

No. 17.
 Lord J. Russell to
 Governor Hobson.
 9 Dec. 1840.

Colonies New Zealand 3
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(3.)

INSTRUCTIONS.

VICTORIA R.

INSTRUCTIONS to our trusty and well-beloved *William Hobson*, Esq. our Governor and Commander-in-Chief in and over Our Colony of New Zealand, or in his absence to Our Lieutenant-governor, or the officer administering the Government of the said Colony for the time being.—Given at our Court at Buckingham Palace, the 5th day of December 1840, in the Fourth year of our Reign.

1. WHEREAS in pursuance and exercise of the powers in us vested in and by a certain Act of Parliament made and passed in this fourth year of our reign, intituled, "An Act to continue until the 31st day of December 1841, and to the end of the then next ensuing Session of Parliament, the Provisions of an Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other purposes relative thereto," we did, by our charter under the great seal of our United Kingdom of Great Britain and Ireland, bearing date at Westminster the 16th day of November 1840, in this fourth year of our reign, erect into a separate colony the Islands of New Zealand, theretofore comprised within, or dependencies of the colony of New South Wales, with all other islands lying between the latitude and longitude therein mentioned, and did further provide that from thenceforth the said islands should be known and designated as "The Colony of New Zealand," and that the principal islands theretofore known as, or commonly called "The Northern Island," "The Middle Island," and "Stewart's Island," shall thenceforward be designated and known respectively as "New Ulster," "New Munster," and "New Leinster." And whereas by a commission under the Great Seal of our United Kingdom of Great Britain and Ireland, bearing date at Westminster the 24th day of November 1840, in this fourth year of our reign, we did constitute and appoint you, the said *William Hobson*, esq. captain in our royal navy, to be the first governor and commander-in-chief in and over our said colony of New Zealand, so erected by us as aforesaid, and of all forts and garrisons erected and established, or which should be erected and established within the same, and did further require and command you to do and execute all things in due manner that should belong to your said command, and the trust we had reposed in you, according to the several powers and directions granted to or appointed for the governor of our said colony for the time being, and by the said recited Act of Parliament, and in and by the said recited charter, and the instructions under our sign manual and signet therein referred to, and according to such further powers, instructions, and authorities as should from time to time be granted or appointed you under our signet and sign manual, or by our order in our Privy Council, or by us through one of our Principal Secretaries of State, and according to such laws and ordinances as should thereafter be made and enacted by virtue of the said recited Act of Parliament: Now therefore, by these our instructions under our royal sign manual and signet, being the instructions so referred to as aforesaid in the said recited Act of Parliament and charter, we do declare our pleasure to be, that you shall, with all due solemnity, cause our said recited charter, together with our said commission, to be read and published in the presence of our chief officers and other the principal inhabitants of the said colony, and you shall then and there take the oaths appointed to be taken by an Act passed in the first of the reign of King George the First, intituled, "An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales, and his open and secret Abettors," as altered and explained by an Act passed in the sixth year of the reign of his late Majesty King George the Third, intituled, "An

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An Act for altering the Oath of Abjuration and the Assurance, and for amending so much of an Act of the seventh year of her late Majesty Queen Anne, intituled, "An Act for the improvement of the Union of the two Kingdoms, as after the time therein limited requires the delivery of certain lists and copies therein mentioned to Persons indicted of High Treason or Misprision of Treason," or in lieu thereof, the oath required to be taken by an Act passed in the tenth year of the reign of his late Majesty King George the Fourth, intituled, "An Act for the relief of His Majesty's Roman-catholic Subjects," according to the said former Acts, or the said last-mentioned Act shall be applicable to your case; and likewise that you take the usual oath for the due execution of the office of our governor and commander-in-chief in and over our said colony, and for the due and impartial administration of justice; which said oaths the chief magistrate for the time being of our said colony shall and he is hereby required to tender and administer unto you, all which being duly performed, you shall administer to such our chief officers there present the said oaths mentioned in the said several Acts as shall be applicable to the case of the individual taking the same; and you are also to administer unto them the usual oath for the due execution of their places and trusts respectively.

2. And we do authorize and require you, from time to time, and at any time hereafter, by yourself or by any other to be authorized by you in that behalf, to administer and give to all and every such person or persons as you shall think fit, who shall hold any office or place of trust or profit, or who shall at any time or times pass into our said colony or be resident therein, such of the said oaths in the said several Acts contained as shall be applicable to the case of the individual to whom the same shall be administered.

