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Province of Auckland.

NEW ZEALAND.

JOURNALS

OF THE

AUCKLAND PROVINCIAL COUNCIL.

SESSION XVIII., 1864—5.

WITH THE PRINTED COUNCIL PAPERS AND ACTS APPENDED.



AUCKLAND:
WILLIAM H. J. SEFFERN, PRINTER TO THE PROVINCIAL GOVERNMENT,
SHORTLAND STREET.

1865.

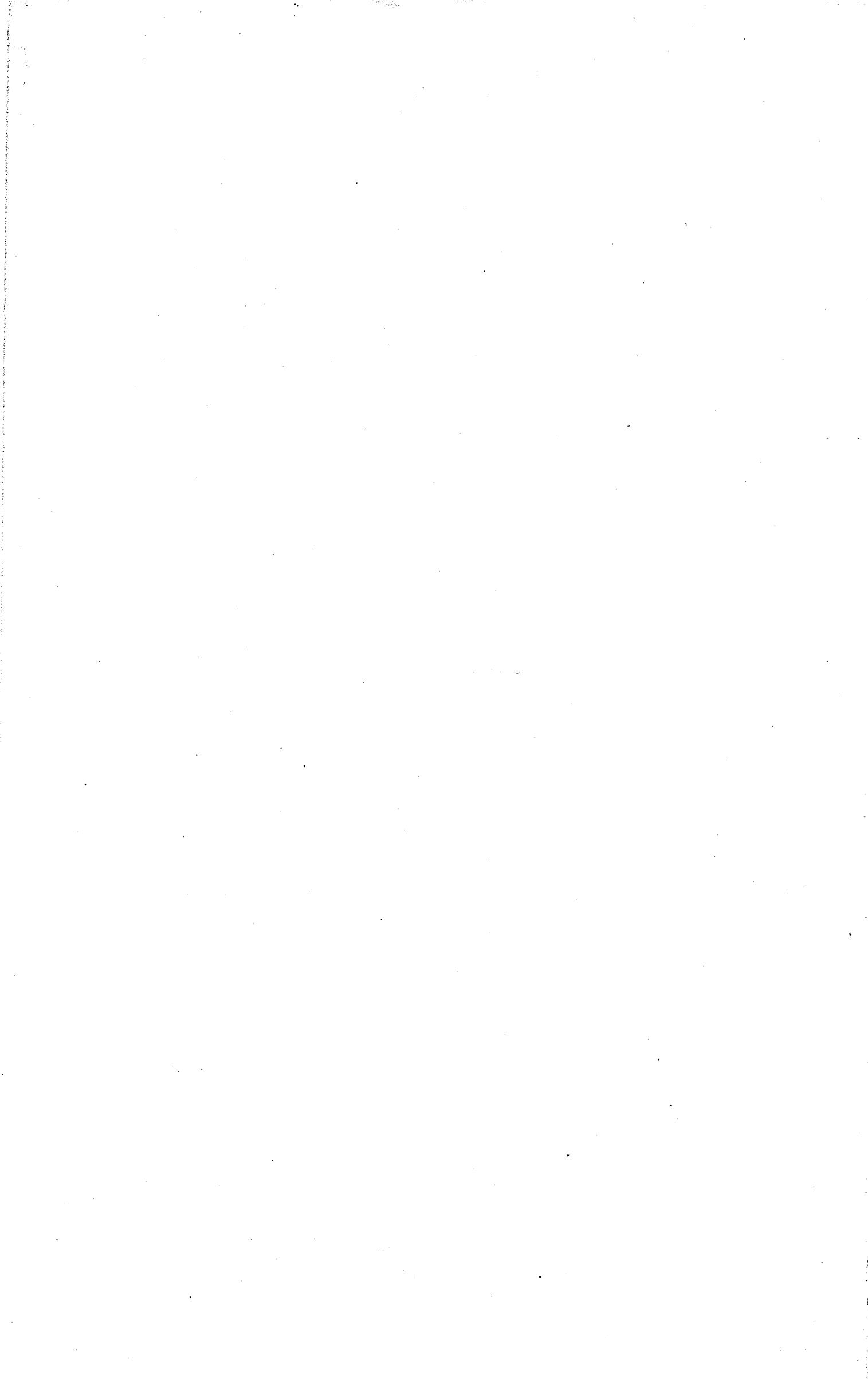
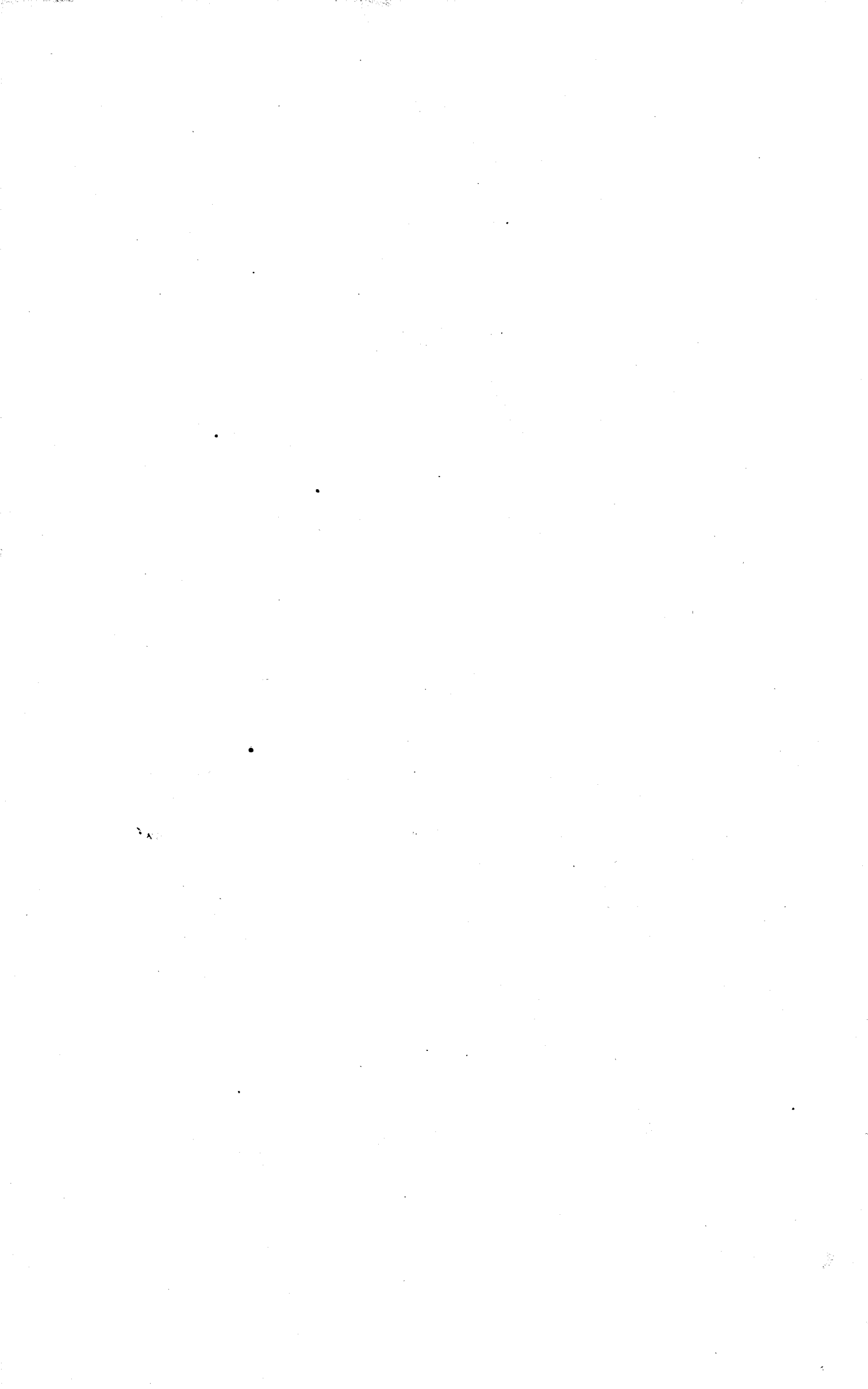


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Auckland Provincial Council.

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Auckland Provincial Council.

SELECT COMMITTEES APPOINTED

SESSION XVIII., 1864-5.

I.—SEPARATION COMMITTEE.

Mr. Speaker	}	Appointed December 22, 1864. Reported December 23rd.	Mr. J. O'Neill
„ Buckland			„ Sheehan
„ Cadman			„ Swanson
„ King			„ Webster
„ Newman			„ Wynn (mover.)

II.—PRIVATE GRIEVANCE COMMITTEE.

Mr. Cadman	}	Appointed December 23, 1864. Reported April 21. Mr. Wynn (mover.)	Mr. Kerr
„ Cheeseman			„ King
„ Foley			„ M'Kenzie
„ Gallagher			„ Ross
„ George			„ Skeen
„ Harrop			„ Swanson

III.—BUILDING BILL COMMITTEE.

Mr. Cadman*	}	Appointed January 31, 1865. *Added February 15. Reported April 25.	Mr. Sheehan
„ George			„ Swanson
„ King			„ Webster
Dr. Pollen			„ Carleton (mover.)

IV.—AUDIT COMMITTEE.

Mr. Ball*	}	Appointed February 1, 1865. *Added February 2. Reported May 2. Mr. Carleton (mover.)	Mr. A. O'Neill*
„ George*			„ J. O'Neill
„ King*			Dr. Pollen
„ Newman			Mr. Swanson

V.—FENCING AMENDMENT BILL COMMITTEE.

Mr. Ball	}	Appointed February 1, 1865. Reported March 15. Mr. Carleton (mover.)	Mr. King
„ Bassett			„ Ross
„ Foley			„ Wallace
„ Kerr			„ Williams

VI.—SUPREME COURT HOUSE COMMITTEE.

Mr. Ball	}	No. Report. Mr. Cadman (mover.)	Mr. J. O'Neill
„ Carleton			Dr. Pollen
„ King			Mr. Swanson
„ Martin			„ Wynn

VII.—HARBOUR WORKS COMMITTEE.

Mr. Speaker,	}	Appointed February 1st, 1865. Reported March 8. Mr. Swanson (mover.)	Mr. Newman,
„ Cadman,			„ A. O'Neill,
„ George,			„ J. O'Neill,
„ King,			Dr. Pollen,

VIII.—HOUSE COMMITTEE.

Mr. Cadman,	}	Appointed February 2nd, 1865.	}	Mr. Newman,
„ George,		Reported April 20.		„ Sheehan,
„ Foley,		Mr. King (mover.)		„ Wynn,

IX.—SLAUGHTER HOUSE COMMITTEE.

Mr. Buckland	}	Appointed February 3, 1865. Reported March 29.	}	Mr. M'Gee
„ Cheeseman				„ Newman
„ Kerr				Dr. Pollen
„ King				Mr. Wynn
„ Martin				„ Harrop (mover.)

X.—THISTLE ACT COMMITTEE.

Mr. Ball	}	Appointed February 7th, 1865. Reported April 25. Mr. Gallagher (mover.)	}	Mr. Ross
„ Cadman				„ Swanson
„ King				„ Williams
„ Martin				„ Wynn

XI.—CATTLE LANDING BILL COMMITTEE.

Mr. Carleton	}	Appointed February 7th, 1865. Reported March 3. Dr. Pollen (mover.)	}	Mr. Newman
„ King				„ Sheehan
„ Martin				„ Williams

XII.—REPRESENTATION BILL COMMITTEE.

Mr. Ball	}	Appointed February 14th, 1865. Interim Report, February 28th. No Final Report.	}	Mr. J. O'Neill
„ Blake				Dr. Pollen
„ Cadman				Mr. Ross
„ Foley				„ Swanson
„ Gallagher				„ Wallace
„ Harrop				„ Webster
„ M'Gee				„ Carleton (mover.)

XIV.—NORTHERN RESIDENTS PETITION COMMITTEE.

Mr. Ball	}	Appointed February 21st, 1865. Reported March 27. Mr. Swanson (mover.)	}	Mr. A. O'Neill
„ Blake				„ Ross
„ Cadman				„ Sheehan
„ Foley				„ Wynn

XV.—LIBRARY COMMITTEE.

Mr. Speaker	}	Appointed February 22, 1865. Mr. Wynn (mover.)	}	Mr. Harrop
„ Ball				„ King
„ Carleton				„ J. O'Neill
„ Cheeseman				Dr. Pollen
„ Foley				Mr. Swanson

XIII.—KAWA KAWA COMMITTEE.

Mr. Ball	}	Appointed February 14th, 1865. * Added March 15th. Reported April 19th and 20th. Mr. Cadman (mover.)	}	Mr. Ross
„ Carleton				„ Rowe
„ Newman				„ Williams
„ J. O'Neill				„ Wynn*

XVI.—TURNPIKE ACT COMMITTEE.

Mr. Buckland	}	Appointed March 1st, 1865. Reported April 27.	}	Mr. King
„ Cadman				„ Newman
„ Cheeseman				„ Wynn
„ Harrop				„ Gallagher

XVII.—STOCKADE COMMITTEE.

Mr. Ball	}	Appointed March 9th, 1865. No Report.	}	Mr. J. O'Neill
„ Blake				„ Martin
„ Cadman				„ Ross
„ Cheeseman				„ Swanson
„ King				„ Wynn (mover.)

XVIII.—WAIROA ROAD BILL COMMITTEE.

Mr. Cadman	}	Appointed March 28th, 1865. Reported April 7th.	Mr. Ross
„ Cheeseman			„ Sheehan
„ Gruchy			„ Wynn
„ Harrop			„ King (mover.)

XIX.—ONEHUNGA IMPROVEMENT BILL COMMITTEE.

Mr. Cheeseman	}	Appointed March 30th, 1865. Reported April 11th. Mr. Wynn (mover.)	Mr. King
„ Coolahan			„ M'Gee
„ Foley			„ Sheehan
„ Gallagher			„ Swanson

XX.—EDUCATION BILL COMMITTEE.

Mr. Cadman	}	Appointed April 12, 1865. Reported April 19. Mr. King (mover.)	Mr. J. O'Neill
„ Cheeseman			„ Ross
„ Coolahan			„ Rowe
„ Gallagher			„ Sheehan
„ M'Gee			„ Webster
„ Newman			„ Wynn

Auckland Provincial Council.

ABSTRACT OF PETITIONS RECEIVED BY THE COUNCIL DURING SESSION XVIII., 1864-5.

No.	When Received.	From Whom Received.	No. of Signatures.	By Whom Presented.	ABSTRACT OF PRAYER.	Remarks.
1	1864. December 23	James Heaton (discharged soldier)	One (1)	Mr. Harrop	That he may obtain a grant of land as a Military settler	Referred to Private Grievance Committee
2	1865. January 19	T. G. Shepherd (Arai)	One (1)	Mr. Carleton	That certain amendments be made in the Fencing Act	
3	" 24	Charles Hopkins (discharged soldier)	One (1)	Mr. J. O'Neill	That he may obtain a grant of land as discharged soldier	Referred to Private Grievance Committee
4	" 24	George Mill (Auckland)	One (1)	Mr. Foley	That he may obtain the Crown grant of land he has selected	
5	" 24	H. C. Lane (Auckland)	One (1)	Mr. Sheehan	That he may obtain a grant of land as immigrant	"
6	" 25	W. Robinson (Newton)	One (1)	Mr. Cadman	That he may obtain relief, his son's land order having lapsed through error	"
7	" 25	G. P. Hilton	One (1)	Mr. Skeen	That he may obtain relief, his land orders having lapsed through causes unavoidable	"
8	" 25	O. Lewis and others (Auckland)	One hundred and twenty-two (122)	Mr. Cadman	That provision be made for introducing a supply of pure water into the city	"
9	" 25	C. R. Leighton	One (1)	Mr. King	That he may obtain relief, his breach of contract arising from causes beyond his control	
10	" 25	O. Lewis and others (Auckland)	Eighteen (18)	Mr. Cadman	That steps be taken to introduce a supply of pure water into the city	Referred to Private Grievance Committee
11	" 25	O. Lewis and others (Auckland)	Ten (10)	Mr. Cadman	That steps be taken to introduce a supply of pure water into the city	
12	" 31	John Shields	One (1)	Mr. Sheehan	That he may obtain a grant of land as a discharged soldier	
13	" 31	John Murr Lord (Auckland)	One (1)	Mr. Cadman	That he may obtain relief because he failed to obtain land orders in England	
14	February 2	William Gear (discharged soldier)	One (1)	Mr. Swanson	That he may obtain a grant of land as a discharged soldier	Referred to Private Grievance Committee
15	7	Ellen Barry (Epsom)	One (1)	Mr. Cheeseman	That she may obtain relief, her land order having lapsed	"
16	" 7	Garret Barry (Epsom)	One (1)	Mr. Cheeseman	That he may obtain relief, his land order having lapsed	"
17	" 7	V. Nicholson (Auckland)	One (1)	Mr. Sheehan	That he may obtain relief, not being able to obtain a land order before leaving New Brunswick	"
18	" 7	Edward Jones (Auckland)	One (1)	Mr. Sheehan	That he may obtain relief on account of a discrepancy between the survey and the Crown grant of his land	"
19	" 7	W. Galbraith (Wade)	One (1)	Mr. Swanson		"

ABSTRACT OF PETITIONS—continued.

No.	When Received.	From Whom Received.	No. of Signatures.	By Whom Presented.	ABSTRACT OF PRAYER.	REMARKS.
20	February	James Kinsella (Newton)	One (1)	Mr. Cadman	That he may obtain relief in consequence of being unable to procure land orders	Referred to Private Grievance Committee
21	"	A. Morrison (Waipu)	One (1)	Mr. Ross	That he may obtain a grant of land, having served five years as certificated teacher	"
22	"	J. M'Donald (Wairoa)	One (1)	Mr. Swanson	That he may obtain relief, his land orders having lapsed through error	"
23	"	Edward Owen (Auckland)	One (1)	Mr. Cadman	That he may obtain relief, his land order having lapsed	"
24	"	Wm. Morrow Taylor (Auckland)	One (1)	Mr. Cadman	That he may be enabled to obtain a Crown grant of land	"
25	"	Jane Wood (Auckland)	One (1)	Mr. Cadman	That she may obtain relief, having failed to present her land order in time through illness	"
26	"	B. M'Laughlin (Wangarei)	One (1)	Mr. Ross	That he may obtain relief for forfeiture of deposit on purchase of land	"
27	"	F. Testa (Newton)	One (1)	Dr. Pollen	That she may not be deprived of her Crown Grant, having been a Teacher four years out of five	"
28	"	James O'Shea	One (1)	Mr. Carleton	That he may obtain land, having failed to obtain a land order through ignorance	"
29	"	John O'Neill	One (1)	Mr. J. O'Neill	That he may be awarded land, as he was unable to pay the agent's fee	"
30	"	W. Britton	One (1)	Mr. Sheehan	That he may obtain relief on account of a land order he bought having lapsed	"
31	"	G. W. Warwick	One (1)	Mr. Cadman	That he may be awarded land as a military officer	"
32	"	Wm. Whitethread (Wangarei)	One (1)	Mr. Ross	That he may be awarded land as a discharged soldier	"
33	"	S. P. Peacocke (Howick)	One (1)	Mr. Swanson	That he may be enabled to obtain land as military settler	"
34	"	James Ensor (Auckland)	One (1)	Mr. Swanson	That he may obtain relief, having failed to present certain land orders in time	"
35	"	Certain residents in Northern Division	Thirty-eight (38)	Mr. Swanson	That certain improvements on roads, &c., may be made at the North Shore	Referred to Select Committee, February 21; Reported on March 7.
36	"	Samuel Hay	One (1)	Mr. Wynn	That he may be enabled to obtain land as a retired military officer	"
37	"	James Lane (Howick)	One (1)	Mr. Wynn	That he may obtain land as a discharged soldier	"
38	"	H. Smith	One (1)	Mr. Wynn	That he may obtain relief, being unable to procure his land order	"
39	"	J. Dougall	One (1)	Mr. Wynn	That he may obtain land on account of persons he brought out at his own expense, but who neglected to obtain land orders	"

ABSTRACT OF PETITIONS—continued.

No.	When Received.	From Whom Received.	No. of Signatures.	By Whom Presented.	ABSTRACT OF PRAYER.	REMARKS.
40	February 21	A. McMillan	One (1)	Mr. Coolahan	That he may obtain land for military service in New Zealand	
41	" "	R. and E. Harnett	Two (2)	Mr. Ross	That they may obtain relief, having lost their land orders	
42	" "	Matthew Keefe (discharged soldier)	One (1)	Mr. Wynn	That he may be enabled to obtain land as a military settler	
43	" "	R. Lloyd (late Lieutenant 27th Regiment)	One (1)	Mr. Gallaugher	That he may be enabled to obtain land as a military officer	
44	" "	John Thomas (contractor)	One (1)	Mr. King	That he may obtain redress on account of deductions made in paying for bricks supplied for Lunatic Asylum	Considered in Committee of the whole Council, March 21, 24
45	March 7	Captain Wilson (late 55th Regiment)	One (1)	Mr. Skeen	That he may be enabled to obtain a grant of land as immigrant	
46	" "	Ann Haskill	One (1)	Mr. Sheehan	That she may obtain relief, her land order having lapsed	
47	" "	Robert Kidd	One (1)	Mr. Cadman	That his wife's land order may not be void through not being presented in time	
48	" "	James Willis	One (1)	Mr. Foley	That his claim to a grant of land as immigrant be considered	
49	" "	Staff Sergeant Major Speight	One (1)	Mr. Coolahan	That his claim to land as a military settler may be considered	
50	" "	H. E. Stehr	One (1)	Mr. Foley	That he may receive a grant of land	
51	" "	W. Kirkwood	One (1)	Mr. Cadman	That he may obtain relief on account of his son's land order not having been endorsed	
52	" "	Wairoa settlers	Twenty-six (26)	Mr. King	That a deviation may be made in a road leading to Wairoa	Referred to Wairoa Road Bill Committee
53	April 11	Captain Wilkias (Parnell)	One (1)	Mr. Carleton	That his claim to land as a military settler may be considered	
54	" "	John Goodie (Auckland)	One (1)	Mr. A. O'Neill	That he may obtain relief, not having presented his land order in time	
55	" "	The Stockade Overseers	Twenty (20)	Mr. J. O'Neill	That their increased duties may be taken into consideration	
56	" "	Neil Malcolm (Great Barrier Island)	One (1)	Mr. Carleton	That he may obtain redress, the land he occupied being sold by Government	
57	" "	Thomas Bradshaw	One (1)	Mr. Foley	That he may obtain land as certificated teacher, having relinquished his duties from ill health	

ABSTRACT OF PETITIONS—continued.

No.	When Received.	From Whom Received.	No. of Signatures.	By Whom Presented.	ABSTRACT OF PRAYER.	REMARKS.
58	April	20 G. H. Clark (Whau River)	One (1)	Mr. Cadman	That the circumstances under which his land order lapsed may be considered	
59	May	2 Residents at Newmarket and Remuera	Forty-six (46)	Mr. Harrop	That the Slaughter-house may not be placed in their neighborhood	
60	"	2 John M. Mowbray (Auckland)	One (1)	Mr. Carleton	That he may obtain a grant of land as an immigrant	
61	"	3 Certain butchers and others	Three hundred and eighty-seven (387)	Mr. Wynn	That the site for a slaughter-house on the Pannure-road may not be approved	

Auckland Provincial Council.

ABSTRACT OF ALL ADDRESSES PRESENTED TO HIS HONOR THE SUPERINTENDENT DURING SESSION XVIII., 1864-5.

No.	WHEN PASSED.		On Whose Motion.	SUBJECT OF ADDRESS.	REPLY.		
	Date.	Page.			No.	Date.	Page.
1	1864.	4	Mr. Cheeseman	Address in reply to his Honor's opening Speech	3	January 19	10
2	December 22	6	Mr. Wynn	Requesting copies of certain Bills introduced into the General Assembly	}	}	
3	" "	8	Mr. Cadman	" him to give effect to Resolutions in favor of Responsible Government			
4	" "	13	Mr. King	Thanking the Superintendent for convening the Council			
5	" 1865.	18	Dr. Pollen	Requesting copy of Correspondence with Captain Daldy			
6	January 24	18	Dr. Pollen	" copy of any Correspondence with his Excellency in reference to a dissolution of the Council	15	January 27	23
7	" "	18	Mr. Foley	" copy of Correspondence with the Railway Commissioners, and a statement of expenditure	24	February 9	43
8	" "	18	Mr. Buckland	Conveying Resolutions on the subject of sinking Artesian wells in the city	19	February 2	30
9	" "	19	Mr. A. O'Neill	Requesting that the road leading from the Falls of the Waitemata to the North Shore be defined by finger posts at Mr. Lamb's	20	February 2	31
10	" "	19	Mr. Wynn	Returns of rates levied and collected by the Highway Board and City Board	26	February 10	47
11	" "	19	Mr. Wynn	copies of all Bills introduced by the Superintendent into the General Assembly	47	March 1	76
12	" "	24	Mr. Foley	that the Council be allowed to increase money votes	66	March 15	120
13	February 1	27	Mr. Foley	him to expend money voted for a Bridge at Maunga Maungaroa	}	}	
14	" "	27	Mr. Foley	Asking whether a special Engineer has been appointed for the inspection of the Bridge at Panmure			
15	" "	27	Mr. Cadman	Asking what steps have been taken to supply the city with water	108	April 13	185
16	" "	27	Mr. Swanson	Requesting him to concur in a resolution regulating the width of streets	}	}	
17	" "	29	Mr. King	a Return respecting Public Reserves			
18	" "	1	Mr. A. O'Neill	that the road from the Otara River to Port Albert may be opened up	34	February 14	52
19	" "	2	Mr. King	him to send down a Bill to prohibit gambling	35	February 14	53
20	" "	3	Mr. King	further information as to the feasibility of sinking Artesian wells	42	February 23	67
21	" "	7	Mr. Gallagher	that an Onehunga Board Bill be submitted	57	March 8	98
					59	March 10	109
					21	February 8	40

ABSTRACT OF ADDRESSES—Continued.

No.	WHEN PASSED.		On Whose Motion.	SUBJECT OF ADDRESS.	REPLY.		
	Date.	Page.			No.	Date.	Page.
22	1865.	41	Mr. Gallagher	Requesting that a Bill for leasing the Onehunga Harbor Endowments be submitted	32	February 14	52
23	"	41	Mr. Cadman	" a Statement of money charged against the Railway prior to the appointment of the Commissioners	33	February 14	52
24	"	41	Mr. Foley	" a copy of Tenders and Correspondence respecting the Auckland and Drury Railway	40	February 22	54
25	"	41	Mr. Newman	" additional Correspondence respecting the Confiscated Waikato Land	37	February 14	53
26	"	44	Mr. Coolahan	Asking what amount the Government can draw annually out of the £500,000 loan	29	February 14	51
27	"	44	Mr. Coolahan	Requesting that a Bill may be introduced for the settlement of grievances arising under the Land Order system	81	March 24	142
28	"	44	Mr. Foley	" a Statement of the Auckland Loan Act Account	49	March 2	84
29	"	51	Mr. Coolahan	" copy of correspondence relative to the purchase of Kawa-kawa block	45	February 24	76
30	"	51	Mr. Swanson	Stating that certain repairs ought to be effected on the Great North Road	55	March 7	91
31	"	60	Mr. Skeen	" that there is no necessity to continue the examination of Mr. Commissioner Kemp in reference to the Kawa Kawa	142	April 27	223
32	"	60	Mr. Wynn	Asking whether "The Government Contracts Bill" has been assented to	84	March 28	147
33	"	60	Mr. Wynn	Requesting information relative to the building a house for the Commodore	142	April 27	223
34	"	60	Mr. Harrop	" that the sum of £500 be placed on the Estimates for improving the roads to the Albertland Settlement	84	March 28	147
35	"	60	Mr. Harrop	" that the report of the Engineer-in-Chief on sites for a Slaughter House may be sent down	142	April 27	223
36	"	61	Mr. Ball	" that £300 be placed on the Estimates for the construction of a pier at Mongonui	84	March 28	147
37	"	64	Mr. Foley	Intimating that the £1,000 deposited by Mr. Blandford on tendering for the Railway ought to be refunded to Vickery and Masfield	142	April 27	223
38	"	64	Mr. Coolahan	Stating that the Waitakeri Water Works ought to be proceeded with	142	April 27	223
39	"	64	Mr. Coolahan	Requesting information with regard to the proposed Waitakeri Water Works	142	April 27	223
40	"	65	Mr. Foley	" that £500 be placed on the Estimates for a Pier at Tauranga	142	April 27	223
41	"	65	Mr. Swanson	" that no action be taken in respect of certain works in the Northern Division until the Select Committee reports on the subject	142	April 27	227
42	"	66	Mr. Blake	" that £500 be placed on the Estimates for bridging the Kaipara Portage Road and lengthening Deacon's wharf	142	April 27	227
43	"	67	Mr. King	" him to send down an Amended Education Bill	142	April 27	227
44	"	72	Mr. Carleton	" that £1,200 be appropriated for Steam Subsidy between Auckland and the Bay of Islands	142	April 27	227

ABSTRACT OF ADDRESSES—Continued.

No.	WHEN PASSED,		On Whose Motion.	SUBJECT OF ADDRESS.	REPLY.		
	Date.	Page.			No.	Date.	Page.
45	1865 February 24	72	Mr. George	Requesting him to place £1,200 on the Estimates for making the Franklin, Karangahape and Pounsonby Roads - - - - -	{ 130 142	April 25 April 27	213 233
46	March 1	76	Mr. King	that a bonus of £15 per cent. be granted to the School Teachers - - - - -	{ 74 142	March 21 April 27	127 223
47	" 2	79	Dr. Pollen	a reply to the Address for a dissolution - - - - -	{ 75	March 21	127
48	" 2	80	Mr. King	him to send down a Bill to prohibit Pawnbroking - - - - -		April 27	223
49	" 2	80	Mr. Wynn	him to transmit any legal opinions that have been obtained relative to the "Railway Commissioners' Act" - - - - -		March 21	127
50	" 2	80	Mr. King	him to forward a statement of the liabilities of the Government on the 31st December, 1864, payable in January - - - - -	72	March 21	126
51	" 2	80	Mr. Wynn	him to inform the Council of all steps taken for the location of the Waikato Settlers - - - - -	67	March 15	120
52	" 2	80	Mr. Wynn	him to state whether he intends to ask the Council to vote a salary for Captain Daldy - - - - -	{ 95 142	April 11 April 27	176 223
53	" 2	80	Mr. Gallagher	him to make provision for Wharfinger at Onehunga - - - - -	{ 58	March 8	98
54	" 2	80	Mr. Cadman	him to have the Punt at Panmure put in repair - - - - -	88	March 30	158
55	" 2	81	Mr. Ball	him to furnish a return of the number of Crown Grants issued under the "Waste Lands Acts," 1858 and 1862 - - - - -			
56	" 2	81	Mr. Ball	returns of all blocks of land in the hands of the Government which have not been offered for selection, and the cost of surveys in 1864 - - - - -			
57	" 2	81	Mr. Ball	him to furnish a return of General Country Land Sales in 1861 - - - - -	87	March 29	154
58	" 3	86	Mr. King	that the old fittings be removed from the Supreme Court - - - - -	{ 74 142	March 21 April 27	127 223
59	" 3	86	Mr. A. O'Neill	that £350 be placed on the estimates as a subsidy for the 'Waitemata' steamer - - - - -	60	March 14	110
60	" 3	87	Mr. Wynn	Deprecating the establishment of a new Province at the Bay of Islands - - - - -	77	March 22	136
61	" 7	90	Mr. King	Stating that the Provincial Government ought to undertake the erection of the Public Buildings - - - - -			
62	" 7	90	Mr. Cadman	Requesting him to place on the Estimates a sum for the repair of Bridges between Lucas' Creek and the Wainui - - - - -	142	April 27	223
63	" 7	91	Mr. Wynn	a return, &c., of the cost of the Tramway along the Waikato - - - - -	73	March 21	126
64	" 7	91	Mr. Wynn	Stating that there is no foundation for Colonel Kenny Land Claim - - - - -	97	April 11	170
65	" 7	91	Mr. Wynn	Requesting him to transmit copies of the Rules and Regulations relative to the North Shore Ferries - - - - -	79	March 24	142
66	" 7	92	Mr. King	him to furnish the correspondence between the Provincial and General Governments relative to 3-8th of Custom Revenue - - - - -	71	March 20	126

ABSTRACT OF ADDRESSES—Continued.

No.	WHEN PASSED.		On Whose Motion.	SUBJECT OF ADDRESS.	REPLY.		
	Date.	Page.			No.	Message. Date.	Page.
67	1865 March	92	Mr. Cadman	Requesting him to place a sum on the Estimates to repair the Roads and Bridges from the Whan to Waikomiti	142	April 27	223
68	"	92	Mr. Cadman	a return of the Pilotage and Wharfage duties and the tonnage of shipping frequenting Port of Auckland	106	April 13	184
69	"	92	Mr. Cadman	him to inform the Council what steps have been taken relative to the granting of Land to the Militia and Volunteers	111	April 13	185
70	"	92	Mr. Sheehan	him to place on the Estimates the sum of £500 for repairing the road leading past the Arore Creek into the Kaukapapa district	{ 142	April 27	232
71	"	93	Mr. Gallagher	him to send down a Return of the tonnage entering Maunaukau, and of the Revenue arising therefrom	{ 153	May 1	232
71A	"	93	Mr. Wynn	Stating that the Government ought to communicate to the Council all important information it may have	103	April 11	177
72	"	96	Mr. Wynn	Information with regard to sums paid under Immigration Bonds			
73	"	96	Mr. Swanson	Transmitting Reports of Select Committee on the petition of the Northern residents	70	March 20	126
74	"	96	Dr. Pollen	Requesting him to reply to the Address for a Dissolution	75	March 21	127
75	"	96	Mr. Coolahan	him to cause finger posts to be placed at all cross roads intersecting the Great North Road			
76	"	96	Mr. Wynn	Asking when the "Government Contracts Bill" was assented to	147	April 27	224
77	"	88	Mr. Wynn	Expressing dissatisfaction with the manner in which the Public Works were carried on by the Engineer-in-Chief			
78	"	101	Mr. Foley	Requesting him to place on the Estimates £50 for a Ferry from Te Papa to Matapipi at Tauranga	64	March 14	111
79	"	101	Mr. Gallagher	a return of the cost of breaking metal by the Stone Breaking Machine	{ 142	April 27	223
80	"	101	Mr. Cadman	him to send down a return of the tonnage and pilotage at the Bay of Islands	74	March 21	127
81	"	101	Mr. Skeen	that a sum of money be placed on the Estimates for the opening of a road from Kaukapapa to Komokoriki	80	March 24	142
82	"	114	Mr. King	that the powder magazine may be removed from the Albert Barracks	133	April 26	220
83	"	114	Mr. Coolahan	a return of the pilotage dues at the Port of Auckland	{ 142	April 27	223
84	"	114	Mr. Coolahan	that £50 be added to the salary of the Harbor-master at Auckland	{ 153	May 1	223
85	"	115	Mr. King	a return of Provincial Government Employees			
86	"	115	Mr. Gallagher	him to comply with the Address with regard to a Town Board at Onehunga and the Maunaukau Endowments	76	March 22	136
					142	April 27	223

ABSTRACT OF ADDRESSES—Continued.

No.	WHEN PASSED.		On Whose Motion.	SUBJECT OF ADDRESS.	REPLY.		Page.
	Date.	Page.			No.	Date.	
87	March	15	Mr. King	Requesting him to increase the salary of the signalman at Auckland from £120 to £140	{ 94 142	April 7 April 27	171 223
88	"	15	Mr. J. O'Neill	Asking him to supply the members of Provincial Council with the Acts of the Provincial Legislature	{ 78 99	March 23 April 11	136 177
89	"	15	Mr. Foley	Asking whether he means to place the salary of Immigration Officer on the Estimates	{ 94 142	April 7 April 27	171 223
90	"	15	Mr. Foley	Requesting him to collect for Mr. Beckham information relative to Settlers' losses	{ 142 107	April 27 April 13	223 185
91	"	15	Mr. Wynn	" him to increase the pay of Sergeant Major of Police, &c., and to offer rewards for exertions made by the Police Force	{ 98 109	April 11 April 13	176 185
92	"	16	Mr. M'Geo	" that £500 may be appropriated towards a Champion Plate	{ 85 94	March 28 April 7	147 171
93	"	23	Mr. Cadman	" copy of correspondence relative to transfer of Government House site	{ 115 142	April 13 April 27	187 223
94	"	23	Mr. King	" him to place on the Estimates the debt due from the Harbour	{ 115 142	April 13 April 27	187 223
95	"	23	Mr. King	Forwarding Report, &c., of the Fencing and Impounding Act Committee	{ 85 94	March 28 April 7	147 171
96	"	23	Mr. George	Requesting that an additional £7,000 be granted for a Market House	{ 115 142	April 13 April 27	187 223
97	"	23	Mr. Blake	" plan, &c., of Tramway between the Waitemata and Kaipara	{ 85 94	March 28 April 7	147 171
98	"	23	Dr. Pollen	Commenting on message No. 60 which referred to the constitution of a new Province at the Bay of Islands	{ 115 142	April 13 April 27	187 223
99	"	23	Mr. Rowe	Requesting him to place £100 on the estimates for a Mechanics' Institute at Newton	{ 93 142	April 6 April 27	166 223
100	"	23	Mr. Foley	Stating that the services of the Assistant Engineer at Panmure Bridge may be dispensed with	{ 142 107	April 27 April 13	223 185
101	"	23	Mr. Gallagher	Requesting him to place £500 on the Estimates for improvements in Onehunga	{ 93 142	April 6 April 27	166 223
102	"	23	Mr. Cadman	Forwarding Report, &c., of Harbour Works Committee	{ 142 142	April 27 April 27	223 223
103	"	28	Mr. Wynn	Requesting that the £1,000 deposited by Mr. Blandford should be refunded to Vickery & Masfield	{ 142 142	April 27 April 27	223 223
104	"	29	Mr. King	" him to place £500 on the Estimates for the Acclimatization Society	{ 114 142	April 27 April 13	223 186
105	"	29	Mr. Foley	" him to place £250 for the improvement of roads, &c. in Otahuhu	{ 114 129	April 13 April 27	186 223
106	"	29	Mr. M'Geo	" him to place £250 for the improvement of roads, &c. in Panmure	{ 96 142	April 11 April 27	176 223
107	"	29	Mr. Wynn	" him to cause Heath's pier to be repaired at a cost not exceeding £40	{ 96 142	April 11 April 27	176 223
108	"	29	Mr. Swanson	" him to place £100 on the Estimates for the Auckland Mechanics' Institute	{ 96 142	April 11 April 27	176 223
109	"	29	Mr. Ross	" him to place £200 on the Estimates to open a Road from Mangawai to Waipu across Bream Tail	{ 96 142	April 11 April 27	176 223
110	"	30	Mr. Cadman	" him to place £500 on the Estimates to form a Road from Waikoukou Creek to the Awaroa River	{ 96 142	April 11 April 27	176 223

ABSTRACT OF ADDRESSES—Continued.

No.	WHEN PASSED.		On whose Motion.	SUBJECT OF ADDRESS.	REPLY.		Page.
	Date.	Page.			No.	Date.	
111	March	30	Mr. King	Requesting him to place £150 on the Estimates for the New Zealand Exhibition	184	April 26	220
112	"	30	Mr. Ross	him to place £200 on the Estimates to open the road from Wangarei to Mangapai	96	April 11	176
113	"	30	Mr. Cadman	a return of all moneys expended by the Building Commissioners-	{ 154	} May 2	232
114	"	30	Mr. Foley	him to send down the minutes of evidence taken by the Waste Lands Commission of Enquiry	{ 157			233
115	"	30	Mr. King	an extension of steam communication to Coromandel	92	April 6	221
116	"	30	Mr. Wynn	Expressing the views of Council respecting a Dissolution	125	April 25	212
117	"	30	Mr. Wynn	Requesting him to forward the above Resolutions to the General Government	126	April 25	212
118	"	30	Mr. Wynn	him to forward Correspondence relative to the contract for the Custom-house-street Wharf			
119	"	30	Mr. Wynn	him to forward instructions given to investigate the causes of mortality on board the ship 'Ganges'			
120	"	30	Mr. Wynn	that the roof of the new Supreme Court be repaired	132	April 26	220
121	"	30	Mr. Wynn	him to place £250 on the Estimates for repair of roads, &c., at Howick	146	April 27	224
122	"	31	Mr. King	him to procure correspondence between the Gold-Fields Company and the Great Independent Gold Mining Company	162	May 27	
123	"	31	Mr. M'Gee	him to recommend provision for increasing the pay of the Police Force	144	April 27	224
124	April	7	Mr. Wynn	Desiring that Mr. Blandford's deposit be refunded to Vickery & Masefield	142	April 27	223
125	"	7	Mr. King	Intimating that the payment of member's expenses should cease after the present session	186	April 26	221
126	"	7	Mr. Wynn	Expressing dissatisfaction with the Engineer-in-Chief's Department	121	April 24	210
127	"	12	Mr. King	Requesting him to place £250 on the estimates for the benefit of the widow and children of late John Thomas	150	April 28	231
128	"	12	Mr. Wynn	returns of native lands purchased under the Empowering Act of last Session	122	April 24	210
129	"	12	Mr. A. O'Neill	that the Jetty at Stewart's Point may be repaired			
130	"	12	Mr. M'Gee	that a Sergeant of Police may be appointed at Onehunga and the barracks repaired			
130A	"	12	Mr. Wynn	him to protest against the granting of Colonel Kenny's claim	143	April 27	224
131	"	13	Mr. Gallagher	Transmitting report of the Onehunga Improvements Bill Committee	135	April 26	221
132	"	19	Mr. George	Inviting him to increase the grant for the Market House from £7,000 to £14,000	127	April 25	212
133	"	19	Mr. Rowe	Requesting copies of the contract entered into with Amos & Co.	141	April 27	222
134	"	19	Mr. Cadman	copy of the bill he intends to introduce for granting land to Volunteers, &c.	140	April 27	222

ABSTRACT OF ADDRESSES—Continued.

No.	WHEN PASSED.		On whose Motion.	SUBJECT OF ADDRESS.	REPLY.		Page.
	Date.	Page.			No.	Date.	
135	April	20	Mr. King	Intimating that a Patent Slip at the North Shore would be of advantage	120	April 24	210
136	"	20	Mr. Bassett	Requesting him to place £2,000 on the Estimates for the repair of the Great South Road	137	April 27	221
137	"	21	Mr. Wynn	Declining to proceed with the Estimates until certain addresses are answered.	131	April 26	221
138	"	21	Mr. Cadman	Forwarding Report of the Kawa Kawa Committee	123	April 25	211
139	"	25	Mr. Wynn	" Report of the Slaughter House Committee	-	-	-
140	"	27	Mr. Webster	Requesting that borings be made to test Kawa Kawa Coal Field	-	-	-
141	"	27	Mr. Carleton	" the conditions of subsidy to steamer for the North Shore	-	-	-
141A	May	2	Mr. Foley	Asking why the building of a Government House at Auckland is excepted from the Building's Commission	-	-	-
142	"	3	Mr. George	Forwarding Report of Private Grievance Committee	-	-	-
143	"	3	Mr. George	Report of Building Bill Committee	-	-	-
144	"	3	Mr. Cadman	Desiring that the Kawa Kawa Coal Fields be made available for leasing	-	-	-
145	"	3	Mr. Cadman	Requesting him to transmit a petition relative to Waterloo Bridge	-	-	-
146	"	3	Mr. Cadman	" him to place on the Estimates a sum to build a Bridge at Brigham's Creek	-	-	-
147	"	3	Mr. Galbraith	Forwarding Report of Turupike Act Committee	-	-	-
148	"	3	Mr. Wynn	Requesting an answer to address No. 51 relative to the location of the Waikato Settlers	-	-	-
149	"	3	Mr. McGeo	Asking if the Government will comply with address No. 92, respecting a Champion Plate	-	-	-
150	"	3	Mr. Wynn	" if address No. 17 on the subject of the dissolution has been forwarded to the General Government	-	-	-
151	"	3	Mr. Wynn	" him to pay over to Mr. Speaker the library vote	-	-	-
152	"	4	Mr. Cadman	Intimating the most eligible site for Custom House	-	-	-
153	"	4	Mr. Coolahan	Asking why he has objected to the address respecting the salary of Harbour Master	-	-	-
154	"	4	Mr. Cadman	Expressing dissatisfaction with the Building Commissioners for not giving information with regard to other expenditure	-	-	-
155	"	4	Mr. Wynn	" dissatisfaction with the Provincial Secretary's views respecting the establishment of a Province at the Bay of Islands	-	-	-

Auckland Provincial Council.

SUMMARY OF PROCEEDINGS ON BILLS DURING SESSION XVIII, 1864-5.

No.	SHORT TITLE.	HOW OR BY WHOM INITIATED.	PROGRESS.										REMARKS.			
			First Reading.	Second Reading.	Referred to Select Committee.	In Committee.	Report.	Third Reading and Passing.	Superintendent's Amendments.	Final Passing.	Superintendent's Assent.	Governor's Assent.		No. of Act.		
1	Weeds and Watercourses	Message No. 2	Jan. 19													To be read second time this day 6 months, Jan. 31.
2	Military Licensing	"	"	"												To be read second time this day 6 months, Feb. 9.
3	Fencing Amendment	"	25	Jan. 31	Feb. 1											New Bill substituted.
4	Building Amendment	"	"	Jan. 31	Jan. 31											Lapsed.
5	Vagrant	"	31	Feb. 3		Feb. 3, 7, 9, 10, 14, 22										(Chairman left the chair, Feb. 22. To be committed this day 6 months, March 24.
6	Municipal Police	"	"	Feb. 9	Feb. 9	Feb. 23										Chairman left the chair, Feb. 23.
7	Cattle Landing	Dr. Pollen	"	Feb. 7	Feb. 7	March 7	March 7	March 7	March 8	March 8	April 13	April 13	April 13	May 1		Select Committee reported Feb. 28. Lapsed.
8	Representation	Message No. 25	Feb. 10	Feb. 14	" 14	" 14										To be read second time this day 6 months, March 28.
9	Rural Police	"	"	"	"											
10	City Board Act Amendment	"	Feb. 14	Feb. 28		Feb. 28, March 1, 14, 24, 31, April 18, 19, 20	March 2	March 24	April 21	April 21				May 12		
11	Appropriation	"	March 1	March 2	March 2	March 2	March 2	May 2	May 4	May 4				May 11		

PROCLAMATION.

By ROBERT GRAHAM, Esquire, Superintendent of
the Province of Auckland, in the Colony
of New Zealand.

WHEREAS by an Act made and passed in the Parliament holden in the fifteenth and sixteenth years of the reign of Her present Majesty, intituled an "An Act to grant a Representative Constitution to the Colony of New Zealand," it is amongst other things enacted that it shall be lawful for the Superintendent, by proclamation in the *Government Gazette*, to fix such place or places within the limits of the Province and such times for holding the first and every other Session of the Provincial Council as he may think fit.

Now, therefore, pursuant to the authority in me vested in that behalf, I the Superintendent of the Province of Auckland, do hereby proclaim and declare that the Eighteenth Session of the Provincial Council shall be holden at Auckland, and shall commence on Wednesday, the twenty-first day of December instant; and the members of the said Council are hereby warned to give their attendance at the said time and place accordingly.

Given under my hand at Auckland, this eighth
day of December, in the year of our Lord
One thousand eight hundred and sixty-
four.

ROBERT GRAHAM,
Superintendent.



JOURNALS

OF THE

AUCKLAND PROVINCIAL COUNCIL.

SESSION XVIII, 1864—5.

WEDNESDAY, DECEMBER 21ST, 1864.

PRAYER.

1. *Meeting of Council.*—Council met pursuant to a Proclamation of His Honor the Superintendent, Robert Graham, Esquire, bearing date the eighteenth of December, one thousand eight hundred and sixty four.

PRESENT :

William Farley Blake,	William Powditch (Speaker).	Richard McGee,
Jerome Cadman,		Joseph Newman,
Hugh Carleton,		Allan O'Neill,
Thomas Cheeseman,		James O'Neill,
Hugh Coolahan,		William Rattray
James Foley,		Robert Skeen,
James Gallagher,		William Swanson,
James George		George Webster
Isaac Worthington Harrop,		Robert Williams Wynn.
Edward King,		

ABSENT :

Thomas Ball,	Daniel Pollen,
William Thomas Bassett,	Roderick Ross,
William Thorne Buckland	William Rowe,
George Gruchy,	David Sheehan,
John Kerr,	Edward James Skyrme,
Daniel Lynch,	John Wallace,
Albin Martin,	John William Williams.
Duncan McKenzie,	

2. *Preliminary Business.*—Mr. Speaker took the chair at three o'clock p.m., and read the Proclamation convening Council.
3. *Opening Speech.*—Mr. Speaker directed the Clerk to acquaint His Honor the Superintendent that the Council was prepared to receive him.
His Honor having been announced by the Clerk proceeded to his place on Mr. Speaker's right, and spoke as follows :

MR. SPEAKER AND GENTLEMEN OF THE PROVINCIAL COUNCIL,—

In accordance with a Resolution adopted at the Meeting of Members of the Provincial Council, assembled in the Library, on the 7th day of December, 1864, namely :—

“ That

"That the Superintendent be addressed by the Chairman on behalf of the Meeting, requesting his Honor to prorogue the Council immediately, with a view to the re-assembling at a period not exceeding the 21st December instant, to consider the important questions raised by the General Assembly respecting the Province of Auckland"

I have felt it my duty, although at an unseasonable period, to call you at once together.

The removal of the seat of Government from Auckland, now for the first time made a Ministerial Question in the Assembly, and resolved upon accordingly, notwithstanding the authoritative declaration of Her Majesty's Government that Auckland was the capital of New Zealand, will engage your attention. My desire is, to ascertain which of the several remedial measures which have been proposed, finds most favor with the Council, and to endeavour, so far as my duty will allow me, to co-operate with the Council in carrying such measure into effect. I need scarcely do more than remind you of the importance, at this present juncture, of cordial good feeling between the two branches of the Legislature.

The immediate removal of Her Majesty's Land Forces from New Zealand, at one time contemplated by the gentlemen who now hold the position of responsible advisers to the Governor, would have been fraught with imminent danger to this Province, and might possibly have led to a war of extermination. You are aware that his Excellency's advisers, upon mature consideration, saw reason to modify the resolutions which they had originally submitted for adoption to the two Houses of the General Legislature. And I am now glad to learn, from the latest advices received, that it does not appear that Her Majesty's Ministers have any present intention of leaving the Colony without regular defence, excepting by such corps as we ourselves may be able to raise and support. But you will, I trust, perceive the necessity of providing for the possible contingency, should such unhappily occur.

In my own opinion the most practical remedy against impending evils is the creation of a Separate Colony in the Northern Island.

I have received a proposal from the General Government that the Provincial Executive should take a considerable share in the management of the scheme of Immigration into the Northern Island, undertaken by the late Government, in pursuance of the New Zealand Settlement Act and the Loan Appropriation Act, 1863: the General Government supplying funds from time to time, and handing over from time to time suitable blocks of land, but reserving to themselves the right of approval of the Plans for Settlement.

As sums advanced for the permanent advantage of the Province will ultimately be made a charge against the Province, I have thought it my duty to accept the means of ensuring their economical expenditure.

It is not my intention to send down at present any ordinary business; nor do I think it advisable that I should be asked to entertain any business other than that which has been suggested by the Members who agreed to the fore-cited Resolution. I presume that the Council, after an expression of opinion concerning the matter to which their attention is specially invited, will adjourn until such time as they may think convenient, early in the ensuing year.

ROBERT GRAHAM,

Superintendent.

Provincial Council Chamber,

Auckland, 21st December, 1864.

On motion of Mr. Carleton, *Ordered* That the Speech of His Honor the Superintendent be printed.

4. *Adjournment.*—On motion of Mr. Carleton, Council adjourned at a quarter to 4 o'clock, p.m.

WM. POWDITCH,

Speaker

NOTICES

NOTICES OF MOTION AND ORDERS OF THE DAY.

Thursday, December 22nd, 1864.

1. Mr. KING to ask the Honorable the Provincial Secretary,—Whether the 3ths of the revenue to be derived from the increased Customs Tariff will be available for appropriation by the Povincial Council for the year 1864 and 1865.
2. Mr. FOLEY to ask the Honorable Member at the head of the Executive,—If it is the intention of His Honor the Superintendent to send down to this Council a Reply to an Address No. 54 of last Session.
3. Mr. CADMAN to ask the Provincial Secretary,—If it is the intention of His Honor the Superintendent to establish the principle of Ministerial responsibility in the conduct of public affairs in the Executive Government of this Province.

NOTICES OF MOTION.

1. Mr. CHEESEMAN to move an Address in reply to His Honor's Speech.
2. Mr. WYNN to move, That a respectful address be presented to His Honor the Superintendent, requesting him to forward to this Council copies of all Bills, including Private Bills, introduced into the General Assembly of New Zealand, affecting the Province of Auckland only, and by whom introduced.
3. Mr. WYNN to move the following resolutions :—
 1. That this Council takes this occasion of again recording its often-expressed and still-continued feelings of faithful loyalty to the Crown, and its unfeigned attachment to Her Majesty Queen Victoria's person and Government.
 2. That this Council fully and cordially appreciates the prompt and generous assistance rendered by the Imperial Government to this Colony in its time of need; and that this Council, as the representative, and on behalf of the Province of Auckland, records its full appreciation and deepest gratitude for such assistance so timely afforded.
 3. That this Council again records its thanks for, and its cordial appreciation of, the gallant and efficient service performed by Her Majesty's naval and land forces in New Zealand during the present war.
 4. That the withdrawal of Her Majesty's forces from the Colony before a permanent peace is established with the Native race would be fraught with the greatest peril to the northern portion of the Colony, and would be considered by the Natives as an acknowledgment of our weakness and inability to subdue them.
 5. That this Council, having been expressly convened for the purpose of considering the present unsatisfactory and critical position of the Province of Auckland, brought about by the recent action of the General Assembly in reference to the immediate removal of the Seat of Government, records its deliberate opinion that, in order to secure and maintain a permanent peace with the Native race in the Northern portion of the Colony, and to preserve feelings of amity between the two races, it is essential that an Executive Government should be permanently placed in the Province of Auckland, situate as it is midway between the two great sections of the Native race.
 6. That such contemplated removal of the Seat of Government and the withdrawal of Her Majesty's forces leave no other course open to this Province than to take immediate and vigorous steps to effect political separation from the Southern Provinces.
 7. That in the opinion of this Council the revenue of the Province of Auckland would afford ample means for the liberal support of a Government suitable to its condition, and that there is every disposition in the inhabitants of this Province to provide liberally for the maintenance of the public servants, and the economical administration of the public offices of the Colony.
 8. That a Committee should be appointed to prepare an address to Her Majesty Queen Victoria, setting forth the present position of the Province of Auckland, and praying her to accede to the wishes of the people, and declare the Province of Auckland a separate Colony.

WM. POWDITCH,
Speaker.

THURSDAY, DECEMBER 22ND, 1864.

Present: Mr. Speaker and 17 Members.

PRAYER.

1. *Death of Mr. Mears.*—Mr. Coolahan moved, and the question was proposed, That the Council do rise at a quarter past four o'clock, in order to afford Members an opportunity of attending the funeral of Mr. Abraham Mears, late a member of this Council.
The question was by leave withdrawn.
2. *§-Customs Revenue.*—Mr. King, pursuant to notice, asked, Whether the $\frac{3}{4}$ ths of the Revenue to be derived from the increased Customs Tariff will be available for appropriation by the Provincial Council for the year 1864 and 1865.
Mr. Carleton, the Provincial Secretary, answered, That the Colonial Treasurer had stated that one of the reasons for raising the Tariff, was in order to ensure to the Provinces the $\frac{3}{4}$ ths of the Customs Revenue.
3. *Increasing Votes.*—Mr. Foley, pursuant to notice, asked, If it is the intention of his Honor the Superintendent to send down to this Council a reply to ADDRESS No. 54 of last Session.
Mr. Carleton answered that the reply would be given after the adjournment for the Christmas holidays.
4. *Responsible Government.*—Mr. Cadman, pursuant to notice, asked, If it is the intention of his Honor the Superintendent to establish the principle of Ministerial responsibility in the conduct of public affairs in the Executive Government of this Province.
Mr. Carleton declined to answer.
5. *Papers.—Correspondence between the Superintendent and certain Members.*—Mr. Speaker laid on the table copy of the correspondence that had passed between himself and the Superintendent with reference to the withdrawal of certain Bills affecting this Province, which were introduced into the General Assembly.
Mr. Carleton laid on the table further correspondence on the same subject.
6. *Address in Reply.*—On motion of Mr. Cheeseman, seconded by Mr. Buckland, *Resolved* "We, the Members of the Provincial Council of the Province, tender our thanks to your Honor for the Speech with which you have opened this, the Eighteenth, Session of the Council, and recognise the necessity that has led you to convene us earlier than was anticipated:
"We assure your Honor that we will give our ready and anxious consideration to the important matters referred to in your Honor's Speech, and we trust that our deliberations will result in the agreeing to such measures as will conduce to the advancement and prosperity of this portion of New Zealand." (ADDRESS, No. 1.)
7. *Bills introduced into General Assembly.*—On motion of Mr. Wynn, *Resolved* That a respectful Address be presented to his Honor the Superintendent, requesting him to forward to this Council copies of all Bills, including Private Bills, introduced into the General Assembly of New Zealand during its last Session, affecting the Province of Auckland only, and by whom introduced. (ADDRESS, No. 2.)
8. *Separation.*—On motion of Mr. Wynn, *Resolved* :—
 1. That this Council takes this occasion of again recording its often-expressed and still-continued feelings of faithful loyalty to the Crown, and its unfeigned attachment to Her Majesty Queen Victoria's person and Government.
 2. That this Council fully and cordially appreciates the prompt and generous assistance rendered by the Imperial Government to this Colony in its time of need; and that this Council as the representative and on behalf of the Province of Auckland, records its full appreciation and deepest gratitude for such assistance so timely afforded.
 3. That this Council again records its thanks for, and its cordial appreciation of, the gallant and efficient service performed by Her Majesty's naval and land forces in New Zealand during the present war.
 4. That

4. That the withdrawal of Her Majesty's forces from the Colony before a permanent peace is established with the Native race would be fraught with the greatest peril to the northern portion of the Colony, and would be considered by the Natives as an acknowledgement of our weakness and inability to subdue them.

5. That this Council, having been expressly convened for the purpose of considering the present unsatisfactory and critical position of the Province of Auckland, brought about by the recent action of the General Assembly in reference to the immediate removal of the Seat of Government, record its deliberate opinion that, in order to secure and maintain a permanent peace with the Native race in the Northern portion of the Colony, and to preserve feelings of amity between the two races, it is essential that an Executive Government should be permanently placed in Auckland, situate as it is midway between the two great sections of the Native race.

6. That such contemplated removal of the Seat of Government and the withdrawal of Her Majesty's forces leave no other course open to this Province than to take immediate and vigorous steps to effect political separation from the Southern Provinces.

7. That in the opinion of this Council, the Revenue of the Province of Auckland would afford ample means for the liberal support of a Government suitable to its condition, and that there is every disposition in the inhabitants of this Province to provide liberally for the maintenance of the public servants, and the economical administration of the public offices of the Colony.

8. That a Committee should be appointed to prepare an address to Her Majesty Queen Victoria, setting forth the present position of the Province of Auckland, and praying her to accede to the wishes of the people.

Ordered, That a Committee be appointed, consisting of Mr. Speaker, Mr. Buckland, Mr. Cadman, Mr. King, Mr. Newman, Mr. J. O'Neill, Mr. Sheehan, Mr. Swanson, Mr. Webster, and Mr. Wynn, with instructions to prepare a Petition based on the Resolutions just agreed to, to Her Majesty Queen Victoria.

9. *Adjournment*.—On motion of Mr. Buckland, Council adjourned at twenty minutes to five o'clock p.m.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Friday, December 23rd, 1864.

1. Mr. FOLEY, to ask the Hon. Member at the head of the Executive what steps have been taken for the erection of the Bridge at Mungamungaroa by the Provincial Government.
2. Mr. CHEESEMAN to ask the Provincial Secretary, Whether it is correct that the late Law Officer, the Member for the Pensioner Settlements, retains in his possession a number of Immigration Bonds, the property of this Province, representing a considerable amount, and refuses to give them up.

NOTICES OF MOTION.

1. Mr. FOLEY to move, That a Private Grievance Committee be appointed, to consist of Messrs. Cadman, Cheeseman, Foley, Gallagher, George, Harrop, Kerr, King, McKenzie, Ross, Skeen, Swanson, and the Mover.
2. Mr. CADMAN, to move, that a respectful Address be presented to his Honor the Superintendent, requesting that his Honor will give effect to the Resolutions of this Council of February 3, 1864, transmitted to his Honor in an Address, No. 60.

ORDER OF THE DAY

Petition for Separation—To be Reported.

WM. POWDITCH,
Speaker.

FRIDAY, DECEMBER 23RD, 1864.

PRAYER.

Present : Mr. Speaker and 18 Members.

1. *Petition of James Heaton.*—Mr. Harrop presented a Petition from James Heaton, late of the 65th Regiment, praying that his claim to land as a Military Settler may be considered. Petition received.
2. *Mungamungaroo Bridge.*—Mr. Foley, pursuant to notice, asked What steps have been taken for the erection of a bridge at Mungamungaroo by the Provincial Government.
Mr. Carleton, the Provincial Secretary, answered that it was found not to be necessary to erect an entirely new bridge, but that instructions were given to repair the present one.
3. *The late Provincial Solicitor.*—Mr. Cheeseman, pursuant to notice, asked Whether it is correct that the late Law Officer, the Member for the Pensioner Settlements, retains in his possession a number of Immigration Bonds, the property of the Province, representing a considerable amount, and refuses to give them up.
Mr. Carleton answered that the case he believed stood thus : Mr. Wynn had some claims against the Government, and declined to give up certain bonds belonging to them until those claims were satisfied. The Government objected to pay until all papers were returned. It appeared to be a contention as to who ought to yield.
4. *Private Grievance Committee.*—On motion of Mr. Wynn, *Ordered* That a Private Grievance Committee be appointed, to consist of Mr. Cadman, Mr. Cheeseman, Mr. Foley, Mr. Gallagher, Mr. George, Mr. Harrop, Mr. Kerr, Mr. King, Mr. McKenzie, Mr. Ross, Mr. Skeen, Mr. Swanson, and the Mover.
5. *Responsible Government.*—On motion of Mr. Cadman, *Resolved*, That a respectful Address be presented to his Honor the Superintendent, requesting that his Honor will give effect to the Resolutions of this Council of February 3rd, 1864, transmitted to his Honor in an Address No. 60. (ADDRESS No. 3.)
7. *Separation.*—Mr. Wynn brought up the Report of the Separation Committee, and the same was received, and ordered to be considered in Committee of the whole Council.

COUNCIL IN COMMITTEE.

Mr. King in the chair.

Ordered, That the Report be considered paragraph by paragraph.

Paragraphs 1 to 6 agreed to.

Motion made and Question proposed, That the following new paragraph be inserted :—

“ That the withdrawal of your Majesty’s forces from the Colony before a permanent peace is established with the Native race, would be fraught with the greatest peril to the Northern portion of the Colony, and would be considered by the Natives as an acknowledgement of our weakness and inability to subdue them.” (*Mr. Buckland.*)

Paragraph agreed to.

The remaining paragraphs agreed to.

The prayer of the Petition. Amendment proposed : In line 6, after the words “ Native affairs,” to insert the words “ until a cordial good feeling between the races shall have been restored.”

Amendment agreed to.

Prayer as amended agreed to.

To report the Petition as amended.

COUNCIL

COUNCIL RESUMED.

On Mr. Speaker resuming the Chair, Mr. King reported the Petition as amended in Committee as follows:—

“ TO THE QUEEN’S MOST EXCELLENT MAJESTY.

“ MAY IT PLEASE YOUR MAJESTY—

“ WE, your Majesty’s faithful and dutiful subjects, the members of the Provincial Council of Auckland, in the Colony of New Zealand, in Council assembled, desire to approach your Majesty with expression of our unfeigned attachment to your Majesty’s person and Government.

“ Your Majesty’s petitioners beg most humbly to thank your gracious Majesty for the generous and timely assistance which your Majesty has been pleased most graciously to afford this Colony in a time of great difficulty and danger.

“ The Provincial Council of the Province of Auckland having approached the throne by petition in four previous Sessions of the Council, namely, in the years 1853, 1855, 1858, and 1862, without having obtained the prayer of their petition, feel again constrained to lay their grievances at the feet of your Majesty.

“ Your Majesty’s petitioners will not recapitulate on this occasion all the topics adverted to in their former petitions. They will, however, submit to your Majesty’s gracious consideration the fact that the lapse of time has only added further proofs to those already adduced of the unfitness of the present Constitution to procure the objects of good Government, and of the necessary tendency of two or more concurrent Legislatures in one country to produce confusion, and to defeat rather than to promote the objects for which Government is established.

“ Your Majesty’s petitioners think it right however to advert to some circumstances that have recently transpired in the Colony, which they humbly conceive add great weight to the prayer of their petition.

“ Your Majesty’s petitioners humbly represent, that since the year 1860 a war has existed in the Northern Island with the Natives—that such war began in the province of Taranaki, and gradually extended to, and ultimately included, a large portion of the Province of Auckland.

“ That the withdrawal of your Majesty’s forces from the Colony before a permanent peace is established with the Native race would be fraught with the greatest peril to the Northern portion of the Colony, and would be considered by the Natives as an acknowledgment of our weakness and inability to subdue them.

“ That no peace has been established with the Native race, and some considerable time will elapse before cordial relations are re-established between the two races in this Province.

“ That during the last Session of the General Assembly, held in Auckland, it was finally determined to remove the Seat of Government from Auckland, where it was first established in the year 1840, by the authority of Governor Hobson.

“ That the proceedings of the General Assembly at its last meeting have in fact proved that the representatives of the Southern Provinces came to Auckland with the avowed determination to compel the Governor, by a majority of their votes, to change the Seat of Government to one of the Southern settlements.

“ That the Northern Island is at present divided into four provinces, of which the most northern, called the Province of Auckland, contains the great bulk of the Native population, about 40,000, and an European population about equal in number; and has an area of about seventeen millions of acres, of which about fourteen millions still remain in the hands of the Natives, under the Native title.

“ That the circumstances of that portion of the Colony, which is inhabited by a large Native population, differ so essentially from those in which but few Natives reside, that no Constitution, however carefully framed, can be equally suitable and satisfactory to both.

“ That it has been recently declared by the unanimous vote of both Houses of the General Assembly that the present system of Government, rendered necessary by the peculiar position of the Northern portion of the Colony, as respects the Native population, has resulted in divided counsels, which have been productive of great evils to both races of your Majesty’s subjects in this Colony, and have entailed heavy and unnecessary expenditure both upon Great Britain and New Zealand.’

“ That, as regards the Northern portion of the Colony, the employment of your Majesty’s Imperial troops necessary for the suppression of internal disturbances, the preservation of peace, and the good government of the Native race, justify the Imperial Government in exercising an efficient control over the policy pursued in the management of Native affairs.

“ That

"That, by engaging to confer upon the Natives the rights and privileges of British subjects, in guaranteeing them the undisturbed possession of their lands, and by assuming the sovereignty of the country, the Imperial Government undertook to establish peace, order, and good government in New Zealand; but the Natives have never yet had conferred upon them that which was thus guaranteed by their treaty with the British Crown.

"That your Majesty's petitioners are fully satisfied that the only practicable efficient remedy for the evils by which the Colony is now afflicted,—that the only means by which the British Government may be enabled satisfactorily to secure the fulfilment of its treaty obligations, and provide for the welfare of both races of your Majesty's subjects, is by the creation of a separate Colony in the North, which will include within its limits the great bulk of the Native population.

"Your Majesty's petitioners, therefore, humbly pray that your Majesty, with the aid of your Majesty's Imperial Parliament, will be pleased to take such steps as will secure the separation of the Province of Auckland from the Southern portions of the Colony of New Zealand by itself or with such other portions of the Northern Island as may be deemed expedient, with such a Constitution as will enable your Majesty's Imperial Government to exercise such control over Native affairs until a cordial good feeling between the races shall have been restored as will enable it to secure the fulfilment of the treaty obligations undertaken by your Majesty, and promote the good government of your Majesty's subjects, both Native and European."

And your petitioners, as in duty bound, will ever pray, &c.

On motion of Mr. Wynn, *Resolved*, That the Petition as reported from the Committee of the whole, be agreed to by the Council.

On motion of Mr. Buckland, *Resolved*, That Mr. Speaker be requested to have the Petition to the Queen engrossed, and that, after having signed the same in the name and on behalf of the Council, that he will transmit it to Her Majesty's Principal Secretary of State for the Colonies, for presentation to Her Majesty; also that copies of the Petition be forwarded to the Right Honorable Earl Russell, and the Right Honorable William Ewart Gladstone, to be laid on the tables of the House of Lords and House of Commons.

On motion of Mr. Buckland, *Ordered*, That Mr. Speaker, with the assistance of Mr. Wynn and the Mover, do carefully revise the Petition, and correct any clerical errors that may be found therein.

Ordered, That Mr. Speaker do request His Honor the Superintendent to accompany him for the purpose of presenting the Petition to the Governor for transmission to the Secretary of State for the Colonies.

8. *Thanks tendered to Superintendent*.—On motion of Mr. King, *Resolved*, That Mr. Speaker be requested to convey the thanks of this Council to his Honor the Superintendent, for summoning the Council to meet to consider the important questions lately under deliberation of the General Assembly, which so materially affect the welfare of the two races in this Province. (ADDRESS No. 4.)

9. *Adjournment*.—On motion of Mr. Carleton, *Resolved*, That the Council, at its rising to-day, do adjourn till the 19th January, 1865.

On motion of Mr. Wynn, Council adjourned at 20 minutes to 8 o'clock, p.m.

WM. POWDITCH.

Speaker.

TUESDAY, JANUARY 19TH, 1865.

PRAYER.

Present: Mr. Speaker and 14 Members.

1. *Petition for Separation*.—Mr. Speaker announced that in obedience to the direction of the Council he had presented to His Excellency the Governor, for transmission to Her Majesty, the Petition agreed to by this Council, praying for separation, and also copies of the same, to the Right Honorable Earl Russell and the Right Honorable William Ewart Gladstone, to be laid on the table of the House of Lords and House of Commons.

2. *Petition*

2. *Petition of T. G. Shepherd.*—Mr. Carleton presented a Petition from T. G. Shepherd, of the Arai, praying for an Amendment of the Fencing Act.
Petition received and read.
3. *Messages.*—Mr. Speaker read the following Messages from His Honor the Superintendent, presented by Mr. Carleton, the Provincial Secretary.

Message No. 1.

The Superintendent has received from the Provincial Council an Address requesting him to concur in amendments to Standing Order No. 59, in order to enable the Council to increase at pleasure any of the amounts recommended by him for appropriation.

The Superintendent desires to remind the Council that such is not the practice of the British Parliament, or of the New Zealand Assembly, and that no cause has been alleged why an ancient rule, based on a well-known constitutional principle, should be abrogated.

But there is in his opinion a local and practical objection to the alteration proposed. The Council will observe that by the first section of the Auckland Appropriation Act the Superintendent is not, as usually is the case, simply authorized to expend any sums of money not exceeding the amounts, but is compelled to issue and apply the sums voted to the services specified. The anomaly of combining two such powers, namely—that of increasing at pleasure the sums recommended by the Superintendent, and that of also compelling him to pay them,—is evident. The Council would hold the means of throwing the Government into confusion by raising the expenditure to an amount which could not be met by the Province.

The Superintendent is now, as he ever has been, most desirous of complying with the wishes of the Council, and would accede to any reasonable arrangement which would not disable him from guarding the interest of the taxpayer and effectually performing the duty imposed upon him by the Constitution Act.

Under the Standing Orders, as they now exist, the Superintendent can be addressed by Council for the increase of sums placed upon the Estimates. But such Address can only be moved on notice. If the giving notice be found inconvenient in practice, the Superintendent would willingly assent to such alteration of the Standing Orders as would cause notice of such Address to be no longer imperative; or possibly the Council will point out the means of avoiding the anomaly which the Superintendent has shewn.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 19th January, 1865.

On the motion of Mr. Foley, *Ordered*, That this Message be considered in the Committee on the Estimates.

Message No. 2.

4. The Superintendent submits for consideration to the Provincial Council *A Bill to Amend the Law for the Eradication of certain Weeds growing on Public Roads and Road Reserves.*

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 19th January, 1865.

On motion of Mr. Carleton, the Bill enclosed—the Weeds and Waterworks Bill—was read the first time, and ordered to be read a second time on Tuesday next, and to be printed.

Message

Message No. 3.

Referring to the Address No. 2, dated 22nd December, ultimo, the Superintendent lays before the Provincial Council copy of correspondence with the Honorable the Colonial Secretary.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 19th January, 1865.

Mr. Speaker read the correspondence enclosed relating to furnishing copies of Bills introduced into the General Assembly affecting the Province of Auckland.

Message No. 4.

The Superintendent submits for consideration by the Provincial Council *A Bill to Restrict the Sale of Fermented and Spirituous Liquors to Her Majesty's Forces within Certain Limits.*

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 19th January, 1865.

On motion of Mr. Carleton, the Bill enclosed—the Military Licensing Bill—was read the first time, and ordered to be read a second time to-morrow week, and to be printed.

5. *Adjournment.*—On motion of Mr. Carleton, Council adjourned at 6 o'clock, until Tuesday next.

 NOTICES OF MOTION AND ORDERS OF THE DAY.

Tuesday, January 24th, 1865.

1. Mr. GEORGE to ask the Hon. Member at the head of the Executive, If it is the intention of His Honor the Superintendent to invite tenders for the erection of a Custom House and Post Office, and when.
2. Mr. SWANSON to ask the Member representing the Government, Whether it is intended to amend the Licensing Act to prevent parties from extending their premises so as to front streets for which they were not originally Licensed.
3. Mr. SWANSON to ask the Member representing the Government, Whether it is intended to make any Law to regulate Public Billiard Rooms and to place the same under the control of the Police?
4. Mr. FOLEY to ask the Hon. Member at the head of the Executive, If it is the intention of His Honor the Superintendent to carry out the vote of this Council with regard to the building of a bridge at Munga-Mungarooa Creek?

 NOTICES OF MOTION.

1. Dr. POLLEN to move, That an Address be presented to His Honor the Superintendent requesting that he will lay before this Council copy of all correspondence with the Responsible Advisers of His Excellency the Governor, in reference to "the proposal from the General Government that the Provincial Executive should take a considerable share in the management of the scheme of Immigration into the Northern Island undertaken by the late Government."

2. Dr. POLLEN

2. Dr. POLLEN to move, That an address be presented to His Honor the Superintendent requesting that he will lay before this Council copy of all letters received from the "Agent-General," Captain Daldy, of later date than the 17th August, 1864. Also copy of all official letters addressed from the Superintendent's Office to Captain Daldy since the 25th October ultimo.
3. Dr. POLLEN to move, That an Address be presented to His Honor the Superintendent respectfully requesting that he will, at the earliest convenient moment, lay before this Council copy of the correspondence (if any) had with His Excellency the Governor, in reference to the Resolutions adopted by this Council on Tuesday, November 8th, ultimo, and transmitted with the Address No. 59.
4. Mr. FOLEY to move, That an Address be presented to His Honor the Superintendent requesting him to send down to this Council copy of all correspondence that has passed between the Railway Commissioners and His Honor, regarding the construction of the Drury and Onehunga Railway. Also a Return showing the amount of money spent up to the present time, and also of the amount raised out of the £100,000 authorised to be borrowed for that purpose, and of the amount of interest the Province is paying at the present time with regard to the said Railway. Also a Return of the amount of money paid to the Chairman and the Commissioners, from their first appointment up to the present time.
5. Mr. CARLETON to move, That a sum of Two thousand pounds be appropriated for the purpose of providing additional gaol accommodation at Mount Eden.

ORDER OF THE DAY.

1. Weeds and Watercourses Bill—second reading.

WM. POWDITCH,
Speaker.

TUESDAY, JANUARY 24TH, 1865.

PRAYER.

Present : Mr. Speaker and 21 Members.

1. *Petition of Charles Hopkins*.—Mr. J. O'Neill presented a Petition from Charles Hopkins, late Sergeant-Major of the 58th Regiment, praying for a grant of land.
Petition received.
2. *Petition of George Mill*.—Mr. Foley presented a Petition from George Mill praying for relief in consequence of the Waste Land Commissioner's refusal to issue the Crown Grant of land selected by him.
Petition received.
3. *Petition of H. C. Lane*.—Mr. Sheehan presented a Petition from Henry Cecil Lane, an immigrant from Calcutta, praying for a grant of land.
Petition received.
4. *Messages*.—Mr. Speaker read the following Messages from his Honor the Superintendent, presented by Mr. Carleton.

Message No. 5.

The Superintendent recommends for appropriation by the Provincial Council the sum of two thousand pounds for the purpose of providing additional gaol accommodation at Mount Eden.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 24th January, 1865.

Message

Message No. 6.

The Superintendent transmits for the information of the Provincial Council, copy of the correspondence which has passed between himself, as agent for the General Government and the responsible advisers of His Excellency the Governor, relative to the share taken by the Provincial Executive in the management of the scheme of immigration into the Northern Island for the settlement of the confiscated territory.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 24th January, 1865.

Message No. 14.

The Superintendent invites the co-operation of the Provincial Council in the arrangements necessary for rendering available the Coal-fields in the Kawa Kawa Block, near the Bay of Islands.

That block has not yet been handed over to the Provincial Government, and therefore is not yet subject to the provisions of the "Auckland Waste Land Act, 1858."

The provisions in that Act for the lease and sale of mineral lands in the Province are not entirely suitable to the working of coal on a large scale, particularly as the Lessees after an occupation of three years can compel a sale of the land at an upset price of ten shillings an acre. Provisions for remedying these defects were suggested in a Bill to amend the Auckland Waste Land Act, 1858, introduced into the General Assembly at its recent Session. But as the Bill was withdrawn the attempt to remedy these and other difficulties was frustrated.

The Superintendent has in consequence deferred moving the General Government to hand over the Kawa Kawa Block to the Provincial Government, until a scheme for rendering the minerals permanently available to the Province shall have been matured. To such a scheme the attention of the Council is now invited.

The Superintendent purposes to have a township surveyed and prepared for sale, and to have a portion of the Block—say four thousand acres, including part of the timbered land near the known coal field—properly surveyed into such allotments as would be most suitable for working the minerals. Due provision would also be made for tramroad and shipping purposes. An application could then be made to the General Government to grant this section of five thousand acres as a Coal-field Reserve, under the Public Reserves Act, 1854, in which case the Superintendent could, if empowered by an Act of the Provincial Legislature, grant leases of the minerals for suitable periods, on such conditions as might be prescribed, without incurring the necessity of selling absolutely a property so valuable to the Province.

The rest of the block, including the township above alluded to, could be handed over to the Province, and dealt with under the ordinary Waste Land Laws.

In the event of the Council concurring in this proposition, it would be advisable that resolutions embodying its views should be passed, and that the regulations for leasing and working the Coal-field should at once receive the attention of the Council.

Under the impression that the Kawa Kawa Block was in the hands of the Provincial Government, a number of applications for lease has already been forwarded to the Commissioner of Waste Lands, and an anxiety has been shewn to open up the mineral on a large scale. It is very desirable, therefore, that the necessary arrangements be considered and completed with the least possible delay.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 24th January, 1865.

5. *Erection of Custom House and Post Office.*—Mr. George, pursuant to notice, asked, If it is the intention of his Honor the Superintendent to invite tenders for the erection of a Custom House and Post Office, and when.

Mr Carleton answered that the matter rested with the Building Commissioners, not with the Superintendent. He had consulted the Commissioners, and believed that the information desired would be furnished at their next meeting.

6. *Licensing Act.*—Mr. Swanson, pursuant to notice, asked, Whether it is intended to amend the Licensing Act, to prevent parties from extending their premises so as to front streets for which they were not originally licensed.

Mr. Carleton answered that a legal decision which has been lately given obviates any necessity for altering the Licensing Act in this respect.

7. *Billiard*

7. *Billiard Rooms.*—Mr. Swanson, pursuant to notice, asked, Whether it is intended to make any law to regulate Public Billiard Rooms, and to place the same under the control of the police.
Mr. Carleton answered that, if the Billiard Rooms became nuisances, they could be removed by action at common law.
8. *Mungamungaroo Creek Bridge.*—Mr. Foley asked, If it is the intention of his Honor the Superintendent to carry out the vote of this Council with regard to the building of a Bridge at Mungamungaroo Creek.
Mr. Carleton answered that instructions were originally given to the Engineer to put the bridge in repair; tenders were invited, and the lowest tender was more than double the Engineer's estimate. The Government did not consider it advisable to have the bridge repaired, but gave instructions to have plans and specifications prepared for a new bridge, after which Mr. McLean, Colonel De Quincy, and others, drew the Superintendent's attention to the fact that a more suitable site could be obtained, where the approaches to the bridge would be very much better,—but this would entail an expenditure in clearing the bush for some 40 or 50 chains, which, together with a bridge, would amount to some £500.
9. *Notice withdrawn.*—Dr. Pollen withdrew his notice of motion, No. 1, on this day's notice paper.
10. *Immigration Agent.*—On motion of Dr. Pollen, *Resolved*, That an Address be presented to his Honor the Superintendent, requesting that he will lay before this Council copy of all Letters received from the Agent-General, Captain Daldy, of later date than the 17th August, 1864; also, copy of all Official Letters addressed from the Superintendent's Office to Captain Daldy since the 25th October ultimo. (ADDRESS No. 5.)
11. *Dissolution of Council.*—On motion of Dr. Pollen, *Resolved*, That an Address be presented to his Honor the Superintendent, respectfully requesting that he will at the earliest convenient moment lay before this Council copy of the Correspondence (if any) had with His Excellency the Governor in reference to the resolutions adopted by this Council on Tuesday, November 8th ultimo, and transmitted with the Address No. 59. (ADDRESS No. 6.)
12. *Auckland and Drury Railway.*—On motion of Mr. Foley, *Resolved*, That an Address be presented to his Honor the Superintendent requesting him to send down to this Council copy of all Correspondence that has passed between the Railway Commissioners and his Honor regarding the construction of the Auckland and Drury Railway. Also, a Return, showing the amount of money spent up to the present time, and also of the amount raised, out of the £100,000 authorised to be borrowed for that purpose, and of the amount of interest the Province is paying at the present time with regard to the said Railway. Also, a Return of the Amount of money paid to the Chairman and to the Commissioners, from their first appointment up to the present time. (ADDRESS No. 7.)
13. *Gaol Accommodation.*—On motion of Mr. Carleton, Council resolved itself into Committee for purpose of considering the notice of motion No. 5.

COUNCIL IN COMMITTEE.

Mr. J. O'Neill in the chair.

Message No. 7 read.

Resolved, That a sum of Two Thousand Pounds be appropriated for the purpose of providing additional Gaol accommodation at Mount Eden. (Mr. Carleton.)

Resolution to be reported.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. J. O'Neill reported the resolution.

Resolved, That that resolution be agreed to.

14. *Adjournment.*—On motion of Mr. Carleton, Council adjourned at 15 minutes past seven o'clock, p.m.

NOTICES

NOTICES OF MOTION AND ORDERS OF THE DAY.

Wednesday, January 25th 1865.

1. Mr. WYNN to ask the Hon. Member the Provincial Secretary, Whether any and what arrangements have been made for fitting up and furnishing the temporary Supreme Court Building.
2. Mr. WYNN to ask, Whether it is the intention of the Government to take any steps for the purpose of obtaining the views of the Council as to the requisite amendments required for the administration of the Waste Lands of the Province.
3. Mr. WYNN to ask, Whether it is the intention of the Government to introduce a Representation Bill during this Session.
4. Mr. WYNN to ask, Whether it is the intention of the Government to introduce a Bill to amend the "Railway Commissioners Act, 1864."
5. Mr. FOLEY to ask, If it is the intention of the Engineer in Chief to inspect the Coppering of the Piles of the Tamaki Bridge at Panmure, after the Piles have been driven.
6. Mr. GALLAUGHER to ask the Head of the Executive in this Council, If the Government intend complying with Address No. 47, requesting them to place the sum of £250 on the Supplementary Estimates for 1864, in addition to £150 already on the Estimates for the improvement of the Mount Smart Road.

NOTICES OF MOTION.

1. Mr. BUCKLAND to move, That it is the opinion of this Council that before any further action is taken to carry out the scheme for supplying the City of Auckland with water from Waitakerei, it is desirable that means should be taken to ascertain, by deep sinking, whether an ample supply does not exist within the limits of the City.
That his Honor the Superintendent be requested to place on the Estimates the sum of Five hundred pounds (£500) for this purpose.
That the most desirable spot on which to test this question is on the Market Reserve, near the junction of Queen and Wakefield streets.
That an Address be presented to his Honor conveying the above resolutions.
 2. Mr. J. O'NEILL to move, That the petition of Charles Hopkins and others be referred to the Private Grievance Committee.
 3. Mr. FOLEY to move, That the petition of George Mill be referred to the Private Grievance Committee.
 4. Mr. FOLEY to move, That his Honor's Message, No. 1, be considered in a Committee of the whole House on Friday next.
 5. Mr. SHEEHAN to move, That the petition of Henry Cecil Lane be referred to the Private Grievance Committee.
 6. Mr. A. O'NEILL to move, That an address be presented to his Honor the Superintendent, requesting him to have the road leading to the North Shore by the Falls of the Waitemata properly defined by finger-posts where the road passes near Mr. Lamb's property.
7. Mr. WYNN

7. Mr. WYNN to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to obtain as early as possible and to forward to this Council Returns from the various Highway Boards established under the 'Highways Act, 1862,' showing the amounts of rates respectively levied and the amounts actually collected in each district.
Also, A Return from the City Board of the amount of rates levied and the amounts actually collected since the passing of the 'City Board Act, 1863.'
8. Mr. WYNN to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to send down copies to this Council of all Bills which he introduced or caused to be introduced into the General Assembly during its last Session and affecting the Province of Auckland only.
9. Mr. WYNN to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to inform this Council of the terms upon which he engaged to build a house for the Commodore on this Station, and to transmit copies of all correspondence between the General and Provincial Governments on the subject; and also to inform the Council whether the terms originally agreed upon have been carried out.
10. Mr. WYNN to move, That the Council do resolve itself into a Committee of the whole, with the view of considering the following question:—
That the thanks of the Council are due, and are hereby accorded, to the Hon. the Speaker of the Council, for his assiduous attention in attending meetings of the Members of this Council during the late Sitting of the General Assembly, and giving his assistance in watching over the rights and privileges of the Council in considering several Bills which were introduced tending materially to override the powers at present exercised and under the control of the Provincial Legislature.
11. Mr. WYNN to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to inform this Council whether he has assented to or disallowed the "Government Contracts Act, 1864," and, if disallowed, to state the grounds of that disallowance.

ORDER OF THE DAY.

1. Weeds and Watercourses Bill.

WM. POWDITCH.

Speaker.

WEDNESDAY, JANUARY 25TH, 1865.

PRAYER.

Present: Mr. Speaker and 17 members.

1. *Petition of Wm. Robinson.*—Mr. Cadman presented a petition from Wm. Robinson, praying that his land order may not be invalidated through not being presented within 12 months of its issue.
Petition received.
2. *Petition of G. P. Hilton.*—Mr. Skeen presented a petition from George Philip Hilton, praying that his Land-order may not be invalidated through not being presented within 12 months of its issue.
Petition received.

3. *Petition*

3. *Petition of O. Lewis.*—Mr. Cadman presented a petition from Osmund Lewis, and 121 others, praying that a supply of pure water may be introduced into the City.
Petition received.
4. *Petition of C. R. Leighton.*—Mr. King presented a petition from Christopher Ross Leighton, the contractor for certain additions to the Stockade, praying that the penalties imposed on account of not completing his contract within the prescribed time may be remitted.
Petition received.
5. *Petition of the Total Abstinence Society.*—Mr. Cadman presented a petition from the Total Abstinence Society, praying for the introduction of pure water into the City.
Petition received.
6. *Petition of the Independent Order of Rechabites.*—Mr. Cadman presented a Petition from the Independent Order of Rechabites, praying for the introduction of pure water into the City.
Petition received.
7. *Message.*—Mr. Speaker read the following message from his Honor the Superintendent, presented by Mr. Carleton.

Message No. 8.

The Superintendent, in accordance with the provisions of the *Audit Act*, lays before the Provincial Council a full account of all the receipts and disbursements of the Provincial Government, including the costs, charges, and expenses incidental to the collection, management, and receipt thereof, from the 1st October till the 31st December, 1864.

The necessary vouchers are in readiness, and such further information as may be needful will be forwarded when required.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 24th January, 1864.

Ordered, That the accounts enclosed be printed. (See APPENDIX B.—No. 1.)

8. *Cattle Landing Bill.*—Mr. Wynn (for Dr. Pollen) laid on the table the draft of a Cattle Landing Bill.
9. *Supreme Court House.*—Mr. Wynn pursuant to notice, asked whether any, and what arrangements have been made for furnishing the temporary Supreme Court Building.
Mr. Carleton answered that the Provincial Solicitor had waited on the Chief Justice to ascertain his wishes on the subject, and the Government intended to carry them out.
10. *Waste Land Act.*—Mr. Wynn, pursuant to notice, asked whether it is the intention of the Government to take any steps for the purpose of obtaining the views of the Council as to the requisite amendments required for the administration of the Waste Lands of the Province.
Mr. Carleton postponed answering the question for the present.
11. *Representation.*—Mr. Wynn, pursuant to notice, asked, Whether it is the intention of the Government to introduce a Representation Bill during this Session.
Mr. Carleton answered that it was the intention to do so.
12. *Railway Commissioners' Act.*—Mr. Wynn, pursuant to notice, asked, Whether it is the intention of the Government to introduce a Bill to amend the "Railway Commissioners' Act, 1864."
Mr. Carleton answered that he did not think it was in the power of Council to legislate on the subject, on account of the Act passed by the General Assembly.

13. *Tamaki Bridge*.—Mr. Foley, pursuant to notice, asked, If it is the intention of the Engineer-in-Chief to inspect the copping of the piles of the Tamaki Bridge at Panmure after the piles have been driven.

Mr. Carleton answered that it was not the intention of the Engineer-in-Chief to do so, as it had already been done by competent authority.

14. *Mount Smart Road*.—Mr. Gallagher, pursuant to notice, asked, If the Government intend complying with Address No. 47, requesting them to place the sum of £250 on the Supplementary Estimates for 1864, in addition to £150 already on the Estimates, for the improvement of the Mount Smart Road.

Mr. Carleton answered that it was the intention of Government to do so.

15. *Artesian Well*.—Mr. Buckland moved, and the Question was proposed, That it is the opinion of this Council that before any further action is taken to carry out the scheme for supplying the City of Auckland with Water, from Waitakerei, it is desirable that means should be taken to ascertain, by deep sinking, whether an ample supply does not exist within the limits of the City.

2. That his Honor the Superintendent be requested to place on the Estimates the sum of five hundred pounds (£500) for this purpose.

3. That the most desirable spot on which to test this question is on the Market Reserve, near the junction of Queen and Wakefield Streets.

4. That an address be presented to his Honor conveying the above Resolutions.

Ordered, That the Resolutions be considered *seriatim*.

Mr. J. O'Neill moved, as an amendment to the first Resolution, that the words "before any further action is taken to carry out the scheme for supplying the City of Auckland from Waitakerei," be left out, and that the words "of water" be inserted after the word "supply," in the last line.

And the question being put on the amendment, it was resolved in the affirmative.

Mr. Wynn moved, as an amendment to the second resolution, That the Provincial Legislature having passed the "Auckland Waterworks Act, 1864," and the "Waterworks Appropriation Act, 1864, for the purpose of supplying the City of Auckland with water, it is not desirable at present to expend any further sum of money in making further experiments to ascertain the proper source for the supply of water for the City of Auckland.

And the question being put on the amendment, Council divided:—

Ayes (4.)
Mr. Coolahan,
Mr. George,
Mr. Sheehan,
Mr. Wynn, (teller.)

Noes (12.)
Mr. Blake,
Mr. Buckland,
Mr. Cadman,
Mr. Carleton,
Mr. Foley,
Mr. Gallagher,
Mr. Gruchy,
Mr. King,
Mr. A. O'Neill,
Mr. Skeen,
Mr. Swanson,
Mr. J. O'Neill, (teller.)

So it passed in the negative.

And the question being put on the first resolution, as amended, Council divided:—

Ayes (12.)
Mr. Blake,
Mr. Buckland,
Mr. Cadman,
Mr. Carleton,
Mr. Foley,
Mr. Gallagher,
Mr. Gruchy,
Mr. King,
Mr. A. O'Neill,
Mr. Skeen,
Mr. Swanson,
Mr. J. O'Neill, (teller.)

Noes (4.)
Mr. Coolahan,
Mr. George,
Mr. Sheehan,
Mr. Wynn, (teller.)

So it was resolved in the affirmative.

And

And the question being put on the second resolution, it was resolved in the affirmative.

Mr. Buckland, by leave of the Council, amended the third resolution by adding the words, "or such other place as his Honor shall think fit."

And the question being put on the third resolution, as amended, it was resolved in the affirmative.

On motion of Mr. Wynn, *Resolved*, That, notwithstanding the above resolutions, the Council is of opinion that no delay should take place in the prosecution of the water works under the "Waterworks Act, 1864," and the "Waterworks Appropriation Act, 1864."

On motion of Mr. Buckland, *Resolved*, That an Address be presented to his Honor conveying the above resolutions. (ADDRESS No. 8.)

16. *Messages*.—Mr. Speaker read the following Messages from his Honor the Superintendent presented by Mr. Carleton:—

Message No. 9.

The Superintendent recommends for appropriation by the Provincial Council the sum of two hundred and fifty pounds to be expended in double fencing a road abutting on lot No. 216, west head of the Tamaki River, leading to a place fixed upon for the landing and shipping of cattle.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 12th October, 1864.

Ordered, That the Message No. 9 be taken into consideration to-morrow.

Message No. 10.

The Superintendent submits for consideration by the Provincial Council, *A Bill to amend the Law relating to Division Fences in the Province of Auckland*.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 25th January, 1865.

On motion of Mr. Carleton, the Bill enclosed—the Fencing Act Amendment Bill—was read the first time.

Mr. Carleton moved, and the question was [proposed, That the Bill be read a second time to-morrow.

Mr. King moved as an amendment, That the Bill be read a second time to-morrow fortnight,

And the question being put on the amendment, Council divided, as follows:—

Ayes, 5.

Mr. Foley,
Mr. Gallagher,
Mr. Gruchy,
Mr. Sheehan,
Mr. King (teller).

Noes, 6.

Mr. Blake,
Mr. Buckland,
Mr. A. O'Neill,
Mr. Swanson,
Mr. Carleton (teller).

So it passed in the negative,

And the original question being put, it was resolved in the affirmative.

Ordered, that the Bill be printed.

Message

Message No. 1.

The Superintendent submits for consideration by the Provincial Council, *A Bill to extend the operation of the Auckland Building Act, 1858.*

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 25th January, 1864.

On motion of Mr. Carleton, the Bill enclosed—The Building Act Amendment Bill—was read the first time, and ordered to be read a second time on Tuesday next, and to be printed.

17. *Order postponed.*—The order of the day for the second reading of the Weeds and Water-courses Bill being read, on motion of Mr. Wynn, *Ordered*, That that order be postponed, in order to admit of the further consideration of the notices of motion.
18. *Petition of Charles Hopkins.*—On motion of Mr. J. O'Neill, *Ordered*, That the Petition of Charles Hopkins and others be referred to the Private Grievance Committee.
- 19.—*Petition of George Mill.*—On Motion of Mr. Foley, *Ordered*, That the Petition of George Mill be referred to the Private Grievance Committee.
- 20.—*Message No. 1 (Increase of Votes).*—On motion of Mr. Foley, *Ordered*, That his Honor's message, No. 1, be considered in a Committee of the whole House on Friday next.
21. *Petition of H. C. Lane.*—On motion of Mr. Sheehan, *Ordered*, That the petition of Henry Cecil Lane be referred to the Private Grievance Committee.
22. *Road at the Waitemata Falls.*—On motion of Mr. A. O'Neill, *Resolved*, That an address be presented to his Honor the Superintendent, requesting him to have the road leading to the North Shore, by the Falls of the Waitemata, properly defined by finger-posts, where the road passes near Mr. Lamb's property. (ADDRESS No. 9).
23. *Adjournment for Half-hour.*—On motion of Mr. Wynn, Council adjourned at 7 o'clock for half-an-hour.

COUNCIL RE-ASSEMBLED at thirty minutes past seven o'clock.

24. *Highway and City Rates.*—Mr. Wynn moved, and the question was proposed, That a respectful Address be presented to his Honor the Superintendent, requesting him to obtain as early as possible, and to forward to this Council, Returns from the various Highway Boards established under the "Highways Act, 1863," showing the amount of rates respectively levied, and the amounts actually collected in each district.
Also, a Return from the City Board of the amount of rates levied, and the amounts actually collected since the passing of the "City Board Act, 1863."
Mr. King moved as an amendment, That in line 4, after the word "collected," the word "annually" be inserted.
And the question being put on the amendment, it was resolved in the affirmative.
And the question as amended being put, it was resolved in the affirmative. (ADDRESS No. 10.)
25. *Bills Introduced into General Assembly.*—On motion of Mr. Wynn, *Resolved*, That a respectful Address be presented to his Honor the Superintendent requesting him to send down copies to this Council of all Bills which he introduced into the General Assembly during its last Session, and affecting this Province only. (ADDRESS No. 11.)
26. *Adjournment.*—On motion of Mr. Carleton, Council adjourned at 10 minutes past 9 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Thursday, January 26, 1865.

NOTICES OF MOTION.

1. Mr. FOLEY to move, That an address be presented to his Honor the Superintendent, requesting him to expend the money voted by this Council for the erection of the Bridge at Munga-Mungaroo Creek, and on the site of the old Bridge.
2. Mr. KING to move, That the Petition of C. R. Leighton be referred to the Private Grievance Committee.
3. Mr. CADMAN to move, That the Petition of William Robinson be referred to the Private Grievance Committee.
4. Mr. FOLEY to move, That an address be presented to his Honor the Superintendent, requesting him to inform this Council whether there is a special Engineer for the inspection of the Bridge at Panmure; also, whether there has been any alteration made in the Plan and Specification since the tender was accepted for the said Bridge.
5. Mr. WYNN to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to inform this Council of the terms upon which he engaged to build a house for the Commodore on this Station, and to transmit copies of all correspondence between the General and Provincial Governments on the subject; and also to inform the Council whether the terms originally agreed upon have been carried out.
6. Mr. WYNN to move, That the Council do resolve itself into a Committee of the whole, with the view of considering the following question:—
That the thanks of the Council are due, and are hereby accorded, to the Hon. the Speaker of the Council, for his assiduous attention in attending meetings of the Members of this Council during the late Sitting of the General Assembly, and giving his assistance in watching over the rights and privileges of the Council in considering several Bills which were introduced tending materially to override the powers at present exercised by and under the control of the Provincial Legislature.
7. Mr. WYNN to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to inform this Council whether he has assented to or disallowed the "Government Contracts Act, 1864," and, if disallowed, to state the grounds of that disallowance.
8. Mr. CADMAN to move, That a respectful address be presented to His Honor the Superintendent, requesting that he will inform this Council what steps have been taken in procuring a supply of Water for the City of Auckland, in conformity with the Waterworks Acts, passed by this Council during its last session.
9. Mr. SKEEN to move, That the Petition of G. P. Hilton be referred to the Private Grievance Committee.

ORDERS OF THE DAY

1. Message No. 9—to be considered.
2. Fencing Bill—second reading.
3. Weeds and Watercourses Bill—second reading.

WM. POWDITCH.
Speaker.

THURSDAY, JANUARY 26TH, 1865.

PRAYER.

The Council met, and being counted by Mr. Speaker, it appeared that one-third of the whole number of Members was not present, whereupon the Council was adjourned by Mr. Speaker at 20 minutes past 3 o'clock until to-morrow.

Members present :—

	Mr. Speaker,	
Mr. Cadman,	|	Mr. J. O'Neill,
Mr. Carleton,	|	Mr. Sheehan.
Mr. Gallagher,	|	

NOTICES OF MOTION AND ORDERS OF THE DAY.

Friday, January 27th, 1865.

NOTICES OF MOTION.

1. Mr. KING to move, That an Address be presented to his Honor the Superintendent requesting him to have prepared and sent down to this Council a Bill to prohibit Lotteries, Race Sweeps, and Gambling of every description, in accordance with an Act of the Imperial Parliament, having special reference to these matters.

ORDERS OF THE DAY.

1. Naval and Military Licensing Bill—second reading.
2. Message No. 1—to be considered in Committee.
3. Message No. 9 to be considered.
4. Fencing Bill—second reading.
5. Weeds and Watercourses Bill—second reading.

WM. POWDITCH,
Speaker.

FRIDAY, JANUARY 27TH, 1865.

PRAYER.

The Council met; and being counted by Mr. Speaker, it appeared that one-third of the whole number of Members was not present, whereupon the Council was adjourned by Mr. Speaker at 15 minutes past 3 o'clock until Tuesday next.

Members present:—

Mr. Buckland,	Mr. Speaker,	Dr. Pollen,
Mr. Carleton,	|	Mr. Sheehan
Mr. Gallagher,	|	Mr. Wynn.
Mr. George,	|	

NOTICES OF MOTION AND ORDERS OF THE DAY.

Tuesday, January 31st, 1865.

NOTICE OF MOTION.

1. Dr. POLLEN, To move for leave to bring in a Bill to prevent the landing of cattle in or near the city of Auckland.

ORDERS OF THE DAY.

1. Building Bill—second reading.
2. Naval and Military Licensing Bill—second reading.
3. Message No 1—to be considered in Committee.
4. Message No 9—to be considered.
5. Fencing Bill—second reading.
6. Weeds and Watercourses Bill—second reading.

WM. POWDITCH,
Speaker

TUESDAY, JANUARY 31ST, 1865.

PRAYER.

Present: Mr. Speaker and 20 Members.

1. *Petition of John Shields.*—Mr. Sheehan presented a Petition from John Shields, late of the 58th Regiment, praying for a grant of land as being a discharged soldier.
Petition received.

2. *Petition*

2. *Petition of J. M. Lord*—Mr. Cadman presented a Petition from John Murr Lord, praying that his claim for land, notwithstanding his not getting a land order, may be considered.
Petition received.
3. *Messages*.—Mr. Speaker read the following Messages from his Honor the Superintendent, presented by Mr. Carleton.

Message No. 12.

The Superintendent submits for consideration by the Provincial Council, *A Bill for the better prevention and punishment of Vagrancy and other offences.*

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 27th January, 1865.

On motion of Mr. Carleton, the Bill enclosed—the Vagrant Bill—was read the first time, and ordered to be read a second time on Thursday next, and to be printed.

Message No. 13.

The Superintendent submits for consideration by the Provincial Council, *A Bill to regulate Municipal Police within the Province of Auckland.*

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 27th January, 1865.

On motion of Mr. Carleton, the Bill enclosed—the Municipal Police Bill—was read the first time, and ordered to be read the second time on Thursday next, and to be printed.

Message No. 14.

The Superintendent transmits for the information of the Provincial Council copy of Memorials (2) received from a number of settlers in the Kaipara district, relative to the establishment of steam communication in that locality.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 27th January, 1865.

Message No. 15.

In compliance with the request contained in the Address No. 5, of date 24th January instant, the Superintendent lays before the Provincial Council copy of all letters received from Captain Daldy of later date than the 17th August, 1864. Also, copy of all official letters addressed from the Superintendent to Captain Daldy since the 25th October, ultimo.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 27th January, 1865.

4. *Auditor's Report*.—Mr. Speaker read and laid on the table a letter from the Auditor enclosing a Return of the Provincial Government Expenditure in excess of vote, and without vote, during the quarter ended 31st December, 1864.
5. *Cattle Landing Bill*.—On motion of Dr. Pollen, *Ordered*, That leave be given to bring in *A Bill to prevent the Landing of Cattle in or near the City of Auckland.*
Dr. Pollen accordingly presented the Bill, and the same was read the first time, and ordered to be read a second time on Tuesday next, and to be printed.

6. *Building*

6. *Building Bill*.—On motion of Mr. Carleton, the Building Act Amendment Bill was, according to order, read a second time and committed to a Select Committee, consisting of Mr. George, Mr. King, Dr. Pollen, Mr. Sheehan, Mr. Swanson, Mr. Webster, and the Mover.
7. *Naval and Military Licensing Bill*.—Mr. Carleton moved, and the question was proposed, That the Naval and Military Licensing Bill be now read the second time.
Ordered, That this debate be postponed until after receipt by the Government of further communications from the Naval and Military authorities.
8. *Power to Increase Votes*.—The Council, according to order, resolved itself into committee for the purpose of considering Message No. 1.

COUNCIL IN COMMITTEE

Mr. King in the chair,

Resolved,—That this Committee in considering Message No. 1 of His Honor the Superintendent, beg to recommend that Standing Order No. 59 be expunged. The expunging this order will reinstate the Council in the powers hitherto exercised and enjoyed in increasing any item on the Estimates when in Committee. (*Mr. Foley*).

Resolution to be reported.

COUNCIL RESUMED.

Mr. Speaker resumed the Chair, and Mr. King reported the Resolution that the Committee had come to.

On motion of Mr. Foley, *Resolved*, That that resolution be agreed to by the Council.

Resolved, That an address be presented to his Honor the Superintendent forwarding the foregoing resolution, and requesting his concurrence therein. (Address No. 12.)

9. *Adjournment for an hour*.—On motion of Mr. Foley Council adjourned at $\frac{1}{4}$ past 7 for one hour.

Council re-assembled at $\frac{1}{4}$ to 8.

10. *Cattle Landing Place*.—On motion of Mr. Carleton, *Resolved*, that this Council will immediately resolve itself into committee to consider the Superintendent's Message, No. 9.

COUNCIL IN COMMITTEE

Mr. J. O'Neill in the chair,

Motion made and question proposed, That a sum of £250 be appropriated for the double-fencing of a road abutting on Lot 21, West Head of the Tamaki, leading to a place fixed upon for the landing and shipping of cattle. (*Mr. Carleton*).

To report progress and ask leave to sit again.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. J. O'Neill reported that he was directed to move that the committee may have leave to sit again.

11. *Fencing Bill*.—On motion of Mr. Carleton, the Fencing Act Amendment Bill was, according to order, read a second time.
12. *Weeds and Watercourses Bill*.—Mr. Carleton moved, and the question was proposed, That the Weeds and Watercourses Bill be now read the second time.
 Mr. King moved as an amendment, that the Bill be read a second time this day six months, and the question being put, on the amendment it was resolved in the affirmative.
13. *Adjournment*.—On motion of Mr. Carleton, Council adjourned at 5 minutes past 9 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Wednesday, February 1st, 1865.

