

Despatches from the New Zealand Company Secretary

New Zealand House, Broad Street Buildings, London to Captain Wakefield, Nelson
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02 Jan 1843 (No.1)

I have to acknowledge the receipt, during the past year, of your Despatches of the dates and numbers specified on the other side: the Despatches addressed to you by the Court, within the same period, are numbered from 1 to 39 both inclusive.

02 Jan 1843 (No.2)

I beg to inform you, in reply to your letter dated 14th February 1842, that the wife of John Armstrong was sent out to Nelson as a free Emigrant in the ship *Indus* which sailed from hence on the 1st October last.

31 Jan 1843 (No.4)

Statement of Bills drawn upon the New Zealand Company which have been accepted and also of payments on account of Officers and others in the Nelson Settlement from 15 Nov 1842 to 31 Jan 1843. Mentions William Budge, Arthur Wakefield, Alexander MacShane, Frederick Tuckett, David Browne, Thomas Musgrave, W. C. Young, Thomas Hughes, Samuel Revans, Francis Otterson, George Lidbetter.

03 Feb 1843 Statement of Transfers of Land Orders in the Settlement of Nelson

Transfer Nos 546 to 560 Mentions Francis Dillon Bell of 60 Ebury Street, Eaton Square; Joseph Somes of Mile End, London; James Tytler of Edinburgh; James Stuart Tytler and George Michael Tytler of Nelson.

03 Feb 1843

Secondary Ballots. Register of Applications for Preliminary Allotments in the Settlement of Nelson. Applications 40 to 48. Mentions John Nicholas Beit and John Beit of Hamburg, Merchants; George Carpzon Garrison and Gottfried Gustav Friederich Becker of Hamburg, Merchants; James Meek of Somerset Place, London.

16 May 1843 (No.5)

Letter about the appointment of Francis Dillon Bell as Company's Emigration Agent at Nelson

18 May 1843 (No.6)

I am directed to transmit to you the accompanying Copy of an Agreement between the New Zealand Company and the owners of the ship *Ursula* which is about to sail from this port for Wellington and Nelson. The ship is not chartered by the Company, but is dispatched under its sanction and subject to its regulations. A family named Trotter, consisting of six individuals have been put on board by the Company, as free Emigrants, to be landed at Nelson in regard to whom it will be necessary that the usual Certificates be transmitted. The head of this family is a Gardener by trade, and from the favourable character they have heard of him the Directors are induced to recommend him to your favourable notice.

Annotation: The Trotter family has been landed at Wellington upon their refusal to proceed to Nelson.

Memorandum of Agreement (Copy) for the ship *Ursula* enclosed: Between the New Zealand Company and John Ridgway & Company of Liverpool, merchants dated 11 May 1843

18 May 1843 (No.7)

Sir, I beg to inform you that three cases of seeds have been shipped on board the *Ursula*. Bill of Lading enclosed: Dated 16 May 1843 at London – Mentions J. Stayner, 110 Fenchurch Street, Ship and Insurance Broker to the New Zealand Company.

19 May 1843 (No.8)

Statement of Notices of Transfer of Land Orders since the 3rd February 1843 Nelson Settlement Transfer Nos 562-568, 578-583, 595-597 Mentions: John Pearce Kennard of London, Banker; William Speir of Southgate, Middlesex; Francis McNaghten Roberts late of Bishopsgate Street; Browne Roberts of 2 Moorgate Street; Hon Laura Maria Tollemache of Ham House, Surrey; Hon Algernon Grey Tollemache of Ham House, Surrey; Edwin Davis late of London; Edwin Davis of Hill; George Moore of Bowchurch Yard, London; Joseph Somes of New Grove, Mile End; John, Lord Strafford, General in the Army.

19 May 1843

Secondary Ballots. Register of Applications for Preliminary Allotments in the Settlement of Nelson. Applications Nos 49-51. Mentions: Nathaniel George Morse, of Great Ealing, Middlesex; William Hodgson of Rivington in the County Palatine of Lancaster; Charles Bigg Wither of Winchester.