3. And whereas by the said recited charter, and in pursuance and exercise of the powers in us vested in and by the said recited-Act of Parliament, we did authorize the governor or the lieutenant-governor for the time being of our said colony of New Zealand, and such other persons, not less than six, as were in the said charter designated, to constitute and be a Legislative Council for the said colony; and we did by the said charter further declare that, in addition to the said governor or lieutenant-governor, the said Council should be composed of such public officers within the said colony, or of such other persons as should from time to time be named or designated for that purpose by us, by our instruction or instructions, warrant or warrants, to be by us for that purpose issued under our signet and sign manual, and with the advice of our Privy Council, and that all such councillors should hold their places in the said Council at our pleasure, with full power and authority to make and ordain all such laws and ordinances as might be required for the peace, order, and good government of the said colony, and that in the making all such laws and ordinances the said Legislative Council should conform to and observe all such instructions as we, with the advice of our Privy Council, should from time to time make for their guidance therein: Now therefore, by these our instructions under our signet and sign manual, and with the advice of our Privy Council, being the instructions so referred to as last aforesaid, we do nominate and appoint the several public officers hereinafter designated to be members of the said Legislative Council, who shall hold their places in the said Council at our pleasure; that is to say, the colonial secretary of New Zealand for the time being, or the person who for the time being shall be lawfully acting in that capacity; the attorney-general for New Zealand for the time being, or the person who for the time being shall be lawfully acting in that capacity; the public treasurer of New Zealand for the time being, or the person who for the time being shall be lawfully acting in that capacity, and the three justices of the peace whose names shall be standing first in order in any general commission of the peace issued by the governor or officer administering the government of New Zealand, such justices of the peace being at all times persons not holding any office or place of emolument at our pleasure, or at the pleasure of such governor or administrator of the government, and such commission of the peace being revocable and renewable from time to time by such governor or administrator of the government as he may find occasion.

4. And in further exercise of the powers and authorities in us vested in and by the said recited Act of Parliament, or otherwise to us appertaining, we have, with the advice of our Privy Council, thought fit to make, and do hereby make and ordain the following regulations for the guidance of the said Legislative Council in the making such laws and ordinances as aforesaid; that is to say, we do declare our pleasure to be that the said Legislative Council shall not be competent to act in any case unless four members at the least of such council, in addition to the governor for the time being, or to the member who may preside therein in his absence, shall be present at and throughout the meetings of such Council.

5. And we do authorize and require you, or the governor of New Zealand for the time being, to preside in the said Council, except when you or he may be prevented by some insuperable impediment; and at any meetings of the said Council which may be holden during the absence of such governor, we do authorize and require the senior member present to preside.

6. And we do further declare our pleasure to be, that all questions proposed for debate in the said Council shall be decided by the majority of votes, it being our pleasure that the governor for the time being, or the member presiding in his absence, shall have an original vote in common with the other members of the said Council, as also a casting vote, if upon any question the votes shall be equally divided.

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7. And for ensuring punctuality of attendance of the members of the said Council, and for the prevention of meetings of the said Council being holden without convenient notice to the several members thereof, it is our pleasure, and we do hereby direct, that you or the governor of New Zealand for the time being, do frame and propose to the said Council, for their adoption, such standing rules and orders as may be necessary for those purposes, with such other standing rules and orders as may be best adapted for maintaining order and method in the despatch of business, and in the conduct of all debates in the said Council; which rules and orders (not being repugnant to the said recited Act of Parliament and charter, or to these instructions, or to any other instructions which you may receive from us,) shall at all times be followed and observed, and shall be binding upon the said Council, unless the same or any of them shall be disallowed by us.

8. It is our pleasure, and we do hereby direct that no law or ordinance shall be made or enacted by the said Council, unless the same shall have been previously proposed by yourself, and that no question shall be debated at the said Council unless the same shall first have been proposed for that purpose by you. Provided nevertheless, and it is our pleasure, that if any member of the said Council shall deem any law fit to be enacted by the said Council, or any question proper to be there debated, and shall of such his opinion transmit a written statement to you, it shall be lawful for any such member of the said Council to enter upon the minutes thereof a copy of any such statement, together with the reasons upon which such his opinion may be founded.