1. Mr. FOLEY to ask the hon. member at the head of the Executive, If the General Government retained any portion of the block of ground purchased by the Provincial Government in Queen-street for a public road ?
2. Mr. FOLEY to ask the hon. member at the head of the Executive, If it is the intention of the Government to lease the block of land in Queen-street, or what is the intention of the Government to do with the said block of land ?
3. Mr. KING to ask the hon. member, the Provincial Secretary, What steps the Building Commissioners have taken towards commencing the erection of the Custom House and Post Office, and whether the site selected by the Provincial Council for the new Custom House is approved of by the Building Commissioners ; and also, whether they propose to commence the erection of the new Post Office on the site occupied by the old Court House.

NOTICES OF MOTION.

1. Mr. WYNN to move, For leave to bring in a Bill to authorise the Superintendent to construct a road across Hobson's Bay.
2. Mr. FOLEY to move, That an address be presented to his Honor the Superintendent, requesting him to expend the money voted by this Council for the erection of the Bridge at Munga-Mungaroa Creek, and on the site of the old Bridge.
3. Mr. FOLEY to move, That an address be presented to his Honor the Superintendent, requesting him to inform this Council whether there is a special Engineer for the inspection of the Bridge at Panmure ; also, whether there has been any alteration made in the Plan and Specification since the tender was accepted for the said Bridge.
4. Mr. CARLETON to move, That an Audit Committee be appointed, to consist of Messrs. Pollen, Newman, J. O'Neill, Swanson and the Mover.
5. Mr. CARLETON to move, That the Fencing Amendment Bill, be referred to a Select Committee to consist of—Mr. Ball, Mr. Bassett, Mr. Foley, Mr. Kerr, Mr. King, Mr. Ross, Mr. Wallace, and Mr. Williams. The Mover to be exempt from serving.
6. Mr. CARLETON to move, That "The Weeds and Watercourses Bill" be referred to a Select Committee, to consist of Messrs. Blake, Buckland, Gruchy, Martin, McGee, Ross, and the Mover.
7. Mr. CADMAN to move, That a Committee be appointed to consider the desirability of recommending to the General Government the adoption of the design prepared by Colonel Mould for the erection of the Supreme Court House, the Committee to consist of Mr. Ball, Mr. Carleton, Mr. King, Mr. Martin, Mr. J. O'Neill, Dr. Pollen, Mr. Swanson, Mr. Wynn, and the Mover.
8. Mr. CADMAN to move, That the Petition of William Robinson be referred to the Private Grievance Committee.
9. Mr. CADMAN to move, That a respectful address be presented to his Honor the Superintendent, requesting that he will inform this Council what steps have been taken in procuring a supply of Water for the City of Auckland, in conformity with the Waterworks Acts, passed by this Council during its last session.

10. Mr. SHEEHAN

10. Mr. SHEEHAN, to move, That it be an instruction to the Private Grievance Committee, appointed this Session, to consider the proceedings and minutes of evidence taken upon Petitions referred to the Private Grievance Committee of last Session, and to report upon such Petitions during the present Session.
11. Mr. SWANSON to move, That, in the opinion of this Council, any Bill for amending the Building Act should contain provision to prevent any streets being formed of less width than feet, and to prevent private property being subdivided into Building allotments intersected by streets and sold before the approval of the City Board be first obtained as to the width and direction of the intended streets.
12. Mr. HARROP to move, That it is desirable to make some amendments in the "Highways Act, 1862," and the "Amendment Act of 1864."
13. Mr. HARROP, to move, That the Petition of James Heaton be referred to the Private Grievance Committee.
14. Mr. BUCKLAND to move, That in the opinion of this Council the works now carried on at Britomart Point for the construction of a breakwater ought to be suspended until it can be ascertained when the railway would be available for the purpose of conveying the stone necessary for the works.
15. Mr. SHEEHAN to move, That the petition of John Shields be referred to the Private Grievance Committee.
16. Mr. KING to move, That the Petition of C. R. Leighton be referred to the Private Grievance Committee.
17. Mr. KING, to move, That an Address be presented to his Honor the Superintendent requesting him to send down to this Council a return of Public Reserves, in accordance with a resolution passed in Session XV., and forwarded in Address No. 30.
18. Mr. A. O'NEILL, to move, That an Address be presented to His Honor the Superintendent requesting him to open up the Road from the Otea River to Port Albert, in order to enable the Settlers of that district to bring their Cattle to the Auckland market.

WM. POWDITCH,

Speaker.

WEDNESDAY, FEBRUARY 1st, 1865.

PRAYER.

Present: Mr. Speaker and 17 Members.

1. *Supreme Court Site.*—Mr. Foley, pursuant to notice, asked If the General Government retained any portion of the block of ground purchased by the Provincial Government in Queen Street for a public road.
Mr. Carleton postponed answering the question.
Mr. Foley, pursuant to notice, also asked, If it is the intention of the Government to lease the block of land in Queen Street, or what is it the intention of the Government to do with the said block of land.
Mr. Carleton answered that the Government bought the land at the request of the Provincial Council, and awaits an expression of opinion from Council as to what shall be done with it.

2. *Public*

2. *Public Buildings.*—Mr. King, pursuant to notice, asked What steps the Building Commissioners have taken towards commencing the erection of the Custom House and Post Office, and whether the site selected by the Provincial Council for the new Custom House is approved of by the Building Commissioners; and, also, whether they propose to commence the erection of the new Post Office on the site occupied by the old Court House.
Mr. Carleton answered, that the Superintendent had written to the Building Commissioners, and as soon as an answer was received it would be laid on the table.
3. *Notice Postponed.*—On motion of Mr. King, the notice of motion No. 1 was postponed till Tuesday next.
4. *Mungamungaroa Bridge.*—On motion of Mr. Foley, *Resolved*, That an Address be presented to his Honor the Superintendent requesting him to expend the money voted by this Council for the erection of the Bridge at Mungamungaroa Creek, and on the site of the old bridge. (ADDRESS No. 13.)
5. *Engineer for Panmure Bridge.*—On motion of Mr. Foley, *Resolved*, That an address be presented to his Honor the Superintendent requesting him to inform this Council whether there is a special Engineer for the inspection of the Bridge at Panmure; also, whether there has been any alteration made in the Plan and Specification since the tender was accepted for the said bridge. (ADDRESS No. 14.)
6. *Audit Committee.*—On motion of Mr. Carleton, *Ordered*, That an Audit Committee be appointed to consist of Mr. Newman, Dr. Pollen, Mr. J. O'Neill, Mr. Swanson, and the Mover.
7. *Fencing Committee.*—On motion of Mr. Carleton, pursuant to amended notice, *Ordered*, That the Fencing Amendment Bill be referred to a Select Committee, to consist of Mr. Ball, Mr. Bassett, Mr. Foley, Mr. Kerr, Mr. King, Mr. Ross, Mr. Wallace, and Mr. Williams. The Mover to be exempt from serving.
8. *Notice Lapsed.*—The notice of motion No. 6 lapsed.
9. *Supreme Court House.*—On motion of Mr. Cadman, *Ordered*, That a Committee be appointed to consider the desirability of recommending to the General Government the adoption of the design prepared by Colonel Mould for the erection of the Supreme Court House. The Committee to consist of Mr. Ball, Mr. Carleton, Mr. King, Mr. Martin, Mr. J. O'Neill, Dr. Pollen, Mr. Swanson, Mr. Wynn, and the Mover
10. *Petition of William Robinson.*—On motion of Mr. Cadman, *Ordered*, That the Petition of William Robinson be referred to the Private Grievance Committee.
11. *Waterworks.*—On motion of Mr. Cadman, *Resolved*, That a respectful Address be presented to his Honor the Superintendent, requesting that he will inform this Council what steps have been taken in procuring a supply of Water for the City of Auckland, in conformity with the "Waterworks Acts" passed by this Council during its last Session. (ADDRESS No. 15.)
12. *Private Grievance Committee.*—On motion of Mr. Sheehan, *Ordered*, That it be an instruction to the Private Grievance Committee appointed this Session to consider the proceedings and minutes of evidence taken upon petitions referred to the Private Grievance Committee of last Session, and to report upon such petitions during the present Session.
13. *Width of Streets.*—Mr. Swanson moved, and the question was proposed, That, in the opinion of this Council, any bill for amending the Building Act should contain provisions to prevent any street being formed of less width than fifty feet, and to prevent property being subdivided into building allotments, intersected by streets, and sold before the approval of the City Board be first obtained as to the width and direction of the intended streets.
Mr. King moved, as an amendment, That all the words after "feet," in line 3, be left out.
And the question being put on the amendment, it was resolved in the affirmative.
And the question as amended being put, it was resolved in the affirmative.
Resolved, That an Address be presented to his Honor the Superintendent forwarding the foregoing resolution. (ADDRESS No. 16.)

14. *Highways' Act*.—On motion of Mr. Harrop, *Resolved*, That it is desirable to make some amendments in the "Highways' Act, 1862," and the "Highways' Amendment Act, 1864."
15. *Petition of J. Heaton*.—On motion of Mr. Harrop, *Ordered*, That the Petition of James Heaton be referred to the Private Grievance Committee.
16. *Britomart Point Breakwater*.—Mr. Buckland moved, and the question was proposed, That, in the opinion of this Council, the works now carried on at Britomart Point for the construction of a breakwater ought to be suspended, until it can be ascertained when the railway would be available for the purpose of conveying the stone necessary for the works.
Mr. King moved, as an amendment, That the question of carrying out the breakwater at Britomart Point be referred to a Select Committee.
Mr. Buckland moved, as an amendment, That the whole question of the proposed Harbour Works in Commercial Bay be referred to a Select Committee.
And the question being put on the latter amendment, it was resolved in the affirmative.
Ordered, That the Harbour Works Committee consist of Mr. Speaker, Mr. Cadman, Mr. George, Mr. King, Mr. Newman, Mr. A. O'Neill, Mr. J. O'Neill, Dr. Pollen, and Mr. Swanson, and that Mr. Speaker be the convener of the Committee.
17. *Messages*.—Mr. Speaker read the following Messages from his Honor the Superintendent, presented by Mr. Carleton.

Message No. 16.

In compliance with the request contained in the Address, No. 51, dated 3rd November, 1864, the Superintendent forwards to the Provincial Council "A Return shewing the amount of the liabilities of the Provincial Government upon 30th September, 1864."

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 1st February, 1865.

On motion of Mr. King, *Ordered*, That the Message and its enclosure be referred to the Audit Committee.

Message No. 17.

The Superintendent lays before the Provincial Council copy of correspondence relative to the proposed sale to the Provincial Government of the land required for a public road through the property of Mr. Henderson, at Wairoa.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 1st February, 1865.

Message No. 18.

The Superintendent forwards for the information of the Provincial Council copy of a letter from the Inspector of Thistles, under the date 30th Nov. ulto., estimating the amount of expenditure required, in order effectively to meet the Thistle Nuisance in this Province during the year 1865.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 1st February, 1865.

On motion of Mr. Carleton, *Ordered*, That the Message and its enclosure be taken into consideration to-morrow.

18. *Petition of John Shields*.—On motion of Mr. Sheehan, *Ordered*, That the Petition of John Shields be referred to the Private Grievance Committee.

19. *Petition*

19. *Petition of C. R. Leighton.*—On motion of Mr. King, *Ordered*, That the petition of C. R. Leighton, be referred to the Private Grievance Committee.
20. *Public Reserves.*—On motion of Mr. King, *Resolved*, That an address be presented to his Honor the Superintendent, requesting him to send down to this Council a Return of Public Reserves, in accordance with a resolution passed in Session XV. and forwarded in Address No. 30. (ADDRESS No. 17.)
21. *Otea to Port Albert.*—On motion of Mr. A. O'Neill, *Resolved*, that an address be presented to his Honor the Superintendent requesting him to open up the Road from the Otea River to Port Albert, in order to enable the settlers of that district to bring their cattle to the Auckland market. (ADDRESS No. 18.)
22. *Adjournment.*—On motion of Mr. Carleton Council adjourned at 5 minutes to 7 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Thursday, February 2, 1865.

NOTICES OF MOTION.

1. Mr. KING to move, That the Council do resolve itself into a Committee of the whole, with the view of considering the following question :—
That the thanks of the Council are due, and are hereby accorded, to the Hon. the Speaker of the Council, for his assiduous attention in attending meetings of the members of this Council during the late Sitting of the General Assembly, and giving his assistance in watching over the rights and privileges of the Council in considering several Bills which were introduced tending materially to override the powers at present exercised by, and under the control of, the Provincial Legislature.
2. Mr. KING to move, That an Address be presented to his Honor the Superintendent, requesting him to have prepared and sent down to this Council a Bill to prohibit Lotteries, Race Sweeps, and Gambling of every description, in accordance with an Act of the Imperial Parliament having special reference to these matters.
3. Mr. CADMAN to move, That the petition of J. M. Lord be referred to the Private Grievance Committee.
4. Mr. KING to move, That a House Committee be appointed, consisting of Mr. Cadman, Mr. Carleton, Mr. Foley, Mr. Newman, Mr. Sheehan, Mr. Wynn, and the Mover.
5. Mr. COOLAHAN to move, That Mr. Ball and Mr. King be appointed members of the Audit Committee.
6. Mr. CARLETON to move by way of addition to Mr. Coolahan's motion, That Mr. George and Mr. A. O'Neill be appointed to serve on the Audit Committee.
7. Mr. GALLAUGHER to move, That a Committee be appointed to enquire into the working of the Thistle Act, and particularly to enquire whether Inspectors or Sub-inspectors are permitted to enter into contracts with the Government or other persons for the eradication of Thistles. Committee to consist of the following members:—Mr. Ball, Mr. Cadman, Mr. King, Mr. Ross, Mr. Wynn, Mr. Swanson, and the mover, with power to call for persons and papers.

ORDERS

ORDERS OF THE DAY

1. Vagrant Bill—second reading.
2. Municipal Police Bill.
3. Message No. 18, [respecting the Eradication of Thistles]—to be considered.

WM. POWDITCH.
Speaker.

THURSDAY, FEBRUARY 2ND, 1865.

PRAYER.

Present: Mr. Speaker and 17 members.

1. *Petition of William Gear.*—Mr. Swanson presented a Petition from William Gear, a discharged soldier of the 58th Regiment praying for a Grant of Land, under the "Naval and Military Scrip Act, 1856."
Petition received.
2. *Vote of thanks to Mr. Speaker.*—On motion of Mr. King, *Resolved*, That the Council do resolve itself into Committee for the purpose of considering the notice of motion No. 1.

IN THE COMMITTEE.

Mr. Ball in the chair.

Motion made and question proposed, That the thanks of the Council are due, and are hereby accorded, to the Hon. the Speaker of the Council, for his assiduous attention in attending meetings of the members of the Council during the late sitting of the General Assembly, and giving his assistance in watching over the rights and privileges of the Council in considering several Bills which were introduced, tending materially to override the powers at present exercised by and under the control of the Provincial Legislature. (*Mr. King.*)

Mr. King having made use of certain expressions in reference to Mr. Carleton, Mr. Carleton moved, That the words be taken down,

And a discussion arising thereon, on motion of Mr. Carleton, a correspondence that had taken place between the Superintendent and Mr. Albin Martin, copy of which was laid on the table on the 22nd December ulto., was read by the Clerk, whereupon Mr. Carleton intimated that he did not desire to press his motion, and so the matter dropped.

Original question put and agreed to.

Resolution to be reported.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. Ball reported the resolution that the Committee had come to.

On motion of Mr. King, *Resolved*, That that resolution be agreed to by Council.

Mr. Speaker expressed his acknowledgments to Council for the vote of thanks they had been pleased to bestow upon him.

3. *Gambling.*—On motion of Mr. King, *Resolved*, that an address be presented to his Honor the Superintendent, requesting him to have prepared and sent down to this Council a Bill to prohibit Lotteries, Race Sweeps, and Gambling of every description, in accordance with an Act of the Imperial Parliament having special reference to these matters. (ADDRESS No. 19.)
4. Mr. Speaker read the following Messages from his Honor the Superintendent, presented by Mr. Carleton:—

Message No. 19.

The Superintendent has received an address, No. 7, requesting him to send down to the Provincial Council "Copy of all correspondence that has passed between the Railway Commissioners and his Honor, regarding the construction of the Auckland and Drury Railway; also a return showing the amount of money spent up to the present time, and also the amount raised out of the £100,000 authorised to be borrowed for that purpose, and the amount of interest the Province is paying at the present time with regard to the said Railway; also a return of the amount of money paid to the Chairman and the Commissioners from their first appointment up to the present time."

The

The correspondence is enclosed herewith.

The amount expended on account of the Railway to the 31st January, 1865, is £15,921 17s. 7d.

Interest being paid by the Province only on such amounts as are from time to time required to be placed to the credit of the Loan account, this sum may properly be said to represent the amount raised for railway purposes, and the amount of interest at the rate of 6 per cent per annum amounts, in round numbers, to £960. Of the above amount £11,741 has been remitted to England for the purchase of plant; the balance has been paid to the Railway Commissioners for current expenses.

Of the particulars of expenditure by the Railway Commissioners, the Superintendent has no information beyond what has already been made public.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 2nd February, 1865.

On motion of Mr. Foley, *Ordered*, That the Message and its enclosure be printed (See Appendix A.—No. 2.)

Message No. 20.

The Superintendent has received an Address (No. 8) requesting him to place on the Estimates the sum of five hundred pounds (£500) for the purpose of ascertaining by deep sinking whether an ample supply of water does not exist within the limits of the City.

The Superintendent has referred the proposal to the Engineer-in-Chief, who has recorded his opinion that, although water may possibly be found by sinking, as in other wells in the City, the experiment will utterly fail in obtaining a supply of water on the Artesian principle. This opinion has been confirmed by Major Heaphy, who has favoured the Engineer-in-Chief with a consultation on the subject.

Should the Council intimate to the Superintendent that they are still desirous that the experiment should be tried, the Superintendent will place the sum named upon the Estimates, providing the Council will indicate the spot where they wish operations commenced.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 2nd February, 1865.

On motion of Mr. Carleton, *Ordered*, That the Message be taken into consideration to-morrow.

5. *House Committee*.—On motion of Mr. King, pursuant to amended notice, *Ordered*, That a House Committee be appointed, consisting of Mr. Cadman, Mr. George, Mr. Foley, Mr. Newman, Mr. Sheehan, Mr. Wynn, and the Mover.
6. *Audit Committee*.—Mr. Coolahan moved, and the question was proposed, That Mr. Ball and Mr. King be appointed Members of the Audit Committee.
Mr. Carleton moved, as an amendment, That Mr. George and Mr. A. O'Neill be appointed to serve on the Audit Committee.
And the question being put on the amendment, it was resolved in the affirmative.
And the question as amended—That Mr. Ball, Mr. George, Mr. King, and Mr. A. O'Neill be appointed Members of the Audit Committee—being put, it was resolved in the affirmative.
7. *Adjournment for want of a Quorum*.—One-third of the Members not being present, Mr. Speaker counted the Council, and there not being twelve Members present, Mr. Speaker, at a quarter past 5 o'clock, declared the Council to stand adjourned until to-morrow.

MEMBERS PRESENT :

	Mr. Speaker,	
Mr. Ball,		Mr. Gallagher,
Mr. Blake,		Mr. George,
Mr. Cadman,		Mr. King,
Mr. Coolahan,		Mr. Sheehan,
Mr. Foley,		Mr. Skeen.

NOTICES

NOTICES OF MOTION AND ORDERS OF THE DAY.

Friday, February 3, 1864.

1. Dr. POLLEN to ask the Provincial Secretary, Whether or not it is the intention of the Provincial Government to repair that portion of the Great North-road which lies in the electoral district of Newton.

NOTICES OF MOTION.

1. Mr. WYNN to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to inform this Council whether he has assented to or disallowed the "Government Contracts Act, 1864," and, if the Bill has been disallowed, to state the grounds of that disallowance.
2. Mr. WYNN to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to inform this Council of the terms upon which he engaged to build a house for the Commodore on this Station, and to transmit copies of all correspondence between the General and Provincial Governments on the subject; and also to inform the Council whether the terms originally agreed upon have been carried out.
3. Mr. HARROP to move, That the Interim Report of the Slaughter House Committee, as brought up, and the evidence collected, be referred to the Committee appointed during last Session, viz.:—Mr. Buckland, Mr. Cheeseman, Mr. Kerr, Mr. King, Mr. Martin, Mr. McGee, Mr. Newman, Dr. Pollen, Mr. Wynn, and the mover.
4. Mr. FOLEY to move, That the names of Mr. Blake, Mr. Cadman, and Mr. King, be added to the Audit Committee.
5. Mr. SWANSON to move, That the petition of William Gear be referred to the Private Grievance Committee.

ORDERS OF THE DAY.

1. Cattle Landing Bill—second reading.
2. Message No. 20, [respecting the Sinking of an Artesian Well]—to be considered.
3. Vagrant Bill—second reading.
4. Municipal Police Bill—second reading.
5. Message No. 18, [respecting the Eradication of Thistles]—to be considered.

WM. POWDITCH.
Speaker.

FRIDAY, FEBRUARY 3RD, 1865.

PRAYER.

Present: Mr. Speaker and 13 Members.

1. *Notice of Question lapsed.*—Dr. Pollen not being in his place when his notice of question was called on the notice lapsed.

2. *Notices*

2. *Notices of Motion Postponed.*—On motion of Mr. Cadman, the Notices of Motion, Nos. 1 and 2 were postponed till Tuesday next.
3. *Slaughter House Committee.*—On motion of Mr. Harrop, *Ordered*, That the Interim Report of the Slaughter House Committee as brought up, and the evidence collected, be referred to the Committee appointed during last Session, viz., Mr. Kerr, Mr. King, Mr. Martin, Mr. McGee, Mr. Newman, Dr. Pollen, Mr. Wynn, and the Mover.
4. *Notice Postponed.*—On motion of Mr. King, the notice of motion No. 4 was postponed until after the orders of the day are disposed of.
5. *Petition of William Gear.*—On motion of Mr. Swanson, *Ordered*, That the Petition of William Gear be referred to the Private Grievance Committee.
6. *Order Postponed.*—On motion of Mr. King, *Ordered*, That the order of the day for the second reading of the Cattle Landing Bill be postponed till Tuesday next.
7. *Artesian Well.*—The order of the day for the consideration of Message No. 20 being read.
On motion of Mr. Carleton, the Message No. 20 was read by the Clerk.
On motion of Mr. King, *Ordered*, That the debate on the consideration of Message No. 20 be adjourned till Wednesday next, in order to enable the Government to afford further information on the subject.
Resolved, That an Address be presented to his Honor the Superintendent forwarding the foregoing resolution. (ADDRESS No. 20.)
8. *Vagrant Bill.*—The Vagrant Bill was, according to order, read a second time, and committed to a Committee of the whole Council.

IN THE COMMITTEE.

Mr. J. O'NEILL in the chair.
 Clause 1, together with subsection I.
 Motion made and question proposed, That the Chairman do now report progress and ask leave to sit again. (*Mr. Cadman.*)
 Original question put and agreed to.
 Subsection II. Amendment proposed: in line 2, to leave out the word "twelve," in order to insert the word "three."
 Whereupon motion made and question proposed, that the Chairman do now report progress, and ask leave to sit again. (*Mr. Sheehan.*)

THE COMMITTEE DIVIDED.

Ayes, 3.
 Mr. Sheehan,
 Mr. Skeen,
 Mr. Cadman (teller).

Noes, 6.
 Mr. George,
 Mr. Rattray,
 Mr. Rowe,
 Mr. Swanson,
 Mr. Williams,
 Mr. Carleton (teller).

And it appearing upon the report of the division by the tellers that 12 members were not present, the Chairman left the chair.

Mr. Speaker resumed the chair and declared the Council to stand adjourned at 5 minutes to 5 o'clock.

MEMBERS PRESENT :

Mr. Cadman,
 Mr. Carleton,
 Mr. George,
 Mr. J. O'Neill,
 Mr. Rattray,

Mr. Speaker,

Mr. Rowe
 Mr. Sheehan,
 Mr. Skeen,
 Mr. Swanson,
 Mr. Williams.

NOTICES

NOTICES OF MOTION AND ORDERS OF THE DAY.

Tuesday, February 7th, 1865.

1. **Dr. POLLEN** to ask the Provincial Secretary, Whether or not a copy of any correspondence between Captain Daldy and Messrs. Ridgway has been received by his Honor the Superintendent.
2. **Mr. KING** to ask the hon. member the Provincial Secretary, When the Estimates of Revenue and Expenditure will be sent down to this Council for consideration?
3. **Mr. BALL** to ask the hon. member representing the Government, Whether it is the intention of his Honor the Superintendent to comply with the wishes of this Council, expressed in Address No. 37 of last Session, relative to the progress of Trunk Roads in the North?
4. **Mr. BALL** to ask the hon. member at the head of the Executive, Whether the Provincial Government is in possession of any information relative to the progress or probable success of the scheme for formation of a Special Settlement on the Mangatite Block, in the North?
5. **Mr. BALL** to ask the hon. member at the head of the Executive, Whether, in prospect of the increased and improved provisions for the unhappy Lunatics of this Province, the Government has taken any steps to secure the services of a competent Governor, conversant with the modern, more humane, and more successful treatment which obtains in the best conducted institutions for like objects in the United Kingdom of Great Britain?
6. **Mr. SKEEN** to ask the hon. member at the head of the Executive, Whether any, and what, action has been taken with regard to the Bill passed last Session affecting the Mangawai Breakwater?

 NOTICES OF MOTION.

1. **Mr. WYNN** to move, For leave to bring in a Bill to authorise the Superintendent to construct a road across Hobson's Bay.
 2. **Dr. POLLEN** to move, That the enclosures of the messages Nos. 26 and 59 from his Honor the Superintendent of date respectively 18th October and 4th November ultimo, and the enclosures of message No. 15, of date January 27th, be ordered to be printed.
 3. **Mr. GALLAUGHER** to move, That a Committee be appointed to enquire into the working of the Thistle Act, and particularly to enquire whether the Inspector or Sub-Inspectors are permitted to enter into contracts with the Government or other persons for the eradication of Thistles, Committee to consist of the following members:—Mr. Ball, Mr. Cadman, Mr. King, Mr. Ross, Mr. Swanson, Mr. Wynn, and the mover, with power to call for persons and papers.
 4. **Mr. GALLAUGHER** to move, That an address be presented to his Honor the Superintendent, requesting him to send to this House a Bill empowering owners and occupiers of property in the town of Onehunga to rate such property for the purpose of forming and repairing roads, streets, bridges, &c., and for sanitary improvements and such other works as may be necessary for the benefit of the town.
 5. **Mr. Newman** to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to send down to this Council copies of any correspondence between the General Government and his Honor on the Waikato Settlement question, in addition to letters contained in his Honor's Message, No. 6: together with letters and reports forwarded by the mover to his Honor, and also to the Attorney-General, on the same subject
8. **Mr. WYNN**

6. Mr. WYNN to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to inform this Council whether he has assented to or disallowed the "Government Contracts Act, 1864," and, if the Bill has been disallowed, to state the grounds of that disallowance.
7. Mr. WYNN to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to inform this Council of the terms upon which he engaged to build a house for the Commodore on this Station, and to transmit copies of all correspondence between the General and Provincial Governments on the subject; and also to inform the Council whether the terms originally agreed upon have been carried out.

ORDERS OF THE DAY.

1. Cattle Landing Bill—second reading.
2. Vagrant Bill—to be further considered in Committee.
3. Municipal Police Bill—second reading.
4. Message No. 18, [respecting the Eradication of Thistles]—to be considered.

WM. POWDITCH,
Speaker.

TUESDAY, FEBRUARY 7TH, 1865.

PRAYER.

Present: Mr. Speaker and 24 members.

1. *Petition of Ellen Barry.*—Mr. Cheeseman presented a petition from Ellen Barry, praying that her land order may not be invalidated on account of its not being presented within 12 months of its issue.
Petition received.
2. *Petition of Garrett Barry.*—Mr. Cheeseman presented a petition from Garrett Barry, praying that his land order may not be invalidated on account of its not being presented within 12 months of its issue.
Petition received.
3. *Petition of Vernon Nicholson.*—Mr. Sheehan presented a petition from Vernon Nicholson, praying for relief in consequence of his not being able to obtain a land order before leaving New Brunswick.
Petition received.
4. *Petition of Edward Jones.*—Mr. Sheehan presented a petition from Edward Jones, praying for relief in consequence of his not having been able to obtain a land order before leaving New Brunswick.
Petition received.
5. *Petition of William Galbraith.*—Mr. Swanson presented a petition from William Gallraith, a settler at the Wade, praying for redress, on account of a discrepancy between the survey of certain lots selected by him and the delineation on the Crown grant.
Petition received.
6. *Great North Road.*—Dr. Pollen, by leave of the Council, asked the question that lapsed on Friday, 3rd inst., viz.: Whether or not it is the intention of the Provincial Government to repair that portion of the Great North Road, which lies in the electoral district of Newton.
Mr. Carleton answered, That it was the intention of Government to do so.

7. Correspondence

7. *Correspondence between Captain Daldy and the Messrs. Ridgway.*—Dr. Pollen, pursuant to notice, asked, Whether or not a copy of any correspondence between Captain Daldy and Messrs. Ridgway has been received by His Honor the Superintendent.

Mr. Carleton answered that he had not heard of any such correspondence, but on the Superintendent's return he would give a more positive answer on the subject.

8. *Estimates.*—Mr. King, pursuant to notice, asked when the Estimates of Revenue and Expenditure will be sent down to this Council for consideration.

Mr. Carleton answered:—As soon as the Government shall be in a position to send down a balance-sheet. Enquiry had been made of the General Government whether the balance of the surplus over £ths for 1864 would be paid into the Provincial Treasury; the letter had been referred to the Colonial Secretary at Wellington, an answer to which had not yet been received. The Government is also not yet in a position to say when the £2,000 due on Immigration Bonds, now in the possession of the honorable member for the Pensioner Settlements, Mr. Wynn, will be available.

8. *Roads in the North.*—Mr. Ball, pursuant to notice, asked whether it is the intention of His Honor the Superintendent to comply with the wishes of this Council, expressed in address No. 37 of last Session, relative to the progress of Trunk Roads in the North.

Mr. Carleton answered that the address had been referred to the Deputy Waste Lands Commissioner, who had not yet reported on the subject.

9. *Notices of Question Postponed.*—Mr. Ball, at the instance of the Provincial Secretary postponed asking the questions Nos. 4 and 5 until to-morrow.

10. *Mangawai Breakwater.*—Mr. Sheen, pursuant to notice, asked whether any and what action has been taken with regard to the Act passed last Session affecting the Mangawai Breakwater.

Mr. Carleton answered that Tenders had been called for, and that the lowest was considerably in excess of the funds available. Consequently nothing more has been done as yet.

11. *Notice of Motion Postponed.*—On motion of Mr. Cadman, Mr. Wynn's notice of motion, No. 1, was postponed till this day week.

12. *Captain Daldy's Correspondence.*—On motion of Dr. Pollen, *Ordered*, That the enclosures of the messages Nos. 25 and 59, from His Honor the Superintendent, of date respectively 18th October and 4th November ulto., and the enclosures of message No. 15, of date January 27th, be ordered to be printed. (See APPENDIX A.—No. 2.)

13. *Thistle Act Committee.*—Mr. Gallagher moved, and the question was proposed, That a Committee be appointed to enquire into the working of the Thistle Act, and particularly to enquire whether the Inspector or Sub-Inspectors are permitted to enter into contracts with the Government or other persons for the eradication of thistles. Committee to consist of the following members:—Mr. Ball, Mr. Cadman, Mr. King, Mr. Ross, Mr. Swanson, Mr. Wynn, and the mover, with power to call for persons and papers.

Mr. Foley moved as an amendment, That Mr. Martin and Mr. Williams be added to the proposed Committee,

And the question being put on the amendment, it was resolved in the affirmative.

And the question as amended being put, it was resolved in the affirmative.

14. *Town Board for Onehunga.*—On motion of Mr. Gallagher, *Resolved*, that an address be presented to His Honor, the Superintendent, requesting him to send to this House a Bill empowering owners and occupiers of property in the town of Onehunga to rate such property for the purpose of forming and repairing roads, streets, and bridges, &c., and for sanitary improvements, and for such other works as may be necessary for the benefit of the town. (ADDRESS No 21.)

15. *Settlement of the Confiscated Land.*—Mr. Newman moved, and the question was proposed, That a respectful address be presented to His Honor the Superintendent, requesting him to send down to this Council copies of any correspondence between the General Government and His Honor the Superintendent on the Waikato Settlement question, in addition to letters

letters, contained in his Honor's message, No. 6, together with letters and reports forwarded by the mover to his Honor, and also to the Attorney-General, on the same subject.

The time allowed for the disposal of notices of motion having elapsed, the orders of the day were called on.

16. *Orders Postponed*.—On motion of Mr. Cadman, *Ordered*, That the orders of the day be postponed, in order to admit of the continuance of the debate on Mr. Newman's motion.

Debate resumed.

17. *Adjournment for an Hour*.—On motion of Mr. Sheehan Council adjourned at 10 minutes past 6 o'clock for one hour.

Council re-assembled at 10 minutes past 7 o'clock.

Debate again resumed on the question relating to the settlement of the confiscated territory.

On motion of Mr. King, *Ordered*, That the debate be now adjourned till to-morrow.

18. *Cattle Landing Bill*.—The Cattle Landing was, according to order, read a second time. On motion of Dr. Pollen, *Ordered*, That the Cattle Landing Bill be committed to a Select Committee, consisting of Mr. Carleton, Mr. King, Mr. Newman, Mr. Martin, Mr. Sheehan, Mr. Williams, and the Mover.

19. *Postponement of Business*.—Mr. Sheehan moved, and the question was proposed, That the notices of motion and orders of the day not already disposed of, be postponed till to-morrow,
And the question being put, Council divided, as follows:—

Ayes, 7.
Mr. Blake,
Mr. Coolahan,
Mr. Gallagher,
Mr. Harrop,
Mr. King,
Dr. Pollen,
Mr. Sheehan (teller),

Noes, 9.
Mr. Bail,
Mr. Carleton,
Mr. Foley,
Mr. Newman,
Mr. A. O'Neill,
Mr. J. O'Neill,
Mr. Ross,
Mr. Rowe,
Mr. Martin (teller),

So it passed in the negative.

21. *Vagrant Bill*.—The Council accordingly resolved itself into a Committee on the Vagrant Bill.

IN THE COMMITTEE.

Clause 1, sub-section II. Amendment again proposed: In line 2, to leave out the word "twelve," in order to insert the word "three" instead.

Motion made and question,—That the Chairman do now report progress, and ask leave to sit again—put and negatived.

Amendment again proposed. Question, That the word proposed to be left out stand part of the clause—put and negatived.

Another amendment proposed: That the word "six" be inserted instead of the word "three."
Amendment agreed to.

Sub-section as amended agreed to.

Sub-section III. agreed to.

Sub-section IV. postponed.

Sub-section V. agreed to.

Sub-section IV. Motion made and question,—That this sub-section be postponed—put and negatived.

Original question agreed to.

Clause 1 as amended agreed to.

Clause 2, Sub-sections I. to IV. agreed to

Sub-section V.

Sub-section V. Amendment proposed: In lines 2-3, to leave out the words "or in lieu thereof."

Amendment agreed to.

Sub-section as amended agreed to.

Sub-section VI. postponed.

Sub-section VII. Amendment proposed: In line 2, to leave out the words "or other open and public place." (*Mr. Foley.*)

Amendment negatived.

Original question agreed to.

Sub-sections VIII. and IX. agreed to.

Sub-section X. Amendment proposed: In line 2, to leave out the words, "or wearing felt or other slippers." (*Mr. Foley.*)

Amendment agreed to.

Sub-section as amended agreed to.

To report progress and ask leave to sit again.

COUNCIL RESUMED.

Mr. Speaker resumed the Chair, and Mr. J. O'Neill reported that the Committee had made progress in the Bill, and that he was directed to move, That the Committee may have leave to sit again.

Resolved, That this Council will, to-morrow, again resolve itself into the said Committee.

22. *Adjournment*.—On motion of Mr. Rowe, Council adjourned at 10 minutes past 10 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Wednesday, February 8th, 1865.

1. Mr. FOLEY, to ask the hon. member at the head of the Executive, What amount of money the Provincial Government can raise out of the Half Million Loan for Public Works and Buildings within the next twelve months; also the amount raised at the present time out of the said Loan.
2. Mr. BALL to ask the hon. member at the head of the Executive, Whether the Provincial Government is in possession of any information relative to the progress or probable success of the scheme for the formation of a Special Settlement on the Mangatite Block in the North.
3. Mr. BALL to ask the hon. member at the head of the Executive, Whether, in prospect of the increased and improved provisions for the unhappy Lunatics of this Province, the Government has taken any steps to secure the services of a competent Governor, conversant with the modern, more humane, and more successful treatment which obtains in the best conducted institutions for like objects in the United Kingdom of Great Britain?

NOTICES OF MOTION.

1. Mr. GALLAUGHER to move, That an address be presented to His Honor the Superintendent, requesting him to send down to this House a Bill, empowering the Superintendent to lease, or otherwise dispose of the valuable endowments in the harbour of Onehunga, solely for the benefit of that Port.
2. Mr. CADMAN, to move, That a respectful address be presented to his Honor the Superintendent requesting that he will send down to this Council a statement of the amount of moneys charged against the Railway, prior to the Railway Commissioners taking office.

3. Mr. SHEEHAN

3. Mr. SHEEHAN, to move, That the petition of Edward Jones and Vernon Nicholson be referred to the Private Grievance Committee.
4. Mr. FOLEY, to move, That an address be presented to his Honor the Superintendent requesting him to send down to this Council with as little delay as possible a copy of the Tenders for the Auckland and Drury Railway recommended by the Railway Commissioners for acceptance, also any correspondence that has taken place between his honor and the Railway Commissioners.
5. Mr. SKEEN, to move, That the Petition of P. H. Hilton be referred to the Private Grievance Committee.
6. Mr. SWANSON, to move, That the Petition of Wm. Galbraith be referred to the Private Grievance Committee.

ORDERS OF THE DAY.

1. Message No. 20, [respecting the Sinking of an Artesian Well]—to be further considered.
2. Adjourned debate on the question, That a respectful Address be presented to his Honor the Superintendent, requesting him to send down to this Council copies of any correspondence between the General Government and his Honor on the Waikato Settlement question, in addition to letters contained in his Honor's Message, No. 6: together with letters and reports forwarded by the mover (Mr. Newman) to His Honor and also to the Attorney-General, on the same subject.
3. Vagrant Bill—to be further considered in Committee.
4. Municipal Police Bill—second reading.
5. Message No 18, [respecting the Eradication of Thistles]—to be considered.

WM. POWDITCH,

Speaker.

WEDNESDAY, FEBRUARY 8TH, 1865.

PRAYER.

Present: Mr. Speaker and 22 Members.

1. *Petition of James Kinsella.*—Mr. King presented a Petition from James Kinsella, praying that his claim to land as an immigrant may be considered.
Petition received.
2. *Petition of Angus Morrison.*—Mr. Ross presented a Petition from Angus Morrison, a school teacher at Waipu, praying that his claim to land in that capacity may be considered.
Petition received.
3. *Messages.*—Mr. Speaker read the following Messages from his Honor the Superintendent, presented by Mr. Carleton:—

Message

Message No. 21.

Referring to the Address No. 30, dated 3rd February, instant, the Superintendent forwards to the Provincial Council copy of an additional memorandum by the Engineer-in-Chief, relative to the proposed Artesian Well, and informs the Council that the Government is not in possession of any further information on the subject.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 8th February, 1865.

On motion of Mr. Carleton, *Ordered*, That the Message be taken into consideration with the order of the day No. 1.

Message No. 22.

In compliance with the request contained in the Address No. 36, of date 27th October, ultimo, the Superintendent forwards to the Provincial Council copy of all official correspondence that has taken place between the Provincial Government and Mr. Austin, Veterinary Surgeon, from the time that Mr. Austin was Inspector of Cattle to the time of the acceptance of his resignation.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 8th February, 1865.

Message No. 23.

The Superintendent transmits to the Provincial Council copy of a letter from the Hon. the Minister for the Colonial Defence, and the enclosed communication from Commodore Sir William Wiseman, relative to the proposed "Military Licensing Act, 1865."

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 8th February, 1865.

Mr. Gallagher moved, and the question was proposed, That the message and enclosure be printed.

And the question being put, it passed in the negative.

4. *Half-Million Loan*.—Mr. Foley, pursuant to notice, asked, What amount of money the Provincial Government can raise out of the half-million loan for public works and buildings, within the next twelve months; also, the amount raised at the present time out of the said loan.

Mr. Carleton answered that £100,000 were engaged for this year's service, and that about £100,000 were expended during last year.

5. *Mangatite Special Settlement*.—Mr. Ball, pursuant to notice, asked, Whether the Provincial Government is in possession of any information relative to the progress, or probable success, of the scheme for the formation of a special settlement on the Mangatite block in the North.

Mr. Carleton answered that the correspondence which had been sent down respecting the immigration business conducted by Mr. Daldy would afford the information required.

6. *Lunatic Asylum*.—Mr. Ball, pursuant to notice, asked, Whether, in prospect of the increased and improved provisions for the unhappy lunatics of this Province, the Government has taken any steps to secure the services of a competent governor, conversant with the modern, more humane, and more successful treatment which obtains in the best conducted institutions for like objects in the United Kingdom of Great Britain.

Mr. Carleton answered that the matter was now under the consideration of the General Government. The Superintendent had suggested to them that the present building should be made an asylum for the whole Colony, and that competent officers should be procured from England. The expense of the establishment to be borne by the Colony at large. The Attorney-General had promised to give his serious and early attention to the question.

7. *Onehunga*

7. *Onehunga Harbour Endowments*.—Mr. Gallagher moved, and the question was proposed, That an Address be presented to his Honor the Superintendent, requesting him to send down to this Council a Bill empowering the Superintendent to lease, or otherwise dispose of, the valuable endowments in the harbour of Onehunga, solely for the benefit of that port.
Mr. Coolahan moved, as an amendment, That the words "or otherwise dispose of," in line 3, be left out.
And the question being put on the amendment, it was resolved in the affirmative.
And the question as amended being put, it was resolved in the affirmative. (ADDRESS No. 22.)
8. *Railway Expenditure*.—On motion of Mr. Cadman, *Resolved*, That a respectful Address be presented to his Honor the Superintendent, requesting that he will send down to the Council a statement of the amount of money charged against the Railway prior to the Railway Commissioners taking office. (ADDRESS No. 23.)
9. *Petitions of E. Jones and V. Nicholson*.—On motion of Mr. Sheehan, *Ordered*, That the petitions of Edward Jones and Vernon Nicholson be referred to the Private Grievance Committee.
10. *Railway Tenders*.—On motion of Mr. Foley, *Resolved*, That an Address be presented to his Honor the Superintendent, requesting him to send down to this Council, with as little delay as possible, a copy of the tenders for the Auckland and Drury Railway, recommended by the Railway Commissioners for acceptance; also, any correspondence which has taken place between his Honor and the Railway Commissioners. (ADDRESS No. 24.)
11. *Petition of P. H. Hilton*.—On motion of Mr. Skeen, *Ordered*, That the Petition of P. H. Hilton be referred to the Private Grievance Committee.
12. *Petition of Wm. Galbraith*.—On motion of Mr. Swanson, *Ordered*, That the Petition of William Galbraith be referred to the Private Grievance Committee.
13. *Artesian Well*.—The order of the day being read, for the consideration of Message No. 20, Mr. Foley moved, and the question was proposed, That the further consideration of this Message be taken in Committee of the whole Council this day fortnight.
Mr. Rowe moved, as an amendment, That his Honor's Messages, Nos. 20 and 21, be referred to a Select Committee, consisting of Mr. Ball, Mr. Cadman, Mr. Martin, Mr. Newman, Mr. J. O'Neill, Dr. Pollen, Mr. Ross, Mr. Swanson, and the Mover.
And the question being put on the amendment, it passed in the negative.
Mr. Rowe moved another amendment, That Message No. 20 be taken into consideration this day six months.
And the question being put on the amendment, it was resolved in the affirmative.
4. *Settlement of Confiscated Territory*.—The order of the day being read for resuming the adjourned debate on the question proposed yesterday, That a respectful address be presented to his Honor the Superintendent requesting him to send down to this Council copies of any correspondence between the General Government and his Honor on the Waikato Settlement question, in addition to letters contained in his Honor's Message No. 6, together with letters and reports forwarded by the mover (Mr. Newman) to his Honor, and also to the Attorney-General on the same subject,
And the question being again proposed, the Council resumed the said adjourned debate.
Mr. Coolahan moved, and the question was proposed, that the debate be further adjourned till to-morrow,
And the question—That the debate be further adjourned till to-morrow—being put, it passed in the negative.
15. *Adjournment for one Hour*.—On motion of Mr. Carleton, Council adjourned at 20 minutes past 6 o'clock for an hour.

COUNCIL RE-ASSEMBLED at twenty minutes past seven o'clock.

The debate was again resumed in reference to the Settlement of the Confiscated Territory.

And the question being put, it was resolved in the affirmative. (ADDRESS No. 25.)

16. *Adjournment*.—On motion of Mr. Foley, Council adjourned at a quarter past 10 o'clock.

NOTICES

NOTICES OF MOTION AND ORDERS OF THE DAY.

Thursday, February 9th, 1865.

1. Dr. POLLEN, to ask the Provincial Secretary, When the Council may expect to receive from his Honor the Superintendent a reply to the Address No. 6, of date, January 24th, ultimo.
2. Dr. POLLEN, to ask the Provincial Secretary, By what authority Tolls are levied upon Merchandise landed, or upon Carts plying on Custom House Street.
3. Mr. ALLAN O'NEILL, to ask the hon. member at the head of the Executive, If the Government has yet been able to complete the purchase of the land through which the intended line of Tramway runs joining the Kaipara and Waitemata waters.
4. Mr. ROWE, to ask, the hon. member at the head of the Executive, When the Representation Bill will be sent down to this Council.
5. Mr. FOLEY, to ask, the Provincial Secretary, If his Honor the Superintendent has any Power to compel the Railway Commissioners to refund to Messrs. Vickery and Masefield the Thousand Pounds deposited by them as sureties for Mr. Blandford, on account of the Auckland and Drury Railway, and also to state by what authority the said Commissioners retain the said amount.

NOTICES OF MOTION.

1. Mr. CHEESEMAN, to move, That the Petition of Garrett and Ellen Barry be referred to the Private Grievance Committee.
2. Mr. CADMAN, to move, That the Petition of James Kinsella be referred to the Private Grievance Committee.
3. Mr. COOLAHAN, to move, That his Honor the Superintendent be requested to inform the Council what amount of money the Provincial Government has power to draw on the Bank of New Zealand annually, out of the five hundred thousand pounds Loan passed by this Council for general public purposes.
4. Mr. COOLAHAN, to move, That in the opinion of this Council his Honor the Superintendent ought to initiate a measure for the settlement of grievances arising under the present system of granting land to Immigrants from Great Britain and Ireland, the late Provincial Secretary Mr. Daldy having promised to bring in a Bill to remedy the present law on that subject. That an address be presented to the Superintendent forwarding the foregoing resolution.
5. Mr. ROSS, to move, That the Petition of Angus Morrison be referred to the Private Grievance Committee.
6. Mr. CARLETON, to move, That the Naval and Military Licensing Bill be now read a second time.
7. Mr. FOLEY, to move, That a Respectful Address be presented to his Honor the Superintendent, requesting that he will lay before this Council a statement of the "Auckland Loan Act Account," on the 31st of January, 1865.

ORDERS OF THE DAY.

1. Vagrant Bill—to be further considered in Committee.
2. Municipal Police Bill—second reading.
3. Message No. 18, [respecting the Eradication of Thistles]—to be considered.

WM. POWDITCH,
Speaker.

THURSDAY, FEBRUARY 9TH, 1865.

PRAYER.

Present: Mr. Speaker and 20 Members.

1. *Petition of John McDonald.*—Mr. Swanson presented a petition from John McDonald of the Wairoa, praying that his land orders may not be invalidated by reason of their not being exercised within 5 years of their issue.
Petition received.
2. *Dissolution of the Council.*—Dr. Pollen, pursuant to notice, asked when the Council may expect to receive from his Honor the Superintendent a reply to the Addresses No. 6, of date January 24th.
Mr. Carleton answered, "to-day."
3. *Wharfage Tolls.*—Dr. Pollen, pursuant to notice, asked, by what authority tolls are levied upon merchandise landed or upon carts plying on Custom House Street.
Mr. Carleton answered, That it was done under the authority of the 26th clause of the Wharf Regulations.
4. *Kaipara and Waitemata Tramway.*—Mr. A. O'Neill, pursuant to notice, asked, If the Government has yet been able to complete the purchase of the land through which the intended line of tramway runs joining the Kaipara and Waitemata waters.
Mr. Carleton answered, That Mr. Rogan had been instructed to purchase the land, but that up to the present time permission to survey only had been obtained.
5. *Representation Bill.*—Mr. Rowe, pursuant to notice, asked, When the Representation Bill will be sent down to this Council.
Mr. Carleton answered that it would be done as soon as the Executive could possibly find time.
6. *Railway Commissioners.*—Mr. Foley, pursuant to notice, asked, If his Honor the Superintendent has any power to compel the Railway Commissioners to refund to Messrs. Vickery and Masefield the Thousand Pounds deposited by them as sureties for Mr. Blandford, on account of the Auckland and Drury Railway, and also to state by what authority the said Commissioners retain the said amount.
Mr. Carleton answered that, if the matter be referred by the Railway Commissioners to the Superintendent it would receive immediate attention.
7. *Message.*—Mr. Speaker read the following Message from his Honor the Superintendent, presented by Mr. Carleton.

Message No. 24.

The Superintendent has received from the Provincial Council an Address, No. 6, requesting that he "will at the earliest convenient moment lay before this Council copy of the correspondence (if any) had with his Excellency the Governor in reference to the resolutions adopted by this Council on Tuesday, November 8th ulto., and transmitted with the address (No. 59.)"

In reply, the Superintendent informs the Council that no such correspondence has taken place.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 9th February, 1865.

8. *Petition of G. and E. Barry.*—On motion of Mr. Cadman, (for Mr. Cheeseman,) *Ordered*, That the petitions of Garrett and Ellen Barry be referred to the Private Grievance Committee.
9. *Petition of James Kinsella.*—On motion of Mr. Cadman, *Ordered*, That the Petition of James Kinsella be referred to the Private Grievance Committee.

10. £500,000

10. *£500,000 Loan.*—On motion of Mr. Coolahan, *Resolved*, That his Honor the Superintendent be requested to inform the Council what amount of money the Provincial Government has power to draw on the Bank of New Zealand annually out of the five hundred thousand pounds loan passed by this Council for general public purposes. (ADDRESS No. 26.)
11. *Grievances under the Land Order System.*—On motion of Mr. Coolahan, *Resolved*, That, in the opinion of this Council, his Honor the Superintendent ought to initiate a measure for the settlement of grievances arising under the present system of granting land to immigrants from Great Britain and Ireland, the late Provincial Secretary, Mr. Daldy, having promised to bring in a bill to remedy the present law on that subject. That an Address be presented to his Honor the Superintendent, forwarding this resolution. (ADDRESS No. 27.)
12. *Petition of A Morrison.*—On motion of Mr. Ross, *Ordered*, That the Petition of Angus Morrison be referred to the Private Grievance Committee.
13. *Notice Postponed.*—The notice of motion No. 6 was postponed until the notice of motion No. 7 should be disposed of.
14. *Loan Account.*—On motion of Mr. Foley, *Resolved*, That a respectful Address be presented to his Honor the Superintendent, requesting that he will lay before this Council a statement of the "Auckland Loan Act" Account, on the 31st of January, 1865. (ADDRESS No. 28.)
15. *Naval and Military Licensing Bill.*—Mr. Carleton moved, and the question was proposed, That the Naval and Military Licensing Bill be now read a second time.
Mr. Foley moved, as an amendment, That the Bill be read a second time this day six months.

And the question being put on the amendment, Council divided:—

Ayes (11.)

Mr. Cadman,
Mr. Coolahan,
Mr. Gallagher,
Mr. George,
Mr. Gruchy,
Mr. Harrop,
Dr. Pollen,
Mr. Sheehan,
Mr. Swanson,
Mr. Williams,
Mr. Foley, (teller.)

Noes (4.)

Mr. McKenzie,
Mr. A. O'Neill,
Mr. Rowe,
Mr. Carleton, (teller.)

So it was resolved in the affirmative.

16. *Vagrant Bill.*—Council, according to order, resolved itself into a Committee on the Vagrant Bill.

IN THE COMMITTEE.

Mr J. O'Neill in the chair.

Sub section XI. (clause I,) Amendment proposed: In line 1, to leave out the words "without lawful excuse," in order to insert the words "for any unlawful purpose" instead. (Mr. Carleton.)

Motion made, and question,—That this sub-section be postponed—put, and agreed to.

Sub-section XII. Motion made and question put, That the sub-section be postponed.

The Committee divided:—

Ayes (8.)

Mr. Cadman,
Mr. Coolahan,
Mr. Gallagher,
Mr. Harrop,
Mr. A. O'Neill,
Dr. Pollen,
Mr. Swanson,
Mr. Sheehan (teller.)

Noes (7.)

Mr. Foley,
Mr. George,
Mr. McKenzie,
Mr. Ross,
Mr. Rowe,
Mr. Williams,
Mr. Carleton, (teller.)

Sub-section

Sub-section XIII. agreed to.

Clause 3 agreed to.

Clause 4.—Amendment proposed in lines 3-5, to leave out the words “for the purpose of slaughtering any diseased animal unfit for human food.” (*Mr. Foley.*)

Amendment agreed to.

Another amendment proposed: In line 6 to leave out the words, “Twenty pounds and not less than.”

Amendment agreed to.

Clause as amended disagreed to.

Clauses 5 and 6 agreed to.

Clause 7.—Amendment proposed: In line 2 to leave out the word “charged,” in order to insert the word “convicted.” (*Mr. Gallagher.*)

Amendment negatived.

Clause agreed to.

Clauses 8, 9, 10, agreed to.

Clause 11.—Amendment proposed: In lines 3-4 to leave out the words “or removed by certiorari or otherwise into the Supreme Court.” (*Mr. Carleton.*)

Amendment agreed to.

Question put, That the clause as amended stand part of the Bill.

The committee divided:—

Ayes (5).

Mr. Carleton,
Mr. George,
Mr. A. O'Neill,
Mr. Williams,
Mr. Foley (teller),

Noes (6).

Mr. Blake,
Mr. Gallagher,
Mr. McKenzie,
Mr. Ross,
Mr. Swanson,
Mr. Rowe (teller).

Clauses 12, 13, and 14 agreed to.

To report progress and ask leave to sit again.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. J. O'Neill reported, That the Committee had made progress in the Bill, and that he was directed to move, That the committee may have leave to sit again.

Resolved, That this Council will to-morrow resolve itself into the said Committee.

17. *Municipal Police Bill.*—The Municipal Police Bill was, according to order, read a second time and committed to a Committee of the whole Council for to-morrow.
18. *Adjournment.*—On motion of Mr. J. O'Neill, Council adjourned at 10 minutes to 9 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Friday, February 10th, 1865.

1. Mr. SWANSON, To ask the hon. member at the head of the Executive. If it is the intention of Government to place fascines on that part of the Great North Road between the fifth and sixth mile stone and the approaches to the Whau Bridge.
 2. Mr. GALLAUGHER, To ask the hon. member representing the Government in this Council when the Government intends to proceed with the repairs of the Onehunga road.
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NOTICE OF MOTION.

1. Mr. CARLETON to move, That the Superintendent's Message No. 7 of 24th January 1865 relative to the Kawa Kawa Coalfield be taken into consideration.

ORDERS

ORDERS OF THE DAY.

1. Vagrant Bill—to be further considered in Committee.
2. Municipal Police Bill—in Committee.
3. Message No. 18, [respecting the Eradication of Thistles]—to be considered.

WM. POWDITCH,
Speaker.

FRIDAY, FEBRUARY 10TH, 1865.

PRAYER.

Present: Mr. Speaker and 17 Members.

1. *Petition of Edward Owen.*—Mr. Cadman presented a Petition from Edward Owen, praying that his land order may not be invalidated in consequence of not being presented within 12 months of its issue.
Petition received.
2. *Petition of W. M. Taylor.*—Mr. Cadman presented a Petition from William Morrow Taylor, praying that the grant of land selected by him may not be forfeited in consequence of not being applied for in time.
Petition received.
3. *Petition of Jane Wood.*—Mr. Cadman presented a Petition from Jane Wood, praying that her land order may not be invalidated in consequence of not being presented within 12 months of its issue.
Petition received.
4. *Petition of Bernard McLaughlin.*—Mr. Ross presented a Petition from Bernard McLaughlin, of Wangarei, praying that he may be allowed to complete the purchase of some allotments on which a deposit was made more than a month previously.
Petition received.
5. *Petition of F. Testa.*—Dr. Pollen presented a Petition from Fanny Testa, a school teacher, praying that, as she has served four years in that capacity, and only retires through ill health, her land order may not be annulled.
Petition received.
6. *Petition of James O'Shea.*—Mr. Carleton presented a Petition from James O'Shea, an immigrant from the Cape, praying that he may be allowed to obtain land notwithstanding his not having procured a land order.

Petition received.
7. *Great North Road.*—Mr. Swanson, pursuant to notice, asked, If it is the intention of Government to place fascines on that part of the Great North Road between the fifth and sixth mile stones, and the approaches to the Whau bridge.
Mr. Carleton answered that it was not intended to use fascines for the place referred to.
8. *Notice of Question withdrawn.*—Mr. Gallagher withdrew his notice of question No. 2.
9. *Kawa Kawa Coal Field.*—On motion of Mr. Carleton, *Resolved*, That the Superintendent's Message, No. 7, of 24th January, 1865, relative to the Kawa Kawa Coal Field, be taken into consideration in Committee of the whole Council.

IN THE

IN THE COMMITTEE.

Mr. J. O'Neill in the chair.

On motion of Mr. Foley, Message No. 7 was read.

To report progress, and ask leave to sit again.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. J. O'Neill reported that the Committee had made progress in the matter referred to them, and that he was directed to move, That the Committee may have leave to sit again.

Resolved, That this Council will, upon Tuesday next, again resolve itself into the said Committee.

10. *Vagrant Bill*.—Council according to order resolved itself into a Committee on the Vagrant Bill.

Postponed Clauses :—

Sub-section IV.—Clause 1 agreed to.

Sub-section VI.—Clause 2 disagreed to.

Sub-section XI.—Clause 2, amendment again proposed: In line 1 to leave out the words "without lawful excuse." (*Mr. Carleton*).

Amendment, by leave, withdrawn.

Another amendment proposed: In line 2 to leave out the words, "The proof of which excuse shall be on such person." (*Mr. Ross*).

Amendment agreed to.

Sub-section XII.—Clause 2, as amended, agreed to.

Preamble agreed to.

Bill, as amended, to be reported

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. J. O'Neill reported that the Committee had gone through the Bill.

Ordered, That the Bill be recommitted to a Committee of the whole Council for Tuesday next, on Clause 13.

11. *Messages*.—Mr. Speaker read the following messages from his Honor the Superintendent presented by Mr. Carleton.

Message No. 25.

The Superintendent submits for consideration by the Provincial Council *A Bill to divide the Province of Auckland into new electoral districts for the election of Members of the Provincial Council*.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 10th February, 1865.

On motion of Mr. Carleton, the Bill enclosed—the Representation Bill—was read the first time, and ordered to be read a second time on Tuesday next, and to be printed.

Message No. 26.

In compliance with the request contained in the Address No. 10 of date 25th January ulto., the Superintendent forwards to the Provincial Council copy of a Return from the City Board "of the amount of rates levied and the amount actually collected since the "passing of the City Board Act, 1863."

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 10th February, 1865.

Message

Message No. 27.

The Superintendent lays before the Provincial Council a comparative statement showing the sums voted for the service of the Provincial Government for the year ending 31st December, 1864, the expenditure on account of that period, the amounts unexpended, and the amounts expended in excess of votes; also the sums paid on accounts not specially provided for.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 10th February, 1865.

On motion of Mr. Carleton, *Ordered*, That the Message and its enclosure be referred to the Audit Committee, and printed. (See APPENDIX B.—No. 2.)

Message No. 28.

The Superintendent submits for consideration by the Provincial Council *A Bill to Regulate Rural Police within the Province of Auckland.*

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 10th February, 1865.

On motion of Mr. Carleton, the Bill enclosed—the “Rural Police Bill,” was read the first time, and ordered to be read a second time on Tuesday next, and to be printed.

12. *Adjournment.*—On motion of Mr. Carleton, Council adjourned at ten minutes to 6 o'clock.

 NOTICES OF MOTION AND ORDERS OF THE DAY.

Tuesday, February 14th, 1865.

1. Mr. FOLEY, To ask the hon. member at the head of the Executive, when it is the intention of the Government to commence repairs on the Great South Road.
2. Mr. FOLEY, To ask the hon. member at the head of the Executive, when it is the intention of the Government to send down to this Council an answer to the Address from this Council with regard to the Tamaki Bridge at Panmure.
3. Mr. GALLAUGHER, To ask the hon. member representing the Government in this Council, when the Government intend to proceed with the repairs of the Onehunga and Mount Smart Road. Also when the Government intends proceeding with the repairs of the Auckland and Onehunga Road.
4. Mr. A. O'NEILL, To ask the head of the Executive, if Mr. Nichol or any other person has pointed out to his Honor the Superintendent a fine site of road from Mahurangi by the head of the Okura the Wade to the North Shore, making the distance about 26 miles or not more than 30 miles.

 NOTICES OF MOTION.

1. Mr. WYNN to move, For leave to bring in a Bill to authorise the Superintendent to construct a road across Hobson's Bay.
2. Mr. WYNN

2. Mr. WYNN to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to inform this Council whether he has assented to or disallowed the "Government Contracts Act, 1864," and, if the Bill has been disallowed, to state the grounds of that disallowance.
3. Mr. WYNN to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to inform this Council of the terms upon which he engaged to build a house for the Commodore on this Station, and to transmit copies of all correspondence between the General and Provincial Governments on the subject; and also to inform the Council whether the terms originally agreed upon have been carried out.
4. Mr. CARLETON, to move, That the Petition of James O'Shea be referred to the Committee on Private Grievances.
5. Mr. SWANSON, to move, That the Petition of John McDonald be referred to the Private Grievance Committee.
6. Dr. POLLEN, to move, That the Petition of Fanny E. Testa be referred to the Committee on Private Grievances.
7. Mr. ROSS, to move, That the Petition of Bernard McLaughlin be referred to the Private Grievance Committee.
8. Mr. CADMAN, to move, That the Petition of Edward Owen, William Morrow Taylor, and Jane Wood be referred to the Private Grievance Committee.
9. Mr. COOLAHAN, to move, (1), That an address be presented to his Honor the Superintendent, requesting him to send down to this Council copy of all Correspondence between himself, and the Provincial Secretary (Mr. Carleton), and Mr. John Williams, member for the Bay of Islands, in reference to the purchase of a block of Land at the Bay of Islands, named Kawa Kawa; (2), That, in the opinion of this Council, Mr. Commissioner Kemp ought to be examined upon the subject of the purchase of the said block of land.
10. Mr. SWANSON, to move, That in the opinion of this Council it is desirable that that part of the Great North Road between the fifth and sixth mile-stone, likewise the approaches to the Whau Bridge, be put in a state of thorough repair.

ORDERS OF THE DAY

1. The Superintendent's Message No. 7, of 24th January, 1865, relative to the Kawa Kawa Coal-field—to be further considered in Committee.
2. Representation Bill—second reading.
3. Rural Police Bill—second reading.
4. Vagrant Bill—to be recommitted (Clause 13).
5. Municipal Police Bill—in Committee.
6. Message No. 18, [respecting the Eradication of Thistles]—to be considered.

CONTINGENT NOTICES OF MOTION.

1. Mr. CARLETON, to move, by way of resolution, in Committee of the whole, in reference to the Kawa Kawa Coal Mines, That it is desirable to have a Township surveyed, and prepared for Sale, and to have a portion of the block surveyed into such allotments as would be most suitable for working the minerals, due provision being made for a tramroad and for shipping purposes.

That

That an application should then be made to the general Government to grant this section of 5,000 acres as a Coalfield reserve under the Public Reserves Act, 1854.

2. Mr. BALL to move, On the order for the third reading of the Vagrant Bill, that the Bill be recommitted for the purpose of reconsidering the sub-sections of the 1st Clause of said Bill.

WM. POWDITCH.
Speaker.

TUESDAY, FEBRUARY 14TH, 1865.

PRAYER.

Present: Mr. Speaker and 22 members.

1. *Petition of John O'Neill.*—Mr. J. O'Neill presented a Petition from John O'Neill, praying that his inability to pay the fee chargeable on land orders may be considered.
Petition received.
2. *Petition of William Britton.*—Mr. Sheehan presented a Petition from William Britton, praying that a land order purchased by him may not be invalidated in consequence of not being presented in due time.
Petition received.
3. *Petition of G. W. Warwick.*—Mr. Carleton presented a Petition from George Washington Warwick, late of the Purveying Department, praying that his claim to land may be considered.
Petition received.
4. *Petition of Wm. Whitethread.*—Mr. Ross presented a Petition from William Whitethread, a discharged soldier of the 58th Regiment, praying that his claim to land may be considered.
Petition received.
5. *Petition of Colonel Peacock.*—Mr. Swanson presented a Petition from Lieut.-Colonel Stephen Ponsonby Peacock, praying that his claim to land may be considered.
Petition received.
6. *Auditor's Report.*—Mr. Speaker laid on the table a letter from the Provincial Auditor, transmitting the Public Accounts for the quarter, ended 31st December, 1864, together with the balance sheet for the year 1864.
7. *Notices of question postponed.*—On motion of Mr. Coolahan, the notices of questions Nos. 1 and 2 were postponed until to-morrow.
8. *Onehunga and Mt. Smart Roads.*—Mr. Gallagher, pursuant to notice, asked When the Government intend to proceed with the repairs of the Onehunga and Mount Smart road: also, When the Government intends proceeding with the repairs of the Auckland and Onehunga road.
Mr. Carleton answered that as regards the Mount Smart road, a section has been prepared, and the repairs would at once be proceeded with; and as regards the Auckland and Onehunga road, a large quantity of metal was being prepared at the Stockade by the crushing machine, and would be placed on the road before the wet weather sets in.
9. *Road from North Shore to Mahurangi.*—Mr. A. O'Neill, pursuant to notice, asked If Mr. Nichol or any other person has pointed out to his Honor the Superintendent a fine site of road from Mahurangi, by the head of the Okura and the Wade, to the North Shore, making the distance about 26 or not more than 30 miles.

Mr. Carleton

Mr. Carleton answered, that there was no record in the office on the subject, but it was possible that some verbal mention had been made. The Superintendent had made arrangement with the Natives for a right of road through their property; and a survey had been made where a good line of road had been found out, avoiding many bridges on the Great North Road, which are now in a very dilapidated state; to keep which in order for one year, according to the Engineer's Report, would cost £1,000. The Superintendent has, in connexion with this line, a party exploring a continuation to Albertland.

10. *Notices postponed.*—On motion of Mr. Cadman, the notices of motion Nos. 1, 2, and 3. were postponed till Friday next.
11. *Petition of James O'Shea.*—On motion of Mr. Carlton, *Ordered*, That the Petition of James O'Shea be referred to the Private Grievance Committee.
12. *Petition of John McDonald.*—On motion of Mr. Swanson, *Ordered*, That the Petition of John McDonald be referred to the Private Grievance Committee.
13. *Notice of Motion lapsed.*—Dr. Pollen's notice of motion, No. 6, lapsed.
14. *Petition of B. McLaughlin.*—On motion of Mr. Ross, *Ordered*, That the Petition of Bernard McLaughlin be referred to the Private Grievance Committee.
15. *Petitions of Owen, Taylor, and Wood.*—On motion of Mr. Cadman, *Ordered*, That the Petitions of Edward Owen, William Morrow Taylor, and Jane Wood, be referred to the Private Grievance Committee.
16. *Kawa Kawa Coal Mines.*—On motion of Mr. Coolahan, *Resolved*,—

(1.) That an Address be presented to his honor the Superintendent, requesting him to send down to this Council copy of all Correspondence between himself and the Provincial Secretary (Mr. Carleton), and Mr. John Williams, Member for the Bay of Islands, in reference to the purchase of a block of land at the Bay of Islands, named Kawa Kawa. (ADDRESS No. 29.)

(2.) That in the opinion of this Council, Mr. Commissioner Kemp ought to be examined upon the subject of the purchase of the said block.

17. *Whau Bridge.*—On motion of Mr. Swanson, *Resolved*, That in the opinion of this Council it is desirable that that part of the Great North Road between the fifth and sixth milestone, likewise the approaches to the Whau Bridge, be put in a state of thorough repair.
Resolved, That an Address be presented to his Honor the Superintendent, forwarding the foregoing resolution. (ADDRESS No. 30.)
18. *Messages.*—Mr. Speaker read the following Messages from his Honor the Superintendent, presented by Mr. Carleton.

Message No. 29.

In compliance with the request contained in the Address No. 28, dated 9th February instant, the Superintendent lays before the Provincial Council a Statement of the Auckland Loan Act Account on 31st January, 1865.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 14th February, 1865.

On motion of Mr. Carleton, *Ordered*, That the Return enclosed be printed. (See APPENDIX B.—No. 3.)

Message No. 30.

The Superintendent forwards, for the information of the Provincial Council, copy of Report of Experiments made on board H. M. S.S.'s 'Curacoa' and 'Falcon,' to test the quality

quality of the Kawa Kawa coal, together with copy of the portions of letters from the hon. the Colonial Secretary and Commodore Sir William Wiseman, Bart., which relate to the subject.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 14th February, 1865.

On motion of Mr. Carleton, *Ordered*, That the Message and its enclosure be printed. (See APPENDIX A.—No. 4.)

Message No. 31.

The Superintendent recommends for appropriation by the Provincial Council the sum of One Hundred and Eleven Pounds, Six Shillings (£111 6s.), for payment of allowances claimed on behalf of certain officers and men of H. M. S.S.'s 'Curacoa' and 'Falcon,' and for defraying other expenses incurred in procuring these coals.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 14th February, 1865.

On motion of Mr. Carleton, *Ordered*, That the Message be considered in Committee on the Estimates.

Message No. 32.

In compliance with the request contained in the Address No. 23, dated February 8th instant, the Superintendent lays before the Provincial Council "A statement of the amount "of moneys charged against the Railway prior to the Railway Commissioners taking office."

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 14th February, 1865.

On motion of Mr. Rowe, *Ordered*, that the Return enclosed be printed. (See APPENDIX A.—No. 2, page 63.)

Message No 33.

In compliance with the request contained in the Address No. 24, dated 8th February instant, the Superintendent lays before the Provincial Council copy of all correspondence that has taken place with the Railway Commissioners since the correspondence already forwarded to the Council.

The copies of tenders applied for by this Council are included in the correspondence now forwarded.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 14th February, 1865.

On motion of Mr. Carleton, *Ordered*, That the correspondence enclosed be printed. (See APPENDIX A.—No. 2.)

Message No. 34.

In compliance with the request contained in Address No. 11, dated 25th January ulto., the Superintendent forwards to the Provincial Council "Copies of all Bills which he introduced or caused to be introduced into the General Assembly during its last Session and affecting the Province of Auckland only."

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 14th February, 1865.

Message

Message No. 35.

Referring to the Address No. 14, dated 1st February instant, the Superintendent forwards for the information of the Provincial Council copy of a memorandum received from the Engineer-in-Chief relative to the erection of the Panmure Bridge.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 14th February, 1865.

On motion of Mr. Sheehan, *Ordered*, That the Message and its enclosure be taken into consideration on Friday next.

Message No. 36.

The Superintendent submits for consideration by the Provincial Council, *A Bill to Amend the City Board Act, 1863*.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 14th February, 1865.

On motion of Mr. Carleton, the Bill enclosed—"The City Board Act Amendment Bill"—was read the first time, and ordered to be read a second time on Friday next, and to be printed.

Message No. 37.

The Superintendent informs the Provincial Council that the information alluded to in the Address No. 26, dated 9th February instant, has already been laid before the Council in the printed papers of a former session.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 14th February, 1865.

Message No. 38.

The Superintendent forwards for the information of the Provincial Council a proposal for the publication of an English edition of the book on New Zealand by Professor Dr. F. Hochstetter, and shall be glad to have an expression of opinion by the Council as to the advisability of acting upon the proposal in question.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 14th February, 1865.

On motion of Mr. Carleton, *Ordered*, That the Message and its enclosure be considered in Committee on the Estimates.

19. *Kawa Kawa Coal Mine*.—Council, according to order, resolved itself into Committee on the Superintendent's Message No. 7.

IN THE COMMITTEE.

Motion made and question proposed,—That in reference to the Kawa Kawa Coal Mines, it is desirable to have a Township surveyed and prepared for sale, and to have a portion of the block surveyed into such allotments as would be most suitable for working the minerals, due provision being made for a tramroad and for shipping purposes.

That an application should then be made to the General Government to grant this section of 500,000 acres as a coal-field reserve, under the "Public Reserves Act, 1854." (*Mr. Carleton.*)

Amendment

Amendment proposed: That his Honor's Message, No. 7. of the 24th January, 1865., relative to the Kawa Kawa Coal-field, together with all papers on the subject that have been laid before Council, be referred to a Select Committee, with power to call for persons and papers: The committee to consist of Mr. Ball, Mr. Carleton, Mr. Newman, Mr. J. O'Neill, Mr. Ross, Mr. Rowe, Mr. Williams, and the Mover. (*Mr. Cadman.*)

Amendment proposed to the amendment: That Mr. Carleton's name be omitted from the Committee. (*Mr. Carleton.*)

The latter amendment negatived.

Mr. Cadman's amendment agreed to.

Resolved, That it be an instruction to the Committee to report on the whole question of the disposal of the Kawa Kawa Coal-field and the contiguous lands, said to be acquired by the authority of the Superintendent.

Resolutions to be reported.

COUNCIL RESUMED.

Mr. Speaker resumed the Chair, and Mr. J. O'Neill reported the resolutions agreed to by the Committee.

Resolved, That those resolutions be agreed to by the Council.

20. *Adjournment.*—On motion of Mr. Carleton, Council adjourned at 20 minutes to 7 o'clock for one hour.

COUNCIL RE-ASSEMBLED at 20 minutes to 8 o'clock.

21. *Representation Bill.*—The Representation Bill was, according to order, read a second time.

Mr. Carleton moved, and the question was proposed, That the Bill be referred to a Select Committee, consisting of Mr. Ball, Mr. Buckland, Mr. Gallagher, Mr. M'Gee, Mr. J. O'Neill, Mr. Ross, Mr. Swanson, Mr. Wallace, and Mr. Webster.

Mr. McGee moved as an amendment, That Mr. Cadman, Mr. Harrop, and Dr. Pollen, be added to the proposed Committee.

And the question being put on the amendment,

COUNCIL DIVIDED:—

Ayes, (9).

Mr. Cadman,
Mr. Cheeseman
Mr. Gallagher,
Mr. McGee,
Mr. A. O'Neill,
Mr. J. O'Neill,
Mr. Rowe,
Mr. Sheehan,
Mr. Coolahan (teller),

Noes, (5).

Mr. Ball,
Mr. Blake,
Mr. McKenzie,
Mr. Williams,
Mr. Carleton (teller),

So it was resolved in the affirmative.

Mr. Sheehan moved as a further amendment, That Mr. Blake and Mr. Foley be added to the proposed Committee.

And the question being put on the amendment, it was resolved in the affirmative.

And the question as amended being put, it was resolved in the affirmative.

22. *Rural Police Bill.*—Mr. Carleton moved, and the question was proposed, That the "Rural Police Bill" be now read the second time.

Ordered, That the debate be now adjourned till to-morrow.

23. *Vagrant Bill.*—Council, according to order, resolved itself into Committee for the re-consideration of clause 13.

IN THE COMMITTEE.

Clause 13. Amendment proposed: In line 3, to leave out the word "proceedings."

Amendment agreed to.

Clause as amended agreed to.

To report the Bill with an amendment.

COUNCIL

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. J. O'Neill reported that the Committee had gone through the Bill.

Ordered, That the Bill be read a third time to-morrow.

24. *Adjournment.*—On motion of Mr. Sheehan Council adjourned at half-past 9 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Wednesday, February 15th, 1865.

1. Mr. FOLEY, To ask the hon. member at the head of the Executive, when it is the intention of the Government to commence repairs on the Great South Road.
2. Mr. FOLEY, To ask the hon. member at the head of the Executive, when it is the intention of the Government to send down to this Council an answer to the Address from the Council with regard to Tamaki Bridge at Panmure.
3. Mr. ROSS to ask the hon. member at the head of the Executive, if it is the intention of the Government to bring forward this session the Education Bill, which was read the first time last session, or any other bill in lieu thereof.

NOTICES OF MOTION.

1. Mr. J. O'NEILL to move, That the petition of John O'Neill be referred to the Private Grievance Committee.
2. Mr. SHEEHAN to move, That the petition of Willim Britton be referred to the Private Grievance Committee.
3. Mr. CADMAN to move, That the petition of George Washington Warwick be referred to the Private Grievance Committee.
4. Mr. SWANSON to move, That the petition of George William Fowler, presented to the Council by Mr. Wynn, be referred to the Private Grievance Committee.
5. Mr. ROSS to move, That the petition of William Whitethread be referred to the Private Grievance Committee.
6. Mr. SWANSON to move, That the petition of Stephen Ponsonby Peacock be referred to the Private Grievance Committee.
7. Mr. CADMAN to move, That the petition of John Douglass and John Mohr, be referred to the Private Grievance Committee.
8. Mr. CARLETON, to move, That Mr. Kemp be directed to attend this day for the purpose of being examined, in pursuance of a resolution of this Council, on the subject of the purchase of the Kawa Kawa block.
9. Mr. GEORGE, to move, That Mr. Cadman be added to the Building Act Committee.

ORDERS

ORDERS OF THE DAY.

1. Adjourned debate on the question, That the Rural Police be now read a second time.
2. Vagrant Bill—third reading.
3. Municipal Police Bill—in Committee.
4. Message No. 18, [respecting the Eradication of Thistles]—to be considered.

CONTINGENT NOTICE OF MOTION.

1. Mr. BALL to move, On the order for the third reading of the Vagrant Bill, that the Bill be recommitted for the purpose of reconsidering the sub-sections of the 1st Clause of said Bill.

WM. POWDITCH,

Speaker.

WEDNESDAY, FEBRUARY 15TH, 1865.

PRAYER.

Present: Mr. Speaker and 15 members.

1. *Petition of James Ensor.*—Mr. Swanson presented a Petition from James Ensor, praying that certain land-orders belonging to his wife and family may not be invalidated in consequence of not being presented within 12 months.
Petition received.
2. *Petition of Settlers in the Northern Division.*—Mr. Swanson presented a Petition from 38 Settlers in the Northern Division, praying that the Road between the Wade River and the Catholic College may be repaired, and that increased accommodation at Stokes Point may be made.
Petition received.
3. *Special Adjournment*—On motion of Mr. King, *Resolved*, That the Council at its rising to-day do adjourn till Tuesday next.
4. *Notices of Question postponed.*—On motion of Mr. King, the notices of question were postponed till Tuesday.
5. *Petition of John O'Neill.*—On motion of Mr. J. O'Neill, *Ordered*, That the Petition of John O'Neill be referred to the Private Grievance Committee.
6. *Petition of William Britton.*—On motion of Mr. Sheehan, *Ordered*, That the Petition of William Britton be referred to the Private Grievance Committee.
7. *Petition of George Washington Warwick.*—On motion of Mr. Cadman, *Ordered*, That the Petition of George Washington Warwick be referred to the Private Grievance Committee.
8. *Petition of George William Fowler.*—On motion of Mr. Swanson, *Ordered*, That the Petition of George William Fowler, presented to the Council by Mr. Wynn, be referred to the Private Grievance Committee.

9. *Petition*

9. *Petition of William Whitethread.*—On motion of Mr. Ross, *Ordered*, That the Petition of William Whitethread, be referred to the Private Grievance Committee.
10. *Petition of Arthur Ponsonby Peacock.*—On motion of Mr. Swanson, *Ordered*, That the Petition of Arthur Ponsonby Peacock, be referred to the Private Grievance Committee.
11. *Petition of John Douglass and John Mohr.*—On motion of Mr. Cadman, *Ordered*, That the Petition of John Douglass and John Mohr, be referred to the Private Grievance Committee.
12. *Notice of Motion Postponed.*—On motion of Mr. King, Mr. Carleton's notice of motion No. 8. was postponed until Tuesday next.
13. *Building Act Committee.*—On motion of Mr. George, *Ordered*, That Mr. Cadman's name be added to the Building Act Committee.
14. *Notices and Orders Postponed.*—On motion of Mr. King, the orders for to day and Friday and the notices of motion for Thursday and Friday were ordered to stand for Tuesday next.
15. *Adjournment.*—On motion of Mr. King, Council adjourned at 10 minutes to 4 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Tuesday, February 21st, 1865.

1. Mr. FOLEY, To ask the hon. member at the head of the Executive, when it is the intention of the Government to commence repairs on the Great South Road.
2. Mr. FOLEY, To ask the hon. member at the head of the Executive, when it is the intention of the Government to send down to this Council an answer to the Address from this Council with regard to the Tamaki Bridge at Panmure.
3. Mr. ROSS to ask the hon. member at the head of the Executive, if it is the intention of the Government to bring forward this session the Education Bill, which was read the first time last session, or any other bill in lieu thereof.

NOTICES OF MOTION.

1. Mr. CARLETON, to move, That Mr. Kemp be directed to attend this day for the purpose of being examined, in pursuance of a resolution of this Council, on the subject of the purchase of the Kawa Kawa block.
2. Dr. POLLEN to move, For leave to bring in a bill to amend the Wharf Regulation Act.
3. Dr. POLLEN to move, For leave to bring in a Bill to divide the Province of Auckland into New Electoral Districts for the election of members of the Provincial Council.
4. Mr. WYNN to move, For leave to bring in a Bill to authorise the Superintendent to construct a road across Hobson's Bay.
5. Mr. WYNN to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to inform this Council whether he has assented to or disallowed the "Government Contracts Act, 1864," and, if the Bill has been disallowed, to state the grounds of that disallowance.

6. Mr. WYNN

6. **Mr. WYNN** to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to inform this Council of the terms upon which he engaged to build a house for the Commodore on this Station, and to transmit copies of all correspondence between the General and Provincial Governments on the subject; and also to inform the Council whether the terms originally agreed upon have been carried out.
7. **Mr. HARROP**, to move, That a respectful address be presented to his Honor the Superintendent, requesting him to carry out and improve the roads to the Albert Land Settlement, either by way of Mahurangi or by placing a punt or pontoon bridge across the O tea at a nearer point to the settlement than the present ferry.
8. **Mr. HARROP**, to move, That a respectful address be forwarded to his Honor the Superintendent requesting him to send down (if obtained) the Report of the Engineer in Chief respecting other sites suitable for a Public Slaughter House.
9. **Mr. COOLAHAN** to move, That his Honor the Superintendent be requested to send down to this House at his earliest convenience, a Bill to compel all hawkers to pay an annual licence.
10. **Mr. BALL** to move, That a respectful address be presented to his Honor the Superintendent, requesting him to place on the special items of expenditure in the Appropriation Bill for 1865 the sum of Three Hundred Pounds for the construction of a pier in the harbour of Mongonui and other works necessary to facilitate the operations of steam communication, agreeably to a vote of this Council transmitted to His Honor in an Address, No. 61, of Session XVII.
11. **Mr. SWANSON**, to move, That the Petition of James Ensor be referred to the Private Grievance Committee.
12. **Mr. SWANSON**, to move, That the Petition of John Anderson Brown and others, residents in the Northern Division, be taken into consideration.
13. **Mr. WYNN**, to move, That the Petition of Mrs. Testa be referred to the Private Grievance Committee.

ORDERS OF THE DAY.

1. Adjourned debate on the question, That the Rural Police Bill be now read a second a time.
2. Vagrant Bill—third reading.
3. Municipal Police Bill—in Committee
4. Message No. 18, [respecting the Eradication of Thistles]—to be considered.
5. Message No. 35 respecting the supervision of the Panmure Bridge—to be considered.
6. City Board Act Amendment Bill—second reading.

CONTINGENT NOTICE OF MOTION.

1. **Mr. BALL** to move, On the order for the third reading of the Vagrant Bill, that the Bill be recommitted for the purpose of reconsidering the subsections of the 1st Clause of said Bill.

WM. POWDITCH,

Speaker.

TUESDAY, FEBRUARY 21ST, 1865.

PRAYER.

Present: Mr. Speaker and 21 Members.

Mr. Speaker asked leave of absence for Mr. O'Rorke, the Clerk of Council, in consequence of family affliction, and that Mr. Haslett be allowed to act in his absence.

Leave granted.

1. *Petition of Colonel Hay.*—Mr. Wynn presented a Petition from Colonel Hay, praying that his claim for land as a Military Officer might be considered.
Petition received.
2. *Petition of James Lane.*—Mr. Wynn presented a petition from James Lane, praying that his claim for land as a discharged soldier might be considered.
Petition received.
3. *Petition of Henry Smith.*—Mr. Wynn presented a petition from Henry Smith, praying that his claim for land, notwithstanding his not getting a land order, may be considered.
Petition received.
4. *Petition of Johnston Dougall.*—Mr. Wynn presented a petition from Johnston Dougall, praying that his claim for land, notwithstanding his not getting a land order, may be considered.
Petition received.
5. *Petition of Alexander McMillan.*—Mr. Coolahan presented a petition from Alexander McMillan praying for a grant of Land as a discharged soldier.
Petition received.
6. *Questions Postponed.*—On motion of Mr. Carleton the notices of questions Nos. 1, 2, and 3, were postponed till to-morrow.
7. *Kawa Kawa Block.*—On motion of Mr. Carleton, pursuant to notice, *Ordered*, That Mr. Kemp be directed to attend this day for the purpose of being examined, in pursuance of a resolution of this Council, on the subject of the purchase of the Kawa Kawa Block.
On motion of Mr. Carleton, *Ordered*, That the Messenger do see if Mr. Kemp be in the House, and if he be so, to summons him to attend the House, in order to his being examined.
Mr. Kemp being in the House attended according to summons, and took his seat in the body of the House, by the direction of the Speaker.

MR. KEMP examined.

By Mr. J. W. Williams—

Do you remember my calling on you at your residence at Kewkeu, and requesting you to complete the purchase of the reserve on the South side of Kawa Kawa River, adjoining the Coal-fields for the Government?

I do.

I showed you my written instructions from the Superintendent, authorising me to purchase this land, and was it on these instructions you acted?

I did so.

After arranging for the purchase, did you write me a letter informing me what had been done?

I did.

Did you state in your letter to me that you had arranged with the Natives at the following rates:—£3 10s. per acre for the bush and 1s. per acre for the open country?

I did.

Did you state that you considered under the circumstances that the land was well worth the money.

I did so.

On motion

On motion of Mr. Foley, *Ordered*, that the Council do go into Committee of the which, for the further examination of Mr. Kemp.

Council resolved itself into Committee accordingly.

IN THE COMMITTEE.

Mr. J. O'Neill in the chair.

Discussion ensued.

On motion of Mr. Skeen, *Resolved*, that this Committee not perceiving any charge brought against the Government or the Member for the Bay (W. Williams), deem it unnecessary to proceed further with the investigation.

Resolution to be reported.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. J. O'Neill reported that the Committee had agreed to the foregoing resolution

Resolved, That the said resolution be agreed to by the Council.

On motion of Mr. Carleton, *Resolved*, that Mr. Kemp be thanked for his attendance, and that he have leave to withdraw.

Mr. Kemp was thanked and withdrew accordingly.

On motion of Mr. Carleton, *Resolved*, That the report adopted be forwarded to his Honor the Superintendent in an Address. (ADDRESS No. 31.)

8. *Notices of Motion Postponed*.—On motion of Mr. Wynn, Notices of Motion No. 2. and 4. were postponed till Friday.
9. *Notice Lapsed*.—Notice of Motion No. 3. lapsed in consequence of the absence of the mover.
10. *Government Contracts Act 1864*.—On motion of Mr. Wynn *Resolved*, That a respectful Address be presented to his Honor the Superintendent, requesting him to inform the Council, whether he has assented to or disallowed the "Government Contracts Act 1864," and, if the Bill has been disallowed, to state the grounds of that disallowance. (ADDRESS No. 32.)
11. *House for the Commodore*.—On motion of Mr. Wynn *Resolved*, That a respectful Address be presented to his Honor the Superintendent, requesting him to inform this Council of the terms upon which he engaged to build a house for the Commodore on this Station, and to transmit copies of all correspondence between the General and Provincial Governments on the subject; and also inform the Council whether the terms originally, agreed upon have been carried out. (ADDRESS No. 33.)
12. *Road to the Albert Land Settlement*.—Mr. Harrop moved and the question was proposed That a respectful Address be presented to His Honor the Superintendent, requesting him to carry out and improve the roads to the Albert Land Settlement, either by way of Mahurangi, or by placing a punt or pontoon bridge across the Otea at a nearer point to the Settlement than the present ferry.
Mr. Cadman moved, as an amendment, that the words "to carry out and improve" be struck out, and the words "to place on the estimates the sum of (£500) for the purpose of improving" inserted in lieu thereof.
And the question being put on the amendment, it was resolved in the affirmative.
And the question as amended—That a respectful address be presented to his Honor the Superintendent, requesting him to place on the estimates the sum of five hundred pounds (£500) for the purpose of improving the roads to the Albertland Settlement, either by way of Mahurangi, or by placing a punt or pontoon bridge across the Otea, at a nearer point to the Settlement than the present ferry—being put, it was resolved in the affirmative. (ADDRESS No. 34.)
13. *Public Slaughter House*.—On motion of Mr. Harrop, *Resolved*, That a respectful address be presented to his Honor the Superintendent, requesting him to send down (if obtained) the Report of the Engineer-in-Chief, respecting other sites suitable for a Slaughter House. (ADDRESS No. 35.)
14. *Notice of Motion Withdrawn*.—Notice of motion, No. 9, was by leave withdrawn.

15. *Pier*

15. *Pier in the Harbour of Mongonui.*—On motion of Mr. Ball, *Resolved*, That a respectful address be presented to his Honor the Superintendent, requesting him to place on the Special items of Expenditure, in the Appropriation Bill for 1865, the sum of three hundred pounds for the construction of a pier in the Harbour of Mongonui, and other works necessary to facilitate the operations of steam communication, agreeably to a vote of the Council, transmitted to his Honor the Superintendent in an Address, No. 61, of Session. XVII. (ADDRESS No. 36.)
16. *Petition of James Ensor.*—On motion of Mr. Swanson, *Ordered*, That the petition of James Ensor be referred to the Private Grievance Committee.
17. *Petition of John Anderson Brown and others.*—On motion of Mr. Swanson, *Ordered*, That the petition of John Anderson Brown and other residents in the Northern Division be referred to a Select Committee, to consist of Messrs. Ball, Blake, Cadman, Foley, A. O'Neill, Ross, Sheehan, Wynn, and the mover.
18. *Petition of Mrs. Testa.*—On motion of Mr. Wynn, *Ordered*, That the petition of Mrs. Testa be referred to the Private Grievance Committee.
Council adjourned at 6 o'clock for half-an-hour.

COUNCIL RE-ASSEMBLED at seven o'clock.

19. *Ordered Postponed.*—On motion of Mr. Foley Order No. 1 was postponed.
20. *Vagrant Bill.*—The order being read for the third reading of the Vagrant Bill, Mr. Ball, in pursuance of notice, moved, That the Bill be recommitted for the purpose of reconsidering the Sub-sections of the 1st clause of said Bill.
Mr. Wynn moved as an amendment that the Bill be recommitted as a whole, for entire reconsideration.

And the question being put on the amendment, the Council divided:—

Ayes (8).	Noes (7).
Mr. Ball,	Mr. Foley,
Mr. Blake,	Mr. George,
Mr. Cadman,	Mr. J. O'Neill,
Mr. Coolahan,	Mr. Ross,
Mr. Gallagher,	Mr. Swanson,
Mr. McGee,	Mr. Williams,
Mr. Skeen,	Mr. Carleton (teller).
Mr. Wynn (teller).	

So it was resolved in the affirmative.

On motion of Mr. Carleton, *Ordered*, that the Speaker do now leave the chair.
Council accordingly resolved itself into Committee on the Vagrant Bill.

IN THE COMMITTEE.

Mr. J. O'Neill in the chair.

Mr. Wynn moved, That the Chairman do now report progress, and ask leave to sit again that day six months.

Mr. Foley moved as an amendment, That the chairman do now report progress, and ask leave to sit again to-morrow.

Amendment put.

The Committee divided:—

Ayes (7).	Noes (7.)
Mr. Blake,	Mr. Ball,
Mr. Carleton,	Mr. Cadman,
Mr. George,	Mr. Coolahan,
Mr. Ross,	Mr. Gallagher,
Mr. Swanson,	Mr. McGee,
Mr. Williams,	Mr. Skeen,
Mr. Foley (teller).	Mr. Wynn (teller).

The

The Chairman gave his vote with the ayes,
So it was resolved in the affirmative.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. J. O'Neill reported that the Committee had made progress, and that he was directed to move, That they may have leave to sit again to-morrow.

Resolved, That this Council will to-morrow again resolve itself into the said Committee.

21. *Adjournment*.—On motion of Mr. George, Council adjourned at half-past eight o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Wednesday, February 22nd, 1865.

1. Mr. FOLEY, To ask the hon. member at the head of the Executive, when it is the intention of the Government to commence repairs on the Great South Road.
2. Mr. FOLEY, To ask the hon. member at the head of the Executive, when it is the intention of the Government to send down to this Council an answer to the Address from this Council with regard to the Tamaki Bridge at Panmure.
3. Mr. ROSS to ask the hon. member at the head of the Executive, if it is the intention of the Government to bring forward this session the Education Bill, which was read the first time last session, or any other bill in lieu thereof.
4. Mr. MCGEE, to ask the hon. member at the head of the Executive, If it is the intention of the Government to build the Mauku Bridge by contract or day labour.

NOTICES OF MOTION.

1. Mr. FOLEY, to move, That a respectful address be presented to his Honor the Superintendent informing him that in the opinion of this Council the £1,000 deposited by Mr. Blandford, Engineer, on his tendering for works connected with the Auckland and Drury Railway, and which money was in truth the money of Messrs. Vickery and Masfield, ought under the circumstances of the case to be repaid to Messrs. Vickery and Masfield forthwith.
2. Mr. COOLAHAN, to move, That his Honor the Superintendent be requested, in consequence of the lamentable fires which have lately taken place in this city, and the danger of the spread of disease, to proceed with as little delay as possible with the Waitakerei Water Works, and that he will inform this Council when he will take action in this matter.
3. Mr. COOLAHAN, to move, That his Honor the Superintendent will inform this Council what action has been taken by the Engineer in charge of Waitakerei Water Works so as to supply the inhabitants of this city with pure water.
4. Mr. COOLAHAN, to move, That his Honor the Superintendent be requested to send down to this Council the names of persons who made application to the Commissioner of Crown Lands to obtain Leases at the Bay of Islands of certain lands comprising the Kawakawa Coal Mines.
5. Mr. WYNN, to move, That a Library Committee be appointed to consist of the following members:—Mr. Speaker, Mr. Carleton, Mr. J. O'Neill, Mr. King, Dr. Pollen, Mr. Swanson, Mr. Ball, Mr. Foley, Mr. Harrop and the Mover.

5. Mr. FOLEY

6. Mr. FOLEY, to move, That a respectful address be presented to his Honor the Superintendent requesting him to place on the supplementary estimates the sum of five hundred pounds for the erection of a pier at Tauranga.
7. Mr. SWANSON, to move, That a respectful address be presented to his Honor the Superintendent requesting him not to take any action upon the address presented to His Honor during Session xvii and numbered 50, until the report of the Committee upon the Petition of John Anderson Brown, and others, has been brought up and forwarded for His Honor's information.

ORDERS OF THE DAY.

1. Vagrant Bill—to be further considered in Committee.
2. Municipal Police Bill—in Committee.
3. Message No. 18, [respecting the Eradication of Thistles]—to be considered.
4. Message No. 35, [respecting the supervision of the Panmure Bridge]—to be considered.
5. City Board Amendment Bill—second reading.
6. Adjourned debate on the question, That the Rural Police Bill be now read a second time.

WM. POWDITCH,
Speaker.

WEDNESDAY, FEBRUARY 22ND, 1865.

PRAYER.

Present : Mr. Speaker and 22 members.

1. *Great South Road.*—Mr. Foley pursuant to notice asked when it is the intention of the Government to commence repairs on the Great South Road.
Mr. Carleton answered That the part of the road between Papakura and Drury was being rapidly proceeded with. Tenders are invited for carting metal from Donovan's Mountain to the Great South Road. It is the intention of Government to have the stone-breaking Machine conveyed down the road to crush the metal.
2. *Notice of question withdrawn.*—Mr. Foley withdraw his notice of question No. 2.
3. *Education Bill.*—Mr. Ross pursuant to notice asked If it is the intention of the Government to bring forward this Session the Education Bill which was read the first time last Session or any other bill in lieu thereof.
Mr. Carleton answered That the Government deem it advisable under existing circumstances to postpone the consideration of the question.
4. *Mauku Bridge.*—Mr. McGee pursuant to notice asked If it is the intention of the Government to build the Mauku bridge by contract or day labor.
Mr. Carleton answered That the work was being performed by the General Government Immigrants, it being necessary to repair the bridges in order to enable them to get on their lands. This is being done with General Government money.

5. *Railway*

5. *Railway Tenders*.—On motion of Mr. Foley, *Resolved*, That a respectful Address be presented to his Honor the Superintendent informing him that in the opinion of this Council the £1,000 deposited by Mr. Blandford, Engineer, on his tendering for work connected with the Auckland and Drury Railway, and which money was in truth the money of Messrs. Vickery and Masfield ought under the circumstances of the case to be repaid to Messrs. Vickery and Masfield forthwith. (ADDRESS No. 37.)
6. *Waitakerei Water Works*.—On motion of Mr. Coolahan, *Resolved*, That his Honor the Superintendent be requested in consequence of the lamentable fires which have lately taken place in this City and the danger of the spread of disease, to proceed with as little delay as possible with the Waitakerei Water Works and that he will inform this Council when he will take action in this matter. (ADDRESS No. 38.)
7. *Messages*.—Mr. Speaker read the following Messages from his Honor the Superintendent presented by Mr. Carleton.

Message No. 39.

The Superintendent lays before the Provincial Council copy of a letter received from the City Board of Commissioners, together with the original report and section of proposed site for the Market House referred to therein.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 22nd February, 1865.

On motion of Mr. Gallagher, the letter enclosed was read by the Clerk.

Message No. 40.

In compliance with the request contained in the Address No. 25, dated 8th February instant the Superintendent lays before the Provincial Council copy of correspondence on the Waikato Settlement question, which has passed between the General and Provincial Governments, in addition to the letters enclosed in Message No. 6; also copies of letters and reports by Mr. Newman on the same subject.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 22nd February, 1865.

On motion of Mr. Foley, *Ordered*, That the Message and its enclosures be printed (See APPENDIX A.—No. 1, pp. 13–17).

Message No. 41.

The Superintendent submits for consideration by the Provincial Council "An Estimate of Ways and Means, with statement of amounts proposed to be expended by the Auckland Provincial Government during the year 1865," also "a statement in detail of proposed Appropriations for General Expenditure for the year 1865."

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 22nd February, 1865.

On motion of Mr. Carleton, *Ordered*, That the Estimates be considered in Committee on Friday next and printed.

8. *Waitakerei Water Works*.—On motion of Mr. Coolahan, *Resolved*, That his Honor the Superintendent be requested to inform this Council what action has been taken by the Engineer in charge of the Waitakerei Waterworks, so as to supply the inhabitants of this City with pure water, (ADDRESS No. 39.)

9. *Kawa Kawa*

9. *Kawa Kawa Coal Mines*.—Mr. Coolahan moved, and the question was proposed, That his Honor the Superintendent be requested to send to this Council the names of the persons who made application to the Commissioner of Crown Lands to obtain leases at the Bay of Islands of certain lands comprising the Kawa Kawa Coal Mines.
On motion Mr. Wynn, *Ordered*, that the debate be now adjourned.
10. *Library Committee*.—On motion of Mr. Wynn, *Ordered*, That a Library Committee be appointed, to consist of the following members:—Mr. Speaker, Mr. Ball, Mr. Carleton, Mr. Cheeseman, Mr. Foley, Mr. Harrop, Mr. King, Mr. J. O'Neill, Dr. Pollen, Mr. Swanson, and the mover.
11. *Tauranga Pier*.—On motion of Mr. Foley, *Resolved*, That a respectful address be presented to his Honor the Superintendent, requesting him to place on the supplementary estimates the sum of five hundred pounds for the erection of a pier at Tauranga. (ADDRESS No. 40).
12. *Public Works in the Northern Division*.—On motion of Mr. Swanson, *Resolved*, that a respectful address be presented to his Honor the Superintendent, requesting him not to take any action upon the address presented to his Honor during Session XVII, and numbered 50, until the report of the Committee upon the Petition of John Anderson Brown and others has been brought up and forwarded for his Honor's information. (ADDRESS No. 41).
13. *Adjournment for Half-an-hour*.—On motion of Mr. Carleton, Council adjourned at a quarter to seven o'clock for half-an-hour.

COUNCIL RE-ASSEMBLED at a quarter past seven o'clock.

14. *Vagrant Bill*.—Council, according to order, resolved itself into Committee on the Vagrant Bill.

IN THE COMMITTEE.

Mr. J. O'Neill in the chair.

Motion made, and question put, That the Chairman do now leave the chair.
(*Mr. Wynn*.)

COMMITTEE DIVIDED:—

Ayes (10).
Mr. Ball,
M. Cadman,
Mr. Coolahan,
Mr. Gallagher,
Mr. Harrop,
Mr. King,
Mr. McGee,
Mr. Sheehan,
Mr. Skeen,
Mr. Wynn (teller).

Noes (8).
Mr. Bassett,
Mr. Blake,
Mr. Carleton,
Mr. George,
Mr. Newman,
Mr. Swanson,
Mr. Williams,
Mr. Foley (teller).

COUNCIL RESUMED.

Mr. Speaker resumed the chair.

15. *Adjournment*.—On motion of Mr. George, Council adjourned at 20 minutes past 8 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Thursday, February 23rd, 1865.

NOTICES OF MOTION.

1. Mr. BLAKE to move, That a respectful address be presented to his Honor the Superintendent, requesting him to place on the Estimates the sum of Five hundred pounds, for the purpose

purpose of bridging and making that portion of the Kaipara Portage Road which lies between the Great North Road and the Waitemata, and to extend the present wharf at Deacon's Point, for the purpose of allowing boats to discharge at low water.

2. Mr. WYNN to move, (1) That, referring to the printed paper on the subject of Colonel Kenny's claim to 400 acres of land, this Council is of opinion that there is no foundation for such a claim. (2) That a respectful Address be presented to his Honor the Superintendent, forwarding the above resolution, and requesting him to inform this Council whether any further steps have been taken by Colonel Kenny or by the General Government for the purpose of enabling him to obtain the land.
3. Mr. WYNN to move, (1) That a respectful Address be presented to his honor the Superintendent requesting him to transmit copies of the rules for regulating the North Shore Ferries. (2) That in the opinion of this Council the regulations in force for the conduct of all the ferries in the province subsidised by the Provincial Government should be fairly painted on a white board at each side of such ferry to which the regulations respectively refer. (3) That the dimensions and appointments of every boat used on any public ferry ought to be subjected to the approval of the Superintendent or such officer as he may appoint, and the maximum number of passengers fixed by regulation.
4. Mr. KING, to move, That in the opinion of this Council it is desirable that steps should be taken to amend the Education Act, Session 6, No. 2.

ORDERS OF THE DAY.

1. Municipal Police Bill—in Committee.
2. Message No. 18, [respecting the Eradication of Thistles]—to be considered.
3. Message No. 35, [respecting the supervision of the Panmure Bridge]—to be considered.
4. City Board Act Amendment Bill—second reading.
5. Adjourned debate on the question, That the Rural Police Bill be now read a second time.

WM. POWDITCH,
Speaker.

THURSDAY, FEBRUARY 23RD, 1865.

PRAYER.

Present: Mr. Speaker and 17 Members.

1. *Petition of Richard and Edward Harnett.*—Mr. Ross presented a Petition from Richard and Edward Harnett praying that they may not be disabled from obtaining land through the loss of their land orders.
Petition received.
2. *Kaipara Portage Road.*—On motion of Mr. Blake, *Resolved*, That a respectful Address be presented to his Honor the Superintendent requesting him to place on the Estimates the sum of Five Hundred Pounds for the purpose of bridging and making that portion of the Kaipara Portage road which lies between the Great North Road and the Waitemata and to extend the present wharf at Deacon's point for the purpose of allowing boats to discharge at low water, (ADDRESS No. 42.)
3. *Notices Postponed.*—On motion of Mr. King, Mr. Wynn's Notices of Motion Nos. 3 and 4. were postponed until after the orders of the day.

4. *Education*

4. *Education Bill*.—On motion of Mr. King, *Resolved*, That in the opinion of this Council it is desirable that steps should be taken to amend the Education Act Session 6, No. 2.

Resolved, That an Address be present to his Honor the Superintendent forwarding the foregoing resolution and requesting him to send down an amended Education Bill without delay. (ADDRESS No. 43.)

5. *Municipal Police Bill*.—Council according to order resolved itself into Committee on the Municipal Police Bill.

IN THE COMMITTEE.

Mr. J. O'Neill in the chair.

Clauses 1 to 4 agreed.

Clause 4. Sub-section 1 agreed to.

Sub-section 2 postponed.

Sub-sections 3 to 7 agreed to.

Sub-section 8 disagreed to.

Sub-section 9 to 17 agreed to.

Sub-section 18 postponed.

Sub-sections 19 and 20 agreed to.

Sub-section 21.

Motion made and question—That the Chairman do now leave the chair—put.

COMMITTEE DIVIDED :—

Ayes (8).
Mr. Ball,
Mr. Coolahan,
Mr. Gallagher,
Mr. Harrop,
M. King,
Mr. McGee,
Mr. Sheehan,
Mr. Wynn (teller),

Noes (7).
Mr. Blake,
Mr. Carleton,
Mr. Martin,
Mr. McKenzie,
Mr. Ross,
Mr. Swanson,
Mr. George (teller).

COUNCIL RESUMED.

Mr. Speaker resumed the Chair.

6. *Papers—Mauku district*.—Mr. Carleton laid on the table two letters respecting the stoppage of traffic through a paddock of Mr. Vidal at the Mauku.
7. *Messages*.—Mr. Speaker read the following messages from his Honor the Superintendent presented by Mr. Carleton.