19 May 1843 (No.9)

Statement of Bills drawn upon the New Zealand Company which have been accepted, and also of payments on account of Officers and others in the Nelson Settlement from 01 Feb 1843 to 19 May 1843. Mentions: D. J. Williams of Cape Town; Arthur Wakefield, Thomas Duffey, Frederick Tuckett, Alexander MacShane, Thomas Musgrave, J. Howard, Samuel Stephens, Francis Jollie, Phillips, King & Co for supplies per ship *Thomas Sparkes*, Francis Otterson, Morrison & Sclanders, William Spence, Nathan & Joseph, Union Bank of Australia, Waitt & Tyser.

Annotation: Accompanying the Statement is a copy of supplies to Mr Williams, as Surgeon of the *Thomas Sparkes*, for which a Bill was drawn by him upon the Company. You will of course take care that Mr Williams renders a proper amount of the appropriations and delivers over any balance.

Payment 24 Apr 1843 to James Chapman, being the balance of wages due to him in respect of the deduction of £13 6s – as per Certificate of Captain Wakefield dated Nelson 14 Mar 1842 as payment made to his Wife in England, the sum of £12 12s – only having been paid.

Copy of Supplies to D. S. Williams as Surgeon of the *Thomas Sparkes* for which a Bill drawn by him in favour of Phillips King & Co. was accepted, payable 01 Mar 1843. Mentions: A. & J. Taylor for Groceries; M. Thalwitzer for Hire of Store; J. Fuller for bread supplied; G. N. Micham for meat; W. A. Cameron for meat and vegetables; J. & J. Sinclair for landing and shipping Baggage of Emigrants

20 May 1843 (No.10)

By Direction of the Court, I transmit a Steel-engravers Seal of the Company's Arms, which – as you will perceive from the words upon the face of it – is intended to be the Official Seal of the Company's Agent at Nelson for the time being; and the Court desires that you will be good enough to see to its careful preservation.

16 Jun 1843 (No.11)

I am directed to request that you will deliver the accompanying Original Nelson Special Land Order Register No.480 to Mr W. L. Shepherd, a settler there, on his giving a receipt for the same. The Counterparts will be sent by the next opportunity.

20 Jul 1843 (No.12)

The Court of Directors having this day accepted my resignation, and having appointed Mr Thomas Cudbert Harington to be Secretary to the Company, I have to acquaint you therewith, and to request you will address to Mr Harington all your future communications relative to the business of the Company.

25 Aug 1843 (No.13)

I have the honour to acknowledge the receipt of your Despatch No.2 of the 4th March last, addressed to the late Secretary, reporting an overpayment of £20 to Mr Kearns, late Surgeon-Superintendent of the ship *Prince of Wales*. The Directors regret the circumstances; but should Mr Kearns return to England, they will call upon him to return the amount. To do this, however, with effect it will be necessary that they should have in their possession Mr Kearns' receipt or a Notarial Copy of it; and I am therefore, to request that you will take the earliest opportunity of forwarding said document.

28 Aug 1843 (No.14)

I have the honor by direction of the Court, to acknowledge the receipt of your Despatches to the late Secretary, dated respectively 10th and 30th November last – Nos 3 and 4. The Court is much gratified at the account you give of the Coal seam in progress of working at Motupipi in Massacre Bay, with the prospect of a satisfactory result. The four puncheons of the Coal obtained there, which you advise as having forwarded, have been received. A portion of this Coal has been subjected to a comparative analyses with some West Hartley coal, and the result is shewn in the accompanying memorandum.

In testimony of its obligation to Mr Saxton for having prepared the series of panoramic views of Nelson which were transmitted by you in November 1842, and received here in April last, the Court has voted to that Gentleman the sum of £150. I am accordingly directed to transmit to you the accompanying copy of the Resolution upon the subject, passed by the Committee of Management and approved by the Court, with a request that, in communicating it to Mr Saxton, you will present him in the name of the Court with the sum above mentioned.

The case of specimens of Native Plants was duly forwarded, in compliance with your request, to Sir William Hooker, of whose letters of acknowledgement I enclose a copy. From this you will be gratified to perceive that the plants arrived in good condition.

The Court observes with satisfaction that your introduction of two swarms of Bees into the Settlement is likely to prove a successful experiment.

The Principal Agent has already been instructed in relation to the case of Mr Deans, in a Despatch addressed to him under date of the 15th June last.

Memorandum: The following are the results of some experiment tried on New Zealand Coal.