9. And we do further direct, that minutes be regularly kept of the proceedings of the said Council by the clerk of the said Council, and that the said Council shall not ever proceed to the despatch of business until the minutes of the last preceding meeting have first been read over, and confirmed or corrected as may be necessary.

10. And we do further require and enjoin you, twice in each year, to transmit to us, through one of our Principal Secretaries of State, a full and exact copy of the minutes of the said Council for the last preceding half year.

11. And it is our further pleasure, that you do not propose or assent to any ordinance whatever respecting the constitution, proceedings, numbers, or mode of appointing or electing any of the members of the said Legislative Council, or otherwise in relation to any of the matters mentioned or referred to in the said charter and in these our instructions, which shall be in anywise repugnant to or inconsistent with such charter or instructions, or repugnant to the said recited Act or to any other Act of Parliament, but that any such ordinance, or pretended ordinance, shall be absolutely null and void to all intents and purposes.

12. And you are expressly enjoined not to propose or assent to any ordinance whatever whereby any person may be impeded or hindered from celebrating or attending the worship of Almighty God in a peaceable and orderly manner, although such worship may not be conducted according to the rites and ceremonies of the Church of England.

13. And we do further enjoin you not to propose or assent to any ordinance whatsoever whereby our revenue might be lessened or impaired, or whereby our prerogative might be diminished or in any respect infringed, or whereby any increase or diminution might be made in the number, salary, or allowances of any public officers, which have or shall have received our sanction, without our especial leave and command therein first received.

14. And we do further direct that you do not propose or assent to any ordinance whatever whereby bills of credit or other negotiable securities, of whatever nature, may be issued in lieu of money on the credit of the said colony, or whereby any government paper currency may be established therein, or whereby any such bills, or any other paper currency, or any coin, save only the legal coin of the realm, may be made or declared to be a legal tender, without special permission from us in that behalf first obtained.

15. And we do further enjoin and command you not to propose or assent to any ordinance whatever, by which persons not of European birth or descent might be subjected or made liable to any disabilities or restrictions to which persons of European birth or descent would not also be subjected or made liable.

16. And it is our further pleasure that you do not propose or assent to any ordinance whatever for raising money by the institution of any public or private lotteries.

17. And it is our will and pleasure that you do not propose or assent to any ordinance for the naturalization of aliens without our especial leave or command therein first received, unless there be a clause inserted therein suspending and deferring the operation of the same until our pleasure shall be signified thereupon.

18. And it is our further will and pleasure that you do not propose or assent to any ordinance whatever for the divorce of persons joined together in holy matrimony.

19. And we do further direct that you do not propose or assent to any ordinance whatever by which any tax or duty might be imposed upon the trade or shipping of the United Kingdom, or whereby any tax might be imposed upon transient traders, or upon persons residing and carrying on business for a short time within our said colony, from which other traders or persons carrying on the like business would be exempt.

20. And

20. And we do further direct that you do not propose or assent to any ordinance whatever, whereby any grant of money or land, or other donation or gratuity, may be made by the said Legislative Council to you.

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21. And we do further direct that you do not propose or assent to any private ordinance whatever, whereby the property of any individual may be affected, in which there is not a saving of the rights of us, our heirs and successors, and of all bodies politic and corporate, and of all other persons excepting those at whose instance or for whose especial benefit such ordinance may be passed, and those claiming by, from, through and under them.

22. And it is our will and pleasure that you do not propose or assent to any ordinance whatever to which our assent has once been refused, without express leave for that purpose first obtained from us.

23. And it is our further will and pleasure that all laws or ordinances to be enacted by the said Legislative Council shall henceforth be styled, "Ordinances enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof," and that no other style or form shall ever henceforth be observed in any such enactment, and that all such laws and ordinances be drawn up in a simple and compendious form, avoiding as far as may be all prolixity and tautology.