Message No. 42.

In compliance with the request contained in the Address No. 15 dated 1st February instant, the Superintendent forwards for the information of the Provincial Council copy of minutes by the Provincial Engineer-in-Chief, and copy of report of Mr. Beere Surveyor relative to the steps taken towards carrying out the objects of the "Water Works Act" of last session.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 23rd February, 1865.

On motion of Mr. King, the enclosures were read by the Clerk.

Message No. 43.

The Superintendent forwards for the information of the Provincial Council copy of a letter from the Public Buildings Commission relative to sites for the proposed New Custom House and Post Office.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 23rd February, 1865.

On motion

On motion of Mr. King the enclosure was read by the Clerk.

9. *Statistics for 1863.*—Mr. Speaker laid on the table the volume of the Statistics of New Zealand for 1863, forwarded to him by the Registrar-General.
10. *Adjournment for Want of a Quorum.*—One-third of the members not being present, Mr. Speaker counted the Council, and, there not being 12 members present, Mr. Speaker, at 6 o'clock, declared the Council to stand adjourned until to-morrow.

MEMBERS PRESENT:

Mr. Ball,	Mr. Speaker,	Mr. King,
Mr. Blake,	|	Mr. McKenzie,
Mr. Carleton,	|	Mr. Ross,
Mr. Gallagher,	|	Mr. Swanson.
Mr. George,	|	

NOTICES OF MOTION AND ORDERS OF THE DAY.

Friday, February 24th, 1865.

NOTICES OF MOTION.

1. Mr. CARLETON to move, That a sum of £1,200 be appropriated by way of subsidy for steam service from Auckland to Wangarei, Matakana, Bay of Islands, and Coromandel.
2. Dr. POLLEN to move, For leave to bring in a bill to amend the Wharf Regulation Act.
3. Mr. WYNN to move, For leave to bring in a bill to authorise the Superintendent to construct a road across Hobson's Bay.
4. Mr. GEORGE to move, That a respectful address be presented to His Honor the Superintendent, requesting him to place on the Supplementary Estimates, the sum of £1,200 for the making and forming the Franklin, Ponsonby, and Karangahape Roads, in conjunction with the City Board Commissioners.

ORDERS OF THE DAY.

1. Estimates—to be considered in Committee.
2. Message No. 18, [respecting the Eradication of Thistles]—to be considered.
3. City Board Act Amendment Bill—second reading.
4. Adjourned debate on the question, That the Rural Police Bill be now read a second time.
5. Message No. 35, [respecting the supervision of the Panmure Bridge]—to be considered.

WM. POWDITCH,
Speaker.

FRIDAY, FEBRUARY 24TH, 1865.

PRAYER.

Present: Mr. Speaker and twenty members.

1. *Petition of Matthew Keefe.*—Mr. Wynn presented a Petition from Matthew Keefe, a discharged soldier of the 11th Regiment, praying that he may be allowed land, notwithstanding his not applying within the time prescribed.
Petition received.

2. *Petition*

2. *Petition of Lieut. Lloyd.*—Mr. Gallagher presented a Petition from Robert Lloyd, late of the 27th Regiment, praying that he may be granted land as a Military Settler, notwithstanding his not applying within the time prescribed.

Petition received.

3. *Steam Subsidy for Northern Ports.*—Mr. Carleton moved, and the question was proposed, That a sum of £1,200 be appropriated as subsidy for steam service from Auckland to Wangarei, Matakana, Bay of Islands, and Coromandel.

Mr. J. O'Neill moved as an amendment, That the further consideration of this subsidy for steam service be postponed until the Council is in possession of the financial statement, and the Estimate of Expenditure is under consideration.

And the question being put on the amendment,

COUNCIL DIVIDED :—

Ayes (8).

Mr. Cadman,
Mr. Gallagher,
Mr. McKenzie,
Mr. A. O'Neill,
Mr. Ross,
Mr. Swanson,
Mr. Wynn,
Mr. J. O'Neill (teller.)

Noes (9).

Mr. Ball,
Mr. Bassett,
Mr. Carleton,
Mr. Cheeseman,
Mr. George,
Mr. King,
Mr. Wallace,
Mr. Williams,
Mr. Newman (teller).

So it passed in the negative.

Mr. Speaker having intimated that the consideration of the original question must be taken in Committee of the whole Council,

Mr. Carleton moved, and the question was proposed, That Mr. Speaker do now leave the chair, and that the Council do resolve itself into Committee of the whole for the consideration of the question.

And the question being put,

COUNCIL DIVIDED :—

Ayes (14).

Mr. Ball,
Mr. Bassett,
Mr. Carleton,
Mr. George,
Mr. Harrop,
Mr. King,
Mr. McKenzie,
Mr. Newman,
Mr. A. O'Neill,
Mr. Ross,
Mr. Swanson,
Mr. Wallace,
Mr. Williams,
Mr. Cheeseman (teller).

Noes (5).

Mr. Cadman,
Mr. Gallagher,
Mr. J. O'Neill,
Mr. Sheehan,
Mr. Wynn (teller).

So it was resolved in the affirmative.

IN THE COMMITTEE.

Mr. J. O'Neill in the chair.

Question stated.

Amendment proposed, That a Select Committee be appointed, consisting of Mr. Ball, Mr. Cadman, Mr. Carleton, Mr. Harrop, Mr. Newman, Mr. A. O'Neill, Mr. J. O'Neill, Mr. Swanson, Mr. Wynn, and the mover, with a view of considering the desirability of subsidising steam vessels to the Northern Ports and Coromandel, (*Mr. King*).

To report progress and ask leave to sit again.

COUNCIL

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. J. O'Neill reported, That the Committee had made progress in the matter referred to them, and that he was directed to move that the Committee may have leave to sit again.

Resolved, that this Council will presently resolve itself into the said Committee.

The time allowed by standing order No. 30 for the disposal of the notices of motion having elapsed, the orders of the day were called on.

4. *Orders Postponed*.—On motion of Mr. Carleton the first order of the day was postponed. Mr. Carleton moved and the question was proposed, That the second order "Message No. 18—to be considered" be postponed.

Mr. Wynn moved, and the question was proposed, That Message No. 18 be read.

And the question—That Message No. 18 be read—being put,

COUNCIL DIVIDED:—

Ayes (6).
Mr. Ball,
Mr. Cadman,
Mr. Gallagher,
Mr. Harrop,
Mr. King,
Mr. Wynn (teller).

Noes (12).
Mr. Bassett,
Mr. Carleton,
Mr. Cheeseman,
Mr. George,
Mr. McKenzie,
Mr. Newman,
Mr. A. O'Neill,
Mr. J. O'Neill,
Mr. Ross,
Mr. Swanson,
Mr. Williams,
Mr. Wallace (teller).

So it passed in the negative.

And the question—That the second order be postponed—being put,

COUNCIL DIVIDED:—

Ayes (13).
Mr. Ball,
Mr. Bassett,
Mr. Carleton,
Mr. Cheeseman,
Mr. George,
Mr. McKenzie,
Mr. A. O'Neill,
Mr. J. O'Neill,
Mr. Ross,
Mr. Swanson,
Mr. Wallace,
Mr. Williams,
Mr. Newman (teller).

Noes (6).
Mr. Cadman,
Mr. Gallagher,
Mr. Harrop,
Mr. King,
Mr. Sheehan,
Mr. Wynn (teller).

So it was resolved in the affirmative.

On motion of Mr. Carleton—the order of the day, No. 3,—was postponed.

Mr. Carleton moved, and the question was proposed, That the order No. 4 be postponed.

And the question being put,

COUNCIL

COUNCIL DIVIDED :—

Ayes (14.)
 Mr. Ball,
 Mr. Bassett,
 Mr. Cadman,
 Mr. Carleton,
 Mr. George,
 Mr. McKenzie,
 Mr. Newman,
 Mr. A. O'Neill,
 Mr. J. O'Neill,
 Mr. Ross,
 Mr. Swanson,
 Mr. Wallace,
 Mr. Williams,
 Mr. Cheeseman (teller,)

Noes (4).
 Mr. Gallagher,
 Mr. Sheehan,
 Mr. Swanson,
 Mr. Wynn, (teller).

So it was resolved in the affirmative.

On motion of Mr. Carleton, the order of the day, No. 5, was postponed.

On motion of Mr. Wynn, Council adjourned at 6 o'clock for half-an-hour.

COUNCIL RE-ASSEMBLED at half-past 6 o'clock.

Council, according to order, resolved itself into Committee.

IN THE COMMITTEE.

Question and amendment in reference to subsidising a steam service to the Northern Ports and Coromandel again stated.

Amendment put. (*Mr. King's.*)

COMMITTEE DIVIDED.

Ayes (8).
 Mr. Ball,
 Mr. Cadman,
 Mr. Gallagher,
 Mr. A. O'Neill,
 Mr. Sheehan,
 Mr. Swanson,
 Mr. Wynn,
 Mr. King (teller).

Noes (9).
 Mr. Bassett,
 Mr. Carleton,
 Mr. George,
 Mr. McKenzie,
 Mr. Newman,
 Mr. Ross,
 Mr. Wallace,
 Mr. Williams,
 Mr. Cheeseman (teller.)

Another amendment proposed, "That it be a condition that a Steamer call at the various places indicated in the motion twice in each week." (*Mr. Cadman.*)

Amendment negatived.

Another amendment proposed: At the end of the question to add the following words, "That his Honor the Superintendent be requested to exact such conditions from any Company who are disposed to undertake the service as will ensure proper accommodation for passengers, a moderate charge for fares, a regularity in the call of the vessel, and a communication with the various Ports at least once a week."

Amendment agreed to.

Question as amended agreed to.

To report the resolution.

COUNCIL RESUMED.

On Mr. Speaker resuming the chair, Mr. J. O'Neill reported the following resolution.

Resolved, That a sum of £1,200 be appropriated by way of subsidy for steam service from Auckland to Wangarei, Matakana, Bay of Islands, and Coromandel, and that his Honor the Superintendent be requested to exact such conditions from any company who are disposed to undertake the service, as will ensure proper accommodation for passengers, a moderate charge for fares, a regularity in the call of the vessel, and a communication with the various ports mentioned at least once in every week.

Resolved

Resolved, That that resolution be agreed to by this Council.

Resolved, That an Address be presented to his Honor the Superintendent forwarding the foregoing resolution. (ADDRESS No. 44.)

5. *Notices Lapsed*.—The notices of motion, Nos. 2 and 3, lapsed.
6. *Suburban Roads*.—On motion of Mr. George, *Resolved*, That a respectful address be presented to his Honor the Superintendent requesting him to place on the Supplementary Estimates the sum of £1,200 for the making and forming the Franklin, Ponsouby, and Karangahape, Roads in conjunction with the City Board Commissioners. (ADDRESS No. 45.)
7. *Adjournment*.—On motion of Mr. Carleton, Council adjourned at a quarter to 7 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Tuesday, February 28th, 1865.

ORDERS OF THE DAY

1. Estimates—to be considered in Committee.
2. Message No. 18, [respecting the Eradication of Thistles]—to be considered.
3. City Board Act Amendment Bill—second reading.
4. Adjourned debate on the question, That the Rural Police Bill be now read a second time.
5. Message No. 35, [respecting the supervision of the Panmure Bridge]—to be considered.

NOTICES OF MOTION.

1. Mr. BALL, to move, That a respectful address be presented to his honor the Superintendent requesting him to send down to this Council a statement showing the number of Crown Grants issued from the Waste Lands Office under the Auckland Waste Lands Act 1858, and the Auckland Waste Lands Act Amendment Act 1862, stating also the amount expended, and the number of persons engaged in their preparation.
2. Mr. BALL, to move, That a respectful address be presented to his honor the Superintendent requesting him to supply this Council with a return in detail of all blocks of general Country Land in the hands of the Provincial Government which have been surveyed and subdivided but not offered for selection, showing the date of completion of such surveys. Also a statement of the quantity of general Country Lands surveyed and subdivided during the year 1864 or now in progress of survey with the amount expended on such survey during the same period.
3. Mr. BALL, to move, That a respectful address be presented to his honor the Superintendent requesting him to lay before this Council a return of all Land Sales of General Country Land held during the year 1864, stating the aggregate area and number of lots offered, the quantity of land disposed of, and the average price per acre realized at each sale, showing also the proportions absorbed by land orders and sold for cash.
4. Mr. WYNN, to move, That a respectful address be presented to his honor the Superintendent requesting him to obtain from the General Government copies of all correspondence and communications that have passed between the General and Provincial Governments respecting the construction of a Tramway along the banks of the Waikato River, together with a statement of the cost incurred in constructing such tramway and a return of the names of all persons appointed to superintend or manage the construction of such Tramway—and further that the Council be informed whether the costs incurred will be made a charge against the Province of Auckland.

2. Mr. WYNN

5. Mr. WYNN to move, (1) That, referring to the printed paper on the subject of Colonel Kenny's claim to 400 acres of land, this Council is of opinion that there is no foundation for such a claim. (2) That a respectful address be presented to His Honor the Superintendent, forwarding the above resolution, and requesting him to inform this Council whether any further steps have been taken by Colonel Kenny or by the General Government for the purpose of enabling him to obtain the land.
6. Mr. WYNN, to move, (1) That a respectful address be presented to his Honor the Superintendent requesting him to transmit copies of the rules for regulating the North Shore Ferries. (2) That in the opinion of this Council the regulations in force for the conduct of all the ferries in the province subsidised by the Provincial Government should be fairly painted on a white board at each side of such ferry to which the regulations respectively refer. (3) That the dimensions and appointments of every boat used on any public ferry ought to be subjected to the approval of the Superintendent or such officer as he may appoint and the maximum number of passengers fixed by regulation.

WM. POWDITCH,
Speaker.

TUESDAY, FEBRUARY 28TH, 1865.

PRAYER.

Present: Mr. Speaker and 18 members.

1. *Petition of John Thomas.*—Mr. King presented a petition from John Thomas, a contractor for the supply of bricks for the Lunatic Asylum, praying that the stoppage of payment by the Government may be considered.

Petition received.

2. *Kawa Kawa Coal Mines.*—Mr. Speaker read a letter from Commodore Sir William Wiseman, in reply to the vote of thanks presented to him by the Council.

On motion of Mr. King, *Ordered*, That the letter be entered on the Journal, and the same is entered as follows:—

“‘Curacoa,’ Auckland,
“27th February, 1865.

“ Sir,

“ I have the honor to acknowledge the receipt of your letter of the 23rd instant, forwarding a copy of a vote of thanks given to me by the Provincial Council for services rendered to the Province in testing the Kawa Kawa Coal.

“ I have the honor to be,

“ Sir,

“ Your most obedient Servant,

“ W. Powditch, Speaker,
“ Provincial Council,
“ Auckland.”

“ W. WISEMAN,
“ Commodore.”

3. *Report (No. 1) of Representation Committee.*—Mr. Ball brought up an Interim Report, No. 1, from the Representation Bill Committee, and the same was received and read as follows:—

“ Your Committee have to report the following resolution agreed to by them,—

“ *Resolved*, That in order to enable the Select Committee on the Representation Bill to proceed with the consideration of that measure, it is necessary that a written description of the boundaries of the several electoral districts proposed to be constituted by the Government should be before the Committee.”

1. *Estimates*

4. *Estimates*.—Mr. Carleton moved and the question was proposed That Mr. Speaker do now leave the chair and that the Council resolved itself into Committee of the whole for the consideration of the Estimates.
On motion of Mr. Wynn, *Ordered*, That the debate be now adjourned until the Government send down the Appropriation Bill.
5. *Thistle Nuisance*.—The order of the day for the consideration of Message No. 18 being read, on motion of Mr. King, *Ordered*, That the Message be referred to the Select Committee on the Thistle Act.
6. *City Board Act Amendment Bill*.—The City Board Act Amendment Bill was, according to order, read a second time, and committed to a Committee of the whole Council.

IN THE COMMITTEE.

Mr. King in the chair.

Clause 1. Amendment proposed: At the end of the clause, to add the following proviso, "Provided that such Secretary or Engineer shall and he is hereby required to lay such complaint upon the request in writing of any householder." (*Mr. Wynn.*)

Amendment agreed to.

Clause as amended agreed to.

Clause 2. There not being a quorum of members present,
The chairman left the chair.

COUNCIL RESUMED.

Mr. Speaker resumed the chair and counted the Council, and there not being twelve members present, Mr. Speaker at 12 minutes to 6 o'clock, declared the Council to stand adjourned till to-morrow.

MEMBERS PRESENT:—

Mr. Carleton,	Mr. Speaker,	Mr. McGee,
Mr. Cheeseman,	|	Mr. McKenzie,
Mr. Coolahan,	|	Mr. A. O'Neill,
Mr. George,	|	Mr. Ross,
Mr. King,	|	Mr. Swanson.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Wednesday, March 1st, 1865.

1. Mr. BALL, to ask the Provincial Secretary, whether the Provincial Authorities have instituted any enquiry respecting the extraordinary and lamentable loss of life amongst the immigrants on board the ship "Ganges" during her voyage to this colony?

NOTICES OF MOTION.

1. Mr. KING, to move, That the *bonus* of £15 per cent. granted to various officers in the service of the Provincial Government be extended to the teachers receiving salaries under the supervision of the Board of Education, and that an address be forwarded to his honor the Superintendent, requesting him to place a sufficient sum on the additional estimate of expenditure for such purpose.

2. Mr GALLAUGHER

2. Mr. GALLAUGHER, to move, That a Committee be appointed to enquire into the working of the Turnpike Act, with power to call for persons and papers. Such Committee to consist of the following members, viz., those who were on the Committee last session.
3. Mr. WYNN, to move, (1) That when the consideration of the Estimates for the Police Department are under consideration an address be presented to his Honor the Superintendent requesting him to increase the pay of the Police Force by raising the pay of the Sergeant Major to 15s. per diem, and the rest of the Force in proportion. (2.) That his Honor the Superintendent be requested to place the sum of £200 on the Estimates, to be available for the purpose of rewarding Police Officers for conduct evincing more than ordinary intelligence, energy or courage in bringing offenders to Justice, such reward to be paid on the recommendation of the Judge trying such offender.
3. Mr. SKEEN, to move, That a respectful Address be presented to his Honor the Superintendent, requesting that he will place a sum of money on the additional Estimates, for the purpose of opening a road from Kaukapakapa to Komokoriki.
5. Mr. KING, to move, That an address be forwarded to his Honor the Superintendent requesting him without delay to cause a survey to be made of the supply of water obtainable from the Waimea Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura.
6. Mr. KING to move, That an address be presented to his Honor the Superintendent requesting him to forward to this Council copies of all Correspondence between the General and Provincial Governments, relative to the 3ths of Customs Revenue available for appropriation by the Council, also the amount of surplus revenue available for appropriation.
7. Mr. BALL to move, That the Interim Report (No. 1) of the Representation Bill Committee be adopted.

ORDERS OF THE DAY.

1. Message No. 18, [respecting the Eradication of Thistles]—to be considered.
2. City Board Act Amendment Bill—second reading.
3. Adjourned debate on the question, That the Rural Police be now read a second time.
4. Message 35, [respecting the supervision of the Panmure Bridge]—to be considered.

WM. POWDITCH.

Speaker.

WEDNESDAY, MARCH 1ST, 1865.

PRAYER.

Present: Mr. Speaker and 18 members.

1. *Sickness on board the "Ganges."*—Mr. Ball, pursuant to notice, asked Whether the Provincial Authorities have instituted any enquiry respecting the extraordinary and lamentable loss of life amongst the immigrants on board the ship 'Ganges' during her voyage to this Colony.

Mr. Carleton answered, That before any passengers were allowed to land, the Provincial Surgeon was directed to make a strict enquiry into the cause as well as nature of the disease. He reported Bronchitis and Hooping-cough; and expressed an opinion that it was not necessary to put the vessel into quarantine. A board of medical men has since been appointed to make general enquiry.

2. *Bonus*

2. *Bonus to School Teachers.*—On motion of Mr. King, *Resolved*, That the *bonus* of £15 per cent. granted to various officers in the service of the Provincial Government be extended to the teachers receiving salaries under the supervision of the Board of Education, and that an Address be forwarded to his Honor the Superintendent requesting him to place a sufficient sum on the additional estimate of expenditure for such purpose. (ADDRESS No. 46.)
3. *Turnpike Bill Committee.*—On motion of Mr. Gallagher, *Ordered*, That a Committee be appointed to enquire into the working of the Turnpike Act, with power to call for persons and papers. Such Committee to consist of the following members:—Mr. Buckland, Mr. Cadman, Mr. Cheeseman, Mr. Harrop, Mr. King, Mr. Newman, Mr. Wynn, and the mover.
4. *Notices Postponed.*—On motion of Mr. A. O'Neill, Mr. Skeen's notice of motion, No. 3, was postponed till after the orders of the day.
On motion of Mr. Swanson, Mr. King's notices of motion, Nos. 4 and 5, were postponed till after the orders of the day.
5. *Representation Committee's Report.*—On motion of Mr. Ball, *Resolved*, That the Interim Report (No. 1) of the Representation Bill Committee be adopted.
6. *Messages.*—Mr. Speaker read the following Messages from his Honor the Superintendent, presented by Mr. Carleton.

Message No. 45.

Referring to the Address, No. 33, dated 24th February instant, the Superintendent lays before the Provincial Council copy of all correspondence between the General and Provincial Governments on the subject of a house built for the Commodore on this station, and informs the Council that the terms agreed upon have been carried out. The Superintendent is not in possession of any information on this subject beyond what is contained in Message No. 52, dated 1st October ultimo, and in the correspondence now enclosed.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 24th February, 1865.

Message No. 46.

The Superintendent submits for consideration by the Provincial Council *A Bill to appropriate the Revenue for 1865.*

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 1st March, 1865.

On motion of Mr. Carleton, the Bill enclosed—the Appropriation Bill, 1865—was read a first time, and ordered to be read a second time to-morrow and to be printed.

Message No. 47.

The Superintendent transmits to the Provincial Council copy of Returns obtained from a number of the Highway Boards, in compliance with the request contained in the Address No. 10, of date 25th January ulto; also a list of the Highway Districts, from which no Returns have been received up to the present time.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 1st March, 1865.

Message No. 48.

The Superintendent lays before the Provincial Council copy of a letter from the Honorable the Colonial Secretary, transmitting a communication made by direction of the Lieutenant-General Commanding, on the subject of the provisions of the Naval and Military Licensing Act.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 1st March, 1865.

7. *City Board Act Amendment Bill.*—Council, according to order, resolved itself into Committee on the City Board Act Amendment Bill.

IN THE COMMITTEE.

Mr. Ball in the chair.
 Clauses 2 and 3 agreed to.
 Clause 4—the blank in line 4 was filled up with the words “one shilling.”
 (Mr. George.)
 Amendment proposed: In lines 6—7 to leave out the words “to which the Auckland Building Act now or hereafter may apply.” (Mr. Cadman.)
 Amendment agreed to.
 The blank in line 9 was filled up with the words “one shilling.” (Mr. George.)
 Clause as amended agreed to.
 Clause 5 agreed to.
 Clauses 6, 7, and 8 postponed.
 Clause 9. There not being a quorum of members present, the Chairman left the chair.

COUNCIL RESUMED.

Mr. Speaker resumed the chair and counted the Council, and there not being twelve members present, Mr. Speaker, at half-past six o'clock, declared the Council to stand adjourned till to-morrow.

MEMBERS PRESENT:—

Mr. Ball,	Mr. Speaker,	Mr. George,
Mr. Blake,	|	Mr. McKenzie,
Mr. Carleton,	|	Mr. Ross,
Mr. Cadman,	|	Mr. Swanson.
Mr. Cheeseman,	|	

NOTICES OF MOTION AND ORDERS OF THE DAY.

Thursday, March 2nd, 1865.

1. Mr. WYNN to ask the Honorable Member at the head of the Executive, Out of what fund the costs of passing “The Auckland Harbour Debenture Act Amendment Act” through the General Assembly were paid.
2. Mr. WYNN to ask the Honorable Member at the head of the Executive, Whether he is aware of any movement being made on the part of the inhabitants or Electors of the Bay of Islands district, for the purpose of constituting that portion of the Island a new Province; and, if so, whether the Provincial Government have taken or propose to take any steps to remove any grounds of dissatisfaction that may have given rise to such movement.

NOTICES OF MOTION.

1. Mr. KING to move, That Message No. 43 (respecting the sites for the Public Buildings) of his Honor the Superintendent, and its enclosure, be taken into consideration.
2. Dr. POLLEN

2. **Dr. POLLEN** to move, That an Address be presented to his Honor the Superintendent, respectfully requesting that he will favor this Council with a reply to the Address, No. 59, of date November 8th, 1864.
3. **Mr. KING** to move, That an address be presented to his Honor the Superintendent, requesting him to send in a Bill to prohibit pawnbroking.
4. **Mr. WYNN** to move, That a respectful address be presented to his Honor the Superintendent, requesting him to transmit to this Council copies of any legal opinions that have been obtained respecting the legality or illegality of "The Railway Commissioners Act, 1863;" together with copies of the case or cases submitted, for the purpose of obtaining such opinions, and a return of the amount of fees paid thereon.
5. **Mr. KING** to move, That an address be forwarded to his Honor the Superintendent, requesting him to forward to this Council a statement of the liabilities of the Provincial Government on the 31st December, 1864, and payable in usual course in the month of January, 1865, such return to specify the amounts in detail due to the various Departments, and for public works for which contracts are or were about to be entered into.
6. **Mr. WYNN** to move, That an address be presented to his Honor the Superintendent, requesting him to inform this Council in full detail of all steps that have been taken in respect of the location of the Waikato settlers; and also to send down a full return showing the names of all persons who have been and are employed in carrying out the scheme of such location; together with the amounts of salary or other payments that have been made, or agreed to be paid, in respect of any employment connected with the said scheme.
7. **Mr. WYNN** to move, That a respectful address be presented to His Honor the Superintendent, requesting him (in reference to his Honor's Message, No. 84, of the 11th November, 1864, respecting the appointment of Mr. Daldy, which states "It is the privilege of the Council to make or refuse the provision recommended for that service") to inform this Council whether it is His Honor's intention to recommend to this Council to make provision for Mr. Daldy's salary.
8. **Mr. GALLAUGHER** to move, That a respectful address be presented to his Honor the Superintendent, requesting him to place on the Additional Estimates for 1865 the sum of £150 as a salary for a Wharfinger for the Port of Onehunga.
9. **Mr. GALLAUGHER** to move, That a respectful address be presented to his Honor the Superintendent, requesting him to place on the Additional Estimates for the year 1865 the sum of £50 as additional salary to the Harbour Master and Pilot of the Manukau.
10. **Mr. CADMAN** to move, That a respectful address be presented to His Honor the Superintendent, requesting that he will cause the punt at Panmure to be placed in an efficient state of repair.
11. **Mr. BALL** to move, That a respectful address be presented to his Honor the Superintendent, requesting him to send down to this Council a statement showing the number of Crown Grants issued from the Waste Lands Office under "The Auckland Waste Lands Act, 1858," and "The Auckland Waste Lands Act Amendment Act, 1862," stating also the amount expended and the number of persons engaged in their preparation.
12. **Mr. BALL** to move, That a respectful address be presented to his Honor the Superintendent, requesting him to supply this Council with a return in detail of all blocks of general Country Land in the hands of the Provincial Government which have been surveyed and subdivided but not offered for selection, showing the date of completion of such survey; also, a statement of the quantity of general Country Lands surveyed and subdivided during the year 1864 or now in progress of survey, with the amount expended on such survey during the same period.
13. **Mr. BALL** to move, That a respectful address be presented to his Honor the Superintendent requesting him to lay before this Council a return of all Land Sales of General Country Land held during the year 1864, stating the aggregate area and number of lots offered, the quantity of land disposed of, and the average price per acre realized at each sale; showing also the proportions absorbed by land orders and sold for cash.

ORDERS OF THE DAY.

1. Appropriation Bill—second reading.
2. City Board Act Amendment Bill—in Committee.
3. Adjourned debate on the question, That the Rural Police Bill be now read a second a time.
5. Message No. 35 [respecting the supervision of the Panmure Bridge]—to be considered.

CONTINGENT NOTICE OF MOTION.

1. Mr. WYNN to move, (1) That upon the consideration of the Estimates for the Police Department, an address be presented to his Honor the Superintendent, requesting him to increase the pay of the Police Force by raising the pay of the Sergeant-Major to 15s. per diem, and that of the rest of the force in proportion. (2.) That his Honor the Superintendent be requested to place the sum of £200 on the Estimates, to be available for the purpose of rewarding Police Officers for conduct evincing more than ordinary intelligence, energy, or courage in bringing offenders to justice, such reward to be paid on the recommendation of the Judge trying such offender.

WM. POWDITCH,

Speaker.

THURSDAY, MARCH 2ND, 1865.

PRAYER.

Present: Mr. Speaker and 19 members.

1. *Harbour Debenture Act.*—Mr. Wynn, pursuant to notice, asked out of what fund the costs of passing “The Harbour of Auckland Debenture Amendment Act” through the General Assembly were paid.
Mr. Carleton answered, Out of the Harbour Trust Fund.
2. *Separation of Bay of Islands.*—Mr. Wynn, pursuant to notice, asked the member at the head of the Executive whether he is aware of any movement being made on the part of the inhabitants or electors of the Bay of Islands district for the purpose of constituting that portion of the Island a new Province; and, if so, whether the Provincial Government have taken, or propose to take, any steps to remove any grounds of dissatisfaction that may have given rise to such movement.
Mr. Carleton answered, The question should have been put not to the Member for Newton, but to one of the Members for the Bay of Islands. He was not informed upon the subject.
3. *Notice Postponed.*—Mr. King, by leave of Council, postponed his Notice of Motion, No. 1.
4. *Proposed Dissolution.*—On motion of Dr. Poilen, *Resolved*, That an Address be presented to his Honor the Superintendent, respectfully requesting that he will favour this Council with a reply to the Address, No. 59, of date November 8th, 1864. (ADDRESS No. 47.)
5. *Pawnbroking.*—Mr. King moved, and the question was proposed, That an Address be presented to his Honor the Superintendent requesting him to send down a Bill to prohibit pawnbroking.

Mr. Wynn

Mr. Wynn moved as an amendment, to leave out the word "prohibit" and insert the word "regulate" instead thereof.

And the question being put on the amendment, it passed in the negative.

And the original question being put, it was resolved in the affirmative. (ADDRESS No. 48).

6. *Railway Commissioners Act.*—On motion of Mr. Wynn, *Resolved*, That a respectful Address be presented to his Honor the Superintendent, requesting him to transmit to this Council copies of any legal opinions that have been obtained respecting the legality or illegality of "The Railway Commissioners Act, 1864;" together with copies of the case or cases submitted, for the purpose of obtaining such opinions; and a return of the amount of fees paid thereon. (ADDRESS No. 49.)
7. *Provincial Balance Sheet.*—On motion of Mr. King, pursuant to amended notice, *Resolved*, That an Address be forwarded to his Honor the Superintendent, requesting him to forward to this Council a statement of the liabilities of the Provincial Government on the 31st of December, 1864, and payable in the usual course in the month of January, 1865, such return to specify the amounts in detail due to the various Departments and for public works for which contracts were entered into or were about to be entered into. (ADDRESS No. 50.)
8. *Waikato Settlers.*—On motion of Mr. Wynn, *Resolved*, That an Address be presented to his Honor the Superintendent, requesting him to inform this Council in full detail of all steps that have been taken in respect of the location of the Waikato Settlers, and also to send down a full return showing the names of all persons who have been and are employed in carrying out the scheme of such location, together with the amounts of salary or other payments that have been made or agreed to be paid in respect of any employment connected with the said scheme. (ADDRESS No. 51.)
- The time allowed by Standing Order No. 32, for the disposal of Notices of Motion having elapsed, the Orders of the Day were called on.
9. *Orders Postponed.*—On motion of Mr. Wynn, the orders were severally postponed.
10. *Captain Daldy's Appointment.*—Mr. Wynn moved, and the question was proposed, That a respectful address be presented to his Honor the Superintendent, requesting him (in reference to his Honor's Message, No. 84, of the 11th November, 1864, respecting the appointment of Mr. Daldy, which states, "It is the privilege of the Council to make or refuse the provision recommended for that service") to inform this Council whether it is his Honor's intention to recommend to this Council to make provision for Mr. Daldy's salary.
- Mr. Carleton moved as an amendment, That the extract from the Superintendent's Message, No. 84, be supplemented from the context, by prefixing the following words, namely: "It is the duty of the Executive Branch of the Provincial Legislature to make the appointments for the public service as exclusively."
- And the question being put on the amendment, it passed in the negative.
- And the original question being put, it was resolved in the affirmative. (ADDRESS No. 52).
11. *Wharfinger for Onehunga.*—On motion of Mr. Gallagher, *Resolved*, That a respectful address be presented to his Honor the Superintendent, requesting him to place on the Additional Estimates for 1865 the sum of £150 as a salary for a Wharfinger for the Port of Onehunga. (ADDRESS No. 53).
12. *Manukau Pilot.*—Mr. Gallagher moved, and the question was proposed, That a respectful address be presented to his Honor the Superintendent, requesting him to place on the Additional Estimates for the year 1865 the sum of £50 as additional salary to the Harbour Master and Pilot of the Manukau.
- The question was by leave withdrawn.
13. *Panmure Punt.*—On motion of Mr. Cadman, *Resolved*, That a respectful address be presented to his Honor the Superintendent, requesting that he will cause the punt at Panmure to be placed in an efficient state of repair. (ADDRESS No. 54.)

14. *Crown Grants*.—On motion of Mr. Ball, *Resolved*, That a respectful address be presented to his Honor the Superintendent, requesting him to send down to this Council a statement showing the number of Crown Grants issued from the Waste Lands Office under "The Auckland Waste Lands Act, 1858," and "The Auckland Waste Lands Act Amendment Act, 1862;" stating also the amount expended, and the number of persons engaged in their preparation. (ADDRESS No. 55.)
15. *Waste Lands of the Province*.—On motion of Mr. Ball, *Resolved*, That a respectful address be presented to his Honor the Superintendent, requesting him to supply this Council with a return in detail of all blocks of General Country Land in the hands of the Provincial Government which have been surveyed and subdivided but not offered for selection, showing the date of completion of such surveys. Also, a statement of the quantity of General Country Lands surveyed and subdivided during the year 1864, or now in progress of survey, with the amount expended on such survey during the same period. (ADDRESS No. 56.)
16. *Land Sales*.—On motion of Mr. Ball, *Resolved*, That a respectful address be presented to his Honor the Superintendent, requesting him to lay before this Council a return of all Land Sales of General Country Land held during the year 1864, stating the aggregate area and number of lots offered, the quantity of land disposed of, and the average price per acre realized at each sale; showing also the proportions absorbed by land orders and sold for cash. (ADDRESS No. 57.)
17. *Adjournment for Half-an-hour*.—On motion of Dr. Pollen, Council adjourned at half-past six o'clock, for half-an-hour.

COUNCIL RE-ASSEMBLED at seven o'clock.

18. *Appropriation*.—The Appropriation Bill was, according to order, read a second time, and committed to a Committee of the whole Council.

IN THE COMMITTEE.

Mr. J. O'Neill in the Chair.
The Clauses of the Bill were postponed.

Estimate of Expenditure—

PROVINCIAL COUNCIL :

Speaker £300

Agreed to.

Clerk and Librarian £250.

There not being a quorum of members present, the Chairman left the chair.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and counted the Council, and there not being twelve members present, Mr. Speaker at half-past seven o'clock, declared the Council to stand adjourned till to-morrow.

MEMBERS PRESENT.

Mr. Speaker,

Mr. Ball,
Mr. Carleton,
Mr. Harrop,
Mr. King,
Mr. A. O'Neill,

Mr. J. O'Neill,
Dr. Pollen,
Mr. Ross,
Mr. Sheehan,
Mr. Swanson,

NOTICES

NOTICES OF MOTION AND ORDERS OF THE DAY.

Friday, March 3rd, 1865.

ORDERS OF THE DAY.

1. Estimate of Expenditure—in Committee.
2. City Board Act Amendment Bill—second reading.
3. Adjourned debate on the question, That the Rural Police Bill be now read a second time.
4. Message No. 35, [respecting the supervision of the Panmure Bridge]—to be considered.

NOTICES OF MOTION.

1. Mr. WYNN to move, That a respectful address be presented to his Honor the Superintendent, requesting him to obtain from the General Government copies of all correspondence and communications that have passed between the General and Provincial Governments respecting the construction of a Tramway along the banks of the Waikato River, together with a statement of the cost incurred in constructing such tramway, and a return of the names of all persons appointed to superintend or manage the construction of such Tramway; and, further, that the Council be informed whether the costs incurred will be made a charge against the Province of Auckland.
2. Mr. WYNN to move, (1) That, referring to the printed paper on the subject of Colonel Kenny's claim to 400 acres of land, this Council is of opinion that there is no foundation for such a claim.
(2) That a respectful address be presented to His Honor the Superintendent, forwarding the above resolution, and requesting him to inform this Council whether any further steps have been taken by Colonel Kenny or by the General Government for the purpose of enabling him to obtain the land.
3. Mr. WYNN to move, (1) That a respectful address be presented to his Honor the Superintendent, requesting him to transmit copies of the rules for regulating the North Shore Ferries.
(2) That in the opinion of this Council the regulations in force for the conduct of all the ferries in the province subsidised by the Provincial Government should be fairly painted on a white board at each side of such ferry to which the regulations respectively refer.
(3) That the dimensions and appointments of every boat used on any public ferry ought to be subjected to the approval of the Superintendent or such officer as he may appoint, and the maximum number of passengers fixed by regulation.
4. Mr. KING to move, That an address be forwarded to his Honor the Superintendent, requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also, from Hay's Creek and other streams in the Hunua, lying to the east of Papakura.
5. Mr. KING to move, That an address be presented to his Honor the Superintendent, requesting him to forward to this Council copies of all Correspondence between the General and Provincial Governments relative to the three-eighths of Customs Revenue available for appropriation by the Council; also, the amount of surplus revenue available for appropriation.

6. Mr. WYNN

6. Mr. WYNN to move, That an address be presented to his Honor the Superintendent, requesting him to inform this Council whether he has instigated any inquiry *among those liable* under Immigration Bonds and Notes, for the purpose of ascertaining from them whether any payments have been made of the amounts due thereon, and to forward to this Council full particulars of all amounts paid in respect to the principal, and the amounts paid for costs.
7. Mr. KING to move, That an address be forwarded to his Honor the Superintendent, requesting him, after the rising of the present session of the Supreme Court, to have the old fittings at present fixed in the new Supreme Court House removed and replaced with entirely new work.
8. Mr. ALLAN O'NEILL to move, That an address be presented to his Honor the Superintendent, requesting him to place on the additional estimate of expenditure the sum of (£350) three hundred and fifty pounds as a subsidy for the Waitemata Steamer.
9. Mr. CADMAN to move, That a respectful address be presented to his Honor the Superintendent, requesting that he will place upon the additional estimate of expenditure a sum sufficient to repair the Road and Bridges from the junction at the Whau to Waikomiti in the Parish of Titirangi.
10. Mr. CADMAN to move, That a respectful Address be presented to his Honor the Superintendent, requesting that he will send down to this Council a return of the tonnage of all shipping which has been piloted in and out of the Port of Auckland, and the revenue derived therefrom during the year 1864; also, a return of all revenues from Queen-street Wharf, specifying the amount derived from Lease of Tolls, Cranes, Shipping Dues, Tonnage Dues, and Licences; also, a return of the Tonnage of all Shipping which came alongside the Queen-street Wharf, and the number of tons of imported goods landed on the Queen-street Wharf, during the year 1864; also, a return of all passengers by the various North Shore Ferries.
11. Mr. WYNN to move, (1) That this Council having, in conjunction with his Honor the Superintendent, petitioned Her Majesty the Queen to constitute this Province a separate colony, it is the duty of the Provincial Government to do all that is in their power to discourage any movement that may be made by virtue of the "New Provinces Act, 1858" to dismember the Province by the establishment of any New Province within the limits of the Province of Auckland, inasmuch as such dismemberment must materially affect the success of the movement for the establishment of this Province as a separate colony.
 (2) That this Council feels it to be its duty to draw the attention of His Honor the Superintendent to the announcement made by Mr. Carleton the Provincial Secretary and Treasurer of the Province of Auckland, on the 2nd inst., viz. (That since the passing of the New Provinces Act he has always been an advocate for the constitution of a new Province in the Bay of Islands District), and to request His Honor to take all necessary steps to counteract the Provincial Secretary in his advocacy of the establishment of a new Province at the Bay of Islands.
 (3.) That an address be presented to His Honor the Superintendent requesting his immediate attention to the foregoing resolutions and respectfully requesting His Honor to inform this Council of any information he may be in possession of, and also of his views on this question.

CONTINGENT NOTICE OF MOTION.

1. Mr. WYNN to move, (1) That, upon the consideration of the Estimates for the Police Department, an address be presented to his Honor the Superintendent, requesting him to increase the pay of the Police Force by raising the pay of the Sergeant-Major to 15s. per diem, and that of the rest of the force in proportion.
 (2.) That His Honor the Superintendent be requested to place the sum of £200 on the Estimates, to be available for the purpose of rewarding Police Officers for conduct evincing more than ordinary intelligence, energy, or courage in bringing offenders to justice; such reward to be paid on the recommendation of the Judge trying such offender.

WM. POWDITCH,
Speaker.

FRIDAY, MARCH 3RD, 1865.

PRAYER.

Present : Mr. Speaker and 19 members.

1. *Postponement of Orders*.—Mr. Coolahan moved, and the question was proposed, that the orders of the day be postponed, in order that the consideration of the notices of motion might be proceeded with.

And the question being put, Council divided :—

Ayes (11).

Mr. Ball,
Mr. Cadman,
Mr. Gallagher,
Mr. Harrop,
Mr. King,
Mr. McGee,
Dr. Pollen,
Mr. Sheehan,
Mr. Skeen,
Mr. Wynn,
Mr. Coolahan (teller).

Noes (8).

Mr. Carleton,
Mr. George,
Mr. McKenzie,
Mr. A. O'Neill,
Mr. Rattray,
Mr. Ross,
Mr. Swanson,
Mr. J. O'Neill (teller).

So it was resolved in the affirmative.

The orders were then severally postponed.

2. *Messages*.—Mr. Speaker read the following Messages from his Honor the Superintendent, presented by Mr. Carleton.

Message No. 49.

The Superintendent has received from the Provincial Council an Address, No. 32, requesting him to inform the Council whether he has assented to or disallowed "The Government Contracts Bill, 1864."

The Superintendent has the honor to state in reply that he has, on behalf of his Excellency the Governor assented to "The Government Contracts Act, 1864," and that the Act has not been disallowed.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 2nd March, 1865.

Message No. 50.

The Superintendent submits for consideration by the Provincial Council *A Bill to enable the Superintendent of the Province of Auckland to advance by way of loan the further sum of four thousand four hundred pounds to the City Board out of the money to be raised under the provisions of "The Auckland Loan Act, 1863."*

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 2nd March, 1865.

On motion of Mr. Carleton, the Bill enclosed—"The City Board Loan Bill"—was read the first time and ordered to be read a second time on Tuesday next, and to be printed.

Message

Message No 51.

The Superintendent transmits for the information of the Provincial Council copy of a correspondence relative to a portion of the old Supreme Court House site sold to Mr. P. Darby.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 2nd March, 1865.

Mr. Speaker read the correspondence enclosed.

Message No. 52.

The Superintendent having considered the remarks made by his Honor the Chief Justice in his charge to the Grand Jury concerning the state of crime in the Auckland Province, and the presentment by the Grand Jury recommending that immediate steps be taken to strengthen the Police Force, recommends additional appropriation for the Police Department.

The Superintendent has always been most desirous of keeping down the expenses of the Establishment, in order to provide the largest possible amount for public works, but feels that the safety of the citizens is a paramount consideration. He recommends, therefore, that provision be made for seven additional Police Constables (Privates), at the rate of seven shillings per diem. Also, an increase of the item for greatcoats and clothing from £150 to £300.

The Superintendent recommends under the head "Prisons" that provision be made for the addition of two second-class overseers, at £114; also, under the head "Auckland Gaol," for the addition of one overseer, at £114.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 3rd March, 1865.

Message No. 53.

The Superintendent submits for consideration by the Provincial Council *A Bill to enable the Superintendent of the Province of Auckland to advance by way of loan a further sum of fifteen thousand pounds to the City Board, out of the money to be raised under the provisions of "The Auckland Loan Act, 1863."*

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 3rd March, 1865.

On motion of Mr. Carleton, the Bill enclosed was read the first time, and ordered to be read a second time on Tuesday next and to be printed.

Message No. 54.

The Superintendent lays before the Provincial Council copy of a letter from the Honourable the Colonial Secretary, under date 25th February ulto., and of the accompanying enclosure relative to an alleged discovery of gold in the Raglan District.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 3rd March, 1865.

On motion of Mr. Wynn, *Ordered*, That the Message and Enclosures be taken into consideration on Tuesday next.

3. *Notices Postponed.*—Mr. Wynn postponed his notices of motion, Nos. 1, 2, and 3, until Tuesday next.

Mr. King postponed his notices of motion, Nos. 4 and 5, till Tuesday next.

Mr. Wynn postponed his notice of motion, No. 6, till Wednesday next.

4. *Fittings*

4. *Fittings of the Supreme Court.*—Mr. King moved, and the question was proposed, That an address be presented to his Honor the Superintendent, requesting him, after the rising of the present Session of the Supreme Court, to have the old fittings at present fixed in the new Supreme Court removed and replaced with entirely new work.

Mr. Wynn moved, as an amendment, That the following words be added to the proposed question: "And that this Council expresses its disapproval of the conduct of the Government in not having proper fittings placed in the new Supreme Court Building previous to the present Session of the Court."

And the question being put on the amendment, it was resolved in the affirmative.

And the question as amended being put, it was resolved in the affirmative. (ADDRESS No. 58.)

5. *Waitemata Steamer.*—Mr. A. O'Neill moved, and the question was proposed, That an Address be presented to his Honor the Superintendent requesting that he will place on the Additional Estimate of Expenditure the sum of (£350) three hundred and fifty pounds as a subsidy for the Waitemata Steamer.

And the question being put,

COUNCIL DIVIDED:—

Ayes (9).

Mr. Cadman,
Mr. Carleton,
Mr. Coolahan,
Mr. Gallagher,
Mr. King,
Mr. McKenzie,
Mr. Ross,
Mr. Sheehan,
Mr. A. O'Neill (teller.)

Noes (3).

Mr. Ball,
Mr. Swanson,
Dr. Pollen (teller).

(ADDRESS No. 59.)

6. *Notices Postponed.*—Mr. Cadman postponed his notices of motion, Nos. 9 and 10, till Tuesday next.

7. *Bay of Islands Separation.*—Mr. Wynn, pursuant to amended notice, moved, and the question was proposed,

(1) That this Council having, in conjunction with his Honor the Superintendent, petitioned Her Majesty the Queen to constitute this Province a separate Colony, it is the duty of the Provincial Government to do all that is in their power to discourage any movement that may be made by virtue of the "New Provinces Act, 1858," to dismember the Province by the establishment of any new Province within the limits of the Province of Auckland, inasmuch as such dismemberment must materially affect the success of the movement for the establishment of this Province as a Separate Colony.

(2) That this Council feels it to be its duty to draw the attention of His Honor the Superintendent to the announcement made by Mr. Carleton, the Provincial Secretary and Treasurer of the Province of Auckland, on the 2nd inst., viz. (That since the passing of "The New Provinces Act" he has always been an advocate for the constitution of a new Province in the Bay of Islands District), and to request his Honor to take all necessary steps to counteract the Provincial Secretary in the establishment of a new Province at the Bay of Islands.

(3) That an Address be presented to his Honor the Superintendent, requesting his immediate attention to the foregoing resolutions, and respectfully requesting his Honor to inform this Council of any information he may be in possession of, and also of his views on this question.

On motion of Mr. Coolahan, *Ordered*, That the debate be adjourned for half-an-hour.

COUNCIL RE-ASSEMBLED at 7 o'clock.

Debate resumed in reference to the separation of the Bay of Islands.

Mr. Carleton moved as an amendment, That in the second paragraph, line 5, after the word "district," the words "but he is not informed of any such movement" be inserted.

And the question being put on the amendment, it was resolved in the affirmative.

And the question as amended being put,

COUNCIL

COUNCIL DIVIDED:—

Ayes (15).
 Mr. Cadman,
 Mr. Carleton,
 Mr. Coolahan,
 Mr. Gallagher,
 Mr. George,
 Mr. Harrop,
 Mr. King,
 Mr. McKenzie,
 Mr. A. O'Neill,
 Dr. Pollen,
 Mr. Ross,
 Mr. Sheehan,
 Mr. Skeen,
 Mr. Swanson,
 Mr. Wynn (teller).

Noes (1).
 Mr. McGee (teller).

(ADDRESS No. 60.)

8. *Estimate*.—Council, according to order, resolved itself into Committee on the Estimate of Expenditure.

IN THE COMMITTEE.

Dr. Pollen in the chair.

Clerk and Librarian £250

Agreed to.

Motion made, and question proposed, That the Chairman do now report progress and ask leave to sit again. (*Mr. McGee.*)

COMMITTEE DIVIDED:—

Ayes (9.)
 Mr. Coolahan,
 Mr. Harrop,
 Mr. King,
 Mr. Sheehan,
 Mr. Skeen,
 Mr. Swanson,
 Mr. Wynn,
 Mr. McGee (teller).

Noes (4.)
 Mr. Carleton,
 Mr. A. O'Neill,
 Mr. Ross,
 Mr. George (teller).

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Dr. Pollen reported, That the Committee had made progress in the Estimate, and that he was directed to move, That the Committee may have leave to sit again.

Resolved, That this Council will to-morrow resolve itself into the said Committee.

9. *Adjournment*.—On motion of Mr. McGee, Council adjourned at 9 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Tuesday, March 7th, 1865.

NOTICES OF MOTION.

1. Mr. KING to move, That the petition of John Thomas be taken into consideration.
2. Mr. WYNN to move, For leave to bring in a Bill to amend the law respecting trespass on land.

3. Mr. WYNN

3. Mr. WYNN to move, For leave to bring in a Bill to amend the law regarding imprisonment for debt, in regard to debts not exceeding £20.
4. Mr. KING to move, That Message No. 43 (respecting the sites for the Public Buildings) of his Honor the Superintendent, and its enclosure, be taken into consideration.
5. Mr. CADMAN to move, That a respectful address be presented to his Honor the Superintendent, requesting that he will place on the additional estimate of expenditure a sum sufficient to repair all the Bridges from Lucas Creek to the Wainui.
6. Mr. WYNN to move, That a respectful address be presented to his Honor the Superintendent, requesting him to obtain from the General Government copies of all correspondence and communications that have passed between the General and Provincial Governments respecting the construction of a Tramway along the banks of the Waikato River, together with a statement of the cost incurred in constructing such tramway, and a return of the names of all persons appointed to superintend or manage the construction of such Tramway; and, further, that the Council be informed whether the costs incurred will be made a charge against the Province of Auckland.
7. Mr. WYNN to move, (1) That, referring to the printed paper on the subject of Colonel Kenny's claim to 400 acres of land, this Council is of opinion that there is no foundation for such a claim. (2) That a respectful address be presented to his Honor the Superintendent, forwarding the above resolution, and requesting him to inform this Council whether any further steps have been taken by Colonel Kenny or by the General Government for the purpose of enabling him to obtain the land.
8. Mr. WYNN to move, (1) That a respectful address be presented to his Honor the Superintendent, requesting him to transmit copies of the rules for regulating the North Shore Ferries. (2) That in the opinion of this Council the regulations in force for the conduct of all the ferries in the province subsidised by the Provincial Government should be fairly painted on a white board at each side of such ferry to which the regulations respectively refer. (3) That the dimensions and appointments of every boat used on any public ferry ought to be subjected to the approval of the Superintendent, or such officer as he may appoint, and the maximum number of passengers fixed by regulation.
9. Mr. KING to move, That an address be forwarded to his Honor the Superintendent, requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the east of Papakura.
10. Mr. KING to move, That an address be presented to his Honor the Superintendent, requesting him to forward to this Council copies of all Correspondence between the General and Provincial Governments, relative to the three-eighths of Customs Revenue available for appropriation by the Council; also, the amount of surplus revenue available for appropriation.
11. Mr. CADMAN to move, That a respectful address be presented to his Honor the Superintendent, requesting that he will place upon the additional estimate of expenditure a sum sufficient to repair the Road and Bridges from the junction at the Whau to Waikomiti in the Parish of Titirangi.
12. Mr. CADMAN to move, That a respectful Address be presented to his Honor the Superintendent, requesting that he will send down to this Council a return of the tonnage of all shipping which has been piloted in and out of the Port of Auckland, and the revenue derived therefrom, during the year 1864; also, a return of all revenues from the Queen-street Wharf, specifying the amount derived from Lease of Tolls, Cranes, Shipping Dues, Tonnage Dues, and Licences; also, a return of the Tonnage of all Shipping which came alongside the Queen-street Wharf, and the number of tons of imported goods landed on the Queen-street Wharf during the year 1864; also, a return of all passengers by the various North Shore Ferries.
13. Mr. CADMAN to move, That an address be presented to his Honor the Superintendent, requesting him to inform this Council what steps he has taken to procure compliance with the Address No.—, of last session, on the subject of granting land to the Militia and Volunteers who were on actual service during the Maori Rebellion.

14. Dr. POLLEN

14. Dr. POLLEN to move, That the report of the Select Committee on "The Cattle Landing Bill" be considered in the Committee of the whole Council on the Bill.
15. Mr. SHEEHAN to move, That an address be presented to his Honor the Superintendent, requesting him to place on the additional estimate of expenditure the sum of Five hundred pounds for the repair of the bridges and the improvement of the road leading from the head of the Waitemata past the Aroremo Creek into the Kaukapakapa district.
16. Dr. POLLEN to move, That "The Cattle Landing Bill" be considered in Committee of the whole Council.
17. Mr. GALLAUGHER to move, That an address be presented to His Honor the Superintendent, requesting him to send down to this Council with as little delay as possible, a return of the tonnage and number of ships piloted in and out of the harbour of Manukau during the years 1861-62-63-64, specifying whether steamers or sailing vessels.
Also, a return of all revenue received by the Government from ships so piloted during the same period.

ORDERS OF THE DAY.

1. City Board Loan (£4,500) Bill, 1865—second reading.
2. City Board Loan (£15,000) Bill—second reading.
3. Message 54 (respecting the discovery of gold in the Raglan District)—to be considered.

CONTINGENT NOTICES OF MOTION.

1. Mr. WYNN to move, (1) That upon the consideration of the Estimates for the Police Department, an address be presented to his Honor the Superintendent requesting him to increase the pay of the Police Force by raising the pay of the Sergeant-Major to 15s. per diem, and that of the rest of the force in proportion. (2.) That his Honor the Superintendent be requested to place the sum of £200 on the Estimates, to be available for the purpose of rewarding Police Officers for conduct evincing more than ordinary intelligence, energy, or courage in bringing offenders to justice, such reward to be paid on the recommendation of the Judge trying such offender.
2. Mr. SKEEN to move, That a respectful address be presented to His Honor the Superintendent, requesting that he will place a sum of money on the additional estimates for the purpose of opening a road from Kaukapakapa to Komokoriki.

WM. POWDITCH,
Speaker.

TUESDAY, MARCH 7TH, 1865.

PRAYER.

Present: Mr. Speaker and 21 Members.

1. *Captain Wilson's Petition.*—Mr. Skeen presented a Petition from Captain Mackenzie Wilson, late of the 55th Regiment, praying that his claim to land as an immigrant may be considered.
Petition received.
2. *Petition of Ann Haskill.*—Mr. Sheehan presented a Petition from Ann Haskill, praying that she may not be debarred from selecting land on account of the prescribed period having elapsed.
Petition received.

3. *Report*

3. *Report of Committee on Petition of Northern Residents.*—Mr. Swanson brought up a report from the Select Committee on the Petition of the Northern Residents, and the same was received and read as follows:—

Your Committee having considered the petition referred to them, and examined several witnesses thereupon, have the honor to report that, having reference to the convenience of the Northern Settlers generally, its facilities for transit to and from Auckland, and its adaptation as a site for a Cattle Market Place, Stokes' Point is the most eligible place for the establishment of a wharf on the North Shore, and of giving access to the Northern districts, as well as to the terminus of the Great North Road from the North, on that side of the Waitemata.

4. *Petition of John Thomas.*—On motion of Mr. King, *Ordered*, That the Petition of John Thomas be taken into consideration.

On motion of Mr. King, *Ordered*, That the Petitioner be summoned to attend at the bar of this Council to give evidence touching his petition.

5. *Notice Withdrawn.*—Mr. Wynn withdrew his notice of motion, No. 2.

6. *Notice Postponed.*—Mr. Wynn postponed his notice of motion, No. 3.

7. *Public Buildings.*—On motion of Mr. King, *Ordered*, That Message No. 43, respecting the sites for Public Buildings, be taken into consideration.

On motion of Mr. King, *Resolved*, That this Council, in considering the enclosures of his Honor's Message, No. 43, regret to find that the Commissioners for the erection of public buildings have only recently discovered that the means at their disposal for the erection of a Custom House and Post Office is not sufficient.

That this Council is of opinion that, before inviting designs for these buildings, the Commissioners should have furnished an approximate amount of funds at their disposal for the erection and completion of a Post Office and Custom House.

That this Council is of opinion that an unnecessary delay has taken place in commencing the erection of the Custom House and Post Office, two important departments of the Public Service, requiring the immediate attention of the Provincial Government in providing ample and necessary accommodation, in order to meet the pressing want of room, to enable the various officers to conduct their business with facility and proper despatch.

That upon reference to the journals of the Provincial Council, Session XIV., page 25, it will be seen that the report of a Select Committee, appointed to take into consideration the most advisable site for a Custom House presented the following report, which was unanimously agreed to, on January 23rd, 1863:—

Report.

“The Select Committee to whom it was referred to take into consideration the most advisable site for the erection of a Custom House, Bonded Stores, and other necessary buildings, report, that having taken evidence, they are of opinion that the most eligible site for the purpose is the block of land immediately opposite to the old Custom House Reserve, having frontage to Albert-street, Custom House-street, and Queen-street; and that the street marked on Mr. O'Rafferty's plan of Harbour Improvements should be extended from Queen-street to the proposed extension of Albert-street.”

That this Council desires again to record its deliberate opinion as to the eligibility of the site then selected.

That this Council desires once more to express the opinion as to the desirability of the Provincial Government undertaking the erection of the Public Buildings for which the Province finds the necessary funds, and which is now entrusted to a Commission irresponsible to this Council.

That this Council will not authorise the expenditure of any moneys unless expended entirely under the control of his Honor the Superintendent and the Executive Council.

That an Address be presented to his Honor the Superintendent, transmitting the foregoing resolutions. (ADDRESS No. 61)

8. *Bridges between Lucas Creek and Wainui.*—On motion of Mr. Cadman *Resolved*, That a respectful Address be presented to his Honor the Superintendent, requesting that he will place on the additional Estimate of Expenditure a sum sufficient to repair all the bridges from Lucas Creek to the Wainui. (ADDRESS No. 62.)

9. Messages

9. *Messages*.—Mr. Speaker read the following Messages from his Honor the Superintendent presented by Mr. Carleton.

Message No. 55.

Referring to the suggestion contained in the Address, No. 34, of date 21st February ulto., the Superintendent recommends for appropriation by the Provincial Council the sum of five hundred pounds (£500) for the purpose of improving the road to the Albertland Settlement either by way of Mahurangi or by placing a punt or pontoon bridge across the Aotea at a nearer point to the settlement than the present ferry.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 7th March, 1865.

On motion of Mr. Carleton *Ordered*, That the Message be considered in Committee on the Estimates.

Message No. 56.

The Superintendent invites the Provincial Council to make provision for expenditure under the Appropriation Act of the following sums, viz. :—

For Road Repairs, in addition to the sum already placed on the Estimates	-	£1,000
For the Mangawai Breakwater, in addition to the sums previously voted for that purpose	-	£450

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 7th March, 1865.

On motion of Mr. Carleton, *Ordered*, That the Message be taken into consideration in Committee on the Estimates.

10. *Waikato Tramway*.—On motion of Mr. Wynn, *Resolved*, That a respectful Address be presented to his honor the Superintendent requesting him to obtain from the General Government copies of all correspondence and communications that have passed between the General and Provincial Governments respecting the construction of a Tramway along the banks of the Waikato River, together with a statement of the cost incurred in constructing such tramway and a return of the names of all persons appointed to superintend or manage the construction of such Tramway; and, further, that the Council be informed whether the costs incurred will be made a charge against the Province of Auckland. (ADDRESS No. 63.)
11. *Colonel Kenny's Land Claim*.—On motion of Mr. Wynn, *Resolved*, (1) That, referring to the printed paper on the subject of Colonel Kenny's claim to 400 acres of land, this Council is of opinion that there is no foundation for such a claim. (2) That a respectful address be presented to his Honor the Superintendent, forwarding the above resolution, and requesting him to inform this Council whether any further steps have been taken by Colonel Kenny or by the General Government for the purpose of enabling him to obtain the land. (ADDRESS No. 64.)
12. *Ferry Regulations*.—On motion of Mr. Wynn, *Resolved*, (1) That a respectful address be presented to his Honor the Superintendent, requesting him to transmit copies of the rules for regulating the North Shore Ferries. (2) That in the opinion of this Council the regulations in force for the conduct of all the ferries in the province subsidised by the Provincial Government should be fairly painted on a white board at each side of such ferry to which the regulations respectively refer. (3) That the dimensions and appointments of every boat used on any public ferry ought to be subjected to the approval of the Superintendent or such officer as he may appoint and the maximum number of passengers fixed by regulation. (ADDRESS No. 65.)

13. *Water Supply (Wairoa).*—Mr. King, pursuant to amended notice, moved, and the question was proposed, That an Address be forwarded to his Honor the Superintendent, requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also, from Hay's Creek and other streams in the Hunua lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.

On motion of Mr. Wynn, *Ordered*, that the debate be adjourned till this day week.

The time allowed for the disposal of notices of motion having elapsed, on motion of Mr. Sheehan, the orders of the day were severally postponed, in order to proceed with the consideration of notices of motion.

14. *3^{ths} Customs Revenue.*—On motion of Mr. King, *Resolved*, That an Address be presented to his Honor the Superintendent requesting him to forward to this Council copies of all correspondence between the General and Provincial Governments relative to the three-eighths of Customs Revenue available for appropriation by the Council; also, the amount of Surplus Revenue available for appropriation. (ADDRESS No. 66.)
15. *Adjournment for half-an-hour.*—On motion of Mr. King, Council adjourned at 6.30 for half an hour.

COUNCIL RE-ASSEMBLED at seven.

16. *Road to Titirangi.*—On motion of Mr. Cadman, *Resolved*, That a respectful Address be presented to his Honor the Superintendent requesting that he will place upon the additional estimate of expenditure a sum sufficient to repair the Road and Bridges from the junction at the Whau to Waikomiti in the Parish of Titirangi. (ADDRESS No. 67.)
17. *Pilotage and Wharfage Dues.*—On motion of Mr. Cadman, *Resolved*, That a respectful Address be presented to his Honor the Superintendent, requesting that he will send down to this Council a return of the tonnage of all shipping which has been piloted in and out of the Port of Auckland, and the revenue derived therefrom during the year 1864; also a return of all revenues from the Queen-street wharf, specifying the amount derived from Lease of Tolls, Cranes, Shipping Dues, Tonnage Dues, and Licences; also, a return of the Tonnage of all Shipping which came alongside the Queen-street Wharf, and the number of tons of imported goods landed on the Queen-street Wharf, during the year 1864; also, a return of all passengers by the various North Shore Ferries. (ADDRESS No. 68.)
18. *Militia and Volunteers.*—On motion of Mr. Cadman, *Resolved*, That an Address be presented to his Honor the Superintendent, requesting him to ascertain and inform this Council what steps have been taken to procure compliance with the Resolution passed last session, on the subject of granting land to the Militia and Volunteers who were on actual service during the Maori Rebellion. (ADDRESS No. 69.)
19. *Road to Kaukapakapa.*—On motion of Mr. Sheehan, *Resolved*, That an Address be presented to his Honor the Superintendent, requesting him to place on the additional estimate of expenditure the sum of Five hundred pounds for the repair of the bridges and the improvement of the road leading from the head of the Waitemata past the Aroremo Creek into the Kaukapakapa district. (ADDRESS No. 70.)
20. *Cattle Landing.*—On motion of Dr. Pollen, *Ordered*, That the Report of the Select Committee on "The Cattle Landing Bill" be considered in the Committee of the whole Council the Bill.
21. *Cattle Landing Bill.*—On the motion of Dr. Pollen, *Ordered*, That the Cattle Landing Bill be considered in Committee of the whole Council.

IN THE COMMITTEE.

Clause 1. Amendment proposed, at the end of the clause, to add the following words, "the points known as Shelly Point and Resolution Point respectively."

Amendment agreed to.

Clause as amended agreed to.

Clause 2 agreed to.

NEW CLAUSE—Provided that it shall be lawful for the Superintendent or other person appointed by him, for that purpose by writing under his hand to grant permission to any master of a ship or vessel to land cattle within the limits aforesaid provided that no such permission shall be given or be of any force or effect for the purpose of landing a greater number of cattle than six out of any one vessel.”

Clause agreed to.

Clause 4. The blank in line 2 being filled up with the words “tenth day of April,” and the blank in line 4, with the word “fourteen,” was agreed to.

Clause 5 and Preamble agreed to.

Bill as amended to be reported.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. J. O'Neill reported, that the Committee had gone through the bill.

Ordered, That the Bill be read the third time to-morrow, and reprinted.

22. *Manukau Shipping Returns*.—On motion of Mr. Gallagher, *Resolved*, That an Address be presented to his honor the Superintendent, requesting him to send down to this Council with as little delay as possible a Return of the tonnage and number of ships piloted in and out of the harbour of Manukau during the years 1861-62-63-64, and specifying whether steamers or sailing vessels.

Also, a Return of all the revenue received by the Government from ships so piloted during the same period. (ADDRESS No. 71.)

23. *Orders Postponed*.—On motion of Mr. Carleton, *Ordered*, That the orders Nos. 1 and 2 be postponed.

24. *Gold at Raglan*.—The order being read for the consideration of Message No. 54,

On motion of Mr. Wynn, in reference to his Honor's Message No. 54,

Resolved, That in the opinion of this Council, any authentic information in possession of his Honor the Superintendent affecting the interests of the Province, and which it is desirable should be made public, ought, when this Council is in session, to be forthwith transmitted by message to the Council, and ought not in the first instance to be given to the public through any other source; and that should it be ever expedient to depart from this rule such information should be afforded alike to all the public journals published in the Province of Auckland.

(2) That an Address be presented to his Honor the Superintendent forwarding the foregoing resolution for his information. (ADDRESS No. 71A).

25. *Estimate of Expenditure*.—Council, according to order, resolved itself into Committee on the Estimates.

IN THE COMMITTEE.

Mr. J. O'Neill in the Chair.

Provincial Council Department :—

Messenger	-	-	-	-	£100
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Agreed to.

Expenses of Members for Mongonui, Bay of Islands, and Marsden	-	-	-	-	£250
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Postponed.

Contingencies—Printing and Clerical Assistance	-	-	-	-	£600
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Agreed to.

Provincial Council Library	-	-	-	-	£100
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Agreed to.

The

The Superintendent's Office :—

Provincial Secretary	-	-	-	£400
Agreed to.				
Treasurer	-	-	-	£300

Amendment proposed, that this item be expunged.
Amendment agreed to.

To report progress and ask leave to sit again.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. J. O'Neill reported, that the Committee had made progress in the Estimates, and that he was directed to move, that the Committee may have leave to sit again.

Resolved, That the Council will to-morrow resolve itself into the said Committee.

26. *Adjournment*.—On motion of Mr. King Council adjourned at 10 minutes past 10 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Wednesday, March 8th, 1865.

1. Mr. McGEE, To ask the hon. member at the head of the Executive if it is the intention of the Government to place the stone breaking machine now at Papakura, on private property or on Government land.
2. Mr. GEORGE, To ask the head of the Executive how long this session will continue, and if the Government intends to introduce any new Bills this session.

NOTICES OF MOTION.

1. Mr. WYNN, to move, That an Address be presented to his Honor the Superintendent requesting him to inform this Council whether he has instigated any inquiry, *among those liable* under Immigration Bonds and Notes, for the purpose of ascertaining from them whether any payments have been made of the amounts due thereon, and to forward to this Council full particulars of all amounts paid in respect to the principal and the amounts paid for costs.
2. Mr. SWANSON, to move, That the Report of the Select Committee on the Petition of the Northern Residents be adopted and forwarded in an Address to his Honor the Superintendent, together with a copy of the petition.
3. Dr. POLLEN, to move, That an Address be presented to his Honor the Superintendent, requesting a reply to the Address No. 47, of the present session, and of date March 2, inst., wherein His Honor was respectfully requested to favor this Council with a Reply to the Address No. 59, of last Session, dated November 8th, 1864.
4. Mr. COOLAHAN, to move, That an address be presented to his Honor the Superintendent requesting him to cause finger posts to be immediately placed at the junction of all cross roads with the Great North Road leading to the Bay of Islands, so far as such road has yet been opened. Secondly when such Great North Road may further be opened, that at cross roads connected therewith finger posts be placed.

5. Mr. WYNN

5. Mr. WYNN, to move, (1) That a respectful address be presented to his Honor the Superintendent requesting him to inform this Council of the date on which the "Government Contracts Bill" was assented to by his Honor on behalf of the Governor pursuant to the 27th clause of the Constitution Act.

(2.) To inform this Council when an authentic copy of such Bill was transmitted to His Excellency the Governor.

ORDERS OF THE DAY.

1. Cattle Landing Bill—third reading.
2. City Board Loan (£4,500) Bill—second reading.
3. City Board Loan (£15,000) Bill—second reading.
4. Estimate of Expenditure—in Committee.
5. City Board Act Amendment Bill—in Committee.
6. Adjourned debate on the question, That the Rural Police Bill be now read a second time.

CONTINGENT NOTICE OF MOTION.

1. Mr. WYNN, to move, (1) That upon the consideration of the Estimates for the Police Department, an address be presented to his Honor the Superintendent requesting him to increase the pay of the Police Force by raising the pay of the Sergeant Major to 15s. per diem, and that of the rest of the force in proportion. (2.) That his Honor the Superintendent be requested to place the sum of £200 on the Estimates, to be available for the purpose of rewarding Police Officers for conduct evincing more than ordinary intelligence, energy or courage in bringing offenders to Justice, such reward to be paid on the recommendation of the Judge trying such offender.

WM. POWDITCH,
Speaker.

WEDNESDAY, MARCH 8TH, 1865.

PRAYER.

Present: Mr. Speaker and 19 Members.

1. *Petition of R. Kidd.*—Mr. Cadman presented a Petition from Robert Kidd praying that his wife's land order may not be invalidated in consequence of not being presented within 12 months of its issue.
Petition received.
2. *Stone Breaking Machine.*—Mr. McGee, pursuant to notice, asked, If it is the intention of the Government to place the stone breaking machine now at Papakura on private property or on Government land.
Mr. Carleton answered, That Government have permission to put it on private property without any charge. The place is convenient to the quarry and to water.
3. *Close of Session.*—Mr. George, pursuant to notice, asked, How long this Session will continue, and if the Government intends to introduce any new Bills this Session.
Mr. Carleton answered, that the Government would not prolong the Session, and that the only Bills that the Government at present intend sending down are another Empowering Bill, a Howick Green Bill, and an Onehunga Board Bill.

4. *Immigration*

4. *Immigration Bonds*.—On motion of Mr. Wynn pursuant to amended notice, *Resolved*, That an Address be presented to his Honor the Superintendent requesting him to inform this Council whether he has instigated any inquiry *among those liable* under Immigration Bonds and Notes, for the purpose of ascertaining from them whether any payments have been made of the amounts due thereon, and to forward to this Council full particulars so obtained of all amounts paid in respect to the principal and the amounts paid for costs, and to whom. (ADDRESS No. 72.)
5. *Northern Residents' Petition*.—On motion of Mr. Swanson, *Resolved*, That the Report of the Select Committee on the Petition of the Northern Residents be adopted and forwarded in an Address to his Honor the Superintendent, together with a copy of the Petition. (ADDRESS No. 73.)
6. *Dissolution of Council*.—On motion of Dr. Pollen, *Resolved*, That an Address be presented to his Honor the Superintendent, requesting a reply to the Address No. 47, of the present session, and of date March 2. inst., wherein his Honor was respectfully requested to favour this Council with a Reply to the Address No. 59, of last session, dated November 8th, 1864. (ADDRESS No. 74.)
7. *Finger-posts for Great North Road*.—On motion of Mr. Coolahan, *Resolved*, That an Address be presented to his Honor the Superintendent, requesting him to cause Finger-posts to be immediately placed at the junction of all cross roads with the Great North Road leading to the Bay of Islands, so far as such road has yet been opened. Secondly, when such Great North Road may further be opened, that at cross roads connected therewith finger-posts be placed. (ADDRESS No. 75.)
8. *Government Contracts Act*.—On motion of Mr. Wynn, (1) *Resolved*, That a respectful Address be presented to his Honor the Superintendent, requesting him to inform this Council of the date on which the "Government Contracts Bill" was assented to by his Honor on behalf of the Governor pursuant to the 27th clause of the Constitution Act. (2) To inform this Council when an authentic copy of such Bill was transmitted to His Excellency the Governor. (ADDRESS No. 76.)
9. *Cattle Landing Bill*.—The Cattle Landing Bill was, according to order, read a third time.
On motion of Dr. Pollen, *Resolved*, That the Bill do pass, and that the Title be, *An Act to Prohibit the Landing of Cattle in or near the City of Auckland*.
10. *Orders Postponed*.—On motion of Mr. Carleton, *Ordered*, That the orders of the day Nos. 2 and 3 be postponed.
11. *Estimates*.—Council, according to order, resolved itself into Committee on the Estimates.

IN THE COMMITTEE.

Mr. J. O'Neill in the chair.

The Superintendent's Office:—

Accountant - - - - £350

Agreed to.

Chief Clerk, and Clerk of Executive Council - £300

Amendment proposed: That this item be reduced to £225. (*Mr. Foley*.)

Amendment agreed to.

Item as amended agreed to.

Clerks—one at £200, and one at £175 - - £375

Amendment proposed: To leave out all the words and figures after the word "Clerk," in order to add the figures "£200" instead. (*Mr. Foley*.)

Amendment agreed to.

Item

Item as amended :—

Clerk	-	-	-	-	£200
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Agreed to.

Clerk in Treasury and Immigration Office	-	-	-	-	£175
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Amendment proposed : That this item be expunged.
Amendment put.

COMMITTEE DIVIDED :—

Ayes (8).
Mr. Coolahan,
Mr. Gallagher,
Mr. Gruchy,
Mr. McGee,
Mr. Sheehan,
Mr. Swanson,
Mr. Wynn,
Mr. Foley (teller).

Noes (8).
Mr. Ball,
Mr. Cheeseman,
Mr. George,
Mr. McKenzie,
Mr. A. O'Neill,
Mr. Ross,
Mr. Skeen,
Mr. Carleton (teller).

The chairman gave the casting vote with the ayes.

Messengers—one at £116, and one at £75	-	-	-	-	£191
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Amendment proposed : To leave out all the words and figures after the word "Messenger," in order to add the figures "£116" instead. (*Mr. Foley.*)

Amendment agreed to.

Item as amended :—

Messenger	-	-	-	-	£116
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Agreed to.

Contingencies, and Clerical Assistance	-	-	-	-	£300
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Amendment proposed : That this item be reduced to £170. (*Mr. Foley.*)

Amendment agreed to.

Item as amended agreed to.

The Provincial Solicitor	-	-	-	-	£400
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Agreed to.

Auditor of Public Accounts	-	-	-	-	£300
Less, provision by Audit Act	-	-	-	-	£200
					<u>£100</u>

Amendment proposed : That this item be expunged.

Amendment agreed to.

The following items were agreed to

Waste Lands' Office.

Deputy Waste Land Commissioner	-	-	-	-	£400
Provincial Surveyor	-	-	-	-	350
1st Draughtsman	-	-	-	-	350
2nd Do.	-	-	-	-	300
3rd Do.	-	-	-	-	168
Engrossing Clerk	-	-	-	-	200
Custodier and Exhibitor of Plans	-	-	-	-	150

The following items were postponed :—

Clerical Assistance, £168 and £100	-	-	-	-	268
Compiling Draughtsman	-	-	-	-	250
Contingencies—Stationery, Drawing Materials, Firewood, Travelling Expenses, and Labour	-	-	-	-	600

Engineer-in-Chief's

Engineer-in-Chief's Department.

Engineer-in-Chief - - - - £800

Amendment proposed: That this item be reduced to £400. (*Mr. Foley.*)

Another amendment proposed: That this item be postponed. (*Mr. Wynn.*)

The last amendment agreed.

Resolved, That this Committee not being satisfied with the manner in which the Public Works of this Province requiring the supervision of an engineer have been carried on, decline to sanction the expenditure under the head "Engineer-in-Chief's Department," until this Council is in possession of further information regarding that department, especially as to any further expenditure that may have been or is proposed to be incurred for the services of engineers and clerks of works for public works in this Province; and this Committee is of opinion that the services of a competent Engineer to superintend the whole of the Public Works of this Province could be secured for the salary proposed on the Estimates. (*Mr. Wynn.*)

Resolution to be reported.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. J. O'Neill reported the Resolution of the Committee.

Resolved, That that Resolution be agreed to by the Council.

Resolved, That an Address be presented to his Honor the Superintendent forwarding the foregoing Resolutions. (ADDRESS No. 77.)

Mr. J. O'Neill also acquainted the Council that he was directed to move, That the Committee may have leave to sit again.

Resolved, That this Council will presently resolve itself into the said Committee.

12. *Messages.* Mr. Speaker read the following messages presented by Mr. Carleton:—

Message No. 57.

Referring to the Address No. 18, of date 1st February ult., the Superintendent informs the Provincial Council that a Surveyor has been instructed to explore the intervening country, with a view to open up the best line of road from the Otea River to Port Albert, by which the settlers of that district may bring their cattle to the Auckland market.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 8th March, 1865.

Message No. 58.

The Superintendent informs the Provincial Council that prior to the receipt of Address No. 54, of date 2nd March instant, relative to the Panmure Punt, arrangements had been made for the repair of the Punt, and that it was found necessary to have the Ferry Boat put into thorough repair before laying up the Punt.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 8th March, 1865.

13. *Estimates.*—Council, according to order, resolved itself into Committee on the Estimates.

IN THE COMMITTEE.

Police Department.

To report progress and ask leave to sit again.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. J. O'Neill reported, that the Committee had made progress in the matter to them referred, and that he was directed to move that the Committee may have leave to sit again.

Resolved, That this Council will to-morrow resolve itself into the said Committee.

14. *Adjournment*

14. *Adjournment.*—On motion of Mr. King, Council adjourned at 10 minutes past 8 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Thursday, March 9th, 1865.

1. Mr. FOLEY, to ask the hon member Mr. Cheeseman, When it is the intention of his Honor to send an answer to Address No. 12.
2. Mr. BALL, to ask the Provincial Secretary, Whether any and what steps are being taken by the Provincial Government for the efficient discipline and safe custody of Criminals undergoing sentence of law in the Stockade and City Gaol.
3. Mr. FOLEY, to ask the hon. member at the head of the Executive to inform this House, What number of vessels visiting Tauranga Harbour have been boarded by the pilot since his appointment.
4. Mr. FOLEY, to ask the honorable member at the head of the Executive, In what capacity Mr. Hazelden is now employed by the Provincial Government and General Government respectively; what salary he is in receipt of from the respective Governments; and the services he performs in respect thereof.

NOTICES OF MOTION.

1. Mr. FOLEY, to move, That an Address be presented to his Honor the Superintendent requesting him to place on the additional estimates the sum of Fifty Pounds towards running a Ferry from the Te Papa to Matapihi at Tauranga.
2. Mr. GALLAUGHER, to move, That a respectful Address be presented to his Honor the Superintendent requesting him to send down to this Council with as little delay as possible, a statement showing at what rate per cubic yard road metal is broken by the Government Stone Breaking Machine, taking into account the interest on the money paid for the said Stone Breaker since it was first purchased, also its wear and tear, also cost of working or managing, cost of fuel, oil, water, and men required to feed with stones spauled, cost of spauling stones for such stone breaker so as to keep it in efficient working order, also at what price stones can be broken by hand at per cubic yard for the government.
3. Mr. WYNN, to move, That a committee be appointed to enquire into, and report to this Council on the present condition and management of the Mount Eden Stockade, with power to call for persons and papers—the committee to consist of Mr. Ball, Mr. Cheeseman, Mr. King, Mr. J. O'Neill, Mr. Martin, Mr. Ross, and the mover.
4. Mr. CADMAN, to move, That a respectful Address be presented to his Honor the Superintendent, requesting that he will send down to this Council a return of the number of Vessels that have been Piloted into the Bay of Islands during the year 1864, also a return of the amount paid for such Pilotage, Harbour Fees, &c.
5. Mr. SHEEHAN, to move, That the Petition of Ann Haskell be referred to the Private Grievance Committee.
6. Mr. SKEEN, to move, That a respectful Address be presented to his Honor the Superintendent, requesting that he will place a sum of money on the additional Estimates, for the purpose of opening a road from Kaukapakapa to Komokoriki.

ORDERS

ORDERS OF THE DAY.

1. City Board Loan (£4,500) Bill—second reading.
2. City Board Loan (£15,000) Bill—second reading.
3. Estimate of Expenditure—in Committee.
4. City Board Act Amendment Bill—in Committee.
5. Adjourned debate on the question, That the Rural Police be now read a second time.

CONTINGENT NOTICE OF MOTION.

1. Mr. WYNN, to move, (1) That upon the consideration of the Estimates for the Police Department, an Address be presented to his Honor the Superintendent, requesting him to increase the pay of the Police Force by raising the pay of the Sergeant-Major to 15s. per diem, and the rest of the Force in proportion. (2.) That his Honor the Superintendent be requested to place the sum of £200 on the Estimates, to be available for the purpose of rewarding Police Officers for conduct evincing more than ordinary intelligence, energy, or courage, in bringing offenders to Justice, such reward to be paid on the recommendation of the Judge trying such offender.

WM. POWDITCH,
Speaker.

THURSDAY, MARCH 9TH, 1865.

PRAYER.

Present: Mr. Speaker and 17 members.

1. *Harbour Works Committee's Report*.—Mr. Cadman brought up the Report of the Harbour Works Committee.
Ordered, That the Report be printed together with the Minutes of Evidence and taken into consideration on Tuesday next.
2. *Power to Increase Votes*.—Mr. Foley, pursuant to notice, asked When it is the intention of his Honor to send down an answer to Address No. 12.
Mr. Carleton answered, The next sitting day but one.
3. *Stockade and Gaol*.—Mr. Ball, pursuant to notice, asked, Whether any and what steps are being taken by the Provincial Government for the efficient discipline and safe custody of Criminals undergoing sentence of law in the Stockade and City Gaol.
Mr. Carleton answered, That an investigation has taken place, the result of which is so unsatisfactory, as to require a change in the management of the Stockade which is being made. In regard to the City Gaol, the Government hope to be able shortly to remove those prisoners to the Stockade.
4. *Tauranga Harbour*.—Mr. Foley, pursuant to notice, asked, What number of vessels, visiting Tauranga Harbour, have been boarded by the Pilot since his appointment.
Mr. Carleton answered, that enquiry would be made and the information communicated.
5. *Mr. Hazelden*.—Mr. Foley, pursuant to notice, asked, In what capacity Mr. Hazelden is now employed by the Provincial Government and General Government respectively; what Salary he is in receipt of from the respective Governments; and the services he performs in respect thereof.

Mr. Carleton

Mr. Carleton answered, Mr. Hazelden is Waste Land Commissioner without salary. He is Receiver of Land Revenue for which he receives from the General Government £150 per annum. He is acting Immigration Agent for which he receives £150 per annum. He is also required to perform the duty of attending to the relief of the sick and destitute.

6. *Ferry at Tauranga*.—On motion of Mr. Foley, *Resolved*, That an Address be presented to his Honor the Superintendent requesting him to place on the additional estimates the sum of Fifty Pounds towards running a ferry from the Te Papa to Matapihi at Tauranga. (ADDRESS No. 78).
7. *Cost of Stone Breaking*.—On motion of Mr. Gallagher, *Resolved*, That a respectful Address be presented to his Honor the Superintendent requesting him to send down to this Council with as little delay as possible, a statement showing at what rate per cubic yard road metal is broken by the Government Stone Breaking Machine, taken into account the interest on the money paid for the said Stone Breaker since it was first purchased, also its wear and tear, also cost of working or managing, cost of fuel, oil, water, and men required to feed with stones spauled, cost of spauling stones for such stone breaker so as to keep it in efficient working order also at what price stones can be broken by hand at per cubic yard for the government. (ADDRESS No. 79).
8. *Stockade Committee*.—Mr. Wynn moved, and the question was proposed, That a Committee be appointed to enquire into and report to this Council on the present condition and management of the Mount Eden Stockade with power to call for persons and papers—the Committee to consist of Mr. Ball, Mr. Cheeseman, Mr. King, Mr. J. O'Neill, Mr. Martin, Mr. Ross, and the mover.
Mr. Foley moved as an amendment That Mr. Blake, Mr. Cadman, and Mr. Swanson, be added to the proposed Committee. And the question being put on the amendment it was resolved in the affirmative.
And the question as amended being put it was resolved in the affirmative.
9. *Bay of Islands Shipping*.—On motion of Mr. Cadman, pursuant to amended notice, *Resolved*, That a respectful Address be presented to his Honor the Superintendent, requesting that he will send down to this Council a return of the number and tonnage of vessels that have been piloted into the Bay of Islands during the year 1864, also a return of the amount paid for such Pilotage Harbour Fees, &c. (ADDRESS No. 80).
10. *Notice in violation of Standing Order*.—Mr. Speaker ruled that the notice of motion No. 5 could not be entertained inasmuch as it was in violation of Standing order No.
11. *Kaukapakapa*.—On motion of Mr. Skeen, *Resolved*, That a respectful Address be presented to his Honor the Superintendent, requesting that he will place a sum of money on the additional Estimates for the purpose of opening a road from Kaukapakapa to Komokoriki. (ADDRESS No. 81).
12. *Adjournment for Half-an-hour*.—On motion of Mr. Foley, Council adjourned at half-past 5 o'clock for half-an-hour.

COUNCIL RE-ASSEMBLED at 6 o'clock.

13. *Orders Discharged*.—On motion of Mr. Carleton, the Orders Nos. 1 and 2 for the second reading of the "City Board Loan Bills" (2) were read and discharged.
Ordered, That the Bills be withdrawn.

14. *Estimate of Expenditure*.—Council, according to order, resolved itself into Committee on the Estimates.

IN THE COMMITTEE.

Mr. J. O'Neill in the chair.

Commissioner of Police - - - £400

Agreed to.

One Clerk, and Inspector of Weights and Measures - £156

Agreed to.

The item—One Sergeant-Major, at 10s. 6d. per day—£191 12s. 6d., was postponed.

Motion made and question proposed, That an Address be presented to his Honor the Superintendent requesting him to increase the pay of the Police Force by raising the pay of the Sergeant-Major to 15s. per diem and that of the rest of the Force in proportion. (*Mr. Wynn.*)

Amendment proposed: In line 3 to leave out "15s." and insert "12s. 6d." instead. (*Mr. King.*)

Motion made and question proposed, That the Chairman do now report progress and ask leave to sit again. (*Mr. Sheehan.*)

There not being a quorum of Members present, the Chairman left the Chair.

COUNCIL RESUMED.

Mr. Speaker resumed the chair and counted the Council and there not being twelve members present, Mr. Speaker at seven o'clock declared the Council to stand adjourned till to-morrow.

MEMBERS PRESENT:—

	Mr. Speaker,	
Mr. Carleton,	|	Mr. J. O'Neill,
Mr. Foley,	|	Mr. Ross,
Mr. George,	|	Mr. Rowe,
Mr. McKenzie,	|	Mr. Swanson,
Mr. A. O'Neill,	|	Mr. Wynn.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Friday, March 10th, 1865.

1. Mr. FOLEY, to ask the hon. Member at the head of Executive, If the prisoners at the Mount Eden Stockade collect stones and load the carts for Mr. Amos the contractor for the erection of the Break water at Point Britomart.
2. Mr. J. O'NEILL, to ask, the member at the head of the Executive, Whether any differences have arisen between the Contractor and the Provincial Government respecting the payment of the contract price for the erection of additional wharf accommodation in Custom House Street.

ORDERS OF THE DAY.

1. Estimate of Expenditure—in Committee.
2. City Board Act Amendment Bill—in Committee.
3. Adjourned debate on the question, That the Rural Police Bill be now read a second time.
4. Message No. 35 [respecting the supervision of the Panmure Bridge]—to be considered.

CONTINGENT

CONTINGENT NOTICE OF MOTION.

1. Mr. WYNN to move, (1) That upon the consideration of the Estimates for the Police Department, an address be presented to his Honor the Superintendent, requesting him to increase the pay of the Police Force by raising the pay of the Sergeant-Major to 15s. per diem, and that of the rest of the force in proportion. (2.) That his Honor the Superintendent be requested to place the sum of £200 on the Estimates, to be available for the purpose of rewarding Police Officers for conduct evincing more than ordinary intelligence, energy, or courage, in bringing offenders to justice, such reward to be paid on the recommendation of the Judge trying such offender.

NOTICES OF MOTION.

1. Mr. WYNN to move, For leave to bring in a Bill to amend the law regarding Imprisonment for Debt, in regard to debts not exceeding £20.
2. Mr. MCGEE, to move, That a respectful Address be presented to his Honor the Superintendent requesting him to place on the additional estimate of expenditure the sum of (£500) five hundred pounds for the purpose of supplementing the sum proposed to be raised for a Champion Plate to be run for in this Province in 1866.
3. Mr. CARLETON, to move, That a Select Committee be appointed to consider and report upon the item—expenses of Members—in the Estimates; Committee to consist of Mr. George, Mr. Harrop, Mr. Martin, Mr. J. O'Neill, Dr. Pollen, Mr. Rattray, and the mover. Report to be brought up on Thursday next.
4. Mr. FOLEY, to move, That an Address be presented to his Honor the Superintendent, requesting him to inform this Council whether he intends to place on the Estimates of Expenditure and submit to appropriation by this Council the salary of the Immigration Agent.
5. Mr. SHEEHAN, to move, That the Petition of Ann Haskell be considered in Committee of the whole House.

WM. POWDITCH,

Speaker.

FRIDAY, MARCH 10TH, 1865.

PRAYER.

Present: Mr. Speaker and 20 members.

1. *Notices of question Postponed.*—The notices of question were postponed till Tuesday next.
2. *Proposed Postponement of the Orders.*—Mr. Foley moved, and the question was proposed, That the orders of the day be postponed until the notices of motion shall be disposed of. The question was by leave withdrawn.
3. *Estimates.*—Council, according to order, resolved itself into Committee.

IN THE

IN THE COMMITTEE.

Mr. King in the chair.

Question again proposed, That an Address be presented to his Honor the Superintendent, requesting him to increase the pay of the Police Force by raising the pay of the Sergeant-Major to 15s. per diem and that of the rest of the Force in proportion To which it had been moved by way of amendment, That the words "15s." be left out and "12s. 6d." inserted instead.

Motion made, That this Committee do now proceed to consider the next item, in pursuance of the order of the day for the consideration of the Estimate of Expenditure in Committee. (*Mr. Carleton.*)

The Chairman ruled that the motion was not in order.

To report progress and ask leave to sit again.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. King reported, That the Committee had made progress in the matter to them referred, and that he was directed to move, That the Committee may have leave to sit again.

Resolved, That this Council will again in half-an-hour resolve itself into the said Committee.

4. *Adjournment for half hour.*—On motion of Mr. Wynn, Council adjourned at ten minutes past 4, for half-an-hour.

COUNCIL RE-ASSEMBLED at 20 minutes to 5 o'clock.

5. *Estimate.*—Council, according to order, resolved itself into Committee on the Estimates.

Question and amendment again proposed.

Mr. Carleton called upon the Chairman to rule whether it was in order to entertain the motion of Mr. Wynn without being ordered by the Council to do so.

The Chairman ruled that the debate was in order.

Mr. Carleton moved that that decision of the Chairman be referred to Mr. Speaker for his opinion.

The motion was by leave withdrawn.

Another amendment proposed: In line 3, to leave out all the words after "pay of the," in order to add the words "Sergeant-Major to £230 per annum" instead. (*Mr. Rowe.*)

Amendment agreed to.

Question as amended,—

That an Address be presented to his Honor the Superintendent, requesting him to increase the pay of the Sergeant-Major to £230 per annum.

Agreed to.

Motion made, and question proposed, That his Honor the Superintendent be requested to place the sum of £200 on the Estimates, to be available for the purpose of rewarding Police Officers for conduct evincing more than ordinary intelligence, energy, and courage, in bringing offenders to Justice, such reward to be paid on the recommendation of the Judge of the Supreme Court trying such offender. (*Mr. Wynn.*)

Amendment proposed: To increase the sum to £400. (*Mr. Rowe.*)

Amendment agreed to.

Question as amended agreed to.

The two resolutions to be reported presently.

The following items were agreed to:—

	£	s.	d.
Two Sergeants at 8s. 6d. per day	-	310	5 0
Two Corporals at 7s. 6d. per day	-	273	15 0
Forty-eight Privates at 7s. per day	-	6,132	0 0

Motion made and question proposed, That the number of Privates be increased by seven at 7s. per day, in accordance with the recommendation contained in Message No. 52. (*Mr. Carleton.*)

Motion

Motion made and question put, That the item Forty-eight Privates be postponed with a view of an Address being forwarded to his Honor the Superintendent recommending him to make provision on the Estimates for 10 additional Policemen beyond those mentioned in Message 52. (*Mr. Wynn.*)

COMMITTEE DIVIDED :—

Ayes (7.)
Mr. Cadman,
Mr. Coolahan,
Mr. Gallagher,
Mr. Harrop,
Mr. McGee,
Mr. Sheehan,
Mr. Wynn (teller.)

Noes (10.)
Mr. Ball,
Mr. Foley,
Mr. George,
Mr. McKenzie,
Mr. A. O'Neill,
Mr. Rattray,
Mr. Ross,
Mr. Rowe,
Mr. Swanson,
Mr. Carleton (teller.)

Motion made and question put, That there be nine additional Policemen beyond those mentioned in Message 52.

COMMITTEE DIVIDED :—

Ayes (7.)
Mr. Cadman,
Mr. Coolahan,
Mr. Gallagher,
Mr. Harrop,
Mr. McGee,
Mr. Sheehan,
Mr. Wynn (teller.)

Noes (10.)
Mr. Ball,
Mr. Foley,
Mr. George,
Mr. McKenzie,
Mr. A. O'Neill,
Mr. Rattray,
Mr. Ross,
Mr. Rowe,
Mr. Swanson,
Mr. Carleton (teller.)

Original question put, That the number of Privates be increased by seven, at 7s. per day, in accordance with the recommendation contained in Message 52,

COMMITTEE DIVIDED :—

Ayes (11.)
Mr. Ball,
Mr. Cadman,
Mr. Foley,
Mr. George,
Mr. McKenzie,
Mr. A. O'Neill,
Mr. Rattray,
Mr. Ross,
Mr. Rowe,
Mr. Swanson,
Mr. Carleton (teller.)

Noes (6.)
Mr. Coolahan,
Mr. Gallagher,
Mr. Harrop,
Mr. McGee,
Mr. Sheehan,
Mr. Wynn (teller.)

Fifty-four Privates at 7s. per day.

Agreed to.

Motion made and question put, That the Chairman do now report progress and ask leave to sit again. (*Mr. McGee.*)

COMMITTEE

COMMITTEE DIVIDED :—

Ayes (7.)
 Mr. Cadman,
 Mr. Coolahan,
 Mr. Gallagher,
 Mr. Harrop,
 Mr. Sheehan,
 Mr. Wynn,
 Mr. McGee (teller.)

Noes (10.)
 Mr. Ball,
 Mr. Foley,
 Mr. George,
 Mr. McKenzie,
 Mr. A. O'Neill,
 Mr. Rattray,
 Mr. Ross,
 Mr. Rowe,
 Mr. Swanson,
 Mr. Carleton (teller.)

One Sergeant, Water Police, at 7s. 6d. per day,—£138 5s.

There not being a quorum of Members present, the Chairman left the chair. Mr. Speaker resumed the chair, and counted the Council, and there not being 12 Members present, Mr. Speaker, at 8 o'clock, declared the Council to stand adjourned till Tuesday next.

MEMBERS PRESENT :—

Mr. Carleton,
 Mr. Foley,
 Mr. George,
 Mr. King,
 Mr. McKenzie,

Mr. Speaker,

Mr. A. O'Neill,
 Mr. Rattray,
 Mr. Ross,
 Mr. Swanson.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Tuesday, March 14th, 1865.

1. Mr. FOLEY, to ask the member at the head of Executive, If the prisoners at the Mount Eden Stockade collect stones and load the carts for Mr. Amos, the contractor for the erection of the Breakwater at Point Britomart.
2. Mr. J. O'NEILL, to ask the member at the head of the Executive, Whether any differences have arisen between the Contractor and the Provincial Government respecting the payment of the contract price for the erection of additional wharf accommodation in Custom House Street.

ORDERS OF THE DAY

Government Business :—

1. Estimate of Expenditure—in Committee.
2. City Board Act Amendment Bill—in Committee.
3. Adjourned debate on the question, That the Rural Police Bill be now read a second time.

General Business :—

4. Message No. 35 (respecting the Supervision of the Panmure Bridge)—to be considered.

5. Petitioner

5. Petitioner, John Thomas—to be examined touching his petition.
6. Adjourned debate on the question—That an Address be forwarded to his Honor the Superintendent requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.
7. Report of Committee on Harbour Works—to be considered.

WM. POWDITCH.

Speaker.

TUESDAY, MARCH 14TH, 1865.

PRAYER.

Present: Mr. Speaker and 17 members.

1. *Correspondence with Captain Daldy.*—Mr. Carleton laid on the table copy of further correspondence between his Honor the Superintendent and Captain Daldy, the Agent-General for the Province.
2. *Employment of Prisoners.*—Mr. Foley, pursuant to notice, asked, If the Prisoners at the Mount Eden Stockade collect stones and load the carts for Amos & Co., the contractors for the erection of the Breakwater at Point Britomart.
Mr. Carleton answered, That some of the Prisoners at the Stockade are employed in clearing a site for the new Gaol (in lieu of the City Gaol), which is urgently required; and in order to expedite the work, and save the expense of carting the material away, Mr. Amos having offered to do so free of charge, permission was granted him by the Superintendent, thereby saving a very considerable expense to the public. Such of the material as is fit for building purposes, or required for the stone-breaker, has been reserved.
3. *Extension of Custom House Street.*—Mr. J. O'Neill, pursuant to notice, asked, Whether any differences have arisen between the Contractor and the Provincial Government respecting the payment of the contract price for the erection of additional Wharf accommodation in Custom House Street.
Mr. Carleton answered, That no difference had arisen, or could have arisen, between the Contractor and the Provincial Government. The Government simply adhere to the terms of an engagement, the validity of which is undisputed.
4. *Estimate of Expenditure.*—Council, according to order, resolved itself into Committee, for the further consideration of the Estimate of Expenditure.

IN THE COMMITTEE.

Mr. J. O'Neill in the chair.

Police Department.

The following items were agreed to:—

	£	s.	d.
One Sergeant, Water Police, at 7s. 6d. per day -	138	5	0
Two Constables, Water Police, at 7s. per day -	256	4	0
District Constables, on occasional service -	600	0	0
Rents at Parnell, Newton, Panmure, Papakura, Mongonui, and New Districts -	202	4	0
Rations for Prisoners -	105	0	0
Stationary, firewood, oil, boat hire, travelling, &c. -	175	0	0
Expenses under Dog Nuisance Act -	30	0	0
Forage for Commissioner's Horse -	60	0	0

Great-coats

Great-coats and Clothing, £150.—Motion made and question put, That this item be increased to £300, in pursuance of the Superintendent's Message No. 52.

Agreed to.

Item as amended :—

Great-coats and Clothing - - - £300

Agreed to.

Prisons.

Motion made and question put, That the consideration of this department be postponed.

(*Mr. Foley.*)

Agreed to.

The following items were agreed to :—

Hospital.

Provincial Surgeon	-	-	-	£350
House Surgeon	-	-	-	175
Nurse	-	-	-	100
Three Assistant Nurses	-	-	-	162
Matron	-	-	-	60
Cook	-	-	-	60
Rations and Medical Comforts	-	-	-	1,800
Medicines for Hospital, Lunatic Asylum, and Prisons	-	-	-	160
Fuel	-	-	-	120
Washing	-	-	-	120
Contingencies—Bedding, Clothing, Books, &c.	-	-	-	280
Bedding, &c., for new Wards	-	-	-	80

Lunatic Asylum.

Head Keeper	-	-	-	£120
Three Assistant Keepers, at £48, £54, £60	-	-	-	162
Matron	-	-	-	60
Assistant Matron	-	-	-	42
Cook	-	-	-	54
Rations and Medical Comforts	-	-	-	1,000
Firewood	-	-	-	80
Bedding, Clothing, Washing, and Contingencies	-	-	-	240

Sheep and Thistle Department.

Motion made and question put, That the consideration of this department be postponed.

(*Mr. Ball.*)

Agreed to.

The following items were agreed to :—

Harbours—Auckland.

Port Master and Chief Pilot	-	-	-	£400
Harbour Master (also Wharfinger)	-	-	-	100
Two Assistant Pilots, at £200 each	-	-	-	400

Signalman, £120.—Motion made and question put, That this item be postponed.

COMMITTEE DIVIDED :—

Ayes (10.)

Mr. Ball,
Mr. Cadman,
Mr. Coolahan,
Mr. Foley,
Mr. Gallagher,
Mr. Martin,
Mr. McKenzie,
Mr. Rattray,
Mr. Skeen,
Mr. King (teller.)

Noes (7.)

Mr. Carleton,
Mr. George,
Mr. McGee,
Mr. Ross,
Mr. Rowe,
Mr. Swanson,
Mr. Cheeseman (teller.)

The

The following items were agreed to:—

Chief Boatman, at £10 10s. per month	-	-	£126
Two men at £10 per month	-	-	240
Extra Assistance	-	-	100
Boats, Buoys, Repairs, &c.	-	-	280

Manukau.

Motion made and question put, That the consideration of this department be postponed.
Agreed to.

The following items were agreed to:—

Kaipara.

Pilot	-	-	£250
River Pilot	-	-	150
Three Men, at £96 each	-	-	288
Boat, Buoys, Beacons, &c.	-	-	260

Russell.

Harbour Master and Pilot	-	-	£200
Two Men, at £7 each per month	-	-	168
Boat, Repairs, &c.	-	-	25

Mongonui.

Harbour Master and Pilot	-	-	£100
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Hokianga.

Harbour Master and Pilot	-	-	£100
Two Boatmen, at £7 per month each	-	-	168
Boat Repairs, &c.	-	-	25

Waikato.

Harbour Master and Pilot	-	-	£250
Two Boatmen, at £8 per month each	-	-	192
Boats and Beacons	-	-	100
Boat Repairs, &c.	-	-	25

Tauranga.

Harbour Master and Pilot	-	-	£250
Two Boatmen, at £7 per month each	-	-	168
Boats and Beacons	-	-	100
Boat Repairs, &c.	-	-	25

To report progress and ask leave to sit again.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. J. O'Neill reported, That the Committee had made progress in the matter referred to them, and that he was directed to move, that the Committee may have leave to sit again.

Resolved, That this Council will to-morrow resolve itself into the said Committee.

5. *Messages.*—Mr. Speaker read the following Messages from his Honor the Superintendent, presented by Mr. Carleton.

Message No 59.

The Superintendent has received from the Provincial Council an Address, No. 19, requesting him to have prepared, and to send down to the Council, a Bill to prohibit Lotteries, Race Sweeps, and Gambling of every description, in accordance with an Act of the Imperial Parliament having special reference to these matters.

The

The Superintendent informs the Council that he is advised that the Imperial Acts, 18 George II., cap. 34, and 42 George III., cap. 119, are applicable to, and are in force in this Colony; and such being the case, he presumes that the Council will agree with him that further legislation on these matters may be dispensed with.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 10th March, 1865.

Message No. 60.

The Superintendent has received an Address, No. 60, from the Provincial Council, inviting him to take cognizance of words alleged to have been uttered in debate, and to interfere with the action of a Member of the Council.

The Superintendent regrets being obliged to take a different view of his official duties. He has no power to interfere with the debates in Council, or desire to take cognizance of them—much less to take direct action, as is prescribed in the Address; but in order to comply as far as may be with the wishes of the Council, he informs all whom it may concern, that no such statement as that complained of by the Council has been made in any place by authority or consent of the Provincial Government.

The Superintendent is requested "to inform the Council of any information he may be in possession of" about the conversion of the Bay of Islands district into a Province.

The Superintendent has to state, in reply, that he is not in possession of any information on the subject.

The Superintendent is also requested to inform this Council "of his views on this question."

The Superintendent is not satisfied that he ought to comply with a request of so unusual a nature, but will be guided by his own desire to meet the wishes of the Council. He is of opinion that the "New Provinces Act" should be repealed, and that the settlers in any out district who think themselves aggrieved in regard to the distribution of the Provincial Funds, should, by petition to the General Government, be enabled to recover their share of the Revenue, to be expended under the supervision of a local board.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 14th March, 1865.

Message No. 61.

The Superintendent submits for consideration by the Provincial Council, *A Bill to amend the Auckland Waterworks Act, 1864.*

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 2nd March, 1865.

On motion of Mr. Carleton, the Bill enclosed—"The Auckland Waterworks Amendment Bill"—was read a first time, and ordered to be read a second time on Thursday next, and to be printed.

Message No. 62.

The Superintendent submits for consideration by the Provincial Council, *A Bill to enable the Superintendent of the Province of Auckland to advance, by way of loan, a further sum of Eight Thousand Pounds, to the City Board, out of the money to be raised under the provisions of the "Auckland Loan Act, 1863."*

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 10th March, 1865.

Message No. 63.

The Superintendent transmits for the information of the Provincial Council, copy of a Letter, and of the accompanying enclosures, received from the Honourable the Colonial Secretary

Secretary, under date 25th February ultimo, relative to the requirements of the Manukau Harbour.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 10th March, 1865.

Message No. 64.