Three pounds of New Zealand Coal were put into a Crucible, and allowed to become bright red hot for one hour in a Furnace. The same with West Hartley. New Zealand Coal lost in weight one pound 12 ounces, West Hartley one pound 1 ounce. New Zealand more volatile by 11 ounces. Ten pounds of New Zealand coal burned in a small stove took three hours to evaporate four pounds of water – weight of ashes and cinders left behind one pound five ounces. Ten pounds West Hartley burned two hours and evaporated in that time 6¾ pounds of water, weight of ashes and cinders one pound four ounces. It appears therefore that the difference is greatly in favour of West Hartley. The differences arises (probably) from the New Zealand coal being more difficult to ignite than the West Hartley; and if the former were put into a Furnace already ignited, I think that it would evaporate more water. For the rest, I have a good opinion of it, and think that it will prove a most valuable fuel for steamers.

Extract from the Minutes of the Committee of Management, confirmed by the Court of Directors of the New Zealand Company 24 Aug 1843. Letter referred to from Captain Wakefield dated 10 Nov 1842 respecting the panoramic views of Nelson executed by Mr Saxton.

A recommendation to be made to the Court to the effect that Mr Saxton be requested to accept the sum of £150 in testimony of the Court's obligation to him for having executed so valuable a set of Drawings which have met with the approval of every person who has seen them.

20 May 1843 W. J. Hooker, Director, Royal Botanic Gardens, Kew

Sir, I have the honor to acknowledge your donation to the Royal Botanic Gardens, of a Case of Plants from New Zealand, which have arrived in very good condition, and I beg to return you my thanks for the same.

28 Aug 1843 (No.15)

I have the honor, by direction of the Court, to transmit to you the accompanying Copy of an instructional Despatch addressed to the Principal Agent, on the subject of two new Settlements which the Company contemplates establishing in New Zealand.

Enclosed: 17 Aug 1843 (No.46) Harington to Colonel Wakefield

Enclosed: 07 Aug 1843 John Ward to Colonial Land Emigration Commissioner

Enclosed: 07 Aug 1843 G. W. Hope to Joseph Somes

28 Aug 1843 (No.16)

I have the honor, by direction of the Court, to transmit to you the accompanying Copy of a Despatch addressed to the Principal Agent respecting Mr Tuckett, Principal Surveyor at Nelson.

Enclosed: 27 Jul 1843 Harington to Colonel Wakefield (No.44)

The attention of the Directors has been drawn to the numerous occasions on which the Agent at Nelson has found reason to bring under notice the very zealous and satisfactory manner in which Mr Frederick Tuckett, the Chief Surveyor under his Orders, has performed his duties, and the unusual rapidity with which, by means of his exertions, considerable portions of land have been rendered available to the Company, and purchasers enabled to obtain possession of their allotments. In consequence, I am directed to transmit to you, for the purpose of being forwarded to Captain Wakefield, and communicated to Mr Tuckett, the accompanying Copy of a Resolution passed yesterday by the Committee of Management, and this day confirmed by the Court of Directors, expressing their marked approbation of that Gentleman's conduct.

Extract from Minutes 26 Jul 1843 – Resolved: "That a Despatch be prepared and transmitted to Colonel Wakefield, by the *Himalaya*, expressing a marked approbation of the manner in which Mr Tuckett has conducted the surveys at Nelson, and the zeal, ability, and judgment with which that Gentleman has performed the duties instructed to him at that Settlement."

28 Aug 1843 (No.17)

I am directed to transmit to you the accompanying Copy of an Agreement between the New Zealand Company and the Charterers of the ship *Himalaya*, which is about to sail from this port for New Plymouth, Wellington and Nelson. The Ship is not chartered by the Company, but is despatched under its sanction, and subject to its regulations.

Enclosed: Memorandum of Agreement made 05 Jul 1843 between the New Zealand Company and John Ridgway and Company of Liverpool

30 Aug 1843 (No.18)

With reference to my Despatch No.8 of the 19th May last, I herewith transmit to you a Statement of Notices of Transfer of Nelson Land Orders since that date together with a Statement of Sales of Allotments in Nelson. Transfer Nos 598 to 600: Andrew Horsburgh and Andrew Davidson to Andrew Davidson of Great Marylebone Street; Transfer No.613 David Edward Jones of Caversham Terrace, Chelsea to Henry Samuel Chapman of Middle Temple, London