24. And we do further direct, that when any ordinance shall have been passed by you, with the advice of the said Legislative Council, the same shall forthwith be laid before you for our final assent, disallowance or other direction thereupon, to be signified through you, for which purpose we do hereby require you, with all convenient speed, to transmit to us, through one of our Principal Secretaries of State, a transcript in duplicate of every such ordinance as aforesaid, duly authenticated under the public seal of the said colony and by your own signature; and we do direct that every such transcript be so transmitted by the earliest occasion next after the enactment of the said ordinance, and that no such ordinance be made to take effect until our pleasure thereupon be first made known and signified to you, and by you to the inhabitants of the said colony, excepting only in the case of ordinances for raising the annual supplies for the service of the said colony, and in any other cases in which the delay incident to a previous communication with us would be productive of serious injury or inconvenience, in which several cases we do hereby authorize you, with the advice of the said council, to determine the time at which any such ordinance shall take effect and have its operation within the said colony; which proceeding, with the reason and thereof, you shall, on the earliest occasion, report to us, through one of our Principal Secretaries of State; and we do hereby reserve to us, our heirs and successors, full power and authority to confirm and finally enact, or to disallow any ordinance which may be passed by you, with the advice and consent of the said council, either in whole or in part, such confirmation or disallowance being from time to time signified to you through one of our Principal Secretaries of State.

25. And we do further declare our pleasure to be, that in the month of January, or at the earliest practicable period at the commencement of each year, you do cause a complete collection to be published, for general information, of all ordinances enacted during the preceding year.

26. And we do further direct that all ordinances made by you, with the advice of the said Legislative Council, be distinguished by titles, and that the ordinances of each year be also distinguished by numerical marks, commencing in each successive year with the number one, and proceeding in arithmetical progression to the number corresponding with the total number of ordinances enacted during the year, and that every such ordinance be divided into successive clauses or paragraphs, distinguished in like manner by numerical marks, and that to every such clause be annexed in the margin a short summary of its contents.

27. And we do further declare our pleasure to be, that in the passing of all laws each different matter be provided for by a different law without intermixing into one and the same Act such things as have no proper relation to each other, and that no clause or clauses be inserted in or annexed to any Act which shall be foreign to what the title of such respective Act imports, and that no perpetual clause be part of any temporary law, and that no Act whatever be suspended, altered, continued, revised, or repealed by general words, but that the title and date of each Act so suspended, altered, continued, revised or repealed be particularly mentioned and expressed in the enacting part.

28. And it is our express will and pleasure, that no laws whatsoever be made to continue for less than two years, except only in cases where it may be necessary, upon some unforeseen emergency, to make provision by law for a service in its nature temporary and contingent.

29. You are also to take care that in all laws or ordinances to be passed by our said Legislative Council in any case for levying money or imposing fines, forfeitures and penalties, express mention be made that the same are granted or reserved to us, our heirs and successors, for the public uses of the said colony and the support of the government thereof, as by the said law or ordinance shall be directed.

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30. And whereas by the said recited charter we have authorized the governor of our said colony for the time being to summon as an Executive Council such persons as should from time to time be named or designated by us in any instructions under our signet and sign manual to be addressed to him in that behalf. Now we do by these our instructions nominate and appoint the undermentioned persons to be the members of the said Executive Council, that is to say, The colonial secretary of and for our said colony of New Zealand, or the person for the time being lawfully acting in that capacity; the attorney-general of and for our said colony of New Zealand, or the person for the time being lawfully acting in that capacity; the treasurer of and for our said colony of New Zealand, or the person for the time being lawfully acting in that capacity.

31. And we do declare our pleasure to be, that you do forthwith communicate to our said Executive Council these our instructions, and likewise all such others, from time to time, wherein their consent and concurrence are requisite, and as you shall find convenient for our service to be imparted to them.

32. And we do hereby declare, and it is our pleasure, that our said council shall not proceed to the despatch of business unless duly summoned by your authority, and unless two members at least, exclusive of yourself, or, in your absence, exclusive of the member presiding, be present and assisting throughout the whole of the meetings at which any such business shall be despatched.

33. And it is our pleasure that you do attend and preside at the meetings of our said Executive Council, unless when prevented by some necessary and reasonable cause, and that, in your absence, the senior member of the council actually present shall preside at all such meetings, the seniority of the members of the said council being regulated according to the order in which their respective offices are hereinbefore mentioned.

34. And we do further direct and command, that a full and exact journal or minute be kept of all the deliberations, acts, proceedings, votes and resolutions of our said Executive Council; and that at each meeting of the said council, the minutes of the last preceding meeting shall be read over, confirmed or amended, as the case may require, before proceeding to the despatch of any other business.