The Superintendent has received an Address No. 77, informing him that the Provincial Council not being satisfied with the manner in which the public works of the Province, requiring the supervision of an Engineer have been carried on, decline to sanction the expenditure under the head Engineer-in-Chief's Department, until the Council is in possession of further information regarding that department, especially as to any further expenditure that may have been, or is proposed to be incurred, for the services of Engineer and Clerk of Works for public works in this Province, and expressing an opinion that the services of a competent Engineer to superintend the whole of the public works of this Province could be secured for the salary proposed in the Estimates.—The Superintendent has difficulty in making reply to an Address couched in such general terms; neither the causes of dissatisfaction, nor the nature of the information desired being stated. He is told by the Honourable Member at the head of the Executive that ample information was supplied, but that some Members of the Council appeared to suppose that there was a large expenditure going on in that department, of which the Council were not informed, on the assumption that this is the point on which information is desired, the Superintendent desires to state, that there is at present no temporary assistant employed in any works in progress under the department in question, or any salary paid but those which appear in the Estimates; nor has there been since the 31st of January last, with the exception of Mr. Derrom, the clerk of works, appointed to superintend the erection of the Lunatic Asylum, and whose services (not being required constantly at the Asylum) are availed of for the inspection of such other buildings, as are in progress. There was an assistant temporarily employed (Mr. Simpson), to inspect the works in progress at Onehunga wharf, and the repairs, &c., of Queen-street Pier, but these works being nearly finished, his services have been dispensed with. There was also a temporary assistant employed to inspect the pile driving, &c., at Panmure Bridge, and who, while not engaged, was employed on other works in the department. The Superintendent desires to remind the Council, that while works such as the Panmure Bridge, and the extension of the Wharfage in Auckland Harbor, are in progress, it is impossible to secure the faithful performance of a contract especially in regard to pile driving without an inspector being almost constantly on the ground; and while the duties of the Engineer-in-Chief are to exercise a general supervision over all works it is utterly impossible that he can personally superintend the details of every work, and, therefore, unreasonable to hold him responsible for their proper execution, unless he be provided with adequate assistance. The only additional assistance which is at all contemplated, is a temporary clerk of works to superintend the work at Panmure Bridge, and the Queen-street Wharf, when they are in active operation. The Waterworks is a special matter, requiring extensive preliminary surveys. In order to avoid entering upon an expenditure, the extent of which would be unknown, such works will require the constant attention of an engineer, as was evidently contemplated by the Council in passing the Waterworks Act, which provides for the appointment of an engineer. But the Superintendent wishes, that any one so appointed should receive instructions from, and report to the Engineer-in-Chief. No engineer has yet been appointed, the parties at present employed, being for the surveys only. The cost of designing and carrying out the Public Works now in progress does not exceed three per cent. In regard to the dissatisfaction of the Council as to the manner in which the Engineer-in-Chief's work is carried on, if the Council will specify instances, he will cause the closest enquiries to be instituted. But his own personal observation has caused him to believe that the duties of that officer are performed with assiduity and ability.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 14th March, 1865.

6. *Adjournment for Half-an-hour.*—On motion of Mr. King, Council adjourned at half-past 6 for half-an-hour.

COUNCIL

COUNCIL RE-ASSEMBLED at seven o'clock.

7. *City Board Act Amendment Bill.*—Council, according to order, resolved itself into Committee on the “City Board Act Amendment Bill.”

IN THE COMMITTEE.

Mr. J. O'Neill in the chair.
 Clauses 9 and 10 agreed to.
 Clause 11 postponed. (*Mr. Cadman.*)
 Clauses 12, 13, and 14, agreed to.
 Clause 15 disagreed to.
 Clauses 16 and 17 agreed to.
 Schedule A.—Motion made and question proposed, That the consideration of the Schedule be postponed. (*Mr. Carleton.*)
 Amendment proposed: That the Chairman do now report progress and ask leave to sit again.
 Amendment agreed to.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. J. O'Neill reported that the Committee had made progress in the Bill, and that he was directed to move, That the Committee may have leave to sit again.

Resolved, That this Council will to-morrow resolve itself into the said Committee.

8. *Adjournment.*—On motion of Mr. Wynn, Council adjourned at 9 o'clock p.m.

 NOTICES OF MOTION AND ORDERS OF THE DAY.

Wednesday, March 15th, 1865.

1. Mr. SWANSON, to ask the Member at the head of the Executive, If orders have been issued for putting that part of the Great North Road, between the fifth and sixth milestones, likewise the approaches to the Whau Bridges, in a thorough state of repair.
2. Mr. SWANSON, to ask the Member at the head of the Government, If the Wharf accommodation in front of Custom-house-street is finished on the side towards the sea.
3. Mr. FOLEY, to ask, the Provincial Secretary, What number of convicts at the Mount Eden Stockade are employed in collecting the stones for, and loading the drays of, Amos and Co., the contractors for the Breakwater, also what compensation Amos and Co. allow to the Provincial Government for each convict's labor.
4. Mr. KING, to ask the hon. Member the Provincial Secretary, What amount is due to the Province for the Harbor Improvements for which funds have been advanced from time to time out of the Provincial Revenue.

 NOTICES OF MOTION.

1. Mr. McGEHE, to move, That a respectful Address be presented to his Honor the the Superintendent requesting him to place on the additional estimate of expenditure the sum of (£500) five hundred pounds for the purpose of supplementing the sum proposed to be raised for a Champion Plate to be run for in this Province in 1866.

2. Mr. KING

2. Mr. KING, to move, That an Address be presented to his Honor the Superintendent, requesting him to communicate with the Imperial Military Authorities and the General Government, calling their attention to the danger likely to arise in the event of any accident occurring to the Magazine in Albert Barracks, and respectfully requesting that some other locality may be immediately selected, and the ammunition and powder now stored there removed with as little delay as possible.
3. Mr. COOLAHAN, to move, That an Address be presented to his Honor the Superintendent requesting him to inform this Council what amount of money has been paid into the Provincial Treasury for the pilotage of vessels entering inward and clearing outward at the Port of Auckland.
4. Mr. COOLAHAN, to move, That an Address be presented to his Honor the Superintendent requesting that an addition of Fifty Pounds be made to the salary of the Harbor Master of the Harbor of Auckland.
5. Mr. KING, to move, That an Address be presented to his Honor the Superintendent requesting him to furnish this Council, with as little delay as possible, with a return showing the names of persons who have been employed by the Provincial Government from 1st January, 1864, up to the present date. Salaries or emoluments paid to each, and the occupations employed in. Distinguishing those who have been employed on works carried on with funds raised under the Half Million Loan Act. Also a statement showing the number of persons whose services may be required from present date to 31st December, 1865, the occupation to be employed in, cost or supposed cost of each person to carry on the public works, for which money has been voted under the Empowering Acts passed by this Council.
6. Mr. GALLAUGHER, to move, That an Address be presented to his Honor, requesting him to comply with Address No. 21, of date 7th February, 1865, respecting local improvements in the town of Onehunga, also to comply with the Address respecting Manukau Harbor Endowments.
7. Mr. KING, to move, That an Address be presented to his Honor the Superintendent, requesting him to increase the salary of the signalman of the Auckland Harbor to £140 per annum, instead of £120, as placed on the Estimate of Expenditure.
8. Mr. ROWE, to move, That the name of Mr. Wynn be added to the Committee on his Honor's Message No. 7, relating to the Kawa Kawa Coal Mine.
9. Mr. J. O'Neill, to move, That an Address be presented to his Honor the Superintendent, asking him to supply each member of the Provincial Council with a copy of the "Acts of the Auckland Provincial Legislature."
10. Mr. FOLEY, to move, That an Address be presented to his Honor the Superintendent, requesting him to inform this Council whether he intends to place on the Estimate of Expenditure and submit to appropriation by this Council the salary of the Immigration Agent.
11. Mr. FOLEY, to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to collect all the information regarding the claims of sufferers by the war in the Province of Auckland, and that the Provincial Executive lay all such information before the presiding Commissioner, T. Beckham Esq.

ORDERS OF THE DAY.

1. Estimate of Expenditure—to be further considered in Committee.
2. City Board Act Amendment Bill—to be further considered in Committee.
3. Adjourned debate on the question, That the Rural Police Bill be now read a second time.

4. Message

4. Message No. 35, [respecting the supervision of the Panmure Bridge]—to be considered.
5. Petitioner, John Thomas—to be examined touching his petition.
6. Adjourned debate on the question—That an Address be forwarded to his Honor the Superintendent requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.
7. Report of Committee on Harbor Works—to be considered.

WM. POWDITCH,
Speaker.

WEDNESDAY, MARCH 15TH, 1865.

PRAYER.

Present: Mr. Speaker and 21 members.

1. *Notices of Question Postponed.*—The notices of question were severally postponed till to-morrow.
2. *Notice Postponed.*—On motion of Mr. Foley, Mr. McGee's notice of motion was postponed till to-morrow.
3. *Magazine in Albert Barrack.*—On motion of Mr. King, pursuant to amended notice, *Resolved*, That an Address be presented to his Honor the Superintendent, requesting him to communicate with the Imperial Military Authorities, and the General Government, calling their attention to the danger in the event of any accident occurring to the Magazine in Albert Barracks, and respectfully requesting that some other locality may be immediately selected, and the ammunition and powder now stored there removed with as little delay as possible. (ADDRESS No. 82).
4. *Harbour Dues.*—On motion of Mr. Coolahan, *Resolved*, That an Address be presented to his Honor the Superintendent, requesting him to inform this Council what amount of money has been paid into the Provincial Treasury for the Pilotage of Vessels entering inwards, and clearing outwards, at the Port of Auckland. (ADDRESS No. 83).
5. *Salary of Harbour Master.*—Mr. Coolahan moved, and the question was proposed, That an Address be presented to his Honor the Superintendent, requesting that an addition of Fifty Pounds be made to the Salary of the Harbour Master of the Harbour of Auckland.
And the question being put,

COUNCIL DIVIDED:—

Ayes (10).
Mr. Buckland,
Mr. Cadman,
Mr. Gallagher,
Mr. Gruchy,
Mr. King,
Mr. Martin,
Dr. Pollen,
Mr. Rowe,
Mr. Skeen,
Mr. Coolahan (teller).
So it was resolved in the affirmative.

Noes (6).
Mr. Foley,
Mr. George,
Mr. McKenzie,
Mr. Rattray,
Mr. Ross,
Mr. Swanson (teller).

(ADDRESS No. 84.)

6. Return

6. *Return of Government Employees.*—On motion of Mr. King, *Resolved*, That an Address be presented to his Honor the Superintendent, requesting him to furnish this Council, with as little delay as possible, with a return showing the names of persons who have been employed by the Provincial Government from 1st January, 1864, up to the present date. Salaries or emoluments paid to each, and the occupations employed in. Distinguishing those who have been employed on works carried on with funds raised under the "Half Million Loan Act." Also a statement showing the number of persons whose services may be required from present date to 31st December, 1865, the occupation to be employed in, cost or supposed cost of each person to carry on the public works, for which money has been voted under the Empowering Acts passed by this Council. (ADDRESS No. 85).
7. *Onehunga Board.*—On motion of Mr. Gallagher, *Resolved*, That an Address be presented to his Honor requesting him to comply with Address No. 21, of date 7th February, 1865, respecting local improvements in the town of Onehunga, also to comply with the Address respecting Manukau Harbour Endowments. (ADDRESS No. 86).
8. *Signalman at Auckland.*—On motion of Mr. King, *Resolved*, That an Address be presented to his Honor the Superintendent requesting him to increase the salary of the signalman of the Auckland Harbour to £140 per annum, instead of £120 as placed on the Estimate of Expenditure. (ADDRESS No. 87).
9. *Kawa Kawa Coal Mine.*—On motion of Mr. Rowe, *Resolved*, That the name of Mr. Wynn be added to the Committee on his Honor's Message No. 7, relating to the Kawa Kawa Coal Mine.
10. *Acts of the Province.*—On motion of Mr. J. O'Neill, *Resolved*, That an Address be presented to his Honor the Superintendent, asking him to supply each member of the Provincial Council with a copy of the "Acts of the Auckland Provincial Legislature." (ADDRESS No. 88).
11. *Immigration Agent's Salary.*—On motion of Mr. Foley, *Resolved*, That an Address be presented to his Honor the Superintendent requesting him to inform this Council whether he intends to place on the Estimate of Expenditure and submit to appropriation by this Council the salary of the Immigration Agent. (ADDRESS No. 89).
12. *Settlers' Losses.*—On motion of Mr. Foley, *Resolved*, That a respectful Address be presented to his Honor the Superintendent, requesting him to collect all the information regarding the claims of sufferers by the war in the Province of Auckland, and that the Provincial Executive lay all such information before the presiding Commissioner, T. Beckham, Esq. (ADDRESS No. 90).
13. *Report of Fencing and Impounding Committee.*—Mr. King brought up a Report from the Fencing and Impounding Committee, and the same was received and read as follows:—
- "Your Committee have to report that the Fencing and Impounding Acts have occupied their attention during the greater part of two sessions; that they have examined several witnesses, with the view of obtaining the best possible evidence on the conflicting interests involved in the Fencing and Impounding Bills.
- "The Committee, in bringing up their report, have not attempted to present the amendments and additions they propose in legal phraseology,—they have merely brought up the substance of resolutions arrived at at the several sittings of the Committee. The Committee recommend that an Address be presented to his Honor the Superintendent, enclosing their Report on the Fencing and Impounding Bills, suggesting that new Bills be at once framed by the Provincial Solicitor, with a view of their being submitted to the Council for consideration without delay."
14. *Petitioner John Thomas.*—On motion of Mr. King, *Ordered*, That the order of the day, No. 5, for examining the Petitioner John Thomas, be made first order of the day for Friday-week.
15. *Adjournment for half-hour.*—On motion of Mr. Foley, Council adjourned at half-past 5 o'clock for half-an-hour.

COUNCIL RE-ASSEMBLED at 6 o'clock.

16. *Estimate of Expenditure.*—Council, according to order, resolved itself into Committee on the Estimate of Expenditure.

IN THE COMMITTEE.

Mr. King in the chair.

Ferries.

Panmure Ferry, and Repairs - - - £200

Agreed to.

North Shore, £150.—Postponed. (*Mr. Wynn*).

The following items were agreed to:—

Wangarei and Kawhia - - -	8	48
Waipu—Main, East and West branches - - -	-	35
Mangawai - - - - -	-	20
Arai - - - - -	-	10
Orewa - - - - -	-	25
Waiwera - - - - -	-	18
Puhoi - - - - -	-	18
Mahurangi - - - - -	-	30
Taipa - - - - -	-	10
Mungamungaroa - - - - -	-	18

Mangarei, £50.—Motion made and question put, That this item be postponed.
Motion negatived.

Item—

Mangarei - - - - - £50

Agreed to.

The following items were agreed to:—

Karaka - - - - -	-	48
Kaipara - - - - -	-	130
Awitu - - - - -	-	25

Waikato, £104.—Postponed. (*Mr. Buckland*).

Motion made and question put, That the Chairman do now report progress and ask leave to sit again.

COMMITTEE DIVIDED:—

Ayes (6).
Mr. Coolahan,
Mr. Gallagher,
Mr. McGee,
Dr. Pollen,
Mr. Wynn,
Mr. Buckland (teller).

Noes (10).
Mr. Blake,
Mr. Cadman,
Mr. Cheeseman,
Mr. Foley,
Mr. McKenzie,
Mr. Ross,
Mr. Rowe,
Mr. Skeen,
Mr. Swanson,
Mr. George (teller).

Special.

Surveys, and opening blocks of land - - - £5,000

Motion made and question put, That this item be postponed. (*Mr. McGee*).

COMMITTEE

COMMITTEE DIVIDED:—

Ayes (11.)
 Mr. Blake,
 Mr. Buckland,
 Mr. Cadman,
 Mr. Coolahan,
 Mr. Foley,
 Mr. Gallagher,
 Dr. Pollen,
 Mr. Rowe,
 Mr. Swanson,
 Mr. Wynn,
 Mr. McGee (teller.)

Noes 5.)
 Mr. Cheeseman,
 Mr. McKenzie,
 Mr. Ross,
 Mr. Skeen,
 Mr. George (teller).

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. King reported from the Committee on the Estimates the following Resolutions, agreed to on Friday, 10th March instant:—

(1) *Resolved*, That an Address be presented to his Honor the Superintendent, requesting him to increase the pay of the Sergeant-Major to £230 per annum.

(2) *Resolved*, That his Honor the Superintendent be requested to place the sum of £400 on the Estimates, to be available for the purpose of rewarding Police Officers, for conduct evincing more than ordinary intelligence, energy, or courage, in bringing offenders to justice, such reward to be paid on the recommendation of the Judge of the Supreme Court trying such offender.

The said Resolutions were agreed to. (ADDRESS No. 91.)

Mr. King also acquainted the Council that he was directed to move, That the Committee may have leave to sit again.

Resolved, That this Council will to-morrow resolve itself into the said Committee.

17. *Adjournment*.—On motion of Mr. Buckland, Council adjourned at 8 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Thursday, March 16th, 1865.

1. Mr. SWANSON, to ask the Member at the head of the Executive, If orders have been issued for putting that part of the Great North Road, between the fifth and sixth milestones, likewise the approaches to the Whau Bridge, in a thorough state of repair.
2. Mr. SWANSON, to ask the Member at the head of the Government, If the Wharf accommodation in front of Custom House Street is finished on the side towards the sea.
3. Mr. FOLEY, to ask the Provincial Secretary, What number of convicts at the Mount Eden Stockade are employed in collecting the stones for, and loading the drays of, Amos and Co., the contractors for the Breakwater, also what compensation Amos and Co. allow to the Provincial Government for each convict's labor.
4. Mr. KING, to ask the hon. Member the Provincial Secretary, What amount is due to the Province for the Harbor Improvements for which funds have been advanced from time to time out of the Provincial Revenue.

6. Mr. WYNN

5. Mr. WYNN, to ask the Provincial Secretary, What amount of Rent the Superintendent has agreed to pay Mr. David Graham for the premises in Princes-street, occupied by the Engineer-in-Chief.
6. Mr. CADMAN, to ask the hon. Member, Mr. Chesseman, When it is the intention of the Commissioners to proceed with the building of the Government House.

NOTICES OF MOTION.

1. Mr. ROWE, to move, That a respectful Address be forwarded to his Honor the Superintendent, requesting him to place on the supplementary Estimates the sum of One Hundred Pounds for the purposes of assisting in procuring a site and erecting a Building for a Mechanics' Institute at Newton.
2. Dr. POLLEN, to move, That the Message No. 60 of his Honor the Superintendent be ordered to be printed.
3. Mr. McGEE, to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to place on the additional estimate of expenditure the sum of (£500) five hundred pounds for the purpose of supplementing the sum proposed to be raised for a Champion Plate, to be run for in this Province in 1866.
4. Mr. FOLEY, to move, That Message No. 35 be now considered.
5. Mr. CADMAN, to move, That the Report of the Harbour Works Committee be now considered in Committee of the whole Council.
6. Mr. CARLETON, to move, That the consideration of the Municipal Police Bill in Committee be an order of the day for Friday.
7. Mr. CARLETON, to move That the Vagrant Bill be again committed, and that the consideration of the Bill in Committee be an order of the day for Friday next.
8. Dr. POLLEN, to move, That the correspondence with the Agent-General of the Province in continuation of former papers be ordered to be printed.
9. Mr. MCGEE, to move, That an Address be presented to his Honor the Superintendent, requesting him to recommend this Council to make provision for increasing the pay of the Police Force in proportion to the increase of salary which the Council has by Address requested to be given to the Sergeant-Major.
10. Mr. GALLAUGHER, to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to place on the additional Estimate of Expenditure for 1865 the sum of £500 for the improvement of the roads and streets of the town of Onehunga.

ORDERS OF THE DAY.

1. Auckland Waterworks Amendment Bill—second reading.
2. City Board Loan Bill—second reading.
3. Estimate of Expenditure—to be further considered in Committee.
4. City Board Act Amendment Bill—to be further considered in Committee.
5. Adjourned debate on the question, That the Rural Police Bill be now read a second time.
6. Adjourned

6. Adjourned debate on the question—That an Address be forwarded to his Honor the Superintendent, requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.

WM. POWDITCH,
Speaker.

THURSDAY, MARCH 16TH, 1865.

PRAYER.

Present: Mr. Speaker and 18 Members.

1. *Whau Bridge*.—Mr. Swanson, pursuant to notice, asked, If orders have been issued for putting that part of the Great North Road between the fifth and sixth mile-stones, likewise the approaches to the Whau Bridge, in a thorough state of repair.
Mr. Carleton answered, That the sum of £2,000 is all that is available for opening up and maintaining in repair the whole of the Great North Road for the current year. A survey and estimate of the works referred to have been prepared.
The cost of putting in repair that part between the fifth and sixth mile-stones would be about £1,200; the approaches to the Whau Bridge would be about £400. The Government would not feel justified in expending the former, but recommended the latter, and to keep the former in ordinary repair.
2. *Custom House Street Wharf*.—Mr. Swanson, pursuant to notice, asked, If the Wharf accommodation in front of Custom House Street is finished on the side towards the sea.
Mr. Carleton answered, That the work included in the first contract for the wharf is finished, but it is in contemplation to put some "fender" pieces along the front towards the sea.
3. *Notice of Question Postponed*.—Mr. Foley postponed asking his question, No. 3, till this day-week.
4. *Harbour Debt*.—Mr. King, pursuant to notice, asked, What amount is due to the Province for the Harbour Improvements, for which funds have been advanced from time to time out of the Provincial Revenue.
Mr. Carleton answered, £12,000.
5. *Engineer's Office*.—Mr. Wynn, pursuant to notice, asked, What amount of Rent the Superintendent has agreed to pay Mr. David Graham for the premises in Princes Street occupied by the Engineer-in Chief.
Mr. Carleton answered, That the Superintendent has not agreed to pay any rent to Mr. David Graham, nor has he spoken to that gentleman or his agent on the subject. The occupation of those premises by the Engineer-in-Chief was arranged through an officer of the General Government.
6. *New Government House*.—Mr. Cadman, pursuant to notice, asked, When it is the intention of the Commissioners to proceed with the building of the Government House.
Mr. Cheeseman answered, That he had no means of ascertaining officially, unless by communicating with the Colonial Secretary, but he believed that the plan for Government House is approved of; that Mr. Ramsay, the architect, is preparing working plans and specification; and that tenders will shortly be invited for the erection of a Government House in the Domain.
7. *Messages*. Mr. Speaker read the following Messages from his Honor the Superintendent, presented by Mr. Carleton:—

Message

Message No. 65.

The Superintendent lays before the Council copy of a Report furnished by the Commissioners appointed to enquire into the organisation and working of the Waste Lands Department.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 15th March, 1865.

Message No. 66.

The Superintendent lays before the Provincial Council copy of a Return, obtained from the Secretary to the Papakura Valley Highway Board, in compliance with the request contained in the Address No. 10, of date 25th January ult.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 15th March, 1865.

Message No. 67.

In reply to the enquiry contained in the Address No. 52, of date 2nd March instant, the Superintendent informs the Provincial Council that he has no intention to recommend the Council to make special provision for payment of a salary to Mr. Daldy.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 15th March, 1865.

Message No. 68.

Referring to the Address No. 37, dated 27th October ult., the Superintendent lays before the Provincial Council copy of the following documents, viz.:—

“Provincial Land Surveyor's Report on Roads at the North.”

“Instructions issued to Mr. Hill, Surveyor.” (Plan of his work not yet received from this gentleman.)

“Plan No. 1, with Surveyor's Report, and Letter of Instructions to Mr. H. Wilson.”

“Plan No. 2, with Surveyor's Report, and Letter of Instructions to Mr. W. Denham.”

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 15th March, 1865.

8. *Notice of Motion Postponed.*—Mr. Rowe postponed his notice of motion, No. 1, until next sitting day.
9. *Message No. 60.*—On motion of Dr. Pollen, *Ordered*, That Message No. 60 of his Honor the Superintendent be ordered to be printed.
10. *Champion Plate.*—Mr. McGee moved, and the question was proposed, That a respectful Address be presented to his Honor the Superintendent requesting him to place on the additional Estimate of Expenditure the sum of (£500) Five Hundred Pounds, for the purpose of supplementing the sum proposed to be raised for a Champion Plate to be run for in this Province in 1866.
Mr. King moved as an amendment, That of the figures “1866” the last figure be left out and “7” added instead thereof.
And the question being put on the amendment, it passed in the negative.
Mr. Wynn moved as an amendment, That the word and figures “in 1866” be left out.
And the question being put on the amendment, it was resolved in the affirmative.
And the question as amended being put,

COUNCIL

COUNCIL DIVIDED :—

Ayes (12.)
 Mr. Blake,
 Mr. Cadman,
 Mr. Carleton,
 Mr. Coolahan,
 Mr. Foley,
 Mr. Gallagher,
 Mr. King,
 Mr. McGee,
 Mr. A. O'Neill,
 Dr. Pollen,
 Mr. Swanson,
 Mr. Wynn (teller.)

Noes (5.)
 Mr. Cheeseman,
 Mr. George,
 Mr. McKenzie,
 Mr. Ross,
 Mr. Rowe (teller.)

So it was resolved in the affirmative. (ADDRESS No. 92.)

11. *Notices Postponed.*—Mr. Foley postponed his notice of motion No. 4 until next sitting day.
 Mr. Cadman postponed his notice of motion No. 5 until next sitting day.
12. *Municipal Police Bill.*—Mr. Carleton moved, and the question was proposed, That the consideration of the Municipal Police Bill in Committee be an order of the day for Friday.
 And the question being put, it passed in the negative.
13. *Vagrant Bill*—Mr. Carleton, pursuant to amended notice, moved, And the question was proposed, That the consideration of the Vagrant Bill in Committee be an order of the day for Friday.
 And the question being put,

COUNCIL DIVIDED :—

Ayes (9.)
 Mr. Blake,
 Mr. Carleton,
 Mr. Foley,
 Mr. George,
 Mr. McKenzie,
 Mr. Ross,
 Mr. Rowe,
 Mr. Swanson,
 Mr. Cheeseman (teller.)

Noes (8.)
 Mr. Coolahan,
 Mr. Foley,
 Mr. King,
 Mr. McGee,
 Mr. A. O'Neill,
 Dr. Pollen,
 Mr. Wynn,
 Mr. Cadman (teller.)

So it was resolved in the affirmative.

14. *Mr. Daldy's Correspondence.*—On motion of Dr. Pollen, *Ordered*, That the correspondence with the Agent-General in continuation of former papers be ordered to be printed.
15. *Notices Postponed.*—Mr. McGee postponed his notice of motion No. 9 until Wednesday next.
 Mr. Gallagher postponed his notice of motion No. 10 until next sitting day.
16. *Adjournment for half-hour.*—On motion of Mr. Ross, Council adjourned at half-past 6 o'clock for half-an-hour.

COUNCIL RE-ASSEMBLED at 7 o'clock.

17. *Adjournment.*—On motion of Mr. A. O'Neill, *Resolved*, That the Council, at its rising to-day, will adjourn till Tuesday next.
18. *Business Postponed.*—On motion of Dr. Pollen, *Ordered*, That the business set down on the notice paper for to-morrow be postponed till Tuesday next.
19. *Auckland Waterworks Amendment Bill.*—The Auckland Waterworks Act Amendment Bill was, according to order, read a second time, and committed to a Committee of the whole Council.

IN THE

IN THE COMMITTEE.

Mr. King in the chair.

Clauses 1, 2, 3, and the Preamble, agreed to.

Bill to be reported.

COUNCIL RESUMED.

On Mr. Speaker resuming the chair, Mr. King reported that the Committee had gone through the Bill, and directed him to report the same without amendment.

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass, and that the title be *An Act to Amend the Auckland Waterworks Act, 1864*.

20. *Adjournment for want of a Quorum*.—One third of the members not being present, Mr. Speaker counted the Council, and there not being twelve members present, Mr. Speaker, at 10 minutes to 8 o'clock, declared the Council to stand adjourned till Tuesday next.

MEMBERS PRESENT:—

	Mr. Speaker,	
Mr. Blake,	|	Mr. King,
Mr. Carleton,	|	Mr. McKenzie,
Mr. Cheeseman,	|	Mr. Ross,
Mr. Foley,	|	Mr. Rowe,
Mr. George,	|	Mr. Swanson.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Tuesday, March 21st, 1865.

NOTICES OF MOTION.

1. Mr. KING, to move, That an Address be presented to his Honor the Superintendent, requesting him to place on an additional Estimate of Revenue for 1865, £10,000, to be refunded to the Provincial Revenue out of the amount to be raised under the Half Million Loan Act, 1863, for Harbour Improvements.
2. Dr. POLLEN, to move, That, inasmuch as his Honor the Superintendent has not answered any of the Addresses, commencing with Address No. 59 of last Session, dated November 8, 1864, which this Council has forwarded to him through their Speaker, on the subject of the dissolution of the Provincial Council, this Council at its rising to-day will adjourn for one week, in order, before they take further steps in the matter, to afford time to his Honor the Superintendent to consider the propriety of replying to their Addresses.
3. Mr. KING, to move, That the Report of the Fencing and Impounding Acts Committee be adopted.
4. Mr. GEORGE to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to supplement the £7,000 already granted for the erection of a Market House, by submitting a Bill to authorize a further advance of £7,000, out of the Half Million Loan, to the City Board of Commissioners.
5. Mr. BLAKE

5. Mr. BLAKE to move, That an Address be presented to his Honor the Superintendent, respectfully requesting him to send down to this Council the plans of the projected tramway between the Waitemata and the Kaipara rivers, together with Mr. Harding's report thereon as engineer.
6. Dr. POLLEN to move, That the Message No. 60 of his Honor the Superintendent, in reference to the dismemberment of the Province, be considered by the Council.
7. Mr. ROWE. to move, That a respectful Address be presented to his Honor the Superintendent requesting him to place on the additional Estimates the sum of One Hundred Pounds for the purpose of assisting in procuring a site and erecting a Building for a Mechanics' Institute at Newton.
8. Mr. FOLEY, to move, That Message No. 35 be now considered.
9. Mr. CADMAN, to move, That the Report of the Harbour Works Committee be now considered in Committee of the whole Council.
10. Mr. GALLAUGHER, to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to place on the additional Estimate of Expenditure for 1865 the sum of £500 for the improvement of the roads and streets of the town of Onehunga.

ORDERS OF THE DAY.

1. Petitioner, John Thomas—to be examined touching his petition.
2. Vagrant Bill—to be further considered in Committee.
3. City Board Loan Bill—second reading.
4. Estimate of Expenditure—to be further considered in Committee.
5. City Board Act Amendment Bill—to be further considered in Committee.
6. Adjourned debate on the question, That the Rural Police be now read a second time.
7. Adjourned debate on the question—That an Address be forwarded to his Honor the Superintendent, requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.

WM. POWDITCH,

Speaker.

TUESDAY, MARCH 21ST, 1865.

PRAYER.

Present: Mr. Speaker and 21 Members.

1. *Petition of James Willis.*—Mr. Foley presented a Petition from James Willis, of Tauranga, praying that his claim to land as an immigrant may be considered.
Petition received.
2. *Orders to have Precedence.*—On motion of Mr. Carleton, *Ordered*, That the orders do take precedence to-day.

3. *Petitioner*

3. *Petitioner John Thomas.*—The order of the day being read for the examination of *Petitioner, John Thomas*, touching his petition.

On motion of *Mr. King*, *Ordered*, That the *Petitioner* be called to the bar and examined touching his petition.

The *Petitioner* was accordingly called in.

On motion of *Mr. George*, *Ordered*, That the examination be conducted in Committee of the whole Council.

IN THE COMMITTEE.

Mr. J. O'Neill, in the chair.

Ordered, That the *Petitioner* be examined, *visá voce*.

Examined by Mr. King :—

The petition that has been just read by the Clerk is my petition. I was a contractor for the supply of bricks to the Provincial Government for the new Lunatic Asylum. I produce copies of my tender, the contract bond, and schedule, and the specification. I entered into the contract about the 15th January, 1864. From 700,000 to 900,000 bricks were to be delivered at £3 10s. per thousand. [The tender, bond, and specification, were read by the Clerk.] The delivery of the bricks commenced in the latter end of March. From ten to fifteen thousand were delivered in March; in April, 40,000; in May, 35,000; in June, nil; in July, nil. The next delivery was in August, perhaps. The last delivery was in September, which made up about 250,000 supplied. I then got verbal notice that I had better give up the contract. There were 50,000 bricks bought from *Mr. Boyd*, and then 500,000 from *Dr. Pollen*. This made the supply up to between 7 and 800,000. *Mr. Machattie*, I believe, was informed that I ought to give up the contract, and he told me. The Superintendent did not give notice to me or my sureties of the discontinuance of the contract. I was granted two months extra time for the completion of my contract beyond that specified. [Petitioner here produced a letter of the 11th January, 1864, announcing the acceptance by the Government of the *Petitioner's* tender.] I asked for exemption from militia duty towards the end of January, after the acceptance of my tender. Before the contract was closed, I was performing militia duty. My impression was, that contractors were exempt from militia duty. I had a conversation with the Superintendent on the subject, he told me to come to him and that he would make it all right. That was before my bond was executed. I would not have become a contractor were it not for the expectation I had of getting exemption for myself and my men from militia duties. I had that expectation from what the Superintendent told me. We were obliged to perform militia duties shortly after the bond was signed. On applying to the Superintendent a second time, he said that he regretted my being obliged to serve, but as the Exemption Board was not sitting, he desired me to call again. I did so in the following month (February.) The Exemption Board was sitting then, but the Superintendent said that in consequence of some of his applications having been refused the day before, there was no use in applying for me. My foreman, on whom alone I could depend, was taken away to Otahuhu for a month, on militia duty. The other men and myself had to attend in Auckland four days a-week. I complained to the Superintendent, that in consequence of the militia duty I could not get on with my contract. He said he was sorry, but could do nothing for me.

Another obstacle to the fulfillment of my contract was caused by *Vickery and Masfield* not supplying me with the machinery. I produce a certificate from them. [Certificate read] These obstacles drove me into the winter. It took four months to supply the machinery. The first payment I received was about four months ago. It amounted to less than £300. I only received one payment under my contract. That was the total amount for 250,000 bricks. £497 10s. were stopped to pay for bricks purchased from other parties. My agent, *Mr. Machattie*, was the person who received payment. I complained to *Mr. Carleton* on the subject. My contract was terminated without notice in writing. I have since then supplied bricks at £4 5s. per thousand. I have supplied at that price over 200,000, commencing three or four months ago. I received complaints in the month of July about the bricks I was supplying under my contract; that complaint referred to 35,000. There was no complaint before that. There was no other complaint, I think. The 35,000 were replaced. The quality of the bricks I supplied was, with the exception of the 35,000, nearly the same as those I now supply; they were not quite so good. *Mr. Machattie* spoke to the architect to get me to supply the last lot. I got my machinery from *Vickery and Masfield*. My order was never completed. I countermanded portion of the order in May or June. My agent, I think, has signed a receipt in full under the contract.

Examined

Examined by Dr. Pollen :—

I have delivered nearly 500,000 bricks of my own manufacture for the Lunatic Asylum in the course of fifteen months. I was not in the trade before I entered into the contract. I had no machinery, sheds, or the requisite apparatus for conducting the business. The clay I had. Have you been able to supply a single yellow brick? I could hardly distinguish whether they were yellow or purple; they were not perfect yellow. On the 31st December last I had delivered over 400,000. I don't know whether my contract is cancelled. I have received for those latterly supplied 9s. more than the contract price.

Examined by Mr. Rowe :—

The Superintendent encouraged me to believe that I would be allowed exemption from militia duty. I was not aware that the Superintendent had not the power to grant exemption. I believe that he had not applied in vain before. I don't think the Superintendent did apply for exemption for me; I asked him twice to apply. I think I told him that unless I got exemption I could not complete my contract in the time specified. The Superintendent never gave any written notice of my contract being cancelled. Vickery and Masefield were not bound to supply the machinery within a specified time. I think it was my duty to have bound them to time. If Vickery and Masefield had fulfilled their contract, and I had obtained exemption from militia duty for myself and men, I could have fulfilled my contract.

Examined by Mr. Swanson :—

If the Government had granted further extension of time, I would have gone on supplying bricks at £3 10s. till my contract was completed. I am no gainer by the extra price I have received on those latterly supplied, because I was charged an excessive price for those the Government procured from other parties at my expense.

By Mr. Ross :—

I applied to Vickery and Masefield for the necessary apparatus before I entered into the contract. I could not have supplied 180,000 bricks in February even if I had the machinery.

By Mr. Wynn :—

The paper produced is not the correct specification of the work I had to perform. I did not contract to supply 180,000 in February. The papers produced do not fairly represent those I signed.

By Mr. Foley :—

When my foreman was taken to the front, I can't say how many men were in my employment. I could, if my foreman remained, have delivered 120,000 per month. It is impossible to make bricks to any large amount in the winter. The winter was approaching when I contracted. I had made no preparation when I tendered. When Vickery and Masefield did not supply me with the machinery, I applied to Fraser of Mechanic's Bay. I have no other papers to produce. I considered the contract bond to be binding. I am positive the Superintendent led me to understand before I tendered, that I would be granted exemption from the militia. The militia were on service when I tendered. I thought the fact of their being on service would be an advantage to me as many would like to take employment, to escape militia duty.

The witness withdrew.

To report progress and ask leave to sit again.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. J. O'Neill reported, that the Committee had made progress in the matter to them referred, and that he was directed to move, that the Committee may have leave to sit again.

Mr. Wynn moved, and the question was proposed, That the Committee have leave to sit again forthwith, in order to examine Mr. Machattie.

Mr. Ross moved as an amendment, That the Committee have leave to sit again on Thursday next, for the purpose of examining Mr. Machattie and other witnesses.

And the question being put on the amendment, it was resolved in the affirmative.

4. *Messages.*—Mr. Speaker read the following Messages from his Honor the Superintendent, presented by Mr. Carleton.

Message

Message No. 67.

The Superintendent submits for consideration by the Provincial Council *A Bill to facilitate Improvements in the Town and Harbour of Onehunga.*

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 20th March, 1865.

On motion of Mr. Carleton, the Bill enclosed—"The Onehunga Improvement Bill"—was read the first time, and ordered to be read a second time on Friday next, and to be printed.

Message No. 70.

Referring to the Address, No. 73, of date 8th March instant, the Superintendent expresses his agreement with the opinions communicated therein respecting Stokes' Point, and informs the Provincial Council that he will endeavour to further the wishes of the Northern Residents, who have petitioned the Council, as far as is consistent with a fair apportionment of the Revenue.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 20th March, 1865.

Message No. 71.

In compliance with the Address, No. 66, of date 7th March instant, the Superintendent forwards to the Provincial Council "copies of all correspondence between the General and Provincial Governments, relative to the three-eighths of Customs Revenue available for appropriation by the Council," and informs the Council that three-eighths of the gross amount of Customs Revenue for 1865 is estimated at - - - £67,500 0 0
And that the balance of surplus general revenue, in excess of the $\frac{3}{8}$ ths
on 30th June, 1864, was - - - 14,618 0 0

Amounting together to - - - £82,118 0 0

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 20th March, 1865.

On motion of Mr. King, *Ordered*, That the Message and its enclosure be printed.

Message No. 72.

In compliance with the request contained in the Address, No. 50, of date 2nd March instant, the Superintendent forwards to the Provincial Council a "Return of the Liabilities of the Provincial Government on the 31st December, 1864, payable in the month of January, 1865."

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 21st March, 1865.

On motion of Mr. King, *Ordered*, That the Message and its enclosure be printed.

Message No. 73.

The Superintendent informs the Provincial Council that no correspondence such as described in Address No. 63, of date 7th instant, has been recorded in his office, and that he has forwarded a copy of the Address to the Honorable the Colonial Secretary

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 21st March, 1865.

Message

Message, No. 74.

The Superintendent invites the Provincial Council to make provision for payment of the following sums, viz. :—

Bonus to School Teachers, as suggested by Address No. 46	-	£99	11	3
Subsidy for Waitemata Steamer, as suggested by Address No. 59	-	350	0	0
Subsidy for Ferry from Te Papa to Matapihi, as suggested by Address No. 78	-	50	0	0
Pay for a Police Sergeant and Private at Tauranga, as suggested in letter from the Resident Magistrate, of which copy is enclosed	-	95	12	6
Amounting in all to	-	£595	3	9

ROBERT GRAHAM.
Superintendent.

Superintendent's Office,
Auckland, 21st March, 1865.

On motion of Mr. Carleton, *Ordered*, That the Message be taken into consideration in Committee on the Estimates, and printed.

Message No. 75.

The Superintendent has received an Address from the Provincial Council, expressing an opinion that the new election of Superintendent and Members of Council should be completed in sufficient time to enable the Superintendent to make the necessary preparations for meeting the Council in its Session in the month of October; that the new election ought to be completed not later than the month of June, 1865, and that with this view, the Provincial Council ought to be dissolved in the Month of March, 1865, or immediately on the termination of the present Session; also, requesting the Superintendent to concur with the Council in requesting His Excellency the Governor to grant a dissolution.

The Superintendent has been unwilling to reply to this Address without taking time for careful consideration, having to take into account the interests of his constituents as well as the wishes of the Council.

The Superintendent regrets being obliged to differ in opinion but has come to the conclusion, that an immediate dissolution would, under present circumstances, be most disadvantageous to the public service.

By bringing about an election before the completion of the Electoral Roll, for the year, it would have the effect of virtually disfranchising a numerous body of settlers, who have made returns of their qualifications, but are not yet registered as electors.

An immediate dissolution would also have the effect of forestalling the legislation of the General Assembly shortly about to meet. It is known that there is a strong party in the House of Representatives who desire that the Superintendents of Provinces should for the future be nominated; it is known that there are some who desire that the Superintendent should be elected, not by the general constituencies, but by the Provincial Councils. It is also expected that other electoral statutes, one at least of which imperatively requires amendment, will be revised.

An immediate dissolution might also forestall the action of the Home Government in reference to the movement for separation. A new constitution may be granted, in which the office of Superintendent shall be altogether abolished.

The Superintendent is of opinion, that under ordinary circumstances, a short Session ought to be held towards the close of the financial year, for the purpose of legalising the expenditure for the first two months of the ensuing year, both in regard to salaries and the public works, but takes occasion to remind the Council that the expenditure for this year has been already voted up to the first day of March, and that there is no longer any real difficulty in providing for the public service for twelve months from that date.

It is the duty of the Superintendent to endeavour to act, as far as possible, in conformity with the wishes of the Council, as it is equally the duty of the Council to respond to those of the Superintendent, but in cases of inevitable difference, the first duty of the Superintendent is to his constituents; and he has not seen among them the signs of any desire for an immediate dissolution. Neither has he been informed that such is the desire of an absolute majority in the Council.

The

The Superintendent will be guided by circumstances as they may arise. He does not at present think it his duty to invite a dissolution before the expiration of the term for which he was elected; if, however, in the course of events it should prove desirable, and to the interest of the public service, he will readily concur in requesting his Excellency the Governor to dissolve the Provincial Council.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, March 21st, 1865.

On motion of Mr. Rowe, *Ordered*, To be considered presently.

5. *Adjournment*.—On motion of Mr. Rowe, Council adjourned at ten minutes to 6 o'clock until half-past 6 o'clock.

COUNCIL RE-ASSEMBLED at half-past 6 o'clock.

6. *Message No. 75*.—On motion of Mr. Wynn, *Ordered*, That Message No. 75 be printed.
7. *Order Postponed*.—On motion of Mr. Carleton, the Order for the consideration of the "Vagrant Bill" was postponed till to-morrow.
8. *City Board Loan Bill*.—The "City Board Loan Bill" was, according to order, read a second time, and committed to a Committee of the whole Council.

IN THE COMMITTEE.

Clauses 1 and 2 agreed to.
New Clause (Clause No. 11, of "The City Board Loan Act, 1863, Amendment Act," No. 8 of Session XVI.) added to the Bill.
Clause 3 and Preamble agreed to.

Bill as amended to be reported.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. Wynn reported, That the Committee had gone through the Bill, and made amendments thereto.

Ordered, That the Bill be read a third time to-morrow.

9. *Notices of Motion Postponed*.—On motion of Dr. Pollen, the notices of motion on this day's paper were postponed till to-morrow.
10. *Adjournment*.—On motion of Mr. Foley, Council adjourned at 20 minutes to 10 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Wednesday, March 22nd, 1865.

1. Mr. WYNN to ask the Provincial Secretary, What amount of Rent is paid, or agreed to be paid, by the Provincial Government for the premises (the property of Mr. David Graham) occupied by the Engineer-in-Chief.

NOTICES

NOTICES OF MOTION.

1. Mr. McGEE to move, That an Address be presented to his Honor the Superintendent, requesting him to recommend this Council to make provision for increasing the pay of the Police Force in proportion to the increase of salary which the Council has by address requested to be given to the Sergeant-Major.
2. Mr. A. O'NEILL to move, That an Address be presented to his Honor the Superintendent, requesting him to place on the additional estimates a sufficient sum to erect a Cottage at the North Shore, for the accommodation of the second pilot on the Auckland Station.
3. Mr WYNN, to move, That a respectful Address be presented to his Honor the Superintendent requesting him to send down to this Council with as little delay as possible, copies of any instructions that his Honor the Superintendent has given to any Commissioner or other persons to investigate into the cause of the mortality on board the ship "Ganges," together with copies of any reports made in pursuance of such instructions.
4. Mr. WYNN, to move, That his Honor the Superintendent's Message, No. 75, referring to the dissolution of the Council, be now considered in Committee of the whole Council.
5. Mr. KING, to move, That Mr. Wrigley and Mr. R. B. Lusk, be summoned to attend the sitting of the Council, on Thursday, touching J. Thomas's petition, and that Mr. Lusk be requested to produce all original documents respecting J. Thomas's contract for the supply of Bricks for the Lunatic Asylum.
6. Mr. KING to move, That an address be presented to His Honor the Superintendent, requesting him to place on an additional Estimate of Revenue for 1865, £10,000, to be refunded to the Provincial Revenue out of the amount to be raised under the Half Million Loan Act, 1863, for Harbour Improvements.
7. Dr. POLLEN, to move, That, inasmuch as his Honor the Superintendent has not answered any of the Addresses, commencing with Address No. 59 of last Session, dated November 8, 1864, which this Council has forwarded to him through their Speaker on the subject of the dissolution of the Provincial Council, this Council at its rising to-day will adjourn for one week, in order, before they take further steps in the matter, to afford time to his Honor the Superintendent to consider the propriety of replying to their Addresses.
8. Mr. KING, to move, That the report of the Fencing and Impounding Acts Committee be adopted.
9. Mr. GEORGE, to move, That a respectful Address be presented to his Honor the Superintendent requesting him to supplement the £7,000 already granted for the erection of a Market House, by submitting a Bill to authorize a further advance of £7,000 out of the Half Million Loan, to the City Board of Commissioners.
10. Mr. BLAKE, to move, That an Address be presented to his Honor the Superintendent, respectfully requesting him to send down to this Council the plans of the projected Tramway between the Waitemata and the Kaipara rivers, together with Mr. Harding's report thereon as engineer.
11. Dr. POLLEN, to move, That the Message No. 60 of his Honor the Superintendent, in reference to the dismemberment of the Province, be considered by the Council.
12. Mr. ROWE, to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to place on the additional Estimates the sum of One Hundred Pounds for the purpose of assisting in procuring a site and erecting a Building for a Mechanic's Institute at Newton.
13. Mr. FOLEY, to move, That Message No. 35 be now considered.
14. Mr. CADMAN, to move, That the Report of the Harbor Works Committee be now considered in Committee of the whole Council.

15. Mr. GALLAUGHER

15. Mr. GALLAUGHER, to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to place on the additional Estimate of Expenditure for 1865 the sum of £500 for the improvement of the roads and streets of the town of Onehunga.

ORDERS OF THE DAY.

1. Vagrant Bill— to be further considered in Committee.
2. City Board Loan Bill—third reading.
3. Estimate of Expenditure—to be further considered in Committee.
4. City Board Act Amendment Bill—to be further considered in Committee.
5. Adjourned debate on the question, That the Rural Police Bill be now read a second time.
6. Adjourned debate on the question—That an Address be forwarded to his Honor the Superintendent requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.

WM. POWDITCH.

Speaker.

WEDNESDAY, MARCH 22ND, 1865.

PRAYER.

Present: Mr. Speaker and 16 members.

1. *Petition of Staff Sergeant-Major Speight.*—Mr. Coolahan presented a Petition from Staff Sergeant-Major Speight, praying that his claim to land as a Military Settler may be considered.
2. *Engineer-in-Chief's Office.*—Mr. Wynn, pursuant to notice, asked, What amount of Rent is paid, or agreed to be paid for the premises (the property of Mr. David Graham) occupied by the Engineer-in-Chief.
Mr. Carleton answered, That no sum has been yet fixed; the General Government is to be paid such proportion of the whole rent as the number of rooms occupied by the Provincial Government seems to justify.
3. *Notices Postponed.*—On motion of Mr. Wynn, Mr. McGee's notice of motion, No. 1, was postponed till Friday.
On motion of Mr. Carleton, the notices of motion Nos. 2, 3, and 4, were severally postponed.
4. *Petition of John Thomas.*—On motion of Mr. King, Ordered, That Mr. Wrigley and Mr. R. B. Lusk be summoned to attend the sitting of the Council on Thursday, touching J. Thomas's Petition, and that Mr. Lusk be requested to produce all original documents respecting J. Thomas's contract for the supply of bricks for the Lunatic Asylum.
5. *Notice Postponed.*—On motion of Mr. Carleton, the notice of motion, No. 6, was postponed.
6. *Notice Withdrawn.*—Dr. Pollen withdrew his notice of motion, No. 7.

7. *Notices*

7. *Notices Postponed.*—On motion of Mr. Carleton, the notices of motion, Nos. 8 to 15, inclusively, were severally postponed.
8. *Notices of to-day renewed.*—On motion of Mr. Carleton, *Ordered*, That the notices of motion postponed to-day do stand as notices of motion for to-morrow, if not disposed of before the rising of the Council to-day.
9. *Order Postponed.*—On motion of Mr. Carleton, The order for the further consideration of the "Vagrant Bill" was postponed till to-morrow.
10. *City Board Loan Bill.*—"The City Board Loan Bill" was, according to order, read the third time.
Resolved, That the Bill do pass, and that the Title be *An Act to enable the Superintendent of the Province of Auckland to advance by way of loan the sum of Eight Thousand Pounds to the City Board, out of money to be raised under the provisions of the Auckland Loan Act, 1863.*
11. *Estimate of Expenditure.*—Council, according to order, resolved itself into Committee on the Estimate of Expenditure.

IN THE COMMITTEE.

Mr. Wynn in the chair.

Special—(continued.)

Cutting Roads through do. - - - £1,000
 Agreed to.

Great South Road, £4,500.—Amendment proposed: That this item be postponed, with a view of addressing his Honor the Superintendent, requesting him to send down to this Council a full return of moneys expended in the Northern and Southern Districts respectively, for the making and repairing of roads and the erection of bridges, for the last ten years, including a return of all sums paid as subsidies for steam communication with the North. (*Mr. Foley.*)

Amendment withdrawn.

Item agreed to.

The following items were agreed to:—

Great North and Branch Roads	-	-	£2,500
City of Auckland	-	-	3,000
Streets, Branch Roads, &c., to meet contributions and rates	-	-	8,000
Road Repairs	-	-	1,500
Newton	-	-	300
Onehunga Road, by Mount Smart	-	-	150
Ditto, by resolution of Council	-	-	250
Kaukapakapa	-	-	200
Mongonui	-	-	250
Bay of Islands	-	-	250
Kaipara Road, including Portage Road	-	-	500
Wangarei	-	-	120
Waipu	-	-	200
Maungakaramea	-	-	100
Matakana	-	-	100
Mangapai Road	-	-	100
Okura Coast Road	-	-	100
Muhurangi	-	-	100
Repairs to Wharf at Onehunga	-	-	150
Supreme Court Accommodation	-	-	1,500
Public Works at Onehunga, to be met by equal contributions	-	-	350
Post Office, Bay of Islands (resolution of Council)	-	-	300
Coromandel	-	-	250
Additions to Hospital Buildings	-	-	750
Whau Road, in the direction of the Manukau Heads	-	-	250
To complete the Erection of the City Lock-up	-	-	1,000

Three

Three Police Stations, at Wangarei, Coromandel, and Papakura, £600.—Amendment proposed: To leave out the word "Coromandel," and reduce the item to £400. (*Dr. Pollen.*)

Amendment agreed to.
Item as amended agreed to

The following items were agreed to:—

Three Pilot Stations—Kaipara, Waikato, and Tauranga	£900
House for Assistant Pilot, Manukau	150

Slaughter-house, £2,000.—Postponed.

Rent of House for Pilot and Crew, at Onehunga	40
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Agreed to.

House for Assistant Pilots, Auckland	200
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Amendment put: That this item be expunged. (*Mr. Foley.*)

COMMITTEE DIVIDED:—

Ayes (6.)	Noes (7.)
Mr. Blake,	Mr. Bassett,
Mr. Coolahan,	Mr. Cheeseman,
Mr. Gallagher,	Mr. George,
Dr. Pollen,	Mr. A. O'Neill,
Mr. Swanson,	Mr. Ross,
Mr. Foley (teller.)	Mr. Skeen,
	Mr. Carleton (teller.)

Another amendment proposed: That the item be postponed.
Amendment agreed to.

The following items were agreed to:—

Additions and repairs to existing buildings at Stockade	£500
Prison in lieu of City Gaol	2,000
Preparing Crown Grants	300
Lithographing Plans	150
Buoys for ascertaining Magnetic Influence on Compass	200
Stockyard at Stokes' point	80
House for Pilot's Crew and Ferrymen at Port Waikato	100

To report progress and ask leave to sit again.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. Wynn reported, That the Committee had made progress in the matter to them referred and that he was directed to move, That the Committee may have leave to sit again.

Resolved, That this Council will at 7 o'clock resolve itself into the said Committee.

12. *Adjournment.*—On motion of Mr. Foley, Council adjourned at a quarter-past 6 until 7 o'clock.

COUNCIL RE-ASSEMBLED.

13. *Estimate of Expenditure.*—Council, according to order, resolved itself into Committee on the Estimate of Expenditure.

IN THE COMMITTEE.

Mr. Wynn in the chair.

The following items were agreed to.

Board of Education	£3,500
Stationery	500
Printing	400

Advertising

Advertising - - - - - £600

Amendment put: That this item be expunged. (*Dr. Pollen.*)

THE COMMITTEE DIVIDED:—

<p>Ayes (4.) Mr. Coolahan, Mr. Foley, Mr. Swanson, Dr. Pollen (teller).</p>	<p>Noes (7.) Mr. Blake Mr. Cadman, Mr. George, Mr. A. O'Neill, Mr. Powditch, Mr. Ross, Mr. Carleton (teller.)</p>
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Another amendment proposed: That the item be reduced to £200. (*Mr. Ross.*)

Amendment agreed to.

Item as amended agreed to.

Relief of Sick and Destitute, and maintainance of Orphans - £2,500.

Amendment proposed: That this item be postponed. (*Mr. Foley.*)

Amendment negatived.

Item agreed to.

Expenses under Thistle Act, £600.—Postponed.

The following items were agreed to:—

Rent and Insurance of Public Buildings	-	-	£275
Repairs of Public Buildings	-	-	500
Auckland Dispensary	-	-	150
Vaccination, 250.—Postponed.			
Orphan Asylum, 100.			

Amendment proposed: That this item be expunged. (*Mr. Foley.*)

There not being a quorum of members present the Chairman left the chair.

14. *Adjournment for want of a Quorum.*—Mr. Speaker resumed the chair and counted the Council, and there not being twelve members present, Mr. Speaker, then, at 20 minutes past 8 o'clock, declared the Council to stand adjourned till to-morrow.

MEMBERS PRESENT:—

<p>Mr. Blake, Mr. Cadman, Mr. Carleton, Mr. Coolahan, Mr. George,</p>	<p>Mr. Speaker,</p>	<p>Mr. A. O'Neill, Dr. Pollen, Mr. Ross, Mr. Swanson, Mr. Wynn.</p>
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NOTICES OF MOTION AND ORDERS OF THE DAY.

Thursday, March 23rd, 1865.

1. Mr. FOLEY to ask the hon. member at the head of the Executive, If his Honor the Superintendent could inform this Council whether the Tamaki Bridge will be completed within the contract time, and also what progress has been made up to the present time towards its completion.

NOTICES OF MOTION.

1. Mr. CADMAN, to move, That a respectful Address be presented to his Honor the Superintendent requesting that he will send down to this Council a copy of all correspondence between the General and Provincial Governments respecting the transfer of the land upon which the present Government House stands.
2. Mr. A. O'NEILL, to move, That an Address be presented to his Honor the Superintendent, requesting him to place on the additional estimates a sufficient sum to erect a Cottage at the North Shore, for the accommodation of the second pilot on the Auckland Station.
3. Mr. WYNN, to move, That a respectful Address be presented to his Honor the Superintendent requesting him to send down to this Council with as little delay as possible, copies of any instructions that his Honor the Superintendent has given to any Commissioner or other persons to investigate into the cause of the mortality on board the ship "Ganges" together with copies of any reports made in pursuance of such instructions.
4. Mr. WYNN, to move, That his Honor the Superintendent's Message No. 75, referring to the dissolution of the Council, be now considered in Committee of the whole Council.
5. Mr. KING, to move, That an Address be presented to his Honor the Superintendent, requesting him to place on an additional Estimate of Revenue for 1865, £10,000, to be refunded to the Provincial Revenue out of the amount to be raised under the Half Million Loan Act, 1863, for Harbour Improvements.
6. Mr. KING, to move, That the report of the Fencing and Impounding Acts Committee be adopted.
7. Mr. GEORGE, to move, That a respectful Address be presented to his Honor the Superintendent requesting him to supplement the £7,000 already granted for the erection of a Market House, by submitting a Bill to authorize a further advance of £7,000, out of the Half Million Loan, to the City Board of Commissioners.
8. Mr. BLAKE, to move, That an Address be presented to his Honor the Superintendent, respectfully requesting him to send down to this Council the plans of the projected tramway between the Waitemata and the Kaipara rivers, together with Mr. Harding's report thereon as engineer.
9. Dr. POLLEN, to move, That the Message No. 60 of his Honor the Superintendent, in reference to the dismemberment of the Province, be considered by the Council.
10. Mr. ROWE, to move, That a respectful Address be presented to his Honor the Superintendent requesting him to place on the additional Estimates the sum of One Hundred Pounds, for the purpose of assisting in procuring a site and erecting a Building for a Mechanics' Institute at Newton.
11. Mr. FOLEY, to move, That Message No. 35 be now considered.
12. Mr. CADMAN, to move, That the Report of the Harbour Works Committee be now considered in Committee of the whole Council.
13. Mr. GALLAUGHER, to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to place on the additional Estimate of Expenditure for 1865, the sum of £500 for the improvement of the roads and streets of the town of Onehunga.

ORDERS OF THE DAY.

1. Mr. Machattie and others—to be examined touching the petition of John Thomas.
2. Vagrant Bill—to be further considered in Committee.
3. Estimate

3. Estimate of Expenditure—to be further considered in Committee.
4. City Board Act Amendment Bill—to be further considered in Committee.
5. Adjourned debate on the question, That the Rural Police Bill be now read a second time.
6. Adjourned debate on the question—That an Address be forwarded to his Honor the Superintendent requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.

WM. POWDITCH,

Speaker.

THURSDAY, MARCH 23RD, 1865.

PRAYER.

Present: Mr Speaker and 21 members.

1. *Petition of H. E. Stehr.*—Mr. Foley presented a petition from Henry Edward Stehr, of Raglan, praying that he may receive a grant of land.
Petition received.
2. *Tamaki Bridge.*—Mr. Foley, pursuant to notice, asked if his Honor the Superintendent could inform this Council whether the Tamaki Bridge will be completed within the contract time, and also what progress had been made up to the present time towards its completion.
Mr. Carleton answered: It is impossible to say whether or not the Tamaki Bridge will be completed within the contract time, which expires on the 1st July, next. With regard to progress, about one-fourth of the piles have been driven, and a portion of the superstructure and framing fixed to them. The whole of the iron work for the swivel has been completed, and is on the ground, as also a large quantity of other materials for the work. About one-half of the stones for the masonry abutment are prepared, and ready for setting.
3. *Government House.*—On motion of Mr. Cadman, *Resolved*, That a respectful address be presented to his Honor the Superintendent, requesting that he will send down to this Council a copy of all correspondence between the General and Provincial Governments, respecting the transfer of the land upon which the present Government House stands. (ADDRESS No. 93.)
4. *Notice Withdrawn.*—Mr. A. O'Neill withdrew his notice of motion No. 2.
5. *Notices Postponed.*—On motion of Mr. Cadman the notices of motion Nos. 3 and 4, were postponed.
6. *Harbour Debt.*—Mr. King, pursuant to amended notice, moved, and the question was proposed, That an Address be presented to his Honor the Superintendent, requesting him to place on an additional Estimate of Revenue for 1865, £13,400, to be refunded to the Provincial Revenue out of the amount to be raised under the Half-Million Loan Act, 1863, for Harbour Improvements.
Mr. Rattray moved as an amendment that the figures "£13,400" be left out, and the "words the debt due to the Province" inserted instead.
And the question being put on the amendment it was resolved in the affirmative.
And the question as amended being put, it was resolved in the affirmative. (ADDRESS No. 94.)
7. *Report on Fencing and Impounding.*—On motion of Mr. King, *Resolved*, That the report of the Fencing and Impounding Acts Committee be adopted. (ADDRESS No. 95.)

8. *Messages*.—Mr. Speaker read the following Messages from his Honor the Superintendent, presented by Mr. Carleton :—

Message No. 76.

In compliance with the request contained in the Address, No. 83, of date 15th March instant, the Superintendent informs the Provincial Council, that the undermentioned moneys have been paid into the Provincial Treasury, for the pilotage of vessels entering inwards and clearing outwards at the Port of Auckland, viz. :—

In 1862	-	-	-	-	-	£740	12	11
In 1863	-	-	-	-	-	1,138	14	5
In 1864	-	-	-	-	-	2,747	0	2
In January and February, 1865	-	-	-	-	-	435	16	0

Total, £5,062 3 6

Including the fees received for shifting vessels in the Harbour, no separate account thereof having been kept.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 22nd March, 1865.

Message No. 77.

The Superintendent informs the Provincial Council that he has transmitted a copy of the Address No. 61, dated 7th March instant, to the hon. the Colonial Secretary, the Commissioner for the erection of Public Buildings being responsible to the General Government and invites the Council to reconsider the position taken up by the General Government, as expressed in the letter of which a copy was laid before the Council in message No. 68, of date 2nd February, 1864.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 22nd March, 1865.

Message No. 78.

The Superintendent informs the Provincial Council that the request contained in the Address No. 88, of date 15th March instant, will be complied with.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 23rd March, 1865.

9. *City Board*.—On motion of Mr. George, *Resolved*, That a respectful Address be presented to his Honor the Superintendent, requesting him to supplement the £7000 already granted for the erection of a Market House, by submitting a bill to authorise a further advance of £7000 out of the Half-Million Loan, to the City Board of Commissioners. (ADDRESS No. 96.)

10. *Kaipara Tramway*.—On motion of Mr. Blake, *Resolved*, That an Address be presented to his Honor Superintendent, respectfully requesting him to send down to this Council the plans of the projected tramway between the Waitemata and the Kaipara rivers, together with Mr. Harding's report thereon, as engineer. (ADDRESS No. 97.)

11. *Dismemberment of the Province*.—On motion of Dr. Pollen, *Ordered*, That Message No. 60, of his Honor the Superintendent, in reference to the dismemberment of the Province, be now considered.

On motion of Dr. Pollen, *Resolved*, That this Council has not invited his Honor the Superintendent to take cognizance of words uttered in debate in reference to the projected dismemberment of the Province of Auckland, the words quoted in the Address, viz., "that since the passing of the New Provinces Act" he, the Provincial Secretary "has always been an advocate for the constitution of a new province in the Bay of Islands district," having been uttered by the Provincial Secretary, not in debate, but in answer to a question, whereof
due notice

due notice had been given, addressed to him in his official capacity as representative of the Government in this Council, on occasion, when, according to the practice of this Council no debate could have taken place.

Resolved, That an Address be presented to his Honor the Superintendent, forwarding the foregoing resolutions. (ADDRESS No. 98.)

12. *Newton Mechanics' Institute*.—On motion of Dr. Pollen, for Mr. Rowe, *Resolved*, That a respectful Address be presented to his Honor the Superintendent requesting him to place on the additional estimates the sum of one hundred pounds, for the purpose of assisting in procuring a site and erecting a building for a Mechanics' Institute at Newton. (ADDRESS No. 99.)

13. *Papers relating to Tuakau*.—Mr. Carleton laid on the table copy of the correspondence that had passed between the Superintendent and the General Government respecting the Tuakau block.

14. *Supervision of Tamaki Bridge*.—On motion of Mr. Foley, *Ordered*, That Message No. 35 be now considered.

Resolved, That this Council has a decided opinion that the Engineer has sufficient time to inspect the bridge without extra expense, and that the services of the Assistant Engineer inspecting Panmure Bridge ought to be at once dispensed with.

Resolved, That an Address be presented to his Honor the Superintendent forwarding the foregoing resolutions. (ADDRESS No. 100.)

15. *Notice postponed*.—The notice of motion No. 12 was postponed until after the notice No. 13.

16. *Onehunga*.—Mr. Gallagher moved, and the question was proposed, That a respectful Address be presented to his Honor the Superintendent requesting him to place on the additional Estimate of Expenditure for 1865, the sum of £500 for the improvement of the roads and streets of the Town of Onehunga.

Mr. Wynn moved as an amendment, That the words "Town of Onehunga" be left out, and the words "Electoral district of Howick" added instead.

And the question being put on the amendment, it passed in the negative.

And the original question being put,

COUNCIL DIVIDED :—

Ayes (9).

Mr. Blake
Mr. Carleton
Mr. Cheeseman
Mr. George
Mr. King
Dr. Pollen
Mr. Ross
Mr. Swanson
Mr. Gallagher (teller)

So it was resolved in the affirmative.

Noes (4).

Mr. Martin
Mr. Newman
Mr. A. O'Neill
Mr. Foley (teller)

17. *Adjournment*.—On motion of Mr. Foley, Council adjourned at ten minutes past 6 o'clock, for one hour.

COUNCIL RE-ASSEMBLED at a quarter past seven o'clock.

18. *Harbour Works*.—On motion of Mr. Carleton, *Ordered*, That the report of the Harbour Works Committee be now considered in Committee of the whole Council.

IN THE COMMITTEE.

Mr. Wynn in the chair.

Resolved, That the report of the Harbour Works Committee be adopted.
Resolution to be reported.

COUNCIL

COUNCIL RESUMED.

Mr. Speaker resumed the Chair, and Mr. Wynn reported the resolution agreed to by the Committee.

(1.) *Resolved*, That the resolution be agreed to.

(2.) *Resolved*, That an address be presented to his Honor the Superintendent, forwarding the resolution. (ADDRESS No. 102.)

19. *Industrial School Act Repeal Bill*.—Mr. King, in pursuance of the requirements of Standing Order No. 35, laid on the table copy of *A Bill to repeal the Industrial School Act*.

20. *Adjournment*.—On motion of Mr. Foley, Council adjourned at 10 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Friday, March 24th, 1865.

1. Mr. FOLEY, to ask, the Provincial Secretary, What number of convicts at the Mount Eden Stockade are employed in collecting the stones for, and loading the drays of Amos and Co., the contractors for the Breakwater, also what compensation Amos and Co. allow to the Provincial Government for each convict's labor.

ORDERS OF THE DAY.

General Business :—

1. Mr. Machattie and others—to be examined in Committee of the whole Council touching the petition of John Thomas.

Government Business :—

2. Estimate of Expenditure—to be further considered in Committee.
3. City Board Act Amendment Bill—to be further considered in Committee.
4. Vagrant Bill—to be further considered in Committee.
5. Adjourned debate on the question, That the Rural Police Bill be now read a second time.
6. Onchunga Improvement Bill—second reading.

General Business :—

7. Adjourned debate on the question—That an address be forwarded to his Honor the Superintendent, requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.

NOTICES OF MOTION.

1. Mr. McGEE, to move, That an Address be presented to his Honor the Superintendent, requesting him to recommend this Council to make provision for increasing the pay of the police

police force in proportion to the increase of salary which the Council has by Address requested to be given to the Sergeant-Major.

2. Mr. FOLEY, to move, That an Address be presented to his Honor the Superintendent, requesting him to send down to this Council the minutes of evidence taken by the Commission appointed to enquire into the administration of the Waste Land Department of this Province, the report of which Commission has been already sent down to this Council.
3. Mr. WYNN, to move, That a respectful Address be presented to his Honor the the Superintendent requesting him to send down to this Council with as little delay as possible, copies of any instructions that his Honor the Superintendent has given to any Commissioner or other persons to investigate into the cause of the mortality on board the ship "Ganges" together with copies of any reports made in pursuance of such instructions.
4. Mr. WYNN, to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to instruct the Engineer-in-chief or some other practical person forthwith to inspect the new Supreme Court Building, and to place the roof of that Building in an efficient state of repair.
5. Mr. WYNN, to move, That an Address be presented to his Honor the Superintendent requesting him to place the sum of £250 on the Supplementary Estimates, for the repair of the roads and streets in the village of Howick.

WM. POWDITCH,
Speaker.

FRIDAY, MARCH 24TH, 1865.

PRAYER.

Present: Mr. Speaker and 17 members.

1. *Breakwater Contract.*—Mr. Foley, pursuant to notice, asked, What number of convicts at the Mount Eden Stockade are employed in collecting the stones for and loading the drays of Amos and Co., the contractors for the Breakwater; also, what compensation Amos and Co. allow to the Provincial Government for each convict's labor.
Mr. Carleton answered, That about 50 men were employed in preparing a site for the new gaol, about 10 of whom were employed in getting stone for and filling the carts of the contractors, Messrs. Amos and Co. The saving to the Government by that arrangement would be about £150. And under those circumstances the Government did not think it necessary to call upon Messrs. Amos and Co. to make any allowance for the prisoners.
2. *Petition of John Thomas.*—Council, according to order, resolved itself into Committee for the purpose of examining witnesses touching the petition of John Thomas.

IN THE COMMITTEE.

Mr. Wynn in the Chair.

Mr. MACHATTIE examined.

By Mr. King.

I was one of Thomas's sureties for the contract he had for supplying bricks for the Lunatic Asylum. I received £289 9s. 8d. on account of that contract in December last. On the 23rd of June last, I received notice that the contractor was not fulfilling his contract. I went to the Superintendent on the the subject, and he seemed to say that the delivery of the bricks might be continued. I think I received another notice in August, but I have not been able to find that notice. It was of similar purport to the first. I did not consider the payment I received as a full discharge of the contractor's claim. I merely signed a receipt for the amount I was paid. When I applied

applied for payment, I was told that Mr. Weaver had fixed that sum after making deductions for the payments made to Mr. Boyd and Dr. Pollen for the bricks they supplied, I presume they were called on to supply, in consequence of the contractor not fulfilling his contract. I made no further demand for the balance. Thomas had delivered 207,000 under his contract when I received that payment. I never asked the Superintendent to obtain exemption for the contractor from the militia. I did see the Superintendent to ascertain what he had done towards procuring the exemption. He acknowledged that he had promised to endeavour to procure the exemption, and that he had failed. That was not stated in the contract.

By Mr. George.

I received no notice about the quality of the bricks that were supplied. I do not know whether those supplied were good or bad.

By Mr. Foley.

The amount deducted from the account was £497 10s. The deductions were made on account of those obtained from Mr. Boyd and Dr. Pollen. The contractor has received no other money on account of his contract than that which I obtained.

The witness then withdrew.

Mr. WRIGLEY examined.

By Mr. King.

I am the Superintending Architect for the erection of the new Lunatic Asylum. I drew the specification. Thomas delivered 207,100 under his contract. I had reason to complain of the quality of some. I rejected 35,000. I complained of some in the yard before they were delivered. I passed none but good ones. Those supplied were not in accordance with the specification, inasmuch as I got no facing bricks. I got good red bricks, but no yellow ones. The loss to the Government was the extra price, 16s. 6d. per thousand, paid to Mr. Boyd and Dr. Pollen. The building contractor complained of the delay in supplying the bricks. I have had notice by letter to that effect. I buy bricks at present from Thomas, but there is no contract for supplying them. I buy as cheap as I can. Some are made on the ground, some in his own yard. I believe there were only 35,000 condemned. The building has been retarded through the bricks not being supplied. It would have been finished now were it not for the failure of Thomas's contract. Dr. Pollen is now retarding the building, but there is no contract with him. He is not bound as to delivery, but as to price. We are waiting for bricks. The building has not suffered through the delay that has occurred.

By Mr. Swanson.

It was not in my power to cancel Thomas's contract. He did not supply facing bricks, nor did he keep time in delivering 180,000 per month as he was bound to do. The delay has not been detrimental to the building.

By the Chairman.

I have not before seen the printed conditions attached to the bond that is now produced. I don't know how they may affect Mr. Thomas. I don't think the Province has sustained loss by the delay. The loss is owing to the extra price I have mentioned, and there may be further liability if the Province is liable to the builder for delaying him.

By Mr. A. O'Neill.

I cannot say why the sureties were not proceeded against.

By Mr. Foley.

When I urged Thomas to keep up the supply, he attributed the delay to Vickery and Masefield. Some of the castings had to be imported. The castings have not caused delay. Mr. Thomas did not refuse to supply, but said he was doing as much as he could.

By Mr. King.

I gave instructions to Mr. Thomas with regard to the quality of the bricks he was to supply. I never asked him to make moulded bricks. I did not complain about moulded bricks.

By Mr.

By Mr. Cadman.

Do you think the time allowed for the construction of the Lunatic Asylum is too short, taking into consideration the settlement likely to occur in so large a building?
No.

By the Chairman.

Besides the non-delivery of the bricks, I don't think there is any other cause for the building having been delayed. If I had not made an alteration in respect of wrought iron work that was required there might have been delay, but the alteration I made obviated it.

The witness withdrew.

Mr. Lusk, the Provincial Accountant examined.

By Mr. King.

The contract-bond and the papers connected therewith are not in my keeping; they are in charge of the Clerk of Records. I never saw the contract. I paid two sums to Mr. Machattie. I produce the accounts. Payment has been made in full of all demands.

By the Chairman.

I am not aware whether the contract is cancelled.

To report progress and ask leave to sit again.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. Wynn reported that the Committee had made progress in the matter to them referred, and that he was directed to move, That the Committee may have leave to sit again.

Resolved, That this Council will, on Wednesday next, resolve itself into the said Committee.

3. *Estimates.*—Council, according to order, resolved itself into Committee on the Estimates.

IN THE COMMITTEE.

Mr. King in the Chair.

Item—

Orphan Asylum £100, withdrawn by leave.

The following items were agreed to:—

Postage	-	-	£50	0	0
Formation of Electoral Roll	-	-	250	0	0
Returning Officer, Auckland	-	-	50	0	0

The following items were postponed:—

Other Returning Officers for each Provincial Election	-	-	2	2	0
Extra pay to crew of the 'Falcon'	-	-	111	6	0

The following item was agreed to:—

Contingencies	-	-	£3,000	0	0
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The following item was postponed:—

Subsidies for Steam Service.

Wangarei, Matakana, Bay of Islands, and Coromandel	-	-	£1,200	0	0
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The following items were agreed to:—

Trust Services—Harbour Trust.

Wharfinger (also Harbour Master at £100 per annum)	-	-	£200	0	0
Assistant Wharfinger	-	-	220	0	0
Collector and Clerk	-	-	175	0	0
Laborer	-	-	96	0	0
Occasional Assistance	-	-	100	0	0
Expense of Light, £80.—Postponed.	-	-	-	-	-
Fender	-	-	40	0	0

To report progress and ask leave to sit again.

COUNCIL.

COUNCIL RESUMED.

Mr. Speaker resumed the Chair, and Mr. King reported that the Committee had made progress in the matter to them referred, and that he was directed to move, That the Committee may have leave to sit.

Resolved, That this Council will, on Tuesday next, resolve itself into the said Committee

4. *Letter from Captain Daldy*.—Mr. Speaker read and laid on the table a letter from Captain Daldy, acknowledging the receipt of his letter of date November 4th, 1864.
5. *Messages*.—Mr. Speaker read the following Messages from his Honor the Superintendent presented by Mr. Carleton.

Message No. 79.

Referring to the Address No. 65, of date 7th March instant, the Superintendent transmits to the Provincial Council, copy of the specifications for regulating the performance of the North Shore Ferry Service; and informs the Council that instructions are given for the preparation and erection of painted boards such as are recommended in their Address.

The Superintendent observes that the present specifications provide for the other suggestions of the Address being carried out.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 24th March, 1865.

Message No. 80.

In compliance with the request contained in the Address No. 79, dated 9th March instant, the Superintendent informs the Provincial Council that the cost of Road Metal is as follows, viz :—

Broken by Free Labour, 7s. 6d. per cubic yard.

Broken by Prison Labour, 6s. 1d. per ditto.

Broken by Machine, 3s. 0½d. per ditto.

Including all charges and repairs.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 24th March, 1865.

Message No 81.

In compliance with the request contained in the Address No, 29, of date 14th February instant, the Superintendent lays before the Provincial Council "copy of all correspondence between himself and the Provincial Secretary (Mr. Carleton) and Mr. John Williams, member for the Bay of Islands, in reference to the purchase of a block of land at the Bay of Islands, named Kawa Kawa."

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 24th March, 1865.

Message No. 82.

The Superintendent lays before the Provincial Council copy of a letter from L. O'Brien, Esq., resigning the offices of Returning Officer and Registration Officer, and invites the Council to make provision for the payment of the sum of sixty pounds (£60) to Mr. O'Brien for past services rendered by him in those capacities.

ROBERT GRAHAM
Superintendent.

Superintendent's Office,
Auckland, 24th March, 1865.

Message No. 83.

The Superintendent submits for consideration by the Provincial Council, *A Bill to authorise*

authorise the Superintendent of the Province of Auckland to expend certain moneys to be raised by virtue of the "Auckland Loan Act, 1863."

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 24th March, 1865.

On motion of Mr. Carleton, the Bill enclosed—"The Empowering Bill, 1865"—was read the first time and ordered to be read a second time on Wednesday next, and to be printed.

6. *Business Postponed.*—On motion of Mr. Wynn, *Ordered*, That the notices of motion not disposed of to-day do stand as notices for to-morrow.
7. *Adjournment for half-an-hour.*—On motion of Mr. King, Council adjourned for half-an-hour at 6 o'clock.

COUNCIL RE-ASSEMBLED.

8. *City Board Act Amendment.*—Council, according to order, resolved itself into Committee on the "City Board Act Amendment Bill."

IN THE COMMITTEE

Mr. King in the chair.

Postponed clause 6 agreed to.

Postponed clause 7; amendment proposed at the end of the clause to add the following words: "And every landlord from whom any part of his rent has been deducted on account of any such rate and who is himself liable to the payment of rent shall be entitled to deduct from the rent payable by him such a portion of the sum so deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord receiving rent, and also liable to pay rent on account of the same land, tenement, or heriditament. Provided that no landlord, being also a tenant, shall be entitled under this provision to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him." (*Mr. Carleton.*)

Amendment agreed to.

Clause as amended agreed to.

Postponed Clause 8. Amendment proposed: In line 1, after the word "Board," to insert the words, "With the consent of the Superintendent and with such notice as the Superintendent may from time to time prescribe." (*Mr. Carleton.*)

Amendment agreed to.

Clause as amended agreed to.

Clause 10. The clause was struck out and the following inserted instead: "In all cases where a public sewer has been made in any street it shall be lawful for the Board to serve on the owner of any tenement, having frontage to or entering from such street, a notice under the hand of their Engineer or Inspector of Nuisances, calling upon such owner, within ten days, to form a private drain or sewer from such tenement, and to connect the same with such public sewer in a manner to be approved of by such Engineer. In the event of such owner neglecting to comply with the requirement of such notice within the time therein specified, such neglect shall be deemed an offence against this Act, and such owner shall thereupon be liable in a penalty of not less than £5 and not exceeding £100, to be recovered in a summary way." (*Mr. Carleton.*)

Postponed Clause 11 disagreed to.

Schedule disagreed to.

Preamble agreed to.

Bill as amended to be reported.

COUNCIL RESUMED.

Mr. Speaker resumed the Chair and Mr. King reported that the Committee had gone through the Bill and made amendments thereto.

Ordered, That the Bill be read the third time on Tuesday next.

9. *Vagrant*

9. *Vagrant Bill*.—The order of the day being read for the consideration of the Vagrant Bill in Committee.

Mr. Wynn moved, and the question was proposed, That this Council will, on this day three months, resolve itself into a Committee of the whole to consider the Vagrant Bill.

And the question being put,

COUNCIL DIVIDED :—

Ayes (8).

Mr. Cadman
Mr. Gallagher
Mr. Harrop
Mr. King
Mr. McGee
Mr. A. O'Neill
Mr. Skeen
Mr. Wynn (teller)

Noes (5).

Mr. Carleton
Mr. George
Mr. Ross
Mr. Swanson
Mr. Foley (teller)

So it was resolved in the affirmative.

10. *Adjournment*.—On motion of Mr. King, Council adjourned at 5 minutes past 8 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Tuesday, March 28th, 1865.

1. Mr. KING to ask the hon. member the Provincial Secretary, Whether any arrangements have been made for the steamer which has been subsidised to make trips to Coromandel, weekly.

ORDERS OF THE DAY.

Government Business :—

1. Estimate of Expenditure—to be further considered in Committee.
2. City Board Act Amendment Bill—to be further considered in Committee.
3. Adjourned debate on the question, That the Rural Police Bill be now read a second time.
4. Onehunga Improvement Bill—second reading.

General Business :—

5. Adjourned debate on the question—That an address be forwarded to his Honor the Superintendent, requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.

NOTICES OF MOTION.

1. Mr. KING to move, For leave to bring in a Bill to close up a Road in the Parish of Wairoa, and to open a new line of Road over other lands in the said Parish.

2. MR. KING

2. Mr. KING to move, For leave to bring in a Bill to Repeal the Industrial School Act, 1862.
3. Mr. NEWMAN to move, That the Provincial Executive are guilty of a breach of privilege in publishing a certain letter in the *Provincial Gazette* of the 3rd March instant, signed F. D. Fenton, and also a notification appended signed by His Honor the Superintendent.
4. Mr. KING to move, That an Address be forwarded to his Honor the Superintendent requesting him to place on the additional Estimate of Expenditure for 1865, the sum of one hundred and fifty pounds (£150) to defray the additional costs and expenses incurred by the Auckland Local Committee in procuring and forwarding the Auckland Collection to the New Zealand Exhibition, such amount to be paid on the application of the Auckland Local Committee.
5. Mr. SWANSON to move, That an Address be presented to his Honor the Superintendent requesting him to place on the additional estimate the sum of one Hundred Pounds, for the purchase of Books on Practical Mechanics, for the use of the Auckland Mechanics' Institute. Such money to be expended by the committee of the Institute in conjunction with the Library committee of this Council.
6. Mr. ROSS to move, That an Address be presented to his Honor the Superintendent, requesting him to place on the additional Estimate the sum of Two Hundred Pounds, for the purpose of opening a road from Mangawai to Waipu, across Bream Tail.
7. Mr. ROSS to move, That an address be presented to his honor the Superintendent requesting him to place on the additional estimate the sum of two hundred pounds to open the Road from Wangarei to Mangapai by Otaike.
8. Mr. WYNN to move, That an address be presented to His Honor the Superintendent, requesting him to forward to this Council copies of all correspondence that has taken place between the Contractor for the erection of wharf accommodation in Custom House-street, and the Provincial Government and Engineer-in-Chief respectively, respecting the construction of such wharf; together with a copy of all correspondence between His Honor the Superintendent and the Engineer-in-Chief respecting the same contract, and also a copy of the contract.
9. Mr. GEORGE to move, That Mr. Henry White be summonsed for examination in committee on the petition of Mr. Thomas.
10. Mr. CADMAN to move, That a respectful address be presented to his Honor the Superintendent requesting that he will procure and send down to this Council a Return in detail of all Moneys expended by the Building Commissioners.
11. Mr. MCGEE to move, That an Address be presented to his Honor the Superintendent, requesting him to recommend this Council to make provision for increasing the pay of the police force in proportion to the increase of salary which the Council has by Address requested to be given to the Sergeant-Major.
12. Mr. FOLEY to move, That an Address be presented to his Honor the Superintendent requesting him to send down to this Council the minutes of evidence taken by the Commission appointed to enquire into the administration of the Waste Land Department of this Province, the report of which Commission has been already sent down to this Council.
10. Mr. WYNN to move, That a respectful Address be presented to his Honor the Superintendent requesting him to send down to this Council with as little delay as possible, copies of any instructions that his Honor the Superintendent has given to any Commissioner or other persons to investigate into the cause of the mortality on board the ship "Gauges" together with copies of any reports made in pursuance of such instructions.
11. Mr. WYNN to move, that a respectful Address be presented to his Honor the Superintendent, requesting him to instruct the Engineer-in-chief or some other practical person forthwith to inspect the new Supreme Court Building, and to place the roof of that Building in an efficient state of repair.

12 MR. WYNN

15. Mr. WYNN to move, that an Address be presented to his Honor the Superintendent requesting him to place the sum of £250 on the Supplementary Estimates, for the repair of the roads and streets in the village of Howick.

WM. POWDITCH,
Speaker.

TUESDAY, MARCH 28TH, 1865.

PRAYER.

Present: Mr. Speaker and 20 members.

1. *Petition of William Kirkwood.*—Mr. Cadman presented a petition from William Kirkwood, praying that his claim to 40 acres of land on account of his son may be considered.
Petition received.
2. *Order Postponed.*—On motion of Mr. Carleton, *Ordered*, That the Order No. 1 for the consideration of the Estimates be postponed until Friday next.
On motion of Mr. Carleton, *Ordered*, That the Order No. 2 for the third reading of the "City Board Act Amendment Bill" be postponed till to-morrow.
3. *Rural Police Bill.*—The order being read for resuming the adjourned debate on the second reading of the "Rural Police Bill."
The debate was resumed accordingly.
Mr. Wynn moved, as an amendment, That the Bill be read a second time this day six months.
And the question being put on the amendment,

COUNCIL DIVIDED.

Ayes (8).
Mr. Cadman
Mr. Coolahan
Mr. Gallagher
Mr. J. O'Neill
Mr. Sheehan
Mr. Swanson
Mr. Wynn
Mr. Ross (teller)

Noes (4).
Mr. Cheeseman
Mr. Foley
Mr. Newman
Mr. Carleton (teller)

So it was resolved in the affirmative.

4. *Onehunga Improvement Bill.*—The Onehunga Improvement Bill was, according to order, read the second time, and committed to a Committee of the whole Council.

IN THE COMMITTEE.

Mr. J. O'Neill in the Chair.

Clause 1. Motion made and question, That the Chairman do now report progress, put.

COMMITTEE DIVIDED.

Ayes (10).
Mr. Coolahan
Mr. Gallagher
Mr. Gruchy
Mr. McGee
Mr. Newman
Mr. Powditch
Mr. Rattray
Mr. Swanson
Mr. Wynn
Mr. King (teller)

Noes (5).
Mr. Cadman
Mr. Carleton
Mr. Cheeseman
Mr. Ross
Mr. Foley (teller)

COUNCIL

COUNCIL RESUMED.

Mr. Speaker resumed the Chair, and Mr. J. O'Neill reported that the Committee had made progress in the "Onehunga Improvement Bill," and that he was directed to move, That the Committee may have leave to sit again.

Resolved, That this Council will, on Thursday next, resolve itself into the said Committee.

5. *Messages*.—Mr. Speaker read the following Messages from his Honor the Superintendent, presented by Mr. Carleton.

Message No. 84.

The Superintendent has received an Address from the Provincial Council, informing him that in their opinion the £1,000 deposited by Mr. Blandford, engineer, in his tendering for works connected with the Auckland and Drury Railway, and which money was in truth the money of Messrs. Vickery and Masefield, ought under the circumstances to be paid to Messrs. Vickery and Masefield forthwith.

The Superintendent regrets that the Council when requesting him to act, should not also have forwarded information for his guidance. He has not been made acquainted by Council with the grounds upon which their opinion was formed; he is not even aware whether formal enquiry was made or evidence taken.

The Superintendent has received from the Railway Board for his information copy of a legal opinion, namely:—"That the amount deposited with the tender has been forfeited in terms of the specification."

The Superintendent has also received from the Railway Board the following letter addressed to the Board by Messrs. Vickery and Masefield—

" Albert Iron Foundry,
" Auckland, February 28, 1865.

" To the Chairman of the
" Railway Board of Works.

" SIR,—We should be obliged if you could place to our credit at your earliest convenience the £1,000 deposited by us with Mr. Blandford's tender for Railway Works, as it is each day causing us much loss and inconvenience and materially affects our business.

" We are, Sir,

" Yours respectfully,

" Vickery and Masefield."

The Superintendent has no further information on the subject, the question never having been submitted to him for consideration.

The Superintendent imperfectly informed offers no opinion as to the propriety of the refund.

Neither is he assured of his power to deal at pleasure with what he presumes to be Trust Funds for the Public Service of the Province.

But he has undoubtedly power to recommend an equal sum for appropriation out of the ordinary Provincial Revenue, and is willing to afford to Council the legal means of making repayment, if after careful enquiry (subject to the consideration that any undue laxness towards the contractor in regard to specifications or forfeitures is unfair to the unsuccessful tenderers) they should remain satisfied that substantial injustice has been done.

The Superintendent, therefore, makes the formal recommendation required by the "Constitution Act," that the sum of £1,000 be appropriated for the purpose of meeting Mr. Blandford's deposit.

Superintendent's Office,
Auckland, 28th March, 1865.

ROBERT GRAHAM,
Superintendent.

Message No. 85.

The Superintendent has received an Address, (No. 98), forwarding the following resolutions, viz. :—

" That this Council has not invited his Honor the Superintendent to take cognizance of words uttered in debate in reference to the projected dismemberment of the Province of Auckland, the words quoted in the Address, viz. :—

' That since the passing of the New Provinces Act, he,' (the Provincial Secretary) 'has always been an advocate for the constitution of a new province in the Bay of Islands district,'

district,' having been uttered by the Provincial Secretary not in debate, but in answer to a question—whereof due notice has been given—addressed to him in his official capacity, as a representative of the Government in this Council, an occasion when, according to the practice of this Council, no 'debate' could have taken place."

The Superintendent does not affect to misapprehend the intention of the Address; which is, by refining on a word, to convey the impression of untruthfulness as regards his Message. Nevertheless, that Message is literally, as well as substantially, correct.

The Superintendent has ascertained that both question and answer are recorded in the votes and proceedings of the Council, and that they are as follows:—

"Mr. Wynn, pursuant to notice, asked the hon. member at the head of the Executive, 'Whether he is aware of any movement being made on the part of the electors of the Bay of Islands district, for the purpose of constituting that portion of the Island a new Province; and, if so, whether the Provincial Government have taken or propose to take any steps to remove any grounds of dissatisfaction that may have given rise to such movement.'"

"Mr. Carleton replied, 'That the question should have been put, not to the member for Newton, but to one of the members for the Bay of Islands; he was not informed upon the subject.'"

It thus appears that the words alleged to have been used by the Provincial Secretary were not used in answer to a question whereof due notice had been given.

The Superintendent is informed that further discussion took place in reference to a matter of fact, which had been alleged by the hon. member for the Pensioner Settlements, and denied by the member for Newton. During this debate the member for Newton used certain words—as a private member and not on behalf of the Government)—which were taken up by the member for the Pensioner Settlements.

Within the Superintendent's own experience as a member, questions on notice have often led to debate, checked for the most part by a call to order, as being irregular, and "contrary to the practice of the Council;" but which was not the less "debate" on that account.

The Superintendent much regrets that the public time should be occupied with an unprofitable and trifling question between the Council and himself.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 28th March, 1865.

On motion of Mr. Wynn, *Ordered*, That the Message be printed and taken into consideration on Thursday next.

Message No. 86.

The Superintendent invites the Provincial Council to make provision for the payment of the following sums, viz:—

For arms and accoutrements for use of Overseers at Mount Eden Stockade	£	93	2	0
For the Great South Road (additional)	-	-	-	2,000 0 0
For Ferry Service on the Kaipara, with a view of putting on a powerful vessel to carry goods as well as passengers (additional)	-	-	-	200 0 0
For expenses incurred on account of the visit of H.M. s.s. "Falcon" to the Bay of Islands to try the Kawa Kawa coal	-	-	-	17 0 0
For relief of Sick and Destitute (additional)	-	-	-	100 0 0

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 28th March, 1865.

On motion of Mr. Carleton, *Ordered*, That Messages Nos. 84 and 86 be considered in Committee on the Estimates.

6. *Mr. Blanford's Tender*.—On motion of Mr. Wynn, *Ordered*, That Message No. 84 be now considered.

On motion of Mr. Wynn, *Resolved*, That the sum of £1,000, paid by Mr. Blandford as a deposit on a tender for works in connection with the Railway, does not form any portion of the Provincial Revenue and cannot be a subject of appropriation by this Council

Council, and this Council is of opinion that the said sum of £1,000 should be repaid by the Board to Messrs. Vickery and Masefield.

Resolved, That an Address be presented to his Honor the Superintendent, transmitting the above resolution. (ADDRESS No. 103.)

Resolved, That a copy of the resolution be forwarded to the Railway Commissioners.

6. *Adjournment*.—On motion of Mr. Wynn, Council adjourned at half-past 6, for half-an-hour.

COUNCIL RE-ASSEMBLED AT 7 O'CLOCK.

7. *Order Postponed*.—On motion of Mr. Wynn, the Order No. 5 was postponed.
8. *Wairoa Road Bill*.—On motion of Mr. King, *Ordered*, That leave be given to bring in *A Bill to close up a road in the Parish of Wairoa and to open a new line of road over other lands in the said Parish*.
Mr. King accordingly presented the Bill, and the same was read the first time and ordered to be printed, and referred to a Select Committee consisting of Mr. Cadman, Mr. Cheeseman, Mr. Gruchy, Mr. Harrop, Mr. Ross, Mr. Sheedan, Mr. Wynn, and the mover.
9. *Paper laid on table*.—Mr. Carleton laid on the table a protest against the "Wairoa Road Bill," which had been addressed to the Superintendent.
10. *Industrial School*.—On motion of Mr. King, *Ordered*, That leave be given to bring in *A Bill to repeal the Industrial School Act, 1862*.
Mr. King accordingly presented the Bill, and the same was read the first time and ordered to be read a second time to-morrow, and to be printed.
11. *Privilege*.—Mr. Newman moved, and the question was proposed. That the Provincial Executive are guilty of a breach of privilege in publishing a certain letter in the *Provincial Gazette*, of the 3rd March instant, signed F. C. Fenton, and also a notification appended, signed by his Honor the Superintendent.
Mr. Carleton moved, as an amendment, That the question of privilege be referred to a Select Committee, to consist of Mr. Foley, Mr. Newman, Mr. Martin, Dr. Pollen, Mr. Ross, Mr. Swanson, and the mover.
In the debate Mr. Wynn made use of certain words which, on the motion of Mr. Carleton, were taken down as follows, "That the Superintendent goes into downright untruths," and discussion arising thereon,
12. *Adjournment for want of a Quorum*.—One third of the members not being present, Mr. Speaker counted the Council, and there not being twelve members present, Mr. Speaker, at 25 minutes past 9 o'clock, declared the Council to stand adjourned till to-morrow.

MEMBERS PRESENT:—

	Mr. Speaker,	
Mr. Blake,	|	Mr. Harrop,
Mr. Cadman,	|	Mr. King,
Mr. Carleton,	|	Mr. Newman,
Mr. Cheeseman,	|	Mr. Swanson,
Mr. Coolahan,	|	Mr. Wynn.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Wednesday, March 29th, 1865.

1. MR. KING to ask the hon. member the Provincial Secretary, Whether any arrangements are about being made for the steamer which has been subsidised to make trips to Coromandel weekly.

2. MR. FOLEY

2. **MR. FOLEY**, to ask the hon. member the Provincial Secretary, If it is the intention of his Honor the Superintendent to send down a message recommending an appropriation of the sum that this Council requested to be placed on the additional estimate of expenditure for the erection of a Wharf or Pier at Tauranga.

NOTICES OF MOTION.

1. **MR. WYNN** to move, That his Honor the Superintendent's Message No. 75, referring to the dissolution of the Council, be now considered in Committee of the whole Council.
2. **MR. KING** to move, That an Address be presented to his Honor the Superintendent requesting him to place on the additional Estimate of Expenditure for 1865, the sum of £500 towards furthering the important objects of the Auckland Acclimatisation Society, such amount to be handed over to the Council of the Society upon application being duly made.
3. **MR. FOLEY** to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to place on the additional Estimate of Expenditure for 1865 the sum of £250 for the improvement of the roads and streets of the village of Otahuhu.
4. **MR. MCGEE** to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to place on the additional Estimate, the sum of Two Hundred and Fifty Pounds, for the repair of Roads and Streets in the Village of Panmure.
5. **MR. SWANSON** to move, That this Council do now take into consideration the office of Agent-General of this Province, and the reply made by the gentleman holding that office to Mr. Speaker's letter, transmitting copy of the address, No. 49, presented by this Council to his Honor the Superintendent, respecting the appointment of that officer.
6. **MR. CHEESEMAN**, to move, That the correspondence between his Honor the Superintendent and the General Government relative to the Tuakau Block be considered in committee of the whole Council.
7. **MR. WYNN** to move, That a respectful address be presented to His Honor the Superintendent, requesting him to cause the pier in Shoal Bay, known as Heath's pier, to be put in an efficient state of repair at a cost not exceeding £10.
8. **MR. CADMAN** to move, that a respectful address be presented to His Honor the Superintendent requesting that he will place upon the additional estimate the sum of £500 for the purpose of forming a road from the Waikoukou Creek to the Awaroa River near McLeod's Mill.
9. **MR. KING** to move, That an Address be forwarded to his Honor the Superintendent requesting him to place on the additional Estimate of Expenditure for 1865, the sum of one hundred and fifty pounds (£150) to defray the additional costs and expenses incurred by the Auckland Local Committee in procuring and forwarding the Auckland Collection to the New Zealand Exhibition, such amount to be paid on the application of the Auckland Local Committee.
10. **MR. SWANSON** to move, That an Address be presented to his Honor the Superintendent requesting him to place on the additional estimate the sum of one Hundred Pounds, for the purchase of Books on Practical Mechanics, for the use of the Auckland Mechanics' Institute. Such money to be expended by the committee of the Institute in conjunction with the Library committee of this Council.
11. **MR. ROSS** to move, That an Address be presented to his Honor the Superintendent, requesting him to place on the additional Estimate the sum of Two Hundred Pounds, for the purpose of opening a road from Mangawai to Waipu, across Bream Tail.
12. **MR. ROSS** to move, That an address be presented to his honor the Superintendent requesting him to place on the additional estimate the sum of two hundred pounds to open the Road from Wangarei to Mangapai by Otaike.

13. **MR. WYNN**

13. Mr. WYNN to move, That an address be presented to His Honor the Superintendent, requesting him to forward to this Council copies of all correspondence that has taken place between the Contractor for the erection of wharf accommodation in Custom House-street, and the Provincial Government and Engineer-in-Chief respectively, respecting the construction of such wharf; together with a copy of all correspondence between His Honor the Superintendent and the Engineer-in-Chief respecting the same contract, and also a copy of the contract.
14. Mr. GEORGE to move, That Mr. Henry White be summonsed for examination in committee on the petition of Mr. Thomas.
15. Mr. CADMAN to move, That a respectful address be presented to his Honor the Superintendent requesting that he will procure and send down to this Council a Return in detail of all Moneys expended by the Building Commissioners.
16. Mr. MCGEE to move, That an Address be presented to his Honor the Superintendent, requesting him to recommend this Council to make provision for increasing the pay of the police force in proportion to the increase of salary which the Council has by Address requested to be given to the Sergeant-Major.
17. Mr. FOLEY to move, That an Address be presented to his Honor the Superintendent requesting him to send down to this Council the minutes of evidence taken by the Commission appointed to enquire into the administration of the Waste Land Department of this Province, the report of which Commission has been already sent down to this Council.
18. Mr. WYNN to move, That a respectful Address be presented to his Honor the Superintendent requesting him to send down to this Council with as little delay as possible, copies of any instructions that his Honor the Superintendent has given to any Commissioner or other persons to investigate into the cause of the mortality on board the ship "Ganges" together with copies of any reports made in pursuance of such instructions.
19. Mr. WYNN to move, that a respectful Address be presented to his Honor the Superintendent, requesting him to instruct the Engineer-in-chief or some other practical person forthwith to inspect the new Supreme Court Building, and to place the roof of that Building in an efficient state of repair.
20. Mr. WYNN to move, that an Address be presented to his Honor the Superintendent requesting him to place the sum of £250 on the Supplementary Estimates, for the repair of the roads and streets in the village of Howick.

ORDERS OF THE DAY.

1. Petition of John Thomas—to be further Considered in committee of the whole Council.
2. Empowering Bill—second reading.
3. City Board Amendment Bill—third reading.
4. Adjourned debate on the question—That an Address be forwarded to his Honor the Superintendent requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.
5. Industrial School Act Repeal Bill—second reading.

CONTINGENT

CONTINGENT NOTICE OF MOTION.

1. Mr. WYNN to move, when his Honor's Message No. 75 is under consideration:—

(1.) That this Council in considering his Honor's message No. 75, of date the 21st March instant, are willing to accept the apology therein tendered for the length of time that has elapsed in maturing a reply to the address presented by them four months previously, and to attribute that occurrence to his Honor's desire "to take into account the interests of his constituents as well as the wishes of the Council."

(2.) That with regard to postponing the dissolution of this Council until the formation of the new Electoral Rolls, this Council are of opinion that the disadvantages of holding a general election before the completion of such Roll could in no way compare with the great evil that must necessarily arise from postponing the general election to such a period as would make it impossible to hold a session of the Provincial Council before the commencement of the year 1866, and thus defer the appropriation of money for public works to a period when the works ought to be proceeded with and not be under discussion in the Council.

(3.) That with regard to his Honor's reference to a change in the mode of electing Superintendents of Provinces, this Council cannot admit the propriety of recognising the wishes of the "strong party in the House of Representatives who desire that the Superintendents of Provinces should for the future be nominated," the more so as the House of Representatives has invariably rejected such proposal, and the Council are surprised to find his Honor now apparently approving such a measure seeing that his vote as a member of the House of Representatives was recorded against it on the last occasion the Nominated Superintendents Bill was under consideration.

(4.) That this Council having fully considered his Honor's statement that "an immediate dissolution would have the effect of forestalling the legislation of the General Assembly" cannot perceive how the accession of a new Superintendent to office in this Province, and the election of a new Provincial Council could in any measure forestall the action of the General Assembly in its legislation any more than the similar elections of Superintendents which are being held in the Provinces of Nelson and Wellington at the present moment.

(5.) That this Council cannot concur with his Honor that a dissolution of the Provincial Council followed by an election of a Superintendent of the Province, could at all "forestall the action of the Home Government in reference to the movement for separation."

(6.) This Council feels bound absolutely to repudiate the proposal made by the Superintendent in the 7th paragraph of the message under consideration, with regard to this Council meeting at the close of the period for which they were elected, and appropriating the revenue of the year 1866, thereby really forestalling their successors, in dealing with their undoubted right to appropriate the revenue of the ensuing year—an appropriation which, with all due respect to his Honor who invites the Council to such a proceeding, devolves not upon the present Superintendent or the present Council, but upon their respective successors.

(7.) That with regard to his Honor's statement that "in cases of inevitable difference the first duty of the Superintendent is to his constituents, and he has not seen among them the signs of any desire for an immediate dissolution," this Council are not aware of any constitutional means by which his Honor can ascertain the wishes of the electors of the Province at large except, either through this Council, who have been elected to represent them, or by concurring with this Council in their desire for an appeal to the Country.

(8.) That this Council is not aware that under the provisions of the Constitution Act the presence of an absolute majority of members is requisite to the transaction of any business by the Council, unless it be for the removal of a Superintendent from office by petition to his Excellency the Governor, a course this Council does not deem it desirable to follow at this juncture: preferring that the country should have an opportunity of at once expressing its opinion on the manner in which both branches of the Legislature have discharged their duties. Yet the Council desires to inform his Honor that upon the occasion when the resolutions relative to the necessity for a speedy dissolution of the Council were carried, thirty members out of the thirty-five composing the Council were present and the resolutions were carried without a division.

(9.) That this Council having failed in their endeavors to induce the Superintendent to unite with them in testing the feeling of the country upon the policy of the present Provincial Government, resolve that a petition be presented to his Excellency the Governor setting forth the grounds of their application for an early dissolution of the Council and praying his Excellency's assent to the same.

WM. POWDITCH,
Speaker.

WEDNESDAY, MARCH 29TH, 1865.

PRAYER.

Present: Mr. Speaker and 17 members.

1. *Tauranga Pier*.—Mr. Foley, pursuant to notice, asked the Provincial Secretary, If it is the intention of his Honor the Superintendent to send down a Message recommending an appropriation of the sum that this Council requested to be placed on the additional estimate of expenditure, for the erection of a Wharf or Pier at Tauranga.
Mr. Carleton answered: That the Superintendent towards the close of the Session would send down a Message in reply to the remaining addresses for increase of expenditure.
2. *Notice Postponed*.—Mr. Wynn postponed his notice of motion No. 1, till after the other notices.
3. *Acclimatisation Society*.—On motion of Mr. King, *Resolved*, That an Address be presented to his Honor the Superintendent, requesting him to place on the additional estimate of expenditure for 1865 the sum of £500, towards furthering the important objects of the Auckland Acclimatisation Society, such amount to be handed over to the Council of the Society, upon application being duly made. (ADDRESS No. 104.)
4. *Otahuhu Improvement*.—On motion of Mr. Foley, *Resolved*, That an Address be presented to his Honor the Superintendent, requesting him to place on the additional Estimate of Expenditure, the sum of £250, for the Improvement of the roads and streets in the village of Otahuhu. (ADDRESS No. 105.)
5. *Panmure Improvement*.—On motion of Mr. McGee, *Resolved*, That a respectful Address be presented to his Honor the Superintendent, requesting him to place on the additional estimate the sum of £250, for the repair of roads and streets in the village of Panmure. (ADDRESS No. 106.)
6. *Captain Daldy's Appointment*. Mr. Swanson moved, and the question was proposed, That this Council do now take into consideration the office of Agent-General of this Province, and the reply made by the gentleman holding that office to Mr. Speaker's letter transmitting copy of the Address No. 49, presented by this Council to his Honor the Superintendent, respecting the appointment of that officer.
Dr. Pollen moved as an amendment, That the consideration of this question be postponed until the Government send down the additional correspondence that has been received from Captain Daldy.
And the question being put on the amendment, it was resolved in the affirmative.
7. *Tuakau Block*.—On motion of Mr. Cheeseman, *Ordered*, That the correspondence between his Honor the Superintendent and the General Government relative to the Tuakau block be considered in committee of the whole Council.

IN THE COMMITTEE.

Mr. Wynn in the Chair.

Motion made and question proposed, That this Council recommends his Honor the Superintendent to purchase the Tuakau block of land at a reasonable price, and this Council pledges itself to make the necessary provision for the completion of such purchase.

