such executive powers as may enable them to act promptly and efficiently, without the delay of a reference to the Governor of the colony. Such, I believe, gentlemen, should be the guiding policy of the Government of New Zealand.

The present condition and circumstances of New Zealand are happily favorable to the introduction of the representative principle into the government of the country. Peace prevails—friendly relations continue to subsist between the two races of Her Majesty's subjects; and all classes are in the enjoyment of material prosperity. The difficulties experienced by the early founders of the colony, have long ceased to exist, the great demand for every description of farm produce in the Australian colonies has had the effect of demonstrating the agricultural capabilities of the country, and of stimulating the enterprise of the people, and a hopeful anticipation of future prosperity has been expressed by the Superintendents of its various provinces.

Notwithstanding the attractions of the neighbouring gold fields, the population of New Zealand has continued to increase. During the last three years the revenue has steadily improved, and the exports of the colony for the same period have increased with an unexampled rapidity.

For the year 1853 the Population, Customs, Exports, and Shipping, were, for the Provinces of

| | Popu- lation. | Customs. | Exports. | Shipping, including coasters. |
|---------------|------------------|----------|----------|-------------------------------------|
| | | £ | £ | |
| Auckland.... | 11,000 | 30,811 | 125,902 | 777 |
| New Plymouth | 2,000 | 3,311 | 8,613 | 41 |
| Wellington .. | 7,406 | 20,740 | 95,389 | 287 |
| Nelson | 5,142 | 5,551 | 45,779 | 69 |
| Canterbury .. | 3,895 | 5,837 | 14,395 | 57 |
| Otago | 1,800 | 2,276 | 6,344 | 20 |

Thus it will appear that, in addition to their native inhabitants, (estimated to amount to 100,000 souls,) these islands have now a European population of upwards of 30,000,—that their Customs Revenue amounted for the past year to nearly £70,000; and that the exports for the same period arising, too in no small proportion from the proceeds of productive industry applied to the cultivation of the soil, amounted in value to upwards of a quarter of a million sterling.

The description which has already been given of a single Province, may also be applied to the Colony at large; and of New Zealand it may with equal truth be said, that "actively engaged as are its inhabitants in productive industry—raising already a large excess of food—with a ready market close at hand for all their surplus produce—with no rivalry between the races, but the pursuit of peaceful industry—with an improving revenue and rapidly increasing trade; it may be doubted whether any portion of Her Majesty's subjects, enjoy in more abundant measure the blessings of peace and plenty, or have before them a more certain prospect of a prosperous career."

No recent measure of the Imperial Parliament has probably given more general satisfaction to Her Majesty's colonial subjects, or has tended more powerfully to cement the bond of union between Great Britain and her colonies, than that provision of the Constitution which enacts that it shall be lawful for the General Assembly of the colony to make laws for regulating the sale, letting, disposal and occupation of the Waste Lands of the Crown.

With a single exception, almost every method of administering this national property has within the last few years been made the subject of experiment;—and the experiment is now to be tried of

entrusting the Waste Lands of New Zealand to the disposal and management of those who possess local knowledge and experience, and who have a permanent interest in the country itself;—and the problem of the most advantageous disposal of the Demesne Lands of the Crown will never probably receive a more satisfactory solution, in the judgment of the British colonist, than that which, like the Constitution Act of New Zealand, shall leave them to be dealt with by the colonists themselves.

The system of disposing of the waste lands of the colony, already established under the authority of the Act, has now been upwards of twelve months in operation.

Seeing that the reduction in their upset price called forth, from a large body of the colonists, the expression of their approval—and that after having been subjected to the test of experiment, the opinion of the public in favour of the altered system appears to have remained unchanged; it would be difficult to devise any general uniform mode of disposing of the Demesne Lands of the Crown, better suited in its main features to this country, or which should be more satisfactory to the colonists themselves, than the system established under the Proclamation of the 4th March, 1853.

But no general system can be equally well adapted, or can long remain suited to the changing circumstances, and to the various and varying conditions of a country like New Zealand.