35. And it is our further will and pleasure, and we do hereby command you, that in the execution of the several powers and authorities granted and committed to you by our said charter and commission and these our instructions, or by any additional instructions hereafter to be given to you by us, you do in all things consult and advise with our said Executive Council, and that you do not exercise the powers and authorities aforesaid, or any of them, except by and with the concurrence and advice of our said Executive Council, save and except only in such cases as are hereinafter saved and excepted, that is to say, provided always, that nothing herein contained shall extend to prevent your exercising, without the advice and consent of our said Executive Council, the several powers and authorities, or any of them, which may be of so urgent and pressing a nature as not to admit of the delay unavoidably incident to the deliberation of our said council. It is, nevertheless, our pleasure, that the measures adopted by you without the advice of our said Executive Council upon any such emergency, shall, with all convenient speed, be by you brought before our said Executive Council for their revision and sanction; provided also, that nothing herein contained shall prevent your exercising the several powers and authorities aforesaid, or any of them, without the advice and concurrence of our said Executive Council, in any case, or upon any occasion, which may not appear to you to be sufficiently important to require their assistance and advice, or which may be of such a nature that, in your judgment, our service would sustain material prejudice by consulting our said Executive Council thereupon.

36. And it is our further will and pleasure that no question shall be brought before our said Executive Council for their advice or decision, excepting only such questions as may be proposed by you for that purpose; provided nevertheless, and it is our will and pleasure, that if any member shall deem it expedient that any question should undergo the deliberation of the said Executive Council, and shall, by application in writing to you, request and propose that such question should be so discussed, it shall be competent to any such member to enter upon the minutes of the said Executive Council such his written application to you, together with the answer which may be returned by you to the same. And it is our will, and we do further direct, that if in any case you see sufficient cause to dissent from the opinion of the major part, or of the whole of our said Executive Council, upon any question brought by you under their consideration, it shall be competent to you, upon any such occasion, to execute the powers and authorities vested in the governor of our said colony of New Zealand for the time being, by the said charter and commission, and these our instructions, in opposition to such their opinions, it being nevertheless our pleasure that in every case it shall be competent to any member of our said council to record at length, on the minutes of the said council, the grounds and reasons of any advice or opinion he may give upon any question brought under the consideration of such council; and it being also our pleasure that, in the event of your acting upon any occasion in opposition to the advice of the whole or the major part of the said Executive Council, you do, by the first opportunity, transmit to us, through one of our Principal Secretaries of State, a full explanation of the grounds of every such measure, together with complete copies of the minutes, if any, of the said Executive Council relating thereto. And we do further direct, that

that twice in each year a full transcript of all the minutes of the Executive Council of the preceding half year be transmitted to us through one of our Principal Secretaries of State.

37. And whereas by the said recited charter, we have given and granted to the governor of our said colony of New Zealand for the time being, full power and authority, with the advice and consent of the Executive Council of our said colony (but subject nevertheless to such provisions as should be in that respect contained in any instructions which might from time to time be addressed to him in that behalf), by any proclamation or proclamations, to divide our said colony into districts, counties, hundreds, towns, townships, and parishes, and to appoint the limits thereof respectively, and to make and execute in our name, and on our behalf, under the public seal of our said colony, grants of waste land to us belonging within the same, to private persons for their own use and benefit, or to any persons, bodies, politic or corporate, in trust for the public uses of our subjects there resident, or any of them; provided nevertheless, that nothing in the said charter contained shall affect or be construed to affect the rights of any aboriginal natives of the said colony to the actual occupation or enjoyment in their own persons, or in the persons of their descendants, of any lands in the said colony then actually occupied or enjoyed by such natives. Now we do hereby authorize and require you to cause a survey to be made, in manner hereinafter mentioned, of all the lands within our said colony; and you are for this purpose from time to time to issue instructions to the surveyor-general for the time being of our said colony, and to divide and apportion the whole of the said colony into counties, each of which shall contain, as nearly as may be, 40 miles square, and to apportion each county into hundreds, of which each hundred shall, as nearly as may be, comprize an area of one 100 square miles, and again to sub-divide each hundred into parishes, of which each parish shall, as nearly as may be, comprize an area of 25 square miles; and you are to instruct the said surveyor-general that in making the division aforesaid of our said colony into counties, hundreds and parishes, he do have regard to all such natural divisions thereof as may be formed by rivers, streams, highlands, or otherwise; and that whenever in order to obtain a clear and well-defined natural boundary of any county, hundred, or parish, it shall be lawful and necessary to include therein a greater or a smaller quantity of land than is hereinbefore mentioned, he the said surveyor-general do make such deviations from the prescribed dimensions of such county, hundred, or parish as may be necessary for obtaining such natural boundary, provided that no such county, hundred, or parish, shall in any case exceed or fall short of the dimensions before prescribed to the extent of more than one third part of such dimensions.