(Mr. Cheeseman.)

The Committee allowed for the consideration of Notices having elapsed,

The Chairman left the chair.

COUNCIL RESUMED.

8. *Report of Slaughter-house Committee*.—Mr. Harrop brought up the report of the Slaughter-house Committee, and the same was received and read as follows:—
The committee appointed to report upon the removal of the Slaughter-house, have the honor to report, That, after having obtained the best information and evidence with regard to the selection of a new site for a Slaughter-house, they beg leave to submit the following resolutions for adoption:—

1. That

1. That the site known as Mr. Young's on the Panmure Road, be selected as the site for the New Slaughter-house.

2. That His Honor the Superintendent be respectfully requested to make ample accommodation in the new building for the slaughtering of cattle, and that special attention be paid in framing rules to regulate the New Slaughter-house, that it should be sufficiently supplied with water and drainage for properly cleansing the same, and that suitable Stock-yards for the reception of cattle to be slaughtered be provided.

3. That His Honor the Superintendent be respectfully requested to take the necessary steps to commence the erection of the new building and appurtenances with the least possible delay, in order that the slaughterers of cattle may not be subject to any inconvenience in consequence of the site of the old building being immediately required for Railway purposes, The Commissioners having already served the necessary notices.

9. *Orders Postponed*.—On motion of Mr. Foley, the orders of the day were severally read and postponed.
10. *Tuakau Block*.—On motion of Mr. Cheeseman, *Ordered*, That the Council do again resolve itself into Committee for the further consideration of the question relating to the Tuakau Block.

IN THE COMMITTEE.

Question again stated.

On motion of Dr. Pollen, *Ordered*, That the Chairman do now leave the chair.

11. *Message*.—Mr. Speaker read the following Message from his Honor the Superintendent, presented by Mr. Carleton :—

Message No. 87.

In compliance with the request contained in the Address No. 87, of date 2nd March instant, the Superintendent lays before the Provincial Council a return of all land sales held during the year 1864.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 29th March, 1865.

12. *Business Renewed*.—On motion of Mr. King, *Ordered*, That the notices of motion not disposed of to-day do stand as the first notices of motion for to-morrow and in the same order as they stood for to-day.
13. *Heath's Wharf, (North Shore)*.—On motion of Mr. Wynn, *Resolved*, That an Address be presented to His Honor the Superintendent requesting him to cause the pier in Shoal Bay known as Heath's pier to be put in an efficient state of repair at a cost not exceeding £40. (ADDRESS No. 107.)
14. *Notices Postponed*.—On motion of Dr. Pollen, Mr. Cadman's notice of motion No. 8 was postponed until the other notices should be disposed of.
On motion of Mr. Foley, Mr. King's notice of motion No. 9 was postponed until the other notices should be disposed of.
15. *Mechanics' Institute*.—On motion of Mr. Swanson, *Resolved*, That an Address be presented to His Honor the Superintendent requesting him to place on the Additional Estimates the sum of £100 for the purchase of books on Practical Mechanics for the use of the Auckland Mechanics Institute, such money to be expended by the Committee of the Institute in conjunction with the Library Committee of the Council. (ADDRESS No. 108.)
16. *Road by Bream Tail*.—On motion of Mr. Ross, *Resolved*, That an Address be presented to his Honor the Superintendent, requesting him to place on the additional estimates the sum of £200 for the purpose of opening a road from Mangawai to Waipu across Bream Tail. (ADDRESS No. 109.)

17. *Adjournment*

17. *Adjournment for want of a Quorum.*—One third of the members not being present, Mr. Speaker counted the Council, and there not being twelve members present, Mr. Speaker, at 10 minutes past 8 o'clock, declared the Council to stand adjourned till to-morrow.

MEMBERS PRESENT:—

	Mr. Speaker,	
Mr. Blake,	|	Mr. A. O'Neill,
Mr. Cadman,	|	Dr. Pollen,
Mr. Carleton,	|	Mr. Ross,
Mr. Foley,	|	Mr. Sheehan,
Mr. George,	|	Mr. Swanson.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Thursday, March 30th, 1865.

1. MR. KING to ask the hon. member the Provincial Secretary, Whether any arrangements are about being made for the steamer which has been subsidised to make trips to Coromandel weekly.

NOTICES OF MOTION.

1. MR. WYNN to move, That his Honor the Superintendent's Message No. 75, referring to the dissolution of the Council, be now considered in Committee of the whole Council.
2. MR. CADMAN to move, that a respectful address be presented to His Honor the Superintendent requesting that he will place upon the additional estimate the sum of £500 for the purpose of forming a road from the Waikoukou Creek to the Awaroa River near McLeod's Mill.
3. MR. KING to move, That an Address be forwarded to his Honor the Superintendent requesting him to place on the additional Estimate of Expenditure for 1865, the sum of one hundred and fifty pounds (£150) to defray the additional costs and expenses incurred by the Auckland Local Committee in procuring and forwarding the Auckland Collection to the New Zealand Exhibition, such amount to be paid on the application of the Auckland Local Committee.
4. MR. ROSS to move, That an address be presented to his honor the Superintendent requesting him to place on the additional estimate the sum of two hundred pounds to open the Road from Wangarei to Mangapai by Otaike.
5. MR. WYNN to move, That an address be presented to His Honor the Superintendent, requesting him to forward to this Council copies of all correspondence that has taken place between the Contractor for the erection of wharf accommodation in Custom House-street, and the Provincial Government and Engineer-in-Chief respectively, respecting the construction of such wharf; together with a copy of all correspondence between His Honor the Superintendent and the Engineer-in-Chief respecting the same contract, and also a copy of the contract.
6. MR. GEORGE to move, That Mr. Henry White be summonsed for examination in committee on the petition of Mr. Thomas.

7. MR. CADMAN

7. Mr. CADMAN to move, That a respectful address be presented to his Honor the Superintendent requesting that he will procure and send down to this Council a Return in detail of all Moneys expended by the Building Commissioners.
8. Mr. MCGEE to move, That an Address be presented to his Honor the Superintendent, requesting him to recommend this Council to make provision for increasing the pay of the police force in proportion to the increase of salary which the Council has by Address requested to be given to the Sergeant-Major.
9. Mr. FOLEY to move, That an Address be presented to his Honor the Superintendent requesting him to send down to this Council the minutes of evidence taken by the Commission appointed to enquire into the administration of the Waste Land Department of this Province, the report of which Commission has been already sent down to this Council.
10. Mr. WYNN to move, That a respectful Address be presented to his Honor the Superintendent requesting him to send down to this Council with as little delay as possible, copies of any instructions that his Honor the Superintendent has given to any Commissioner or other persons to investigate into the cause of the mortality on board the ship "Ganges" together with copies of any reports made in pursuance of such instructions.
11. Mr. WYNN to move, that a respectful Address be presented to his Honor the Superintendent, requesting him to instruct the Engineer-in-chief or some other practical person forthwith to inspect the new Supreme Court Building, and to place the roof of that Building in an efficient state of repair.
12. Mr. WYNN to move, that an Address be presented to his Honor the Superintendent requesting him to place the sum of £250 on the Supplementary Estimates, for the repair of the roads and streets in the village of Howick.
13. Mr. KING to move, That the benefit of Steam Communication for which a sum of money was voted by this Council as a subsidy be extended to Coromandel on the same terms and conditions as were imposed by the Council in assenting to the vote of £1,200.
14. Mr. CARLETON to move, That the name of Mr. Swanson be added to the Library Committee.

ORDERS OF THE DAY.

1. Onehunga Improvement Bill—in Committee.
2. Message No. 85—to be considered.
3. Petition of John Thomas—to be further Considered in committee of the whole Council.
4. Empowering Bill—second reading.
5. City Board Act Amendment Bill—third reading.
6. Adjourned debate on the question—That an Address be forwarded to his Honor the Superintendent requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.
7. Industrial School Act Repeal Bill—second reading.

CONTINGENT

CONTINGENT NOTICE OF MOTION.

1. Mr. WYNN to move, when his Honor's Message No. 75 is under consideration:—

(1.) That this Council in considering his Honor's message No. 75, of date the 21st March instant, are willing to accept the apology therein tendered for the length of time that has elapsed in maturing a reply to the address presented by them four months previously, and to attribute that occurrence to his Honor's desire "to take into account the interests of his constituents as well as the wishes of the Council."

(2.) That with regard to postponing the dissolution of this Council until the formation of the new Electoral Rolls, this Council are of opinion that the disadvantages of holding a general election before the completion of such Roll could in no way compare with the great evil that must necessarily arise from postponing the general election to such a period as would make it impossible to hold a session of the Provincial Council before the commencement of the year 1866, and thus defer the appropriation of money for public works to a period when the works ought to be proceeded with and not be under discussion in the Council.

(3.) That with regard to his Honor's reference to a change in the mode of electing Superintendents of Provinces, this Council cannot admit the propriety of recognising the wishes of the "strong party in the House of Representatives who desire that the Superintendents of Provinces should for the future be nominated," the more so as the House of Representatives has invariably rejected such proposal, and the Council are surprised to find his Honor now apparently approving such a measure seeing that his vote as a member of the House of Representatives was recorded against it on the last occasion the Nominated Superintendents Bill was under consideration.

(4.) That this Council having fully considered his Honor's statement that "an immediate dissolution would have the effect of forestalling the legislation of the General Assembly" cannot perceive how the accession of a new Superintendent to office in this Province, and the election of a new Provincial Council could in any measure forestall the action of the General Assembly in its legislation any more than the similar elections of Superintendents which are being held in the Provinces of Nelson and Wellington at the present moment.

(5.) That this Council cannot concur with his Honor that a dissolution of the Provincial Council followed by an election of a Superintendent of the Province, could at all "forestall the action of the Home Government in reference to the movement for separation."

(6.) That this Council feels bound absolutely to repudiate the proposal made by the Superintendent in the 7th paragraph of the message under consideration, with regard to this Council meeting at the close of the period for which they were elected, and appropriating the revenue of the year 1866, thereby really forestalling their successors, in dealing with their undoubted right to appropriate the revenue of the ensuing year—an appropriation which, with all due respect to his Honor who invites the Council to such a proceeding, devolves not upon the present Superintendent or the present Council, but upon their respective successors.

(7.) That with regard to his Honor's statement that "in cases of inevitable difference the first duty of the Superintendent is to his constituents, and he has not seen among them the signs of any desire for an immediate dissolution," this Council are not aware of any constitutional means by which his Honor can ascertain the wishes of the electors of the Province at large except, either through this Council, who have been elected to represent them, or by concurring with this Council in their desire for an appeal to the Country.

(8.) That this Council is not aware that under the provisions of the Constitution Act the presence of an absolute majority of members is requisite to the transaction of any business by the Council, unless it be for the removal of a Superintendent from office by petition to his Excellency the Governor, a course this Council does not deem it desirable to follow at this juncture: preferring that the country should have an opportunity of at once expressing its opinion on the manner in which both branches of the Provincial Legislature have discharged their duties. Yet the Council desires to inform his Honor that upon the occasion when the resolutions relative to the necessity for a speedy dissolution of the Council were carried, thirty members out of the thirty-five composing the Council were present and the resolutions were carried without a division.

(9.) That this Council having failed in their endeavors to induce the Superintendent to unite with them in testing the feeling of the country upon the policy of the present Provincial Government, resolve that a petition be presented to his Excellency the Governor setting forth the grounds of their application for an early dissolution of the Council and praying his Excellency's assent to the same.

WM. POWDITCH,
Speaker.

THURSDAY, MARCH 30th. 1865.

PRAYER.

Present : Mr Speaker and 18 members.

1. *Petition of Wairoa Settlers.*—Mr. King presented a petition from 26 settlers in the Wairoa district, praying that a deviation may be made in the road leading from the Presbyterian Church to the landing place.
Petition received and referred to the Wairoa Road Bill Committee.
2. *Steam to Coromandel.*—Mr. King, pursuant to notice, asked the Provincial Secretary whether any arrangements have been made for the steamer which has been subsidised, to make trips to Coromandel weekly.
Mr. Carleton answered: No arrangement has yet been concluded.
Mr. King, pursuant to notice, also asked the Provincial Secretary whether any arrangements are about being made for the steamer which has been subsidised, to make trips to Coromandel weekly.
Mr. Carleton answered: that no arrangements for a special weekly service to Coromandel, which would render the East Coast steamer impracticable, are contemplated.
3. *Notice Postponed.*—On motion of Dr. Pollen Mr. Wynn's notice of motion, No. 1, was postponed until the other notices should be disposed of.
4. *Road from Waitemata to Kaipara.*—On motion of Mr. Cadman, *Resolved*, That a respectful Address be presented to his Honor the Superintendent requesting that he will place upon the additional estimate the sum of £500 for the purpose of forming a road from the Waikoukou Creek to the Awaroa River near McLeod's Mill. (ADDRESS No. 110.)
5. *New Zealand Exhibition.*—On motion of Mr. King, *Resolved*, That an Address be forwarded to his Honor the Superintendent requesting him to place on the additional Estimate of Expenditure for 1865, the sum of one hundred and fifty pounds to defray the additional costs and expenses incurred by the Auckland Local Committee in procuring and forwarding the Auckland Collection to the New Zealand Exhibition, such amount to be paid on the application of the Auckland Local Committee. (ADDRESS No. 111.)
6. *Road by Otaike.*—On motion of Mr. Ross, *Resolved*, That an Address be presented to his Honor the Superintendent, requesting him to place on the additional estimate the sum of two hundred pounds to open the Road from Wangarei to Mangapai by Otaike. (ADDRESS No. 112.)
7. *Notice Postponed.*—On motion of Dr. Pollen Mr. Wynn's notice of motion was postponed until the other notices should be disposed of.
8. *John Thomas' Contract.*—On motion of Mr. George, *Ordered*, That Mr. Henry White be summonsed for examination in committee on the petition of Mr. Thomas.
9. *Public Buildings Commissioners.*—On motion of Mr. Cadman, *Resolved*, That a respectful Address be presented to his Honor the Superintendent, requesting that he will procure and send down to this Council a return in detail of all moneys expended by the Building Commissioners. (ADDRESS No. 113.)
10. *Waste Land Department Commission.*—On motion of Mr. Foley, *Resolved*, That an Address be presented to his Honor the Superintendent, requesting him to send down to this Council the minutes of evidence taken by the Commissioner appointed to enquire into the administration of the Waste Land Department of this Province, the report of which commission has been already sent down to this Council. (ADDRESS No. 114.)
11. *Messages.*—Mr. Speaker read the following Messages from his Honor the Superintendent, presented by Mr. Carleton:—

Message No. 88.

The Superintendent lays before the Provincial Council a statement furnished by the Deputy-Waste Lands Commissioner, relative to the preparation of Crown grants, containing the information

the information applied for in Address No. 55, of date 2nd March instant, so far as the same is procurable.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 30th March, 1865.

Message No. 89.

The Superintendent invites the Provincial Council to make provision for the payment of the following amounts, viz.:—

For road repairs, (additional,) - - -	£1,000 0 0
Expenses incurred for extra assistance at Mount Eden Gaol - - -	32 0 0

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 30th March, 1865.

12. *Papers laid on the table.*—Mr. King laid on the table a Return of the arrivals and departures from Kapanga Harbour from 1st February, 1865, and a return of the traffic between Auckland and Kapanga from 6th December, 1864, to the 13th January, 1865.
13. *Coromandel.*—On motion of Mr. King, *Resolved*, That the benefit of Steam Communication, for which a sum of money was voted by this Council as a subsidy, be extended to Coromandel on the same terms and conditions as were imposed by the Council in assenting to the vote of £1,200.
Resolved, that an Address be presented to his Honor the Superintendent forwarding the foregoing resolution. (ADDRESS No. 115.)
14. *Adjournment for half-an-hour.*—On motion of Mr. Sheehan, the Council adjourned for half-an-hour.

COUNCIL RE-ASSEMBLED.

15. *Onehunga Improvement Bill.*—The order being read for the committal of the "Onehunga Improvement Bill."
On motion of Mr. Wynn, *Ordered*, That the "Onehunga Improvement Bill" be referred to a Select Committee, to consist of the following members:—Mr. Cheeseman, Mr. Coolahan, Mr. Foley, Mr. Gallagher, Mr. King, Mr. McGee, Mr. Sheehan, Mr. Swanson, and the mover.
16. *Orders Postponed.*—On motion of Mr. Wynn, *Ordered*, That the order No. 2, be postponed.
On motion of Mr. King, *Ordered*, That the order No. 3, do stand first order for Thursday.
Mr. Wynn moved, and the question was proposed, That the order, No. 4—the second reading of the "Empowering Bill"—be postponed.
And the question being put,

COUNCIL DIVIDED:—

Ayes (9).
Mr. Cadman,
Mr. Coolahan,
Mr. Foley,
Mr. Gallagher,
Mr. Harrop,
Mr. King,
Mr. McGee,
Mr. Sheehan,
Dr. Pollen (teller.)

Noes (5.)
Mr. Blake,
Mr. Ross,
Mr. Swanson,
Mr. Wynn,
Mr. Carleton (teller.)

So it was resolved in the affirmative.

Mr. Wynn

Mr. Wynn moved, and the question was proposed, That the fifth order—the third reading of the “City Board Act Amendment Bill”—be postponed.
And the question being put,

COUNCIL DIVIDED:—

Ayes (9).
Mr. Cadman,
Mr. Coolahan,
Mr. Foley,
Mr. Gallagher,
Mr. Harrop,
Mr. King,
Mr. Sheehan,
Mr. Wynn,
Dr. Pollen (teller).

Noes (4).
Mr. Blake,
Mr. Ross,
Mr. Swanson,
Mr. Carleton (teller).

So it was resolved in the affirmative.
The remaining orders were postponed.

16. *Dissolution of Council.*—On motion of Mr. Wynn, pursuant to amended notice, *Ordered*, That his Honor the Superintendent's Message, No. 75, be now considered.

On motion of Mr. Wynn, *Resolved*,

(1.) That this Council, in considering his Honor's Message No. 75, of date the 21st March instant, are willing to accept the apology therein tendered for the length of time that has elapsed in maturing a reply to the address presented by them four months previously, and to attribute that occurrence to his Honor's desire “to take into account the interests of his constituents as well as the wishes of the Council.”

(2.) That with regard to postponing the dissolution of this Council until the formation of the new Electoral Rolls, this Council are of opinion that the disadvantages of holding a general election before the completion of such Roll, could in no way compare with the great evil that must necessarily arise from postponing the general election to such a period as would make it impossible to hold a session of the Provincial Council before the commencement of the year 1866, and thus defer the appropriation of money for public works to a period when the works ought to be proceeded with and not be under discussion in the Council.

(3.) That with regard to his Honor's reference to a change in the mode of electing Superintendents of Provinces, this Council cannot admit the propriety of recognising the wishes of the “strong party in the House of Representatives who desire that the Superintendents of Provinces should for the future be nominated,” the more so as the House of Representatives has invariably rejected such proposal, and the Council are surprised to find his Honor now apparently approving such a measure, seeing that his vote as a member of the House of Representatives was recorded against it on the last occasion the Nominated Superintendents' Bill was under consideration.

(4.) That this Council, having fully considered his Honor's statement that “an immediate dissolution would have the effect of forestalling the legislation of the General Assembly,” cannot perceive how the accession of a new Superintendent to office in this Province, and the election of a new Provincial Council could in any measure forestall the action of the General Assembly in its legislation any more than the similar elections of Superintendents which are being held in the Provinces of Nelson and Wellington at the present moment.

(5.) That this Council cannot concur with his Honor that a dissolution of the Provincial Council followed by an election of a Superintendent of the Province, could at all “forestall the action of the Home Government in reference to the movement for separation.”

(6.) That this Council feels bound absolutely to repudiate the proposal made by the Superintendent in the 7th paragraph of the message under consideration, with regard to this Council meeting at the close of the period for which they were elected, and appropriating the revenue of the year 1866, thereby really forestalling their successors, in dealing with their undoubted right to appropriate the revenue of the ensuing year—an appropriation which, with all due respect to his Honor who invites the Council to such a proceeding, devolves not upon the present Superintendent or the present Council, but upon their respective successors.

(7.) That with regard to his Honor's statement that “in cases of inevitable difference the first duty of the Superintendent is to his constituents, and he has not yet seen among them

them the signs of any desire for an immediate dissolution," this Council are not aware of any constitutional means by which his Honor can ascertain the wishes of the electors of the Province at large except either through this Council, who have been elected to represent them, or by concurring with this Council in their desire for an appeal to the Country.

(8.) That this Council is not aware that under the provisions of the Constitution Act the presence of an absolute majority of members is requisite to the transaction of any business by the Council, unless it be for the removal of a Superintendent from office by petition to his Excellency the Governor, a course this Council does not deem it desirable to follow at this juncture; preferring that the country should have an opportunity of at once expressing its opinion on the manner in which both branches of the Provincial Legislature have discharged their duties. Yet the Council desires to inform his Honor that upon the occasion when the resolutions relative to the necessity for a speedy dissolution of the Council were carried, thirty members out of the thirty-five composing the Council were present and the resolutions were carried without a division.

(9.) That this Council having failed in their endeavours to induce the Superintendent to unite with them in testing the feeling of the country upon the policy of the present Provincial Government, resolve that a petition be presented to his Excellency the Governor setting forth the grounds of their application for an early dissolution of the Council and praying his Excellency's assent to the same.

On motion of Dr. Pollen, *Resolved*, That an address be presented to his Honor the Superintendent, forwarding the foregoing resolutions. (ADDRESS No. 116.)

On motion of Mr. Wynn, *Resolved*, That an Address be presented to his Honor the Superintendent requesting him to communicate to the General Government the resolutions passed by this Council in reference to his Honor's message, No. 75. (ADDRESS No. 117.)

17. *Custom-House-street Wharf*.—On motion of Mr. Wynn, *Resolved*, That an Address be presented to his Honor the Superintendent requesting him to forward to this Council copies of all correspondence that has taken place between the contractor for the erection of wharf accommodation in Custom House-street, and the Provincial Government and Engineer-in-Chief respectively, respecting the construction of such wharf, together with a copy of all correspondence between his Honor the Superintendent and the Engineer-in-Chief, respecting the same contract, and also a copy of the contract. (ADDRESS No. 118.)
18. *Mortality on board the 'Ganges'*.—On motion of Mr. Wynn, *Resolved*, That a respectful Address be presented to his Honor the Superintendent requesting him to send down to this Council with as little delay as possible, copies of any instructions that his Honor the Superintendent has given to any Commissioner or other persons to investigate into the cause of the mortality on board the ship 'Ganges' together with copies of any reports made in pursuance of such instructions, and also minutes of evidence taken thereon. (ADDRESS No. 119.)
19. *New Supreme Court House*.—On motion of Mr. Wynn, *Resolved*, that a respectful Address be presented to his Honor the Superintendent requesting him to instruct the Engineer-in-Chief or some other practical person forthwith to inspect the new Supreme Court Building, and to place the roof of that building in an efficient state of repair. (ADDRESS No. 120.)
20. *Repair of Streets in Howick*.—On motion of Mr. Wynn, *Resolved*, That an Address be presented to his Honor the Superintendent, requesting him to place the sum of £250, on the Supplementary Estimates, for the repair of the roads and streets in the village of Howick. (ADDRESS No. 121.)
21. *Adjournment*.—On motion of Mr. Foley, Council adjourned at 20 minutes to 8 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Friday, March 31st, 1865.

NOTICES OF MOTION.

1. Mr. KING to move, That an address be presented to his Honor the Superintendent, requesting him to obtain copies of all documents and correspondence between H. C. Lawlor, Esq., Gold Fields' Commissioner and the Great Independent Gold Mining Company.

2. Mr. HARROP

2. Mr. HARROP to move, That the report of the Slaughter-House Commsttee be adopted.
3. Mr. MCGEE to move, That an Address be presented to his Honor the Superintendent requesting him to recommend this Council to make provision for increasing the pay of the police force in proportion to the increase of salary which the Council has by address requested to be given to the Sergeant-Major.

ORDERS OF THE DAY.

Government Business :—

1. Estimate of Expenditure—to be further considered in Committee.
2. Empowering Bill—second reading.
3. City Board Act Amendment Bill—third reading.
4. Message No. 85—to be considered.

General Business :—

5. Adjourned debate on the question—That an address be forwarded to his Honor the Superintendent, requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.
6. Industrial School Act Repeal Bill—second reading.

WM. POWDITCH,
Speaker.

FRIDAY, MARCH 31st, 1865.

PRAYER.

Present : Mr. Speaker and 18 Members.

1. *Coromandel Gold Mining Company.*—On motion of Mr. King, pursuant to amended notice, *Resolved*, That an Address be presented to his Honor the Superintendent, requesting him to obtain copies of all documents and correspondence between H. C. Lawlor, Esq., Gold Fields Commissioner and the Great Independent Gold Mining Company, and to forward the same to this Council with as little delay as possible. (ADDRESS No. 121).
2. *Notice postponed.*—On motion of Mr. King, the notice of motion No. 2 was postponed till after the orders of the day.
3. *Increase of pay of Police Force.*—On motion of Mr. McGee, *Resolved*, That an Address be presented to his Honor the Superintendent, requesting him to recommend this Council to make provision for increasing the pay of the police force in proportion to the increase of salary which the Council has by Address requested to be given to the Sergeant-Major. (ADDRESS No. 122)
4. *Special Adjournment.*—Mr. McGee moved, and the question was proposed, That the Council at its rising to-day do adjourn till Thursday next.
And the question being put,

COUNCIL

COUNCIL DIVIDED:—

Ayes (9.) Mr. Blake, Mr. Cadman Mr. Coolahan, Mr. Gallagher, Mr. Harrop Mr. McGee, Mr. Sheehan, Mr. Wynn, Mr. Foley (teller.)	Noes (7.) Mr. Carleton, Mr. Cheeseman Mr. McKenzie, Mr. J. O'Neill, Mr. Ross, Mr. Swanson, Mr. George (teller.)
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So it was resolved in the affirmative.

5. *Order Postponed.*—On motion of Mr. Carleton, the order of the day No. 1 for the consideration in Committee of the Estimate of Expenditure was postponed till next sitting day.
6. *Empowering Bill.*—The Empowering Bill was, according to order, read a second time and committed to a Committee of the whole Council.

IN THE COMMITTEE.

Mr. J. O'Neill in the Chair.

Clause 1

To report progress and ask leave to sit again.

COUNCIL RESUMED.

Mr. Speaker resumed the Chair, and Mr. J. O'Neill reported that the Committee had made progress in the Bill, and that he was directed to move, That the Committee may have leave to sit again.

Resolved, That this Council will, on next sitting day, resolve itself into the said Committee.

7. *City Board Act Amendment Bill.*—The order of the day being read for the third reading of the City Board Act Amendment Bill.

On motion of Mr. Carleton, *Ordered,* That the Bill be recommitted.

IN THE COMMITTEE.

Mr. Cheeseman in the Chair.

Clause 1. Amendment proposed: In lines 3-4 to leave out the words "and by the Schedule to this Act annexed marked." (*Mr. Carleton.*)

Amendment agreed to.

Clause as amended agreed to.

Clause 2 agreed to.

Clause 3 disagreed to.

To report progress and ask leave to sit again.

COUNCIL RESUMED.

Mr. Speaker resumed the Chair, and Mr. Cheeseman reported that the Committee had made progress in the Bill, and that he was directed to move, That the Committee may have leave to sit again.

Resolved, That this Council will, on next sitting day, resolve itself into the said Committee.

8. *Paper: Captain Daldy's Correspondence.*—Mr. Carleton laid on the table copy of further correspondence with Captain Daldy.

Ordered, That the correspondence be printed.

9. *Messages.*

9. *Messages*.—Mr. Speaker read the following messages from his Honor the Superintendent presented by Mr. Carleton :—

Message No. 90.

The Superintendent lays before the Provincial Council copy of a correspondence with a number of the Merchants, Boat owners and others in Auckland relative to the prosecution of the Breakwater and other Harbour Works.

Superintendent's Office,
Auckland, 31st March, 1865.

ROBERT GRAHAM,
Superintendent.

Ordered, That the message and its enclosure be printed. (See APPENDIX.)

Message No. 91.

The Superintendent lays before the Provincial Council copy of a letter received from Messrs. P. N. Russell and Co., of Sydney, reporting the result of experiments made for the purpose of ascertaining the quality of the Kawa Kawa Coal.

Superintendent's Office,
Auckland, 31st March, 1865.

ROBERT GRAHAM,
Superintendent.

Ordered, That the message and its enclosures be printed. (See APPENDIX.)

10. *Orders Postponed*.—Orders 4 and 5 were postponed.
11. *Industrial School Repeal Bill*.—The Industrial School Act Repeal Bill was according to order read a second time and committed to a Committee of the whole Council and after some time spent therein Mr. Speaker resumed the chair and Mr. Wynn reported that the Committee had gone through the Bill and directed him to report the same without amendment.
Ordered, That the Bill be now read the third time.
The Bill was accordingly read the third time.
Resolved, That the Bill do pass and that the title be, *An Act to repeal the Industrial School Act, 1862*.
12. *Slaughter House Report*.—Mr. Harron moved and the question was proposed, That the Report of the Slaughter-house Committee be adopted.
Mr. Foley moved as an amendment, That the debate be adjourned and the report and minutes of evidence printed.
And the question being put on the amendment it was resolved in the affirmative.
13. *Adjournment*.—On motion of Mr. McGee, Council adjourned at a quarter to 6 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Thursday, April 6th, 1865.

1. Mr. FOLEY, to ask, The hon. member at the head of the Executive, when it is the intention of the Government to commence the repair of that portion of the Great South Road, extending from the Harp of Erin, to Otahuhu; also when it is the intention of the Government to accept Tenders for drawing metal to the said Great South Road.

NOTICES OF MOTION.

1. Mr. KING, to move, That the Representation Bill Committee be ordered to bring up a report not later than Tuesday, 11th April.
2. Mr. KING

2. Mr. KING to move, That a respectful address be presented to his Honor the Superintendent requesting him to forward to this Council a copy of the Petition and Signatures, relative to the extension of the proposed Break-water off Point Britomart together with any correspondence received upon the subject.

ORDERS OF THE DAY.

1. Petition of John Thomas—to be further considered in Committee of the whole Council.
2. Estimate of Expenditure—to be further considered in Committee
3. Empowering Bill—in Committee.
4. City Board Act Amendment Bill—in Committee.
5. Message No. 85—to be considered.
6. Adjourned debate on the question—That an Address be forwarded to his Honor the Superintendent requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.
7. Adjourned debate on the question—That the report of the Slaughter-House Committee.

CONTINGENT NOTICE OF MOTION.

1. Mr. CARLETON to move, in committee on the "City Board Act Amendment Bill," That the following words do stand as section 2 of the bill:—
It shall be lawful for the City Board to fill up and level all cellar-openings or other openings in the footpaths or streets within the limits of the "City Board Act" and to remove all cellar-fittings or other works which interfere or impede the thoroughfare on any such footpath or street. In the event of any person impeding any officer or workman employed in such filling up levelling or removal he shall be guilty of an offence against this Act, and shall be liable in a penalty not exceeding £20.

WM. POWDITCH,
Speaker.

THURSDAY, APRIL 6TH, 1865.

PRAYER.

Present: Mr. Speaker and 19 members.

1. *Education Bill.*—Mr. King, in pursuance of Standing Order No. 35, laid on the table the copy of an Education Bill.
2. *Great South Road.*—Mr. Foley, pursuant to notice, asked, When it is the intention of the Government to commence the repair of that portion of the Great South Road extending from the "Harp of Erin" to Otahuhu.

Mr. Carleton answered, That tenders are accepted for carting metal and scoria for the repairs of this road, excepting for that portion between the 13th and 17th mile posts, for which a tender is accepted, but a contract not yet made. Also excepting between the 6th mile post and Anne's Bridge (by Penrose stables); for the proper repair of which portion of the road there will not be sufficient money left from the £4,500 vote. Metal and scoria are being carted out and applied under the accepted tender.

3. *Representation.*—On motion of Mr. King, *Ordered*, That the Representation Bill Committee be ordered to bring up a report not later than Tuesday, April 11th.
4. *Notice Withdrawn.*—Mr. King withdrew his notice of motion No. 2.
5. *Paper relative to Waikato Settlements.*—Mr. Carleton laid on the table further papers in continuation of those marked A—No. 1, relative to the settlement of the confiscated territory.
Ordered, That the papers be printed. (See APPENDIX A—No. 1.)
6. *Messages.*—Mr. Speaker read the following Messages from his Honor the Superintendent, presented by Mr. Carleton.

Message No. 92.

The Superintendent invites the attention of the Provincial Council to the Report of the Commissioners appointed to enquire into the organization and working of the Waste Lands Department, also to the evidence upon which that report was based, copy of which is transmitted herewith.

The Superintendent entirely concurs with the Commissioners in opinion, and in particular recognises the necessity of appointing to the office of Waste Lands Commissioner some thoroughly qualified professional man who has been regularly educated in the highest branches of Geodetic Survey.

But high professional attainments cannot be commanded without the offer of adequate remuneration. The Superintendent, therefore, recommends that a salary of £800 per annum be voted for a Waste Lands Commissioner. Such officer to have entire charge of the whole of the surveys of the Province, both in connection with the alienation of Native lands and otherwise; also to be charged with the initiation of a proper system for all future surveys and with the revision and gradual correction of all existing surveys.

The Superintendent believes that by the engagement of such an officer, a great saving may be effected to the Province.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 6th April, 1865.

On motion of Mr. Carleton, *Ordered*, That the Message and enclosure, together with the Report of the Commission be printed. (See APPENDIX A—No. 13.)

Message No. 93.

The Superintendent has received an Address from the Provincial Council in reply to his Message No. 84, intimating "That the sum of one thousand pounds (£1,000) paid by Mr. Blandford, as a deposit on a tender for works in connection with the railway, does not form any portion of the Provincial Revenue and cannot be a subject for appropriation by the Council, and that the Council is of opinion that the said sum of one thousand pounds (£1,000) should be refunded by the Board to Messrs. Vickery and Masfield."

The Council will perceive by referring to the Message that the Superintendent did not recommend appropriation of that deposit, but of an equal sum of the ordinary revenue.

But the Superintendent takes occasion to record his opinion, that forfeits, like fees and fines, ought to be made subject to appropriation by the Council.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 6th April 1865.

On motion of Mr. Foley, *Ordered*, That the consideration of the Message be first order of the day for to-morrow.

7. *Order Discharged.*—On motion of Dr. Pollen, the order for the further consideration of the Petition of John Thomas in Committee of the whole Council was discharged.
8. *Estimate of Expenditure.*—Mr. Carleton moved, and the question was proposed, That the further consideration of the Estimate of Expenditure in Committee be postponed till to-morrow.
And the question being put,

COUNCIL

COUNCIL DIVIDED :—

Ayes (7.) Mr. Cadman, Mr. Coolahan, Mr. Gallagher, Mr. Skeen, Mr. Swanson, Mr. Webster, Mr. Carleton (teller).	Noes (5.) Mr. George, Mr. Harrop, Mr. Ross, Mr. Wynn, Mr. Foley (teller).
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So it was resolved in the affirmative.

9. *Empowering Bill*.—Council, according to order, resolved itself into Committee on the “Empowering Bill.”

IN THE COMMITTEE.

Mr. Coolahan in the chair.

Clause 1. Amendment proposed, “That the clause be expunged.” (*Dr. Pollen.*)
 To report progress and ask leave to sit again.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. Coolahan reported that the Committee had made progress in the Bill, and that he was directed to move, That the Committee may have leave to sit again.

Resolved, That this Council will, to-morrow, resolve itself into the said Committee.

10. *Adjournment*.—On motion of Mr. Foley, Council adjourned at 6 o'clock, for half-an-hour.

COUNCIL RE-ASSEMBLED AT HALF-PAST 6.

11. *Adjournment for want of a Quorum*.—The Council re-assembled, and being counted by Mr. Speaker, it appeared that one-third of the whole number of members was not present, whereupon Mr. Speaker, at a quarter to 7 o'clock, declared the Council to stand adjourned till to-morrow.

MEMBERS PRESENT.

Mr. Speaker.

Mr. Cadman, Mr. Carleton, Mr. Coolahan, Mr. Foley, Mr. George,	Mr. King, Mr. Ross, Mr. Sheehan, Mr. Swanson, Mr. Wynn.
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NOTICES OF MOTION AND ORDERS OF THE DAY.

Friday, April 7th, 1865.

ORDERS OF THE DAY.

General Business ;—

1. Message No. 93 (respecting the refund of a forfeited deposit)—to be considered.

Government Business :—

2. Estimate of Expenditure—to be further considered in Committee.

3. Empowering

3. Empowering Bill—in Committee.
4. City Board Act Amendment Bill—in Committee.

General Business :—

5. Message No. 85—to be considered.
6. Adjourned debate on the question—That an address be forwarded to his Honor the Superintendent requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.
7. Adjourned debate on the question—That the report of the Slaughter-House Committee be adopted.

CONTINGENT NOTICE OF MOTION.

1. Mr. CARLETON to move, in Committee on the "City Board Act Amendment Bill," That the following words do stand as section 2 of the bill:—

It shall be lawful for the City Board to fill up and level all cellar-openings or other openings in the footpaths or streets within the limits of the "City Board Act" and to remove all cellar-fittings or other works which interfere with or impede the thoroughfare on any such footpath or street. In the event of any person impeding any officer or workman employed in such filling up levelling or removal he shall be guilty of an offence against this Act, and shall be liable in a penalty not exceeding £20.

WM. POWDITCH,
Speaker.

FRIDAY, APRIL 7TH, 1865.

PRAYER.

Present: Mr. Speaker and 18 Members.

12. *Wairoa Road Bill*.—Mr. King brought up a report from the Wairoa Road Bill Committee, and the same was received and read as follows:—

"The Committee have the honour to report that clauses 3 and 4 of the Diversion of Roads Act, Session XV., No. 2, have been complied with in regard to the Wairoa Road Bill referred to them, and beg to recommend the Council to pass the Bill in its present form.

"The Committee are of opinion that Mr. Wilson will suffer no damage from the deviation proposed, and cannot recommend any compensation to be given beyond the half cost of the nine chains of fencing between his land and Mr. Thorp's, and which that gentleman has guaranteed to pay him for."

On motion of Mr. King, *Ordered*, That the Wairoa Road Bill be read a second time on the next sitting day.

13. *Mr. Blandford's deposit*.—The order of the day being read for the consideration of Message No. 93.

On motion of Mr. Foley, *Ordered*, That the consideration of the message be taken in Committee of the whole Council.

IN THE COMMITTEE.

Mr. J. O'Neill in the chair.

Resolved,

Resolved, That this Council being unable to understand from his Honor's Message, No. 93, what his intention is with reference to the forfeited deposit, desire to state that they adhere to their already expressed opinion upon the subject, and trust that it will not be necessary for them any further to record their opinion upon the propriety of refunding that deposit to Messrs. Vickery and Masefield, but that the Railway Board be authorised by his Honor to pay the deposit without further delay. (*Mr. Wynn.*)

Resolution to be reported.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. J. O'Neill reported the foregoing resolution:—

Resolved, That that resolution be agreed to by the Council.

Resolved, That an Address be presented to his Honor the Superintendent forwarding the resolution. (ADDRESS No. 124.)

14. *Estimate of Expenditure.*— Council, according to order, resolved itself into Committee on the Estimates.

IN THE COMMITTEE.

Mr. J. O'Neill in the chair.

Provincial Council Department :—

Postponed item— Expenses of Members for Mongonui, Bay
of Islands, and Marsden - - - - £250

Amendments proposed, (1.) That the sum for the payments of Members be as follows :—

Expenses of Members, namely, for Mongonui (Mr. Ball) for
Marsden (Messrs. Ross and McKenzie), £50 each - £150. (*Mr. Skeen.*)

(2.) That the sum be made sufficient to supply 15s. per diem for the present session and the last, to two Members for Marsden and the Member for Mongonui, from the days of their respective arrivals in Auckland, to the days of their respective departures, with expenses of passage, payable on the Speaker's order. Provided always that no day shall be allowed unless within the session of Council. (*Mr. Carleton.*)

(3.) That the sum for expenses of Members be reduced to £100 for the payment of Messrs. Ross and McKenzie. (*Mr. Swanson.*)

And the question being put on Mr. Swanson's amendment,

THE COMMITTEE DIVIDED :—

Ayes (7.)
Mr. Buckland,
Mr. Cheeseman,
Mr. Sheehan,
Mr. Swanson,
Mr. Webster,
Mr. Wynn,
Mr. Foley (teller).

Noes (10.)
Mr. Cadman,
Mr. Carleton,
Mr. Coolahan,
Mr. George,
M. Harrop,
Mr. King,
Mr. McGee,
Mr. Rattray,
Mr. Ross.
Mr. Skeen (teller).

Mr. Carleton, by leave of the Committee, withdrew his proposed amendment.

Motion made and question proposed, That the further consideration of the item be postponed. (*Mr. Wynn.*)

Motion, by leave of the Committee, withdrawn.

Another amendment proposed: That the item expenses of members be reduced to £125. (*Mr. Foley.*)

Amendment withdrawn.

Mr. Skeen's

Mr. Skeen's amendment put and agreed to.

Item as amended—

Expenses of Members—for Mongonui, (Mr. Ball,) for Marsden, (Messrs. Ross and Mackenzie,) £50 each, £150—

Agreed to.

Motion made and question put, That this Committee are of opinion that the payment of the expenses of members should not be continued after the present session; the committee being fully impressed with the opinion that Gentlemen for the various Electoral Districts in the Province will be found willing to offer themselves for election without desiring any sum of money for defraying the expenses incurred in attending meetings of the Council. (*Mr. King.*)

THE COMMITTEE DIVIDED :—

<p>Ayes (14.) Mr. Buckland, Mr. Cadman, Mr. Carleton, Mr. Cheeseman, Mr. Coolahan, Mr. Gallagher. Mr. Harrop, Mr. King, Mr. McGee, Mr. Rattray, Mr. Sheehan, Mr. Skeen, Mr. Webster, Mr. Foley (teller).</p>	<p>Noes (2.) Mr. Ross, Mr. Wynn (teller).</p>
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A discussion having arisen as to whether a member (Mr. George) who retired to the Clerk's room could be compelled to give his vote, the Chairman ordered Mr. George to attend in the chamber and vote, which Mr. George refused to do, whereupon,

Ordered, That the Chairman do report to Mr. Speaker that the honourable member for the City West, Mr. George, having been ordered by the Chairman to be in his place and vote on the question, refused to obey such order. (*Mr. Wynn.*)

Resolutions to be reported.

COUNCIL RESUMED.

Mr. Speaker resumed the chair and Mr. J. O'Neill reported the resolution respecting the point of order.

15. *Mr. Speaker's Ruling.*—Mr. Speaker ruled that the Clerk's room was a private room and out of the House, and that a member retiring there before a division could not be compelled to vote on the division.

Mr. J. O'Neill, also reported the resolution agreed to by the Committee on Mr. King's motion respecting the non-payment of Members.

Mr. King moved and the question was proposed, That that resolution be agreed to by the Council.

And the question being put,

THE COUNCIL DIVIDED.

<p>Ayes (10.) Mr. Cadman, Mr. Carleton, Mr. Cheeseman, Mr. Coolahan, Mr. Foley, Mr. King, Mr. J. O'Neill, Mr. Rattray, Mr. Swanson, Mr. Harrop (teller).</p>	<p>Noes (1.) Mr. Wynn (teller).</p>
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So it was resolved in the affirmative.

Resolved,

Resolved, That an Address be presented to his Honor the Superintendent forwarding that resolution. (ADDRESS No. 125)

16. *Message*.—Mr. Speaker read the following Message from his Honor the Superintendent, presented by Mr. Carleton.

Message No. 94.

The Superintendent invites the Provincial Council to make provision for the payment of the following sums viz :—

To be placed at the disposal of his Honor the Chief Justice, as suggested by the Council - - - -	£400
Salary of Assistant Pilot, Auckland, to make up the amount to what he is at present in receipt of—additional -	£46
For Site, &c., of Mechanics Institute, Newton, as suggested by the Council - - - - -	£100
For Mungamungaroa Ferry Service, increase of Subsidy	£7
For expenses of Provincial Elections next ensuing - -	£350

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland 7th April, 1865.

Ordered, That the Message be taken into consideration in Committee on the Estimates.

17. *Estimate of Expenditure*.—Council again resolved itself into Committee on the Estimates.

Waste Lands Office.

Postponed items, Clerical assistance, £168 and £100. - £268
Amendment proposed: To leave out "£168 and" and reduce the total to "£100."
(*Mr. Foley*)
Amendment agreed to.
Item as amended agreed to.
Compiling Draughtsman £250. Disagreed to.
Contingencies—Stationery, drawing materials, firewood, travelling expenses, and labor.
£300.
Amendment proposed: That this item be reduced to £200. (*Mr. Wynn*)
Amendment agreed to.
Item as amended agreed to.

Engineer-in-Chief's Department.

Engineer-in-Chief, £800.
Amendment proposed: That the item be reduced to £400. (*Mr. Foley*)
Amendment by leave withdrawn.
Item agreed to.

Resolved, That this Committee have assented to the vote for the salary of the Engineer-in-Chief, solely for the reason that the Council authorised the Superintendent to employ a competent Engineer to supervise all Provincial works, but are of opinion that that officer should be informed that that resolution can be in no way binding on any future Council.

That the Provincial Council in recommending a salary of £800 a year for a Provincial Engineer, did so on the understanding that that officer should supervise all engineering works in this province, but this Committee regret to record their opinion that the officer holding the appointment, for which the Council recommended a salary of £800 a year, has not performed the duties which the Provincial Council anticipated would be performed by that officer, and that the expenses of the late Road Department have been increased to an extent which this Council did not anticipate when recommending the appointment of a Provincial Engineer.

That

That the Council in recommending such appointment understood that the Engineer appointed by virtue of such recommendation should actively and personally supervise all works in the province requiring the employment and services of an Engineer. (*Mr. Wynn.*) Resolutions to be reported presently.

Assistant Engineer, £350.

Amendment proposed: That this item be expunged. (*Mr. Foley.*)

COMMITTEE DIVIDED:—

And it appearing from the division lists that there was not a quorum of members present, Mr. Speaker resumed the chair, and Mr. J. O'Neill reported that upon a division in Committee a quorum of members was not present.

COUNCIL RESUMED.

Mr. Speaker having counted the Council, it appeared there was a quorum present.

Mr. J. O'Neill reported the resolutions agreed to by the Committee respecting the office of Engineer-in-Chief.

Resolved, That the resolutions be agreed to by the Council and forwarded in an Address to his Honor the Superintendent. (ADDRESS No. 126.)

18. *Adjournment.*—On motion of Mr. Foley, Council adjourned at half-past 10 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Tuesday, April 11th, 1865.

ORDERS OF THE DAY.

Government Business:—

1. Estimate of Expenditure—to be further considered in Committee.
2. Empowering Bill—in Committee.
3. City Board Act Amendment Bill

General Business:—

4. Wairoa Road Bill—second reading.
5. Message No. 85—to be considered.
6. Adjourned debate on the question—That an Address be forwarded to his Honor the Superintendent requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source: also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.
7. Adjourned debate on the question—That the report of the Slaughter-House Committee be adopted.

CONTINGENT NOTICE OF MOTION.

1. Mr. CARLETON to move, in Committee on the "City Board Act Amendment Bill," That the following words do stand as section 2 of the bill:—

It shall be lawful for the City Board to fill up and level all cellar openings or other openings in the footpaths or streets within the limits of the "City Board Act" and to remove all cellar-fittings and other works which interfere with or impede the thoroughfare on any such footpath or street. In the event of any person impeding any officer or workman employed in such filling up levelling or removal he shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding £20

NOTICES

1. Mr. KING to move for leave, To bring in a bill to repeal the Education Act, Session VI., and to make other provisions in lieu thereof.
2. Mr. KING to move, That the report of the Wairoa Road Bill in Committee be adopted.
3. Mr. KING to move, That the Council do resolve itself into a committee of the whole, with a view of considering the following resolution :—

(1) That the Council are of opinion that the late John Thomas, laboured under many difficulties in proceeding with the contract for bricks entered into by him for the new Lunatic Asylum, and recommend that one-half of the sum deducted by the Provincial Government in consequence of the contract not being completed within the time mentioned in the specification, be invested by his Honor the Superintendent in Trust for the benefit of the Widow and Children of the late John Thomas; interest to be paid quarterly.

(2) That an address be presented to his Honor the Superintendent requesting him to place on the additional estimate of expenditure the sum of two hundred and fifty pounds for such purpose.

4. Mr. WYNN to move, That an address be presented to his Honor the Superintendent, requesting him to furnish this Council with a return showing the payment made on account of the purchase of Native lands under the Empowering Act, of last session, the names of the blocks purchased or agreed to be purchased and the Electoral districts in which such blocks are situated.

WM. POWDITCH,
Speaker.

TUESDAY, APRIL 11TH, 1865.

PRAYER.

Present: Mr. Speaker and 18 members.

1. *Petition of Captain G. H. Wilkins.*—Mr. Carleton presented a petition from Captain George Hughes Wilkins, praying that his claim to land as a military settler may be considered.
Petition received and read.
2. *Estimate of Expenditure.*—Council, according to order, resolved itself into Committee on the Estimate of Expenditure.

IN THE COMMITTEE.

Mr. King in the Chair.

Engineer-in-Chief's Department.

Question—Assistant-Engineer, £350—put.

COMMITTEE DIVIDED :—

Ayes (5).
Mr. Carleton
Mr. Cheeseman
Mr. Ross
Mr. Skeen
Mr. George (teller)

Noes (9).
Mr. Coolahan
Mr. Gallagher
Mr. Gruchy
Mr. McGee
Mr. A. O'Neill
Mr. Rowe
Mr. Sheehan
Mr. Swanson
Mr. Foley (teller)

The

The following items were agreed to :—

Inspector of Roads	-	-	-	-	-	-	-	£250
Clerk and Draughtsman	-	-	-	-	-	-	-	200
Clerk	-	-	-	-	-	-	-	125
Storekeeper	-	-	-	-	-	-	-	75
Contingencies and travelling expenses	-	-	-	-	-	-	-	250
Messenger	-	-	-	-	-	-	-	39

Police Department.

One Sergeant-Major at 10s. 6d. per day, £191 12 6

Ordered, That this item be postponed until the Superintendent replies to the Address forwarded to him on the subject. (*Mr. Foley.*)

The following items were agreed to.

Prisons.

Stockade—

Gaoler	-	-	-	-	-	-	-	£200
Inspector of Labour	-	-	-	-	-	-	-	234
Five Overseers, first class, at £126	-	-	-	-	-	-	-	630
Eleven Overseers, second class, at £114	-	-	-	-	-	-	-	1,254
Bedding and Clothing,	-	-	-	-	-	-	-	750
Rations and Medical Comforts	-	-	-	-	-	-	-	2,350
Contingencies—lamp oil, powder, tools, &c.,	-	-	-	-	-	-	-	150
Materials for workmen—leather, timber, &c.,	-	-	-	-	-	-	-	107

Auckland Gaol—

Gaoler	-	-	-	-	-	-	-	£200
Two Turnkeys—£120, £130	-	-	-	-	-	-	-	250
Four Overseers at £114	-	-	-	-	-	-	-	456
Matron	-	-	-	-	-	-	-	72
Contingencies—firewood, clothing	-	-	-	-	-	-	-	200
Rations and Medical Comforts	-	-	-	-	-	-	-	550

Lock-up—

Rations	-	-	-	-	-	-	-	£100
Furniture, &c.,	-	-	-	-	-	-	-	100
Forage for Visiting Justice's horse	-	-	-	-	-	-	-	60

Sheep and Thistle Department.

Inspector	-	-	-	-	-	-	-	£300
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The following items were further postponed.

Eight Sub-Inspectors at £40—£320	-	-	-	-	-	-	-	
Contingencies—£20	-	-	-	-	-	-	-	

The following item was agreed to.

Inspector of Slaughter-Houses	-	-	-	-	-	-	-	50
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Auckland Harbour.

The following item was further postponed.

Signalman—£120	-	-	-	-	-	-	-	
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Manukau Harbour.

The following items were agreed to.

Harbour Master and Pilot	-	-	-	-	-	-	-	£250
Assistant Pilot	-	-	-	-	-	-	-	130
Signalman	-	-	-	-	-	-	-	120
Chief Boatman at £9 per month	-	-	-	-	-	-	-	108
Three men, £7 per month	-	-	-	-	-	-	-	252

Buoys,

Buoys, Beacons, and Mooring Chains,	-	-	-	£300
Boats, Repairs, &c.	-	-	-	130

Ferries.

The following item was further postponed:—
North Shore—£150

The following items were agreed to:—

Waikato (Ferry)	-	-	-	£104
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Special.

Surveys and opening blocks of land	-	-	-	£5,000
Slaughter-house	-	-	-	2,000
House for Assistant Pilot, Auckland	-	-	-	200

Miscellaneous.

The following item was postponed:—

Expenses under Thistle Act—£600

The following items were agreed to:—

Vaccination	-	-	-	£250
Other Returning Officers for each Provincial Election,	£2	2s.	0d.	

Extra pay to Crew of the "Falcon," £111 6s. Amendment proposed: That this item be reduced to £98 5s. 6d.

Amendment agreed to.

Item as amended agreed to.

Subsidy for Steam Service to Wangarei, Matakana, Bay of Islands, and Coromandel, £1,200, further postponed.

Motion made and question put, That the Chairman do now report progress and ask leave to sit again.

COMMITTEE DIVIDED.

Ayes (3).
Mr. Coolahan,
Mr. Skeen,
Mr. Wynn (teller).

Noes (11).
Mr. Cadman,
Mr. Carleton,
Mr. Cheeseman,
Mr. Foley,
Mr. Gallagher,
Mr. George,
Mr. McGee,
Mr. A. O'Neill,
Mr. Rowe,
Mr. Sheehan,
Mr. Ross (teller).

Trust Services—Harbour Trust.

Expense of Light	-	-	-	£80
Agreed to.				

To report progress, and ask leave to sit again.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. King reported, That the Committee had made progress in the matter to them referred, and that he was directed to move, That the Committee may have leave to sit again.

Resolved, That this Council will, on to-morrow, again resolve itself into the said Committee.

3. *Business Postponed*.—On motion of Mr. Foley, *Ordered*, That the notices of motion on this day's paper do stand as notices of motion for to-morrow.

3. *Adjournment*.

4. *Adjournment.*—Mr. Carleton moved, and the question was proposed, That after the reading of the Messages just received the Council do adjourn for half-an-hour.

Mr. Foley moved, as an amendment, That the words "for half-an-hour" be left out, and the words "till to-morrow" be added instead.

And the question being put on the amendment, it was resolved in the affirmative.

And the question as amended being put, it was resolved in the affirmative.

5. *Messages.*—Mr. Speaker read the following Messages from his Honor the Superintendents presented by Mr. Carleton.

Message No. 95.

In compliance with the request contained in the Address received from the Provincial Council, under date 2nd March ultimo, the Superintendent recommends the Council to make provision for the salary of a Wharfinger at Onehunga—£150.

The Superintendent, however, requests the Council to understand that he will not feel it his duty to make the appointment in question until he shall have been satisfied that the tolls to be collected on the wharf, will yield a surplus beyond expenses.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 11th April, 1865.

Ordered, That the Message be considered in Committee on the Estimates.

Message No. 96.

The Superintendent invites the Provincial Government to make provision on the additional Estimates, viz. :—

For opening a road from Mangawai to Waipu across Bream
Tail (as suggested in ADDRESS 109) - - £200

For opening a road from Wangarei to Mangapai by
Otaike (as suggested in ADDRESS No. 112.) - £200

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 11th April, 1865.

Ordered, That the Message be considered in Committee on the Estimates.

Message No. 97.

Referring to the Resolutions transmitted in the Address, No. 64, of date 7th March ultimo, the Superintendent informs the Provincial Council; 1st, That Colonel Kenny's claim having been distinctly recognised as valid by the General Government, it appears to be beyond the power of the Superintendent or the Provincial Council to dispute it; and 2nd, That the Superintendent is not aware of any further steps having been taken in this matter by Colonel Kenny, or by the General Government.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 11th April, 1865.

Message No. 98.

The Superintendent has received an Address (No. 96) from the Council "requesting him to supplement the £7,000 already granted for the erection of a Market House, by submitting a Bill to authorise a further advance of £7,000 out of the Half Million Loan to the City Board of Commissioners."

The

The Superintendent is of opinion that he would not be justified, under present circumstances, in sanctioning so large an expenditure on a Market House. In his opinion the city of Auckland has many urgent claims upon the loan fund of greater practical utility. He believes that the sum in question could be more advantageously expended in improvements of a sanatory character, to which, so soon as the advance can be made judiciously, he would willingly sanction its application.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 11th April, 1865.

Message No. 99.

In reply to the inquiry contained in the Address, No. 89, of date 15th March ultimo, the Superintendent informs the Provincial Council that he has no intention to recommend the Council to make special provision for payment of a salary to the Immigration Agent.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 11th April, 1865.

Message No. 100.

The Superintendent lays before the Provincial Council copy of sundry communications received, relative to the action reported to have been taken by the Council, respecting certain items in the Estimates of Expenditure, as recently submitted by the Superintendent for the consideration of the Council.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 11th April, 1865.

Message No. 101.

In accordance with the requirements of the eighth clause of the regulations issued under the "Diseased Cattle Act, 1861," by the Governor in Council, the Superintendent lays before the Provincial Council copies of letters and of Provincial Government Gazettes, containing particulars of all the appointments, regulations, acts and proceedings whatever issued, made, and done by him under the delegated powers of the said Act, since 7th October, 1863.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 11th April, 1865.

Message No. 102.

The Superintendent lays before the Provincial Council a report received from the Provincial Engineer-in-Chief, relative to the Nihotupu water scheme.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 11th April, 1865.

Message No. 103.

In compliance with the request contained in the Address No. 71, of date 7th March ultimo, the Superintendent lays before the Provincial Council the desired returns relative to the Manukau Pilot service.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 11th April, 1865.

6. *Report on Onehunga Bill.*—Mr. Gallagher brought up the report of the Select Committee on the Onehunga Improvement Bill, and the same was received and read as follows:—

Your Committee have considered the Bill referred to them, and have the honor to report that they recommend the following amendments:—

(1) That the town of Onehunga be divided into five wards, in accordance with the tracing and description accompanying this report, and that the boundaries of the town and wards as there defined be inserted in the schedule of the bill.

(2) That each ward shall return two members to the Board.

(3) That after the first year of election the electoral rolls be made up for the various wards, as defined in the Schedule hereto annexed, and that the first election take place on the first day of July in the present year.

(4) That the provisions of clause 25 of the "City Board Act, 1863," be inserted in this Bill, except that "one-half" be inserted in lieu of "one-third."

(5) That the provisions of clause 39 of the same act be inserted in this Bill, except that "one shilling" shall stand in lieu of "one shilling and sixpence."

(6) That clause 26 of the Bill be amended to the effect *that the Superintendent should hand over to the Board the proceeds of rents, arising from the letting of any Public Reserves, for expenditure in Improvements of Roads or Bridges, &c. in the town.*

(7) That clause 27 of the Bill be amended to the effect *that the Chairman shall have only a casting vote.*

The Committee further recommend that the alterations proposed be forwarded in an Address to his Honor the Superintendent, and that he be requested to submit them to the Provincial Law officer for insertion in the Bill.

6. *Messages referred to Committee on Estimates.*—On motion of Mr. Carleton, *Ordered*, That all Messages recommending the appropriation of money which have not as yet been referred to the Committee on the Estimate of Expenditure be so referred.

7. *Adjournment.*—On motion of Mr. Foley, Council adjourned at 7 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Wednesday, April 12th, 1865.

1. Mr. FOLEY, To ask the hon. member at the head of the executive when it is the intention of His Honor the Superintendent to reply to the addresses sent from this Council requesting him to place on the estimate of expenditure several additional sums of money for various Country Districts.

NOTICES OF MOTION.

1. Mr. KING, to move for leave, To bring in a bill to repeal the Education Act, Session VI., and to make other provisions in lieu thereof.
2. Mr. KING, to move, That the report of the Wairoa Road Bill Committee be adopted.
3. Mr. KING, to move, That the Council do resolve itself into a committee of the whole, with a view of considering the following resolution:—

(1) That the Council are of opinion that the late John Thomas, laboured under many difficulties in proceeding with the contract for bricks entered into by him for the new Lunatic Asylum, and recommend that one-half of the sum deducted by the Provincial

Government

Government in consequence of the contract not being completed within the time mentioned in the specification, be invested by His Honor the Superintendent in Trust for the benefit of the Widow and Children of the late John Thomas ; interest to be paid quarterly.

(2) That an address be presented to His Honor the Superintendent, requesting him to place on the additional estimate of expenditure the sum of two hundred and fifty pounds for such purpose.

4. Mr. WYNN to move, That an address be presented to his Honor the Superintendent, requesting him to furnish this Council with a return showing the payment made on account of the purchase of Native lands under the Empowering Act, of last session, the names of the blocks purchased or agreed to be purchased and the Electoral districts in which such blocks are situated.
5. Mr. WYNN, to move, For leave to bring in a bill to authorise the issue of licenses to persons to shoot birds and for other purposes.
6. Mr. ALLAN O'NEILL, to move, That an address be presented to his Honor the Superintendent requesting him at his earliest convenience to have the Government Jetty at Stewart's Point repaired.
7. Mr. GALLAUGHER to move, That the report of the Select Committee on the Onehunga Improvements Bill be taken into consideration when such Bill is in Committee.
8. Mr. MCGEE to move, That an address be presented to His Honor the Superintendent requesting him
 - (1) To authorise the appointment of the senior Constable at Onehunga as Sergeant in charge of that Police Station
 - (2) To give directions for putting the Court House in a thorough state of repair including the painting of the building.

ORDERS OF THE DAY.

1. Estimate of Expenditure—to be further considered in Committee.
2. Empowering Bill—in Committee.
3. City Board Act Amendment Bill—in Committee.
4. Wairoa Road Bill—second reading.
5. Message No. 85—to be considered.
6. Adjourned debate on the question—That an address be forwarded to his Honor the Superintendent, requesting him, without delay, to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.
7. Adjourned debate on the question—That the report of the Slaughter-House Committee be adopted.

CONTINGENT NOTICES OF MOTION.

1. Mr. CARLETON to move, in committee on the "City Board Act Amendment Bill," That the following words do stand as section 2 of the bill :—

It shall

It shall be lawful for the City Board to fill up and level all cellar openings or other openings in the footpaths or streets within the limits of the "City Board Act" and to remove all cellar fittings or other works which interfere with or impede the thoroughfare on any such footpath or street. In the event of any person impeding any officer or workman employed in such filling up levelling or removal he shall be guilty of an offence against this Act and shall be liable in a penalty not exceeding £20.

WM. POWDITCH,
Speaker.

WEDNESDAY, APRIL 12TH, 1865.

PRAYER.

Present : Mr. Speaker and 19 members.

1. *Petition of John Goodie.*—Mr. A. O'Neill presented a petition from John Goodie, praying that his land order may not be invalidated on account of non-presentation within 12 months of its issue.
Petition received.
2. *Unanswered Addresses.*—Mr. Foley, pursuant to notice, asked, When it is the intention of his Honor the Superintendent to reply to the Addresses sent from this Council, requesting him to place on the Estimate of Expenditure several additional sums of money for various country districts.
Mr. Carleton answered, As soon as there shall be grounds for supposing that the series of such Addresses is concluded.
3. *Education Bill.*—On motion of Mr. King, *Ordered*, That leave be given to bring in a Bill to repeal the Education Act, Session VI. and to make other provisions in lieu thereof.
Mr. King accordingly presented the Bill, and the same was read the first time and ordered to be printed.
Ordered, That the Education Bill be referred to a Select Committee, consisting of Mr. Cadman, Mr. Cheeseman, Mr. Gallagher, Mr. King, Mr. McGee, Mr. Newman, Mr. J. O'Neill, Mr. Ross, Mr. Rowe, Mr. Sheehan, Mr. Webster, Mr. Wynn, and the mover.
4. *Unanswered Addresses.*—On motion of Mr. Wynn, *Ordered*, That the Clerk do prepare a list of the Addresses presented by this Council to the Superintendent during the present Session, which are as yet unanswered, showing the subject of the Address, the mover of it, and the date of its passing.
5. *Colonel Kenny's Claim.*—On motion of Mr. Wynn, *Ordered*, That the Superintendent's Message No. 97, be considered to-day before the orders of the day.
6. *Messages.*—Mr. Speaker read the following Messages from his Honor the Superintendent, presented by Mr. Carleton.

Message No. 104.

The Superintendent transmits for the information of the Provincial Council copy of the draft conditions upon which he proposed to pay the subsidy of £1,200 for twelve months voted by the Council for the s.s. "Storm Bird." Also copy of correspondence which has passed on this subject since that previously laid before the Council.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 12th April, 1865.

Message

Message No. 105.

The Superintendent lays before the Provincial Council copy of proposals made by Messrs. Whitaker and Russell on behalf of Mr. Beddoes, who wishes to lay down a patent slip at the North Shore, on condition that the Provincial Government will guarantee interest upon the cost for ten years. The Superintendent also forwards copy of a letter from the hon. the Colonial Secretary, relative to leasing the fore shore for such purposes.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 12th April, 1865.

On motion of Mr. Carleton, *Ordered*, That the Message be considered to-morrow.

7. *Wairoa Road Bill*.—On motion of Mr. King, *Resolved*, That the Report of the Wairoa Road Bill Committee be adopted.

8. *John Thomas's Petition*.—Mr. King moved and the question was proposed, That the Council are of opinion that the late John Thomas laboured under many difficulties in proceeding with the contract for bricks entered into by him for the new Lunatic Asylum, and recom- that one-half of the sum deducted by the Provincial Government, in consequence of the contract not being completed within the time mentioned in the specification, be invested by his Honor the Superintendent in trust for the benefit of the widow and children of the late John Thomas; interest to be paid quarterly.

Mr. Wynn moved, as an amendment, That all the words after "specification," in line 5, be left out, and the words "be paid to the legal personal representative of the late John Thomas" added instead.

And the question being put on the amendment, it passed in the negative.

And the original question being put,

THE COUNCIL DIVIDED :—

Ayes (7.)
Mr. Blake,
Mr. Carleton,
Mr. Coolahan,
Mr. Gallagher,
Mr. Rowe,
Mr. Sheehan,
Mr. King (teller.)

Noes (4.)
Mr. Foley,
Mr. A. O'Neill,
Mr. Skeen,
Mr. Wynn (teller.)

So it was resolved in the affirmative.

Resolved, That an Address be presented to his Honor the Superintendent requesting him to place on the additional Estimate of Expenditure, the sum of two hundred and fifty pounds for such purpose. (ADDRESS No. 127.)

9. *Expenditure for Native Lands*.—Mr. Carleton laid on the table a Return of the expenditure in the purchase of Native Land, under the "Empowering Act" of last session.

10. *Expenditure on Native Lands*.—On the motion of Mr. Wynn, *Resolved*, That an Address be presented to his Honor the Superintendent, requesting him to furnish this Council with a Return, showing the payments made on account of the purchase of Native Lands under the "Empowering Act" of last session, the names of the blocks purchased, or agreed to be purchased, and the electoral districts in which such blocks are situated. (ADDRESS No. 128.)

11. *Notice Postponed*.—Mr. Wynn postponed his notice of motion, No. 5, until the first sitting day next week.

12. *Stewart's Point Jetty*.—On motion of Mr. A. O'Neill, pursuant to amended notice, *Resolved*, That an Address be presented to his Honor the Superintendent requesting him, at his earliest convenience, to have the Government Jetty at Stewart's Point repaired, and the money so expended to be a charge on the vote for Contingencies. (ADDRESS No 129.)

13. *Onehunga*

13. *Onehunga Bill*.—On motion of Mr. Gallagher, *Ordered*, That the Report of the Select Committee on the Onehunga Improvements Bill be taken into consideration when such Bill is in Committee.
14. *Onehunga Police Station*.—Mr. McGee moved, and the question was proposed, That an Address be presented to his Honor the Superintendent requesting him (1.) To authorise the appointment of the senior Constable at Onehunga, as Sergeant in charge of that Police Station.

Mr. Skeen moved as an amendment, That the words "the senior Constable at Onehunga, as" be left out, and the words "at Onehunga" added at the end.

And the question being put on the amendment, it was resolved in the affirmative.
And the question as amended being put,

COUNCIL DIVIDED :—

Ayes (9.)	Noes (5.)
Mr. Blake,	Mr. A. O'Neill,
Mr. Carleton,	Mr. Rowe,
Mr. Coolahan,	Mr. Sheehan,
Mr. Gallagher,	Mr. Swanson,
Dr. Pollen,	Mr. Foley (teller.)
Mr. Skeen,	
Mr. Wynn,	
Mr. McGee (teller.)	

So it was resolved in the affirmative.

Resolved, That an Address be presented to his Honor the Superintendent requesting him (2.) To give directions for putting the Court House in a thorough state of repair including the painting of the building. (ADDRESS No. 130.)

15. *Adjournment for three quarters of an hour*.—On motion of Mr. Wynn Council adjourned at a quarter to 6 o'clock till half-past 6 o'clock.

COUNCIL RE-ASSEMBLED at half past 6 o'clock.

16. *Colonel Kenny's Land Claim*.—Message No. 97 under consideration.
On motion of Mr. Wynn, *Resolved*:—
(1.) That this Council again expresses its opinion that Colonel Kenny is not entitled to select land according to his application made to the General Government and this Council respectfully request his Honor the Superintendent to protest on behalf of the Province against the granting of the land applied for by Colonel Kenny.
(2.) That Colonel Kenny's claim having been referred by the General Government to the Provincial Government it is quite competent for the Superintendent and Provincial Council to protest against such claim and to do all in their power to insure its rejection.
(3.) That an Address be presented to his Honor the Superintendent forwarding the foregoing resolutions. (ADDRESS No. 130A.)
17. *Estimate of Expenditure*.—Council according to order resolved itself into Committee on the Estimate of Expenditure.

IN THE COMMITTEE

Mr. King in the chair.

Ordered, That the Committee do take into consideration the Superintendent's message recommending the appropriation of sums in addition to those on the printed Estimate of Expenditure.

Message No. 55 under consideration.

Road to Albertland Settlement - - - - £500
Agreed to.

Message

Message No. 56 under consideration.

Road Repairs £1,000. Motion made and question proposed, That this item be postponed. There not being a quorum of Members present the Chairman left the chair.

Mr. Speaker resumed the chair and counted the Council and there not being 12 members present, Mr. Speaker then at seven o'clock declared the Council to stand adjourned till to-morrow.

MEMBERS PRESENT:—

Mr. Speaker,

Mr. Carleton,
Mr. Coolahan,
Mr. Gallagher,
Mr. George,
Mr. King,

Mr. Ross,
Mr. Rowe,
Mr. Skeen,
Mr. Swanson,

NOTICES OF MOTION AND ORDERS OF THE DAY.

Thursday, April 13th, 1865.

1. Mr. SWANSON to ask the member at the head of the Government, What arrangement has been made with the Waitemata Steamboat Company for the performance of the ferry service to the North Shore.

ORDERS OF THE DAY.

1. Onehunga Improvement Bill—in Committee.
2. Message No. 105 (respecting the construction of a patent slip on the North Shore)—to be considered.
3. Estimate of Expenditure—to be further considered in Committee.
4. Empowering Bill—in Committee.
5. City Board Act Amendment Bill—in Committee.
6. Wairoa Bill—second reading.
7. Message No. 85—to be considered.
8. Adjourned debate on the question—That an address be forwarded to his Honor the Superintendent, requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.
9. Adjourned debate on the question—That the report of the Slaughter-House-Committee be adopted.

CONTINGENT NOTICE OF MOTION.

Mr. CARLETON to move in committee on the 'City Board Act Amendment Bill,' That the following words do stand as Section 2 of the bill:—It shall be lawful for the City Board to fill up and level all cellar openings or other openings in the footpaths or streets within the limits of the 'City Board Act,' and to remove all cellar fittings or other works which inter-

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fere with or impede the thoroughfare on any such footpath or street. In the event of any person impeding any officer or workman employed in such filling up, levelling, or removal, he shall be guilty of an offence against this Act, and shall be liable in a penalty not exceeding £20.

WM. POWDITCH,
Speaker.

THURSDAY, APRIL 13TH, 1865.

PRAYER.

Present: Mr. Speaker and 15 members.

1. *North Shore Steam Ferry.*—Mr. Swanson, pursuant to notice, asked what arrangement has been made with the Waitemata Steam Boat Company for the performance of the Ferry Service to the North Shore.
Mr. Carleton answered, That their tender, £3 per month for Stokes' Point, has been accepted. Their tender, £40 per annum for the Flagstaff, has also been accepted. The conditions shall be laid on the table.
2. *Adjournment.*—On motion of Mr. Foley, *Resolved*, That the Council at its rising to day do adjourn till Tuesday next.
3. *Onehunga Improvement Bill.*—Council, according to order, resolved itself into Committee on the "Onehunga Improvement Bill."

IN THE COMMITTEE.

Mr. J. O'Neill in the chair.

Report of Select Committee under consideration.

Ordered, That the Report be considered paragraph by paragraph.

Paragraphs 1 and 2 agreed to.

Paragraph 3. Amendment proposed, That all the words after the words "take place," in the last line be left out for the purpose of adding the following words in lieu thereof, "within three weeks after the official publication of the Electoral Roll of the Province of Auckland for 1865-6." (*Mr. Carleton.*)

Amendment negatived.

Paragraph agreed to.

The remaining paragraphs of the Report were agreed to.

Resolutions to be reported.

COUNCIL RESUMED.

Mr. Speaker resumed the chair and Mr. J. O'Neill reported the several resolutions forming the Select Committee's Report on the "Onehunga Improvement Bill."

Resolved, That that Report be agreed to by the Council.

Resolved, That an Address be presented to his Honor the Superintendent transmitting a copy of the Select Committee's Report on the "Onehunga Improvement Bill," as agreed to by this Council. (ADDRESS No. 131.)

4. *Messages.*—Mr. Speaker read the following Messages from his Honor the Superintendent, presented by Mr. Carleton.

Message No. 106.

In compliance with the request contained in the Address No. 68 of date 7th March ultimo, the Superintendent lays before the Provincial Council the desired Returns relative to the Revenue derived from the Wharf and Shipping of the Port of Auckland, during the year 1864, also a Return of the Passengers crossing at the several North Shore Ferries.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 13th April, 1865.

Message.

Message No. 107.

In compliance with the request contained in the Address No. 93, of date 23rd March ultimo, the Superintendent lays before the Provincial Council copy of all correspondence between the General and Provincial Governments respecting the transfer of the land upon which the present Government House stands.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 13th April, 1865.

Message No. 108.

The Superintendent lays before the Provincial Council copy of a return obtained from the Chairman of the Whau Whau Highway Board in compliance with the request contained in the Address No. 10, of date 25th January ultimo.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 13th April, 1865.

Message No. 109.

Referring to the Address No. 97, presented by the Provincial Council under date 26th March ultimo, the Superintendent informs the Provincial Council that no reports have been received relative to the Kaipara Tramway survey, in addition to those laid before the Council in Message No. 1, of Session XVII. The Superintendent also informs the Council that the plans of that survey are still incomplete, and would require a further expenditure of about twenty pounds (£20) for their completion. The Superintendent will give directions for the completion of these plans, if the expense be sanctioned by the Council.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 13th April, 1866.

Ordered, That the Message be considered in Committee on the Estimates.

Message No. 110.

The Superintendent lays before the Provincial Council copy of letters from the Waste Land Commissioner, relative to the preparation of Crown grants in the Land office, and indicating the need of reform in the organization and working of that Department.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 13th, April, 1865.

Message No. 111.

The Superintendent informs the Provincial Council that he has no knowledge of the resolution alluded to in the Address No. 69 of date 7th March ultimo, no such resolution having been transmitted to the Superintendent by the Council.

The Superintendent has been informed that a resolution of the kind described in the Address was forwarded by the hon. the Speaker direct to the General Government.

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The Superintendent however states for the information of the Council that in his opinion the land to be granted to the volunteers ought to be taken from the confiscated land of the rebels. It is his intention, as member for Franklyn, to move during the ensuing session of the General Assembly, that such grants be issued.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 13th April, 1865.

Message No. 112.

The Superintendent returns to the Provincial Council "The Cattle Landing Act, 1865," and proposes for the consideration of the Council the following amendment viz. :--

In the second line of clause IV., omit the words "tenth day of April," and insert in lieu thereof the words "fourteenth day of May."

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland 13th April, 1865.

Ordered, That the Message be considered forthwith.

Resolved, That the amendment proposed by the Superintendent be agreed to.

Resolved, That the Bill as amended to pass.

Message No. 113.

The Superintendent transmits to the Provincial Council copy of correspondence with the General Government concerning the expense of maintenance, custody, &c. of prisoners, which will, for the future, have to be paid directly by the province, in lieu of being defrayed in the first instance by the General Government and charged to the Province in a separate account.

The Commissioner of Police has estimated that the sum of £200 will be required to cover the expense of conveying prisoners and witnesses to Auckland, the cost of their rations, &c.

The Superintendent accordingly recommends that the sum of £200 be appropriated for the purpose in question.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 13th April, 1865.

Ordered, That the Message be considered in Committee on the Estimates.

Message No. 114.

Referring to the Address No. 107 of the present Session, the Superintendent informs the Provincial Council; 1st, That the cost of putting the Pier known as "Heath's Pier" in an efficient state of repair is estimated at twenty-five pounds (£25), including materials, and 2nd, That if one half of the sum required, be subscribed by the parties interested in the improvement in question, the Superintendent will grant an equal contribution from the sum placed at his disposal to meet local contributions, and cause the work to be done under the supervision of the Roads and Works Department.

ROBERT GRAHAM
Superintendent.

Superintendent's Office,
Auckland, 13th April, 1865.

Message

Message No. 115.

Referring to the Resolutions transmitted in the Address No. 100 of date 23rd March ultimo, the Superintendent informs the Provincial Council; 1st, That there is no "Assistant Engineer" employed by the Government on the Panmure Bridge works, nor has there been for upwards of two months; and 2ndly, That when the masonry for the foundation of the swivel is being put in and the remainder of the piles being driven, it will be imperatively necessary either that the Engineer-in-Chief shall spend his whole time in watching these operations, or that a professional assistant shall be employed to see that the work is faithfully executed, otherwise the Superintendent cannot hold the Engineer-in-Chief responsible for the due performance of the contract or the stability of the structure.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 13th April, 1865.

Message No. 116.

The Superintendent submits for consideration by the Provincial Council *A Bill to make provision relative to Fencing Land in the Province of Auckland.*

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 13th April, 1865.

On motion of Mr. Carleton, the Bill enclosed—the Fencing Bill—was read the first time, and ordered to be read a second time on Tuesday next, and to be printed.

Message No. 117.

The Superintendent submits for the consideration of the Provincial Council a Bill intituled *An Act to regulate the Impounding of Cattle in the Province of Auckland.*

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 13th April, 1865.

On motion of Mr. Carleton, the Bill enclosed—The Impounding Bill—was read a first time, and ordered to be read a second time on Tuesday next, and to be printed.

5. *Order Postponed.*—On motion of Mr. Carleton, *Ordered*, That the order No. 2, for considering the Superintendent's Message No. 105, be postponed till Wednesday next.
6. *Estimate of Expenditure.*—Council, according to order, resolved itself into Committee on the Estimate of Expenditure.

IN THE COMMITTEE.

Mr. King in the Chair.
Message No. 56 under consideration.
Question again stated.

Road Repairs, £1,000—Item postponed.

For the Mangawai Breakwater (additional) - - - £450

There not being a quorum of members present, the Chairman left the Chair.

Mr. Speaker resumed the Chair and counted the Council, and there not being twelve members present, Mr. Speaker then, at 10 minutes past 6 o'clock, declared the Council to stand adjourned till Tuesday next.

MEMBERS

MEMBERS PRESENT:—

Mr. Speaker,

Mr. Cadman
Mr. Carleton
Mr. Foley
Mr. Gallagher
Mr. George

Mr. King
Mr. Ross
Mr. Rowe
Mr. Sheehan
Mr. Swanson

NOTICES OF MOTION AND ORDERS OF THE DAY.

Tuesday, April 18th, 1865.

1. Mr. COOLAHAN to ask the Provincial Secretary, When a reply will be sent down to Address No. 68, requesting information with regard to the traffic and revenue of the Port of Auckland.
2. Mr. FOLEY to ask the hon. member at the head of the Executive, What amount of money has been spent out of the money voted by this Council for bringing water into the City of Auckland, including all the moneys paid to Engineers and all parties employed in connection with the said works since the passing of the "Loan Act, 1863."
3. Mr. ROWE to ask the hon member at the head of the Executive, Whether any correspondence has taken place between the General and Provincial Governments relative to metalling of that part of the Great South Road extending from Austin's farm through the Town of Havelock to the Waikato River.

ORDERS OF THE DAY.

Government Business :—

1. City Board Act Amendment Bill—in Committee.
2. Empowering Bill—in Committee.
3. Fencing Bill—second reading.
4. Impounding Bill—second reading.
5. Estimate of Expenditure—to be further considered in Committee.
6. Onehunga Improvement Bill—in Committee.

General Business :—

7. Wairoa Road Bill—second reading.
8. Message No. 85—to be considered.
9. Adjourned debate on the question—That an address be forwarded to his Honor the Superintendent, requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.

10. Adjourned

10. Adjourned debate on the question.—That the report of the Slaughter-house Committee be adopted.

NOTICE OF MOTION.

1. Mr. GEORGE to move, That this Council resolve itself into a Committee of the whole Council to consider his Honor's Message, No. 98, relative to increasing the amount to be expended on a Market-house.

WM. POWDITCH,
Speaker.

TUESDAY, APRIL 18TH, 1865.

PRAYER.

Present: Mr. Speaker and 21 Members.

1. *Petition of the Stockade Overseers.*—Mr. J. O'Neill presented a petition from the Overseers at the Mount Eden Stockade praying the Council to take into consideration the increased duties they have to perform.
Petition received and ordered to be considered in Committee on the Estimates.
2. *Petition of Neill Malcolm.*—Mr. Carleton presented a petition from Neill Malcolm of Tryphena Bay in the Great Barrier Island, praying for redress on account of certain land occupied by him having been sold by the Government.
Petition received.
3. *Return of unanswered Addresses.*—Mr. Speaker laid on the table the return ordered by Council on the 13th instant, of the Addresses presented by the Council this Session and as yet unanswered.
4. *Waterworks Expenditure.*—Mr. Foley pursuant to notice asked what amount of money has been spent out of the money voted by this Council for bringing water into the City of Auckland including all the moneys paid to Engineers and all parties employed in connection with the said works since the passing of the "Loan Act, 1863."
Mr. Carleton answered, That the Return has been ordered by the Superintendent and would be laid on the table.
5. *Great South Road.*—Mr. Rowe pursuant to notice asked whether any correspondence has taken place between the General and Provincial Governments relative to metalling that part of the Great South Road extending from Austin's farm through the Town of Havelock to the Waikato River.
Mr. Carleton answered, That correspondence has taken place between the two Governments.
6. *City Board Act.*—Council according to order resolved into Committee on the City Board Act Amendment Bill.

IN THE COMMITTEE.

Mr. J. O'Neill in the chair.

Amendment proposed; In line 4 to leave out the words "one shilling" in order to insert the word "fourpence" instead.

Amendment agreed to.

Clause 4. Amendment proposed: In line 8 to leave out the words "one shilling" in order to insert the word "fourpence" instead. (*Mr. Foley.*)

And the question being put on the amendment,

THE COMMITTEE

THE COMMITTEE DIVIDED:—

Ayes (4.)	Noes (10.)
Mr. McGee,	Mr. Cadman,
Mr. A. O'Neill,	Mr. Carleton,
Mr. Sheehan,	Mr. George,
Mr. Foley (teller).	Mr. Harrop,
	Dr. Pollen,
	Mr. Rattray,
	Mr. Ross,
	Mr. Rowe,
	Mr. Swanson,
	Mr. Wynn (teller).

Another amendment proposed: to leave out the words "one shilling" in order to insert the word "sixpence" instead. (*Mr. Foley.*)

And the question being put on the amendment,

THE COMMITTEE DIVIDED.—

Ayes (6.)	Noes (9.)
Mr. King,	Mr. Cadman,
Mr. McGee,	Mr. Carleton,
Mr. A. O'Neill,	Mr. Harrop,
Mr. Ross.	Dr. Pollen,
Mr. Sheehan,	Mr. Rattray,
Mr. Foley (teller).	Mr. Rowe,
	Mr. Swanson,
	Mr. Wynn,
	Mr. George (teller).

Another amendment proposed: To leave out the words "one shilling" in order to insert the word "ninepence" instead. (*Mr. Foley.*)

And the question being put on the amendment,

THE COMMITTEE DIVIDED:

Ayes (7.)	Noes (8.)
Mr. King,	Mr. Carleton,
Mr. McGee,	Mr. George,
Mr. A. O'Neill,	Mr. Harrop,
Mr. Ross,	Dr. Pollen,
Mr. Sheehan,	Mr. Rattray,
Mr. Swanson,	Mr. Rowe,
Mr. Foley, (teller).	Mr. Wynn,
	Mr. Cadman (teller).

Another amendment proposed: To leave out the said words "one shilling," in order to insert the word "tenpence" instead. (*Mr. Foley.*)

And the question being put on the amendment,

THE COMMITTEE DIVIDED.

Ayes (8.)	Noes (7.)
Mr. Gallagher,	Mr. Cadman,
Mr. King,	Mr. Carleton,
Mr. McGee,	Mr. Harrop,
Mr. A. O'Neill,	Mr. Rattray,
Mr. Ross,	Mr. Rowe,
Mr. Sheehan,	Mr. Wynn,
Mr. Swanson,	Mr. George (teller.)
Mr. Foley (teller.)	

Amendment

Amendment proposed: In lines 14—15 to leave out the word "fourpence," in order to insert the word "threepence" instead.

Amendment negatived.

Clause as amended agreed.

Clause 5 agreed to.

Clause 6. Amendment proposed: That the clause be expunged. Amendment negatived.

Clause agreed to.

Clauses 7 and 8 expunged.

To report progress and ask leave to sit again.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Dr. Pollen reported that the Committee had made progress, and that he was directed to move that the Committee may have leave to sit again.

Resolved, That this Council will presently resolve itself into the said Committee.

7. *Adjournment for half-hour.*—On motion of Mr. Rowe, Council adjourned at 7 o'clock for half-an-hour.

COUNCIL RE-ASSEMBLED at half-past seven o'clock.

Council again resolved itself into Committee on the City Board Act Amendment Bill.

IN THE COMMITTEE.

Dr. Pollen in the chair.

Clauses 9 to 15 agreed to.

Preamble agreed to.

Motion made and question proposed, That the Chairman do report the Bill as amended.

Amendment proposed, That the Chairman do report progress and ask leave to sit again.

Amendment agreed to.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Dr. Pullen reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.

Resolved, That this Council will forthwith resolve itself into the said Committee.

IN THE COMMITTEE.

Bill as amended to be reported.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Dr. Pollen reported, That the Committee had gone through the Bill.

Ordered, That the Bill be read the third time to-morrow.

8. *Order Postponed.*—The order of the day, No. 2 "Empowering Bill in Committee," was postponed till to-morrow.
9. *Fencing Bill.*—The Fencing Bill was, according to order, read the second time, and committed to a Committee of the whole Council.

IN THE COMMITTEE.

Mr. King in the chair.

Clause.

To report progress and ask leave to sit again.

COUNCIL

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. King reported that the Committee had made progress in the Bill, and that he was directed to move, That the Committee may have leave to sit again.

Resolved, That this Council will to-morrow resolve itself into the said Committee.

10. *Order transposed*.—On motion of Mr. King, *Ordered*, That the order of the day, No. 7, "Wairoa Road Bill, second reading," do stand first order of the day for to-morrow.
11. *Adjournment*.—On motion of Mr. King, Council adjourned at a quarter-past 9 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Wednesday, April 19th, 1865.

1. Mr. ROWE, to ask the Hon member at the head of the Executive, Whether any further communication relative to the Waikato Settlement scheme, has been received from the General Government, and if so whether it is intended to lay such correspondence on the table of this Council.

NOTICES OF MOTION.

1. Mr. GEORGE to move, That this Council resolve itself into a Committee of the whole Council, to consider his Honor's Message, No. 98, relative to increasing the amount to be expended on a Market House.
2. Mr. WYNN, to move, That the money arising from the New Publicans Licenses granted this year, be applied to the increase of the Police Force.
3. Mr. ROWE, to move, That a respectful address be forwarded to his Honor the Superintendent, requesting him to send down to this Council, copies of the terms of the contract entered into with Messrs. Amos & Co., for the construction of the breakwater, at Point Britomart.
4. Mr. CADMAN, to move, That a respectful address be presented to his Honor the Superintendent, requesting him to send down to this Council a copy of the Bill he intends to introduce into the General Assembly as member for Franklin, for the purpose of granting Lands to the Militia and Volunteers who served during the Native Rebellion, as a recognition, of their services.

ORDERS OF THE DAY.

1. Wairoa Road Bill—second reading.
2. Message No. 105 (respecting the construction of a patent slip on the North Shore)—to be considered.
3. City Board Amendment Bill—third reading.
4. Empowering Bill—in Committee.
5. Fencing Bill—in Committee.
6. Impounding Bill—second reading.
7. Estimate

7. Estimate of Expenditure—to be further considered in Committee.
8. Onehunga Improvement Bill—in Committee.
9. Message No. 85—to be considered.
10. Adjourned debate on the question—That an address be forwarded to his Honor the Superintendent requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.
11. Adjourned debate on the question—That the report of the Slaughter-House Committee be adopted.

CONTINGENT NOTICE OF MOTION.

1. Mr. SWANSON to move on the order for the third reading of the 'City Board Act Amendment Bill,' That the said bill be re-committed, with a view of inserting the following as clause 2 of the said bill:—"It shall be lawful for the City Board to fill up and level all cellar openings or other openings in the footpaths or streets within the limits of the 'City Board Act,' and to remove all cellar fittings or other works which interfere with or impede the thoroughfare on any such footpath or street. In the event of any person impeding any officer or workman employed in such filling up, levelling, or removal, he shall be guilty of an offence against this Act, and shall be liable in a penalty not exceeding £100."

WM. POWDITCH,
Speaker.

WEDNESDAY, APRIL 19TH, 1865.

PRAYER.

Present: Mr. Speaker and 19 members.

1. *Petition of Thomas Bradshaw*—Mr. Foley presented a petition from Thomas Bradshaw, late teacher at St. Patrick's School, Hobson-street, praying that his claim to land may be considered.

Petition received.

2. *Report of Education Committee*.—Mr. King brought up a Report from the Education Committee, and the same was received and read as follows:—

The Committee, in considering the important question of Education referred to them, have the honor to report:

That they are of opinion, that an urgent necessity exists for the Government to extend the benefits of Education to every district in the Province; and the Act now in operation fails to assist in the establishment of schools where the number of scholars would be below the provisions contained in that Bill; and that the new Bill amply provides for the establishment of schools, where none are at the present time in existence, by reducing the minimum amount of scholars attending, and by increasing the amount of Government aid to be dispensed by the Board.

The Committee have further to report, that they have examined the Inspector of Schools, and carefully considered the Bill before the Council, and that they beg to recommend that the Bill be passed by the Council without alteration.

Ordered,

Ordered, That the Report be printed on the notice paper for to-morrow.

3. *Kawa Kawa Committee's Report*.—Mr. Cadman brought up the Report of the Kawa Kawa Committee, together with the proceedings of the Committee and the minutes of evidence.

Mr. Cadman moved, That the Report, together with the proceedings of the Committee and the minutes of evidence, be printed.

Mr. Carleton moved, as an amendment, That as much of the evidence is valueless, consisting of mutual recrimination, and as the Committee had agreed not to recommend the printing of the evidence (though proposed by the chairman, Mr. Cadman) the motion be that the report only be printed.

The question and amendment were by leave withdrawn.

Ordered, That the Report of the Committee be printed (See APPENDIX A, No. 4) and taken into consideration on Friday next.

Ordered, That the proceedings of the Committee and minutes of evidence be referred back to the Committee in order that they may consider and report to Council what portions of the evidence should be printed.

4. *Message*.—Mr. Speaker read the following Message from his Honor the Superintendent, presented by Mr. Carleton:—

Message No. 118.

The Superintendent transmits for the consideration of the Provincial Council, the enclosed letter from Dr. Knight, at present acting on behalf of the General Government and empowered to negotiate the sale of the Tuakau block. The Superintendent strongly urges upon the Council the desirability of purchasing this block on the terms offered. Firstly, because if judiciously managed the proceeds would go far towards the construction of the proposed line of Railway between Drury and Waikato. Secondly, with reference to the Emigration scheme the Government has not realized the securities from which alone such funds can be supplied and is scarcely able to provide for its current expenditure by advances from its Bankers; and I am desirous of affording all the assistance in my power to enable the Government to keep faith with the immigrants located in this Province.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 19th April, 1865.

On Motion of Mr. Carleton, *Ordered*, That the Message be considered forthwith.

Mr. Carleton moved, and the question was proposed, That the Superintendent be requested to purchase the Tuakau block from the General Government at the price demanded, namely, £18,000.

And the question being put, it passed in the negative.

5. *Waikato Settlements*.—Mr. Rowe, pursuant to notice, asked whether any further communication relative to the Waikato Settlement scheme has been received from the General Government, and if so whether it is intended to lay such correspondence on the table of this Council.

Mr. Carleton answered: That a further communication has been received. It shall be laid on the table as soon as the whole of the correspondence in reply shall have been posted.

6. *Market House*.—On motion of Mr. George, *Resolved*; That this Council resolve into a committee of the whole Council, to consider his Honor's Message No. 93, relative to increasing the amount to be expended on a Market-House.

IN THE COMMITTEE.

Dr. Pollen in the chair.

Resolved,

Resolved, That it is the opinion of this Council that a Market-house ought to be erected forthwith out of the City Loan, and that his Honor the Superintendent be invited to reconsider his decision, announced in his Message No. 98, and to send down to this Council a Bill for the purpose of increasing the sum to be expended on the Market-house from £7,000 to £14,000, as desired by the Council in Address No. 96.

Resolution to be reported.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Dr. Pollen reported the resolution agreed to by the Committee.

Resolved, That that resolution be agreed to by the Council.

Resolved, That an Address be presented to his Honor the Superintendent, forwarding the forgoing resolution. (ADDRESS No: 132.)

7. *Notice Postponed*.—Mr. Wynn's notice of motion No. 2 was postponed until after the notices of motion Nos. 3 and 4.
8. *Breakwater Contract*.—On motion of Mr. Rowe, *Resolved*, That a respectful Address be presented to his Honor the Superintendent, requesting him to send down to this Council copies of the terms of the contract entered into with Messrs. Amos and Co. for the construction of the breakwater at Point Britomart. (ADDRESS No. 133.)
9. *Land for Militia and Volunteers*.—On motion of Mr. Cadman, *Resolved*, That a respectful Address be presented to his Honor the Superintendent, requesting him to send down to this Council a copy of the bill he intends to introduce into the General Assembly, as member for Franklyn, for the purpose of granting land to the Militia and Volunteers who served during the native rebellion, as a recognition of their services. (ADDRESS No. 134.)
10. *Adjournment for half-an-hour*.—On motion of Mr. Rowe Council adjourned at a $\frac{1}{4}$ -past 6 o'clock for half-an-hour.

COUNCIL RE-ASSEMBLED.

11. *Publicans' Licenses*.—Mr. Wynn moved and the question was proposed, That the money arising from the new Publicans Licenses, granted this year, ought to be applied to the increase of the Police Force.
- Mr. Foley moved as amendment That all the words after the words "applied to" be left out, and the words "the repairs of the Great South road from Drury to the Waikato river," added instead.
- The question and amendment were by leave withdrawn.
12. *Wairoa Road Bill*.—The Wairoa Road Bill was, according to order, read a second time, and committed to a Committee of the whole Council.

IN THE COMMITTEE.

Mr. Wynn in the chair.

Clauses 1 to 3 agreed to.

Clause 4 the blanks in line 2 were filled up by inserting the figure 1 after No., and the blank after 186 with the figure 5, and the clause was agreed to.

Schedule A. Amendment proposed: In the last line but one after the word "Links" to leave out all the following words. (*Mr. King.*)

Amendment agreed to.

Schedule as amended agreed to.

Schedule B. Amendment proposed: In last line but one after the word "Links," to leave out all the following words. (*Mr. King.*)

Amendment agreed to.

Schedule as amended agreed to.

Preamble. Amendment proposed: In lines 14—5 to leave out the words "executors, administrators." (*Mr. King.*)

Amendment agreed to.

Preamble as amended agreed to.

Bill as amended to be reported.

COUNCIL.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. Wynn reported that the Committee had gone through the Bill.

Ordered, That the Bill be read the third time to-morrow.

13. *North Shore Patent Slip*.—Mr. Carleton moved, and the question was proposed, That Message, No. 105, be now considered.

On motion of Mr. King, *Ordered*, That the debate be now adjourned till to-morrow.

14. *City Board Bill*.—The order being read for the third reading of the "City Board Act Amendment Bill."

On motion of Mr. Swanson, *Ordered*, That the Bill be recommitted for the purpose of inserting a new clause in the Bill.

IN THE COMMITTEE.

Mr. King in the chair.

Motion read and question proposed, That the following clause do stand as clause 2 of the Bill. It shall be lawful for the City Board to fill up and level all cellar openings or other openings in the footpaths or streets within the limits of the "City Board Act," and to remove all cellar fittings or other works which interfere or impede the thoroughfare on any such footpath or street. In the event of any person impeding any officer or workman employed in such filling up, levelling, or removal, he shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding £20. (*Mr. Swanson*.)

Amendment proposed: In last line to leave out "£20," in order to add "£100" instead.

Amendment agreed to.

Question—That the clauses as amended do stand clause 2 of the Bill—put,

THE COMMITTEE DIVIDED :—

Ayes (10).
Mr. Carleton,
Mr. Foley,
Mr. Gallagher,
Mr. George,
Dr. Pollen,
Mr. Ross,
Mr. Rowe,
Mr. Sheehan,
Mr. Wynn,
Mr. Swanson (teller).

Noes (3).
Mr. Cadman,
Mr. Powditch,
Mr. A. O'Neill (teller).

Bill as amended to be reported.

COUNCIL RESUMED.

Mr. Speaker resumed the Chair, and Mr. King reported that the Committee had gone through the Bill.

Ordered, That the Bill be read the third time to-morrow.

15. *Empowering Bill*.—Council, according to order, resolved itself into Committee on the Empowering Bill.

IN THE COMMITTEE.

Mr. King in the chair.

Clause 1 again read, and Dr. Pollen's amendment, That the clause be expunged again stated.

Amendment by leave withdrawn.

Another amendment proposed: In line 6 to leave out the word "twenty," in order to insert "five," instead.

Amendment agreed to.

Clause as amended agreed to.

Clause 2.

There not being a quorum of members present the Chairman left the chair.

COUNCIL

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and counted the Council, and there not being 12 Members present, Mr. Speaker then at half-past 9 o'clock, declared the Council to stand adjourned till to-morrow.

MEMBERS PRESENT:—

Mr. Cadman,
Mr. Carleton,
Mr. Gallagher,
Mr. George,
Mr. King.

Mr. A. O'Neill,
Dr. Pollen,
Mr. Ross,
Mr. Rowe,
Mr. Swanson.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Thursday, April 20th, 1865.

- I. DR. POLLEN to ask the Provincial Treasurer, Whether it is the intention of His Honor the Superintendent to invite this Council to sanction the unauthorised expenditure, amounting to £10,785 7s. 6d., as shewn in the comparative statement of Revenue and Expenditure, for the year 1864.

NOTICES OF MOTION.

- I. DR. POLLEN to move, That Mr. Speaker be authorised, on behalf of the Council, to sign the Petition to the Governor, and to present the same to His Excellency, together with copies of the under-mentioned documents:—

Address, No. 69, of date February 3, 1864.
Address, No. 27, of date October 19, 1864.
Message, No. 46, of date October 26, 1864.
Address, No. 59, of date November 8, 1864.
Address, No. 47, of date March 2, 1865.
Address, No. 74, of date March 8, 1865.
Copy of Notice of Motion, No. 2, standing on the Order Paper, 17th March, 1865.
Message, No. 75, of date March 21, 1865.
Address, No. 116, of date March 30, 1865.

His Excellency SIR GEORGE GREY, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.

THE HUMBLE PETITION OF THE PROVINCIAL COUNCIL OF THE PROVINCE OF AUCKLAND.

MAY IT PLEASE YOUR EXCELLENCY,—

WE, the Provincial Council of the Province of Auckland, in Council assembled, respectfully represent to Your Excellency—

1st: That

1st. That the existing condition of the administration of Provincial affairs, is unsatisfactory to this Council; is obstructive to the progress of the business of the Government; and fraught with danger to the interests of the Province.

2nd. That as His Honor the Superintendent, as shown in the public documents, copies of which are appended hereto, has expressed his determination not to yield to the wishes of a large majority of this Council, for a change in the method of conducting the business of the Government, until "a complete expression of public opinion" can be had in respect thereto, it is desirable that the Provincial Council should be dissolved.

3rd. That as the period of duration of the present Provincial Council will expire in the month of October next, and that as successive Councils and Superintendents have concurred in declaring that the month of October is the most convenient time for the Annual Session, it is desirable that the time for holding the Elections of Superintendent and Representatives, should be so fixed as to allow the new Council to be summoned to meet for the despatch of business, in that month.

This Council, therefore, respectfully and earnestly prays that your Excellency will be pleased to dissolve the Provincial Council of the Province of Auckland, at the earliest convenient period.

2. MR. KING to move, That the Report of the Education Bill Committee be adopted, and that the Bill be read a second time.
3. MR. BASSETT to move, That an Address be presented to His Honor the Superintendent, requesting him to place on the additional Estimates, the sum of Two thousand pounds, towards the repair of the Great South Road, from the Junction Hotel to Drury.
4. MR. HARROP to move, That the adjourned debate on the question, That the Report of the Slaughter House Committee be adopted, be now resumed.
5. MR. FOLEY to move, That the Chairman, or Acting Chairman, of the Private Grievance Committee, be ordered to bring up the Report of the Committee, without delay.

ORDERS OF THE DAY.

1. Wairoa Road Bill—third reading.
2. Adjourned debate on the question. That Message No. 105 (respecting the construction of a patent slip on the North shore)—be considered.
3. City Board Act Amendment Bill—third reading.
4. Empowering Bill—in Committee.
5. Fencing Bill—in Committee.
6. Impounding Bill—second reading.
7. Estimate of Expenditure—to be further considered in Committee
8. Onehunga Improvement Bill—in Committee.
9. Message No. 85—to be considered.
10. Adjourned debate on the question—That an Address be forwarded to his Honor the Superintendent requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.

11. Adjourned

11. Adjourned debate on the question—That the report of the Slaughter-House Committee be adopted.

CONTINGENT NOTICES OF MOTION.

1. Mr. WYNN to move, on the order for the third reading of the City Board Act Amendment Bill, That the said Bill be re-committed, with a view of repealing the 87th clause of the City Board Act, 1863, and inserting the following clause in lieu thereof.

Clause 87 of the City Board Act, 1863, is hereby repealed, and the following substituted in lieu thereof:—

“The Board may cause all existing cisterns, pumps, and wells, used for the gratuitous supply of water to the inhabitants, within the limits of this Act, to be continued, maintained, and supplied with water, or they shall substitute other such works equally convenient, and shall cause them to be maintained and supplied with water, and such public cisterns and other works shall be vested in the Board, and be under their management and control; and the Board may construct any number of new cisterns, pumps, conduits, and other works, for the gratuitous supply of water for the use of any persons who may choose to carry the same away, not for sale, but for their own private use. Any person who shall wilfully damage, destroy, or commit any act whereby such cisterns, pumps, or other works, may become damaged, destroyed, or defective, such person shall be liable to a penalty not exceeding Ten Pounds nor less than Five Pounds.”

2. Mr. CARLETON to move, on the order for the third reading of the City Board Act Amendment Bill, That the Bill be re-committed, for the purpose of re-considering clause 7 of the Bill.

WM. POWDITCH,

Speaker.

THURSDAY, 20TH APRIL, 1865.

PRAYER.

Present: Mr. Speaker and 18 members.

1. *Petition of G. H. Clarke.*—Mr. Cadman presented a petition from George Henry Clarke, of the Whau, praying that his claim to land in respect of a land order may be considered. Petition received.
2. *Unauthorised Expenditure.*—Dr. Pollen, pursuant to notice, asked, Whether it is the intention of his Honor the Superintendent to invite this Council to sanction the unauthorised expenditure, amounting to £10,785 7s. 6d., as shewn in the Comparative Statement of Revenue and Expenditure for the year 1864.
Mr. Carleton answered, That he must first bring up a Report from the Audit Committee; the report of the Committee had been delayed from the difficulty of obtaining a quorum.
3. *Report from the Kawa Kawa Committee.*—Mr. Cadman brought up a Report (No. 2) from the Kawa Kawa Committee, and the same was received, read, and ordered to be printed. (See APPENDIX A—No. 4).
4. *House Committee's Report.*—Mr. King brought up a Report from the House Committee, and the same was received and read, as follows:—

Your

Your Committee have the honor to report that the comfort of members has been attended to during the session, and that they beg to recommend—

1. That the Library be extended, according to amended plan of the Engineer-in-Chief, and that a chimney be erected—the total cost of which is estimated not to exceed £130. This alteration will give an increased area to the Library, and will provide an extra Committee Room, besides affording an easy access to strangers visiting the Council during its sittings. The Committee are of opinion that a fireplace is absolutely necessary, in order to preserve the books from damp.

2. That a damper be placed in the chimney of the building used as a Bellamy, in order to reduce the enormous consumption of fuel.

3. That the Latrines be kept properly cleansed, and easy of access to the members, without being open to the use of the public.

4. That in future sittings of the Provincial Council, a man should be engaged to look after the horses of members arriving from the country districts, and that sufficient forage be purchased by the Government for the use of the same.

5. That a drawer, with lock and key, should be provided for each member of Council, to enable them to keep documents secure during session; and that a cupboard, with divisions, and lock and key, be provided in the Committee Clerks' Room, for the safe keeping of documents in their possession.

6. That the guttering and piping of the main building, and of the porch at the entrance of the Bellamy, be examined, and put in thorough repair.

Ordered, That the Report be printed.

5. *Petition for Dissolution*.—Dr. Pollen moved, and the question was proposed, That the following Petition be agreed to by the Council:—

His Excellency SIR GEORGE GREY, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.

THE HUMBLE PETITION OF THE PROVINCIAL COUNCIL OF THE
PROVINCE OF AUCKLAND.

MAY IT PLEASE YOUR EXCELLENCY,—

WE, the Provincial Council of the Province of Auckland, in Council assembled, respectfully represent to Your Excellency—

1st. That the existing condition of the administration of Provincial affairs, is unsatisfactory to this Council; is obstructive to the progress of the business of the Government; and fraught with danger to the interests of the Province.