Secondary Ballot (No.14) Register of Applications for Preliminary Allotments in the Settlement of Nelson. Nos.52 to 53 George Freeman, Gentleman, Tewkesbury, Gloucestershire
No.54 Maurice William Otway Burke, Marble Hill, County Galway, Ireland
No.55 Hugh Martin, Overbury, Worcestershire

30 Aug 1843 (No.19)

With reference to my Despatch No.9 of the 19th May last, I have now to transmit to you a Statement of payments made here on account of the Nelson Settlement, since that date. Enclosed listing of bills mentions: W. Budge, Arthur Wakefield, Frederick Tuckett, J. H. Budge, Alexander MacShane, Nathan & Joseph, James Howard, Francis Jollie, William Morgan, Thomas Duffey, Morrison & Sclanders, Thomas Musgrave, Joseph Boulcott. Signed Joseph Jackson, Accountant.

30 Aug 1843 (No.20)

By direction of the Court, I transmit to you the accompanying copy of a Despatch to the Principal Agent, respecting a passage allowance Certificate granted to Mr Henry H. Wood.

Enclosed: 30 Aug 1843 (No.62)

Sir, Mr Henry Henson Wood, now proceeding to New Zealand in the *Himalaya* has received a Certificate for passage allowance to the amount of £42, as drawback under the regulations, on the purchase of an adequate quantity of land at New Plymouth. He now desires that the allowance should be made available for either of the three settlements, at which, after he has seen and judged for himself, he may make up his mind to settle. You are authorised to permit this, and you will be pleased to instruct Captain Wakefield accordingly.

31 Aug 1843 (No.21)

I have the honour, by direction of the Court, to transmit to you for your information and guidance, the accompanying Copy of a Despatch addressed to the Principal Agent, on the subject of granting leases of the Company's own lands at Nelson.

Enclosed: 31 Aug 1843 (No.68) – longish letter

12 Oct 1843 (No.22)

I have the honour, by direction of the Court to transmit to you for your information, the accompanying copies of a Publication entitled "Colonization Circular", issued from time to time by Her Majesty's Colonial Land and Emigration Commissioners.

27 Oct 1843 (No.23)

As it is possible the schooner *Governor* may touch at Nelson, I am directed to transmit for your information and guidance copies of the following Dispatches addressed to the Principal Agent and relating to that settlement namely –

No.79 Respecting the salaries of the Company's Officers

No.97 Respecting prices and sale of allotments in Nelson

Enclosed: 14 Sep 1843 (No.79)

At the meeting of the Court of Directors this day, an observation was made that above four months had now elapsed since the establishment of amicable relations between the Company and the Government had enabled the Directors to resume the Sales of Land – and the question was considered whether the time had not therefore arrived for redeeming the pledge implied in the Courts Dispatch of 18th May last, No.26/43 by restoring the salaries of yourself, Captain Wakefield and Mr Wicksteed and also of Mr Kelham, to the footing on which they respectively stood, prior to the reductions ordered by the Dispatch of 26th January preceding No.2/43.

The Directors present were unanimous in their opinion upon two points – namely – the great value and importance of the services of each of the Gentlemen alluded to and the obligation on the Court to restore their Salaries as above mentioned, at the very earliest moment that the state of their Finances should render it practicable.

But on the one hand it appeared that to carry out the operation of the Company with the vigour and effect which alone can render them eventually profitable, it had been found necessary to solicit a Supplemental Charter from the Crown; and so late as on the 21st of last month, to convene a Special Court of the Proprietors, for the purpose of obtaining their consent to raise a sum of £50,000 to be eventually increased to £100,000. Notwithstanding also the reductions effected by you, and the receipt of the above £3,000, for the Sale of Lands at New Plymouth, the Bills from the Colony – accepted by the Court in two successive weeks had alone amounted to £8,927 10s and it was necessary to reserve yet further funds, for other similar demands, the amount of which there were no means of foreseeing or calculating. On the other hand, although it is true that the Company is now on a footing of cordiality with Her Majesty's Government, sufficient time has not yet elapsed to admit of the realisation of the anticipated favourable results – the entire sum derived from the Sales of Land in this Country, from their resumption on 12th May last, up to the present date being less than £2,400. Under these circumstances the Court feel assured that the same zeal and attachment to the Company which had already led the Gentlemen above named to devote their best energies to its service would now prompt them to acknowledge at once that however strong the present desire of the Directors, they are not yet justified in gratifying that desire, by authorising the expenditure now in question. The decision to which this assurance necessarily led, is briefly embodied in the enclosed Copy of the Resolution – But in communicating it to the Gentlemen interested, I am instructed to request that you will convey also the sentiments expressed by the present Dispatch.