As the maintenance of uniformity in the mode of disposing of the Waste Lands of the colony would not seem to be of essential importance, it may be a question for the consideration of the Assembly whether it would be a wise delegation of their power to authorise the Provincial Councils to make laws for regulating the sale, letting, disposal, and occupation of the Waste Lands of their respective Provinces.

Such a measure, however, altering as it would do, the powers of the Provincial Councils would need, under the provisions of the Constitution Act, to be reserved for the signification of Her Majesty's pleasure.

It will be competent, however, for the Assembly by an Act, which will not require to be reserved for the Royal assent, and which might come into immediate operation, to vest in the Executive Government of each Province, the administration of its Waste Lands and of the proceeds arising therefrom, subject to the charges imposed on the Land Fund by the Constitution Act, and on the terms and conditions now in force for their sale, letting, disposal and occupation.

Under the existing state of the Law, the Governor or the Officer administering the Government of the colony can alone execute valid conveyances of the waste Lands of the Crown—the delay which must necessarily take place between the sale of Land in the distant Provinces, and the execution of the Deed of Grant by the Governor, cannot fail to be productive of great public inconvenience. I believe that no measure would be of more immediate and general utility than an Act of the Assembly enabling the Superintendent or some other authority in each Province, to execute a deed of conveyance of its Waste Lands which should operate as effectually as if such conveyance were a valid grant of the Demesne Lands of the Crown. I feel assured, however, that whatever legislative action may be taken by the Assembly upon so important a subject as the disposal and management of the Public Demesne, will be the result of mature deliberation, and of a comprehensive consideration of the questions, in its various bearings on the future progress and the permanent interest of the colony at large.

Although the control of the public lands has been given to the Colonial Legislature, yet it has at the same time been enacted that "in respect of

all sales of any waste lands of the Crown of New Zealand, one-fourth part of the sum paid by the purchaser, shall be paid to the New Zealand Company, towards the discharge of the sum of £268,370 15s.

Apart from the question of the justness of the debt, the policy of attempting to raise so large an amount from the settlers of a young colony, not to be expended on public works tending to enrich the country, to benefit the settler, and to give value to his land; but for the purpose of being abstracted from the colony has been questioned. Looking to the principle on which a debt was admitted to be due to that company—to the amount of the debt—and to the circumstances under which its repayment was secured to them; the agreement to impose a charge of upwards of a quarter of a million sterling upon the public lands of New Zealand has been commonly regarded as an arrangement more favourable to the distant members of an Association who “have found themselves unable to continue their proceedings with profit to themselves and benefit to the colony” than to the settlers in the country itself, who in their own persons, and by their own labour, have been doing the work of its colonization. The circumstances under which the Legislature was induced to give its sanction to an Act providing that in case the New Zealand Company should fail in their colonising experiments in the Province of New Munster, that the loss incurred by them in their unprofitable undertaking should be charged upon the Waste Lands and upon the Colonists of New Zealand at large, have never been explained.

It cannot be a matter of surprise that the extension of this charge to the Northern District of New Zealand, widely separated as it is from the field of the New Zealand Company's operations, and which has not at any time acknowledged any benefit from that body, or any advantage from any of their proceedings, should have been made the subject of repeated remonstrances by the colonists of the North.

If the facts had been known to the Legislature, that the Crown has acquired little or no waste lands in New Zealand by virtue of its Sovereignty; that nearly the whole of its present Demesne has been purchased from the native owners of the soil, with moneys raised within the Colony; that the land which may in future be needed for the use and occupation of British immigrants, must in like manner be acquired by purchase from the natives. That the charge of £268,000 must tend to lessen the price to be paid to, and thereby to depreciate the property of the native seller, and must at the same time operate in the nature of a tax upon the English buyer; an enactment for making good the losses of an English Joint Stock Company at the expense of the aboriginal owners of the soil, and of the present and future colonists of New Zealand, would not have received the sanction of the British Parliament.

In addition to the repeated remonstrances of the colonists themselves, strong representations against the imposition of this charge upon the resources of the colony have been made to Her Majesty's Government by Governor Sir George Grey, and a remonstrance was also made by the Executive Government of the Province of New Ulster against the extension of its operation to the Northern District of New Zealand. The subject has now to receive the consideration of the Constitutional Representatives of the country, and I am not without hope that the measures to be taken by the Assembly in reference to this debt may yet be influential in effecting its satisfactory adjustment.