2nd. That as His Honor the Superintendent, as shown in the public documents, copies of which are appended hereto, has expressed his determination not to yield to the wishes of a large majority of this Council, for a change in the method of conducting the business of the Government, until "a complete expression of public opinion" can be had in respect thereto, it is desirable that the Provincial Council should be dissolved.

3rd. That as the period of duration of the present Provincial Council will expire in the month of October next, and that as successive Councils and Superintendents have concurred in declaring that the month of October is the most convenient time for the Annual Session, it is desirable that the time for holding the Elections of Superintendent and Representatives, should be so fixed as to allow the new Council to be summoned to meet for the despatch of business, in that month.

This.

This Council, therefore, respectfully and earnestly prays that your Excellency will be pleased to dissolve the Provincial Council of the Province of Auckland, at the earliest convenient period.

Mr. Carleton moved, as an amendment, That the words "as shown in the public documents, copies of which are appended hereto," be left out, and the words "by the following paragraph in his Message, No. 46. 'The Superintendent considers that he would not be acting justly to those who placed him in office, were he to transfer to others the responsible trust committed to him, without a more complete expression of public opinion in favour of such a transfer than that conveyed by a resolution carried by a small majority of the Council. That complete expression of public opinion can be best obtained at the General Election in October next,'" inserted instead.

And the question being put on the amendment,

COUNCIL DIVIDED:—

Ayes (5.)
Mr. Bassett,
Mr. George,
Mr. A. O'Neill,
Mr. Ross,
Mr. Carleton (teller).

Noes (10.)
Mr. Cadman,
Mr. Coolahan,
Mr. Foley,
Mr. Gallagher,
Mr. McGee,
Dr. Pollen,
Mr. Rowe,
Mr. Sheehan,
Mr. Swanson,
Mr. Wynn (teller).

So it passed in the negative.

And the original question being put,

COUNCIL DIVIDED:—

Ayes (12.)
Mr. Cadman,
Mr. Coolahan,
Mr. Foley,
Mr. Gallagher,
Mr. King,
Mr. McGee,
Mr. A. O'Neill,
Dr. Pollen,
Mr. Rowe,
Mr. Sheehan,
Mr. Swanson,
Mr. Wynn (teller).

Noes (4.)
Mr. Bassett,
Mr. Carleton,
Mr. Ross,
Mr. George (teller).

So it was resolved in the affirmative.

On motion of Dr. Pollen, *Resolved*, That Mr. Speaker be authorised, on behalf of the Council, to sign the Petition to the Governor, and to present the same to his Excellency together with copies of the undermentioned documents:—

Address, No. 69, of date February 3, 1864.
Address, No. 27, of date October 19, 1864.
Message, No. 46, of date October 26, 1864.
Address, No. 59, of date November 8, 1864.
Address, No. 47, of date March 2, 1865.
Address, No. 74, of date March 8, 1865.
Copy of Notice of Motion, No. 2, standing on the Order Paper, 17th March, 1865.
Message, No. 75, of date March 21, 1865.
Address, No. 116, of date March 30, 1865.

6. *Notice Postponed*.—Mr. King postponed his notice of motion No. 2, until the Council re-assembled after the usual adjournment of half-an-hour.

7. *Great*

7. *Great South Road*.—On motion of Mr. Bassett, pursuant to amended notice, *Resolved*, That an Address be presented to his Honor the Superintendent, requesting him to place on the additional estimate of expenditure, the sum of two thousand pounds, towards the repair of the Great South Road. (ADDRESS No. 135.)
8. *Slaughter-House Committee's Report*.—On motion of Mr. Harrop, *Ordered*, That the adjourned debate on the question that the report of the Slaughter-House Committee be adopted be first order of the day for to-morrow.
9. *Private Grievance Committee*.—On motion of Mr. Foley, *Ordered*, That the Chairman or Acting Chairman of the Private Grievance Committee do bring up the report of the committee without delay.
10. *Wairoa Road Bill*.—The Wairoa Road Bill was, according to order, read the third time.
Resolved, That the Bill do pass, and that the title be *An Act to close up a certain road in the parish of Wairoa, in the Province of Auckland, and to authorize the Governor to grant the land occupied by the said road to William Hampton Thorp and Edward Joseph Thorp, and to open a new line of road over certain other lands in the said parish, the property of the said William Hampton Thorp and Edward Joseph Thorp*.
11. *Ajournment for half-an-hour*.—On motion of Mr. Foley, Council adjourned at 6 o'clock, for half-an-hour.

COUNCIL RE-ASSEMBLED at half-past 6 o'clock.

12. *Education*.—Mr. King moved, and the question was proposed, That the report of the Education Bill Committee be adopted.
Mr. Wynn moved as an amendment, That the last words of the report "without alteration" be left out.
And the question being put on the amendment it was resolved in the affirmative.
And the original question being put, it was resolved in the affirmative.
On motion of Mr. King, *Ordered*, That the Education Bill be now read a second time.
The Bill was accordingly read the second time and committed to a Committee of the whole Council.

IN THE COMMITTEE.

Dr. Pollen in the chair.

Clause 1, postponed.

Clause 2. Motion made and question put, That it is inexpedient at this late period of the Session of this Council that any further action should be taken in reference to the Education Bill now under discussion. (*Mr. Cadman*.)

THE COMMITTEE DIVIDED:—

Ayes (4.)	Noes (9.)
Mr. George,	Mr. Coolahan,
Mr. A. O'Neill,	Mr. Foley,
Mr. Rowe,	Mr. Gallagher,
Mr. Cadman (teller).	Mr. King,
	Mr. McGee,
	Mr. Ross,
	Mr. Sheehan,
	Mr. Swanson,
	Mr. Wynn (teller.)

To report progress and ask leave to sit again.

COUNCIL RESUMED.

Mr. Speaker resumed the chair and Dr. Pollen reported that the Committee had made progress in the Bill and that he was directed to move, That the Committee may have leave to sit again.

Resolved, That this Council will to-morrow resolve itself into the said Committee.

13. *City Board Amendment Bill*.—The order being read for the third reading of the City Board Act Amendment Bill.

On motion

On motion of Mr. Wynn, *Ordered*, That the bill be re-committed.

The following clause was brought up by Mr. Wynn and agreed to.

“Clause 87 of the City Board Act, 1865, is hereby repealed, and the following substituted in lieu thereof.—

The Board may cause all existing cisterns, pumps, and wells, used for the gratuitous supply of water to the inhabitants, within the limits of this Act, to be continued, maintained, and supplied with water, or they shall substitute other such works equally convenient, and shall cause them to be maintained and supplied with water, and such public cisterns and other works shall be vested in the Board, and be under their management and control; and the Board may construct any number of new cisterns, pumps, conduits, and other works, for the gratuitous supply of water for the use of any persons who may choose to carry the same away, not for sale, but for their own private use. Any person who shall wilfully damage, destroy, or commit any act whereby such cistern, pumps, or other works, may become damaged, destroyed, or defective, such person shall be liable to a penalty not exceeding Ten pounds nor less than Five pounds. Provided always that any person who shall sell any water supplied from any such cisterns, pumps, and wells, without the sanction of the City Board first had and obtained in writing, shall be liable to a penalty not exceeding £50. And further it shall be lawful for the City Board from time to time as they shall think fit to regulate the manner in which the public shall be allowed the gratuitous supply of water so provided, and any person who shall be guilty of an offence against any such regulations, shall be liable to a penalty of not exceeding £5. The penalty aforesaid to be recovered in a summary way.”

Motion made and question put, That the following clause be re-inserted in the Bill. (*Mr. Carleton.*)

VII In the event of any rate authorized by this Act for footpaths, sewerage, or fencing, being paid by the occupier of any property, he shall be entitled to recover from his landlord a proportion thereof corresponding to the rent received by such landlord and so on through successive landlords to the owner of the freehold, and every landlord from whom any part of his rent has been deducted on account of any such rate and who is himself liable to the payment of rent shall be entitled to deduct from the rent payable by him such proportion of the sum so deducted from the rent payable to him as the rent payable by him bears to the rent payable to him and so in succession with respect to every landlord receiving rent and also liable to pay rent on account of the same land, tenement, or hereditament. Provided that no landlord being also a tenant shall be entitled under this provision to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

Motion disagreed to.

Bill as amended to be reported.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Dr. Pollen reported that the Committee had further amended the Bill.

Ordered, That the Bill be read the third time to-morrow.

14. *Empowering Bill*.—Council according to order resolved itself into Committee on the Empowering Bill

IN THE COMMITTEE.

Mr. King in the chair.

Clause 2, agreed to.

Clause 3. Amendment proposed: In line 1 to leave out the word “not,” and in line 3 to leave out all the words after the word “mentioned” in order to add the following words instead. “And all interest and sinking fund on the said sum of £2,500 shall be a first charge on the Harbour Endowments of the Port of Onehunga and subject to annual reduction of payments by any surplus available from the dues and charges collected on account of said wharf after all annual charges and expenses thereon have been duly liquidated.”

Amendment agreed to.

Clause as amended agreed to.

Clause 4 agreed to.

Preamble. Amendment proposed: In line 4 to leave out “£20,000,” in order to insert “£5,000” instead.

Amendment agreed to.

Preamble as amended agreed to.

Bill as amended to be reported.

COUNCIL

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. King reported that the Committee had gone through the Bill.

Ordered, That the Bill be read the third time, to-morrow.

15. *Patent Slip*.—The order being read for the consideration of the Superintendent's Message, No. 105.

On motion of Mr. King, *Resolved*, That, in the opinion of this Council, the construction of a Patent Slip in the Harbour of Auckland would be of considerable advantage to the Shipping and Mercantile interests of this Province.

Resolved, That an Address be presented to his Honor the Superintendent forwarding the foregoing resolution. (ADDRESS No. 136.)

16. *Fencing Bill*.—The order of the day, "Fencing Bill, in Committee"—being read, Dr. Pollen moved, and the question was proposed, That the order be discharged.
And the question being put,

COUNCIL DIVIDED:—

Ayes (9.)
Mr. Cadman
Mr. Coolahan,
Mr. Gallagher,
Mr. Ross,
Mr. Rowe,
Mr. Sheehan,
Mr. Swanson,
Mr. Wynn,
Dr. Pollen (teller.)

Noes (5.)
Mr. Carleton,
Mr. Foley,
Mr. George,
Mr. A. O'Neill,
Mr. King (teller.)

So it was resolved in the affirmative.

17. *Impounding Bill*.—The order of the day, "Impounding Bill, in Committee"—being read, Dr. Pollen moved, That the order be discharged.
And the question being put,

COMMITTEE DIVIDED.

Ayes (8).
Mr. Cadman,
Mr. Coolahan,
Mr. Gallagher,
Mr. Ross,
Mr. Rowe,
Mr. Sheehan,
Dr. Pollen,
Mr. Wynn (teller).

Noes (6).
Mr. Carleton,
Mr. George,
Mr. King,
Mr. A. O'Neill,
Mr. Swanson,
Mr. Foley (teller)

So it was resolved in the affirmative.

18. *Adjournment*.—On motion of Mr. King, Council adjourned at a quarter past 10 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Friday, April 21st, 1855.

1. Mr. WYNN to ask the Provincial Treasurer, For what specific purposes and to what amount the Provincial Government requires those advances from its bankers, to which the Superintendent has referred in his Message, No. 118, in the following terms:—The Government "is scarcely able to provide for its current expenditure by advances from its bankers."

ORDERS

ORDERS OF THE DAY.

General Business :—

1. Adjourned debate on the question—That the report of the Slaughter-House Committee be adopted.

Government Business :—

2. City Board Act Amendment Bill—third reading.
3. Empowering Bill—third reading.
4. Estimate of Expenditure—to be further considered in Committee.
5. Onehunga Improvements Bill—in Committee.
6. Report of the Kawa Kawa Committee—to be considered.

General Business :—

7. Education Bill—in Committee.
8. Message No. 85—to be considered.
9. Adjourned debate on the question—That an Address be forwarded to his Honor the Superintendent requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.

NOTICES OF MOTION.

1. Mr. KING to move, That the Report of the House Committee be adopted.
2. Mr. ROWE to move, That the Chairman of the Audit Committee be ordered to bring up the Report of the Committee without delay.
3. Mr. ROWE to move—(1.) That this Council is of opinion that the Government should at once state what further business it is intended to bring before the Council for its consideration during the present session.
(2.) That this Council pledges itself to do all in its power to bring the present session to a close on Friday, the 28th instant, at the latest.
4. Mr. COOLAHAN to move, That a respectful address be presented to his Honor the Superintendent requesting him to inform this Council whether he intends to appoint a deputy Visiting Justice, in the event of the Visiting Justice recently appointed as notified in the Provincial Government Gazette, of the 19th day of April instant, having to go to Wellington, to attend the meeting of the General Assembly; and whether such deputy would be paid a proportionate amount of the vote of £60 voted for forage for the Visiting Justice's horse.

CONTINGENT NOTICE OF MOTION.

1. Mr. WYNN, on the consideration of his Honor's message No. 85, to move, That the Council having had under consideration his Honor's message No. 85, desires to state that the expressions to which they took exception, viz:—"He (the Provincial Secretary) has always been an advocate for the constitution of a new Province in the Bay of Islands District," were used by the representative of his Honor's Government on the occasion referred to, and have not since been denied by him, and this Council regrets that his Honor should think fit to characterize their views on the proposed dismemberment of the Province of Auckland, by constituting a new Province at the Bay of Islands, as a "trifling and unprofitable question."

WM. POWDITCH,
Speaker.

FRIDAY, APRIL 21st, 1865.

PRAYER.

Present: Mr. Speaker and 14 Members.

1. *Report of Private Grievance Committee.*—Mr. George brought up the report of the Private Grievance Committee, and the same was received and read as follows:—

The Committee to whom was referred the Petitions complaining of Grievances, have the honor to report that they have examined 132 petitions out of 144 referred to them.

The result of their deliberations is contained in an epitome and classified list hereto annexed. The amount of money recommended to petitioners in respect of land amounts to £3,210, and the amount of money recommended for the redress of other grievances amounts to £593 2s. 6d.—the largest of which claims is that of Mr. John Landon, which amounts to £338.

The Committee came to the following resolution with regard to the expenditure of the money for the purchase of lands, viz.:—

That all land which may be obtained by Immigrants under the recommendation of this Committee be subject to the same conditions as are imposed by the "Auckland Waste Land Act, 1858."

On motion of Mr. Foley, *Ordered*, That the report be printed.

2. *Message 118.*—Mr. Wynn, pursuant to notice, asked the Provincial Treasurer, For what specific purposes and to what amount the Provincial Government requires those advances from its Bankers, to which the Superintendent has referred in his Message, No. 118, in the following terms:—The Government "is scarcely able to provide for its current expenditure by advances from its Bankers."

Mr. Carleton answered, Owing to the omission of a word, the honorable Member has mistaken the General Government for the Provincial Government. There are unfortunately more errors than one in the Message. The Superintendent gave his minute in the usual form to the Clerk, who being new in office, did not fully adapt the minute to the form of a Message. The Superintendent assuming that the Message was fairly drafted by the Clerk, and being much pressed for time, signed without observing the mistakes.

3. *Slaughter-house Committee.*—The order of the day being read for resuming the adjourned debate on the question, That the report of the Slaughter-house Committee be adopted.

Ordered, That the debate be further adjourned till Tuesday next.

4. *City Board Act Amendment Bill.*—The "City Board Act Amendment Bill" was, according to order, read the third time.

Resolved, That the Bill do pass, and that the title be *An Act further to amend the "City Board Act, 1863."*

5. *Empowering Bill.*—The Empowering Bill was, according to order, read the third time.

Resolved, That the Bill do pass, and that the title be *An Act to enable the Superintendent of the Province of Auckland to expend certain moneys to be raised by virtue of the "Auckland Loan Act, 1863."*

6. *Estimate of Expenditure.*—Council, according to order, resolved itself into Committee, on the Estimate of Expenditure.

IN THE COMMITTEE.

Mr. King in the chair.

Message No. 56 under consideration.

For the Mangawai Breakwater (additional) - £450 0 0

Agreed to.

Message No. 74.

Bonus to School Teachers - - - 99 11 8

Agreed to.

Subsidy

Subsidy for Waitemata Steamer, £350.

Postponed.

The following items were agreed to.

Subsidy for Ferry from Te Papa to Matapihi -	50	0	0
Pay for a Police Sergeant and Private at Tauranga	95	12	6

Message No. 82 under consideration.

Mr. O'Brien for past services as Returning and Registration Officer - - -	60	0	0
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Message No. 83 under consideration.

Assistance at Mount Eden Gaol - -	32	0	0
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Message No. 94 under consideration.

To be placed at the disposal of his Honor the Chief Justice - - - -	400	0	0
Salary of Assistant Pilot, Auckland (additional)	40	0	0
For Site, &c., of Mechanics' Institute, Newton	100	0	0
For Mungamungaroa Ferry Service, increase of Subsidy - - - -	7	0	0
For expenses of Provincial Elections next ensuing	350	0	0

Message No. 96 under consideration.

For opening a road from Mangawai to Waipu across Beam Tail - - - -	£200	0	0
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For opening a road from Wangarei ta Mangapai
by Otaike

Amendment proposed: That this Committee declines to entertain this subject further until his Honor furnishes this Council with an answer to all the Addresses sent up to him to place sums of money on the additional Estimates. (*Mr. Wynn.*)

Resolutions to be reported.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. King reported the foregoing resolution.—

Resolved, That that resolution be agreed to by the Council. *Resolved*, That an Address be presented to his Honor forwarding that resolution. (ADDRESS No. 137.)

Mr. King also acquaints the Council that he was directed to move That the Committee may have leave to sit again.

Resolved, That this Council will on Tuesday next resolve itself into the said Committee.

7. *Papers, Waikato Settlements.*—Mr. Carleton laid on the table further papers relating to the Waikato Settlements.

Ordered, That the papers be printed.

8. *Onehunga Improvements Bill.*—*Ordered*, That it do stand first order of the day for Tuesday next.

9. *Kawa Kawa.*—The order of the day being read for the consideration of the reports of the Kawa Kawa Committee.

On motion of Mr. Cadman, *Resolved*, That the reports be adopted by the Council.

Resolved, That an Address be presented to his Honor the Superintendent, forwarding the reports (2) of the Kawa Kawa Committee, as agreed to by the Council, and that he be requested to send down a Bill in accordance with the reports. (ADDRESS No. 138.)

10. *Message.*—Mr. Speaker read the following Message from his Honor the Superintendent, presented by Mr. Carleton.

Message No. 119.

The Superintendent forwards to the Provincial Council copy of an Estimate made by the Commissioner of Police, Auckland, of expenses having reference to the burglary at Mr. Beck's, amounting in all to £343, and recommends the appropriation of that sum to the purpose indicated.

Superintendent's Office,
Auckland, 21st April, 1865.

ROBERT GRAHAM,
Superintendent.

Ordered,

Ordered, That the Message be taken into consideration in Committee on the Estimates.

11. *Business Renewed*.—On motion of Mr. Wynn, *Ordered*, That the notices of motion not disposed of to-day do stand as notices of motion for Tuesday next.
12. *Adjournment for three-quarters of an hour*.—On motion of Mr. King Council adjourned at quarter to 6 o'clock, till half-past 6.
13. *Adjournment for want of a Quorum*.—Mr. Speaker resumed the chair at half-past 6 o'clock, and counted the Council, and 12 members not being present, Mr. Speaker then declared the Council to stand adjourned till Tuesday next.

MEMBERS PRESENT:—

Mr. Carleton, Mr. Foley, Mr. George, Mr. King, Mr. Martin,	|	Mr. A. O'Neill, Mr. Ross, Mr. Rowe, Mr. Swanson, Mr. Wynn.
Mr. Speaker,		

NOTICES OF MOTION AND ORDERS OF THE DAY.

Tuesday, April 25th, 1865.

ORDERS OF THE DAY.

Government Business :—

1. Onehunga Improvements Bill—in Committee.
- 2 Estimate of Expenditure—to be further considered in Committee.

General Business ;—

3. Adjourned debate on the question—That the report of the Slaughter-house Committee be adopted.
4. Education Bill—in Committee.
5. Message No. 85—to be considered.
6. Adjourned debate on the question—That an Address be forwarded to his Honor the Superintendent requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source: also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.

NOTICES OF MOTION.

1. Mr. WYNN to move, (1) That a respectful address be presented to his Honor the Superintendent, requesting him to pay over to Mr. Speaker the sum of money voted for the purpose of a Library as early as possible after the passing of the Appropriation Act.
 (2.) That the Library Committee appointed during this session have leave to sit during the recess, in order that the sum of money voted for the Library may be made available.
2. Mr. CADMAN to move, That a respectful address be presented to his Honor the Superintendent, requesting that he will send down to this Council the petition of certain residents in the Northern Division, respecting the Repairs of Waterloo Bridge.

3. Mr. CADMAN.

3. Mr. CADMAN to move, That an address be presented to his Honor the Superintendent, requesting that he will place on the additional Estimates a sufficient sum to build a Bridge over Brigham's Creek.
4. Mr. FOLEY to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to inform this Council whether, in reference to the Order in Council that appears in the *General Government Gazette*, of the 8th of April, the Superintendent either in his capacity as Superintendent, or as Public Buildings Commissioner, has received any information respecting the "divers public reasons" which the General Government alleges have caused them to except out of the Public Buildings Commission, the building of a Government House in the Domain at Auckland.
5. Mr. KING to move, That the Report of the House Committee be adopted.
6. Mr. ROWE to move, That the Chairman of the Audit Committee be ordered to bring up the Report of the Committee without delay.
7. Mr. ROWE to move— (1). That this Council is of opinion that the Government should at once state what further business it is intended to bring before the Council for its consideration during the present session.
(2.) That this Council pledges itself to do all in its power to bring the present session to a close on Friday, the 28th instant, at the latest.
8. Mr. COOLAHAN to move, That a respectful address be presented to his Honor the Superintendent, requesting him to inform this Council whether he intends to appoint a deputy Visiting Justice, in the event of the Visiting Justice recently appointed, as notified in the *Provincial Government Gazette*, of the 19th day of April instant, having to go to Wellington, to attend the meeting of the General Assembly; and whether such deputy would be paid a proportionate amount of the vote of £60 voted for forage for the Visiting Justice's horse.

CONTINGENT NOTICE OF MOTION.

1. Mr. WYNN, on the consideration of his Honor's message, No. 85, to move, That the Council having had under consideration his Honor's message No. 85, desires to state that the expressions to which they took exception, viz:—"He (the Provincial Secretary) has always been an advocate for the constitution of a new Province in the Bay of Islands District," were used by the representative of his Honor's Government on the occasion referred to, and have not since been denied by him, and this Council regrets that his Honor should think fit to characterize their views on the proposed dismemberment of the Province of Auckland, by constituting a new Province at the Bay of Islands, as a "trifling and unprofitable question."

WM. POWDITCH.
Speaker.

TUESDAY, APRIL 25TH, 1865.

PRAYER.

Present: Mr. Speaker and 15 Members.

1. *Report of Thistle Act Committee.*—Mr. Wynn brought up a Report from the Thistle Act Committee, and the same was received, read, and ordered to be printed. (See APPENDIX A.—No. 15.)
2. *Report of Building Bill Committee.*—Mr. George brought up a Report from the Building Bill Committee, and the same was received, read, and ordered to be printed. (See APPENDIX A.—No. 14.)

3. *Waikato*

3. *Waikato Settlements*.—Mr. Carleton laid on the table further correspondence between the Superintendent and the Colonial Secretary respecting the Waikato Settlements. And the same was read and ordered to be printed. (See APPENDIX A.—No. 1.)
4. *Onehunga Improvements Bill*.—The order of the day for the “Onehunga Improvements Bill—in Committee,” was postponed till to-morrow.
5. *Estimate of Expenditure*.—On motion of Mr. Foley, the order of the day for the further consideration of the Estimate of Expenditure, in Committee, was postponed till to-morrow.
6. *Messages*.—Mr. Speaker read the following messages from his Honor the Superintendent presented by Mr. Carleton :—

Message No. 120.

The Superintendent has received an Address, No. 136, dated 20th April instant, from the Provincial Council, informing him “That in the opinion of the Council the construction of a Patent Slip in the Harbour of Auckland would be of considerable advantage to “the Shipping and Mercantile Interests of this Province.”

This Address is in reply to Message No. 105, laying before the Council papers concerning Mr. Beddoes’ proposal to expend a sum not exceeding £20,000 on a Patent Slip at the North Shore on the condition that the Provincial Government should guarantee six per cent. interest upon the cost thereof for ten years.

The object of the Superintendent in referring this proposal to the Council was to ascertain the views of Council on a question in which he was unwilling to act without their approval. He had expected to learn whether, for a prospective advantage to the Province, the Council would be willing to sanction a guarantee to the amount demanded, or to any large amount.

ROBERT GRAHAM,
Superintendent.

Superintendent’s Office,
Auckland, 24th April, 1865.

Message No. 121.

The Superintendent has received an Address, No. 125, from the Provincial Council, of date 7th April inst., informing him that a Committee of the Council “are of opinion that “the payment of expenses of members should not be continued after the present session, “the Committee being fully impressed with the opinion that gentlemen for the various “Electoral Districts in the Province will be found willing to offer themselves for election “without desiring any sum of money for defraying the expenses incurred in attending “meetings of the Council.”

The Superintendent desires to state for the information of the Council, that he considers the payment of Members to be liable to grave objections.

In practice, however and under present circumstances he believes that refusal to reimburse expenses actually incurred by Members for out-settlements would have the effect of giving an undue preponderance in political influence to the towns above country districts.

ROBERT GRAHAM,
Superintendent.

Superintendent’s Office,
Auckland, 24th April 1865.

Message No. 122.

The Superintendent has received an Address No. 127 from the Provincial Council of date 12th April instant, informing him.

(1.) “That the Council are of opinion that the late John Thomas laboured under many “difficulties in proceeding with the Contract for Bricks entered into by him for the New “Lunatic Asylum, and recommend that one-half of the sum, deducted by the Provincial

“Government,

“Government, in consequence of the Contract not being completed within the time mentioned in the specification, be invested by his Honor the Superintendent in Trust for the benefit of the widow and children of the late John Thomas, interest to be paid quarterly.”

(2.) “Requesting him to place on the additional Estimates of Expenditure the sum of two hundred and fifty pounds for such purpose.”

The Superintendent observes that the Council by the course which they have taken, adopt the principle suggested in his Message No. 93 concerning the case of Messrs. Vickery and Masefield, that forfeits like fees and fines, ought to be made subject to appropriation by Council. He regrets however that in this instance he does not feel it to be his duty to place on the Additional Estimates the half sum deducted in consequence of the non-completion of Mr. Thomas's Contract.

He would most willingly accede to the desire expressed by the Council but for two objections which appear to him insuperable. In the first place he is satisfied that the late John Thomas had not even an equitable claim against the Province. No deduction for non-fulfilment of Contract was made. He was merely charged the difference which had to be paid in excess of his contract price to other persons for bricks which had to be obtained. Mr. Thomas himself after having been relieved from his Contract and subsequently to the adjustment of accounts was permitted to supply bricks at an increased price.

In the second place the Superintendent is of opinion that if the sum in question were returned it ought to be carried to the account of the Estate of the deceased for the benefit of his creditors.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 24th April, 1865.

Message No. 123.

The Superintendent has received the resolution agreed to by the Provincial Council having reference to the Kawa Kawa Coal-field, by which he learns that the Council concur in the recommendation contained in his Message No. 7, namely, that the Coal-field should be granted under the Public Reserves Act and leased under the powers conferred by that Act.

Should this course be adopted, it will not be necessary to apply to the General Assembly for a special Act, which the Superintendent is advised would in any case have to be reserved for the signification of her Majesty's pleasure thereon, a delay of many months being thus incurred.

The Superintendent accepts the resolutions in question as an outline of the terms on which the Coal-fields should be worked. He purposes applying at once for a grant under the “Public Reserves Act, 1854,” embodying the terms proposed; and if this be agreed to steps will at once be taken to carry out the resolutions of the Provincial Council.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 25th April, 1865.

Message No. 124

The Superintendent recommends for appropriation by the Provincial Council the sum of £500 to be expended upon a further exploration of the Kawa Kawa Coal-field, and in procuring a scientific report thereupon by a competent geologist.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 25th April, 1865.

Message

Message No. 125.

The Superintendent has received an Address No. 115, from the Provincial Council, of date 30th March ultimo, informing him that the Council have resolved "That the benefit of Steam Communication, for which a sum of money was voted by the Council, as a subsidy, be extended to Coromandel on the terms and conditions that were imposed by the Council in assenting to the vote of £1,200."

The Superintendent informs the Council that any arrangement subsidising a steamer to the North, Coromandel will be made one of the ports of call.

Superintendent's Office,
Auckland 25th April, 1865.

ROBERT GRAHAM,
Superintendent.

Message No. 126.

The Superintendent acknowledges receipt of a further Address, No. 116, from the Provincial Council, of date 30th March, ultimo, concerning a Provincial dissolution.

The Superintendent cannot approve of the tone and character of that Address, but must decline entering into altercation with the Council on the subject in question.

Superintendent's Office,
Auckland, 25th April, 1865.

ROBERT GRAHAM,
Superintendent.

Message No. 127.

The Superintendent has received an Address, No. 132, dated 19th April instant, informing him that it is the opinion of the Council that a Market-house ought to be erected forthwith out of the City Loan, and that his Honor the Superintendent be invited to reconsider his decision announced in his Message No. 98, and to send down to the Council a Bill for the purpose of increasing the sum to be expended on the Market-house from £7,000 to £14,000 as desired by the Council in Address No. 96.

The Superintendent, while still maintaining his own opinion, defers to that of the Council, and accordingly sends down an Empowering Bill, for the purpose of appropriating £7,000 additional for the Market-house out of the Loan. The Superintendent, however, desires that it may be understood that the immediate appropriation of this sum is with a view to securing it to the object in question.

Superintendent's Office,
Auckland, 25th April, 1865.

ROBERT GRAHAM,
Superintendent.

On motion of Mr. Carleton, the Bill enclosed—"The City Board Loan Bill"—was read the first time, and ordered to be read a second time to-morrow and to be printed.

Message No. 128.

The Superintendent returns to the Provincial Council the "Industrial School Act, 1862, "Repealing Act, 1865," and proposes for the consideration of the Provincial Council the following amendments therein, viz.: In line one of the Preamble omit the words, "said Act," and insert in lieu thereof the words, "Industrial School Act, 1862." Add to Preamble after the 7th line from the top of the second page the words, "and to alter the trusts upon which the said land shall be held."

In clause 1, line 3, omit all the clause after the word "upon," and insert in lieu thereof the words, "trust to hold the same as a site for a building or buildings to be used as an Immigration Barrack, or for such other purpose as the Public Service may require.

Superintendent's Office,
Auckland, 25th April, 1865.

ROBERT GRAHAM,
Superintendent.

Message

Message No. 129.

The Superintendent has received an Address, No. 108, from the Provincial Council, of date 29th March ultimo, requesting him to place on the "additional Estimates the sum of One Hundred Pounds, for the purchase of Books on Practical Mechanics, for the use of the Auckland Mechanics' Institute, such money to be expended by the Committee of the Institute in conjunction with the Library Committee of the Council."

The Superintendent recommends the Council to appropriate the sum of One Hundred Pounds for the purchase of Books on Practical Mechanics for the use of the Auckland Mechanics' Institute.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 25th April, 1865.

Message No. 130.

The Superintendent has received an Address No. 45 from the Provincial Council, of date 24th February ulto. requesting him to place on the Supplementary Estimates the sum of £1,200 for the making and forming the Franklin, Ponsonby, and Karangahape Roads, in conjunction with the City Board of Commissioners.

The Superintendent regrets that in consequence of the numerous calls upon the Provincial Treasury he cannot agree to the whole amount proposed, but recommends that the sum of six hundred pounds (£600) be appropriated for the purpose named.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 25th April, 1865.

6. *Slaughter-House Committee's Report.*—The debate was resumed on the question, That the Report of the Slaughter-House Committee be adopted.

Mr. Wynn moved as an Amendment, That the first paragraph of the Report be left out in order to insert the following words instead. "That a site near the present Slaughter-house on land belonging to Mr. Petschler, or the Trustees of Mr. Meurant could be obtained and would at present afford the best site and accommodation for a Slaughter-house.

And the question being put on the amendment it was resolved in the affirmative.

Resolved, That the report as amended be agreed to.

Resolved, That an Address be presented to his Honor the Superintendent forwarding the Report of the Slaughter-house Committee as agreed to by the Council. (ADDRESS No. 139.)

7. *Business Renewed.*—On motion of Mr. Wynn, *Ordered*, That the notices of motion not disposed of at the rising of the Council to day do stand as notices of motion for to-morrow.

8. *Adjournment.*—Mr. McGee moved, That this Council do now adjourn for half-an-hour.

Mr. Foley moved as an amendment, That the Council do now adjourn.

And the question being put on the amendment, it was resolved in the affirmative.

Council adjourned accordingly at 6 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Wednesday, April 26th, 1865.

NOTICES OF MOTION.

1. Mr. GEORGE to move, That the Report of the Private Grievance Committee be adopted.

2. Mr. FOLEY

2. Mr. FOLEY to move, That in reference to the Petition of this Council to his Excellency the Governor, praying for an early dissolution of this Council, this Council are of opinion that the interests of the Province would be best consulted by the dissolution of the Council in the month of August next, so that the nomination for the Superintendency might thus take place in September, and the polling (if required) in the month of October ensuing, when the new Electoral Rolls will be in operation.
3. Mr. GEORGE to move, That the Building Committee's Report be adopted, and forwarded to his Honor the Superintendent, with the Minutes of Evidence taken thereon.
4. Mr. WYNN to move, (1) That a respectful address be presented to his Honor the Superintendent, requesting him to pay over to Mr. Speaker the sum of money voted for the purpose of the Library as early as possible after the passing of the Appropriation Act.
(2.) That the Library Committee appointed during this session have leave to sit during the recess, in order that the sum of money voted for the Library may be made available.
5. Mr. CADMAN to move, That a respectful address be presented to his Honor the Superintendent requesting that he will send down to this Council the petition of certain residents in the Northern Division respecting the repairs of Waterloo Bridge.
6. Mr. CADMAN to move, that an address be presented to his Honor the Superintendent, requesting that he will place on the additional Estimates a sufficient sum to build a Bridge over Brigham's Creek.
7. Mr. FOLEY to move, That a respectful address be presented to his Honor the Superintendent, requesting him to inform this Council whether, in reference to the Order in Council that appears in the *General Government Gazette* of the 8th of April, the Superintendent, either in his capacity as Superintendent or as Public Buildings Commissioner, has received any information respecting the "divers public reasons" which the General Government alleges have caused them to except out of the Public Buildings Commission, the building of a Government House in the Domain at Auckland.
8. Mr. KING to move, That the Report of the House Committee be adopted.
9. Mr. ROWE to move, That the Chairman of the Audit Committee be ordered to bring up the Report of the Committee without delay.
10. Mr. ROWE to move—(1). That this Council is of opinion that the Government should at once state what further business it is intended to bring before the Council for its consideration during the present session.
(2). That this Council pledges itself to do all in its power to bring the present session to a close on Friday, the 23th instant, at the latest.
11. Mr. COOLAHAN to move, That a respectful address be presented to his Honor the Superintendent, requesting him to inform this Council whether he intends appointing a deputy Visiting Justice, in the event of the Visiting Justice recently appointed as notified in the *Provincial Government Gazette*, of the 19th day of April instant, having to go to Wellington, to attend the meeting of the General Assembly; and whether such deputy would be paid a proportionate amount of the vote of £60 voted for forage for the Visiting Justice's horse.
12. Mr. ALLAN O'NEILL to move, That an address be presented to his Honor the Superintendent, requesting him to give the necessary instructions to have the Plans, Sections, &c., of the intended Tramway connecting the Waitemata with the Kaipara Waters.
13. Mr. CARLETON to move That the Fencing Bill be restored to the Order Paper.
14. Mr. WYNN to move, That a respectful address be presented to his Honor the Superintendent, requesting him to inform the Council whether his Honor has complied, or, if not, whether he intends to comply with the request of the Council contained in Address No. 117, to the effect that a copy of the resolutions passed by the Council in reference to an early dissolution of the Council, and transmitted to his Honor in the said Address, should be transmitted for the information of the General Government.
15. Mr. CADMAN

15. Mr. CADMAN to move, That his Honor's Message, No. 123, be taken into consideration.

1. That this Council is gratified to find that his Honor concurs in the views of the Council on the subject of the Kawa Kawa Coal-fields.

2. That this Council respectfully requests that his Honor will be pleased without delay to forward to this Council the provisions of any proposed Bill that his Honor may think fit to send down for the consideration of this Council, pursuant to the provisions of the Public Reserves Act, 1854, of the General Assembly, in order that no unnecessary delay should take place in making these Coal-fields available for leasing by public competition.

16. Mr. CARLETON to move, That in the opinion of this Council the Waitakerei Water Works ought to be carried out.

ORDERS OF THE DAY.

1. Onehunga Improvements Bill—in Committee.
2. City Board Loan (£7,000)—second reading:
3. Industrial School Act—Superintendent's amendments to be considered.
4. Estimate of Expenditure—to be further considered in Committee.
5. Education Bill—in Committee.
6. Message No. 85—to be considered.
7. Adjourned debate on the question—That an address be forwarded to his Honor the Superintendent, requesting him, without delay, to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.

CONTINGENT NOTICE OF MOTION.

1. Mr. WYNN, on the consideration of his Honor's message No. 85, to move, That the Council having had under consideration his Honor's message No. 85, desires to state that the expressions to which they took exception, viz. :—"He (the Provincial Secretary) has always been an advocate for the constitution of a new Province in the Bay of Islands District," were used by the representative of his Honor's Government on the occasion referred to, and have not since been denied by him, and this Council regrets that his Honor should think fit to characterize their views on the proposed dismemberment of the Province of Auckland, by constituting a new Province at the Bay of Islands, as a "trifling and unprofitable question.

WM. POWDITCH,
Speaker.

WEDNESDAY, APRIL 26TH, 1865.

PRAYER.

The Council met, and being counted by Mr. Speaker it appeared that one-third of the whole number of members was not present, whereupon the Council was declared adjourned by Mr. Speaker, at twenty minutes past three o'clock, until to-morrow.

MEMBERS PRESENT :—

<p>Mr. Cadman, Mr. Carleton, Mr. Foley, Mr. Gallaughier,</p>	<p>Mr. Speaker, Mr. Swanson.</p>	<p>Mr. George, Mr. Marten, Mr. McGee, Mr. Skeen,</p>
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NOTICES

NOTICES OF MOTION AND ORDERS OF THE DAY.

Thursday, April 27th, 1865.

ORDERS OF THE DAY.

1. Onehunga Improvements Bill—in Committee.
2. City Board Loan (£7,000)—second reading.
3. Industrial School Act—Superintendent's amendments to be considered.
4. Estimate of Expenditure—to be further considered in Committee.
5. Education Bill—in Committee.
6. Message No. 85—to be considered.
7. Adjourned debate on the question—That an address be forwarded to his Honor the Superintendent requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.

CONTINGENT NOTICE OF MOTION.

1. Mr. WYNN, on the consideration of his Honor's Message No. 85, to move, That the Council having had under consideration his Honor's Message No. 85, desires to state that the expressions to which they took exception, viz. :—" He (the Provincial Secretary) has always been an advocate for the constitution of a new Province in the Bay of Islands District," were used by the representative of his Honor's Government on the occasion referred to, and have not since been denied by him, and this Council regrets that his Honor should think fit to characterize their views on the proposed dismemberment of the Province of Auckland, by constituting a new Province at the Bay of Islands, as a " trifling and unprofitable question."

WM. POWDITCH,
Speaker.

THURSDAY, APRIL 27TH, 1865.

PRAYER.

Present: Mr. Speaker and 12 members.

1. *Waikato Settlements*.—Mr. Carleton laid on the table further papers in reference to the Waikato Settlements, and the same were read and ordered to be printed. (See Appendix A.—No. 1.)
2. *Stockade, Commission of Enquiry*.—Mr. Carleton laid on the table the report of the Commissioner appointed to enquire into the state of discipline at the Mount Eden Stockade, together with the minutes of evidence taken by the Commissioner.
3. *Report of Turnpike Committee*.—Mr. Gallagher brought up the report of the Turnpike Act Committee, and the same was received and read.
On motion of Mr. Foley, *Ordered*, That the report be printed. (See Appendix A.—No. 16.)

4. *Onehunga*

4. *Onehunga Board Bill*.—Council, according to order, resolved itself into Committee on the *Onehunga Board Bill*.

IN THE COMMITTEE.

Mr. Cadman in the Chair.

Clause 1. Amendment proposed: At the end of the clause to add the following words "and the same shall be divided into five wards, as therein set forth." (*Mr. Carleton.*)

Amendment agreed to.

Clause as amended agreed to.

Clauses 2 and 3 agreed to.

Clause 4. Amendment proposed: in line 5 after the words "be the" to insert the words "basis of." (*Mr. Carleton.*)

Amendment agreed to.

Clause as amended agreed to.

New clauses. The following clauses were brought up and inserted in the Bill:—

It shall be the duty of such Returning officer to classify under the heads of the respective Wards the names of the electors on the said Electoral Rolls, according to the locality of the respective properties on which such electors have been enrolled, and to make out a distinct Electoral Roll for each Ward. And every person whose name shall appear on the Electoral Roll for any such Ward shall be entitled to vote for the election of a member or members of the Board for such Ward." (*Mr. Carleton.*)

"Every Ward shall return two members who shall serve for two years, unless in case of retirement or otherwise, as hereinafter provided." (*Mr. Carleton.*)

Clause 5. Amendment proposed: In line 2 after the word year to insert the words "after the completion of the Electoral Rolls for the Wards." (*Mr. Carleton.*)

Amendment agreed to:

Another amendment proposed: In lines 5-6 to leave out the words "the town of Onehunga," in order to insert the words "each respective Ward" instead. (*Mr. Carleton.*)

Amendment agreed to.

Clause as amended agreed to.

Clauses 6 and 8 agreed to.

Clause 9. Amendment proposed: In line 1 after the word "member" to insert the words "shall resign his seat by letter addressed to the Superintendent or." (*Mr. Carleton.*)

Amendment agreed to.

Clause as amended agreed to.

Clause 10 agreed to.

New clause. The following clause was brought up and inserted in the Bill:—

"One-half of the members of the Board shall go out of office on the first day of July in each year. The members who shall go out at the end of the first year shall previously be determined by ballot conducted by the Chairman at a meeting of the Board. Thereafter the members shall retire by rotation. All members retiring under the provisions of this clause shall be re-eligible." (*Mr. Carleton.*)

Clause 11. Amendment proposed: In lines 1-3 to leave out the words "the reclamation of land from the Harbour and the administration of the Harbour Reserves." (*Mr. Carleton.*)

Amendment put.

THE COMMITTEE DIVIDED:—

Ayes (7).
Mr. Carleton,
Mr. Cheeseman,
Mr. Gallagher,
Mr. Martin,
Mr. Rattray,
Mr. Swanson,
Mr. Webster (teller).

Noes (4).
Mr. Blake,
Mr. George,
Mr. Powditch,
Mr. Gallagher (teller).

Clause

Clause as amended agreed to.

Clauses 12 and 13, agreed to.

Clause 14. Amendment proposed: In line 2 to leave out the word "Harbour" and after the word "Reserves" to insert the words "within the Town of Onehunga not being Harbour Reserves."

Amendment agreed to.

Another amendment proposed: In line 4, to leave out the word "Harbour."

Amendment agreed to.

Another amendment proposed: In line 6, to leave out the word "reclaiming," for the purpose of inserting the word "improving" instead.

Amendment agreed to.

Clause as amended agreed to.

Clause 15. The following amendments were made: In line 2, after the word "their," the words "first and each annual" were inserted; in line 4, after the word "Act," the words "for the current or succeeding year"; in line 11, after the word "assessment," the words "and the period for which the same is levied," were inserted, and the following proviso was added to the clause: "Provided always, that no rate to be so levied shall exceed one shilling in the pound sterling of annual value." (*Mr. Carleton.*)

Clause as amended agreed to.

Clauses 16 to 25 agreed to.

Clause 26. Amendments made: In line 2, the word "commit" was left out, and the words "pay over" inserted instead, and, after the word "Board," the words "the application of" were inserted; in line 3, the word "of" was left out, and the words "to commit to them" inserted instead.

Clause as amended agreed to.

Clause 27. Amendment proposed: To leave out the words "an original as well as," and to insert the word "only" after the word "vote," in line 3.

Amendment agreed to.

Clause as amended agreed to.

Clauses 28 to 31 agreed to.

Clause 32. Amendment proposed: To leave out all the words after "audited by," in line 9, in order to add the words "a person to be appointed for such purpose by the Superintendent." (*Mr. Carleton.*)

Amendment agreed to.

Clause as amended agreed to.

Clauses 33 to 38 agreed to.

Clause 39. Amendment proposed: In line 2, to leave out the word "Improvement," in order to insert the word "Board" instead.

Amendment agreed to.

Clause as amended agreed to.

Schedule A was expunged, and the following added instead.—

BOUNDARIES OF WARDS IN THE TOWN OF ONEHUNGA.

Ward No. 1.

Is bounded on the North by the southern sides of the Three Kings and Harp of Erin Roads on the East by a direct line from the north-west angle of Allotment No. 14 of Section 34 to the south-east angle of Allotment 14 of Section 36 of the Town of Onehunga,

on the

on the South by the northern side of the road forming the southern boundary of Section No. 36, by the northern side of same road continued to the eastern boundary of Allotment No. 30 of Section 32, by the eastern boundary of said Allotment No. 30, by southern boundary of said Allotment No. 30, by the eastern boundaries of Allotments Nos. 38 37 and 36 of Section No. 32 to the north-west angle of Allotment No. 9 of Section 32 aforesaid, and by a straight line from the north-west angle of Allotment No. 24 of Section 38, and on the West by the western boundary of Section 38 of the Town of Onehunga.

Ward No. 2.

Bounded on the North by the southern boundary of Ward No. 1 hereinbefore described, on the East by a direct line from the south-east angle of Allotment No. 14 Section No. 36 of the Town of Onehunga to the south-east angle of Allotment No. 11 of Section No. 21 of the Town of Onehunga aforesaid and on the South and West by the Harbour of Onehunga.

Ward No. 3.

Bounded on the North by the south side of the road forming the northern boundary of Section No. 34 of the Town of Onehunga, by the west side of the road forming the eastern boundary of said Section 34, and by the northern boundaries of Allotments Nos. 72 and 73 of small lots near Onehunga, on the East by a direct line from the northern boundary of Allotment No. 73 aforesaid to the north-east angle of Allotment No. 9 of Section No. 8 of the Town aforesaid, on the South by a straight line from north east angle of Allotment No. 9 aforesaid to the south-west angle of Allotment No. 12 of Section No. 23 of the said Town of Onehunga, and on the West by the eastern boundaries of Wards Nos. 1 and 2 hereinbefore described

Ward No. 4.

Bounded on the North by the southern boundary of Ward No. 3 hereinbefore described on the East by a direct line from the north-east angle of Allotment No. 9 of Section No. 8 of the Town of Onehunga to the south eastern angle of Allotment No. 18 of Section No. 27 of the Town aforesaid, on the South by the southern boundary of said Allotment No. 18 and by the Onehunga Harbour, and on the West by the eastern boundary of Ward No. 2 hereinbefore described.

Ward No. 5.

Is bounded on the North by the northern boundaries of Allotments Nos. 73 3A, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 14 of small lots near Onehunga, on the East by Section 17 of the Suburbs of Auckland, on the South by the Onehunga Harbour, and on the West by the eastern boundaries of Wards Nos. 3 and 4 hereinbefore described.

Preamble. Amendment proposed: In line 2, to leave out the words "and Harbour."

Amendment agreed to.

Preamble as amended agreed to.

Bill as amended to be reported.

COUNCIL RESUMED.

Mr. Speaker resumed the Chair, and Mr. Cadman reported that the Committee had gone through the Bill, and made amendments thereto.

Ordered, That the Bill be read the third time to-morrow, and that it be re-printed.

5. *City Board Loan Bill.*—The "City Board Loan Bill" was, according to order, read a second time and committed to a Committee of the whole Council.

IN THE COMMITTEE

Mr. Cadman in the chair.

Clauses 1 to 3 and Preamble agreed to.

Bill to be reported.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. Cadman reported that the Committee had gone through the Bill.

Ordered, That the Bill be now read the third time.

The Bill was read that day six months.

Resolved,

Resolved, That the Bill do pass and that the title be *An Act to enable the Superintendent of the Province of Auckland to advance by way of Loan the Sum of Seven Thousand Pounds to the City Board, out of money to be raised under the provisions of the "Auckland Loan Act, 1863."*

6. *Industrial School Repeal Bill*.—The order for considering the amendments proposed to be made in the "Industrial School Act Repeal Act" being read,
The amendments were severally agreed to.

Resolved, That the Bill as amended do pass.

7. *Messages*.—Mr. Speaker read the following Messages from his Honor the Superintendent, presented by Mr. Carleton.

Message No. 131.

The Superintendent has received the following Address, No. 137, "That this Committee declines to entertain this subject further, until his Honor has furnished the Council with an answer to all the Addresses sent up to him requesting him to place sums of money on the additional Estimates."

The Superintendent is not informed by the Address of the subject which the Council decline to entertain, nor is the Address itself from the Council. The Superintendent, however, will comply with what appears to be the desire of the Council, namely, that the answers to certain addresses should be sent forthwith.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 26th April, 1865.

Message No. 132.

In compliance with the request contained in Address No. 119, of date 30th March ultimo, the Superintendent transmits for the information of the Provincial Council copies of all papers having reference to the investigations into the cause of mortality on board the ship "Ganges."

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 26th April, 1865.

Message No. 133.

In compliance with the request contained in the Address No. 80, of date 9th March ultimo, the Superintendent lays before the Provincial Council copy of the number and tonnage of vessels that have been piloted into the Bay of Islands during the year 1864, also the amount paid for such pilotage, harbour fees, &c.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 26th April, 1865.

Message No. 134.

The Superintendent recommends the Provincial Council to appropriate the sum of £150 for expenses in connexion with the New Zealand Exhibition, in accordance with resolution of Council.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 26th April, 1865.

Message

Message No. 135.

The Superintendent acknowledges receipt, by Address, of a copy of the Select Committee's Report on the "Onehunga Improvements Bill," as agreed to by the Council.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 26th April, 1865.

Message No. 136.

The Superintendent has received an Address, No. 124, from the Provincial Council, of date 7th April instant, informing him "That this Council, being unable to understand from his Honor's Message, No. 93, what his intention is with reference to the forfeited deposit, desire to state that they adhere to their already expressed opinion on the subject, and trust that it will not be necessary for them any further to record their opinion upon the propriety of refunding that deposit to Messrs. Vickery and Masefield, and that the Railway Board be authorised by his Honor to pay the deposit without further delay to them."

The Superintendent informs the Council that he has been advised by the Provincial Solicitor, "That the money deposited by Mr. Blandford and now claimed by Messrs. Vickery and Masefield, was the deposit required under the contract arranged between the Superintendent, as undertaker of the Auckland and Drury Railway, and Mr. Blandford, and in his opinion it must be ruled by the Act, in fulfilment of which it alone has existence. The amount was forfeited by non-fulfilment of the contract and thus comes under the 12th Section of the "Auckland and Drury Railway Act, 1863." The Superintendent is, therefore, bound to administer it for the purposes of that Act. Can he do so by handing it over to Messrs. Vickery and Masefield? If he cannot, then the only course by which he can legally expend the money appears to be by asking for the authority of Council in the usual way."

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 26th April, 1865.

Message No. 137.

The Superintendent has received an Address, No. 135, from the Provincial Council, of date 20th April instant, requesting him to place on the Additional Estimates the sum of Two Thousand Pounds towards the repairs of the Great South Road.

The Superintendent desires to remind the Council that by Message No. 86 he has already recommended the Council to appropriate that sum for the purpose named, in addition to the amount placed upon the printed Estimates.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 26th April, 1865.

Message No. 138.

The Superintendent recommends the Provincial Council to appropriate the sum of Two Thousand Pounds (£2,000) by way of subsidy to the Steam Service to Coromandel and the North, if undertaken by a local Company.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 26th April, 1865.

Message No. 139.

The Superintendent lays before the Provincial Council for their information copy of a letter received from the Waste Lands Commissioner.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 26th April, 1865.

Message

Message No. 140.

The Superintendent has received an Address, No. 134, from the Provincial Council of date 19th April instant, requesting him to send down to this Council "a copy of the Bill he intends to introduce into the General Assembly, as a member for Franklin, for the purpose of granting Lands to the Militia and Volunteers who served during the Native Rebellion, as a recognition of their services."

The Superintendent regrets that such an Address should have proceeded from the Council. He has nowhere expressed an intention of introducing such a Bill into the General Assembly; moreover, were he to do so he would be responsible, as member for Franklin, not to the Provincial Council, but only to his own constituents.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 27th April, 1865.

Message No. 141.

The Superintendent has received an Address No. 133 from the Provincial Council, of date 19th March instant, requesting him to send down to this Council copies of the terms of the contract entered into with Messrs. Amos and Co., for the construction of the Breakwater at Point Britomart, which he transmits accordingly.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 27th April, 1865.

Message No. 142.

The Superintendent has received from the Provincial Council Addresses requesting him to recommend for appropriation the following sums in addition to those proposed by him on the printed estimates, namely:—

No. of Address.	£	s.	d.
8. For artesian well experiments - - -	500	0	0
34. For improvement of road to Albertland - - -	500	0	0
36. For construction of a pier at Mongonui - - -	300	0	0
40. For construction of a pier at Tauranga - - -	500	0	0
42. For bridging and making portion of Kaipara portage road, and extending wharf at Deacon's Point - - - - -	500	0	0
44. Subsidy for steam service to Coromandel and the North - - - - -	1,200	0	0
45. For making and forming Franklin, Ponsonby, and Karangahape roads - - - - -	1,200	0	0
46. Bonus to teachers under Board of Education of 15 per cent. - - - - -	99	11	3
53. Salary for wharfinger, at Onehunga - - - - -	150	0	0
59. Subsidy for Waitemata steam ferry service - - -	350	0	0
62. Sufficient sum for repair of all the bridges from Lucas' Creek to the Wainui - - - - -			
67. Sufficient sum for repair of roads and bridges from the junction at the Whau to Waikomiti - - - - -			
70. For repair of bridges and improvement of the road leading from the head of the Waitemata past the Areremo Creek into the Kaukapakapa district - - - - -	500	0	0
78. Subsidy for ferry service at Tauranga - - - - -	50	0	0
81. Sufficient sum for opening a road from Kaukapakapa to Komokoriki - - - - -			

84. An addition to salary of Harbour Master, Auckland	50	0	0
87. Ditto to Signalman	20	0	0
91. { As rewards for meritorious services of police	400	0	0
{ Increase of Sergeant-Major's pay	38	7	6
92. Champion-plate horseracing	500	0	0
96. A bill authorising further advance on account of Market House	7,000	0	0
99. Grant to Mechanics' Institute, Newton	100	0	0
101. Improvements of roads and streets, Onehunga	500	0	0
104. Grant to Auckland Acclimatization Society	500	0	0
105. Improvement of roads and streets, Otahuhu	250	0	0
106. Ditto " " Panmure	250	0	0
107. Repair of Heath's Pier, North Shore	40	0	0
108. Purchase of Books for Mechanics' Institute	100	0	0
109. Opening of a road from Mangawai to Waipu, across Bream Trail	200	0	0
110. Forming a road from Waikoukou Creek to the Awaroa river	500	0	0
111. Expenses in connection with New Zealand Exhibition	150	0	0
112. Opening of road from Wangarei to Mangapai, by Otaike	200	0	0
121. Repair of roads and streets in village of Howick	250	0	0
123. Increase of police force pay in proportion to Sergeant-Major's (calculated as one-fifth), about	1,603	0	0
127. Grant to widow and family of the late John Thomas, contractor for supply of bricks, Lunatic Asylum	250	0	0
135. Repair of Great South Road	2,000	0	0

These sums amount in all to twenty thousand seven hundred and fifty pounds eighteen shillings and ninepence (£20,750 18s. 9d.), besides what are termed by Council "sufficient sums."

The Superintendent, desirous of complying with the wishes of Council, as far as is possible, without inconvenience to the public service, has recommended for appropriation the sums requested in

Addresses No.	£	s.	d.
42 - - - - -	500	0	0
44 - - - - -	1,200	0	0
45 In part - - - - -	600	0	0
46 - - - - -	99	11	3
53 - - - - -	150	0	0
59 - - - - -	350	0	0
78 - - - - -	50	0	0
91 In part - - - - -	400	0	0
96 - - - - -	7,000	0	0
99 - - - - -	100	0	0
108 - - - - -	100	0	0
109 - - - - -	200	0	0
111 - - - - -	150	0	0
112 - - - - -	200	0	0
135 Forestalled - - - - -	2,000	0	0

Amounting in all to the sum of thirteen thousand and ninety-nine pounds eleven shillings and three pence (£13,099 11s. 3d.), six thousand and ninety-nine pounds eleven shillings and three pence (£6,099 11s. 3d.) of which will have to be supplied from the revenue, and seven thousand pounds (£7,000) from the loan.

In regard to the remaining addresses, the Superintendent regrets that he is unable, for want of sufficient funds, to recommend appropriation of the sums desired.

Superintendent's Office,
Auckland, 27th April, 1865.

ROBERT GRAHAM,
Superintendent.

Message

Message No. 143.

The Superintendent has received a further Address from the Provincial Council, in reference to Colonel Kenny's application for land.

The Superintendent has no observations to offer on the subject, beyond those contained in his Message No. 97, on the same subject.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland 27th April, 1865.

Message No. 144.

The Superintendent, in compliance with the request contained in Address No. 122, transmits to the Provincial Council copies of all documents and correspondence between H. C. Lawlor, Esq., Gold Field Commissioner, and the Great Independent Gold Mining Company.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 27th April, 1865.

Message No. 145.

The Superintendent transmits to the Provincial Council copy of a minute received from the Engineer-in-Chief, calling attention to the dangerous state of the Drury bridge, on the Great South Road, and urging that steps should at once be taken for the erection of a new bridge.

Should the Council agree to the sum of two thousand pounds, additional, recommended by the Superintendent for the Great South Road, this work can be undertaken.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 15th April, 1865.

Message No. 146.

The Superintendent has received an Address (No. 120) from the Provincial Council of date 30th March ult. requesting him to instruct the Engineer-in-Chief or some other practical person, forthwith to inspect the New Supreme Court Buildings, and to place the roof of that building in an efficient state of repair, and informs the Council that the request has been complied with.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 27th April, 1865.

Message No. 147.

The Superintendent has received an Address (No. 76) from the Provincial Council of date 8th March ult. requesting him 1st, "to inform this Council if the "Government Contracts Bill," was assented to by his Honor on behalf of the Governor, pursuant to the 27th clause of the "Constitution Act." 2nd, "to inform this Council when an authentic Copy of such Bill was transmitted to his Excellency the Governor."

The Superintendent informs the Council that the "Government Contracts Bill," was assented to by him on the 17th of February, 1865, and that a copy of the Act was transmitted to his Excellency the Governor, on the 27th February, 1865.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 27th April, 1865.

Estimate of Expenditure.—Council according to order resolved itself into Committee on the Estimate of Expenditure.

IN THE COMMITTEE.

Mr. Cadman in the chair.

Message No. 96 again under consideration.

Item again stated.

For opening a road from Wangarei to Mangapai, by
Otaike - - - - - £200

Amendment put, That the item be reduced to £50. (*Mr. Foley.*)

THE COMMITTEE DIVIDED :—

Ayes (2.)
Mr. Gallagher,
Mr. Foley (teller).

Noes (9.)
Mr. Blake,
Mr. Carleton,
Mr. George,
Mr. Powditch,
Mr. Martin,
Mr. Rattray,
Mr. Swanson,
Mr. Webster,
Mr. Cheeseman (teller).

Another amendment put, That the item be reduced to £60. (*Mr. Foley.*)

THE COMMITTEE DIVIDED :—

Ayes (2.)
Mr. Gallagher,
Mr. Foley (teller).

Noes (9.)
Mr. Blake,
Mr. Carleton,
Mr. George,
Mr. Martin,
Mr. Powditch,
Mr. Rattray,
Mr. Swanson,
Mr. Webster,
Mr. Cheeseman (teller).

Another amendment put, That the item be reduced to £70.

Amendment agreed to.

Item as amended.

For opening a road from Wangarei to Mangapai by
Otaike - - - - - £70

Agreed to.

The following items were agreed to.

Message No. 113 under consideration.

Expenses of conveying prisoners and witnesses to Auckland 200 0 0

Message No. 119 under consideration.

Expenses incurred in reference to the burglary at Mr. Beck's 343 0 0

Message No. 124 under consideration.

Kawa Kawa Coal Field Exploration - - - - - 500 0 0

Resolved, That his Honor the Superintendent be requested to employ some practical man for the purpose of having the necessary Borings made, with the view of developing the extent of the Kawa Kawa Coal Field. (*Mr. Webster.*)

Message No. 129 under consideration.

For the purchase of Books for the Auckland Mechanics'
Institute - - - - - £100

Message No. 130 under consideration.

For

For making and forming the Franklin, Ponsonby, and Karangahape Roads in conjunction with the City Board - - - - - £600
 Amendment put, That this item be postponed. (*Mr. Foley.*)

THE COMMITTEE DIVIDED :

Ayes (4.) Mr. Blake, Mr. Gallagher, Mr. Martin, Mr. Foley (teller.)	Noes (7.) Mr. Carleton, Mr. Cheeseman, Mr. Powditch, Mr. Rattray, Mr. Swanson, Mr. Webster, Mr. George (teller).
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Item withdrawn for the present with leave.

Message No. 134 under consideration.

Expenses in connection with the New Zealand Exhibition £150
 Agreed to.

Message No. 138 under consideration.

Subsidy for Steam Service to Coromandel and the North,
 (if undertaken by a Local Company) - - - £2,000
 Amendment proposed, That the item be postponed. (*Mr. Rattray.*)
 Amendment negatived.
 Item agreed to.

Resolved, That this Committee record their opinion that the conditions entered into with such Local Company should not be less stringent than those proposed by the Superintendent to the Wellington Company, and that any boat put on the station by such Company ought not to be inferior in size or power to the "Storm Bird." (*Mr. Carleton.*)

Message No. 86 under consideration.

Great South Road - - - - - £2,000
 Agreed to.

Postponed items on printed Estimates, under consideration:—

Police Department.

One Sergeant-Major, at 10s. 6d. per day - - £191 12 6
 Agreed to.

Sheep and Thistle Department.

Eight Sub-Inspectors, at £40 - - - - £320
 Disagreed to.
 Contingencies - - - - - 20
 Agreed to.

Harbours—Auckland.

Signalman - - - - - £120
 Agreed to.

Ferries.

North Shore - - - - - £150
 Agreed to.

Subsidies for Steam Service.

Wangarei, Matakana, Bay of Islands, and Coromandel £1,200
 Disagreed to.

Resolutions (2) to be reported, and to report progress and ask leave to sit again.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. Cadman reported the resolutions passed by the Committee in reference to the votes for the Kawa Kawa Coal-field exploration, and Subsidy for Steam Service to Coromandel and the North.

Resolved, That those resolutions be agreed to by the Council.

Resolved, That Addresses be presented to his Honor the Superintendent, forwarding the Resolutions. (ADDRESSES Nos. 140 and 141.)

Mr. Cadman also acquainted the Council, That he was directed to move that the Committee may have leave to sit again.

Resolved, That this Council will to-morrow resolve itself into the said Committee.

9. *Adjournment*.—On motion of Mr. Foley, Council adjourned at 5 minutes past 8 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Friday, April 28th, 1865.

NOTICES OF MOTION.

Government Business :—

1. Mr. CARLETON to move, That the Fencing Bill be replaced on the Order Paper.
2. Mr. CARLETON to move, That in the opinion of this Council the Waitakerei Water Works ought to be proceeded with.
3. Mr. CARLETON to move, That the consideration of the Building Bill in Committee of the whole Council be now resumed.

ORDERS OF THE DAY.

Government Business :—

1. Onehunga Board Bill—third reading.
2. Estimate of Expenditure—to be further considered in Committee.

General Business :—

3. Education Bill—in Committee.
4. Message No. 85—to be considered.
5. Adjourned debate on the question—That an address be forwarded to his Honor the Superintendent, requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.

CONTINGENT NOTICE OF MOTION.

1. Mr. WYNN, on the consideration of his Honor's message No. 85, to move, That the Council having had under consideration his Honor's message No. 85, desires to state that the expressions to which they took exception, viz. :—“He (the Provincial Secretary) has always been an advocate for the constitution of a new Province in the Bay of Islands District,” were used by the representative of his Honor's Government on the occasion referred to, and have not since been denied by him, and this Council regrets that his Honor should think fit to characterise their views on the proposed dismemberment of the Province of Auckland, by constituting a new Province at the Bay of Islands, as a “trifling and unprofitable question.”

NOTICES

NOTICES OF MOTION.

General Business :—

1. Mr. GEORGE to move, That the Report of the Private Grievance Committee be adopted.
2. Mr. GEORGE to move, that the Building Bill Committee's Report be adopted, and forwarded to his Honor the Superintendent, with the Minutes of Evidence taken therein.
3. Mr. GALLAUGHER to move, That the Report of the Select Committee directed to inquire into the working of the present Turnpike Act, be adopted.
4. Mr. CADMAN to move, That his Honor's Message, No. 123, be taken into consideration.

1. That this Council is gratified to find that his Honor concurs in the views of the Council on the subject of the Kawa Kawa Coal-fields.

2. That this Council respectfully requests that his Honor will be pleased without delay to forward to this Council the provisions of any proposed Bill that his Honor may think fit to send down for the consideration of this Council, pursuant to the provisions of the Public Reserves Act, 1854, of the General Assembly, in order that no unnecessary delay should take place in making these Coalfields available for leasing by public competition.

5. Mr. CADMAN to move, That a respectful address be presented to his Honor the Superintendent, requesting that he will send down to this Council the petition of certain residents in the Northern Division respecting the repairs of Waterloo Bridge.
6. Mr. CADMAN to move, That an address be presented to his Honor the Superintendent, requesting that he will place on the additional Estimates a sufficient sum to build a Bridge over Brigham's Creek.
7. Mr. GALLAUGHER to move, That a respectful address be presented to his Honor the Superintendent, requesting him to send down to this Council, without delay, a Bill for the better improvement of the Harbour of Onehunga, by vesting the harbour endowments in a Board of Commissioners, to be elected by and from the electors of the Town of Onehunga.

WM. POWDITCH,
Speaker.

FRIDAY, APRIL 28TH, 1865.

PRAYER.

The Council met, and being counted by Mr. Speaker it appeared that one-third of the whole number of members was not present, whereupon the Council was declared adjourned at 20 minutes past 3 o'clock until Tuesday next.

MEMBERS PRESENT :—

Mr. Speaker,

Mr. Blake,
Mr. Cadman,
Mr. Carleton,
Mr. Cheeseman
Mr. Foley,

Mr. George,
Mr. Sheehan,
Mr. Skeen,
Mr. Swanson,
Mr. Webster.

NOTICES

NOTICES OF MOTION AND ORDERS OF THE DAY.

 Tuesday, May 2nd, 1865.

1. Mr. FOLEY to ask the hon. member at the head of the Executive, If any payment of money has been made by the Provincial Treasurer, authorised by his Honor the Superintendent, to any of the members representing the Marsden or Mongonui districts, for their services during the present session; and if so, to whom paid, and to what amount?

 ORDERS OF THE DAY.

Government Business :—

1. Onehunga Board Bill—in Committee.
2. Estimate of Expenditure—to be further considered in Committee.

General Business :—

3. Education Bill—in Committee.
4. Message No. 85—to be considered.
5. Adjourned debate on the question—That an address be forwarded to his Honor the Superintendent, requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.

 CONTINGENT NOTICE OF MOTION.

1. Mr. WYNN, on the consideration of his Honor's Message No. 85, to move, That the Council having had under consideration his Honor's message No. 85, desires to state that the expressions to which they took exception, viz. :—“He (the Provincial Secretary) has always been an advocate for the constitution of a new Province in the Bay of Islands District,” were used by the representative of his Honor's Government on the occasion referred to, and have not since been denied by him, and this Council regrets that his Honor should think fit to characterize their views on the proposed dismemberment of the Province of Auckland, by constituting a new Province at the Bay of Islands, as a “trifling and unprofitable question.”

 NOTICES OF MOTION.

1. Mr. FOLEY to move, That in reference to the Petition of this Council to his Excellency the Governor, praying for an early dissolution of this Council, this Council are of opinion that the interests of the Province would be best consulted by the dissolution of the Council in the month of August next, so that the nomination for the Superintendency might thus take place in September, and the polling (if required) in the month of October ensuing, when the new Electoral Rolls would be in operation.
2. Mr. FOLEY to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to inform this Council whether, in reference to the order in Council that appears in the *General Government Gazette* of the 8th of April, the Superintendent either in his capacity as Superintendent or as Public Buildings Commissioner, has received any information respecting the “divers public reasons” which the General Government alleges have caused them to except out of the Public Buildings Commission, the building of a Government House in the Domain at Auckland.

Mr. WYNN.

3. Mr. WYNN to move, That a respectful address be presented to his Honor the Superintendent, requesting him to inform the Council whether his Honor has complied or if not, whether he intends to comply with the request of the Council contained in Address No. 117, to the effect that a copy of the resolutions passed by the Council, in reference to an early dissolution of the Council, and transmitted to his Honor in the said Address, should be transmitted for the information of the General Government.
4. Mr. WYNN to move, (1) That a respectful address be presented to his Honor the Superintendent, requesting him to pay over to Mr. Speaker the sum of money voted for the purpose of a Library as early as possible after the passing of the Appropriation Act.
- (2.) That the Library Committee appointed during this session have leave to sit during the recess, in order that the sum of money voted for the Library may be made available.

WM. POWDITCH,
Speaker.

TUESDAY, 2ND MAY, 1865.

PRAYER.

Present: Mr. Speaker and 18 members.

1. *Petition referring to Slaughter-house Site.*—Mr. Harrop presented a petition from forty-six residents at Newmarket and Remuera, praying that the new Slaughter-house may not be placed in their neighbourhood.
Petition received and read.
2. *Petition of J. M. Mowbray.*—Mr. Carleton presented a petition from John Marshall Mowbray, praying that his claim to land as an immigrant may be considered.
Petition received.
3. *Payment to Members.*—Mr. Foley, pursuant to notice, asked, If any payment of money had been made by the Provincial Treasurer, authorized by his Honor the Superintendent, to any of the members representing the Marsden or Mongonui districts for their services during the present session, and if so to whom paid and to what amount.
Mr. Carleton answered, Payment has been made in the usual form to the Honourable Member for Marsden (Mr. Ross), to the amount authorized by resolution of Council.
4. *Orders Postponed.*—The order of the day No. 1 was postponed till to-morrow.
The remaining orders of the day were severally postponed until after the Notices of Motion Nos. 1 and 2.
5. *Dissolution of Council.*—On motion of Mr. Foley, *Resolved*, That in reference to the Petition of this Council to his Excellency the Governor, praying for an early dissolution of this Council, this Council are of opinion that the interests of the Province would be best consulted by the dissolution of the Council in the month of August next, so that the nomination for the Superintendency might thus take place in September, and the polling (if required) in the month of October ensuing, when the new Electoral Rolls would be in operation.
Resolved, That Mr. Speaker be directed to forward the resolution to the Colonial Secretary.
6. *New Government House.*—On motion of Mr. Foley, *Resolved*, That a respectful Address be presented to his Honor the Superintendent, requesting him to inform this Council whether in reference to the order in Council that appears in the *General Government Gazette*, of the 8th of April, the Superintendent either in his capacity as Superintendent or as Public Buildings Commissioner, has received any information respecting the "divers public reasons" which the General Government alleges have caused them to except out of the Public Buildings Commission, the building of a Government House in the Domain at Auckland. (ADDRESS No. 141A.)

7. *Audit*

7. *Audit Committee's Report.*—Mr. Carleton brought up the Report of the Audit Committee, and the same was received and *Ordered* to be printed. (See APPENDIX B.—No. 6.)
8. *Messages.*—Mr. Speaker read the following Messages from his Honor the Superintendent, presented by Mr. Carleton.

Message No. 148.

The Superintendent recommends the Provincial Council to appropriate the following sums, viz.:—

For the erection of a Lock-up at Ngaruawahia	-	-	£150
Ditto ditto at Waiuku	-	-	100

Superintendent's Office,
Auckland, 28th April, 1865.

ROBERT GRAHAM,
Superintendent.

Message No. 149.

The Superintendent having been informed by the Engineer-in-Chief that the Bridges on the road from the junction at the Whau to Waikomiti, in the Parish of Titirangi, are in a dangerous state, recommends that the sum of One Hundred Pounds (£100) should be appropriated for their repair.

Superintendent's Office,
Auckland 28th April, 1865.

ROBERT GRAHAM,
Superintendent.

Message No. 150.

The Superintendent has received an Address, No. 126, of date 7th April instant, the second paragraph of which is as follows:—

“That the Provincial Council in recommending a salary of £800 a-year for a Provincial Engineer, did so on the understanding that that officer should supervise all Engineering works in this Province; but this Committee regret to record their opinion, that, from the information afforded to the Provincial Council, that the officer holding the appointment, for which the Council recommended the salary of £800 a-year, has not performed the duties which the Provincial Council anticipated would be performed by that officer, and that the expenses of the late Road Department have been increased to an extent which this Council did not anticipate when recommending the appointment of a Provincial Engineer.”

The Superintendent is not aware of the nature of the information afforded to the Provincial Council, and upon which an unfavourable conclusion has been arrived at, but believes that if it had been submitted to himself or to the Engineer-in-Chief, it would have been shown to be incorrect.

The Engineer-in-Chief is, of course, not aware what was the nature of “the duties which the Provincial Council anticipated would be performed by him”; but he is not cognisant, nor is the Superintendent, of any works entrusted to him by the Executive Government which have not received his “active” and “personal” supervision.

The Engineer-in-Chief informs the Superintendent that he has referred to the accounts of the road branch of the department, and that he cannot find that its expenses have been increased, as implied in the Address.

Superintendent's Office,
Auckland, 28th April, 1865.

ROBERT GRAHAM,
Superintendent.

Message

Message No. 151.

The Superintendent recommends the Provincial Council that the sum of Three Hundred and Twenty pounds (£320) (proposed for the payment eight Sub-inspectors of Thistles but negatived) be added to the general item.

“Expenses under Thistle Act.”

So as to make the estimate for that item, Six Hundred pounds (£600.)

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 28th April, 1865.

Message No. 152.

The Superintendent recommends the Provincial Council to make provision for three additional overseers for the Stockade or Gaol, one at £144, and two at £126.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 28th April, 1865.

Message No. 153.

The Superintendent desires to inform the Provincial Council in reference to Address 81, requesting him to place a sum of money on the additional Estimates for the purpose of opening a road from Kaukapakapa to Komokoriki, that he has referred the question to the Engineer-in-Chief, who reports that the opening of that road would be an expensive matter in consequence of the necessity for several bridges, one of them over a creek stated to be 150 yards wide, no less a sum than £1000 would, in the opinion of the Engineer-in-Chief, be of any service.

The Superintendent is well aware of the necessity of affording the settlers on the Komokoriki block some means of communication, but is met at once by the difficulty which hinders so many other Provincial undertakings—the want of available means.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 1st May, 1865.

Message No. 154.

The Superintendent has received an Address (No. 113) from the Provincial Council of date 30th March ultimo, “requesting that he will procure and send down to this Council a return in detail of all moneys expended by the Building Commissioners.”

The Superintendent must again refer the Council to the Colonial Secretary's letter of 1st February, 1864, communicated to Council by Message No. 68, Session XVI. By this letter, in which the relative position of the Council, the Building Commissioners, and the General Government, is explicitly laid down, the Council will perceive that their request cannot well be complied with, unless by prior reference to the General Government.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 2nd May, 1865.

Message No. 155.

The Superintendent recommends the Provincial Council to make provision for the following items:—

Clerk.

Clerk in Superintendent's Office - - - - -	£175
Clerk in Treasury Office - - - - -	175
Compiling Draughtsman in Waste Lands Office - - - - -	250
Clerical Assistance in Waste Lands Office - - - - -	168
Messenger in Superintendent's Office - - - - -	52

The Superintendent is aware that these Items, one which is now presented in a modified form, have been rejected by the Council during consideration of the printed Estimates, but trusts that the Council will reconsider their decision owing to the great increase of public business, the first four services on the list cannot be well dispensed with, at least without wasting more public money, for want of supervision than would apparently have been saved. By allowing the messenger in Superintendents Office an actual saving is effected as he would render unnecessary the services of the Policeman, who was formerly directed to attend during office hours at the Superintendent's Office.

In regard to the items, Clerk in Superintendent's Office, Clerk in Treasury Office, Compiling Draughtsman in Waste Lands Office, and Clerical Assistance in Waste Lands Office, the Superintendent refers the Council for information to the letters and memoranda which he has already submitted to them by message.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 2nd May, 1865.

Message No. 156.

The Superintendent encloses for the information of the Provincial Council copy of a letter received from the Resident Magistrate at Mongonui, requesting that certain repairs estimated at £60 may be made to the Gaol.

The Superintendent recommends the Council to make the required provision for that service.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 1st May, 1865.

Message No. 157.

The Superintendent has submitted Address No. 113 to the Building Commissioners by whom it was resolved, "that upon being applied to be the General Government, the Commissioners will be prepared to make the return in question."

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 2nd May, 1865.

On motion of Mr. Cadman, *Ordered*, That Message No. 157 be taken into consideration to-morrow.

Message No. 158.

The Superintendent recommends to the Council the re-consideration of the letter already transmitted from Dr. Knight, at present acting on behalf of the General Government, and empowered to negotiate the sale of the Tuakau Block. The Superintendent strongly urges upon the Council the desirability of purchasing the Block on the terms offered. First if judiciously managed the proceeds would go far towards the construction of the proposed line of Railway between Drury and Waikato, and secondly because the General Government not having realised the securities from which the funds required for carrying out the Waikato Immigration Scheme were to have been supplied, is scarcely able to provide for its current expenditure by advances from its Bankers. The Superintendent is therefore desirous by making the purchase in question to enable the Government to keep faith with the Immigrants located in this Province.

The

The Superintendent recommends further consideration of the question, having been informed by correspondence transmitted herewith that in the event of the Tuakau Block being purchased by the Provincial Government, the General Government will consider the sum of £14,618 balance over the Customs three-eighths as a set off against the purchase money.

Superintendent's Office,
Auckland, 2nd May, 1865.

ROBERT GRAHAM,
Superintendent.

On motion of Mr. Carleton, *Ordered*, That Message No. 158 be taken into consideration to-morrow.

Message No. 159.

The Superintendent recommends that the sum of two hundred and fifty (£250) additional be appropriated to cover the expenses of Council.

Superintendent's Office,
Auckland, 2nd May, 1865.

ROBERT GRAHAM,
Superintendent.

Message No. 160.

The Superintendent recommends that the following Sections and Schedule be inserted in the Empowering Act, 1865, and do stand as Sections IV and V and Schedule of the Act, namely.

IV. It shall be lawful for the Superintendent to erect a Toll Bar on the said Wharf, or any convenient point on the road leading thereto, and to direct Tolls to be levied and paid for all goods, animals, and vehicles, passing to or from, or otherwise using the said Wharf, for all Vessels loading or discharging cargo thereat at rates not exceeding the rates in the Schedule to this Act annexed, and such rates at any time to alter.

V. If any person not entitled to exemption from Toll shall refuse to pay or shall evade payment of any such Toll the Collector thereof or any person acting under his authority, may seize and distrain any goods, animals, or vehicles, in respect of which any such Toll is payable, or any goods or chattels of the person so refusing to pay such Toll, and if such Toll with reasonable charges for such seizure and distress shall not be paid within four days, the vehicles, animals, goods, or chattels seized may be sold, and the proceeds applied in payment of such Tolls or charges. But nothing herein contained shall prejudice the rights of the said Superintendent at law to recover any sum due for Tolls.

SCHEDULE.

	s.	d.
For every licensed Cargo Boat, per load - - -	1	6
For every registered Coasting Vessel - - -	3	0
For every Barrow or Truck - - - - -	0	3
For every Vehicle with two wheels, without horses - -	0	3
For every Cart or other Vehicle, drawn by one horse - -	0	6
For every additional horse - - - - -	0	6
For every Vehicle with four wheels, without horses - -	0	6
For every Horse not drawing any cart or vehicle - -	0	6
For every head of Great Cattle - - - - -	0	3
For every Pig, Sheep, or Goat - - - - -	0	1

Superintendent's Office,
Auckland, 2nd May, 1865.

ROBERT GRAHAM,
Superintendent.

Message No. 161.

The Superintendent recommends that Section 3 of the Empowering Act, 1865, be omitted, and that the following Section be inserted in lieu thereof, namely—

It shall

It shall not be lawful for the Superintendent to expend any portion of the said sum of Two Thousand Five Hundred Pounds as last above mentioned until he shall have taken a Bond from such and so many responsible freeholders and others interested in the extension and repair of the wharf, as to the said Superintendent and Executive Council shall seem fit to secure the payment to the Superintendent of all interest and sinking fund which may become payable by the Provincial Government in respect of any money expended by virtue of this Act.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 2nd May, 1865.

Message No. 162.

The Superintendent recommends the Provincial Council to appropriate the sum of Two Hundred and Fifty Pounds (250) for repairing streets in Howick, Pāmuire, and Otahuhu.

ROBERT GRAHAM,
Superintendent

Superintendent's Office,
Auckland, 2nd May, 1865.

9. *Tuakau Block*.—On motion of Mr. Carleton, Message No. 118, relating to the purchase of the Tuakau Block, was read by the Clerk.

Mr. Carleton moved, That the message be now considered.

Mr. Wynn rose to order, and drew Mr. Speaker's attention to the fact that this Message had already been considered.

Mr. Speaker ruled, that as the Message had already been disposed of, it would not be in order to consider it again, unless fresh matter was imported.

10. *Estimate of Expenditure*.—The order being read for the further consideration of the Estimate of Expenditure in Committee.

Mr. Wynn moved, and the question was proposed, That Mr. Cheeseman be appointed Chairman of the Committee.

Mr. Cheeseman moved as amendment, That Mr. Cadman be appointed Chairman of the Committee.

And the question being put on the amendment,

COUNCIL DIVIDED:—

Ayes (4).
Mr. Cheeseman
Mr. George
Mr. Swanson
Mr. Webster (teller).

Noes (9).
Mr. Coolaban
Mr. Gallagher
Mr. A. O'Neill
Dr. Pollen
Mr. Sheehan
Mr. Wynn
Mr. Foley (teller).

So it passed in the negative.

And the original question being put, it was resolved in the affirmative.

IN THE COMMITTEE.

Mr. Cheeseman in the Chair.

Message No. 86 under consideration.

The following items were agreed to.

For arms and accoutrements for use of overseers at the Mount			
Eden Stockade	-	-	93 2 0
For Ferry Service on the Kaipara, with a view of putting on a			
powerful vessel to carry goods as well as passengers			
(additional)	-	-	200 0 0

For expenses

For expenses incurred on account of the visit of H.M.S. 'Falcon' to the Bay of Islands to try the Kawa Kawa Coal	-	-	-	-	-	17	0	0
For relief of sick and destitute (additional)	-	-	-	-	-	100	0	0

Message No. 92 under consideration.
Waste Land Commissioner, £800 per annum. Disagreed to.

Message No. 142 under consideration.

The following items were agreed to.

For bridging and making portion of the Kaipara portage road, and extending Wharf at Deacon's Point	-	-	-	-	-	500	0	0
For making and forming Franklin, Ponsonby, and Karanga- hape roads	-	-	-	-	-	600	0	0
Salary for Wharfinger at Onehunga	-	-	-	-	-	150	0	0

The following item was withdrawn.
Subsidy for Waitemata Steam Ferry service - - - 350 0 0

Message No. 148 under consideration.

The following items were agreed to.

For the erection of a Lock-up at Ngaruawahia	-	150	0	0
Ditto. ditto. Waiuku	-	100	0	0

Message No. 149 under consideration.

For repair of bridges from the junction at the Whau to Waikomiti, in the parish of Titirangi	-	100	0	0
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Message No. 151 under consideration.

Expenses under Thistle Act (additional)	-	320	0	0
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Message No. 152 under consideration.

Overseers for the Stockade or Gaol, one at £144 and two at £126	-	396	0	0
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Message No. 56 again under consideration.

Postponed item.

Road repairs (additional)	-	-	-	-	1,000	0	0
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Message No. 155 under consideration.

Clerk in Superintendent's Office, £175.

Amendment proposed: That this Committee have on a former occasion considered the question now proposed by his Honor's Message, and decline to re-consider their former vote. (*Mr. Wynn.*)

Amendment agreed to.

Clerk in Treasury Office, £175.

Motion made and question That the Chairman do report progress, with a view of ascertaining Mr. Speaker's opinion on Message No. 155, which takes notice of the proceedings of the Committee prior to their report. (*Mr. King.*)

COMMITTEE DIVIDED :—

Ayes (12.)
Mr. Cadman,
Mr. Coolahan,
Mr. Foley,
Mr. Gallagher,
Mr. George,
Mr. McGee,
Dr. Pollen,
Mr. Sheehan,
Mr. Skeen,
Mr. Swanson,
Mr. Webster,
Mr. Wynn (teller).

Noes (1.)
Mr. Carleton (teller).

Mr. Speaker

COUNCIL RESUMED.

Mr. Speaker resumed the chair and ruled the Message should not be entertained as it was a breach of the privileges of the Council for the Superintendent to take notice of the proceedings of their Committee, until they had made their report. He (Mr. Speaker) could not, himself, be aware that the Message was out of order when referred to the Committee, as the Speaker had as yet no cognizance of the Committee's proceedings.

IN THE COMMITTEE.

Message No. 156 under consideration.

Repairs at Mongonui Gaol, £60.

Disagreed to.

Message No. 159 under consideration.

Expenses of Council (additional) - - - - £250

Agreed to.

For repairing streets in Howick, Panmure, and Otahuhu 250

Amendment proposed: After the word "Otahuhu" to insert the words "to be distributed in equal proportions." (Mr. Wynn.)

A discussion ensuing as to whether such an amendment was in order,

Ordered, That the Chairman do report progress, with a view of ascertaining Mr. Speaker's opinion on the point of order.

COUNCIL RESUMED.

Mr. Speaker resumed the chair and ruled that the amendment was in order.

IN THE COMMITTEE.

Amendment agreed to.

Item as amended—

For repairing streets in Howick, Panmure, and Otahuhu,

to be distributed in equal proportions - - - £250

Agreed to.

Clauses of the Appropriation Bill.

Clauses 1 to 4 agreed to.

The following new clauses were brought up and agreed to:—

(5.) Any Provincial Treasurer, Secretary, or other officer or person, who shall direct or misapply any money out of the Revenue of the Province of Auckland, subject to the appropriation of the Provincial Council thereof, to any other uses or purposes than is by this Act directed and authorized, shall be deemed to be guilty of an offence against this Act and shall be liable to forfeit a penalty of £100 to be recovered in a summary way.

(6.) Provided always that this Act and all matters herein contained shall cease and be of none effect from and after the 7th day of October, 1865.

Clauses 5 and 6 and Preamble agreed to.

Bill and Estimates to be reported.

COUNCIL RESUMED.

Mr. Speaker resumed the chair, and Mr. Cheeseman reported that the Committee had gone through the Appropriation Bill and Estimate of Expenditure.

Ordered, That the Bill be read the third time to-morrow.

11. *Order Discharged*.—The order for the Committee of the Education Bill being read, On motion of Mr. Foley, *Ordered*, That that order be discharged.
12. *Adjournment*.—On motion of Mr. Wynn, Council adjourned at half-past 8 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Wednesday, May 3rd, 1865.

1. Mr. FOLEY to ask the hon. member at the head of the Executive, When his Honor will send down the Return with regard to the expenses incurred in introducing water into the City of Auckland?

2. Dr. POLLEN

2. Dr. POLLEN to ask the Provincial Treasurer, What has been the monthly rate of expenditure on account of the Staff, under the orders of his Honor the Superintendent, employed upon the settlement of the immigrants in the Waikato District?
3. Mr. GALLAUGHER to ask the hon. the Provincial Secretary, If it is the intention of his Honor the Superintendent to send down a Bill this Session, vesting the harbour reserves of the Port of Onehunga in a Board of Commissioners, in trust for the benefit of that port.
4. Mr. WYNN to ask the Provincial Treasurer—(1.) What amount of money has been expended under the authority of the "Appropriation Act, 1865," proposed to be repealed by the Appropriation Bill now before the Council?

(2.) Whether the sums already voted in Committee of Supply exceed the estimated revenue; and, if so, in what manner the Government propose to provide for the excess of supply over the estimated revenue?

NOTICES OF MOTION.

I. Mr. WYNN to move:—

(1.) That this Council having had from time to time placed before them copies of the correspondence passing between the Superintendent and the General Government, with reference to the settlement of immigrants on the confiscated territory in this Province, regret to find that the Colonial Secretary, in his letter of date the 10th of April instant, should have thought it fit to state that this Province "seems to consider itself totally absolved from all responsibility in regard to the employment of immigrants," &c., &c., and feel it to be their duty, as representing the several constituencies of the Province, to represent to his Excellency's Government that the Provincial Council of this Province have never been in any way consulted upon this most important matter; but that, on the contrary, upon the occasion of their being first made acquainted with the intention of the General Government to commit to the Superintendent of the Province, as agent for the General Government, the management of a portion of the scheme of colonization initiated by the late ministry, it was distinctly announced by the Provincial Secretary (Mr. Carleton), as may be seen by reference to his speech, published in the local papers of the 24th December ultimo, that the conduct of the business was entrusted to the Superintendent, on the condition that this Council was to be excluded from any participation in the scheme.

(2.) That during the continuance of the present Session, it has been invariably maintained by the Provincial Executive, that this Council were in no way concerned either in the management or mismanagement of the scheme, as the General Government were through their Agent solely responsible for its success.

(3.) That the Superintendent of the Province, so far from implicating the Provincial Council in the engagements he entered into with the General Government, absolutely refrained from communicating to the Council copies of the papers relating to the subject until he received the sanction of the Colonial Secretary, as will be seen by the Superintendent's letter, of date 21st January ultimo.

(4.) That this Council, although they perhaps ought as a branch of the Provincial Legislature to hesitate, on the eve of a dissolution, to undertake a share in the management of the Immigration scheme, devolving, as it may, serious responsibility upon their successors, would have felt bound to have given their earnest consideration to the subject if they had been consulted upon it.

(5.) That this Council on a review of the correspondence, as at present before them, is of opinion that very serious detriment will accrue to the Colony of New Zealand, and this Province in particular, if steps be not immediately taken of restoring confidence to the immigrants already located on their land, by fully and faithfully carrying out all engagements entered into with them. But the Council cannot but regard with disfavour the arrangement whereby the Superintendent of the Province, in his capacity as agent of the General Government, may appear to involve the Province in responsibility without the concurrence of the Provincial Council.

(6.) That

(6.) That this Council, without desiring to arrogate to themselves any powers beyond those assigned to them under the Constitution Act, for the discharge of which they have been elected, think it right to point out to the General Government that serious inconvenience may arise from the General Government inducing (as appears to have occurred in the present instance) one branch of a Provincial Legislature, irrespective of the other, to undertake duties for which it has not been elected, and which it may appear to the other branch inexpedient to undertake, as involving responsibility which they were not elected to assume.

2. Mr. FOLEY to move, That the petition regarding the removal of the Slaughter-house be taken into consideration this day six months.
3. Mr. GEORGE to move, That the Report of the Private Grievance Committee be adopted.
4. Mr. GEORGE to move, That the Building Bill Committee's Report be adopted, and forwarded to his Honor the Superintendent, with the Minutes of Evidence taken thereon.
5. Mr. CADMAN to move. That his Honor's Message No. 123, be taken into consideration.
 - (1.) That this Council is gratified to find that his Honor concurs in the views of the Council on the subject of the Kawa Kawa Coal-fields.
 - (2.) That this Council respectfully requests that his Honor will be pleased, without delay, to forward to this Council the provisions of any proposed Bill that his Honor may think fit to send down for the consideration of this Council, pursuant to the provisions of the Public Reserves Act, 1854, of the General Assembly, in order that no unnecessary delay should take place in making these Coal-fields available for leasing by public competition.
6. Mr. CADMAN to move, That a respectful address be presented to his Honor the Superintendent, requesting that he will send down to this Council the petition of certain residents in the Northern Division respecting the repairs of Waterloo Bridge.
7. Mr. CADMAN to move, That an address be presented to his Honor the Superintendent requesting that he will place on the additional Estimates a sufficient sum to build a Bridge over Brigham's Creek.
8. Mr. GALLAUGHER to move, That the report of the Select Committee directed to enquire into the working of the present Turnpike Act be adopted.
9. Mr. WYNN to move, That a respectful address be presented to his Honor the Superintendent requesting him to forward to this Council an answer to address No. 51 of this Council to his Honor, requesting him to inform this Council in full detail of all steps that have been taken in respect to the location of the Waikato settlers, and also to send down a full return showing the names of all persons who have been and are employed in carrying out the scheme of such location, together with the amounts of salary, or other payments, that have been made, or agreed to be paid, in respect of any employment connected with the said scheme.
10. Mr. MCGEE to move, That a respectful address be presented to his Honor the Superintendent, requesting him to inform this Council,
 1. Whether it is his Honor's intention to comply with the address of the Council No. 92, requesting him to place on the estimates the sum of £500 for the purpose of supplementing the sum proposed to be raised for a Champion Plate, to be run for in this Province in 1866.
 2. That if it is not the intention of his Honor to comply with the address, that he will be pleased to inform this Council of his reason for so doing.
11. Mr. GEORGE to move, That a committee be appointed from this Council for the approval of the best design of the Market House, to consist of the following members:—Mr. Cadman, Mr. Gallagher, Dr. Pollen, Mr. Skeen, in conjunction with the City Board Commissioners.
12. Mr. CARLETON to move, That Message No. 161 be considered by the Council.

13. Mr. CARLETON.

13. Mr. CARLETON to move, That Message No. 160 be considered by the Council.
14. Mr. CARLETON to move, That in the opinion of this Council, the Waitakerei Waterworks ought to be proceeded with.
15. Mr. CARLETON to move, That the Fencing Bill be restored to the order paper.
16. Mr. CADMAN to move, That it is the opinion of this Council that it should be a positive instruction to the Building Commissioners that the most eligible site for the Custom House is the block of land immediately opposite to the old Custom House reserve, having frontage to Albert-street, Custom-House street, and Queen-street, and that this resolution be transmitted to his Honor the Superintendent.
17. Mr. COOLAHAN to move, That a respectful Address be presented to his Honor the Superintendent, requesting him to inform this Council why he has objected to the Address of this Council No. 84, respecting the salary of the Harbour Master of Auckland.
18. Mr. WYNN to move, That a respectful address be presented to his Honor the Superintendent, requesting him to inform the Council whether his Honor has complied, or, if not, whether he intends to comply, with the request of the Council contained in Address No. 117, to the effect that a copy of the resolutions passed by the Council in reference to an early dissolution of the Council, and transmitted to his Honor in the said Address, should be transmitted for the information of the General Government.
19. Mr. WYNN to move, That a respectful address be presented to his Honor the Superintendent, (1) requesting him to pay over to Mr. Speaker the sum of money voted for the purpose of a Library as early as possible after the passing of the Appropriation Act.
(2.) That the Library Committee appointed during this session have leave to sit during the recess in order that the sum of money voted for the Library may be made available.

ORDERS OF THE DAY.

1. Onehunga Board Bill—in Committee.
2. Message No. 157, (respecting the Public Building Commissioners' expenditure)—to be considered.
3. Message No. 158,—(respecting the purchase of the Tuakau Block)—to be considered.
4. Appropriation Bill—third reading.
5. Message No. 85—to be considered.
6. Adjourned debate on the question—That an Address be forwarded to his Honor the Superintendent requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.

CONTINGENT NOTICES OF MOTION.

1. Mr. WYNN, on the consideration of his Honor's message No. 85, to move, That the Council having had under consideration his Honor's message No. 85, desires to state that the expressions to which they took exception, viz.:—"He (the Provincial Secretary) has always been an advocate for the constitution of a new Province in the Bay of Islands District," were used by the representative of his Honor's Government on the occasion referred to, and have not since been denied by him, and this Council regrets that his Honor should think fit to characterize their views on the proposed dismemberment of the Province of Auckland, by constituting a new Province at the Bay of Islands, as a "trifling and unprofitable question."

2. Mr. FOLEY

2. MR. FOLEY to move, on the Order for the Third Reading of the Appropriation Bill, That the Estimates be re-committed, for the purpose of re-considering the vote of £150, for the payment of the expenses of certain members of this Council.
3. MR. CARLETON to move, contingent on the motion for reading the Appropriation Bill a third time, That the Bill be re-committed, for the purpose of re-considering the following items rejected by the Committee of Supply:—Clerk in Superintendent's Office, £175; Clerk in Treasury and Immigration Office, £175; Messenger in Superintendent's Office, £75; Clerical Assistance, Waste Lands Office, £168; Compiling Draftsman, Waste Lands Office, £250.

WM. POWDITCH,
Speaker.

WEDNESDAY, MAY 3RD, 1865.

PRAYER.

Present: Mr. Speaker and 16 Members.

1. *Petition respecting the Removal of the Slaughter House.*—Mr. Wynn presented a petition signed by three hundred and eighty seven persons, praying that the site on the Panmure Road recommended by the Committee for the new Slaughter House be not approved.
Petition received.
2. *Notices of question Postponed.*—The Notices of Questions Nos. 1, 2, and 3 were postponed till to-morrow.
3. *Expenditure of Provincial Government.*—Mr. Wynn, pursuant to notice, asked, (1.) What amount of money has been expended under the authority of the Appropriation Act, 1865, proposed to be repealed by the Appropriation Bill now before the Council.
(2.) Whether the sums already voted in Committee of Supply exceed the estimated revenue; and, if so, in what manner the Government propose to provide for the excess of supply over the estimated revenue.
Mr. Carleton answered, That he was not in a position to answer the question, not having referred the matter to the Executive Council.
4. *Waikato Settlements.*—Mr. Wynn moved, and the question was proposed,
 - (1.) That this Council having had from time to time placed before them copies of the correspondence passing between the Superintendent and the General Government, with reference to the settlement of immigrants on the confiscated territory in this Province, regret to find that the Colonial Secretary, in his letter of date the 10th of April instant, should have thought it fit to state that this Province "seems to consider itself totally absolved from all responsibility in regard to the employment of immigrants," &c., &c., and feel it to be their duty, as representing the several constituencies of the Province, to represent to his Excellency's Government that the Provincial Council of this Province have never been in any way consulted upon this most important matter; but that, on the contrary, upon the occasion of their being first made acquainted with the intention of the General Government to commit to the Superintendent of the Province, as agent for the General Government, the management of a portion of the scheme of colonization initiated by the late ministry, it was distinctly announced by the Provincial Secretary (Mr. Carleton), as may be seen by reference to his speech, published in the local papers of the 24th December ultimo, that the conduct of the business was entrusted to the Superintendent, on the condition that this Council was to be excluded from any participation in the scheme.
 - (2.) That during the continuance of the present Session, it has been invariably maintained by the Provincial Executive, that this Council were in no way concerned either in the management or mismanagement of the scheme, as the General Government were through their Agent solely responsible for its success.
 - (3.) That

(3.) That the Superintendent of the Province, so far from implicating the Provincial Council in the engagements he entered into with the General Government, absolutely refrained from communicating to the Council copies of the papers relating to the subject until he received the sanction of the Colonial Secretary, as will be seen by the Superintendent's letter, of date 21st January ultimo.

(4.) That this Council, although they perhaps ought as a branch of the Provincial Legislature to hesitate, on the eve of a dissolution, to undertake a share in the management of the Immigration scheme, devolving, as it may, serious responsibility upon their successors, would have felt bound to have given their earnest consideration to the subject if they had been consulted upon it.

(5.) That this Council on a review of the correspondence, as at present before them, is of opinion that very serious detriment will accrue to the Colony of New Zealand, and this Province in particular, if steps be not immediately taken for restoring confidence to the immigrants already located on their land, by fully and faithfully carrying out all engagements entered into with them. But the Council cannot but regard with disfavour the arrangement whereby the Superintendent of the Province, in his capacity as agent of the General Government, may appear to involve the Province in responsibility without the concurrence of the Provincial Council.

(6.) That this Council, without desiring to arrogate to themselves any powers beyond those assigned to them under the Constitution Act, for the discharge of which they have been elected, think it right to point out to the General Government that serious inconvenience may arise from the General Government inducing (as appears to have occurred in the present instance) one branch of a Provincial Legislature, irrespective of the other, to undertake duties for which it has not been elected, and which it may appear to the other branch inexpedient to undertake, as involving responsibility which they were not elected to assume.

Mr. Carleton moved, That the resolutions be considered *seriatim*.

And the question—That the resolutions be considered *seriatim*—being put, it passed in the negative.

Mr. Carleton moved as an amendment, That the fourth paragraph be expunged, and the following inserted instead "That as the co-operation of the Provincial Council with the Superintendent and his Executive in the management of the Waikato Immigration scheme would virtually have amounted to an acceptance of responsibility in this matter by the Provincial Legislature, and might have been construed into a release of the General Government from the duties which they had undertaken and the engagements which they had contracted. This Council would not have felt bound to have given their consideration to the subject had they been consulted on it."

And the question being put on the amendment,

COUNCIL DIVIDED :—

Ayes (3.)
Mr. Cheeseman,
Mr. George,
Mr. Carleton (teller).

Noes (13.)
Mr. Blake,
Mr. Cadman,
Mr. Coolahan,
Mr. Foley,
Mr. Gallagher,
Mr. Harrop,
Mr. McGee,
Dr. Pollen,
Mr. Sheehan,
Mr. Skeen,
Mr. Swanson,
Mr. Webster,
Mr. Wynn (teller).

So it passed in the negative.

And the original question being put, it was resolved in the affirmative.

Ordered, That Mr. Speaker do communicate the resolutions to the Honourable the Colonial Secretary.

5. *Removal of Slaughter-house.*—Mr. Foley moved, That the Petition regarding the removal of the Slaughter-house be taken into consideration that day six months.

Mr. Speaker

Mr. Speaker ruled the motion to be out of order.

6. *Private Grievance Committee's Report*.—On motion of Mr. George, *Resolved*, That the Report of the Private Grievance Committee be adopted.
Resolved, That an Address be presented to his Honor the Superintendent, forwarding the Report, together with the epitome of the evidence taken by the Committee. (ADDRESS No. 142.)
7. *Building Committee's Report*.—On motion of Mr. George, *Resolved*, That the Building Bill Committee's Report be adopted and forwarded to his Honor the Superintendent, with the minutes of evidence taken thereon. (ADDRESS No. 143.)
8. *Kawa Kawa Coal-fields*.—On motion of Mr. Cadman, *Ordered*, That Message No. 123 be taken into consideration.
 Mr. Cadman moved, and the question was proposed,
 (1.) That this Council is gratified to find that his Honor concurs in the views of the Council on the subject of the Kawa Kawa Coal-fields.
 (2.) That this Council respectfully requests that his Honor will be pleased, without delay, to forward to this Council the provisions of any proposed Bill that his Honor may think fit to send down for the consideration of this Council, pursuant to the provisions of the "Public Reserves Act, 1854," of the General Assembly, in order that no unnecessary delay should take place in making these Coal-fields available for leasing by public competition.
 Mr. Wynn moved, as an amendment, That the following paragraph be added:—
 (3.) That this Council is of opinion that no lease of the Kawa Kawa Coal-mines should be made for a less period than 21 years.
 And the question being put on the amendment it was resolved in the affirmative.
 And the question as amended being put, it was resolved in the affirmative. (ADDRESS No. 144.)
9. *Waterloo Bridge*.—On motion of Mr. Cadman, *Resolved*, That a respectful address be presented to his Honor the Superintendent requesting that he will send down to this Council the petition of certain residents in the Northern Division respecting the repairs of Waterloo Bridge. (ADDRESS No. 145.)
10. *Brigham's Creek Bridge*.—On motion of Mr. Cadman, *Resolved*, That an address be presented to his Honor the Superintendent requesting that he will place on the additional Estimates a sufficient sum to build a Bridge over Brigham's Creek. (ADDRESS No. 146.)
11. *Turnpike Act Report*.—On motion of Mr. Gallagher, *Resolved*, That the report of the Select Committee directed to enquire into the working of the present "Turnpike Act" be adopted. (ADDRESS No. 147.)
12. *Waikato Settlements*.—On motion of Mr. Wynn, *Resolved*, That a respectful address be presented to his Honor the Superintendent, requesting him to forward to this Council an answer to Address No. 51 of this Council to his Honor, requesting him to inform this Council in full detail of all steps that have been taken in respect to the location of the Waikato Settlers, and also to send down a full return showing the names of all persons who have been and are employed in carrying out the scheme of such location, together with the amounts of salary, or other payments, that have been made, or agreed to be paid, in respect of any employment connected with the said scheme. (ADDRESS No. 148.)
13. *Champion Plate*.—On motion of Mr. McGee, *Resolved*, That a respectful address be presented to his Honor the Superintendent, requesting him to inform this Council,
 (1.) Whether it is his Honor's intention to comply with the address of the Council No. 92, requesting him to place on the Estimates the sum of £500 for the purpose of supplementing the sum proposed to be raised for a Champion Plate, to be run for in this Province in 1866.
 (2.) That if it is not the intention of his Honor to comply with the address, that he will be pleased to inform this Council of his reason for so doing. (ADDRESS No. 149.)

14. *Market-house*.—Mr. George moved, and the question was proposed, that a Committee be appointed from this Council for the approval of the best design of the Market-house, to consist of the following members:—Mr. Cadman, Mr. Gallagher, Dr. Pollen, Mr. Skeen, in conjunction with the City Board Commissioners.
The question was, by leave, withdrawn.
15. *Message*.—Mr. Speaker read the following Message from his Honor the Superintendent, presented by Mr. Carleton.

Message No. 163.

The Superintendent transmits for consideration by the Provincial Council, *A Bill to enable the Superintendent of the Province of Auckland to expend a further sum not exceeding Seven Thousand Pounds on the erection of a Lunatic Asylum.*

Superintendent's Office,
Auckland, 3rd May, 1865.

ROBERT GRAHAM,
Superintendent.

On motion of Mr. Carleton, the Bill enclosed was read the first time, and ordered to be read a second time to-morrow, and to be printed.

16. *Empowering Act*.—On motion of Mr. Carleton, *Ordered*, That Messages Nos. 160 and 161 be considered by the Council in Committee.

IN THE COMMITTEE.

Dr. Pollen in the chair.