Extract from the Minutes of the Court of Directors of the New Zealand Company dated 14th September 1843. "The question considered of the propriety of restoring the Salaries of the Company's Agents at Wellington, Nelson and New Plymouth, and of Mr Kelham the Accountant at Wellington to the sums of which they were respectively in receipt before the reduction ordered by the Court's Despatch of 26th January 1843 No.2/43 Resolved: That this Court is pledged to restore the Salaries of the Gentlemen above named to their former footing, at the earliest practicable moment, and most anxious to redeem that pledge: - but on referring to the Land Sales hitherto effected, the Court regrets to find that sufficient time not having yet elapsed to produce the effects anticipated from the cordiality which now subsists between the Company and Her Majesty's Government, the amount actually realised is not yet sufficient to justify the Directors in acting on their own wishes in this respect. That this subject be brought forward from time to time by the Committee of Management, for further consideration; and that, in the meantime, Colonel Wakefield and the other Gentlemen be apprised accordingly."

Enclosure: 26 Oct 1843 (No.97)

Sir, Referring to the Court's Dispatch of the 17th August No.48/43 respecting the disposal of the 192 allotments in Nelson, reserved for sale in the Australian Colonies, to that of 31st August No.68/43 respecting the lease and sale of the Company's own lands in Nelson; and to the Dispatch of this date, No.96/43, respecting the sale of New Plymouth allotments by Private Contract: I am now desired by the Court to observe that, in accordance with the principles laid down in the latter dispatch, it will be proper so to regulate the prices of the several kinds, both of the Company's own lands in Nelson, and of those in the same Settlement, reserved for sale as above mentioned, as at no time to afford room for the accusation, or suspicion, that the Company is underselling the Private Original Proprietor. By the printed Terms of Purchase of 15th February 1841, the price of each Nelson allotment is fixed at £300 and it is stated to consist of the following sections, namely, Town land one acre, Accomodation or Suburban Land 50 acres and Rural land 150 acres.

The price of the Town Section in New Plymouth has now been fixed at £12 the quarter acre or £50 for an acre. If this be assumed as the price of a Town Section in Nelson; and the Government rate of 20s an acre, as the price of the Rural Section, the balance will of course exhibit the value of the suburban section, and the several prices will respectively stand thus:

Town Section	1 acre	£50
Suburban Section	50 acres at 40s	£100
Rural Section	150 acres at 20s	£150
Total price of allotment		£300

The Court does not wish absolutely to decide on these prices, but suggests them for your consideration, and requests that you will adopt them or any others which may appear to yourself and Captain Wakefield to be more desirable – keeping always in view that the minimum price of the entire allotment, or of these sections is to preclude all ground of complaint that the original land owner is being undersold.

You will, of course, understand that you are at liberty to affix any price higher than those respectively above mentioned, in any case in which you may be satisfied that such higher sum is the just value of the section. In this you will exercise your own judgment.

21 Oct 1843 (No.95)

Sir, In transmitting to you the accompanying copy of a letter from Mrs Ann Williams, I am directed by the Court to request that, if in the power of yourself or either of the Company's Agents, you will enable me to reply to the enquiry therein contained respecting her son Edwin or Edward Williams, formerly employed in H.M.S. *Buffalo*. I am also directed to take this opportunity of requesting that, if in your power you will enable me to answer similar enquiries respecting George Wales, who emigrated in the *Thomas Harrison*, and is mentioned in the enclosed letter from the Rev S. Wesley of Higham Ferrers.

Enclosure: Copy of letter from Ann Williams, Bell Inn, Tudor Street, Abergavenny 09 Oct 1843

Sir, Would you have the goodness to inform me, is there a young man of the name of Edwin or Edward Williams entered about October 1840 to go to New Zealand. I shall feel very thankful if you can give me some information about him as he was a most dutiful Son. He left Her M.S. *Buffalo* on the 12th October 1840 that was the last account I had from him. I shall therefore deem it a great kindness...