No provision has been made by the Constitution Act, for regulating the appropriation of the revenues arising in the several Provinces from duties of Customs, &c. levied under existing colonial Ordinances. But it has been provided, as you are

aware, by the Constitution, that subject to certain charges imposed upon them, that the revenues which may be raised by the Supreme Legislature, shall be subject, in the first instance to be appropriated by that body, but that, so far as the Assembly shall not appropriate them, such revenues shall be divided amongst the several Provinces in the proportion in which they shall have been contributed by them. A careful consideration of the provisions of the Act, will probably lead to the conclusion that it was the intention of its framers, that the existing revenues of the colony should be subject to the like appropriation, but although such may have been the intention of the authors of the Constitution, the object has not, in fact, been accomplished; the provisions of the Act having been made to apply, not to the revenues already arising under Ordinances of the Legislative Council, but to future revenues, or in the words of the enactment in question, to the “the revenues arising from taxes, duties, rates, and imposts, levied in virtue of any act of the General Assembly;” unless some more convenient method should be suggested for effecting the object, I would recommend for your consideration the expediency of passing an Act which shall provide that the revenue now arising from duties of Customs levied in virtue of any colonial ordinance, shall, for the purpose of the Constitution Act, be deemed to be duties, &c., levied in virtue of an act of the General Assembly. As it may be desirable, however, for the adequate support of the Provincial Establishments, and for the prosecution of local improvements and public works of a Provincial character, that the local Legislatures should have some certain funds at their disposal for these purposes not liable to be suddenly withdrawn, it may probably be deemed expedient to provide by an Act of the Assembly, that either a fixed amount or a certain proportion of the general revenue, arising within each Province shall be periodically paid over to the Provincial Treasury, and be subject to the appropriation of the Legislature of the Province.

The adoption of this course will remove any doubt which might otherwise be entertained, as to the power of the General and Provincial Legislatures over the appropriation of the Colonial Revenues; and will give that stability to the financial arrangements and to the public undertakings of the several Provinces, essential to the efficient administration of their affairs.

It may be assumed that the general revenue for the current year will amount to £95,600, and that the territorial revenue will amount to £104,681, making a total of £200,281.

For the support of the Provincial Establishments and for local Public Works, the Legislative Councils of the various Provinces have appropriated for the period of twelve months, as follows, that is to say,

| | |
|--------------------|---------|
| Auckland | £32,262 |
| New Plymouth | £4,016 |
| Wellington | £18,002 |
| Nelson | £10,953 |
| Canterbury | £18,999 |
| Otago | £1,995 |

Total £86,227

It may be estimated, therefore, that a sum of about £114,054 will remain to be disposed of.

The expense of the Supreme Court, banking, marriage, registration, Post Office, and other departments under the exclusive jurisdiction of the General Assembly, ought I think, to be regulated and provided for by the General Assembly; the aggregate amount required for the support of these establishments may be estimated at about £30,437; the expenses connected with the General Assembly, salaries of officers, travelling, &c., expenses of the members, printing and other incidental expenses, may be estimated to amount to £3,000; and

on account of the New Zealand Company's debt £26,000. Of the balance of £54,617, remaining after these deductions, I would recommend the sum of £10,000 should be immediately expended equally between all the Provinces, in permanent works for facilitating communication overland between their respective chief towns, and that a sum of £8,000 should be voted towards the encouragement, as opportunity may occur, of steam communication between their principal ports. In the appropriation of the remaining £36,617 for immigration and public works, I shall be glad to be guided by the recommendation of the General Assembly.