38. You are further to require the said surveyor-general from time to time to make to you reports, setting forth the progress which he has made in the before-mentioned survey of our said colony, specifying therein the limits of each county, hundred, and parish which he has surveyed and apportioned; and you are to require him to annex to such his written reports charts or maps of every such county, hundred, and parish.

39. And it is our pleasure that when any such report of the surveyor-general as aforesaid shall be finally approved by you, with the advice of our said Executive Council, the same shall be deposited among the public records of the said colony, and that an exact transcript thereof shall be deposited in the office of the surveyor-general of our said colony, and that another transcript thereof shall be transmitted to us through one of our Principal Secretaries of State.

40. And for the better guidance of the said surveyor-general in the execution of the duty so to be committed to him, you will, with the advice of the said Executive Council, issue to him such instructions as may from time to time become necessary.

41. And it is our further will and pleasure, and we do hereby specially authorize and empower you in our name from time to time to issue, under the public seal of our said colony, letters patent for erecting into counties, hundreds, and parishes such districts as may in manner aforesaid be selected for that purpose by the said surveyor-general, in and by any reports so to be made by him and approved by you; and all such letters patent so to be issued by you in our name shall be enrolled among the public records of the said colony, and shall be of record; and the issuing of any such letters patent shall by you be made known to all our loving subjects within our said colony by proclamations, to be by you from time to time published for that purpose in the most usual and public manner.

42. And we do further authorize and require you, in and by any such letters patent as aforesaid, in our name and on our behalf, to grant to our loving subjects resident within any such county, hundred, or parish all such franchises, immunities, rights, and privileges whatever as, consistently with the circumstances, situation, laws, and usages of our colony of New Zealand, may be properly granted to such our loving subjects in that behalf; provided that such franchises, immunities, rights, and privileges shall, as far as the circumstances of the said colony may admit, be such as are and of right may be claimed, held, enjoyed, and exercised by our subjects inhabiting and residing in any county, hundred, or parish in that part of our United Kingdom of Great Britain and Ireland called England, and not otherwise.

43. And it is our pleasure, and we do further direct you to require and authorize the said surveyor-general further to report to you what particular lands it may be proper to reserve

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reserve in each county, hundred, and parish, so to be surveyed by him as aforesaid, for public roads and other internal communications, whether by land or water, or as the sites of towns, villages, churches, school-houses, or parsonage-houses, or as places for the interment of the dead, or as places for the future extension of any existing towns or villages, or as places fit to be set apart for the recreation and amusement of the inhabitants of any town or village, or for promoting the health of such inhabitants, or as the sites of quays or landing-places which it may at any future time be expedient to erect, form, or establish on the sea coast or in the neighbourhood of navigable streams, or which it may be desirable to reserve for any other purpose of public convenience, utility, health, or enjoyment; and you are specially to require the said surveyor-general to specify in his reports, and to distinguish in the charts or maps to be subjoined to those reports, such tracts, pieces, or parcels of land in each county, hundred, and parish within our said colony as may appear to him best adapted to answer and promote the several public purposes before mentioned; and it is our will and pleasure, and we do strictly enjoin and require you, that you do not on any account, or on any pretence whatsoever, grant, convey, or demise to any person or persons any of the lands so specified as fit to be reserved as aforesaid, nor permit or suffer any such lands to be occupied by any private person for any private purposes.

44. And it is our will and pleasure that all the waste and uncleared lands within our said colony, belonging to and vested in us, which shall remain after making such reservations as before mentioned for the public service of our said colony of New Zealand, shall hereafter be sold and disposed of at one uniform price per acre, which price it is our pleasure shall from time to time be fixed and determined by such instructions as we shall from time to time convey to you through one of our Principal Secretaries of State.