The amendments proposed by the Superintendent in his Messages Nos. 160 and 161 were severally agreed to.

Bill as amended to be reported.

COUNCIL RESUMED.

Mr. Speaker resumed the chair and Dr. Pollen reported, That the Committee had agreed to the amendments recommended to be made by the Superintendent in the Empowering Act, 1865.

Resolved, That the Bill as amended do pass.

17. *Waitakerei Waterworks*.—Mr. Carleton moved and the question was proposed, That in the opinion of this Council the Waitakerei Waterworks ought to be proceeded with.
Mr. Cadman moved as an amendment, That the words "in conformity with the Waterworks Appropriation Act, 1864," be added.
And the question being put on the amendment it was resolved in the affirmative.
On motion of Dr. Pollen, *Ordered*, That the further debate upon the question be adjourned till to-morrow.
18. *Notices Postponed*.—The notices of motion Nos. 15, 16, and 17 were postponed till to-morrow.
19. *Adjournment for half-an-hour*.—On motion of Mr. Wynn Council adjourned at a quarter to 7 o'clock for half-an-hour.

COUNCIL RE-ASSEMBLED at a quarter past 7 o'clock.

20. *Dissolution of Council*.—On motion of Mr. Wynn, *Resolved*, That a respectful Address be presented to his Honor the Superintendent, requesting him to inform the Council whether his Honor has complied, or, if not, whether he intends to comply, with the request of the Council contained in Address No. 117, to the effect that a copy of the resolutions passed by the Council in reference to an early dissolution of the Council, and transmitted to his Honor in the said Address, should be transmitted for the information of the General Government. (ADDRESS No. 150.)
21. *Library Committee*.—On motion of Mr. Wynn, *Resolved* (1), That a respectful Address be presented to his Honor the Superintendent requesting him to pay over to Mr. Speaker the sum of money voted for the purpose of a Library as early as possible after the passing of the Appropriation Act. (ADDRESS No. 151.)

(2.) That

(2.) That the Library Committee appointed during this session have leave so sit during the recess in order that the sum of money voted for the Library may be made available.

22. *Orders Postponed.*—The orders of the day Nos. 1 and 2, were postponed till to-morrow.

23. *Tuakau Block.*—The order being read for the consideration of Message No. 158.

On motion of Mr. Carleton the Message was read.

Mr. Carleton moved and the question was proposed, That in the opinion of this Council the Tuakau Block ought to be purchased by the Province from the General Government on the terms proposed in Message No. 158.

24. *Adjournment for want of a Quorum.*—One third of the members not being present, Mr. Speaker counted the Council, and there not being twelve members present, Mr. Speaker, then at 8 o'clock, declared the Council to stand adjourned till to-morrow.

MEMBERS PRESENT:—

Mr. Speaker,

Mr. Blake,
Mr. Cadman,
Mr. Carleton,
Mr. Gallagher,
Mr. George,

Mr. McGee,
Dr. Pollen,
Mr. Sheehan,
Mr. Webster,
Mr. Wynn.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Thursday, May 4th, 1865.

1. MR. FOLEY to ask the hon. member at the head of the Executive, When his Honor will send down the Return with regard to the expenses incurred in introducing water into the City of Auckland?
2. DR. POLLEN to ask the Provincial Treasurer, What has been the monthly rate of expenditure on account of the Staff, under the orders of his Honor the Superintendent, employed upon the settlement of the immigrants in the Waikato District?
3. MR. GALLAUGHER to ask the hon. the Provincial Secretary, If it is the intention of his Honor the Superintendent to send down a Bill this Session, vesting the harbor reserves of the Port of Onehunga in a Board of Commissioners, in trust for the benefit of that port.
4. MR. WYNN to ask the Provincial Treasurer—(1.) What amount of money has been expended under the authority of the "Appropriation Act, 1865," proposed to be repealed by the Appropriation Bill now before the Council?
(2.) Whether the sums already voted in Committee of Supply exceed the estimated revenue; and, if so, in what manner the Government propose to provide for the excess of supply over the estimated revenue?

NOTICES OF MOTION.

1. MR. WYNN to move, That this Council, at the close of this, the Eighteenth, Session of the Provincial Council of Auckland, desire before the ensuing dissolution of the Council takes place, to record their appreciation of the mode in which the Hon. Mr. Speaker (William Powditch, Esq., one of the Members for the Town of Onehunga,) has discharged the duties appertaining to his office, and hereby return their thanks to Mr. Speaker for those services, and for his uniform impartiality and courtesy, while occupying the Speaker's chair, towards the Members of this Council.

2. Mr. CARLETON:

2. Mr. CARLETON to move, That the Fencing Bill be restored to the order paper.
3. Mr. CADMAN to move, That it is the opinion of this Council that it should be a positive instruction to the Building Commissioners that the most eligible site for the Custom House is the block of land, immediately opposite to the old Custom House reserve, having frontage to Albert-street, Custom House-street, and Queen-street, and that this resolution be transmitted to His Honor the Superintendent.
4. Mr. COOLAHAN to move, That a respectful address be presented to his Honor the Superintendent, requesting him to inform this Council why he has objected to the address of this Council, No. 84, respecting the salary of the Harbour Master of Auckland.

ORDERS OF THE DAY.

1. Empowering Bill—second reading.
2. Adjourned debate on the question, That in the opinion of this Council the Waitakerei Waterworks ought to be carried out in conformity with the Waterworks Appropriation Act, 1864.
3. Onehunga Board Bill—third reading.
4. Message No. 157, (respecting the Public Buildings Commissioners' expenditure)—to be considered.
5. Message No. 158, (respecting the purchase of the Tuakau Block)—to be considered.
6. Appropriation Bill—third reading.
7. Message No. 85—to be considered.
8. Adjourned debate on the question—That an address be forwarded to his Honor the Superintendent requesting him without delay to cause a survey to be made of the supply of water obtainable from the Wairoa Falls, their elevation above high water mark, the levels and probable expense of bringing water into Auckland from that source; also from Hay's Creek and other streams in the Hunua, lying to the East of Papakura, and to have an analysis made of the water of the Wairoa.

CONTINGENT NOTICES OF MOTION.

1. Mr. WYNN, on the consideration of his Honor's Message No. 85, to move, That the Council having had under consideration his Honor's Message No. 85, desires to state that the expressions to which they took exception, viz. :—" He (the Provincial Secretary) has always been an advocate for the constitution of a new Province in the Bay of Islands District," were used by the representative of his Honor's Government on the occasion referred to, and have not since been denied by him, and this Council regrets that his Honor should think fit to characterize their views on the proposed dismemberment of the Province of Auckland, by constituting a new Province at the Bay of Islands, as a " trifling and unprofitable question."
2. Mr. FOLEY to move, on the Order for the Third Reading of the Appropriation Bill, That the Estimates be re-committed for the purpose of re-considering the vote of £150, for the payment of the expenses of certain members of this Council.
3. Mr. CARLETON to move, contingent on the motion for reading the Appropriation Bill a third time, That the Bill be re-committed, for the purpose of reconsidering the following items rejected by the Committee of Supply:—Clerk in Superintendent's Office, £175; Clerk in Treasury and Immigration Office, £175; Messenger in Superintendent's Office, £75; Clerical Assistance, Waste Lands Office, £168; Compiling Draftsman, Waste Lands Office, £250.

WM. POWDITCH,
Speaker.

THURSDAY, MAY 4TH, 1865.

PRAYER.

Present: Mr. Speaker and 12 members.

1. *Expenditure on Waikato Settlements.*—Dr. Pollen, pursuant to notice, asked what has been the monthly rate of expenditure on account of the Staff under the orders of his Honor the Superintendent, employed upon the settlement of the Immigrants in the Waikato district.

Mr. Carleton answered: The Executive are no longer concerned with the expenditure of the money in question, and the Council, under the original arrangement, never have been so. Application for information should now be made to the Colonial Secretary. I am authorised, however, to state that as the arrangement which precluded the Superintendent from making the Council a party to the agency for the Waikato Settlements, has terminated, the Superintendent sees no objection, in the event of fresh proposals of a nature to be submitted to Council being made by the General Government during the session, to consulting the Council on the matter.

2. *Onehunga Harbour Reserves.*—Mr. Gallagher, pursuant to notice, asked if it is the intention of his Honor the Superintendent to send down a Bill this session vesting the Harbour Reserves of the Port of Onehunga in a Board of Commissioners, in trust for the benefit of that Port.

Mr. Carleton answered: There is no objection to sending down such a Bill, provided the Board be appointed by the Superintendent.

3. *Expenditure of Provincial Government.*—Mr. Wynn, pursuant to notice, asked (1) what amount of money has been expended under the authority of the Appropriation Act, 1865, proposed to be repealed by the Appropriation Bill now before the Council.

Mr. Carleton answered: The expenditure under the Act proposed to be repealed is provided for in the Appropriation Bill now before Council. If a formal Return be requested by Council, it will be supplied as soon as possible, but it will require the labour of several days.

Mr. Wynn also asked (2) whether the sums already voted in Committee of supply exceed the estimated revenue, and if so, in what manner the Government propose to provide for the excess of supply over the estimated revenue.

Mr. Carleton answered: The printed estimate of ways and means is before the Council. The Council are aware of the amount of the sums voted in Committee of supply. These sums, as Council are aware, exceed in amount that of the printed assets; but as the revenue is now expected to exceed the original estimate, the Government believe that there will be funds sufficient for the carrying out of all votes originated by the Superintendent, and not improbably, for those assented to by the Superintendent at the request of the Council.

4. *Notice of Motion Postponed.*—The notice of motion No. 1, was postponed for the present.

5. *Fencing Bill*—Mr. Carleton moved, and the question was proposed, That the Fencing Bill be restored to the Order Paper.

And the question being put,

COUNCIL DIVIDED.

Ayes (6).
Mr. Blake,
Mr. Carleton,
Mr. Cheeseman,
Mr. George,
Mr. Swanson,
Mr. Foley (teller)

Noes (5).
Mr. Cadman,
Mr. Coolahan,
Mr. Gallagher,
Mr. Sheehan,
Dr. Pollen (teller).

So it was resolved in the affirmative.

6. *Site for the Custom House.*—On motion of Mr. Cadman, *Resolved*, That it is the opinion of this Council that it should be a positive instruction to the Building Commissioners that the most eligible site for the Custom House is the block of land immediately opposite the old Custom House reserve, having frontage to Albert-street, Custom House-street, and Queen-street, and that this resolution be transmitted to his Honor the Superintendent in an Address. (ADDRESS No. 152.)

7. *Harbour*

7. *Harbour Master's Salary*.—On motion of Mr. Coolahan, *Resolved*, That a respectful Address be presented to his Honor the Superintendent, requesting him to inform this Council why he has objected to the Address of this Council, No. 84, respecting the salary of the Harbour Master of Auckland. (ADDRESS No. 153.)

8. *Order Postponed*.—The order for the second reading of the Empowering Bill was postponed till after the other business.

9. *Waitakerei Waterworks*.—The debate was resumed on the question, That in the opinion of this Council the Waitakerei Waterworks ought to be proceeded with in conformity with the Waterworks Appropriation Act, 1864.

And the question being put, it was resolved in the affirmative.

10. *Order Postponed*.—On motion of Mr. Gallaugher, The order for the third reading of the Onehunga Board Bill was postponed.

11. *Public Buildings Commissioners*.—The order being read for the consideration of the Message No. 157.

On motion of Mr. Cadman, *Resolved*, That this Council regrets that the Building Commission should have been advised to withhold from this Council information required as to the expenditure of funds provided by this Province for the erection of important Public Buildings.

Resolved, That an Address be presented to his Honor the Superintendent forwarding the foregoing resolution. (ADDRESS No. 154.)

12. *Tuakau Block*.—The order being read for the consideration of Message No. 158, The question was again proposed.

That in the opinion of this Council the Tuakau Block ought to be purchased from the General Government on the terms proposed in Message No. 158.

And the question being put,

COUNCIL DIVIDED:—

Ayes (2.)
Mr. Cheeseman,
Mr. Carleton (teller).

Noes (9.)
Mr. Blake,
Mr. Foley,
Mr. Gallaugher,
Mr. George,
Dr. Pollen,
Mr. Sheehan,
Mr. Swanson,
Mr. Wynn,
Mr. Cadman (teller).

So it passed in the negative.

13. *Appropriation Bill*.—The Appropriation Bill was according to order read the the third time.

Resolved, That the Bill do pass and that the title be *An Act to appropriate the Revenue for the year 1865*.

14. *Dismemberment of the Province*.—The order being read for the consideration of Message No. 85.

On motion of Mr. Wynn, *Resolved*, That the Council having had under consideration his Honor's message No. 85, desires to state that the expressions to which they took exception, viz:—"He (the Provincial Secretary) has always been an advocate for the constitution of a new Province in the Bay of Islands District," were used by the representative of his Honor's Government on the occasion referred to, and have not since been denied by him, and this Council regrets that his Honor should think fit to characterize their views on the proposed dismemberment of the Province of Auckland, by constituting a new Province at the Bay of Islands, as a "trifling and unprofitable question."

Resolved, That an Address be presented to his Honor the Superintendent forwarding the foregoing resolution. (ADDRESS No. 155.)

15. *Order Discharged*.—On motion of Dr. Pollen the order No. 8 was read and discharged.

16. *Votes*

16. *Vote of Thanks to Mr. Speaker.*—On motion of Mr. Wynn, *Resolved*, That this Council, at the close of this, the Eighteenth, Session of the Provincial Council of Auckland, desire before the ensuing dissolution of the Council takes place, to record their appreciation of the mode in which the Hon. Mr. Speaker (William Powditch, Esq., one of The Members for the town of Onehunga,) has discharged the duties appertaining to his office, and hereby return their thanks to Mr. Speaker for those services, and for his uniform impartiality and courtesy, while occupying the Speaker's chair, towards the Members of this Council.
17. *Adjournment for half-an-hour.*—On motion of Mr. Coolahan, Council adjourned at a quarter past 5 o'clock for half-an-hour.

COUNCIL RE-ASSEMBLED at a quarter to 6.

18. *Empowering Bill. (No. 2).*—The Empowering Bill, No. 2, was according to order read a second time and committed to a Committee of the whole Council.

IN THE COMMITTEE.

Dr. Pollen in the chair.

Clauses 1 and 2, and preamble agreed to.

Bill to be reported.

COUNCIL RESUMED.

Mr. Speaker resumed the chair and Dr. Pollen reported that the Committee had gone through the Bill.

Ordered, That the Bill be now read the third time. The Bill was accordingly read the third time.

Resolved, That the Bill do pass and that the title be, *An Act to enable the Superintendent of the Province of Auckland to expend a further sum not exceeding Seven Thousand Pounds, on the erection of a Lunatic Asylum.*

19. *Adjournment.*—Mr. Carleton moved and the question was proposed, That the Council at its rising to-day do adjourn till 2 o'clock on Saturday.

And the question being put it passed in the negative.

On motion of Dr. Pollen, Council adjourned at half-past 6 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Friday, May 5th, 1865.

NOTICE OF MOTION.

1. MR. WYNN to ask the hon. member for Parnell, Mr. Cheeseman, the Chairman of the Auckland and Drury Railway, or, in his absence, Mr. Cadman, one of the Commissioners of the Board, Whether in the opinion of the Board, his Honor the Superintendent has done all in his power to facilitate the Board of Commissioners in their endeavour to carry out the Auckland and Drury Railway Works with all possible expedition.

ORDERS OF THE DAY.

1. Onehunga Board Bill—third reading.
2. Fencing Bill—in Committee.

WM. POWDITCH,
Speaker.

FRIDAY, MAY 5TH, 1865.

PRAYER.

The Council met and being counted by Mr. Speaker, it appeared that the one-third of the whole number of Members was not present, whereupon the Council was declared by Mr. Speaker to stand adjourned till Tuesday next, the 9th instant.

MEMBERS PRESENT:—

Mr. Speaker,	
Mr. Blake,	Mr. George,
Mr. Cadman,	Mr. McGee,
Mr. Carleton,	Mr. Swanson,
Mr. Gallagher,	Mr. Wynn.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Tuesday, May 9th, 1865.

ORDERS OF THE DAY.

1. Onehunga Board Bill—third reading.
2. Fencing Bill—in Committee.

WM. POWDITCH,
Speaker.

TUESDAY, MAY 9TH, 1865.

PRAYER.

The Council met, and being counted by Mr. Speaker it appeared that one-third of the whole number of members was not present, whereupon the Council was declared by Mr. Speaker, to stand adjourned till to-morrow.

MEMBERS PRESENT:—

Mr. Carleton,	Mr. Speaker,	Mr. J. O'Neill,
Mr. Cheeseman,		Dr. Pollen,
Mr. George,		Mr. Rowe,
Mr. Harrop,		Mr. Skeen,
	Mr. Swanson.	

NOTICES

NOTICES OF MOTION AND ORDERS OF THE DAY.

Wednesday, May 10th, 1865.

ORDERS OF THE DAY.

1. Onehunga Board Bill—third reading.
2. Fencing Bill—in Committee.

WM. POWDITCH,
Speaker.

WEDNESDAY, MAY 10TH, 1865.

PRAYER.

The Council met, and being counted by Mr. Speaker it appeared that one-third of the whole number of members was not present, whereupon the Council was declared by Mr. Speaker, at 20 minutes past 3 o'clock, to stand adjourned till to-morrow.

MEMBERS PRESENT:—

Mr. Speaker,

Mr. Cadman,
Mr. Carleton,
Mr. Gallaughher,
Mr. George,
Mr. McGee,

Dr. Pollen,
Mr. Rowe,
Mr. Skeen,
Mr. Swanson,
Mr. Wynn.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Thursday, May 12th, 1865.

ORDERS OF THE DAY.

1. Onehunga Board Bill—third reading.
2. Fencing Bill—in Committee.

WM. POWDITCH,
Speaker.

THURSDAY, MAY 11th, 1865.

PRAYER.

The Council met, and being counted by Mr. Speaker it appeared that one-third of the whole number of members was not present, whereupon the Council was declared by Mr. Speaker, at 20 minutes past 3 o'clock, to stand adjourned till to-morrow.

MEMBERS PRESENT :—

Mr. Speaker,

Mr. Cadman,
Mr. Carleton,
Mr. Cheeseman,
Mr. Gallagher,

Mr. George,
Mr. Rowe,
Mr. Swanson,
Mr. Wynn.

WM. POWDITCH.
Speaker.

PROCLAMATION.

By ROBERT GRAHAM, Esquire, Superintendent of the Province of Auckland, in the Colony of New Zealand.

WHEREAS by an Act of the Imperial Parliament of the United Kingdom of Great Britain and Ireland, passed in the session thereof, holden in the fifteenth and sixteenth years of the reign of her present Majesty Queen Victoria, intituled "An Act to grant a Representative Constitution to the Colony of New Zealand," it was amongst other things enacted that for each of the Provinces established in the said Colony by the said Act there should be a Superintendent and a Provincial Council, to be elected and constituted under and subject to the provisions in that behalf therein contained, and that it should be lawful for the Superintendent of any of the said Provinces to prorogue the Provincial Council thereof, from time to time, whenever he should deem it expedient so to do :

Now, therefore, I, ROBERT GRAHAM, Superintendent of the Province of Auckland (one of the Provinces aforesaid), do proclaim and declare that I do hereby, in pursuance of the power vested in me in that behalf by the said Act, prorogue the Provincial Council of the said Province of Auckland, and that the said Provincial Council is prorogued accordingly.

Given under my hand, and issued under the public seal of the said Province, at Auckland, in the Province aforesaid, this eleventh day of May, in the year of our Lord one thousand eight hundred and sixty-five.

ROBERT GRAHAM,
Superintendent.

A—No. 1.

Auckland Provincial Council.

SESSION XVIII, 1865.

CORRESPONDENCE

BETWEEN THE

GENERAL GOVERNMENT

AND

THE SUPERINTENDENT

RESPECTING THE

SETTLEMENT

OF THE

CONFISCATED TERRITORY.

(Ordered by Council to be printed January 24th, 1865.)

AUCKLAND:

1865.

M E S S A G E, No. 6.

The Superintendent transmits, for the information of the Provincial Council, copy of the Correspondence which has passed between himself, as Agent for the General Government, and the Responsible Advisers of His Excellency the Governor, relative to the share taken by the Provincial Executive in the management of the scheme of Immigration into the Northern Island for the settlement of the confiscated Territory.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,

Auckland, 24th January, 1865.

C O R R E S P O N D E N C E

BETWEEN THE

G E N E R A L G O V E R N M E N T

AND

T H E S U P E R I N T E N D E N T

R E S P E C T I N G T H E

S E T T L E M E N T O F T H E C O N F I S C A T E D T E R R I T O R Y :

Colonial Secretary's Office,
Auckland, 21st December, 1864.

SIR,—

I have the honor to address you in reference to the scheme of Immigration into the Northern Island, undertaken by the late Government, in pursuance of the "New Zealand Settlements Act, 1863," and the "Loan Appropriation Act, 1863."

Your Honor is aware that a number of Immigrants have arrived, and are now waiting to be located on their land. A large addition to these numbers is expected.

Adverting to the 5th Section of the "Loan Appropriation Act," it will be seen that, if the money which may arise from the sale of land under the "New Zealand Settlements Act," within the Province, should be insufficient to repay the sums expended for the permanent advantage of the Province, including Immigration, Surveys, Location of Settlers, &c., the deficiency will be chargeable against the Revenue of the Province, in such manner as shall be hereafter determined by the General Assembly.

The Province is therefore interested in the expenditure upon the above objects, and in the sale of land, applicable to the reimbursement of the outlay thereon.

Under these circumstances, it is, in the opinion of the Government, reasonable, that the Provincial Executive should have a considerable share in the management of the Immigration into your Province, as well as in laying out Settlements, and locating the Immigrants.

Should your Honor concur in this view, the General Government will be prepared from time to time, to supply you with funds for the maintenance and location of the Immigrants, according to a plan to be arranged with your Honor. They will also, from time to time, hand over to the Provincial Government suitable blocks of land for purposes of settlement. They must reserve to themselves the right of approving of the plans of settlement, so as to insure the fulfilment of engagements entered into on behalf of the General Government with the Immigrants, and the carrying out the objects of the "New Zealand Settlements Act."

I shall be glad to receive your Honor's early reply, and
I have, &c.,

HENRY SEWELL
(For the Colonial Secretary).

His Honor the Superintendent,
Auckland.

Superintendent's Office,
Auckland, 21st December, 1864.

SIR,—

I have the honor to acknowledge receipt of your letter of this day's date in which you propose that the Provincial Executive should take a considerable share in the management of the Immigration into this Province under the scheme initiated by the late Government.

I have the honor to accept the proposal, and to undertake the necessary duties, subject to the conditions expressed in your letter.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Hon. The Colonial Secretary,
Auckland,

Colonial Secretary's Office,
Auckland, 23rd December, 1864.

SIR,—

Referring to the arrangement proposed in my letter of the 21st instant, and agreed to in your Honor's letter of the same day, for the future location of the Immigrants who have arrived, or are expected to arrive in this Province, I have to propose that, with a view to a practical completion of this arrangement, the care and supervision of these Immigrants on their arrival, (inclusive of disembarkation, proper treatment on board, payment of passage, &c., and until they can be located on their lands, should be under the administration of the Provincial Executive.

It is clear that the cost of this maintenance can be materially diminished by a stringent supervision of the actual expenditure necessary; a judicious employment of some of the Immigrants on Public Provincial Works, and by facilitating, and even necessitating the private employment of others. Thus, while the primary expense is minimised, the labour will be utilised to the utmost extent. It is equally clear, that on the one hand the Provincial Government have at their disposal the best means of effecting these desired objects, inasmuch as they have a local machinery of administration and supervision in such matters, a variety of local works on which employment can at once be given, and an immediate and personal interest in the economical and useful expenditure of available funds on this account,—and that on the other hand, any attempt on the part of the General Government, which has not these advantages to act in their absence, or suddenly to create them would entail a heavy additional expenditure, and in all probability a failure of useful results.

Under these circumstances, your Honor will, I am sure, agree with me in the propriety of this undertaking, the cost of which ultimately falls in any case on Provincial Revenue, being administered by the Provincial Executive.

The accommodation already provided by the General Government for these Immigrants would, of course, be available, and the services of two or three gentlemen who have been temporarily employed by the General Government in the supervision of, and in medical attendance on, the Immigrants, would also be placed at the disposal of the Provincial Government, and such sums as may from time to time be required by your Honor for the whole undertaking.

As both Colonial faith and Colonial funds are involved in this matter, the General Government would still have an overriding control, which probably in practice would never require to be exercised, and it would be necessary that your Honor should periodically (say every month) cause to be furnished detailed reports of the proceedings of the Provincial Executive, with regard to these Immigrants, and of their actual condition, and of all expenditure on account of them.

I would add, that in my letter of the 21st instant, it is intended to include in the location of the Immigrants the administration of the necessary survey of the lots on which they are to be located, and that such administration is in like manner handed over to your Honor's Government,

On learning your Honor's acquiescence in these arrangements, I will at once direct all the necessary steps to be taken for carrying them into immediate effect.

I have, &c.,

HENRY SEWELL
(For the Colonial Secretary).

His Honor the Superintendent,
Auckland

Superintendent's Office,
Auckland, 28th December, 1864.

SIR,—

I have the honor to acknowledge receipt of your letter of the 23rd instant, concerning the practical completion of the arrangement proposed by the General Government and accepted by me for the laying out of settlements and locating Immigrants now in course of arrival under inducements offered by the General Government. I beg leave to state in general terms, that I am prepared to use my best endeavours to minimise the cost, and to assist the General Government in the matter; but that I have not as yet received that complete information which would enable me to go into details or to make an absolutely practical reply.

My desire of course will be to fulfil every agreement that has been made with the Immigrants but it is necessary that I should be informed of the nature of those agreements, in order that I may satisfy myself whether I have been the means of acting up to them. I therefore suggest that I should be put in possession of copies of the records of the General Government offices bearing upon this subject; I refer more particularly to the correspondence with Messrs. J. Morrison, W. S. Grahame, A. Clarke, and others who have formed engagements on behalf of the Government with the Immigrants. The agreements and other documents relating to the Immigration from the Cape of Good Hope, which were transmitted through me, might be returned into my custody. In regard to your suggestion that some of the immigrants should be employed in public Provincial works, I have to observe that I will do my best to find them in employment; but that this is a matter in which the Provincial Council have a voice as well as myself. The Council may give or refuse the means, and have moreover on more than one occasion expressed a desire that all Provincial works as far as possible should be done by contract. I merely mention this to guard against undertaking as agent for the General Government more than I have the certainty of being able to perform.

In regard to your proposal that I should undertake the administration of the necessary surveys of the lots on which the immigrants are to be located, I have the honor to state that I am willing to

do so, but I take occasion to observe that I am strongly of opinion that advantage should be taken of the present opportunity to initiate a proper system of geodetic surveys to embrace the whole of the confiscated territory, and which may hereafter be extended over the whole province. The necessity of the provincial surveys being conducted on a proper system of triangulation, is even now occupying my attention, and the survey of the large territory now acquired affords facilities for commencing a general system so long and so greatly required.

This will probably lead to some slight increase of expenditure in the organization of a proper Survey Department but I feel strongly that this should not be allowed to interfere with a measure of such importance.

In accepting your proposals I request that it might be understood that it must remain an open question how far sums already expended by the General Government, of which I have no account shall be held to be for the permanent advantage of the Province of Auckland, and I trust that you will inform me at the earliest possible period of the charges which in your opinion ought to be made by you against this Province, in order that they may be checked while the necessary information is still obtainable.

As soon as you shall have taken all the necessary steps for carrying the proposed arrangements into effect, I shall acquaint you at length with the plan on which I propose to work. It will be especially necessary, however, that I should be informed, approximately of the amount of the large additions to the numbers of the immigrants, which in your letter of the 21st December instant you tell me is expected and without which large addition in my opinion, a successful realization of the scheme cannot be depended on; also, approximately of the quantity of land within the confiscated block which the Provincial Government may calculate upon having to dispose of for the purposes of this undertaking; also, which of the sections of the "New Zealand Settlements Act" I am to be empowered to carry out. It appears to me essential that Sections 16, 17 and 18 should be included.

I have, &c.,

ROBERT GRAHAM,

Superintendent.

The Hon. the Colonial Secretary,
Auckland.

Colonial Secretary's Office,

Auckland, 28th December, 1864.

SIR,—

Referring to my letter, No. 347, of the 23rd instant, respecting the supervision and care of the emigrants who have arrived, or may soon be expected to arrive in this Province, I have to transmit for your Honor's information and consideration the enclosed documents bearing on that subject.

I have, &c.,

FRED. A. WELD.

His Honor the Superintendent,
Auckland.

Superintendent's Office,

Auckland, 29th December, 1864.

SIR,—

In further reference to your letter of the 21st instant, suggesting that the Provincial Executive should take a considerable share in the management of the immigration undertaken by the late Government in pursuance of the "New Zealand Settlements Act," and the "Loan Appropriation Act, 1863," on the ground that the Province is interested in the expenditure upon that object, and in the sale of land applicable to the reimbursement of the outlay thereon, I have the honor to offer a general outline of the measures which I propose to take. I desire to obtain permission to construct a house in each settlement to be used at once for barrack accommodation, but in such a style of building as would afterwards enable the immigrants to use it either as a place of worship, a school, or place of refuge in case of alarm from the Natives.

I propose to settle the immigrants on the best lands that can be found, leaving reserves sufficient for all public purposes, schools, hospitals, and places of worship.

I propose that farms in the adjoining districts, varying from one hundred to one thousand acres in size, should be cut up and offered for sale by auction, subject to the following conditions:—one-fourth of the purchase money to be paid on the fall of the hammer, one-fourth at the expiration of the first year, one-fourth at the expiration of the second year, and one-fourth at the expiration of the third year, when a Crown Grant shall be issued upon condition of one-third of the land being substantially fenced and the whole being under crop or in grass. By these provisos mere speculation will be discouraged and employment for immigrants will be secured.

It must be clearly understood that in assuming the weighty duties entrusted to me, I cannot, under my limited powers, hold myself in any way responsible for the protection of the immigrants.

But I am prepared to hold myself responsible for the complete success of the scheme (accidents of war excepted), provided that the land which I consider most suitable for the location of the immigrants and for sale be at once handed over to the Provincial Executive.

I propose that the Waikato regiments (to remain still under the control of the General Government) should be settled well up in the interior for defence of the frontier line, that inside that line farms on the forementioned conditions of improvement should be laid out and sold. Under such conditions it may be assumed that the land would mainly be bought and occupied by active young men, the sons of industrious farmers, acquainted with the work of cultivation, with the Native language, and possessed of means sufficient to improve their farms and give employment to the immigrants. These I propose to place on the most favored situations nearer to Auckland, something in the manner of the enclosed sketch. I am aware that although a large sum (one hundred and fifty thousand pounds) has been appropriated by Act of the Assembly for the introduction of settlers into the Province of Auckland, the General Government, under present circumstances, cannot conveniently make immediate disposal of the whole. Still I desire most strongly to impress upon you that the leading feature of success in the scheme must be the realization of a good price for the land brought into the market. The price will be governed mainly by the amount of population introduced. It appears to me that in default of the full number being at once introduced by the General Government, a useful increase to the population might be made by an arrangement under which immigrants brought out by the Provincial Government might be placed on the confiscated land. For instance, to each party of General Government immigrants I propose to add a given proportion of persons holding land orders under the Waste Lands Act of the Assembly. Should you feel disposed to entertain this question I will endeavour to arrange details so as to meet your views.

I have, &c.,

ROBERT GRAHAM,
Superintendent.The Hon. the Colonial Secretary,
Auckland.Superintendent's Office,
Auckland, 4th January, 1865.

SIR,—

I have the honor to acknowledge receipt of your letter, No. 351, of date 29th December ult., transmitting sundry documents respecting the General Government immigrants who have arrived, or are about to arrive in this Province.

I have, &c.,

ROBERT GRAHAM,
Superintendent.The Hon. the Colonial Secretary,
Auckland.Colonial Secretary's Office,
Auckland, 4th January, 1865.

SIR,—

I have to acknowledge the receipt of your Honor's letter of the 28th ult., in which you submit proposals in reference to the management of the immigration into this Province, undertaken by the late Government in pursuance of the "New Zealand Settlements Act" and the "Loan Appropriation Act, 1863."

I have also to acknowledge the receipt of your Honor's letter of the 29th ultimo, in reference to the same subject.

I have to express my satisfaction at finding that your Honor is prepared generally to accept the management and responsibility of the arrangement.

I transmit copies of documents, showing the nature of the agreements entered into with the immigrants and Emigration Agents, as far as I am in possession of them, particularly the correspondence referred to with the Emigration Agents in England.

I return the documents relating to the immigration from the Cape of Good Hope.

As regards the location of the immigrants, and their employment upon Public Provincial Works, I desire to express generally the views of the Government.

One main principle to be borne in mind, is, that engagements entered into with these emigrants by the Government should be scrupulously fulfilled.

Another is that the location of the settlers should be effected in such a manner as will best tend to carry out the objects of the Colonial Legislature, who appropriated altogether in 1863, £600,000 for the "introduction into the Northern Island, of settlers from Australia, Great Britain, and elsewhere, and for the cost of surveys, public works, and other expenses incident to the location of settlers."

The objects of the legislature may be inferred from the "Loan Appropriation Act, 1863," to be the formation of permanent defensive settlements, and the recovery of the cost of such formation from the Province concerned, either from the sale of land within it, under the "New Zealand Settlements Act, 1863," or ultimately from its revenue.

It may be safely concluded that the administration by the Provincial Government of the whole undertaking, under the overriding control of the General Government, is the best means of dealing with the subject.

It is the best, because the Province which conducts its own Provincial Emigration, has at its disposal administrative machinery for the purpose, because it can combine the two classes of Emigration into one harmonious whole, the elements of which mutually assist each other; and because the Province is most interested in the economical and successful management of the matter, as the direct recipient of the benefits conferred and the ultimate payer of the cost.

On this assumption it remains for the General Government to indicate to the Provincial Government in broad outline its views of such a "location" of the immigrants as will, compatibly with the means at the disposal of the General Government, best carry out its engagements and the wishes of the Legislature.

The promise of temporary employment on public works must be considered an engagement.

The formation of thriving permanent settlements will moreover be the best means of fulfilling the objects of the Legislature, in the pacification (actually and prospectively) of the country; in the civilisation of the Natives, and in so enhancing the value of adjacent Crown Lands, as to make it the means of refunding in a considerable degree the expenditure incurred.

On these grounds the General Government will, within its means, give to the Provincial Government every reasonable facility for rendering the location of these immigrants, the means of creating permanent settlements, and securing to the utmost extent beneficial results.

Having expressed these general views, I observe in particular that the employment of the immigrants upon public works must be undertaken by the Province. The works themselves to be arranged in concert with the General Government, which will place at the disposal of the Provincial Government means for the purpose, so far as lies in its power, subject to the question of future adjustment between the Province and the General Government, under the provisions of the "Loan Appropriation Act, 1863." Pending the realization of funds from the disposal of securities issued under authority of the Acts of last session, or from the sale of land, the Government will place in the hands of the Provincial Government sufficient 8 per cent. Debentures (1864) to cover these and all other estimated liabilities to be undertaken by the Provincial Government, on account of these immigrants.

The question whether the works should be undertaken by contract, or otherwise, is one which will be properly left to your Honor to decide.

As regards surveys, I concur in your Honor's remarks, as to the importance of conducting them upon a general and true system, and I would gladly facilitate your Honor's wish to institute a proper geodetic system of Triangulation, embracing the whole of the confiscated territory, with a view to the future extension of such system over the whole of the Province. At the same time I must point out that the heavy burthen now thrown on the Government, by the sudden arrival of immigrants in large numbers, for whose reception no preparation has hitherto been made, renders it imperatively necessary to lose no time in placing them upon their land, for which purpose the quickest kind of survey practicable, imperfect though it may be, must be had recourse to.

I am desirous that no time should be lost in organising such a plan of surveys.

I transmit a copy of an Order in Council, declaring certain districts to be settlements, under the "New Zealand Settlements Act," available for the location of military settlers and immigrants. I shall be glad to confer with your Honor on the subject of laying out these districts, or some of them, for the immediate location of the newly arrived immigrants, and for sale.

In reference to your Honor's wish to be informed of the particulars of charges which, in the opinion of Government, ought to be made against the Province, upon the final adjustment of accounts, I will supply the required information as speedily as possible.

As regards the number of immigrants expected, I have no means of giving you an approximate estimate beyond what appears in the published papers, and in the other correspondence transmitted to you, from which I gather, that 20,000 was the number originally contemplated; that specific arrangements were made, under the authority of the late Government for sending out 5000 from the United Kingdom, but that these arrangements were countermanded, when it was ascertained that the expected funds were not likely to be available. The letters of the agents lead me to anticipate that about 2000 will be sent altogether from the United Kingdom and 1000 from the Cape of Good Hope.

But I must observe that, whatever the number may be, the General Government will look to your Honor mainly for relieving it from the difficulty of providing for and disposing of them; the General Government rendering its due share of assistance upon the basis of the present arrangement.

As regards the quantity of land approximately which may be depended upon as available for the purpose of the undertaking I am unable at present to do more than refer you to the accompanying Order in Council, proclaiming specific districts as subject to the "New Zealand Settlements Act." Other districts will no doubt be included, but I shall be glad to receive suggestions from your Honor on this point.

As to which of the sections of the "New Zealand Settlements Act" your Honor should be empowered to carry into effect, I may state generally that, as regards military settlers, the details of arrangements and management should be left with the General Government. As regards immigrants of the ordinary class, the management should rest with your Honor.

I now refer to the various points in your letter of the 29th ultimo.

Your Honor suggests that a house should be erected capable of being used for barrack accommodation, but ultimately available as a place of worship, a school, and place of refuge in case of alarm. The General Government will gladly afford every facility to your Honor in giving effect to such a plan, but it does not think it fully within the proper scope of its duties, or of the liabilities imposed on it by the Acts of the Legislature.

The Government will gladly arrange, in concert with your Honor, reserves for public purposes, such as schools, hospitals, and places of worship, as well as the mode of laying out farms, and offering lands for sale. The plan of sale will properly be left in great measure to your Honor's judgment. The question whether sales of land should be made upon a scheme of deferred payments, is open to grave doubt. I would point out to you that schemes of this kind have not generally been found successful in this Colony.

I admit the reasonableness of your Honor's reservation, by which you guard yourself against holding yourself in any way responsible for the protection of the immigrants. I must observe, also, that the General Government cannot assume any special obligation of this kind. It will be the duty both of the General and Provincial Governments, in fixing the location of the immigrants, to place them as far as possible under protection, and out of reach of danger. It will therefore be necessary that the actual sites of settlement should be approved of by the General Government.

Upon the point to which I understand your Honor attaches most importance, namely, the extent to which the Government is prepared to carry out the scheme of immigration, by applying funds arising from land sales to that object, the General Government will be prepared, provided it meets with the hearty co-operation and assistance, financial and otherwise, of your Honor and the Provincial Government, to apply the proceeds of land sold under the "New Zealand Settlements Act," after defraying charges incurred by them for compensation to Native claimants, surveys, immigration and location of settlers, and on public works, to hold such proceeds available towards the completion of the scheme to the extent contemplated in the "Loan Appropriation Act, 1863."

Failing your Honor giving your hearty assistance in the location of the immigrants arriving, for whom no preparation has been made, it will be a matter for the consideration of the Government, whether its attention must not be turned to drafting them away into other Provinces, so as to prevent them becoming a public burthen.

I have, &c.,

HENRY SEWELL,
For the Colonial Secretary.

ORDER IN COUNCIL,

Proclaiming certain Lands under "New Zealand Settlements Act, 1863."

G. GREY, Governor.

At the Government House, at Auckland,
the 29th day of December, 1864.

Present:—

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS by the "New Zealand Settlements Act, 1863" it was enacted amongst other things, that whenever the Governor in Council should be satisfied that any native tribe or section of a tribe, or any considerable number thereof, have since the first day of January, 1863, been engaged in rebellion against her Majesty's authority, it should be lawful for the Governor in Council to declare that the district within which any land being the property or in the possession of such tribe or section or considerable number thereof should be situate, should be a district within the provisions of the said Act, and the boundaries of such district in like manner to, define and vary as he should think fit.

And whereas the Governor in Council, is satisfied that certain native tribes, or sections of tribes, having respectively as their property or in their possession the lands hereunder described, have been engaged in rebellion against her Majesty's authority.

Now, therefore, his Excellency the Governor, in exercise of the power vested in him by the said recited act, doth hereby with the advice and consent of the Executive Council of the Colony, declare that from the date hereof, the land described in each of the eight schedules to this proclamation shall be a district within the provisions of the "New Zealand Settlements Act, 1863," and shall be designated by the name mentioned in such schedule and doth declare that the said lands are required for the purposes of the said Act and are subject to the provisions thereof, and doth order that the said lands shall be and the same are hereby set apart and reserved as sites for settlement and colonization agreeably to the provisions of the said Act.

FORSTER GORING,
Clerk of Executive Council.

LANDS ABOVE REFERRED TO

SCHEDULE 1.—MILITARY SETTLEMENTS.

All that land bounded on the North by a straight line running East from the junction of the Waipa and Horatiu Rivers, to the eastern boundary of the lands described in the Proclamation of December 17, 1864, and by a prolongation of the same line, running West from the junction of the rivers Horatiu and Waipa to the summit of the Hakarimata Range; on the West by the summits of the Hakarimata, the Kapamahunga, and the Pirongia Ranges; on the South by the southern boundary of the aforementioned proclaimed lands; and on the East by the eastern boundary of the aforementioned proclaimed lands, to a point due east of the junction of the Waipa and Horatiu rivers aforesaid.

SCHEDULE 2.—PATUMAHOE.

All that land known as the Patumahoe Reserve, containing 701 acres, bounded on the North by land sold to the Queen, 7100 links; on the East by land sold to the Queen, 5970 links; on the South by land sold to the Queen, 2450 links, 6325 links, and 3260 links; on the West by land sold to the Queen, 1403 links, 3551 links, and 3377 links, and by a road 105 links.

SCHEDULE 3.—PUKEKOE.

All that land known as the Pukekohe Block, containing 5381 acres, bounded on the North-west by the Karaka Block, 21,040 links; on the North-east by lots 4, 12, and 16, in the Pukekohe purchase, and by other lands in the same purchase, 29,400 links; on the South-east by other land in same purchase, 13,108 links, and the South-west by a cut line, bearing N. 38° W. 33,550 links.

SCHEDULE 4.—POKENO.

All that land, estimated to contain 19,000 acres, and known as the Pokeno Block, bounded on the West by land sold to the Queen in the parish of Manatawhiri, by the Great South Road, and by the Ramarama purchase; on the North by the Ramarama and Hunua purchases; on the South by the Mangatawhiri Creek and Swamp; and on the East by a line bearing N. 36° W. 53,600 links.

SCHEDULE 5.—TUAKAU.

All that land known as the Tuakau Block, estimated to contain 10,887 acres, bounded on the South by the Waikato River; on the West by the Waikato River, and by land sold to the Queen, by a cut line 1775 links, by a creek and a line 850 links, by a cut line 3100 links, by a cut line 7550 links, by a cut line 11,100 links; on the North by the Tirikohua Creek, and by land sold to the Queen 600 links, 1250 links, 450 links, 456 links, 1800 links, 2750 links, 1700 links; by a road 200 links, by land sold to the Queen 5,400 links, 6,850 links, 10,450 links, 200 links, and 8,500 links; on the East by land sold to the Queen 8100 links, 1400 links, and by the Waikato River.

SCHEDULE 6.—WAIUKU NORTH.

All that land known as the Waiuku Block North, bounded on the North by the Ramaroa and Rangiriri purchases; on the West by the sea; on the South by land formerly sold to Dalziel's; and on the East by the town of Waiuku and the Waiuku Creek.

SCHEDULE 7.—WAIUKU SOUTH.

All that land known as the Waiuku Block South, bounded on the North by Dalziel's claim; on the East by the town of Waiuku and its suburbs, and by the Awaroa; on the South by the Waikato River; and on the West by the sea.

SCHEDULE 8.—TUIMATA.

All that land known as the Tuimata Block, containing 640 acres, bounded on the North by lot 41, of the Parish of Opaheke, 8250 links; on the East by lot 47, 800 links, and by lots 47 and 49, 6100 links, and by 2900 links; on the South by land sold to the Queen, 2000 links; and on the West by lot 81, 6750 links.

Superintendent's Office,
Auckland, 21st January, 1865.

SIR,—

I have the honor to acknowledge receipt of your letter of the 4th instant concerning the management of the General Government immigrants.

It is gratifying to find that no real difference of opinion exists concerning the proposals which I have submitted to you; it being clear that success must depend upon the cordial co-operation of the two Executives, to promote which nothing on my part shall be wanting.

I undertake that the location of the settlers shall be effected in such a manner as will best tend to carry out the objects of the Colonial Legislature, when they appropriated monies for the "introduction into the Northern Island of settlers from Australia, Great Britain, and elsewhere," and "for the cost of surveys, public works, and other expenses incident to the location of settlers."

I am prepared to arrange, in concert with the General Government, and to undertake such public works as will afford employment to the immigrants, who will derive additional advantage from Provincial works undertaken in their vicinity. With reference to these, however, I have to observe that I cannot recommend any disproportionate diversion of Provincial funds to the Waikato. It is my duty to distribute the revenue as fairly as I can over the whole of the Province, and were I to sacrifice any one district to another, I should be amenable to censure, which certainly would not be spared. But I shall recommend for Waikato its full share of Provincial expenditure, in which the completion of works on the Great South Road alone, must be an important item.

I am content that, as regards military settlers, the details and management should be left with the General Government.

Your explanations of the intention of the General Government concerning the application of the proceeds of land sold under the "New Zealand Settlement Act" (if subject to the question of compensation to settlers of this Province, who have suffered loss through war) seems to me complete and satisfactory. Permit me to repeat that the one cardinal point is the power to make sale, from time to time, of sufficient portions of the confiscated land, thereby obtaining funds for the formation of public works, for bringing employers of labor into the immediate vicinity of the immigrant settlers, and for strengthening the position by completing the colonisation of the district. It is as essential to the scheme proposed by the Provincial Executive, as was the confiscation of land to that proposed by his Excellency's Ministers in the session of 1863. Without that power, I could not have pretended, and would not have attempted, to carry out what I have undertaken to do. With it, if sufficiently available blocks be handed over for immediate survey and sale, I feel confident (untoward events, which neither Government can foresee, excepted) that there will be no occasion to draw on the General Government for any large amount beyond the twenty-five thousand pounds which you have promised to supply. I calculate roughly, that during the next four months an expenditure of thirty-five thousand pounds, exclusive of surveys, will be required. This, I propose to obtain from sales; and the question is, whether the surveys can be pushed on with sufficient rapidity to put the Executive in funds before the exhaustion of the twenty-five thousand pounds aforesaid. You will thus perceive that the demands upon the Colonial Treasury must be proportionate to the time which may elapse before the handing over the necessary quantity of land.

Reports of the proceedings of the Executive shall be periodically supplied to you. I may state in brief, for your present information, that already the immigrants have been removed from the North Shore, except ten or fifteen invalids, and are located on the Waiuku block, in two settlements. The passengers per "Reihereteig," from Onehunga, are at this time at Maoro. Those per "Helenslee" are at Pokeno, and will in a few days be employed on public works. It is my intention to place the passengers per "Mataoka" and "Maori" on Orewhero Block, provided there be no objection on the part of the General Government.

I have, &c.,
ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 21st January, 1865.

SIR,—

I request to be informed whether there be any objection on the part of his Excellency's Ministry, to my laying before the Provincial Council copies of the correspondence which has taken place between the Colonial Secretary and myself concerning the location of the General Government immigrants in Waikato.

I have, &c.,
ROBERT GRAHAM,
Superintendent.

The Hon. the Colonial Secretary,
Auckland.

Colonial Secretary's Office,
Auckland, 24th January, 1865.

SIR,—

I have to acknowledge the receipt of your letter of the 21st instant, and have to inform your Honor, in reply, that there is no objection on the part of the General Government to your laying before the Provincial Council copies of the correspondence which has taken place between the Colonial Secretary and yourself concerning the location of the General Government immigrants in Waikato.

I have, &c.,
WALTER MANTELL,
For the Colonial Secretary.

His Honor the Superintendent,
Auckland.

FURTHER CORRESPONDENCE

BETWEEN THE

GENERAL AND PROVINCIAL GOVERNMENTS

REGARDING THE

W A I K A T O S E T T L E M E N T ;

Also,

COPIES OF LETTERS AND REPORTS FROM MR. NEWMAN

ON THE SAME SUBJECT.

Remuera, 26th December, 1864.

SIR,—

I have the honor, in compliance with your request, to forward in writing my views on the mode of management best calculated to secure the successful settlement of the confiscated lands in this province.

Fully satisfied that population as a rule, gives increased value to land, and believing that the Waikato district contains in itself all the elements of success to support a dense population; I think the land confiscated, should be occupied as quickly as possible, and as far as circumstances will allow as thickly as possible,

The "*Waikato Militia Settlers*" have a first claim, and I am led to believe their claims have been honourably met. I should have been glad if their location could have been so arranged, as to give additional security to the entire European population to be settled in the district, and for their own sakes, it would have been better if some settlers had been located amongst them, to give employment to those who need the means of existence. It will however, be unwise to propose any alterations now they are settled.

The friendly natives will be entitled to all the lands they can claim by native title, but to promote their future advancement in society I would seek to induce them to alienate a large proportion, and give them a crown grant for the remainder; deferring the payment of the purchase-money over a long period of time, but under any circumstances, let them have "*Crown Grants*" for all they claim.

The rebel natives should be located upon a limited portion of good land, with a "*Crown Grant*" and the offer of employment until their lands are under crop.

With judicious management, I believe the land confiscated can be made to repay all the cost of immigration, and the cost of location, but the returns will entirely depend upon the spirit in which the scheme is carried out.

If only 5,000 people can be induced to locate on the Waikato during the next year or two, land will not sell for more than half the price it will realize, if an assurance can be given that 20,000 or 30,000 will be located in three years.

It is very desirable, therefore, that there should be a clear understanding between yourself and the Colonial Ministry, as well as the Governor, that the conditions contained in clause 2 and 3, in the "*Loan Appropriation Act*" 1863, are to be fully carried out. If the sums there provided, are to be expended under your own supervision, subject to the approval of His Excellency and his Ministry, you may then safely accept the liability enforced upon the province, in the 5th clause of the said act.

I shall most gladly accept the appointment you do me the honor to offer, and seek to assist your Honor to carry out the task entrusted to you, if you can give me any assurance, that the details will be so far entrusted to our mutual management, as to justify the hope of bringing the scheme to a successful issue.

I would propose to locate about 500 people in each settlement, as follows:—300 Immigrants; about 100 persons holding "*Land Orders*"; also 100, whose capital would average £800 or £1,000 each. Each settlement would absorb about 20,000 acres of land, and entail a loss on the first onset of about £10,000, but if the labour of the immigrant is successfully conducted, and the scheme extended to 9,000 immigrants, in accordance with the spirit and the letter of the act referred to, in three years, 20,000, or 30,000 people may be located on the Waikato, and the whole cost of immigration, and the expenses connected with their location repaid to the Government.

Thus around each party of 300 immigrants, I propose to locate 100 persons holding "*Land Orders*" and 100 purchasers of credit land, the latter would be mostly young colonial settlers, with experience and courage, to whom the land should be sold by auction, at the upset price of 20s. per

acre, payable in three or four years, at the option of the purchaser. One third of the land to be fenced and cultivated in each year, or the "Crown Grant" to be delayed in its issue, and the person subject to a penalty.

Ten settlements can by this plan be formed with the 3,000 immigrants supposed to be on their way out, absorbing about 200,000 acres of land, and entailing a loss of £100,000, but I confess to grave doubts if this number is to be the limit; while, if means can be found, to conduct the issue to the end contemplated, by the "Loan Appropriation Act 1863," in all human probability it will be crowned with a success previously unknown in our colonial enterprise.

Another great advantage secured by the larger enterprise being carried out, will be the increased security given to the whole. Once occupied with 20,000 or 30,000 people, the Waikato district will be secure from war; while a limited settlement of Europeans will invite attack, and entail an endless succession of *rebels*.

In the successful settlement of the Waikato, I foresee the Queen's authority sustained without difficulty, throughout the Province, for the numbers located would find funds to carry roads through to Tauranga, Napier, and Taranaki. Railways would follow, in their wake; and the Telegraph will soon be a net work over the land; but the success of all depends upon numbers.

Notwithstanding the promise I have already given, I would rather draw back from the engagement, if you foresee, from your interviews with His Excellency, and his advisers, any fear of their withholding assent to the necessary outlay, or objecting to the views entertained by myself, being carried out.

Before entering upon the proposed duties, you will greatly oblige me; by expressing my views fully and clearly to His Excellency and his ministers, and obtaining from them a clear expression of their approval or otherwise.

I have, &c.,

JOSEPH NEWMAN.

P.S.—By way of raising a sufficient sum of money to begin the work of location, I would suggest the sale of all confiscated land near Mangarei, Ihumata, Pukekohe, Papakura, &c., Tuakau is likely to be required for the Railway terminus, and should be reserved, or sold to the Provincial Government.

J. N.

SCHEDULE.

Cost of Passage—			
3,000 adults—£15			£45,000
Transport to land			5,000
			<hr/>
			£50,000
Location			£150,000
			<hr/>
			£200,000
			<hr/>
Land required—		Acres.	
3,000 immigrants		45,000	
1,000 Land Orders		40,000	
Sale at 20s. per acre		100,000	£100,000
Hospitals and Schools		15,000	
		<hr/>	
		200,000	£100,000
			<hr/>
Cost of 9,000 immigrants		£150,000	
Location		450,000	
		<hr/>	
			£600,000
			<hr/>
9,000 adults			
3,000 Land Orders			
3,000 Settlers. Land at 20s. per acre			£300,000
			<hr/>
15,000	Loss		£300,000
			<hr/>
		Acres.	
Land to supply 15,000		600,000	
Surplus for sale		300,000	£300,000
		<hr/>	
		900,000	
Natives may require		500,000	
Inferior		200,000	
		<hr/>	
Total confiscated		1,600,000	
		<hr/>	

Townships along the rivers will increase the returns and add to the population, but will not affect the calculation of land.

Waikato Settlement Office,
Auckland, 21st January, 1865.

SIR,—

I have the honor to bring to your notice the desirability of offering for sale with as little delay as possible some of the annexed blocks of land, mostly with a view to provide funds to met the large expenditure involved in carrying out the immigration scheme.

I have also to call your attention to the necessity of getting the confiscated land at the Wairoa occupied with immigrants as early as possible, for to day it has been brought to my knowledge that parties from Auckland, with the assistance of Mr. Charles Davis are seeking to buy land from the few natives left in possession during the war, but whose friends took part in the robberies and murders that occurred in that neighbourhood. I am informed that £50 has already been paid and that £1,000 is to be paid in a few days. When the next vessel arrives, I think some of the immigrants should be sent direct from the ship, meanwhile a caution should be inserted in the Gazette. I shall feel obliged by this letter being forwarded to the Attorney General for his information.

I have, &c.,

JOSEPH NEWMAN.

His Honor the Superintendent.

Waikato Settlement Office,
Auckland, 21st January, 1865.

SIR,—

I have the honor to report that the immigrants have all gone from the North Shore except ten or fifteen invalids, and are located on the Waiuku Block in two settlements.

The passengers per "Reihersterg," from Onehunga are embarked this morning for Maioro, a settlement in the same block, with a frontage to the Waikato, the passengers per "Helenslee" are either at Pokeno or on their way and next week will be employed on the Public Works in the District.

I am making application this morning for the use of the "Prince Alfred" to convey the passengers per "Matoaka" about 400 in number to the "Onewhero" opposite Cameron Town where I trust a portion of them will be located during the end of next week. I am assured by Mr. Fenton that this will prove a very desirable site for a township. On Monday morning I propose to start for the settlement at "Pokeno" to see the men already there set to work upon the roads in order to give access as far as possible to the land we shall have for sale and also to connect them together. I shall then proceed to Onewhero to direct Mr. Gundry who is in charge of the survey party to lay out the township.

My next object will be to find a suitable site to locate the passengers per "Maori" if your Honor has any suggestions to offer in reference to these movements I shall be glad to receive your instructions this afternoon.

It will be a great relief to the Government to have all the people on the land for they will then be usefully employed and the expense will not be greatly in excess of the present charge for keeping them in idleness.

I have, &c.,

JOSEPH NEWMAN.

His Honor the Superintendent.

Auckland, 31st January, 1865.

DEAR SIR,—

I wish to obtain the present views of the Ministry and his Honor the Superintendent respecting the location of the immigrants per "Matoaka" and "Maori," perhaps the best way will be to reply to my first letter giving my views on the whole scheme, you will then have an opportunity of bringing out the views entertained at the present time.

I have, &c.,

JOSEPH NEWMAN.

Hugh Carleton, Esq.

Colonial Secretary's Office,
Auckland, 23rd January, 1865.

SIR,—

I have to acknowledge the receipt of your letter of the 16th instant, and to thank your Honor for the copy of a report by Mr. Newman together with an illustrative tracing on the subject of the location of immigrants on the Waikato forwarded therewith, and to inform you that the suggestions of Mr. Newman shall receive the consideration of the Government at the earliest possible period.

I have, &c.,

WALTER MANTELL,
For the Colonial Secretary.

His Honor the Superintendent,
Auckland.

Colonial Secretary's Office,
Auckland, 23rd January, 1865.

SIR,—

I have the Honor to enclose a copy of a letter dated 19th instant from Mr. Newman on the subject of the further location of the immigrants and of the reply which I have directed to be transmitted to him.

It will be convenient that all official communications on this subject should come through your Honor as Superintendent of the Province of Auckland.

I have, &c.,
WALTER MANTELL,
For the Colonial Secretary.

His Honor the Superintendent.

Enclosure No. 1.

Waikato Settlement Office,
Auckland 19th January, 1865.

SIR,—

I have the Honor to report that the immigrants from Cape Town per "Alfred" 220 in number, the "Steinwarder" 200 and the "Reihersterg" 148 are either located or are being located upon the Waiuku block of land.

The immigrants per "Hellenslee" 441 in number are being located at Pokeno and their claims for land will extend to Paparata, a continuation of the same block will lead down to the Wairoa district where it is proposed to locate some of the immigrants that are expected in a few days to arrive from Ireland by the "Ganges" it will save expence to forward them from the ship to the spot they will occupy.

There are then about 400 per "Matoaka" and about 350 per "Maori" remaining at Onehunga to be located on the Waikato.

I beg to recommend that another settlement should be formed near Onewhero opposite Cameron Town for the immigrants per "Maori" and another near "Rangariri" for those per "Matoaka" 440 in number.

I have made this early report prior to my visit to these localities next week so that if there are any obstacles, likely to arise from friendly natives or otherwise, I may avoid the careful inspection I shall be prepared to make previous to their final settlement.

I beg to state that it is very urgent that immediate steps be taken to remove the immigrants from Onehunga, not alone on the ground of expence but to avoid the sickness and disorder always attendant upon a crowded building when made of iron.

I have, &c.,
JOSEPH NEWMAN.

The Honorable the Attorney General.

Enclosure No. 2.

Colonial Secretary's Office,
Auckland, 23rd January, 1865.

SIR,—

I am directed to acknowledge the receipt of your letter of the 19th instant recommending the formation of other settlements for the location of immigrants per "Maori" and "Matoaka."

In reply I am to state that as the hon. the Minister for Colonial Defence is at present absent from Town, no definite reply can be given until his return which is shortly expected, I am in the meantime to point out to you that at *present the only* places open for country immigrants are those described in the Governors Proclamation published in the New Zealand Gazette of the 3rd instant, If it is contemplated to locate immigrants on other lands it will be necessary that the particular spots should be indicated and should be described with as much exactness as possible.

The Government will give immediate consideration to any suggestions which may be made by his Honor the Superintendent of the Province of Auckland for extending the operations of the "New Zealand Settlements Act."

In order to insure regularity in the correspondence on these subjects I am to request you to be good enough to communicate in future through his Honor the Superintendent.

I have, &c.,
W. GISBORNE.

Joseph Newman, Esq.,
Immigration Commissioner.

Superintendent's Office,
Auckland, 25th January, 1865.

SIR,—

I have the honor to acknowledge receipt of your letter of the 23rd instant, enclosing a copy of a letter addressed by Mr. Newman to the Attorney General on the subject of the location of the immigrants, with the reply which you directed to be transmitted to him; also suggesting that all official communications should come through the Superintendent of the Province.

I have the honor to observe that I was unaware until now of Mr. Newman's correspondence with the Attorney General. I shall without delay inform you of the block upon which in the opinion of the Executive surveys ought to be immediately commenced.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Honorable the Colonial Secretary,
Auckland.

Colonial Secretary's Office,
Auckland, 26th January, 1865.

SIR,—

I have to acknowledge the receipt of your Honor's letter No. 163 of the 21st instant in reply to mine of the 4th instant, on the subject of the General Government Immigrants.

I have to express my regret that your Honor does not consider yourself at liberty to propose any special appropriation of funds for the employment of immigrants in the Waikato Districts beyond what you consider that district would be entitled to in comparison with other district of the Province.

I have also to request your Honor to be good enough to specify the land within the proclaimed district which you would propose to offer for sale, and also to inform me of the regulations and plan of sale.

With respect to the proclamation of any fresh districts under the New Zealand Settlements Act, I would refer your Honor to my letter of the 23rd instant to Mr. Newman of which I sent you a copy on the 23rd instant.

I have, &c.,

HENRY SEWELL,
For the Colonial Secretary.

His Honor the Superintendent.

Auckland Provincial Council.

SESSION XVIII., 1865.

FURTHER CORRESPONDENCE

BETWEEN THE

GENERAL AND PROVINCIAL GOVERNMENTS

REGARDING THE

WAIKATO SETTLEMENTS.

(Ordered by Council to be printed, April 6, 1865.)

AUCKLAND

1865.

FURTHER CORRESPONDENCE

BETWEEN THE

GENERAL AND PROVINCIAL GOVERNMENTS

REGARDING THE

WAIKATO SETTLEMENTS.

Waikato Settlement Office,
Auckland, 7th March, 1865.

SIR,—

I have the honor to request you will kindly forward for my information and guidance the terms and conditions of the contract entered into by the General Government with John Stevenson and Co. for the supply of rations to Immigrants at the North Shore, Onehunga, and elsewhere.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Hon. the Colonial Secretary,
Wellington.

Waikato Settlement Office,
Auckland, March, 1865.

SIR,—

I regret having to inform you that Mr. Newman, the gentleman I solicited to join the Provincial Executive to assist in locating the General Government Immigrants upon their lands in the Waikato, has resolved upon declining my proposal.

I consider it unnecessary to enter into detail, but I may state that a difference of opinion arose between us, as to the most desirable land to be selected for that purpose.

Mr. Newman desired to place the Immigrants upon land more isolated than I deemed advisable, and where, in my opinion, sufficient employment for them could not be found; thereby entailing increased charges upon the General Government. He also considered that some of the confiscated Native Reserves on this side of the Waikato were too valuable for such appropriation. In these opinions I could not coincide; considering it my duty to place the Immigrants on the best land that could be obtained for them, and in the most likely position for procuring labour. My primary object throughout has been to make it worth the while of the new settlers to remain upon their allotments, and not to abandon them in search of more remunerative occupation.

This, in my opinion, is the main element of possible failure in the scheme, and against this I have unceasingly endeavoured to provide.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Hon. the Colonial Secretary,
Wellington.

Waikato Settlement Office,
Auckland, 20th March, 1864.

SIR,—

I have the honor to transmit the following report relative to the immigrants introduced by the General Government into the Province of Auckland, showing the number that have arrived up to the present date and what steps have been taken for locating them upon their land.

Five ships have arrived from the Cape of Good Hope, bringing 977 statute adults, the number contracted for being 1,000, viz.,

Date of Arrival.	Name of Vessel.	Adults.	Adult Males.	Place of Location.
18th Oct.	Steinwarder	159	60	Whiri Whiri
18th Nov.	Alfred	171	91	Waipipi
23rd Dec.	Maori	270	124	Drury, Tuakau, Pukekohe, Maketu
24th „	Reheirsting	125	56	Maioiro
	Eveline	252	133	Drury
		<u>977</u>	<u>473</u>	

From the United Kingdom :—

Date of Arrival.	Name of Vessel.	Adults.	Male Adults.	Location.
23rd Dec.	Helenslee	259	122	Pokeno
3rd Jan.	Matoaka	361	176	Waiuku
16th Feb.	Ganges	364	172	Onehunga
		<u>984</u>	<u>470</u>	
Total		<u>1,961</u>	<u>943</u>	

The passengers by the 'Steinwarder' have been put in possession of their land, and are making preparations for the building of houses for their protection against the approaching inclement season.

Those Immigrants who arrived by the 'Maori,' 'Reihersting,' 'Eveline,' 'Helenslee,' and 'Matoaka,' are stationed in the several districts of Pokeno, Maketu, Tuimata, Pukekohe, Patumahoe, and Waiuku, and are engaged in making roads from those localities.

On the arrival of the 'Ganges' I was informed that there had been a great mortality on the passage, principally among children. I consequently directed the Provincial Surgeon (before any of the passengers were allowed to land) to make strict enquiry into the causes, as well as the nature of the disease. He reported Bronchitis and Whooping Cough. I have further considered it necessary to appoint a board of enquiry whose report will be forwarded in due course.

I have considered it advisable to locate the Immigrants by this ship 'Ganges,' at Onehunga, for a time, where the accommodation is good, the water pure, and where medical comforts can be more conveniently administered.

I have appointed an officer to accompany each body of Immigrants up the country to see that their provisions are regularly supplied, also to inspect the laboring men, and keep an account of their time, &c.

A Supervising Engineer is appointed to visit the several settlements, to select the most necessary works, and see they are efficiently performed.

I have found it necessary to appoint two medical men to administer relief to such immigrants, as may stand in need of it. I have stationed one at Waiuku, the other at Drury. It is my intention to make the Immigrants pay their own medical officers, and for their medical comforts from the commencement of the present month.

Application has been made by a number of the Immigrants for the advance of a supply of timber to the amount of £10 in value to each family. I believe that some such promise was held out to them by the General Government. As the winter season is fast approaching I shall be obliged by your informing me on this subject at your earliest convenience. Application has also been made by the Immigrants to be supplied with rations on Sundays free of cost.

Surveyors are busily engaged in marking off the land for the Immigrants who will be placed in possession with the least possible delay.

Immigrants are shortly expected by the 'Viola,' 'Bombay,' and three other ships.

I regret having to inform you that a difficulty has arisen which has hindered me from forming a settlement at Wairoa. Two of the friendly natives having laid claim to a portion of the land, I

have desired Mr. Macky the Commissioner of the district to negotiate an arrangement with them, there are many strong reasons for the formation of a settlement in so favorable a position.

I am anxiously waiting a reply to my application dated 21st January, respecting Onewhero, I think it desirable a strong party should be placed there at once, and that roads should be made through a country so fertile, and peculiarly well situated for farming operations. I applied for that block on the 21st January, and now forward tracings of boundaries of block, &c. I likewise think it desirable to locate Immigrants at Kiri Kiri near Papakura at the Horateu, and at the Wahi. The boundaries of the settlements proposed are also forwarded herewith.

I am also desirous of knowing how soon the lands may be brought into the market.

I have from the first endeavoured to impress upon the General Government my conviction, that the success of the scheme must depend mainly upon making speedy provision for the employment of the labor which has been so suddenly introduced into this Province, and foresee that a largely increased expenditure must be incurred for the maintenance of these people unless the means are found of enabling them to maintain themselves by their own exertions.

Regulations embodying the conditions of sale proposed by me were forwarded on the 28th January, but as yet I have not received a reply.

In consequence of the arrival of five more ships with immigrants the necessity for Onewhero being placed at my early disposal becomes the more urgent.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

To the hon. the Colonial Secretary, Wellington.

Colonial Secretary's Office,
Wellington, 25th March, 1865.

SIR,—

I have addressed your Honor, in a separate letter, on the subject of discontinuing the employment upon Public Works of the newly arrived Immigrants.

In connection with this subject it appears to the Government that it may be conducive to the interests of the Province and the Colony, as well as of the Immigrants themselves, to give them Crown Grants of their land immediately, without requiring the condition of Residence.

The effect of this will, no doubt, be to throw land into the market for sale, and so expedite the settlement of the country, and the introduction of capital into the newly settled districts.

I shall be glad to be favoured with your Honor's views on the subject.

I have, &c.,

FRED. A. WELD.

His Honor the Superintendent,
Auckland.

Waikato Settlement Office,
Auckland, 3rd April, 1865.

SIR,—

I have the honour to acknowledge receipt of your letter, dated 25th March, 1865, informing me that it appears to the Government that it may be conducive to the interests of the Province and the Colony, as well as of the Immigrants themselves, to give them Crown Grants of their land immediately, without requiring the condition of residence, and requesting to be favoured with my opinion on the subject.

I must observe, with much deference, that the carrying out of this proposal would amount to an abandonment of the whole scheme for settlement of the Waikato. The sole object of bringing out these Immigrants was to keep them on their lands; and any thing done subversive of that object would be, in my opinion, a breach of faith with the Colony, and more especially with the Province of Auckland.

The immediate issue of Crown Grants would assuredly induce the greater number of the immigrants to realise and quit, thereby incurring the waste of the whole expenditure already laid out in location.

I am confident that such throwing of land into the market would not have the effect of expediting the introduction of capital into the newly settled districts. It would merely leave them waste. Capitalists do not purchase five-acre allotments; and although money contributed by *bonâ fide* settlers would readily be found for the purchase of lands alongside the settlements, the population being fixed, it would not be forthcoming, were the population removed, unless perhaps from a few speculators, desirous of investment.

I take occasion to observe that it is of much consequence to the Province of Auckland that the General Government Immigrants should not be dispersed, as it has been found necessary to check the influx of our own Provincial Immigration.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Hon. the Colonial Secretary,
Wellington.

Colonial Secretary's Office,
Wellington, 25th March, 1865.

SIR,—

Adverting to my former letters on the subject of the sale of lands within the blocks proclaimed under the "New Zealand Settlements Act."

I have to urge upon your Honor the expediency of your furnishing the Government, without delay, with full particulars of all lands which, in your Honor's opinion, may be opened for sale, without infringing on the rights of the Friendly Natives.

I conclude that the lands, within the above blocks, have been surveyed, and that the Surveys are in a state to show the lands allocated to Immigrants, as well as those proposed to be offered for sale. I have to request that your Honor will be good enough to furnish me with tracings of such surveys, with the least possible delay, with such explanatory remarks as may enable the Government to form a judgment upon the proposed plans of sale.

As it will be necessary, before offering land for sale, to ascertain clearly the Native claims thereto, it will greatly facilitate the bringing land into the market if you will submit the plans to Mr. Fenton, the Chief Judge of the Native Lands Court, who will report to the Government as to the Native claims thereto.

May I request that you will be good enough to supply Mr. Fenton with tracings of the proposed plans accordingly.

With reference to the Regulations transmitted by you for the consideration of the Government, and according to which it is proposed to sell the land at 10s. per acre, subject to improvement clauses, with deferred Crown Grants. I would call your Honor's attention to the fact that such a system has resulted invariably in failure, both in this colony and elsewhere; and that the effect will be greatly to diminish the funds expected to arise from this source.

I have, &c.,

FRED. A. WELD.

His Honor the Superintendent,
Auckland.

Waikato Settlement Office,
Auckland, 3rd April, 1865.

SIR,—

I have the honour to acknowledge receipt of your letter dated 25th March, 1865, urging upon me the expediency of my furnishing the Government, without delay, with full particulars of all lands which, in my opinion, may be opened for sale, without infringing on the rights of friendly natives.

I must request you to inform me what are the rights of friendly natives, over confiscated blocks. Until receipt of such information from you, it will not be possible for me to make a satisfactory reply. I should presume that the friendly natives have, under the Act, no rights but those of compensation. These questions, however, it appears to me, would be more properly referred to the Court which has been established by you for the express purpose of deciding such matters.

You proceed to state that you conclude that the lands within the above blocks have been surveyed, and that the surveys are in a state to shew the lands allocated to Immigrants, as well as those proposed to be offered for sale. You likewise request me to furnish you with tracings of such surveys with the least possible delay, with such explanatory remarks as may enable the Government to form a judgment upon the proposed plans of sale.

In reply I invite your attention to your letter to me dated 23rd Dec., 1864, in which you state that—it is intended to include in the location of the Immigrants the administration of the *necessary surveys of the lots on which they are to be located*, and that such administration is in like manner handed over to my Government. Also to my reply dated 28th Dec., 1864, in which I state, in regard to your proposal that I should undertake the administration of the necessary surveys of the lots on which the immigrants are to be located, that I am willing to do so.

You will observe that the administration of the surveys of the lands proposed to be offered for sale has never been officially handed over to me; consequently that I am not necessarily required to supply tracings of such surveys, or explanatory remarks. But I have used my best endeavours to promote the work, and comply, as far as I am able, with your request, by forwarding the information through Major Heaphy's office, direct.

I have also applied to Mr. Fenton, whose answer I enclose. By this it appears that certain blocks, mentioned therein, will be disposable under the "New Zealand Settlements Act," for sale or otherwise at an early date.

In regard to that portion of your letter which treats of the regulations for the sale of land, transmitted by me for the consideration of the Government, it appears to me that you labour under some misapprehension. These regulations were given by me into Mr. Sewell's hand, at Auckland. They appear to have been mislaid, at Wellington; and I have not yet recovered the original draft. But they were to this effect:—

First, that the land shall be sold by auction: one third cash payable at the fall of the hammer; one third at the expiration of one month; and the remaining third at the expiration of twelve months,

when a Crown Grant will be issued on the following conditions being complied with :—namely, one third of the land, if fern, to be cleared and ploughed ; or one third, if bush, to be cut and ready for burning.

Of course the conditions of improvement will have the effect of diminishing the prices bid for land at auction ; but I am unable to devise any more certain means of providing labour in the vicinity of the settlements ; and, in my opinion, the loss entailed would be far more than counterbalanced by the relieving the Government from the necessity from providing for them aintenance of the Immigrants.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Hon. the Colonial Secretary,
Wellington.

Enclosure.

Native Land Court Office,
April 3rd, 1865.

SIR,—

In reply to your Honor's letter of the 1st instant (Saturday) I have the honour to state that I expect, by the next mail from Wellington, to have the services of Messrs. Rogan and Macky, rendered available for the business of this Court, and if that expectation is fulfilled the blocks of land hereunder mentioned will be disposable under the "New Zealand Settlements Act," for sale or otherwise, on the dates mentioned :—

Pukekohe	-	-	-	-	24th April.
Waiuku (2)	-	-	-	-	24th April.
Tuakau	-	-	-	-	14th May.
Pokeno	-	-	-	-	14th May.

Of course there is no impediment at present to surveys and preparations for sale.

I have, &c.,

F. D. FENTON,
C. Judge.

His Honor the Superintendent.

Colonial Secretary's Office,
Wellington, 25th March, 1865.

SIR,

The Government having fully considered the question of employing the newly arrived Immigrants upon Public Works, both with reference to engagements made with them, the financial condition of the Colony, and the expense now being incurred, have come to the conclusion that it will be impossible to continue such employment after the end of April next.

I have, therefore, to request you will be good enough to inform the Immigrants accordingly, so that in the meantime they may take steps for providing themselves with other employment. The Government desire that every facility may be given them for this purpose, and that they may be allowed a reasonable number of days, without forfeiting their wages, whilst seeking employment.

As regards an allowance for buildings, I do not consider that any engagement exists, binding the Government indiscriminately to allow the Immigrants Fifteen Pounds £15, or any specific sum, for buildings. If, in any special cases, application for such allowance should be made, Government will be prepared, after being fully informed of the circumstances, to consider the particular application.

The Sub-Treasurer at Auckland will be instructed to discontinue payments on the above account after the expiration of the month of April next.

I have, &c.,

FRED. A. WELD.

His Honor the Superintendent,
Auckland.

Sub-Treasury,
Auckland, 30th March, 1865.

SIR,—

I have the honor, by direction of the Colonial Treasurer, to forward for your information an extract from a letter I have this day received from the Hon. the Colonial Treasurer, and to acquaint

you that, in obedience to the instructions contained therein, I have requested Mr. Eaton, the Superintendent of Immigrants, to give the parties concerned the prescribed notice with the least possible delay.

I have, &c.,

R. F. PORTER.

His Honor the Superintendent,
Auckland.

(EXTRACT.)

Treasury,

Wellington, 25th March, 1865.

I have now to request your particular attention to the following retrenchments which the Government has decided to carry into effect.

Immigrants.

No wages nor rations are to be given to Immigrants who are located upon their lands after the 30th of April, next ensuing. You will please, therefore, give the parties notice of this, and also write to the Superintendent informing him of it.

This, you will perceive, will give a month's notice to all who are now upon their land, after which wages and allowances will cease.

I have, &c.,

J. WOODWARD,
Sub-Treasurer.

Waikato Settlement Office,
Auckland, 3rd April, 1865.

SIR,—

I have the honour to acknowledge receipt of your letter dated 25th March, 1865, informing me, in reference to engagements made with the newly arrived Immigrants, that the General Government have come to the conclusion that it will be impossible to continue such employment after the last day of April next, and requesting me to inform the Immigrants accordingly; also that the Sub-Treasurer at Auckland will be instructed to discontinue payments on the above account after the expiration of the same period.

I have likewise received a letter from the Sub-Treasurer enclosing an extract from his instructions, by which he is informed that no wages or rations are to be given to Immigrants who are located on their land, after the 30th of April next ensuing, and directing him to give the parties notice of this.

The two sets of notices have accordingly been issued, notwithstanding their seeming discrepancy.

In your letter to myself, dated Auckland, 4th January, 1865, you observe that—"One main principle to be borne in mind is, that engagements entered into with these Immigrants by the Government should be scrupulously fulfilled."

Also, that "The promise of temporary employment on public works must be considered an engagement."

Also, that the General Government will be prepared, provided that it meets with the hearty co-operation and assistance, financial and otherwise, of myself and the Provincial Government, to apply the proceeds of land sold under the 'New Zealand Settlements Act,' after defraying charges incurred by them for compensation to Native claimants, surveys, and location of settlers, and on public works, towards the completion of the scheme to the extent contemplated in the 'Loan Appropriation Act, 1863.'

No promise of employment on Public Provincial Works has been made.

The extracts from Parliamentary Papers, &c., enclosed, show how far engagements have been entered into with these Immigrants, in regard to their employment on Public Works undertaken on behalf of the General Government.

It suffices to invite your attention to the relative position of the Immigrants and the General Government in regard to that engagement.

But it becomes necessary to enter more fully into the engagements contracted by the General Government towards the Provincial Executive.

At your request the Provincial Executive consented to undertake, as agents for the General Government, and on land belonging to the General Government, the settlement of these Immigrants,

a number of whom had already arrived, and for whom no preparation had been made. This was to be done subject to the over-riding control of the General Government.

In your letter to me, dated 21st Dec., 1864, you state that the General Government will be prepared, from time to time, to supply me with funds for the maintenance and location of the Immigrants, according to a plan to be arranged with me.

In your letter to me dated 23rd December, 1864, you state that such sums as may from time to time be required by me for the whole undertaking, would be placed at the disposal of the Provincial Government.

In my letter to you dated 29th December, 1864, I stated that I was prepared to hold myself responsible for the complete success of the scheme (accidents of war excepted), provided that the land which I considered most suitable for the location of the Immigrants, and for sale, were at once handed over to the Provincial Executive.

In my letter to you, dated 21st January, 1865, I informed you that the demands upon the Colonial Treasury must be proportionate to the time which might elapse before the handing over the necessary quantity of land.

All engagements with the General Government have been scrupulously fulfilled by me, but the land has not been handed over by you, and the supplies from the fore-mentioned date are stopped.

Hitherto, the scheme has been a success, all immediate difficulties having been overcome by the Provincial Executive, but the time of year at which these immigrants have arrived has made it absolutely necessary (even if the obligation were not already sufficiently incumbent on the Government at whose instance they were brought here), that means of support be afforded them until their first crops shall be fit for use, or until some means of employment shall be afforded in the vicinity of their settlements.

No land having yet been thrown open for sale, no capitalists or employers of labor have been attracted to the neighborhood; and the expressed intention of the General Government to stop all means of support by way of rations or of Government employment, renders inevitable the desertion of the settlements; a result to be further secured by the offer of Crown Grants immediately, seemingly as a composition for the wayward abandonment of the whole scheme for permanent occupation of the Waikato.

I need not dwell upon the result of this course of action—upon the misery to the women and children, cast upon charity and public subscription; upon the inundation of pauperism into the towns; the reckless sales that would take place if Crown Grants were at once issued; the hopelessness of inducing capitalists to assist in the culture when the laborers shall be no longer on the spot, and the deathblow given to all hopes of successful immigration from abroad, by such treatment of those who have come to New Zealand on the faith of a scheme promulgated by the General Government.

Under these circumstances, I have no option but to resign the agency for the General Government, as do the other members of my Executive. We shall continue to act until the receipt of advices by the return mail from Wellington, after which time we shall consider ourselves relieved.

I beg you to accept our assurance that we are most careful not to embarrass you, in any way. All difficulties arising from unpreparedness and the first hurry of location have been overcome for you; your staff is in thorough working order, and systematic operation has been established. You have but to appoint a Supervisor, to take charge on your behalf. To him, should he think fit to accept, we volunteer our advice, and active assistance. We simply require to be relieved from responsibility for a scheme which we are no longer permitted to conduct on the terms agreed to.

I have, &c.,

ROBERT GRAHAM.
Superintendent.

The Hon. the Colonial Secretary,
Wellington.

Enclosure.

Extract from Parliamentary Papers relating to Immigration, 3rd March, 186

SESSION, 1864. D.—No. 3, page 3.

This land should be given on condition of residence, and granted in fee-simple after that condition has been fulfilled for three years. There will be no lack of employment, as public works on a considerable scale will be undertaken in the districts in which settlers are located, and until work is available in the ordinary course of country industrial occupations, the surplus labor of the districts will be employed on such works.

FREDERICK WHITAKER.

The Hon. R. Wood.

D.—No. 3, page

Colonial Secretary's Office,
Auckland, 1st April, 1864.

The Government will find employment for them during at least six months.

W. GIBBORNE,
Under-Secretary.

Messrs. J. Martin and J. May.

[This should be compared with Mr. Reader Wood's letter to Mr. Clarks in regard to the Scotch Immigrants, D.—No. 3, pages 7—9.]

Instructione for William Berg, Esq., Emigration Agent, Cape Town.

D.—No. 3, page 17.

There will be no lack of employment, as public works will be undertaken in the districts in which settlers are located, and until work is available in the ordinary course of country industrial occupations, the surplus labor of the districts will be employed on such works.

A.—No. 1

Auckland Provincial Council.

SESSION XVIII., 1865.

FURTHER PAPERS

RELATIVE TO THE

WAIKATO SETTLEMENTS.

(Ordered by the Council to be printed.)

AUCKLAND:
1865.

FURTHER PAPERS

RELATING TO THE

WAIKATO SETTLEMENTS.

Superintendent's Office,
Auckland, 18th April, 1865.

SIR,—

I have the honor to acknowledge receipt of your letter dated the 10th inst., in reply to mine of the 3rd instant, informing you that the Provincial Executive, requiring to be relieved from responsibilities for a scheme which they were no longer permitted to conduct on the terms agreed to, resigned the agency for the Waikato settlement.

You enter at great length into the question whether there has been any breach of agreement between the General Government and the immigrants.

But the question which I mainly insisted on was this—Whether there had been any breach of agreement between the General Government and me? To this no answer has been returned.

The terms on which I undertook the agency were definite. These, rigidly adhered to by me, have been departed from by the General Government, without even the form of previous consultation with the Provincial Executive. Even were those terms again agreed to, I could have no reasonable assurance that they might not again be departed from, and that I might not again be taken by surprise.

At your request I assumed a grave responsibility, from which, under many difficulties, I have not flinched. The agreement having been overthrown by the General Government, I can see no reason for revoking the determination at which, in common with my Executive, I had arrived,—namely, to resign the agency into your hands.

You have been informed that the Provincial Executive would continue to act until the receipt of advices by the return mail from Wellington, after which time we should consider ourselves relieved. Dr. Knight having arrived, with authority to act in your behalf, we presume that he now takes charge. I have again to express my willingness, and that of my Executive, to afford advice, information, and active assistance, should he think proper to demand it. All may go on as heretofore, save only in this, that I am absolved, by change of direction, from responsibility for the success of a scheme in which public confidence has been so rudely shaken.

I observe that you endeavour to cast blame upon your predecessors in office, and upon myself. It is to be presumed that they will find a time and place to defend themselves; but as I am unwilling that any misapprehension should remain on your mind in regard to the Provincial Government, I shall, by the next opportunity, address a separate communication to you on the subject.

I have, &c.

ROBERT GRAHAM,
Superintendent.

The Hon. the Colonial Secretary,
Wellington.

Superintendent's Office,
Auckland, 20th April, 1865.

SIR,—

In my letter of the 18th instant, written in reply to yours of the 10th instant, concerning the Waikato Immigration Scheme, I informed you that I could see no reason for revoking the determination at which, in common with my Executive, I had arrived, namely,—to resign the agency into your hands.

I also informed you, that as you endeavoured to cast blame upon me, and as I was unwilling that any misapprehension should remain on your mind in regard to the Provincial Government, I should

by the next opportunity address a separate communication to you on the subject. So many questions are raised in your letter of the 10th, that I have found it necessary, to avoid the confusion induced by a succession of quotations, to return you a copy of that letter with my own remarks thereon, in parallel columns.

I also send certain enclosures in elucidation of those remarks ; amongst others a financial statement in Council by the Provincial Treasurer, in order that you may satisfy yourself that the Auckland Loan Fund is not so much at the disposal of the Provincial Government as you appear to suppose.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Hon. the Colonial Secretary,
Wellington.

Colonial Secretary's Office,
Wellington, April 10, 1865.

SIR,—

I have the honor to acknowledge the receipt of your several letters (three in number), dated respectively the 3rd instant, in reference to the intention of the Government to discontinue the employment of immigrants on public works after the 30th instant, and also in reference to the disposal of land under the New Zealand Settlements Act.

I have, in the first place, to convey to your Honor the thanks of the Government, for the assistance which you have been hitherto good enough to render it in the management of the immigration scheme undertaken by the late Government, and I have to express my regret that your Honor and the members of your Executive should decline to continue their assistance. Should your Honor's decision remain unaltered, the Government will make the best arrangement in its power to provide for the change of management. Meantime the Government feels obliged by your Honor's offer to continue the management temporarily till such new arrangements are made.

Previous to the receipt of your Honor's letter, Dr. Knight had been instructed to proceed to Auckland, with powers to act on behalf of the General Government in these and other matters.

I proceed to notice briefly your Honor's reason for giving up the management of the immigration business, founded on the determination of the Government to discontinue the employment of the immigrants after the 30th instant.

In coming to this determination, I can assure your Honor that the Government has not been regardless of the obligations contracted towards the immigrants under the terms offered to them by the late Government.

The various points to which your Honor refers, together with others which seemed to have escaped your Honor's attention, have been

REMARKS.

deliberately and anxiously considered. The conclusion at which the Government have arrived is, that, as a general rule, no promise had been held out, or any specific engagement entered into with the immigrants binding the Government to employ them upon public works for a definite time.

The immediate question is, whether specific engagements had been made with the Provincial Executive. But the following extracts from Ministerial papers seem conclusive in regard to promises or engagements with the immigrants:—

Extracts from Parliamentary Papers relating to Immigration, March 3, 1864.

“This land should be given on condition of residence, and granted in fee-simple after that condition has been fulfilled for three years. There will be no lack of employment, as public works on a considerable scale will be undertaken in the districts in which settlers are located, and until work is available in the ordinary course of country industrial occupations, the surplus labour of districts will be employed on such works.

(Signed) “FRED. WHITAKER.

“The Hon. R. Wood.”

“Colonial Secretary's Office,
“Auckland, April 1, 1864.

“The Government will find employment for them during at least six months.

(Signed) “W. GISBORNE,
“Under-secretary.

“Messrs. J. Martin and J. May.”

Instructions for William Berg, Esq., Emigration Agent, Cape Town.

“There will be no lack of employment, as public works will be undertaken in the districts in which settlers are located; and until work is available in the ordinary course of country industrial occupations the surplus labour of the districts will be employed on such works.”

These, in another part of the despatch are termed, “vague inducements.”

On the contrary, Mr. Reader Wood (under whose direction, I assume, the great bulk of the immigrants have been brought out) appears to me to have specially guarded the Government against any such liability.

In the language of his letter to Mr. Clark, of the 2nd June, 1864, and which is the basis of the arrangements with the immigrants, the Government do not want to undertake, as a condition of settlement, to employ the immigrants at specified works for a definite time.

He states, indeed, that the Government is about to undertake public works, upon which the immigrants may expect to be employed; but he adds that this is a resource on which they must not rely. I cannot consider representations of this kind as binding the General Government, under the existing circumstances of the colony, to undertake public works for which it has no available funds, merely for the purpose of providing the immigrants with employment.

The attention of the General Government was invited to this passage by myself; it therefore seems needless to refer me to it. But the General Government do not refer me to the fore-cited passages which fix the liability. Neither do they observe that if a verbal question were to be raised, Mr. Reader Wood's letter, being addressed to Mr. Archibald Clark, would apply to the Scotch immigrants only.

The obligation is to maintain, for a time, the helpless people whom the General Government have imported; whether by undertaking public works, or otherwise, is a matter for their own consideration and discretion.

REMARKS.

I may regret, in common with yourself, that vague inducements of this kind have been held out, without (as the results have shown) a guarantee that the Government would be enabled to realise them.

But the Government is, as you are aware, absolutely without funds available for the construction of roads, or other public works in your province, such as would be required to find employment for the immigrants in the neighbourhood of their settlements.

I am not aware of having expressed any such regret. I did not consider these as vague inducements, nor do I admit that any further guarantee than the pledge of the General Government should be required.

The General Government are without funds. But had a sufficient guarantee that the confiscated lands would be handed over to the management of the Provincial Executive been given by the General Government. I could have obtained, with ease, the funds required. In proof of this, I enclose copy of correspondence with the Bank of New Zealand, approved by Mr. Sewell. It was only in consequence of funds being otherwise obtained by the General Government that the arrangement was not carried out. I have always looked to the sale of the lands adjoining the settlements as the proper source from which the engagements of the General Government to the immigrants and to the Waikato Militia should be made good, as is shown by the following extracts from my correspondence with the Colonial Secretary. The Provincial Executive are not responsible for the manner in which the General Government have managed their own financial operations. But they have tendered their assistance in floating General Government securities.

Superintendent to the Colonial Secretary.

“21st January, 1865.

“Permit me to repeat that the one cardinal point is the power to make sale, from time to time, of sufficient portions of the confiscated land, thereby obtaining funds for the formation of public works.

* * * *

“I calculate roughly, that during the next four months an expenditure of thirty five thousand pounds, exclusive of surveys, will be required. This, I propose to obtain from sales.”

It has not realised the securities from which alone such funds can be supplied, and is scarcely able to provide for its current expenditure by advances from its bankers. The necessity of the case, therefore, obliges the Government to narrow its expenditure in the immigration service, within the limits of its fixed and positive obligations.

These obligations would, I am satisfied, be reasonably fulfilled by continuing to employ the immigrants already located on their land till the end of the present month. Time would thus be given them to find employment elsewhere.

In this respect they would be better off than ordinary immigrants arriving in the colony; besides the many advantages they will have received in free passage money, and free grants of land.

The obligations to the Provincial Executive were fixed and precise—namely, to maintain the immigrants until the land could be brought into the market. The following extract from Mr. Sewell's letter of the 4th January, 1865, will suffice :—“Pending the realisation of funds from the disposal of securities issued under authority of the Acts of last session, or from the sale of land, the Government will place in the hands of the Provincial Government sufficient 8 per cent. debentures (1864) to cover these and all other estimated liabilities, to be undertaken by the Provincial Government on account of these immigrants.”

REMARKS.

The object of the General Government, re-iterated in their correspondence, and which I have faithfully striven to carry out for them, was the formation of permanent settlements, in order to secure the possession of the conquered territory. This object would not be attained by finding employment for the immigrants elsewhere. On the contrary, abandonment of the settlements would be rendered inevitable by such enforced dispersion.

If, however, in any particular case it should appear that engagements have been entered into with individuals of a more specific character, the Government will, to the utmost of its power, fulfil such engagements. Dr. Knight is instructed to enquire into, and report upon, any such cases.

Your Honor expresses (as is natural) anxiety on account of the persons whose employment will thus cease.

I cannot but believe that opportunities of employment will present themselves in the ordinary course of things ; and this, coupled with that spirit of energy and self-reliance on the part of the immigrants, without which it is impossible that any settlement in a new colony can hope to succeed, will I trust, prevent those evil consequences which your Honor is apprehensive of.

I must at the same time point out to your Honor that from the outset the General Government has endeavoured to impress upon your Honor's Government the impossibility of the General Government undertaking to provide employment for the immigrants upon public works, and the duty and necessity of the Provincial Government assuming that obligation.

The General Government have already refused to admit the existence of any specific engagement whatever.

On this point it is presumable that the Provincial Executive have the better means of forming an opinion. Sufficient employment cannot be found, save by the means I have suggested, nor can a starving population be supported through the winter by energy and self-reliance.

From the outset I have endeavoured to impress upon the General Government the impossibility of my undertaking to employ the immigrants upon provincial public works. Yet the General Government did not withdraw the agency.

In my letter, dated 21st January, 1865, I wrote as follows :—

"I am prepared to arrange, in concert with the General Government, and to undertake such public works as will afford employment to the immigrants, who will derive additional advantage from provincial works undertaken in their vicinity. With reference to these, however, I have to observe that I cannot recommend any disproportionate diversion of provincial funds to the Waikato. It is my duty to distribute the revenue as fairly as I can over the whole of the province, and were I to sacrifice any one district to another, I should be amenable to censure, which certainly would not be spared. But I shall recommend for Waikato its full share of provincial expenditure, in which the completion of works on the Great South Road alone must be an important item."

To this Mr. Sewell made reply :—

"Colonial Secretary's Office,

"Auckland, January 26, 1865.

"I have to express my regret that your Honor does not consider yourself at liberty to propose any special appropriation of funds for the employment of immigrants in the Waikato districts, beyond what you consider that district would be entitled to in comparison with other districts of the province."

REMARKS.

It has been explained to your Honor in the clearest manner, that the General Government has no funds available for this service ;

On the contrary, the necessary funds were promised repeatedly, and up to the present time have been found.

“Mr. Sewell to the Superintendent, December 21, 1864.

“Should your Honor concur in this view, the General Government will be prepared, from time to time, to supply you with funds for the maintenance and location of the immigrants, according to a plan to be arranged with your Honor.”

that it is exhausting the resources of the colony at large upon objects undertaken for the special benefit of the Province of Auckland,

Mr. Fox informs the Superintendent that “The General Government will be responsible for the cost of introducing these immigrants, and all the expenses contingent thereto, the whole matter being in fact an operation of the General Government.”

And Mr. Sewell writes on the 4th January, 1865—“Another main principle to be borne in mind is, that the location of the settlers should be effected in such a manner as will best tend to carry out the objects of the Colonial Legislature, who appropriated altogether in 1863, £600,000 for the introduction into the Northern Island of settlers from Australia, Great Britain, and elsewhere, and for the cost of surveys, public works, and other expenses incident to the location of settlers.”

and which every other province undertakes on its own account.

About this question there is much confusion of ideas. The Auckland province does, like every other province, undertake its own immigration, which it conducts at the times, at the rate, and in the manner which it deems most advantageous to itself. Even now, for reasons which concern the province alone, it is relaxing its efforts to induce that immigration. It acknowledges no right of interference on the part of the General Government ; much less that “over-riding control” claimed by the Colonial Secretary in regard to the General Government immigrants, and admitted, without demur, by the Provincial Executive. Her right to manage her own revenue in her own way is unquestioned ; yet, the General Government are now endeavouring to undertake the distribution of it. Were this permitted, her finances would speedily become as deeply embarrassed as those of the General Government. The case is briefly this : The General Government, for certain colonial purposes, appropriate, from within the boundaries of the Auckland province, certain lands. These, for colonial purposes, they undertake of their own authority to colonise, after their own manner, by what they subsequently designate as “an unsound scheme of immigration.” They now seek to impose upon the province the burden of obligations contracted by themselves. But they are careful to retain the land. Had they restored to the province, and to uncontrolled provincial management, the whole of the confiscated land, the province, waiving the question of “unsoundness,” would doubtless have relieved them from every obligation, explicit or implied. But the province declines to bear the incumbrance without the counterpoise.

REMARKS.

The present rate of expenditure for the service of the Province of Auckland is at the rate of £30,000 a month in excess of the ordinary expenditure, a burthen which it is obviously impossible for the colony longer to sustain. Under such circumstances, the General Government felt itself entitled to claim from that province the utmost help it could supply, both in money and general co-operation,

more especially with the view of planting and settling the immigrants permanently on their land.

The Provincial Government of Auckland has had at command, by a fortunate circumstance, considerable funds arising from the Provincial loan of 1863.

The General Government has urged upon your Honor, from time to time, the expediency and propriety of foregoing for a time some of those undertakings on which the province was about to embark; such, for instance, as the Auckland and Drury Railway, so that funds might be available for public works in order to supply employment for the immigrants.

I regret that that proposal has not been responded to. During the recent session of the Provincial Council no measures have been adopted, nor any proposals made, with the view of relieving the burthens which the colony is bearing on account of the Province of Auckland. That province, in fact, seems to consider itself totally absolved from all responsibility in regard to the employment of the immigrants, and assume that the colony at large is alone chargeable with that liability. I cannot, on the part of the General Government, or of the colony at large, assent to that view.

Whatever disappointment or distress may result from the cessation of public works in your province, will, in the opinion of the General Government, rest entirely with those who originated an unsound scheme of immigration, and with the Provincial Government of Auckland, which has failed to do its part towards relieving the common burthens.

With regard to the sale of land under the New Zealand Settlements Act, and the delay which

The province cannot supply money without appropriation by the Provincial Council. But it was expressly stipulated by Mr. Sewell, that the management of the scheme should not be committed to the Provincial Legislature; wherefore the words "Provincial Executive," in his first letter, dated December 21, 1864, were advisedly introduced.

The Colonial Secretary desires to settle the immigrants permanently on their lands. Yet, in his letter dated March 25, 1865, he proposes to give them Crown grants immediately, without requiring the condition of residence, in order to throw land into the market for sale.

It is a mistake to suppose that the Provincial Government have those funds at command. By agreement with the Bank of New Zealand, not more than £100,000 or thereabouts can be called for in one year. This sum will scarcely meet the requirements of the present year, large contracts for public works having been entered into. By way of fuller explanation of our position in regard to the loan, I enclose the Provincial Treasurer's financial statement; also, copy of a memorandum from the Provincial Accountant.

It happens that the formation of the Auckland and Drury Railway has been postponed, and the less expensive branch line to Onehunga undertaken in its stead. But to the Colonial Secretary's suggestion, that I should forego the work, I reply that I might with equal justice ask him to forego the Panama line and other expensive operations which are said to be taking place at Wellington, in order to enable him carry out his engagements with the immigrants.

We are liable for our own undertakings; the General Government for theirs. It is true that we can meet our own obligations; but only by great care and economy. And we shall be in actual difficulty, unless the £14,680, the balance beyond the three-eighths due to us by the General Government, be paid at an early date.

The province must consider the General Government as continuous. We have nothing to do with the blame attached by the Colonial Secretary to his predecessors. Is it meant to be argued, that each new General Government may repudiate the arrangements of any preceding Government?

I must state distinctly that the blame is not attributable to the Provincial Government at

REMARKS.

has taken place in bringing the same into the market.

This delay is much to be regretted, but I must distinctly state that, in the opinion of the General Government, it is principally attributable to the Provincial Government at Auckland, or those departments which, as I understand, have been under its control.

It has been, from the first, pointed out to you that the General Government requires to be made acquainted with the particulars of all lands proposed to be sold, in order that it might, in the language of Mr. Sewell's letter (written in my absence) to you, of the 21st January last, "arrange in concert with your Honor reserves for public purposes, such as schools, hospitals, and places of worship, as well as the mode of laying out farms, and offering lands for sale."

But to the present time I have received no such particulars. Your Honor did, it is true, transmit, some time back, some proposed regulations as to the price and conditions of sale, but which do not supply the information indispensable for the guidance of the General Government before bringing the land into the market.

I have lately requested that tracings of the survey may be sent to me.

I now learn for the first time that there is some difficulty in supplying me with them, in consequence of the Survey Department not having been officially handed over to you. I regret that your Honor has not brought this plea under my notice before. Up to the present time, I have considered that department, so far as concerned the settlement of the immigrants, to be practically under your Honor's control, in accordance with the tenor of our correspondence of January last; and here I may add that it has been a source of great disappointment to the Government that the work of this department has not been brought to a close.

Auckland, and that the departments mentioned are not under its control. It was at one time proposed to place the Chief Surveyor under my control, but the matter was never pressed, and the instructions never given. On this subject I enclose copy of correspondence with Major Heaphy. It is true that that department has worked throughout most cordially with mine; but it could not have been placed under my control, having work to perform for the General Government. During the period referred to, the Chief Surveyor twice made the tour of the Upper Waikato, at the direction of Ministers, for the purpose of locating Waikato militiamen. The delay complained of has, I believe, mainly arisen from the continual inattention of the General Government to the demands of the Compensation Court, whose investigation must precede the definition of land for sale.

The proposed regulations were given into Mr. Sewell's hands before his departure from Auckland. Then was the time to state that the improvement clauses would not be allowed. Had this been done, the Provincial Executive would at once have resigned the agency, as they know of no other means through which employment in the vicinity of the settlements could be found for the immigrants. These clauses have been from the first an essential feature in the scheme, and have been so held forth to the General Government. They supply all the information requisite for the working of that portion of the scheme which they apply to.

It is to be observed that the Colonial Secretary's letter asking for tracings, &c., is of the same date as that in which he intimates his intention to discontinue rations and employment to the immigrants.

Had the Survey Department been under my control, I should have placed some of the surveyors who are surveying up the Waikato on the land intended for location of immigrants. That portion of the work is not yet completed, though every available surveyor has been engaged. It is necessary that the land for location should be surveyed before the land for sale. The General Government appear to be under the impression that the surveys for location and for cash sales can proceed simultaneously. But the requirement for immigrants must be exhausted before the boundary of lands for cash sale can be determined on. The General Government will bear in mind that when I undertook to assist them in placing the immigrants on their lands not one lot had been surveyed, nor had any preparation whatever been made. The Colonial Secretary calls for tracings without having stated which block of land he is willing to allow the sale of first, and without having stated what quantities of land will be required for friendly natives. The General Government call for information, but supply none.

REMARKS.

Three months from the commencement of the year was the period within which I was led to expect that the surveys would be completed, and the settlers and immigrants located on their land.

I may call your Honor's attention to the fact, that the cost of the survey department for months of February, March, and April, actual and estimated, amounts to £9,885 14s. 8d.

I must also observe, that, as regards the Tuakau block, the sale has been delayed by the negotiations pending between your Honor and the General Government, for the purchase of such block.

The non-receipt of the necessary information from your Honor, and the great anxiety of the Government to bring the available land, without delay, into the market had, with other considerations, before the receipt of your Honor's letter, induced the Government to decide on sending Dr. Knight to Auckland, with a view to expedite the matter, and he will proceed thither for the purpose.

Referring to a former paragraph in my letter, in which I stated my belief that the General Government, in issuing the notice for the 30th of April, might, under all the circumstances of the case, fairly claim to have fulfilled its obligations towards the located immigrants, I am nevertheless prepared to assure you that the Government, impressed with an earnest desire to mitigate, and, so far as possible, avert, individual disappointment and distress, has given instructions to Dr. Knight to extend the period for pay and rations to located immigrants until the 30th of May next.

That officer has, at the same time, been requested to inform the immigrants that, in the event of there being no employment for them, either on Provincial public works, or under private employers in your province, they, will upon application, be provided with a free passage to some other settlement in New Zealand where better prospects of employment may present themselves, and that such removal will not debar them from their title to their land.

And I may add that it is a matter now under consideration, whether instructions ought not to be given authorising similar offers to be made to the immigrants expected to arrive.

I have, &c.

FRED. A. WELD.

His Honor the Superintendent,
Auckland.

By whom was the Colonial Secretary led to expect that the surveys would be completed, and the immigrants located in three months?

Including surveys for the whole of the Waikato, Militia Regiments, &c., with which the Provincial Executive are not concerned.

The negotiations in question amounting to this—to an enquiry whether the General Government would be willing to dispose of the Tuakau block at a fair price? The General Government, however, seem not to be aware that no survey of that block has been undertaken, consequently no sale could have taken place.

This is a question for the sole consideration of the General Government. I may, however, be allowed to observe, that if the immigrants be removed from the Auckland province, it cannot be held that any expenses incurred in their location are of the nature of sums expended for the permanent advantage of this province, to be charged under the Loan Appropriation Act against the revenue of the province.

Enclosure No. 1.

Superintendent's Office,
Auckland, 7th January, 1865.

SIR,—

I have the honor to request that you will submit the terms on which you are prepared to make an advance to the Provincial Executive, who are acting as agents to the General Government in locating the immigrants, and for the sale and settlement of the confiscated land.

I am prepared to pay over £25,000 in Treasury Bills, bearing interest at 8 per cent., to be sold at par, and shall require an advance to the amount named during the next three months, say five thousand to ten thousand pounds in each month, and engage, on behalf of the General Government to repay the whole in three or four months thereafter, in cash obtained from the general revenue or from the sale of land, should the Treasury Bills not be sold in the interval.

This arrangement, I trust, will tend to the whole of the money transactions connected with this agency being conducted as a separate department through your bank.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Manager of the Bank of New Zealand.

CONDITIONS on which Bank is prepared to advance £25,000 on Treasury Bills to Provincial Executive, in locating General Government Immigrants.

Bank of New Zealand,
Auckland, January 10, 1865.

SIR,—

I have the honour to acknowledge the receipt of your letter of 7th instant, requesting me to submit the terms and conditions on which the Bank of New Zealand is prepared to make an advance to the Provincial Executive, who are acting as agents to the General Government in locating the Immigrants, and for the sale and settlement of the confiscated lands.

You state that you are prepared to pay over at once £25,000 in Treasury Bills, bearing interest at 8 per cent., to be sold at par; and shall require an advance to the amount, during the next three months, of from £5,000 to £10,000 each month; and undertake on behalf of the General Government, to repay the whole amount advanced in three or four months thereafter, in cash, obtained from the General Revenue, or from the sale of land, should the Treasury Bills be found unsaleable in the interval.