The exercise of a vigilant supervision over the legislative proceedings of the Provincial Councils will be one of the most important duties of the General Assembly, and will require their immediate attention. The whole of the local Councils have already met for the despatch of business, and have passed a variety of useful and necessary laws, copies of which will be laid before you. Having regard to ultimate uniformity, certain of these enactments will require your especial attention. It will probably be found that the Ordinances enacted by some of the local councils for transferring the powers heretofore exercised by the Governor of the colony to the Superintendent of the Province, vest in that officer a wider extent of executive jurisdiction than is consistent with the establishment of ultimate unity, and of an efficient central authority. Instead of exercising the power of disallowance vested in the Governor by the Constitution, I have preferred to leave for the present these local Acts to their operations, in the anticipation that the Assembly will substitute one general enactment for all the Provinces, giving to the head of each Province such executive power and authority as, after careful deliberation may be deemed necessary for securing the prompt and efficient conduct of Provincial Government. It will probably be found that on other subjects also, as the appropriation of fees, fines, and penalties, several of the Provinces have simultaneously passed an enactment with the same object, and on the same subject, but each differing from another; it may in some instances be within the power of the Assembly by adopting and consolidating the provisions of the several local laws, at once to substitute one general law on the subject, and thus to secure uniformity without any undue interference with the freedom of Provincial legislation.

It will appear also, from an examination of their legislative proceedings, that by some of the Provinces, the salaries of officers (Registrars of the Supreme Court, &c.) whose appointment is vested exclusively in the Governor of the colony, have been provided for by a vote of the Provincial Council, that the power of appointing officers belonging to the establishments under the exclusive legislative authority of the General Assembly, has also, by some of the local Councils, been given to the Superintendent of the Province; and that the salaries of these officers also, have been borne on the Provincial Estimates. It can scarcely be either sound in principle, or convenient in practice, that the Resident Magistrates, or any other public officers, should be thus dependent on two distinct authorities.

The Registrars of the Supreme Court can be appointed only by the Crown or by the Governor, provisionally in the name of the Crown: the Court of Judicature to which these officers belong is expressly excepted from the jurisdiction of Provincial Legislation; and it cannot be fitting that the due maintenance of an institution, established for the benefit of the community at large, should be left to depend upon the annual vote of the council of a province. I would suggest, therefore, for the consideration of the Assembly, whether the power of appointing a public officer, of determining the

amount of his salary, and for providing for its payment, should not be exercised by the same authority; whether the power of appointing the officers connected with the establishments, excepted from the jurisdiction of the Provincial Councils, should not, as a general rule, be exercised by the Governor alone, and whether the salaries of these officers should not be paid out of the general revenue of the colony, and that too, not by an annual vote, but under the authority of an act of the General Assembly.

On certain of the subjects within the common jurisdiction of the General and Provincial Legislatures, the initiative in Legislation will from time to time, be taken by a single Provincial Legislature. In that case also, the Assembly, by a timely interposition, adopting as far as may be, the provisions of the Provincial Ordinance, and passing a general law on the subject, may prevent a useless multiplicity and diversity of laws. Amongst other recent local acts, a law has been enacted by the Legislature of the Province of Auckland on the subject of Foreign Seamen; and by the Province of Wellington, an Act has been passed for authorising the formation of "Mixed Partnerships;" it would, no doubt, be competent for each of the other Provincial Councils to pass a law to prevent the desertion, and to punish the misconduct of Foreign Seamen, and also to regulate the law of Partnership, yet it would be more convenient that, instead of six different laws, there should, on such subjects, be one general law, known to be in force for the Islands of New Zealand. The enactment by the Assembly of a general law, based upon the suggestion and experience of the Province, which has already legislated on the subject, would secure future uniformity, and might, I think, be justly regarded by the colonists at large, as a salutary and timely exercise by the Supreme Legislature of its controlling Legislative power.