Enclosure: Copy of letter by S. Wesley, of Higham Ferrers, Northamptonshire written from Worcester 31 Aug 1843. Sir, Having no other source to which I can apply I have taken the liberty to address you to gain information on the following subject:- Mr George Wales and family emigrated to New Zealand under the auspices of the New Zealand Land Company by the ship *Thomas Harrison* which left London the 26th May 1842. Mr Wales is a Carpenter, and intended residing at the "Nelson Settlement", but no intelligence has been received from them since they left England, which leaves their friends in a state of distressing uncertainty. Could you inform me whether the Vessel arrived safely – what is their address and by what medium we could communicate with them, you would confer upon me a great favour.

12 Oct 1843 (No.85)

Sir, I do myself the honor to inform you that the following Despatches have been received direct from the Resident Agent at Nelson, and this day laid before the Court – namely – No.15 to 19 both inclusive, 43/2262 to 43/2266, Private 2nd May 1843.

28 Oct 1843 (No.100)

Sir, Referring to the Court's Despatches of 15th June 1843, No.36/43, and to paragraph 6 of the Despatch to Captain Wakefield of 28th August, No.14/43, by which was approved the course taken by Captain Wakefield in the case of Mr Deans, I am now directed to transmit to you the accompanying copy of the opinion of Counsel, and to inform you that, in accordance therewith, the Court has determined to give Mr Deans the benefit of the mistake which has been made and not to enforce the observance of the Conditions of the Special Land orders.

Other land orders not containing those special conditions are accordingly now enclosed, for the purpose of being exchanged for the Special ones transmitted to Captain Wakefield in June 1842, and I am to request that these last mentioned may be returned to me to be cancelled. Time does not admit of the entire correspondence being copied for the present opportunity, but it shall be forwarded by the *Theresa*, appointed to sail on the 10th of next month.

P.S. The originals only of the New Land orders are now sent. The Counterparts of Duplicates, shall follow by the *Theresa*.

Enclosed: Opinion of Counsel

I am of opinion, after much consideration of this Case, that the Company would have great difficulty in enforcing the observance of the Conditions of the Special Land orders, in reference to the Allotment purchased by Mr Deans, and that they would probably fail altogether. The original Terms of purchase certainly authorised the Directors, in contracting with a purchaser, to make any stipulations they thought proper in reference to the grant of free passages; and under the second terms of purchase no one could be entitled to greater privileges in respect to an allowance for Cabin Passage than those who bought allotments before the general ballot. If therefore those privileges were fixed and uniform, not varying according to the merits of each particular case Mr Deans could not claim under his Contract with the Company any greater privilege than had been accorded to previous purchasers and the allowance of passage money was conditional, and the condition was, the acceptance of a Special Land order, he could not have compelled the Company to give him any other. I think there is nothing in the Special Land order which they might not legally require as a condition precedent to the allowance, and that Mr Deans could have made no objection upon this ground. But any condition which the Company might impose, they might waive or dispense with and by serving a Land order in the common form to Mr Deans, and allowing him to retain possession of it for several months the Company have furnished such evidence of a waiver or dispensation in this case, that they would not, I think, successfully contend that the transmission of it in this form and a mere mistake. If indeed Mr Deans had afterwards delivered up the order on the terms of Mr Bell's letter of May 1842 such a delivery would have rectified the mistake; but upon his own statement it is clear that he did not part with the order on the terms of that Letter, and if it was obtained from him (as he states) merely to correct an informality the detention of that document, and the transmission of another of a different character, have rather the appearance of urula fides than the correction of a mistake. It is clear that he never accepted the Special Land order, and I do not see any evidence that he agreed to accept it when he parted with the other.

Under the circumstances stated I think the Directors should give Mr Deans the benefit of the mistake committed by their Secretary and not attempt to enforce the observance of the conditions in question. Signed John Buckle, Sudbury 17 Oct 1843.

After reading the Letter of Mr James Deans (06 Oct) I see no reason to alter the opinion I have given as to the course which the Directors should adopt. If his statement is correct as to the other persons referred to in his Letter it would seem that there is no such uniformity as the case assumes, but whether the Statement is true or not, I think for the reasons I have given that the Directors should not attempt in this case to enforce the conditions. Signed J.B., Sudbury, 21 Oct 1843.

28 Oct 1843 (No.24)

Sir, With reference to my Dispatch No.19 of the 30th August last, I have now to transmit to you a Statement of Payments made here on account of the Nelson Settlement since that date.