45. And we do further direct that the survey of lands in our said colony shall be carried forward with all practicable expedition, and that the land shall be divided into lots, consisting of not more than one square mile each, which said lots may be further divided into such smaller lots, being equal parts of square miles, as may hereafter be directed by us through one of our Principal Secretaries of State; provided nevertheless, and we do hereby require, that the amount of the expense to be incurred from year to year in effecting such surveys be included in the estimate of the public expenditure of the said colony, to be annually laid before the legislature thereof, and that such expenses be a charge upon the land revenue of the current year, and be not in any year greater than one-fifth part of the estimated amount of such land revenue, and that such estimate be never exceeded in the actual expenditure for the service aforesaid during the year.

46. And we do direct that charts of all the lands surveyed as aforesaid shall be kept for public inspection in the office of our surveyor-general or deputy surveyor-general for the said colony.

47. And we do further direct that there shall be kept at the office of our said surveyor-general registers of all lands hereafter to be appropriated in the said colony, and that registers shall also be prepared at the same office, as far as may be practicable, of all lands which may have been appropriated within the said colony.

48. And it is our pleasure that such charts and registers shall be kept in such form and manner as to exhibit to all persons applying for the same full and authentic information of all appropriations of land, and all surveyed lands not appropriated.

49. And we do direct, that any person within our said colony of New Zealand, who shall pay to the treasurer or deputy-treasurer of our said colony any sum or sums of money for the purchase of lands situated in the said colony, shall be entitled to receive from such treasurer or deputy-treasurer a certificate of such payment; and on production of such certificate at the office of the surveyor-general in the said colony, every such person shall be entitled to have appropriated and granted to him or her such unappropriated land within the said colony as may be selected by him or her, the number of acres to be granted to him or her corresponding with the amount of the payment so appearing to have been made by him or her divided by the said uniform price per acre.

50. And we do direct, that no person within our said colony shall be entitled to purchase land therein except by payment made as aforesaid to the treasurer or deputy-treasurer of our said colony.

51. And we do further declare our pleasure to be, that any person within our United Kingdom, who shall pay to the agent for our said colony of New Zealand, resident in London, any sum or sums of money, in such amount as may from time to time be fixed by us for that purpose, for the purchase of land situate in the said colony, shall be entitled to receive from such agent a certificate of such payments; and on production of such certificate to our Commissioners of Colonial Land and Emigration in this our United Kingdom, every such person shall be entitled to receive from the said Commissioners a certificate that he or she hath become the purchaser of such a number of acres within the said colony as may be selected by him or her for that purpose, the number of acres to be appropriated to every such purchaser corresponding with the amount of the payments so appearing to have been made by him or her, divided by the said uniform price of land per acre.

52. And we do further declare our pleasure to be, that on the production by any such purchasers as last aforesaid of any such certificate as last aforesaid from the said Commissioners

missioners of Colonial Land and Emigration, at the office of our said surveyor of Crown lands in the said colony of New Zealand, the said purchaser shall be entitled to have appropriated and granted to him or her such unappropriated lands as may be selected by him or her under the same regulations as aforesaid.

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53. Provided nevertheless, and it is our will and pleasure, that all such purchases so to be made as aforesaid, whether by payments in our colony of New Zealand or in this our United Kingdom, shall be made in lots, consisting of such number of acres as shall from time to time be fixed for that purpose by us or under our authority.

54. And we do further direct that grants of all lands, so to be appropriated as aforesaid, shall with all practicable speed after the appropriation thereof, be issued under the public seal of our said colony to the purchaser thereof, and that for ensuring method and punctuality in that respect a sufficient number of such grants, with blanks for the names of the purchasers, and for the description of the lands so to be purchased, shall be kept at the office of the surveyor-general of our said colony, all lands so to be granted as aforesaid being described in such grants with exact references to the charts and registers as aforesaid.

55. And we do further declare our pleasure to be, that any persons by whom such purchase of land as aforesaid shall have been made within this our United Kingdom, shall be entitled either to the free conveyance to the said colony of any emigrants who may be named by them to our Commissioners of Colonial Land and Emigration for the purpose, provided such emigrants shall fall within the rules to be approved and established on our behalf by one of our Principal Secretaries of State, and that the number of such emigrants shall not exceed such proportion to the amount paid for land, as may be fixed and determined on our behalf by one of our Principal Secretaries of State, or else shall be entitled to the payment of a bounty on the introduction of such emigrants as aforesaid into our said colony, according as the one course or the other may be provided by any rules and regulations hereafter to be established in that behalf by one of our Principal Secretaries of State.