The same observation applies, but with greater force, to an Act passed by the Council of this Province, providing for the execution of Deeds, and for other purposes relating to real property. There is scarcely any subject on which diversity or uncertainty is more carefully to be guarded against than in the law relating to real property. It would by no means tend to facilitate the transfer of lands if, in time to come, the title to such property shall be found to depend upon what was the particular law at a certain time in a particular district of New Zealand, as to the execution of a particular description of legal instrument. Seeing the expense, uncertainty, and delay which has been experienced in England in the transfer of real property, arising from the existence in different parts of the country of a variety of laws, customs, and usages relating to this subject, it may be doubted whether the Provincial Councils of New Zealand ought not, not only to have been prohibited from making any law for "regulating the course of Inheritance," but also from making any alteration whatever in the law of real property, or in the transfer thereof; and it is matter for consideration whether such a prohibitory measure should not be enacted by a law of the General Assembly. The same Act also contains a provision which may not improbably suggest to the Assembly the expediency of making a still more extensive alteration in the law. The object of the enactment to which I refer is to simplify the mode of releasing a title to dower by married women. I believe it will be found that the right to dower, which by law attaches to lands and tenements, of which the husband may at any time have been seized during marriage, has ceased to be of practical benefit to the wife or widow of the owners; while it occasions considerable expense and delay in the alienation of real estate. I believe that a considerable modification of this ancient right may be effected, without injury to individual interests, and that the enactment of a law

widow shall not be entitled to dower except of lands and tenements of which her husband was actually seized at the time of his decease, would materially facilitate the transfer of real property in New Zealand, and simplify the law relating thereto.

The unsatisfactory state of the Law for regulating Marriages in New Zealand, will probably be brought under your notice with a view to its amendment: The Ordinance passed by the Colonial Legislature in the Session of 1851, may not have been sufficiently stringent in its provisions for securing due publicity. It will be fortunate however for the colony, if the Assembly shall succeed in devising a measure with that object, which shall less disturb the good feeling which has hitherto subsisted in this country between the various religious denominations—which shall be less open to objection as creating invidious distinctions between them—which shall interfere less with existing usages, and which at the same time, shall be more efficient in its provision than the disallowed Ordinance of 1851.

The difficulty which has recently arisen in carrying into effect the punishment of transportation owing to the want of some convenient Penal Settlement, to which convicted felons may now be sent, will render it necessary that some other system of secondary punishments should be devised in the place of transportation. If the Assembly should not be able, during the present Session, to mature a measure of a permanent character for the amendment of the criminal code, I would recommend that a temporary Act should be passed, providing that the convicts, who now are, and who hereafter may be under sentence of transportation, shall be kept in penal servitude, and employed at hard labour on the roads, or other useful public works, within the limits of the colony itself.

Other subjects may not unprobably be brought under your consideration in the course of the ensuing Session. To decide, however, upon the most advantageous apportionment of Legislative power between the Supreme Legislature and the subordinate local Councils, and to mature the necessary subsidiary measures for securing its practical adjustment may be expected to occupy a large portion of the First Session of the General Assembly. I have for that reason occupied myself for

the most part in endeavouring to demonstrate the necessity for the adoption by the Assembly of some well considered course of policy; and in suggesting a general outline of what I believe that policy should be; and I have directed your attention only to those special measures of immediate importance which appear to be needed for effecting that object. It will be competent however for any member of the Assembly to originate and introduce any Legislative measure of a practical character which may appear to him to be required for the alteration or amendment of the Law, and I shall be prepared cordially to cooperate with the Assembly in any measure for that object, which the interest of the Public may be found to require.

A great work then, gentlemen, now lies before you. To confirm by your prudence and moderation, the fitness of our countrymen for Representative Self government and Free Institutions,—to preserve and to advance in the scale of civilization the Native Inhabitants of these Islands—to develop the resources of a country rich in all the elements of future national greatness—to be the pioneers for its colonization by the Anglo Saxon Race—to lay the foundation of its religious, political, and social institutions—to give laws to the present and to influence the character of a future generation, will be the rare privilege, and the noble duty of the new formed Parliament of New Zealand. Entering then, as we are about to do, on the discharge of important and responsible duties, believing that our example and that the character of our proceedings will be influential in after times, and on those who shall succeed us—and seeing in this Assemblage the germ of what will one day be the Great Council of a *Great Nation*, I cannot conclude my address on opening the first session of the *General Assembly* of these Islands, without the expression of an earnest prayer, that the Divine Blessing may direct and prosper all our consultations—that all things may be so ordered and settled upon the best and surest foundation—that peace and happiness, truth and justice, religion and piety, may be established amongst us for all generations.

(Signed) R. H. WYNYARD,

Officer Administering the Government.

Council Chambers,
27th May, 1854.