Enclosure: Statement of Bills 27 Oct 1843 mentions – Arthur Wakefield, Francis Jollie, Alexander MacShane, Thomas Duffey, Frederick Tuckett

28 Oct 1843 (No.25)

Sir, I am directed to transmit to you the accompanying copy of an agreement between the New Zealand Company and the Charterers of the ship *Theresa*, which is about to sail from this Port for New Plymouth, Wellington and Nelson. The ship is not chartered by the Company, but is dispatched under its sanction and subject to its regulations.

Enclosure: Memorandum of Agreement made 07 Oct 1843 by and between the New Zealand Company of the one part, and George Butler Earp, merchant, charterer of the ship *Theresa* now intended to be dispatched from the port of London on a voyage to New Plymouth, Wellington and Nelson in New Zealand of the other part...

16 Nov 1843 (No.26)

Sir, In transmitting to you the accompanying letter and enclosures addressed to Dr Renwick, residing at Nelson, I am directed to request that you will be good enough to cause them to be delivered to that Gentleman.

17 Nov 1843 (No.27)

Sir, I have the honour, by desire of the Court, to transmit, for your information and guidance, the accompanying copy of a despatch addressed to the Principal Agent, relative to the case of Mr Deans.

Enclosure: 17 Nov 1843

Sir, With reference to the Dispatch of 28th October 1843, No.100/43, respecting the case of Mr Deans, I have now, the honour to transmit the Duplicates or Counterparts of the New Land-orders which were then enclosed, together with copies of the several letters mentioned in the amended list. You will perceive that in Mr James Dean's letter of 11th July 1843 he states "In a private letter which I have just received from my Brother dated Port Nicholson 16th January 1843, he says some of the Purchasers of Land who came out after me were never asked to change their orders, and others who had never been a week in the place had £75 given them after coming out at their own expense." But in his letter of 6th October, he states, I may say that it consists with my knowledge that purchasers of Land in the Wellington Settlement who received passage allowances and left the Colony immediately, or very shortly after their arrival, were not required to repay the passage allowance or refused a confirmation of their Title, on that account, and my Brother mentions in his letter (and I have every reason to believe he states the truth) that some of the purchasers of Land in the Nelson Settlement who got Land Orders of the same nature with those originally delivered to him and received passage allowances were never desired to change their land orders, and that other purchasers of land in that Settlement who went to the Colony at their own expense, had £75 given them in repayment of the price of their passage out, and were not desired to refund this money though they did not remain a week in the Settlement.

The Court, as you will observe, has expressed its belief in the Letter to Messrs Few, dated 17th October, that in making these assertion Mr Dean's has been mistaken. But I am directed to request, lest they be again brought forward, that if you can in any way identify any of the cases alluded to you will report the particulars, so as to enable the Court to return an answer.

Enclosure [1] James Deans, Kilmarnock, N.B. to Joseph Somes 11 Jul 1843 – mentions John Deans Jnr and includes copies of earlier correspondence from the previous year

Enclosure [2] James Deans, Kilmarnock, N.B. to Joseph Somes 31 Jul 1843

Sir, I had the honour to write you as Governor of the New Zealand Company upon the 11th instant on behalf of my brother, a purchaser of Land at Nelson and have been daily expecting an answer which I have not yet received. As the matter cannot well... and over I will be obliged by your either writing or causing the Secretary of the Company to write me on the subject without any further delay. In case I do not receive an answer, I will write the Secretary of the Company on the subject before taking any other steps.

Enclosure [3] T. C. Harington to James Deans 09 Aug 1843

Sir, The Governor of the New Zealand Company having laid before the Directors your letter of 31st July, I am instructed to inform you that, in consequence of the retirement of the late Secretary, your former letter of the 11th July, had been accidentally mislaid. But it has now been found, and will be taken into consideration without delay.

Enclosure [4] James Y. Deans, Kilmarnock, N.B., 13 Sep 1843

Sir, I received a letter from you dated the 9th ult., intimating that my letter to the Governor of the New Zealand Company of date the 11th July would be taken into consideration by the Directors without delay. I expected to have heard the result of this consideration in a few days and was disappointed that more than a month has passed without my receiving any farther communication from you. As it is of consequence to my Brother on whose behalf I write that the matter should be settled as soon as possible. I will thank you to inform me of my letter has yet been considered by the Directors and with what result. If not yet taken into consideration when is it likely to.