56. And we do further declare our pleasure to be that, anything hereinbefore contained to the contrary notwithstanding, no land shall be sold in any part of the said colony of New Zealand, which the said surveyor-general may report to you as proper to be reserved for any of the several public uses hereinbefore mentioned.

57. AND whereas we have by our said recited charter authorized the governor of our said colony for the time being, upon sufficient cause to him appearing, to suspend from the exercise of his office within our said colony any person exercising the same under and by virtue of any commission or warrant granted or to be granted by us, or in our name, or under our authority; now we do charge and require you, that before proceeding to any such suspension, you do consult with the said Executive Council, and that you cause to be recorded in the minutes of the said council, whether they, or the majority of them, assent or do not assent to the said suspension, and that you do signify by a statement in writing to the person so to be suspended, the grounds of such your intended proceeding against him, and that you do call upon such person to communicate to you in writing a statement of the grounds upon which he may be desirous to exculpate himself, and that you transmit both of the said statements to us through one of our Principal Secretaries of State by the earliest conveyance.

58. And it is our pleasure that all commissions to be granted by you to any person or persons for exercising any office or employment in or concerning our said colony of New Zealand, be granted during pleasure only; and that whenever you shall appoint to any vacant office or employment any person not by us specially directed to be appointed thereto, you shall at the same time expressly apprise such person that such appointment is to be considered only as temporary and provisional, until our allowance or disallowance thereof be signified.

59. AND whereas by the said charter hereinbefore recited we have given and granted unto the governor of our said colony of New Zealand for the time being full power and authority, as he shall see occasion, in our name, and in our behalf, to grant to any offender convicted of any crime in any court, or before any judge, justice, or magistrate within our said colony, a free and unconditional pardon, or a pardon subject to such conditions as by any law or ordinance hereafter to be in force in our said colony may be thereunto annexed, or any respite of the sentence of any such offender for such period as to such governor may seem fit; now we do hereby require and enjoin you to call upon the judge presiding at the trial of any such offenders, to make to you a written report of the cases of all persons who may from time to time be condemned to suffer death by any sentence of any court within the said colony, and such reports of the said judge shall by you be taken into consideration at the first meeting thereafter which may be conveniently held of our said Executive Council, where the said judge shall be specially summoned to attend; and you shall not pardon or relieve any such offenders as aforesaid, unless it shall appear to you expedient so to do, upon receiving the advice of our Executive Council therein, but in all such cases you are to decide either to extend or to withhold a pardon or relieve accord-

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ing to your own deliberate judgment, whether the members of our said Executive Council concur therein or otherwise, entering nevertheless on the minutes of the said council a minute of your reasons at length, in case you should decide any such question in opposition to the judgment of the majority of the members thereof.

60. And whereas you will receive through one of our Principal Secretaries of State a Book of Tables in blank (commonly called the Blue Book), to be annually filled up with certain returns relative to the revenue and expenditure, militia, public works, legislation, civil establishments, pensions, population, schools, course of exchange, imports and exports, agricultural produce, manufactures, and other matters in the said Blue Book more particularly specified with reference to the state and condition of our said colony; now we do hereby signify our pleasure that all such returns be accurately prepared, and punctually transmitted to us, from year to year, through one of our principal Secretaries of State, and that no officer in our said colony, within whose department it may be to contribute any return or returns for the purposes aforesaid, or to prepare the same when so contributed, shall be entitled to receive, or shall receive from you any warrant for the payment of his official salary which may become due and payable to him, so long as such duty as aforesaid shall be in arrear, or remain unperformed.

61. And it is our further will and pleasure that you do to the utmost of your power promote religion and education among the native inhabitants of our said colony, or of the lands and islands thereto adjoining, and that you do especially take care to protect them in their persons, and in the free enjoyment of their possessions, and that you do by all lawful means prevent and restrain all violence and injustice which may in any manner be practised or attempted against them, and that you take such measures as may appear to you to be necessary for their conversion to the Christian faith, and for their advancement in civilization.

62. And we do hereby declare our pleasure to be, that the preceding instructions shall be taken and understood as addressed to the governor for the time being of our said colony, or to the officer for the time being administering the government thereof, notwithstanding the same, or any part thereof, may be in terms addressed to you the said John Hobson.

63. And we do hereby reserve to ourselves, our heirs and successors, full power and authority from time to time to revoke, alter, renew, or explain these our instructions, or any part thereof.