Enclosure [5] Mr Harington to James Deans 23 Sep 1843

Sir, I have had the honor to receive and submit to the Directors of the New Zealand Company your letter of 13th September, stating that you had been disappointed in not sooner hearing the result of the consideration promised to be given to the case of your brother, as represented in your letter of 11th July. In reply I am instructed to inform you that the communication received an early and full consideration as promised in my letter of 9th August, and the result was a decided conviction in the mind of the Directors that your Brother was not entitled to what he had demanded for his passage, namely a confirmation of his Title to the land without repayment of the sum which had been allowed, for his passage. But as points of law were involved, and the Directors were anxious to render strict justice to every person interested, they thought it right to refer the papers for the opinion and advice of their Solicitor. That opinion has not yet been given but whenever it is received no time shall be lost in communicating to you the results.

In the meanwhile I may mention to you one fact, of which neither your Brother nor yourself, seem to be fully informed. You appear to consider that the condition of either residing personally on the land for twelve months, or of repaying the passage allowance, was attempted to be imposed specially upon your Brother, and that the Company has some interest in so imposing it. Neither supposition is founded upon fact. The condition in question is exacted from every person without exception, who receives the indulgence of passage allowance. It was a mere oversight that Land orders in the form containing this condition were not issued to your Brother as they ought to have been, in the first instance, and the only interest which the Company has in enforcing it, is to take care that no portion of the Emigration Fund, established expressly for the purpose of securing to the Settlement of Nelson the benefit of a resident Proprietary, he, by an means which the Directors can prevent, diverted from the purpose.

Enclosure [6] James Deans, Kilmarnock, N.B., to T. C. Harington 06 Oct 1843 – 12 pages

Enclosure [7] T. C. Harington to Messrs Few & Co. 17 Oct 1843

Gentlemen, Referring to my letter of the 29th September, in which was returned to you, for the purpose of being laid before Counsel, the case drawn up by you in the matter of Deans, I am now directed to transmit to you the accompanying letter since received from Mr James Deans, and detailing further arguments on his Brother's behalf. In so doing, I am to mention with reference to the statements therein made, of exceptions allowed in favour of other persons at Wellington and at Nelson – the Court is not aware that any report has been received of such exceptions – and without further evidence it cannot admit the belief that the Company's Agents have so neglected their duty as to permit such an evasion of the Established Regulations. I am also directed to take this opportunity of impressing upon you the desirableness of an early report upon this case.

Enclosure [8] T. C. Harington to James Deans 09 Nov 1843

Sir, The Counsel consulted by the Directors of the New Zealand Company having given it as his opinion, that the mistake made in respect to the Land orders appertaining to the allotment purchased by your Brother, Mr John Deans, would render it difficult to enforce in this particular case, the conditions of the Special Land order, the Directors are compelled most unwillingly for the sake of the public interests of the settlement of which they are the Guardians to refrain from enforcing upon Mr John Deans the observance of those conditions. I am accordingly directed to inform you that by a vessel named the *Governor* which sailed I believe on Sunday last, Land orders in the original ordinary form were sent out to the Company's Principal Agent for the purpose of being delivered to Mr Deans, in lieu of those containing the Special conditions to which he has objected.

Enclosure [9] James Deans, Kilmarnock to T. C. Harington 06 Nov 1843

Sir, I am favoured with your Letter of the 3rd instant communicating the satisfactory intelligence that the Directors of the New Zealand Company have forwarded to their Principal Agent at Wellington Land orders for my brothers allotment at Nelson in the ordinary form, being satisfied, that they cannot compel him to implement the conditions contained in the Special Land orders to which he had objected.

17 Nov 1843 (No.28)

Sir, In transmitting, for your information, the accompanying copies of the eighth and ninth reports presented by the Directors to the Court of Proprietors of the Company, I am directed to draw your attention to the third Resolution adopted on the 21st of August, and to request that, in accordance therewith you will give instructions that a separate account may be kept of all Sales of Land subsequent to that date, and the Net Profit arising therefrom in order that one fourth part of the latter may be set apart and appropriated to the Guarantee Loan Fund therein resolved on.

17 Nov 1843 (No.29)

Sir, With reference to my Despatch No.22 dated 12th October last I now do myself the honour to transmit to you a further number (3) of the Colonization Circular published by the Colonial Land and Emigration Commissioners.