In reply, I beg to state that the Bank is prepared, on your handing over to us Treasury Bills for £25,000 having a currency of not more than three years, to make the advance required, viz., of from £5,000 to £10,000 in each month, during the next three months, the total amount advanced not to exceed £25,000, all advances to bear interest at the rate of 10 per cent. per annum on the daily balances; and in negotiating the debentures in London, or the neighbouring colonies, the scale of charges to be the same as that for negotiating the debentures of the General Government, viz., $\frac{1}{2}$ per cent. free of all charges. Such advances it is distinctly understood to be repaid in cash from the general revenues of the colony, or the sale of confiscated lands, at the expiration of three or four months, should it be found that the Treasury Bills are unsaleable at that time.

I have, &c.,

A. KENNEDY,
General Manager.

The Hon. the Superintendent,
Auckland.

Superintendent's Office,
Auckland, 23rd January, 1865.

SIR,—

I have the honor to forward herewith copy of letter No. 4, 28, addressed to me by the Manager of the Bank of New Zealand, under date 10th January inst., stating the conditions on which the bank is prepared to advance a sum of twenty-five thousand pounds on Treasury Bills to the Provincial Executive in its capacity of agent for his Excellency's Government in locating the immigrants. I have to request that you will enable me to inform the manager as to when the Treasury Bills will be deposited with the bank.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Hon. the Colonial Secretary,
Wellington.

Enclosure No. 2.

MEMORANDUM.

Auckland Loan Act.

By the agreement with the Bank of New Zealand, no more than about £100,000 can be called for in one year; of this amount, for the present year, £45,000 has already been received and expended, and the balance will scarcely meet the obligations incurred on account of it.

Of the £100,000 which the province would be entitled to receive next year, £50,000 has been paid over to the Public Buildings Commissioners, leaving only £50,000 available for the Railway and other public works already engaged for.

Indeed, the whole of the loan has already been specially allotted, and I do not see that any portion of it can possibly be applied to any other works than those already engaged for.

R. B. LUSK,
Provincial Accountant.

Refer to conditions on which Bank is prepared to advance £25,000 on Treasury Bills, in locating General Government Immigrants.

Colonial Secretary's Office,
Auckland, January 26, 1865.

SIR,—

I have to acknowledge the receipt of your Honor's letter, No. 170, of the 23rd instant, enclosing copy of one from the Manager of the Bank of New Zealand, under date of 10th January, stating the conditions on which the Bank is prepared to advance a sum of twenty five thousand pounds on Treasury Bills to the Provincial Executive in its capacity of agent for his Excellency's Government in locating the Immigrants, and requesting that you may be able to inform the Manager when the Treasury Bills will be deposited with the Bank.

In reply, I have to inform your Honor that your letter and enclosures will be transmitted to the Colonial Treasurer without delay.

I have, &c.,

HENRY SEWELL,
For the Colonial Secretary.

His Honor the Superintendent.

Enclosure No. 3.

Superintendent's Office,
Auckland, April 15th, 1865.

SIR,—

I have the honor to request that you will have the goodness to inform me whether or not the department known as the "General Survey Department," of which you are the head, is under the control of the Provincial Executive.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

Charles Heaphy, Esq.,
Chief Surveyor, Auckland.

SIR,—

In referring to your Honor's letter of this day's date, inquiring whether or not the General Survey Department, of which I am the head, is under the control of the Provincial Executive, I have the honor to state, it is not.

I may, however, state that I have received verbal directions to have surveys executed for your Honor in relation to the location of immigrants and to assist your Honor in that object generally.

Every competent surveyor who applied to me was employed, and every intelligent chainman who appeared fit to take charge of a party was promoted, in order expedite these surveys.

I have, &c.,

CHARLES HEAPHY,
Chief Surveyor.

His Honor the Superintendent,

Auckland, April 19, 1865.

Sir,—

In answer to your Honors's memorandum of the 18th instant, inquiring whether, on the 24th of February last, you did or did not propose to me, that I should move some of the surveyors working up the Waikato, to survey land for the immigrants, I have the honour to state that your Honor did.

In answer to the farther inquiry as to whether or not I declined to do so, stating that the surveyors up the Waikato were urgently required for the survey of lands for the Waikato Regiments, and whether I stated that I would obtain every surveyor whose services were available, in Auckland, at that time, I beg to answer, to each inquiry, that I did.

I may state that on the 24th and 25th February, I obtained, for the immigration survey, the services of two surveyors; and on the 28th the services of a third. Every competent surveyor whom I could find was employed, and every intelligent chainman who could be put in charge of a party was so promoted.

I am, &c.,

CHARLES HEAPHY,
Chief Surveyor to the General Government.

His Honor the Superintendent.

Enclosure No. 4.

CONDITIONS FOR THE SALE OF LAND IN THE WAIKATO.

The Land shall be exposed for Sale by Auction in Lots varying from forty to one thousand acres, at the upset price of ten shillings per acre on the following conditions:—

Within twelve months from the date of the auction, one-fifth of the acreage shall be properly cleared and ploughed, if fern land or light bush land, or if it be timbered land, one-third of the acreage shall be properly cut and burned off, or be put in a state fit for burning.

One third of the price offered shall be paid as a deposit at the time of the auction and one third within one month after sale.

At the expiration of the said twelve months (or within six months thereafter) it shall be lawful for the purchaser, on proving compliance with the foregoing conditions, and paying the balance of the price, to complete the purchase, and require a Crown Grant to be issued.

In the event of the purchaser failing to comply with the conditions, and to pay the balance of the purchase money, the sale will be held to be have been absolutely void, and the Government shall be entitled to all improvements made on the land and to retain one-third of the price offered (that is to say, half of the first deposit) in lieu of damages for breach of contract.

The Government shall be at liberty in all cases where the purchase is not completed and the conditions of the improvements fulfilled in manner and within the time above prescribed to resell or otherwise deal with the Lots affected as may be most expedient.

No Crown Grants will be issued until the condition of improvement be fulfilled, even though the whole of the price be tendered or paid in advance.

Colonial Secretary's Office,
Wellington, 15th April, 1865.

Sir,—

With reference to my letter to your Honor, of the 25th ultimo, on the subject of discontinuing the employment of immigrants on public works, at the cost of the General Government, I have to state that, in case the Provincial Government of Auckland should, after the termination of their employment by the General Government, be prepared to provide these immigrants with employment upon a plan, and for a period, to be agreed upon by the respective Governments, the General Government will be ready to place at your command securities, to an amount to be arranged between us, sufficient to cover the expenditure so to be incurred, the Province of Auckland in that case being debited with the interest and sinking fund of the securities so appropriated.

Your Honor will observe that this proposal is identical in substance with that contained in Mr. Sewell's letter to you of the 4th January last, which formed the basis of an arrangement between us, with this difference in favour of the Province of Auckland and against the Colony, namely,—that the General Government will have provided in cash for the employment of the immigrants up to the 30th May next out of Colonial funds, instead of the Province finding the money in the first instance.

The favour of as an early reply as possible to this proposal is requested from your Honor.

I have, &c.,

F. A. WELD.

His Honor, the Superintendent,
Auckland.

Superintendent's Office,
Auckland, April 22, 1865.

Sir,—

I have the honor to acknowledge the receipt of your letter of the 15th instant in further reference to the Waikato Settlement, making fresh proposals to the Provincial Government of Auckland to be acted on after the termination of their employment by the General Government.

I am at all times willing to co-operate with the General Government to the best of my power and means, but on this occasion find myself unable to make reply to your proposals, which are so indefinite, that I have failed in ascertaining your intentions.

You propose that the Provincial Government should co-operate with you after the termination of their employment by the General Government—that is to say, after the resignation of their agency on your behalf. I find myself obliged to ask in what position should we stand towards the General Government should I or the Provincial Executive (as the case might be) undertake to assist you.

You state that in the event of the Provincial Government being "prepared to find their immigrants with employment upon a plan, and for a period to be agreed on between the respective Governments, the General Government will be ready to place at my command securities to an amount to be arranged between us, sufficient to cover the expenditure incurred."

I request to be informed, Firstly, whether by the word "employment" you mean employment on lands belonging to the General Government, or on lands belonging to the Province. In regard to the latter I have already explained my views.

Secondly, what plan and what period you propose.

Thirdly, why, in reference to the securities, the words "to an amount to be arranged between us," are introduced. It appears to me that if, as you propose, you give "securities sufficient to cover the expenditure" there will be nothing to arrange. The "amount" you speak of will settle itself.

You observe that you propose to give securities (of what nature you do not inform me), the Province of Auckland to be debited with the interest and sinking fund,—it is identical in substance with Mr. Sewell's letter of the 4th of January last.

That proposal was as follows:—"Pending the realization of funds from the disposal of securities issued under the Acts of last Session, or from the sale of land, the Government will place in the hands of the Provincial Government sufficient 8 per cent. debentures (1864) to cover these and all other estimated liabilities to be undertaken by the Provincial Government on account of these immigrants."

I am unable to admit the identity of the two proposals. When I undertook, as agent for the General Government, to float their securities, it was distinctly understood that the lands were to be brought into the market at once. It was only through my assurance that such would be the case, that I was enabled to obtain the terms which the Bank of New Zealand then agreed to, and unless a positive undertaking to that effect were given by you, it would no longer be possible to raise money on Government Securities on advantageous terms. Under the former arrangement the General Government would have had to bear any loss incurred in the negotiation of their securities, which are not always above or up to par. Under the arrangement now proposed, if I rightly understand it, loss on that account would have to be borne by the Province of Auckland. New conditions are also imposed, namely,—that the interest and sinking fund on the securities to be handed over shall become a charge against the Province to be liquidated, I presume, as it arises.

It must be borne in mind that hitherto I have acted as your agent. As officer of the Province I cannot undertake, and, indeed, have no power to impose liabilities upon the Province. I also ask leave to refer you to Section XIV of the New Zealand Settlement Act, in which I find that—

"Monies to arise from the sale and disposal of any land under this Act, shall be disposed of as the General Assembly shall direct in or towards the Settlements."

Also Section X of the Loan Appropriation Act, in which I find that charges against the revenue of the Province under New Zealand Settlement Act

"Shall be paid in such manner as shall be hereafter determined by the General Assembly."

I cannot undertake to forestall the decision of the Legislature in reference to any portion of this expenditure. But again I invite your attention to the means available, by judicious sales of land, for avoiding the incumbrances which you propose to lay on this Province.

You inform me that the only substantial difference between the two arrangements is in favour of the Province of Auckland and against the Colony, viz:—that the General Government will have provided in cash for the employment of the immigrants up to the 30th of May next, out of Colonial Funds, instead of the Province finding the money in the first instance.

I am not aware that it was ever proposed that the Provincial Government should provide the money in the first instance for the fulfilment of the obligations incumbent on the General Government towards the immigrants. It has always been understood that these obligations were to be met by the means provided by the General Assembly, and that the question of the liabilities of the Province would be in due time settled by the Legislature.

I take the occasion to remind you that no intimation of your final decision, concerning the Improvement Clauses of the regulations for the sale of the lands, is contained in your letter.

Permit me to report that I am unable to give a definite reply to your letter until its meaning shall have been more clearly set forth. For the present I can only assure the General Govern-

ment that I think it my duty to afford them all the support and assistance in my power, provided always that it does not clash with my duties to the Province, whose affairs I have been elected to conduct.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Hon. the Colonial Secretary.

Colonial Secretary's Office,
Wellington, 29th April, 1865.

SIR,—

I have the honor to acknowledge the receipt of your Honor's letter of the 20th inst., with its voluminous enclosures.

They do not appear to me to contain anything to which a sufficient reply has not been already made in my letter of the 10th inst. To prevent, however, misconception, I will briefly recapitulate the views of the General Government upon the points at issue between us.

First, As regards engagements with the immigrants, I deeply regret that vague expectations of employment upon public works should have been held out to them by the language of the documents you quote, and by others of a similar purport,—expectations which the Government now finds itself wholly unable to satisfy; but I decline to admit any obligation on that account as resting on the Government, under existing circumstances, to undertake public works at the cost of the Colony, for the mere purpose of giving employment to the immigrants. Labourers' wages in Auckland and elsewhere in New Zealand range at present from six shillings to eight shillings per day. With such a rate of wages ruling throughout the Colony it is impossible that persons able and willing to work can remain long unemployed. But, indeed, it would be idle to discuss such a question, the Government (as has been from the first explained to you in the clearest manner) having no funds available for the purpose.

But whilst I decline to admit any fixed obligations of this nature, I feel that there is a moral equity in the case resting on the General Government (I may also add on the Provincial Government of Auckland likewise) to do all in its power to mitigate any possible disappointment and distress which may result to the immigrants from the inevitable cessation of employment. This consideration has induced the General Government to give the immigrants employment for the last five months upon public works paid for out of the Colonial Treasury, although it has been under the necessity of borrowing the money for the purpose from its bankers, a system which can no longer continue. The same consideration has induced the Government to determine on offering such of the immigrants as may be desirous of seeking employment elsewhere an opportunity of doing so, by giving them free passages to other provinces in which employment, public or private, may be found, and the immigrants in such cases will not forfeit the title to their land by their non-residence in Auckland.

As to the cost incurred by the Colony in regard to immigrants who may leave under such circumstances, it appears to me that there is no sufficient ground for exonerating the Province of Auckland from the charges incurred, or to be incurred, in bringing them into the Province, locating and maintaining them up to the time of their leaving. The cost of removing them is a distinct matter.

Whether any agreement has been entered into by the General Government with your Honor and the Provincial Executive to find employment for the immigrants upon public works out of Colonial funds for any period definite or indefinite, and whether the General Government has broken faith with your Honor in this matter, are questions to be determined by reference to the facts. And I must express my surprise and regret that imputations of this nature should have been made and currency given to them under sanction of your Honor's authority, for which I beg emphatically to state there is not the smallest semblance of foundation. They are refuted in the plainest manner by the documents which accompany your Honor's letter.

Let me recall to your Honor the language of Mr. Sewell's letter of the 4th January.

"Having expressed," he says, "these general views, I observe, in particular, that the employment of the immigrants on public works, must be undertaken by the Province."

Again, "I must observe that, whatever the number (of immigrants) may be, the General Government will look to your Honor mainly for relieving it from the difficulty of providing for and disposing of them."

No language can be plainer than this, and the action taken by your Honor in endeavouring to provide funds for the required objects shows that your Honor did not misunderstand it.

As to the remaining point at issue between us, viz :—the cause of the delay in bringing the proclaimed land into the market for sale, in my letter of the 10th April I attribute to your Honor mainly whatever blame there may be in the matter, and I grounded this on the fact that the business in preparing the land for sale had been left practically under your Honor's control and management.

Your Honor has excused yourself in a former letter, and you repeat the excuse in the letter to which I am now replying, on the substantial ground that you had no control over the Survey Department.

I transmit a copy of Major Heaphy's Report (*), in which that officer to a great extent relieves

himself from the blame of delay in getting land ready for sale, on the ground of your Honor's constant interference with his operations.

I notice briefly what I understand to be your Honor's suggestion, that funds might have been and yet might be obtained, if the General Government would unconditionally hand over the confiscated lands to the Provincial Executive, in order that they might borrow money upon them, the General Government not reserving to itself any right of control, and not satisfying in the first instance the claims of immigrants and friendly Natives.

Such a transaction would be no less at variance with the duties owing by the General Government to the immigrants and friendly Natives than it would be inconsistent with the provisions of the "New Zealand Settlements Act," and the obligation of seeing to the reimbursement of the large sums of money which the Colony has expended for the benefit of the Province of Auckland.

I have, &c.,

FRED. A. WELD.

* P.S.—I am unable to transmit by this mail a copy of Major Heaphy's Report. It shall be forwarded by the next mail. Meantime Major Heaphy has been requested to forward a copy to your Honor through Dr. Knight.

F. A. W.

Superintendent's Office,
Auckland, 5th May, 1865.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 29th ulto., in reference to the Settlement of the Waikato Immigrants, recapitulating the views of the General Government upon the points which have been at issue.

I think it undesirable that they should again be raised between us, and therefore confine myself to such observations only as are necessary to prevent misconception.

I think it very possible that your immigrants might find employment were they scattered over the Province. But I was directed by you to form *permanent settlements*, to which I could not take employment excepting through the means proposed by me and objected to by you.

I regret that you should suppose that I have cast imputation on you. I have endeavoured to restrict myself to statements of facts and to refutation of the blame which you have imputed to me.

I have no recollection of having stated in the course of the correspondence that the General Government had broken faith with me. If I should have used that expression I request you to accept my apology. "Breach of agreement," which is a question of fact, I have spoken of repeatedly.

It does not appear to me that Major Heaphy's report can bear any such construction as that which you put upon it. The following extracts from that report seem clear and explicit to the contrary.

"With the exception of a delay caused by Mr. Newman's removing the Town Surveyors from the work originally contemplated, the work could not have been executed more speedily.

"I may state that from the commencement of the surveys I have always worked most harmoniously with the Provincial Executive.

"From an experience of twenty-six years in surveying in various parts of New Zealand, I can confidently affirm that the work could not have been done quicker."

You have placed a strained construction upon my statement, that, "if a sufficient guarantee that the confiscated lands would be handed over to the management of the Provincial Executive had been given by the General Government I could have obtained with ease the funds required."

It is to be presumed, however, that in any case the claims of the Immigrants and Friendly Natives would be as carefully guarded by me as they could be by the General Government.

ROBERT GRAHAM,
Superintendent.

The Honorable the Colonial Secretary,
Wellington.

Auckland, 17th April, 1865,

SIR,—

From the tenor of letters which I have seen from Wellington, and from what I have learned from yourself, I am led to infer that Ministers think that the surveys of lands for the location of immigrants could have been made with greater expedition.

I have the honor to request that you will favour me by laying the following statement of facts before Ministers, and, with a view to the verification of the statements, I have farther the honor to place

before you the original memoranda of instructions received by me ; and the office letter book, containing copies of instructions, with their dates, issued by me to the Surveyors.

On the 17th December 1864, Ministers sent for me and said, that all lands for the location of immigrants then arriving must be surveyed in a month, and asked what Surveyors were available to send out ; I stated that there were but two Surveyors whose services were at all available, and that of these one was of a tipsy character, and the other a chainman who might be promoted, I was told I should receive instructions in an hour. On the 20th I was informed I should have the temporary services of Mr. McIntosh, and that the Waiuku Block had been decided upon for the site of the first settlement ; but delays took place in arranging with the Provincial Executive for the administration of the matter, and it was not until the 5th January that I was enabled to despatch Mr. Percy Smith, and Mr. Read to the Waiuku Block to lay out the first 5 acre lots.

This delay was no fault of mine, on the 19th of the previous month I had warned Mr. Clayton, Surveyor at Waikato Heads to hold himself in readiness to go to the Waiuku, and on the 30th to proceed there.

Mr. Newman was not prepared to set the Surveyors to work until the 12th January, not having decided on the exact locality for the settlements.

The Surveyors at Waiuku under Mr. Percy Smith did their work by contract, and Mr. Newman on his return from Waiuku reported that the surveys were proceeding in a satisfactory manner. On the 5th and 6th January His Honor the Superintendent instructed me to survey a town and a series of small lots at Pokeno, and on the same day the 6th I obtained the services of Mr. Lusk for the Town survey and of Mr. Monro for the small lots ; the latter gentleman had just returned from the survey of the Town sites at Onewhero.

These gentlemen were contractors, and it was to their interest to get the work done as soon as possible. With the exception of the delay caused by Mr. Newman moving the Town Surveyor from the work originally contemplated to another locality, I do not think the work could have been executed more speedily.

On the 19th January I was directed to have roads surveyed to give frontage to small lots, and the town site reported on at the Wairoa. Only one Surveyor was available, and he could not at once proceed ; however, on the 21st he was enabled to go, but after carrying a road for about half-a-mile and surveying 63 acres was stopped by the Maories.

On the 20th January I proceeded at the instance of the Hon. the Minister for Colonial Defence to Alexandra and Cambridge in the Upper Waikato, but from those places continued to give instructions to the Surveyors employed on the 5 acre allotments. I returned to Auckland on the 26th, but again went to Alexandria on the 3rd February, and remained in the Waikato until the 14th February. I do not think the five acre work was at all delayed by my absence, as Mr. Sinclair and Mr. MacIntosh transacted business with the Contracting Surveyors, and I wrote to them on the subject of their work from Ngaruawahia and elsewhere. On the 18th January I was instructed by his Honor to put a Surveyor to work in laying out a village for miners at the Waikato Coal Pits. On the 21st I landed Mr. H. Graham and party there to commence work.

On the 14th February, Mr. Bull (a new arrival) was sent by Mr. Sinclair to Maketu, his Honor himself pointing out to him his work.

On my return to Auckland, his Honor informed me of what had been done in my absence, and, with the exception of Mr. McDonnell's expulsion from the Wairoa, seemed perfectly satisfied with the progress of the surveys. I may here state that from the commencement of these surveys I have always worked most harmoniously with the Provincial Executive.

On the 24th February His Honor requested me to send Surveyors to Pukekohe, Tuimata, Patamahoe, and Tuakau. The last named place was intended to be purchased as a Railway Depôt site, but it was determined that roads should be laid out through it. Only one additional Surveyor could however be obtained, and he was a stranger. On the same day Mr. Laurie was instructed by me to go to Patamahoe, and Mr. Graham was removed from the Coal Pits to lay out roads at Tuakau. For the surveys at Tuimata and Pukekohe no Surveyors could be had (see private journal "tried Scott, engaged with Warner ;" 24th, "tried Eiffe, engaged with Warner ;" 25th, "instructed H. Graham to go to Tuakau.")

On the 17th March, I received a letter from the Hon. the Attorney General, informing me that Mr. Kempthorne was no longer Secretary to the Building Commission. On the same day I sent him and Mr. Frazer (a new arrival) instructions to proceed to Kohokohe, to lay out small lots at that place ; both these gentlemen were contractors ; they got to their work with all possible expedition. On the 28th February, Mr. Gundry had finished his plan of work at Alexandra, and his services were available. I gave him instructions to proceed to Pukekohe and lay out five-acre lots there, in such places as afforded both wood and water (it being a volcanic district). Mr. Gundry was to report as soon as possible as to the exact position of the five-acre land.

Additional lots at Maketu being required by his Honor on the 16th March, I wrote to Mr. Bull on that day, requiring him to employ another party, under an assistant, to lay out lots, while he, Mr. Bull, pushed on in the forest with the roads. This was an unusual course to take with a contractor, but was done to expedite the work. Mr. Bull concurred, and I sent out to him Mr. Campbell, a surveyor from Mongarui. His Honor requiring additional lots to be surveyed near the Razor Back, I, on the same day, sent out Messrs. Churton and Day, chainmen, to cut lines by contract, under the direction of Mr. Cooper, surveyor, on the staff : this plan of placing contracting line cutters under the

surveyors is quite a new practice in this province, but was initiated by me in order to expedite the work.

On the 27th March, his Honor asked me to let Mr. Lusk leave off temporarily the 10-acre work at Pokeno, and lay out town lots near the Mill; same day sent instructions to him to that effect; same day instructed Mr. Little, a chainman, to peg out the lots by contract, and cut back lines, while Mr. Lusk laid out streets and schemed the lots. This was an unusual course, but was adopted to expedite the work.

On the 4th April, Mr. Fenton informed me the Wairoa matter was settled with the Natives; and on the 5th I found two Surveyors, Mr. Weetman and Mr. Glover—one a new arrival, and the other a promoted chainman—to go there. On commencing their survey they were stopped by the Natives, and had to wait until after the 12th to resume work.

The Tuakau Block, of nearly 11,000 acres, had been withdrawn from the list of localities for settlement, and a negotiation had been existing for its purchase by the Provincial Government for a Railway Depot Site. Notwithstanding this, I had sent a Surveyor there to-day to lay out roads; but at the instance of his Honor, this Surveyor was withdrawn, and sent to Pukekohe, where the work was more pressing. I mention this to show the stress that was on us for Surveyors. On the 19th March, Mr. Duffus finished his survey of a block on the West Coast, on which he had been engaged for eight months by contract. On the same day he received his instructions to survey land for cash sales at Pitamahoe. His map has now come in of that land. Finding that the purchase of the Tuakau Block was not likely to be effected, I applied to his Honor as to whether I should not place Surveyors again on it to cut it up for immigration lots, and on his concurring, I gave immediate instructions to survey it to Mr. O'Meara, who had just come to town after a six months' survey in the Upper Waikato, and to Mr. Pugh, a new arrival.

An inspection of these dates will show that no time was lost in putting Surveyors to their work, as soon as it was determined where that work should be.

It is customary to allow Surveyors to remain in town a week or two after a long stay in the bush: in respect to this employment, they were hurried off again as soon as they could engage men. Before the instructions recorded in the Letter Book were given them, they each had explained on a M.S. sketch map the work they had to do.

Mr. McIntosh superintended the location of the immigrants. As soon as the 5-acre lots were defined on the ground, and before the plans were sent in to the office, the people were located. We were enabled to do this by having inspecting Surveyors near each locality. The placing of the people on the land before the plans were approved by the Chief Surveyor, was not without its disadvantages, but it was done to save time. The people were in tents on the ground, waiting to build huts, and as soon as a lot could be given to them, it was so given.

With one exception, all the Field Surveyors were contractors; and as the wages of their men was their chief item of expense, the saving of time was to them the saving of money. From an experience of twenty-six years in surveying in various parts of New Zealand, I can confidently affirm that *the work could not have been done quicker.*

In order to enable the immigrant to get a living from his land, it was determined that as far as possible each 5-acre lot should have a fair proportion of bush, and in the volcanic districts, of water also. This caused the survey of such lots to assume detached and irregular forms, rendering the work peculiarly tedious.

At Pukekohe, Pokeno, Baird's Farm, Razorback, Maketu, and Wairoa, the land is densely wooded, and in several localities much broken. Here it was necessary to explore lines of road previous to laying out any lots.

In relation to the tracings of lands for cash sales not being sooner ready, I may observe that I received no direct instructions whatever on this subject, nor any at all until the 27th March, when I was verbally instructed by his Honor to prepare tracings of such lands. But at this time I had not been informed of the total number of small lots that would be required, nor of the area of contiguous land to be reserved for those immigrants who might claim it as repayment of their passage-money. As the cash sales land was to commence where this land terminated, it was not possible for me then to give what was required—the "exact plans and particulars of such lands." Until the survey of all the immigration lots was completed, this could not, I say, be supplied. His Honor left Auckland about this time; but without waiting for his concurrence, I schemed out general boundaries for cash sales and immigration districts, and sent schedules and tracings of them to Wellington. I had to draw these out from my local knowledge of the districts, aided by some rough sketches I got from the Surveyors. Mr. Gundry had not yet submitted his plan of Pukekohe, Mr. Laurie his of Pitamahoe, Mr. Lusk his of Pokeno, nor Messrs. Cooper or Monro theirs of Baird's Farm and Razorback.

While these surveys were going on, I had also to attend to the survey of the land for the Militia Regiments, and that of the Townships for Mr. Wood's immigrants, as ordered by the late Ministry. These latter townships were very extensive. The contractors had been asked to curtail their surveys as much as possible, but having engaged men and laid in stores, they mostly preferred finishing their contracts,—these were at Rangiriri, where 814 town lots, and 177 suburban lots have been surveyed; at Horatin, where 787 town lots, and 159 suburban lots, have been surveyed; and at Whatawhata, where 886 town lots, and 402 suburban lots, have been surveyed; these lands are available for cash sales.

I may now draw attention to the number and circumstances of the Blocks on which I was instructed to make surveys for immigrants; they were:—

1. Onewhero. Site of Town surveyed ; Block withdrawn.
2. Coal Pits. Town surveyed, with suburban Block ; Block never proclaimed.
4. Taupiri. 134 small lots surved ; Block never proclaimed.
4. Waiuku. 216 families located ; schedules of immigration lands, and cash sales lands, sent to Wellington.
5. Patamahoe. 25 lots surveyed for immigrants, and 8 for cash sales ; schedules sent to Wellington ; Block not clear of native claims.
6. Tuimata. Surveyor reports that he cannot state where five-acre lots will be until the roads are surveyed ; Block not clear of native claims.
7.

}	Pokeno Razor Back Baird's Farm Maketu	262 families located ; schedules of cash sales lands, and immigration land, forwarded. Mr. Commissioner Turton now investigating native title.
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8. Wairoa. Three surveyors employed, who have been stopped at different times by the natives, up to 12th April.
9. Tuakau. Until April 6th, reserved for a Railway Depot site.
10. Paharata. One surveyor laying out roads and lots for cash sales ; land not yet clear of native title.

From the above list, it is manifest that the localities really available for the secure location of immigrants, and more especially for cash sales, surveys have been but very few ; the majority being either temporarily reserved, withdrawn, or encumbered with native title.

With regard to the diligence with which the officers of this Department have worked, I have had reason to be perfectly satisfied with them.

Mr. McIntosh has done all he could do in expeditiously locating the people—a most tedious and difficult office,—and Messrs. Cooper and Clayton have kept steadily and continually to their work. The Clerks and Draftsmen have willingly worked in holidays, and over hours very frequently. With regard to my own work, I may say that I have steadily attended to the work of these particular Surveys wherever my other duties may for the time have called me, that in order to be able to attend to the business of these surveys in the day time. I have worked at home late into the night and early of a morning at the examination of plans, and such other work as could be taken from the office ; that both myself and the Clerks, and occasionally the Draftsmen of the Department, have attended the office on Christmas Day, the Race Day, the Regatta Day, Good Friday, and Easter Monday, as well as frequently on Sundays, having to answer telegrams by the early Monday Waikatō Mail rather than defer the replies to the Wednesday's post.

Under these circumstances I have the honor, with the greatest respect, to state, that I cannot but deem the censure implied in the letter 2,967, by which all the Surveyors and other persons in the Department are dismissed, to be unmerited.

I have, &c.,
CHARLES HEAPHY,
Chief Surveyor.

Dr Knight,
Auditor General,
Special Commissioner.

A.—No. 1

Auckland Provincial Council.

SESSION XVIII., 1864-5.

CORRESPONDENCE

WITH

D R . K N I G H T

RELATIVE TO THE

WAIKATO SETTLEMENTS.

(Ordered by Council to be printed.)

AUCKLAND :
1865.



C O R R E S P O N D E N C E

WITH

D R. K N I G H T

RELATIVE TO THE

W A I K A T O S E T T L E M E N T S .

Superintendent's Office,
Auckland, 15th April, 1865.

SIR,—

I am informed by the Colonial Secretary, in reference to my letter, declining on behalf of the Provincial Executive further agency in the settlement of immigrants on the Waikato, that he had instructed you to proceed to Auckland with powers to act in this matter on behalf of the General Government.

I have therefore to request that you will furnish the Provincial Executive with a copy of your instructions on the subject.

I have, &c.,
ROBERT GRAHAM,
Superintendent.

Dr. Knight,
Auditor General.

Auckland, 17th April, 1865.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 15th instant requesting me to furnish the Provincial Executive with a copy of my instructions on the subject of your declining on behalf of the Provincial Government further agency in the settlement of immigrants on the Waikato, and to inform your Honor in reply that my instructions on this subject are clearly defined in the letter of the Colonial Secretary, addressed to you on the 10th instant.

I have, &c.,
CHARLES KNIGHT,
Auditor.

His Honor,
ROBERT GRAHAM, Esq.,
Auckland.

Colonial Secretary's Office,
Wellington, 25th April, 1865.

SIR,—

Referring to previous correspondence, I have to inform your Honor that Dr. Knight, at present in Auckland, has been fully authorized to make the necessary arrangements consequent upon your Honor's declining to continue to act as the agent of the General Government in the location of the immigrants who were brought into the Province of Auckland at the instance of the late Government.

I have, &c.,
FRED. A. WELD.

His Honor the Superintendent of Auckland.

Superintendent's Office,
Auckland, April 26th, 1865.

SIR,—

I have the honor to acknowledge the receipt of your letter of date April 17th instant, in which you state that your instructions on the subject of my declining on behalf of the Provincial Government further agency in the settlement of immigrants on the Waikato, are clearly defined in the letter of the Colonial Secretary, addressed to me on the 10th instant.

I have, &c.,
ROBERT GRAHAM,
Superintendent.

Charles Knight, Esq.,
Auditor-General,
Auckland.

Superintendent's Office,
Auckland, 27th April, 1865.

SIR,—

I have the honor to request that you will formally assume the responsibility of conducting all business connected with the Waikato immigrants.

On the 3rd instant I informed the Colonial Secretary that the Provincial Executive resigned their agency, continuing to act until the receipt of advices by the return mail from Wellington, after which time we should consider ourselves relieved. Since then fresh proposals have been received from the General Government, and it remains an open question whether or not I shall accept them. Meanwhile, however, my position is undefined, and I deem it prudent to avoid the complications which may arise therefrom.

As I greatly desire not to cause any embarrassment either to the General Government or to yourself, I shall willingly assist you in any manner you may direct. You will understand, however, that I am not now responsible for what may be done.

I am the more anxious to make this understanding distinct, as immediate steps must be taken in reference to several matters of detail, including the making provision for immigrants by ships now due, and the retaining of the services of several of the overseers, all of whom are now under notice of dismissal, if the works are to go on.

I have, &c.,
ROBERT GRAHAM,
Superintendent.

Auckland, 28th April, 1865.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 27th inst., in which you request me to assume the responsibility of conducting all business connected with the settling of the Waikato Immigrants, and to inform your Honor in reply that I am not authorised to accept the proposed transfer, and that the business you request me to take is not compatible with my official duties as Auditor of Public Accounts.

I may add that the proposed change of management might lead to inconvenience should the correspondence which your Honor is now carrying on with the General Government result in your accepting the fresh proposals to which you allude.

I have, &c.,
CHARLES KNIGHT,
Auditor.

His Honor the Superintendent.

Superintendent's Office,
Auckland, April 28th.

SIR,

I have received your letter of this day's date, informing me that you are not authorized to accept the transfer of responsibility from me to yourself in the matter of settling the Waikato immigrants.

I must again request you to furnish me with a copy of your instructions, or at least to inform me

what powers you hold. You have told me that "your instructions are clearly defined in the letter of the Colonial Secretary, addressed to me on the 10th inst."

In the letter referred to I am told that "Dr. Knight had been instructed to proceed to Auckland, with powers to act on behalf of the General Government in these and other matters."

I am desirous to make no difficulty when such can be possibly avoided; on the contrary, I am prepared to render you every assistance in my power. But, on the other hand, I am entitled to expect from your unreserved confidence and the fullest information it is in your power to afford.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

Dr. Knight,
Auditor-General.

Auckland, 29th April, 1865.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 28th inst. and to state to your Honor in reply, that I entirely agree with you in your opinion that you are entitled to my fullest confidence, and I trust you will not consider me unreasonable in expecting you to accept my explicit statement that I was not authorised to take upon myself the duties you are desirous of transferring to me. From your quoting a part of the instructions issued to me, I understand you to mean that you differ from me in the interpretation of them.

In order to prevent the inconvenience to the public service, which must necessarily be the result of a correspondence on matters of opinion, and looking upon the affair as one of emergency, I have this day taken entire control of the Waikato Settlements, and have so reported to the General Government.

I have, &c..

CHARLES KNIGHT,
Auditor.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 1st May, 1865.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 29th ulto., informing me that on that day you had assumed entire control of the Waikato Settlements, and that you have so reported to the General Government.

I have, &c.,

ROBERT GRAHAM,
Superintendent.



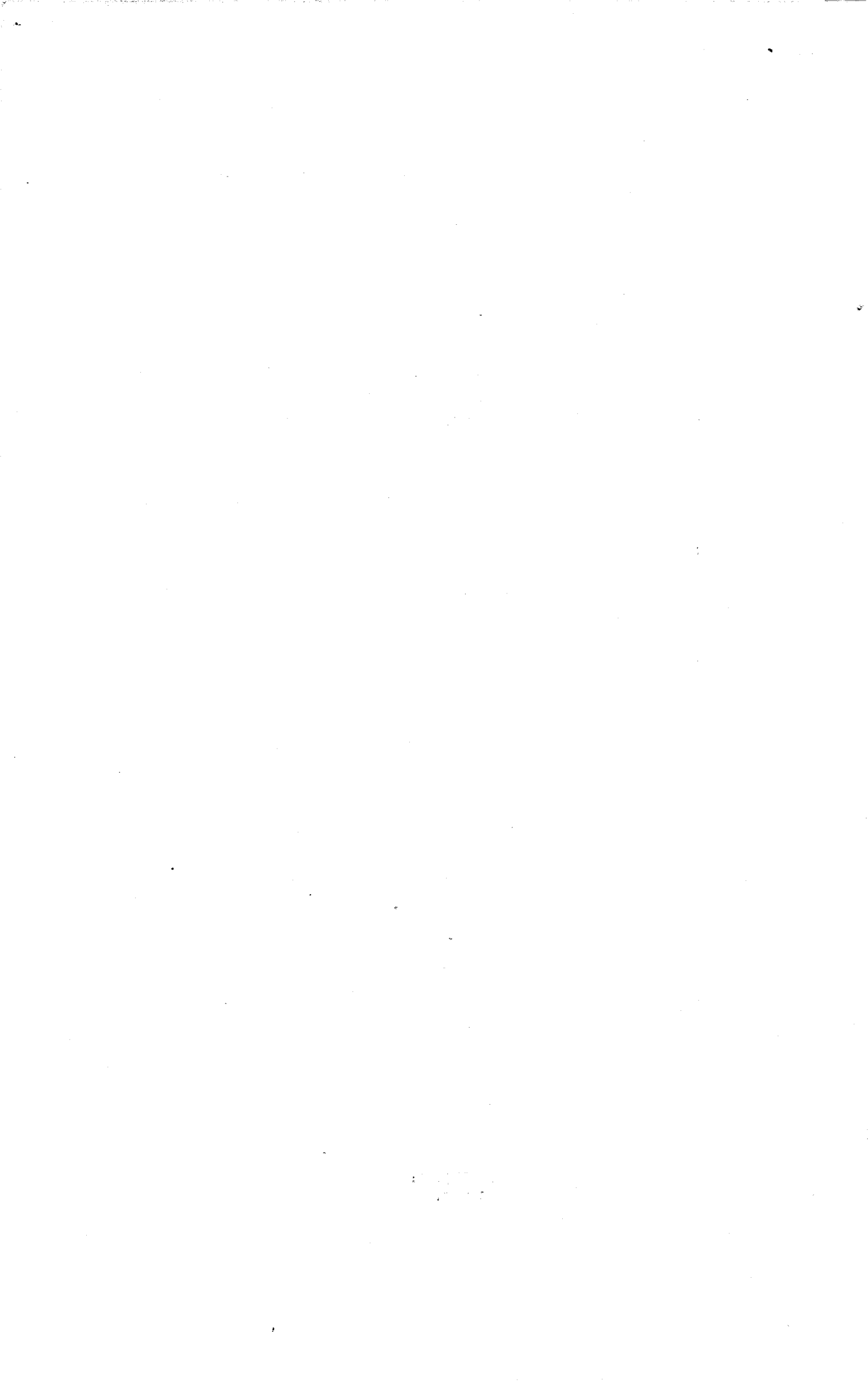
A.—No. 1.
Auckland Provincial Council.

FURTHER PAPERS

RELATIVE TO THE

WAIKATO SETTLEMENTS.

AUCKLAND:
1865.



FURTHER PAPERS

RELATING TO THE

WAIKATO SETTLEMENTS.

Waikato Settlement Office, Auckland, 22nd April, 1865.

SIR,—

I have the honor to enclose a return of the number of immigrants introduced into the port of Auckland, under the direction of the General Government: the dates of arrival, and the places where located.

I have, &c.,
ROBERT GRAHAM,
Superintendent.

The Hon. the Colonial Secretary, Wellington.

Enclosure.

RETURN showing the Number of Immigrants landed in the Port of AUCKLAND, under the auspices of the General Government; where they have been located, and remarks thereon.

No.	Name of Ship.	Where From.	Date of Arrival	Adults.		Place of Location.	Remarks.
				Statute	Males.		
			1864.				
1	Steinwaerder	Cape	18th Oct.	159	60	Whiri Whiri Waipipi	The immigrants by these two vessels have been put in possession of their allotments.
2	Alfred	"	18th Nov.	171	91		
3	Reihersteig	"	23rd Dec.	125	56	Maioero	Surveyors at work.
4	Maori	"	"	270	124	Mauku Maketu Tuakau Pukekohe	The passengers by these two ships were sent in the first instance to Drury, and thence drafted to the various settlements.
5	Eveline	"	"	252	133		
6	Helenslee	Glasgow	"	259	122	Pokeno	Surveyors are at work.
7	Matoaka	London	3rd Jan.	361	176	Waiuku	These have gone to Drury.
8	Ganges	Queenstown	16th Feb.	364	172	Onehunga	
9	Bombay	London	18th Mar.	325	161	Gt. South Rd.	Surveyors at work.
10	Viola	Glasgow	4th April	283	142	Wairoa	Surveyors at work.
				2569	1237		

Provincial Council Chamber, Auckland, May 4th, 1865.

SIR,—

I have the honor, by Order of the Auckland Provincial Council, to forward the enclosed Resolutions passed by the Council on the 3rd of May instant.

I have, &c.,

WM. POWDITCH,
Speaker.

The Hon. the Colonial Secretary.

Enclosure.

Extract from the Journals of the Auckland Provincial Council,—Wednesday, May 3rd, 1865.

(1.) That this Council having had from time to time placed before them copies of the correspondence passing between the Superintendent and the General Government with reference to the settlement of immigrants on the confiscated territory in this Province, regret to find that the Colonial Secretary, in his letter of date the 10th of April instant, should have thought it fit to state that this Province "seems to consider itself totally absolved from all responsibility in regard to the employment of immigrants," &c., &c., and feel it to be their duty, as representing the several constituencies of the Province, to represent to his Excellency's Government that the Provincial Council of this Province have never been in any way consulted upon this most important matter, but that, on the contrary, upon the occasion of their being first made acquainted with the intention of the General Government to commit to the Superintendent of the Province, as agent of the General Government, the management of a portion of the scheme of colonisation initiated by the late Ministry, it was distinctly announced by the Provincial Secretary (Mr. Carleton), as may be seen by reference to his speech, published in the local papers of the 24th December ultimo, that the conduct of the business was intrusted to the Superintendent on the condition that this Council was to be excluded from any participation in the scheme.

(2.) That during the continuance of the present Session it has been invariably maintained by the Provincial Executive, that this Council were in no way concerned, either in the management or the mismanagement of the scheme, as the General Government were, through their agent, solely responsible for its success.

(3.) That the Superintendent of the Province, so far from implicating the Provincial Council in the engagements he entered into with the General Government, absolutely refrained from communicating to the Council copies of the papers relating to the subject until he received the sanction of the Colonial Secretary, as will be seen by the Superintendent's letter of date 21st January ult.

(4.) That this Council, although they perhaps ought, as a branch of the Provincial Legislature, to hesitate, on the eve of a dissolution, to undertake a share in the management of the Immigration Scheme, devolving, as it may, serious responsibility upon their successors, would have felt bound to have given their earnest consideration to the subject if they had been consulted upon it.

(5.) That this Council, on a review of the correspondence as at present before them, is of opinion that very serious detriment will accrue to the Colony of New Zealand, and this Province in particular, if steps be not immediately taken of restoring confidence to the immigrants already located on their land, by fully and faithfully carrying out all engagements entered into with them. But the Council cannot but regard with disfavor the arrangement whereby the Superintendent of the Province, in his capacity as agent of the General Government, may appear to involve the Province in responsibility without the concurrence of the Provincial Council.

(6.) That this Council, without desiring to arrogate to themselves any powers beyond those assigned to them under the Constitution Act, for the discharge of which they have been elected, think it right to point out to the General Government that serious inconvenience may arise from the General Government inducing (as appears to have occurred in the present instance) one branch of a Provincial Legislature, irrespective of the other, to undertake duties for which it has not been elected, and which it may appear to the other branch inexpedient to undertake, as involving responsibility which they were not elected to assume.

(True extract.) WM. POWDITCH, Speaker.

Colonial Secretary's Office, Wellington, 15th May, 1865.

SIR,—

I have the honor to acknowledge the receipt of your letter of the date quoted in the margin (4th May, 1865), inclosing Resolutions of the Provincial Council on the subject of the settlement of the General Government immigrants in the Province of Auckland.

I have, &c.,

HENRY SEWELL,
For the Colonial Secretary.

The Speaker of the Provincial Council, Auckland.

Colonial Secretary's Office, Wellington, 15th May, 1865.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 5th May, 1865, in reference to the correspondence respecting the General Government Immigration Scheme.

I have, &c.,

HENRY SEWELL,
For the Colonial Secretary.

His Honor the Superintendent, Auckland.

Report of the Chief Surveyor, forwarded to the Hon. the Colonial Secretary by Dr. Knight.

Auckland, 17th April, 1865.

SIR,—

From the tenor of letters which I have seen from Wellington, and from what I have learned from yourself, I am led to infer that Ministers think that the surveys of lands for the location of immigrants could have been made with greater expedition.

I have the honor to request that you will favor me by laying the following statement of facts before Ministers; and with a view to the verification of the statements, I have further the honor to place before you the original memoranda of instructions received by me, and the office letter-book, containing copies of instruction, with their dates, issued by me to the surveyors.

On the 17th December, 1864, Ministers sent for me, and said that all lands for the location of immigrants then arriving must be surveyed in a month, and asked what surveyors were available to send out. I stated that there were but two surveyors whose services were at all available, and that of these one was a tipsy character and the other a chainman, who might be promoted. I was told I should receive instructions in an hour.

On the 20th December I was informed that I should have the temporary services of Mr. McIntosh, and that the Waiuku Block had been decided upon for the site of the first settlement; but delays took place in arranging with the Provincial Executive for the administration of the matter; and it was not until the 5th of January that I was enabled to dispatch Mr. Percy Smith and Mr. Reny to the Waiuku Block, to lay out the first 5-acre lots. This delay was no fault of mine. On the 19th of the previous month I had warned Mr. Clayton, surveyor at Waikato Heads, to hold himself in readiness to go to the Waiuku, and on the 30th to proceed there.

Mr. Newman was not prepared to set the surveyors to work until the 12th January, not having decided on the exact localities for the settlements.

The surveyors at Waiuku, under Mr. Percy Smith, did their work by contract; and Mr. Newman, on his return from Waiuku, reported that the surveys were proceeding in a satisfactory manner.

On the 5th and 6th of January, his Honor the Superintendent instructed me to survey a town and a series of small lots at Pokeno; and on the same day (the 6th) I obtained the services of Mr. Lusk for the town survey, and of Mr. Monro for the small lots. The latter had just returned from the survey of the town site at Onewhero. These gentlemen were contractors, and it was to their interest to get the work completed as soon as possible. With the exception of a delay caused by Mr. Newman moving the town surveyor from the work originally contemplated to another locality, I do not think the work could have been executed more speedily.

On the 19th of January I was directed to have lots surveyed, to give frontage to small lots, and a town-site reported on at the Wairoa. Only one surveyor was available, and he could not at once proceed; however, on the 21st, he was enabled to go, but after carrying a road for about half-a-mile, and surveying about 63 acres, was stopped by the Maoris.

On the 2nd January I proceeded, at the direction of the Hon. the Minister of Colonial Defence, to Alexandra and Cambridge, in the Upper Waikato, but from those places continued to give instructions to the surveyors employed on the 5-acre lots. I returned to Auckland on the 26th, but again went to Alexandra on the 3rd of February, and remained in the Waikato until the 14th February. I do not think the 5-acre work was at all delayed by my absence, as Mr. Sinclair and Mr. McIntosh transacted business with the contracting surveyors in my absence, and I wrote to them on the subject of their work from Ngaruawahia and elsewhere. On the 18th January I was instructed by his Honor to put a surveyor to work in laying out a village for miners at the Waikato coal-pits. On the 21st I landed Mr. H. Graham and party there to commence work.

On the 14th of February, Mr. Bull, a new arrival, was sent by Mr. Sinclair to Maketu, his Honor himself pointing out to him his work.

On my return to Auckland, his Honor informed me of what had been done in my absence, and, with the exception of Mr. McDonnell's expulsion from the Wairoa, seemed perfectly satisfied with the progress of the surveys. I may here state, that from the commencement of these surveys, I have always worked most harmoniously with the Provincial Executive.

On the 24th of February, his Honor requested me to send surveyors to Pukekohe, Tuimata, Patamahoe, and Tuakau. The last-named place was intended to be purchased as a railway depot site; but it was determined that roads should be laid out through it. Only one additional

surveyor however could be obtained (and he was a stranger.) On the same day Mr. Laurie was instructed by me to go to Patamahoe, and Mr. Graham was removed from the coal-pits to lay out roads at Tuakau. For the surveys at Tuimata and Pukekohe no surveyors could be had. (*See Private Journal*: "Tried Scott—engaged with Warner; 24th February, tried Eiffe—engaged with Warner; 25th, instructed H. Graham to go to Tuakau.")

On the 17th March I received a letter from the Hon. the Attorney-General, informing me that Mr. Kempthorne was no longer secretary to the Buildings Commission, and that his services were available. On the same day I sent him and Mr. Frazer (a new arrival), instructions to proceed to Kokekohe, to lay out small lots at that place. Both these gentlemen were contractors. They got to their work with all possible expedition.

On the 28th February Mr. Gundry had finished his plan of work at Alexandra, and his services were available. I gave him instructions to proceed to Pukekohe, and lay out 5-acre lots there in such places as afforded both wood and water (it being a volcanic district.) Mr. Gundry was to report as soon as possible as to the exact position of the 5-acre land.

Additional lots at Maketu being required by his Honor on the 16th March, I wrote to Mr. Bull on that day, requiring him to employ another party under an assistant to lay out lots, while he (Mr. Bull) pushed on in the forest with the roads. This was an unusual course to take with a contractor, but was done to expediate the work. Mr. Bull concurred, and I sent out to him Mr. Campbell, a surveyor just arrived from Mongonui.

His Honor requiring additional lots to be surveyed near the Razorback, I on the same day sent out Messrs. Day and Churton, chainmen, to cut lines by contract under the direction of Mr. Cooper, surveyor on the staff. This plan of placing contracting line-cutters under the surveyors is quite a new practice in this Province, but was instituted by me in order to expedite the work.

On the 27th March his Honor asked me to leave off temporarily the 10-acre work at Pokeno, and lay out town lots near the mill; same day sent instructions to him to that effect; same day instructed Mr. Little, a chainman, to peg out the lots by contract, and cut back-lines, while Mr. Lusk laid out streets and schemed the lots. This was an unusual course, but was adopted to expedite the work.

On the 4th April Mr. Fenton informed me the Wairoa matter was settled with the natives, and on the 5th I found two surveyors, Mr. Weetman and Mr. Glover—one a new arrival, and the other a promoted chainman—to go there. On commencing their survey they were stopped by the natives, and had to wait until after the 12th to resume work.

The Tuakau Block, of nearly 11,000 acres, had been withdrawn from the list of the localities for settlement, and a negotiation had been existing for its purchase by the Province for a railroad depot site. Notwithstanding this I had sent a surveyor there to lay out roads, but at the instance of his Honor, this surveyor was withdrawn and sent to Pukekohe, where the work was more pressing. I mention this to show the stress that was on us for surveyors.

On the 17th of March Mr. Duffus finished his survey of a block on the West Coast on which he had been engaged for eight months by contract; on the same day he received his instructions to survey land for cash sales at Patamahoe. His map has now come in of that land.

Finding that the purchase of Tuakau Block was not likely to be effected, I applied to his Honor as to whether I should not place surveyors again on it, to cut it up for immigration lots; and on his concurring, I gave immediate instructions to survey it to Mr. O'Meara, who had just come to town after a six months' survey in the Upper Waikato, and to Mr. Pugh, a new arrival.

An inspection of these dates will show that no time was lost in putting surveyors to their work, as soon as it was determined where that work should be. It is customary to allow surveyors to remain in town a week or two after a long stay in the bush; in respect to this employment they were hurried off again as soon as they could engage men. Before the instructions recorded in the letter-book were given them, they each had explained on a MS sketch-map the work they had to do.

Mr. McIntosh superintended the location of the immigrants as soon as the 5-acre lots in any place were defined on the ground; and before the plans were sent in to the office, the people were located. We were enabled to do this by having inspecting surveyors near each locality. The placing of the people on the land before the plans were approved by the Chief Surveyor was not without its disadvantages; but it was done to save time. The people were in tents on the ground, waiting to build huts, and as soon as a lot could be given, it was so given.

With one exception, all the field surveyors were contractors; and as the wages of their men was their chief item of expense, the saving of time was to them the saving of money. From an experience of twenty-six years of surveying in various parts of New Zealand, I can confidently affirm that the work could not have been done quicker.

In order to enable the immigrant to get a living from his land, it was determined that, as far as possible, each 5-acre lot should have a fair proportion of bush; and, in the volcanic districts, of water also. This caused the surveys of such lots to assume detached and irregular forms, rendering the work peculiarly tedious. At Pukekohe, Pokeno, Baird's farm, Razorback, Maketu, and Wairoa, the land is densely wooded, and in several localities much broken. Here it was necessary to explore lines of road previous to laying out any lots.

In relation to the tracings of land for cash sales not being sooner ready, I may observe that I received no direct instructions whatever on this subject, nor any at all until the 27th of March, when I was verbally directed by his Honor to prepare tracings of such lands. But at this time I had not been informed of the total number of small lots that would be required, nor of the area of contiguous land to be reserved for those immigrants who might claim it, on repayment of their passage money. As the cash sales land was to commence where this land terminated, it was not possible for me then to give what was required—the “exact plans and particulars” of such lands. Until the survey of all the immigration lots was completed, this could not I say be supplied. His Honor left Auckland about this time, but without waiting for his concurrence, I schemed out general boundaries for cash sales and immigration districts, and sent schedules and tracings of them to Wellington. I had to draw these out from my local knowledge of the districts, aided by some rough sketches I got from the surveyors. Mr. Gundry had not yet submitted his plan of Kohokohe; Mr. Laurie, his of Patamahoe; Mr. Lusk, his of Pokeno; nor Messrs. Cooper or Monro, theirs of Baird’s farm and Razorback.

While these surveys were going on I had also to attend to the survey of the land for the Militia Regiments, and that of the townships for Mr. Wood’s immigrants, as ordered by the late Ministry. These latter townships were very extensive. The contractors had been asked to curtail their surveys as much as possible, but having engaged men and laid in stores they mostly preferred finishing their contracts. These were at Rangiriri, where 814 town lots and 177 suburban lots have been surveyed; at Horatiu, where 787 town lots and 159 suburban lots have been surveyed; and at Whatawhata, where 886 town lots and 402 suburban lots have been surveyed. These lands are available for cash sales.

I may now draw attention to the number and circumstances of the blocks on which I was instructed to make surveys for immigrants. They were—

- 1st. Onewhero.—Site of town surveyed. Block withdrawn.
- 2nd. Coal-pits.—Town surveyed with suburban block. Block never proclaimed.
- 3rd. Taupiri.—134 small lots surveyed. Block never proclaimed.
- 4th. Waiuku.—216 families located. Schedules of immigration lands and cash sales land sent to Wellington.
- 5th. Patamahoe.—25 lots surveyed for immigrants, and 8 for cash sales. Schedules sent to Wellington. Block not clear of Native claims.
- 6th. Tuimata.—Surveyor reports that he cannot state where 5-acre lots will be until the roads are surveyed. Block not clear of Native claims.
- 7th. Pokeno, Razorback, Baird’s farm, Maketu.—262 families located. Schedules of cash sales land and immigration land forwarded. Mr. Commissioner Turton now investigating Native title.
- 8th. Wairoa.—Three surveyors employed, who have been stopped at different times by the Natives, up to April 10th.
- 9th. Tuakau.—Until April 6th, reserved for a railway depot.
- 10th. Papanui.—One surveyor laying out roads and lots for cash sales: land not yet clear of Native title.

From the above list, it is manifest that the localities really available for the secure location of immigrants—and more especially for cash sales surveys, have been but very few, the majority being either temporarily reserved, withdrawn, or encumbered with Native title.

With regard to the diligence with which the officers of this department have worked, I have had reason to be perfectly satisfied with them. Mr. McIntosh has done all he could do in expeditiously locating the people,—a most tedious and difficult office; and Messrs. Cooper and Clayton have kept steadily and continuously to their work. The clerks and draftsmen in the office have willingly worked on holidays and overhours very frequently. With regard to my own work, I may state that I have steadily attended to the work of these particular surveys wherever my other duties may for a time have called me. That in order to be able to attend to the business of these surveys in the daytime, I have worked at home late into the night and early of a morning, at the examination of plans and such other work as could be taken from the office. That both myself

and the clerks, and occasionally the draftsmen of the department, have attended the office on Christmas day, the Race day, the Regatta day, Good Friday, and Easter Monday, as well as frequently on Sundays; having to answer telegrams by the early Monday Waikato mail, rather than defer the replies until the Wednesday post.

Under these circumstances, I have the honor with the greatest respect, to state that I cannot but deem the censure implied in the letter No. 2967, by which all the surveyors and other persons in the department are dismissed, to be unmerited.

I have, &c.,

CHARLES HEAPHY,
Chief Surveyor.

Dr. Knight, Auditor-General, Special Commissioner.

Auckland, 20th April, 1863.

SIR,—

I have the honor to enclose Schedules of Land for cash sales, the surveys of which have been completed.

Deeming that to give sufficient publicity to sales of such land, and for convenience of purchasers, the plans now in the office should be lithographed, I have made enquiries in the town, and find that it will take three weeks after the plans are put into the hands of the lithographer, before the copies (say 500 of each of three surveys) can be printed; which would make May 11th, 1865, the earliest date on which sales could conveniently be made.

I have, &c.,

CHARLES HEAPHY,
Chief Surveyor.

Dr. Knight, &c., Special Commissioner.

Enclosure.

SCHEDULE of Cash Sales Lands at PATAMAHOE.

County of Eden, parish of Waiau.

Patamahoe, block No. 1.—Lot No.	1	2	3	4	5	6	7	A.	R.	P.
Patamahoe, block No. 1.—Lot No. 1	60	2	0
" " " 2	57	2	0
" " " 3	38	0	0
" " " 4	48	0	0
" " " 5	54	2	0
" " " 6	38	3	0
" " " 7	38	2	0

SCHEDULE of Allotments available for Sale in the Block of Land, recently purchased from the Ngatiteata Tribe, Waiuku West.—MAIORO BLOCK.

No. of Lot.	Area.			No. of Lot.	Area.			No. of Lot.	Area.		
	A.	R.	P.		A.	R.	P.		A.	R.	P.
14	...	78	0 0	42	...	88	0 0	60	...	71	0 0
15	...	117	0 0	44	...	63	0 0	61	...	72	0 0
16	...	91	0 0	45	...	96	0 0	62	...	76	0 0
17	...	76	0 0	46	...	96	0 0	63	...	111	0 0
18	...	95	0 0	47	...	68	0 0	64	...	71	0 0
19	...	78	0 0	48	...	54	0 0	65	...	70	0 0
20	...	43	0 0	49	...	71	0 0	66	...	62	0 0
21	...	66	0 0	50	...	78	0 0	67	...	57	0 0
22	...	47	0 0	51	...	100	0 0	68	...	66	0 0
23	...	44	0 0	52	...	98	0 0	69	...	68	0 0
34	...	49	0 0	54	...	131	0 0	70	...	116	0 0
35	...	51	0 0	55	...	100	0 0	74	...	148	0 0
36	...	46	0 0	56	...	106	0 0	85	...	63	0 0
37	...	64	0 0	57	...	108	0 0	86	...	66	0 0
38	...	55	0 0	58	...	66	0 0	87	...	61	0 0
39	...	69	0 0	59	...	53	0 0				

SCHEDULE of Land for Cash Sales, WAPIPI BLOCK, Waiuku West.

No. of Lot.	Area.			No. of Lot.	Area.			No. of Lot.	Area.		
	A.	R.	P.		A.	R.	P.		A.	R.	P.
110	...	84	0 0	189	...	152	0 0	271	...	84	0 0
115	...	45	0 0	190	...	97	0 0	272	...	95	0 0
116	...	65	0 0	191	...	98	0 0	273	...	92	0 0
117	...	51	0 0	192	...	82	0 0	275	...	64	0 0
118	...	47	0 0	200	...	96	0 0	276	...	77	0 0
125	...	43	0 0	201	...	65	0 0	277	...	104	0 0
126	...	50	0 0	202	...	61	0 0	278	...	106	0 0
127	...	58	0 0	203	...	54	0 0	279	...	76	0 0
128	...	112	0 0	204	...	72	0 0	280	...	49	0 0
129	...	102	0 0	205	...	55	0 0	281	...	56	0 0
130	...	115	0 0	206	...	101	0 0	284	...	56	0 0
131	...	109	0 0	215	...	77	0 0	285	...	74	0 0
132	...	124	0 0	216	...	238	0 0	286	...	89	0 0
137	...	86	0 0	218	...	59	0 0	287	...	68	0 0
141	...	116	0 0	219	...	100	0 0	288	...	65	0 0
142	...	153	0 0	220	...	104	0 0	289	...	61	0 0
143	...	160	0 0	230	...	82	0 0	290	...	62	0 0
143A	...	197	0 0	231	...	89	0 0	291	...	70	0 0
145	...	138	0 0	232	...	106	0 0	292	...	54	0 0
146	...	100	0 0	233	...	63	0 0	293	...	92	0 0
147	...	132	0 0	235	...	75	0 0	294	...	86	0 0
148	...	115	0 0	236	...	94	0 0	295	...	55	0 0
149	...	107	0 0	244	...	160	0 0	296	...	62	0 0
150	...	80	0 0	245	...	106	0 0	297	...	78	0 0
151	...	87	0 0	246	...	113	0 0	298	...	112	0 0
159	...	172	0 0	255	...	54	0 0	299	...	95	0 0
160	...	109	0 0	256	...	64	0 0	300	...	68	0 0
161	...	81	0 0	257	...	55	0 0	301	...	69	0 0
163	...	55	0 0	258	...	99	0 0	302	...	65	0 0
171	...	51	0 0	259	...	45	0 0	303	...	61	0 0
172	...	54	0 0	260	...	48	0 0	304	...	71	0 0
173	...	130	0 0	263	...	56	0 0	305	...	71	0 0
174	...	61	0 0	264	...	58	0 0	306	...	77	0 0
175	...	41	0 0	265	...	62	0 0	307	...	78	0 0
176	...	58	0 0	266	...	59	0 0	308	...	36	0 0
177	...	49	0 0	267	...	59	0 0	309	...	62	0 0
186	...	55	0 0	268	...	58	0 0	310	...	203	0 0
187	...	61	0 0	269	...	57	0 0				
188	...	65	0 0	270	...	72	0 0				

Colonial Secretary's Office, Wellington, 29th April, 1865.

SIR,

I have the honor, by direction of Mr. Weld, to acknowledge the receipt of your letter, forwarded through Dr. Knight, on the 17th instant, on the subject of the operations of your department, with reference to the location of the immigrants.

Mr. Weld does not doubt that you have been anxious to expedite the work in question, and regrets that your efforts to do so appear to have been impeded.

I have to request you to transmit, as soon as possible, a copy of your letter to Dr. Knight, as there is not time to send him one by this mail from this place.

I have, &c,

W. GISBORNE,

Under Secretary.

Major Heaphy, Chief Surveyor,
Auckland.

Auckland, 21st April, 1865.

SIR,—

I have the honor to report, in reference to the Tuakau Block, that, in accordance with the instructions prepared for my guidance, I offered to the Provincial Government, in a letter addressed to the Superintendent, on the 17th instant, to dispose of the Tuakau Block for £18,000 cash; I find, by the Report of the proceedings of the Auckland Provincial Council, that his Honor

strongly urged upon the Council the purchase of the block on the terms offered by the General Government, but that the Council nevertheless rejected the proposal.

As the Provincial Executive has urgently called upon the General Government to provide suitable lands for cash sales, in order to carry out the present settlement scheme successfully, and as the General Government has required me, on the rejection of the offer of the Tuakau Block, to take immediate steps for sale, I at once called the attention of the Superintendent to the proceedings of the Council, and informed him that, inasmuch as the Council, which alone had the power to appropriate the public moneys of the Province, had rejected his Honor's proposal to purchase the Tuakau Block, it will be my duty, in order to provide funds and to carry out the views of both the Provincial and General Governments, to take steps for the immediate sale of the land.

I do not, however, understand how I can effectually carry out your instructions "to give preliminary notice of sale." The New Zealand Settlements Act requires the Governor in Council (section seventeen) to cause town, suburban, and rural allotments to be surveyed and laid out, and the eighteenth section provides that the land shall be disposed of for such prices, &c., as the Governor in Council shall prescribe. To enable the Governor in Council to do these things, the land must be first surveyed and the allotments determined; but on reference to the Survey Department, I find that two surveyors only have been at work on the Tuakau Block, laying out roads and five-acre allotments since the 6th instant, and that no portion of it has yet been laid out for cash sales. This delay appears to have been owing to his Honor having withdrawn about 11,000 acres of the block from the list of settlements, a negotiation being on foot for its purchase by the Province for a railway depot and site. Until rural lots of about 200 acres each are laid off and the lines cut, it seems useless to give public notice of an intended sale. Mr. Fenton reports that the native claims for compensation on this block are very trifling—£200 would probably suffice to discharge them.

WAIUKU BLOCK.—In this case I am directed in the Memoranda to ascertain first that all native claims are extinguished. I am uncertain what in this instance is meant by the term "extinguishment of native claims." It seems to me quite clear that if anything effectual and final is to be done towards the settlement of the Waikato, it will be best for the Government, in order to facilitate its action, to take the legal construction of the Act,—that no claim of any kind can legally interfere with the settlement of confiscated lands,—to treat the claims of the natives on the basis of compensation, and to deal with the land without reference to any incumbrances for money compensation. The proclamation of the Governor in Council has absolutely confiscated the lands within the boundaries specified, whether held under Maori tenure or Crown grant, and leaves the claims of the previous owners to be settled entirely by compensation. It is fortunate for the settlement of the Waikato that the natives themselves have taken the same view. According to Mr. Fenton's report, the natives in no instance have claimed acreage in any block,—the claims are simply for compensation for lands taken under the Act. The Government can still deal with the natives on equitable or political grounds, by reserving from sale for the occupation of friendly natives, lands to be conveyed to them under a Crown grant, and the value deducted from the amount of compensation money.

In the block under consideration, Mr. Fenton has reported the land to be unencumbered.

In reference to the progress in the survey of lands for sale and for immigrants, I find that to the south of the Waikato and Paparata there has been laid off for cash sales at—

Rangariri, . . .	814 town lots and 177 suburban lots.
Horatui . . .	787 " 159 "
Whata Whata . . .	886 " 402 "
For Immigrants at—	
Onewhero . . .	Site of town surveyed; block withdrawn.
Coal-pits . . .	Town surveyed, and suburban block laid out.
Taupiri . . .	134 small lots surveyed.

As the above lands have not been proclaimed or set apart for settlement by the Governor in Council under the New Zealand Settlement Act, I need not report on them further at present. These and other lands to the south of the Waikato remain unconfiscated. It is for the Government to consider whether it is advisable that this fact should be suddenly disclosed to the natives. When the numerous claims for compensation come before the Judges of the Compensation Court, that Court may find it has no jurisdiction. The position is too critical to justify my avoiding any allusion to it.

To the north of the Waikato and Paparata the lands open for locating immigrants and for cash sales are those described in the Governor's proclamations of the 3rd and 31st of January, namely—

Patamahoe	701 acres.	Waiuku, North
Pukekohe	5,381 "	Waiuku, South
Pokeno	19,000 "	West Pukekohe
Tuakau	10,887 "	1,133 acres
Tuimata	640 "	Wairoa

Claimants for compensation on account of the first seven blocks have been notified by the Colonial Secretary to send in their claims.

Mr. Fenton has stated, for the information of the Government, that the following blocks will be disposable under the New Zealand Settlements Act for sale or otherwise, and that there is no impediment at present to surveys and preparations for sale, namely—

1. Pukekohe, on the 24th April.
2. Waiuku, " "
3. Tuakau, on the 14th May.
4. Pokeno, " "

(1.) **PUKEKOHE AND WEST PUKEKOHE** contain together about 5,900 acres. One surveyor only has been employed on these blocks in laying out roads and determining external boundaries. He commenced his work on the 25th of March last. Major Heaphy is unable to make an estimate of the time it will take to complete the survey; but probably five 200-acre lots may be surveyed at the end of this month. Another surveyor will be put on the work when one can be obtained.

(2.) **WAIUKU, NORTH AND SOUTH.**—309 five and ten-acre allotments have been laid out, and 2,082 acres set apart as "contingent" land for public purposes, and for additional grants to men who may eventually pay the half passage money. 158 additional ten-acre allotments will be taken out of this block, together with contingent land for public purposes, &c. 216 families are located on this block, and schedules of cash lands for sale sent to Wellington.

(3.) **TUAKAU** contains 10,887 acres. As I have already stated, two surveyors have been at work laying out roads since April 6th. On these roads it is now proposed to cut up the best land into fifty five-acre allotments, of which forty may be expected to be surveyed by the end of the present month. The surveyors will, on the completion of the fifty small lots, be employed on lands for cash sales, or should the services of other surveyors become available, they will be employed on this block. I have pointed out to Major Heaphy the inconvenience of the practice which he has hitherto adopted of completing the survey of the five and ten-acre allotments before laying off lands for sale. I have requested him in future to mark off first the boundaries of each settlement, including a liberal reserve for "contingent" land, for public purposes, &c., and to give such boundaries a figure bounded by straight lines, as few in number as possible. The accompanying sketch of the proposed boundaries of a settlement at Pukekohe will best illustrate my meaning. By this means surveyors can be set to work at once on any part of the block.

I see that it is noted in the accompanying sketch that a schedule of the immigrant land, and of land for cash sales at Pukekohe, has been forwarded to Wellington for specific proclamation. No such proclamation appears necessary. These lands have already been proclaimed under the New Zealand Settlements Act in the Gazettes of the 3rd and 31st of January last. A notification to claimants for compensation on account of Pukekohe West has not been given by the Colonial Secretary, but as the Act does not require such publication it would seem best now not to give it.

(4.) **POKENO.**—A surveyor is laying out a town chiefly in quarter-acre lots. The area of the town will be 300 acres with a belt of four chains wide. Three hundred ten-acre lots are being surveyed; of these many are completed, and I understand that 184 families are settled on this block. Major Heaphy reports that schedules of cash sales land, and of immigration land, have been forwarded to Wellington; but I do not find that allotments for sale have been laid out, and if so, the schedules will be of little use. At Maketu, within the Pokeno block, 78 five-acre allotments have been completed. Four reserves for immigrants and a town belt of 233 acres for public purposes, &c., have also been laid out. The contiguous lands I have directed to be laid out in fifty-acre farms for cash sales, and two surveyors have at once commenced this work. It is estimated that about one lot per diem may be surveyed, after the roads are laid out.

Besides these four blocks, to the settlement of which there seem to be no impediments, there remain three other confiscated blocks on which settlements are about being established, namely—1, Patamahoe; 2, Tuimata; and 3, Wairoa.

(1.) **PATAMAHOE.**—Twenty-five lots have been surveyed for immigrants and eight for cash sales. A schedule of seven allotments for sale is forwarded herewith to Wellington; but the block is not clear from impediment. Hakopa, and one or two loyal natives reside on the land and desire to remain there, and have land set apart for them. Mr. Fenton is of opinion that they ought to have it, as they have no other land on which to live. The boundaries might be determined within a week, and I have thought it best, therefore, in order at once to remove this obstacle to sale, to request Major Heaphy to send a competent surveyor to mark off Hakopa's land. This may interfere with some of the lines of the cash allotments included in the schedule herewith; but this contingency need not interfere with the notification for sale; as lots can be withdrawn, and their areas determined again.

(2.) **TUIMATA.**—The roads are not yet surveyed; until they are cut, the survey of the lots cannot be commenced.

(3.) **Wairoa.**—There are only two convenient approaches to this block,—one by the Wairoa river, and the other by the Paparata valley. No lots have yet been surveyed, but 142 ten-acre lots are to be laid off, with a proportional acreage for public purposes and contingencies. This survey has been twice stopped, at the Wairoa end, by the Natives. It was not until the 12th instant, the surveyors were allowed to resume their work. Several 200-acre farms will probably be ready by the 30th of April, in the south end of the block; besides which, much work has been done in the survey of roads and determining the boundaries of swamps, &c., previously to cutting up the block.

There remains now to report on the Onewhero Block. The instructions to me, are to ask Mr. Fenton to define the boundaries for proclamation. That officer has informed me that it is important that the boundary should be carefully defined, for great part of it runs along Waata Kukutai's land. Neither Mr. Rogan's nor Mr. Mackay's services are available to do this. I have thought it best to request Mr. Fenton to obtain the services of Mr. Purchas, to assist in this work; but I regret to learn that this gentleman cannot spare the time to do it. Mr. Fenton observes, that as Onewhero forms the southern terminus of the great high road along the coast ranges, by which the southern district of Auckland is approached, some slight danger to settlement here might be apprehended, if Waata Kukutai's vigilance relaxed or fidelity wavered; of either of which, Mr. Fenton has no apprehension: at the same time, however, it would be gratifying if the Government would recognise that chief's past services, and also interest him in the future, by giving him a small portion of the Onewhero block.

On reviewing the whole of the information which I have yet obtained, the impression left on my mind is, that the surveys for the location of immigrants have progressed slowly. On the 17th of December last, the Ministers wished the surveys for the location of the immigrants, then arriving, to be finished in a month, but delays took place, and Mr. Newman was not prepared to set the surveyors to work until the 12th of January, as he had not decided on the exact localities for the settlements. The field-surveyors employed, with one exception only, were working at contract prices; with them, therefore, the saving of time was the saving of money, and it is not likely they were indolent at their work. The great difficulty seems to have been to obtain surveyors. Another drawback was the instruction to give each 5-acre allotment a proportion of bush; and in the volcanic districts, of water also. This caused the surveys to assume long, irregular, winding forms, rendering the work peculiarly tedious. At Pukekohe, Pokeno, Baird's farm, Razorback, Maketu, and Wairoa, the land is densely wooded, and in several localities so much broken that it was necessary to explore lines of road previous to laying out any lots. The following statement shews the work done for the

Cape Immigrants.—FIVE-ACRE ALLOTMENTS.

Locality.	5-Acre Lots.	Reserved for Public Purposes.		Reserved for Contingent Land.	
		Lots.	Acreage.	Acreage.	
Waiuku ...	255	38	483	1515	Surveys not complete. Survey of cash land not yet in. Surveys not yet come in.
Patamahoe ...	24	1	5	...	
Pokeno ...	124	16	65	233	
Tuakau ...	...	...	...	...

British Immigrants.—TEN-ACRE ALLOTMENTS.

Locality.	Lots Surveyed, No.	Reserved for Public Purposes.		Contingent Land Acreage.
		Lots.	Acreage.	
Pokeno*	Unknown	7	114	Surveys not complete.
Waiuku	54	10	83	568, in 9 lots.
Other blocks	Surveys not completed.			

* 184 families located, and 45 lots mapped and approved of.

In reference to the schedules of cash lands herewith, showing the number and contents of each lot, it is necessary the Governor in Council should carry out the provisions of the 17th and 18th sections of the New Zealand Settlements Act, by causing the land to be surveyed, laid out, and disposed of by public auction at an upset price of () cash, per acre, on (date.)

The lands laid off for settlement in all cases include ample reserves for public purposes.

None of the lands included in any schedules sent to Wellington should be sold earlier than the 13th of May next, as it will take three weeks after the plans are put into the hands of the lithographer before the copies can be printed.

In reference to the remaining subjects into which I am to inquire, I am obtaining information on all the points noted in the memoranda. From the multiplicity and variety they are rather confusing at first. I have called for much of the information respecting the location of the Waikato regiments. I find that a survey of the public stores was made when the department was handed over to Captain Mitchell—a proceeding which will greatly facilitate the settlement of the store accounts. Mr. Eaton has not yet furnished any replies to my enquiries respecting the number and location of immigrant, &c., nor have we yet been able to obtain information respecting the progress of the surveys to the south of the Waikato.

I am doing my best to hasten the surveys of lands for cash sales and for settlement of the immigrants.

I have, &c.,
 CHARLES KNIGHT,
 Auditor.

The Hon. the Colonial Secretary.

Colonial Secretary's Office,
 Wellington, 25th April, 1865.

Sir,—

With reference to your letters, public and private, which have been received by the late mail, I have to inform you that Mr. Mantell will proceed to Auckland by the "Airedale" on Saturday next, and will confer with you thereon. Meantime, as regards the proceedings of the Compensation Court, the Government will by this mail instruct Mr. Fenton (in accordance with the opinion of the Attorney-General) to hold his Court by himself in case of need, without requiring the presence of other Judges.

The question as to the extent, and the speediest mode of bringing lands south of the Waikato under the operation of "The New Zealand Settlements Act," is under the consideration of the Government.

As to the sale of lands within the proclaimed blocks north of the Waikato, the Government desire that you will be good enough, without delay, to take steps for bringing into the market all such land as is available for immediate sale, namely, land not appropriated to the immigrants, or belonging to friendly natives, or reserved for public purposes.

Tracings of plans were received from Mr. Heaphy on the 7th and 11th instants. I do not send these tracings as you will have access to the originals at Auckland. You will be able, with Mr. Heaphy and Mr. Fenton, to distinguish the land available for sale.

As regards the application of the proceeds of such land sales, I must point out to you that the arrangement between the General and Provincial Government of January last is now at an end; that under any circumstances, in the terms of Mr. Sewell's letter to the Superintendent of Auckland of the 5th January last, the first appropriation should be towards reimbursement of charges incurred by the General Government in compensation of native claimants, surveys, immigration, and location of settlers, and public works. No portion, therefore, of the proceeds of land sales can be reckoned on as available towards the further employment of immigrants upon public works.

As to the offer of the Tuakau Block to the Provincial Government for £18,000, the General Government will allow the Provincial Government their share of surplus revenue for the last year out of such purchase-money.

As regards your taking over the charge of the Immigration business from the Provincial Government (which declines to act further in the matter), I have to request that you will be good enough to do so; you will be fully authorised to make such arrangements and employ such persons for the future management of such business as you may think necessary.

I need not further impress upon you the necessity of bringing to a close all expenditure in excess of the estimates within the period limited by my former instructions, subject to this qualification, that surveys absolutely required to place the settlers on their lands, or to bring the land into the market for sale, must be completed at all events, and that any specific engagement of the Government with immigrants must be fulfilled.

I have, &c.,
 FRED. A. WELD.

Dr. Knight, Auckland.

Colonial Secretary's Office,
 Wellington, 29th April, 1865.

SIR,—

I have the honor, by the direction of Mr. Weld, to acknowledge the receipt of your report dated 21st instant, and to return to you the thanks of the Government for the valuable information which it contains, and for the important services which you are rendering.

The Honorable Mr. Mantell is proceeding to Auckland by the vessel which takes this letter, and as you will be able to consult him personally, it is unnecessary to send you any further written instructions.

With regard to the Report which Major Heaphy has sent through you on the Survey Department, I am to request you to be good enough to obtain a copy of that report from that officer, and to communicate it as soon as possible to his Honor the Superintendent of Auckland,

I have, &c.,

W. GISBORNE,
Under Secretary.

Dr. Knight, Auckland.

Auckland, 1st May, 1865.

SIR,—

I have the honor to enclose for your information a correspondence with the Provincial Executive on the subject of the settlement of the Waikato immigrants.

On the 15th April, his Honor the Superintendent requested me to furnish a copy of my instructions on the subject of his declining further agency in the settlement of the Waikato immigrants. I stated in reply that my instructions on that subject were clearly defined in the Colonial Secretary's letter addressed to his Honor on the 10th ultimo.

On the 27th April, the Superintendent requested me formally to assume the responsibility of conducting all business connected with the settling of the Waikato immigrants. To this request I replied that I had no authority to accept such transfer, and that the business he wished me to undertake was not compatible with the duties of the Auditor of Public Accounts.

On the 28th April, his Honor again requested me to furnish a copy of my instructions, or at least to inform him what powers I hold, and he added that he considered himself entitled to my confidence.

As I had no further information to give him on the subject to which he had restricted his inquiries, I pointed out to his Honor that it was reasonable I should expect him to accept my statement that I was not authorised to accept the proposed transfer.

It seemed that no good results could be expected from a further correspondence, and as it could not be the wish of the General Government to put any obstacle in the way of his Honor if he wished to be relieved of a charge which had been voluntarily undertaken, I accepted the transfer, and informed him accordingly.

I have, &c.,

CHARLES KNIGHT.

The Hon. the Colonial Secretary.

Enclosure 1.

Superintendent's Office, Auckland, 15th April, 1865.

SIR,—

I am informed by the Colonial Secretary, in reference to my letter declining on behalf of the Provincial Executive further agency in the settlement of immigrants on the Waikato, that he had instructed you to proceed to Auckland, with powers to act in this matter on behalf of the General Government.

I have therefore to request that you will furnish the Provincial Executive with a copy of your instructions on the subject.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

Dr. Knight, Auditor-General.

Enclosure 2.

Superintendent's Office, Auckland, 27th April, 1865.

SIR,—

I have the honor to request that you will formally assume the responsibility of conducting all business connected with the settling of the Waikato immigrants.

On the 3rd instant I informed the Colonial Secretary that the Provincial Executive resigned their agency, continuing to act until the receipt of advice by the return mail from Wellington, after which time we should consider ourselves relieved. Since then fresh proposals have been received from the General Government, and it remains an open question whether or not I shall accept them. Meanwhile however, my position is undefined, and I deem it prudent to avoid the complications which may arise therefrom.

As I greatly desire not to cause any embarrassment either to the General Government or to yourself, I shall willingly assist you in any manner you may direct. You will understand, however, that I am not responsible for what may be done.

I am the more anxious to make this understanding distinct, as immediate steps must be taken in reference to several matters of detail, including the making provision for immigrants by ships now due, and the retaining of the services of several of the overseers (all of whom are now under notice of dismissal) if the works are to go on.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

Dr. Knight, Auditor-General.

Enclosure 3.

Superintendent's Office, Auckland, April 28th, 1865.

SIR,—

I have received your letter of this day's date, informing me that you are not authorised to accept the transfer of responsibility from me to yourself in the matter of settling the Waikato immigrants

I must again request you to furnish me with a copy of your instructions, or at least to inform me what powers you hold. You have told me that your "instructions are clearly defined in the letter of the Colonial Secretary addressed to me on the 10th instant."

In the letter referred to, I am told that "Dr. Knight had been instructed to proceed to Auckland, with power to act in behalf of the General Government in those and other matters."

I am desirous to make no difficulty where such can possibly be avoided; on the contrary, I am prepared to render you every assistance in my power. But, on the other hand, I am entitled to expect from you unreserved confidence, and the fullest information it is in your power to afford.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

Dr. Knight, Auditor-General.

Enclosure 4.

Auckland, 29th April, 1865.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 28th instant, and to state to your Honor in reply, that I entirely agree with you in your opinion that you are entitled to my fullest confidence; and I trust you will not consider me unreasonable in expecting you to accept my explicit statement that I was not authorised to take upon myself the duties you are desirous of transferring to me. From your quoting a part of the instructions issued to me, I understand you to mean that you differ from me in the interpretation of them.

In order to prevent inconvenience to the public service, which must necessarily be the result of a correspondence on matters of opinion, and looking upon the affair as one of emergency, I have this day taken entire control of the Waikato settlement, and have so reported to the General Government,

I have, &c.,

CHARLES KNIGHT,
Auditor.

To his Honor the Superintendent, Auckland.

Colonial Secretary's Office, Wellington, 8th May, 1865.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 1st instant, and in reply am directed by Mr. Weld to convey to you the approval of the Government of the course adopted by you with reference to taking charge of the immigrants.

I have, &c.,

W. GISPORNE, Under Secretary.

Dr. Knight, Auckland.

Auckland, 1st May, 1865.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 25th April. In reference to the eighth paragraph, I have this day informed you that, on the 29th ultimo, at the request of the Superintendent, I took over charge of the immigration business.

I have informed the immigrants that the period of pay and rations to located immigrants has been extended to the 31st instant.

I find that immigrants have either been employed by contract on public works at the ordinary rates, or they are engaged on public works at the rate of five shillings per diem; and that the cost of

superintendence of working parties, and of the three clerks in the Waikato Settlement Office is at the rate of between £4,000 and £5,000 per annum.

I have directed the located immigrants to be employed on the public works for four days in each week during the month of May,—thus leaving them two days in each week to make preparations for the coming winter. The services of two clerks in the Waikato Settlement Office will be discontinued at the end of the present week ; and the two gentlemen in charge of the working parties have been requested to reduce the cost of superintendence as much as possible, and to employ the men in large working parties. About one-third of the superintendents will be reduced immediately.

As there is a deficiency of tents, and the cost of suitable tents, if supplied from the military stores, is not less than £10 each, I have directed the heads of families living in tents, to build themselves whares, for which work they are allowed from seven to ten working days. These are more comfortable than tents and better for the winter.

On the day of taking over charge I directed Mr. Macintosh to proceed at once to Drury, and remove forty or fifty families there on to allotments ready for them at Puhekohe.

I have, &c.,

CHARLES KNIGHT

The Hon. the Colonial Secretary.

Colonial Secretary's Office, Wellington, 8th May, 1865.

SIR,—

I have the honor, by direction of Mr. Weld, to acknowledge the receipt of your letter No. 32, of the 1st instant, and to convey to you his approval of the steps which you report therein, as taken by you in connexion with the charge of the immigration business in Auckland.

I have, &c.,

W. GISBORNE,

Under Secretary.

To Dr. Knight, Auckland.

Auckland, 2nd May, 1865.

SIR,—

In reference to the instructions contained in the eighth paragraph of your letter of the 25th April, requesting me to take over from the Provincial Executive the charge of the immigration business, I would call your attention to the anomalous position in which I am now placed. You require me, while holding the office of Auditor of Public Accounts, to make arrangements and employ persons for the future management of the immigration business ; and the Sub-Treasurer will in future discharge no claims on account of that service, without my notation of approval.

Cases of emergency must sometimes be met by exceptional arrangements, but I presume you do not wish the present arrangement to continue longer than is absolutely necessary.

I think, therefore, it will be advisable either for me to return to Wellington, as soon as I receive your reply to this ; or else that leave of absence should be granted to me, and a Deputy-Auditor appointed in my place. In the latter case, I am prepared to complete the business on which I am engaged. The information I have gained enables me to move with some confidence, and there are new fields of inquiry, where reductions in expenditure ought to be made.

I should however be much pleased to be relieved of the labour and responsibility that have fallen upon me.

I have, &c.,

CHARLES KNIGHT.

The Hon. the Colonial Secretary.

Colonial Secretary's Office, Wellington, 8th May, 1865.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 2nd instant, and in reply am directed by Mr. Weld to inform you that the Government has already taken into consideration the question of appointing a Government Agent for the Province of Auckland, and that you will be relieved at the earliest possible period.

I have, &c.,

W. GISBORNE, Under Secretary.

To Dr. Knight, Auckland.

Auckland, 2nd May, 1865.

SIR,—

In reference to your letter of the 25th April, in which you point out to me that the arrangements between the General and Provincial Governments of the 9th of January last is at an end, and that the charge of the immigration business is transferred to me, I have the honor to call your attention to your letter of the 15th April, addressed to the Superintendent of the Province, in which you

state that the Government is prepared to set aside securities sufficient to cover the expenditure to be incurred in the employment of immigrants.

No provision, however, has been made for the immigrants who leave the public works on the 31st instant, and fresh arrivals are expected daily. I request to be informed what steps it is intended to take in the matter.

At present the offer to the Provincial authorities to enter into new arrangements is an open question. But, whether it is so or not, the Government must make arrangements to put its own officers in a position to meet either contingency. Overtures certainly will not meet the present difficulties.

The Government is requested to instruct me on the following points:—What is to be done for the immigrants who are *not* located on their lands on the 31st instant? What for those who *are* so located? What is to be done for the immigrants who are expected to arrive in the colony shortly? Are the latter to be put on rations or on public works; or are they to be sent to one of the other Provinces, and if so, to which of them? in every case, am I authorised to incur the necessary expenditure to carry out the orders of the Government? What funds will be placed at my disposal?

As the Government is entitled to an expression of my own views, I would strongly urge the advantage of employing the immigrants on public roads throughout the confiscated blocks to the north of the Waikato and Paparata. This would give increased value to the land, and the outlay would be probably be recouped on the disposal of the land.

The General Government has unexpected difficulties to contend against. At a time of great financial emergency, the Provincial Council has shewn no disposition whatever to afford any assistance to the General Government in the settlement of the immigrants in one of the most fertile districts of the Province. The Council indeed has scrupulously abstained from any action whatever, and the Superintendent has refused to recommend to the Council any disproportionate division of the Provincial funds, with a view to provide these immigrants with employment.

I have, &c.,

CHARLES KNIGHT.

The Hon. the Colonial Secretary.

Colonial Secretary's Office, Wellington, 8th May, 1865.

SIR,—

I have the honor, by the direction of Mr. Weld, to acknowledge the receipt of your letter of the 2nd instant, No. 38, and in reply, to refer you to his letter of the 29th ultimo, which you had not received when you wrote your letter, and which he thinks will obviate the necessity of any further instructions on the point to which you refer.

As regards the employment of immigrants on public works, the Government do not see any sufficient reason for a deviation from the instructions already given.

I have, &c.,

W. GISBORNE,
Under Secretary.

To Dr. Knight, Auckland.

Auckland, 13th May, 1865.

SIR,—

I have already reported on the progress of surveys in the Waikato District, and incidentally alluded to the progress of the settlements in that district. I propose now to make a separate report on the arrangements made for the settlement of immigrants who have lately arrived in this Province under what is called the Waikato scheme, and on the expenditure hitherto incurred in bringing the immigrants to the Colony and in settling them on their lands, including the moneys issued from the Colonial Treasury for the pay of men employed on the public works,—being the subjects included in division 8 of the Memoranda.

The accompanying return of the number of immigrants arrived, date of arrivals, where located, &c., gives a view of much of the information called for in the Memoranda.

The first vessel which arrived under the General Government Emigration Scheme was the "Steinwaerder," bringing 159 statute adults, being a part of the 1,000 which Mr. Berg, the Immigration Agent at the Cape of Good Hope, was authorised to send to this Province. This vessel arrived on the 18th October last. The immigrants were lodged in the corrugated iron building on the North Shore, and such as were willing to work were employed upon the repairs and alterations necessary to render the building suitable for receiving so many persons. The immigrants continued here until about the 6th of January, when about twelve families were removed to their allotments at Waipipi, on the Waiuku River, about six miles from the small village of Waiuku. The remainder, about sixty-three families, were put in possession of their allotments at Whiriwhiri, on the 2nd of February. The lands of these settlements are of average quality and within easy distance of the adjacent forest. The settlers are employed in making public roads in the vicinity of their respective settlements, but there does not appear to have been much progress made in building houses on their lands.

The "Alfred," from the Cape of Good Hope, was the next vessel, and arrived on the 18th November last. She had on board 171½ statute adults. These were forwarded to Onehunga without

delay, and their number gradually decreased, their proximity to Auckland giving them facilities for obtaining employment. The passengers by this vessel were also located at Waipipi. Since the arrival of the Cape immigrants at Waipipi they have been principally employed in bridging over the numerous small creeks, swamps, and watercourses, in forming the main line of road between this settlement and the village of Waiuku as well as opening the various branch roads in the immediate vicinity of the settlement, so as to impart a higher marketable value to the adjacent lands. They were put in possession of their lands on the 2nd of February, and all of them have erected huts for protection against the approaching winter.

On the 23rd December last the first vessel from Great Britain came into harbor, the "Helenslee" with 259 statute adults on board. As there was no accommodation for them at Onehunga it was thought best to distribute them at Otahuhu, Pukaki, and Mungari, *en route* for their destination. They were afterwards forwarded to Pokeno, about three miles from the Queen's Redoubt. On the 25th January they commenced work upon the district roads and have been employed up to the present time. Mr. Macintosh informs me that the Pokeno settlers appear well satisfied with their allotments, and the majority have erected their huts. They are employed in making the main line of road leading to Paparata, and have made great progress in the improvement of their settlement.

The "Maori" from the Cape of Good Hope, arrived on the same day as the "Helenslee." She brought 270 statute adults, who were located in the Onehunga barracks. On the 13th of February, they were sent to Drury, and are now being put in possession of their land. They have been employed road-making in the vicinity of Drury.

The "Reihersteig" arrived on the 24th of December, the day after the "Helenslee" and "Maori." She brought 124 statute adults, who were put into tents at Onehunga. On the 23rd of January, they were forwarded to their settlement at Maioro, nearly opposite Port Waikato, and distant about eight or ten miles from Waiuku. The land at Maioro is of very superior quality, but there is a great scarcity of wood within an available distance of the settlement. A day or two after their arrival they commenced road-making on the main line to Waiuku, and on the 31st March they took possession of their allotments. Some few are putting up their houses. The scarcity of wood is a drawback to the settlement; at the same time its vicinity to Port Waikato, gives the settlers facility in obtaining employment.

The "Matoaka" from London, with 361½ adults, arrived on the 3rd of January, the passengers were forwarded to Onehunga on the succeeding day. On the 3rd of February these immigrants were sent to Waiuku; and on the 9th of March fifty-four families were put in possession of their allotments at Taurangaruru and Karioitahi in the Waiuku District. The remaining seventy-three families it is intended to locate at Kohekohe. These people are employed in making public roads near their respective settlements; but I do not learn that they have made much progress in building huts on their land.

The "Eveline" arrived from the Cape on the 22nd January, with 252 statute adults, who were landed and conveyed to Onehunga direct. On the 1st February twenty-five families, numbering about one hundred souls, were chosen to form a small settlement at Patumahoe, near Waiuku; and were employed during the interval necessary for survey of the land on the main line of road between Mauku and Waiuku, and in building a substantial bridge over the Mauku Creek. They were put in possession of their land on the 1st of April; and I understand the immigrants are very well satisfied with their land. The remaining portion of the passengers per "Eveline" were sent to Drury on the 12th of March, for the purpose of forming the settlements at Mauku, Taylor's Farm, and Maketu.

The "Ganges," from Cork, with 363½ statute adults, arrived on the 14th of February. The passengers were conveyed to Onehunga, and have remained there longer than usual, owing to the number of sick who required careful medical attendance. Some few have been drafted off; and on my directing them to be moved to Drury, the medical officer recommended a few days delay, as typhus fever had made its appearance in that neighbourhood.

The "Bombay," from London, with 320 statute adults, arrived on the 18th March, and although the vessel was dreadfully disabled, the passengers were all healthy. They were conveyed to Onehunga, and from the 1st to the 2nd were passed on to Baird's farm.

The "Viola," from Glasgow, with 283½ statute adults, arrived on the 4th April, and as the Wairoa settlement was ready for occupation, the passengers were disembarked into boats alongside and conveyed there at once, and commenced work the day following their landing.

I understand that in the allocation of the land, care has on all occasions been taken by the Chief Surveyor to secure to the settlers, as far as circumstances would admit, the most convenient localities and the best lands, so that they might possess most of the advantages requisite for permanent and successful settlement of an industrious class of settlers.

It was found absolutely imperative to provide medical aid for the immigrants when in isolated settlements; and to secure this, without entailing extra expense on the Government, sixpence per week has been deducted from the wages of each male adult; and it is expected that the moneys thus deducted will be sufficient to cover the expense of medical comforts, medicines, and the services of medical men. Under this arrangement three medical men have been appointed.

Schools, I believe, are now being established at each settlement.

Three more vessels are still due—The "Dauntless," from Dublin; "Resolute," from Glasgow; "Lancashire Witch," from London.

The immigrants have for some time been employed in making a road at Onehunga, the expense of which should be charged to the Province, as also should the labor and materials used in the construction of the Mauku Bridge.

A number of promissory notes for sums advanced to the immigrants at home have to be recovered from the immigrants.

In respect of the "Evelkne," which brought 252 statute adults, I understand that the owners of that vessel have been paid for 270 adults, as the vessel had been chartered to convey that number, and the Immigration Agent could not obtain sufficient to complete the agreement.

The wages of mechanics and labourers were fixed at 5s. per diem.

Rations were issued and the value deducted from the men's pay, except that the members of every family numbering over three adults receive rations gratis.

Married men are allowed ten days' and single men seven days' with free rations to get their huts built to provide against the inclemency of the approaching winter.

The immigrants are allowed to leave their settlements for any part of the Province, but are to return on a month's notice given.

The expenditure on account of this service in the Colony up to the 30th April, 1865, is as follows :

	£	s.	d.
Freight and charges	10,533	11	0
Rations	10,992	4	3
Tools, tents, &c... ..	1,730	9	8
Office salaries	213	8	2
Removal of immigrants	2,239	15	0
Wages (including Immigration Officers)	5,405	16	8
Estimate for the month of April	8,000	0	0
Total in colony to 30th April, 1865	£39,115	4	9

Disbursed in Great Britain up to 31st December, 1864 :—

Freight per "Matoaka"... ..	2,499	1	3
" " "Ganges"... ..	2,657	3	0
" " "Bombay"... ..	2,555	0	0
		7,411	5
Bedding, &c., for immigrants	1,001	15	4
Advances to immigrants	111	17	4
Salaries to Commissioners and staff	1,258	11	11
Travelling expenses	69	17	4
Office expenses	749	3	9
Total paid in Great Britain to 31st December, 1864	£10,602	10	8

The whole of the returns called for, showing the extent of public works executed, have not yet reached me.

I have, &c.,
CHARLES KNIGHT.

The Hon. the Colonial Secretary, &c.

Statement in connection with report on the Immigration scheme :

"Steinwaerder," from Cape of Good Hope, with 159 statute adults, arrived on 18th October, 1864; immigrants sent up the country on the 6th and 25th January, and located on the 8th February, 1865.

"Alfred," from Cape of Good Hope, with 171 statute adults, arrived on the 18th November, 1864; immigrants sent up the country on the 6th January, and located on the 3rd February, 1865.

"Reihersteig," from Cape of Good Hope, with 125 statute adults, arrived on the 24th December, 1864; immigrants sent up the country on 23rd January, and located on the 31st March, 1865.

"Maori," from Cape of Good Hope, with 270 statute adults, arrived on the 23rd December, 1864; immigrants sent up the country on 13th February, 1865, but not yet located.

"Eveline," from Cape of Good Hope, with 252 statute adults, arrived on 22nd January, 1865; immigrants sent up the country on 1st February and 12th March, and a portion only were located on the 1st April, 1865.

"Helenslee," from Glasgow, with 259 statute adults, arrived on the 23rd December, 1864; immigrants sent up the country on the 25th February, 1865, and a portion only located; papers withheld.

"Matoaka," from London, with 361½ statute adults, arrived on the 3rd January, 1865; immigrants sent up the country on 3rd February, and located on 9th March, 1865.

"Ganges," from Cork, with 363½ statute adults, arrived on the 14th February, 1865; immigrants sent up the country on the 3rd February, 1865, and a portion only located.

"Bombay," from London, with 325 statute adults, arrived on the 18th March, 1865; immigrants sent up the country on the 1st and 12th March, 1865, but not yet located.

"Viola," from Glasgow, with 283½ statute adults, arrived on the 4th April, 1865; immigrants sent up the country on the 7th April, 1865, but not yet located.

Total—2,569½ statute adults.

Auckland, 22nd June, 1865.

SIR,—

In reference to my late mission to Auckland, I have the honor to report that I have furnished information on all the subjects included in the accompanying "Memoranda."

On my arrival at Auckland I found that the Chief Surveyor, Major Heaphy, in accordance, as he believed, with Major Richardson's instructions, had issued directions to the whole of the surveyors on the staff to discontinue work in the field on the 30th of April, on which day their pay was to cease. As these directions, if not recalled, would have been most inconvenient to the public service, and would have burdened the colony for an indefinite time with the full pay of the Waikato Militia, and with the cost of rations to immigrants who had lately arrived, I at once countermanded the Chief Surveyor's orders. I transferred the whole of the surveyors who were employed in Central Waikato in determining the boundaries of lands for which natives claimed compensation, to the survey of confiscated blocks to the north of the Waikato River. By this course, the whole strength of the Survey department has been employed on survey of lands for cash sales, or on work which when completed will put an end to the very heavy expenditure on account of the pay of those of the Militia for whom lands have not yet been located, and who are not required for garrison duty; or else on lands for cash sales or for the settlement of immigrants.

On this branch of the service I have certainly taken much trouble to devise plans for hastening the surveys and for reducing the expense of the in-door work.

On my arrival in Auckland, the in-door officers of the survey office were as follows:—3 draftsmen, 2 clerks, 1 messenger, 3 clerks for crown grants, 1 European cadet, 6 Native cadets, and 2 ditto absent.

These I reduced to 2 draftsmen, 2 clerks, 1 messenger.

The native cadets were sent into the field, either as surveyors or chainmen, in order that they might assist in hastening the surveys, and acquire for themselves a practical knowledge of surveying.

As the clerks employed in the preparation of Crown grants had completed their work, their further employment was discontinued. On this subject, Mr. Domett might be requested to report what arrangement would, in his opinion, be most satisfactory for the preparation of Crown grants for lands which are now being sold under the authority of "The New Zealand Settlements Act." It seems to me that as uniformity of practice is most desirable, it would be best to propose to the Superintendent of Auckland, that the grants should be prepared by the Provincial draftsmen, and forwarded to the Registrar-General of Crown grants in Wellington, in the same way as with Crown grants for lands sold by the Provincial authorities. I have spoken to the Superintendent on the question, and his Honor concurs in the view I have taken.

Having hastened the surveys, I took all necessary steps to enable the Chief Surveyor, under duly authorised regulations, to sell by auction the confiscated lands as soon as the surveys come in. For this purpose, I reported to the Government that it was necessary, before the lands could be sold, that the Governor in Council should carry out the provisions of the 17th and 18th sections of the New Zealand Settlements Act, by causing regulations to be issued for the survey and disposal of the confiscated lands; and I prepared the necessary draft regulations.

These regulations have been promulgated by the Governor in Council, the Chief Surveyor can now, without further reference to the Government at Wellington, from time to time dispose of the lands by sales at public auction. I append the first notification of sale.

I anticipate that the proceeds of the land sales will supply sufficient means to defray the current expenses of the Survey Department, so that the Treasury will be relieved in future of the obligation to provide, by extraordinary credits, the funds for carrying on this branch of the service.

In reference to the confiscated lands in central Waikato, I have recommended the Government to take the legal construction of the Act, namely, that no claim of any kind can interfere with the settlement of the confiscated lands. "The New Zealand Settlement Act" gives compensation to all parties deprived of their lands, except to those who are in rebellion. At the same time it need not interfere with the possessions of friendly natives, since the lands which the natives may wish to retain can be conveyed to them in satisfaction of their claims for compensation, by Crown grants issued under regulations of the Governor in Council, in accordance with the 17th and 18th sections of "The New Zealand Settlements Act."

I endeavoured to obtain from Mr. Monro, the officer recently appointed to receive on account of the Colonial Secretary the claims of natives for compensation, a return of the extent and number of claims of loyal and insurgent natives who have made their submission. Mr. Monro replied that it would be a work of great labour to furnish the information I had called for. That the number of claimants was extraordinary; and as to the extent of land claimed it included the whole of the Waikato.

I pointed out on the 21st April that the lands to the south of the Waikato had not been included in any Proclamation under "The New Zealand Settlements Act," except the land comprised in the

Military Block between the Waipa and the Horatiu. The whole of the land alluded to has since been included in the proclamation under that Act, and certain portions of the land been confiscated.

I have disposed of the Tuakau Block to the Province of Auckland for £18,000. I introduced into the draft regulations for the disposal of the confiscated lands, a clause under which the Tuakau Block can be transferred to the Province. When this transfer is made the block will be free from the provisions of "The New Zealand Settlement Act," and the Superintendent can then deal with the land in the same way as with any lands conveyed to him for public purposes.

I have reported on the progress of the survey of the Military Block between the Waipa and the Horatiu. I have shown in considerable detail that many of the officers and men to whom lands have been allocated are still in possession of pay. I have requested the Chief Surveyor to prepare a map shewing the whole of the lots surveyed; distinguishing those which have been individually assigned to the Militia, those reserved for public purposes, and those rejected by the Military as unavailable for settlement in consequence of swamps, &c. It is proposed that this map should be a complete index to the district. The lots are to be numbered, and every means taken to make the map available for registration in the office of the Registrar-General of Crown grants, as I fear without some such record there will be considerable embarrassment in the registration of the grants. I would recommend that Major Heaphy's attention be again called to the subject.

The boundaries of the Onewhero Block have been carefully defined, and surveyors are now employed in laying out a town, and in surveying village allotments for immigrants. The small quantity of land available for immigration purposes on the north side of the Waikato, now that the Tuakau Block has been disposed of to the Province, has rendered it necessary to push the settlements across the river. As this land is in the immediate vicinity of Waata Kukutai's, I thought it would be advisable to give that chief an interest in the security and progress of the Onewhero Settlement, by giving him a Crown grant for a small portion of the block. I have directed in this, and in all cases where lands are laid out for immigrants, that sufficient reserves for public purposes should be made in immediate contiguity to the villages.

I have called the attention of the Superintendent of the Province to the inconvenient approaches to the Wairoa Block, by which the middle portion of the block is rendered useless at present for immigration purposes. There are only two approaches, one by the Wairoa River, and the other by the Paparata Valley. I have agreed with the Superintendent to allocate one-half of the confiscated Kirikiri Block for immigrants, on the understanding that his Honor would endeavour to open a road from Papakura, by Kirikiri, through the Hunua to the middle Wairoa.

The more peaceable aspect of native affairs in the Waikato District may render it advisable for Government to reconsider its resolution to locate none of its immigrants to the south of Waikato and Paparata. If it should be determined to locate them further up the river, it would be advisable to settle some of them in the neighbourhood of Rangiriri and of the coal-fields, where more than 1,000 suburban and town lots have been laid off for emigration purposes and for cash sales. Others might be settled at Horatiu, where 787 town lots have been marked off and 159 suburban lots. Also at Whatawhata, where 886 town lots and 402 suburban lots are ready for immigration purposes and for cash sales.

Since my return to Wellington, I have furnished a separate report on the transport service of the Waikato River, and have recommended the steamers, &c., to be disposed of, and the partnership arrangement between the Colony and the Imperial Government, to be closed. On this subject, I wish to call the attention of the Government to the request of the Deputy Commissary-General Jones, that the Government would come to an early decision on the subject of the proposal that the existing arrangements should be terminated as early as possible.

The instructions I received respecting the immigrants and their location in the Province, have been carried out. The Province has agreed to provide, out of Provincial funds, the whole expense (except of surveys) of introducing, maintaining, and locating the immigrants. I do not know whether securities have yet been handed over to the Superintendent to cover, temporarily, the expenses of the immigration scheme; or whether the Government have yet conveyed the Tuakau Block to the Superintendent; but unless such transfer is made before the 12th July, the engagement entered into by the Province ceases.

I have reported, at length, on my proceedings as Agent of the General Government, for the settlement of immigrants in the Waikato, and on the progress of the several villages. From the day of my arrival in Auckland, I practically took over the whole management of the immigrants, and on the 29th of April, I did so formally, at the urgent request of the Superintendent.

On the 12th of May I reported on the Public Works, on which the Waikato Militia had been for a short time engaged. Also on the Coal Mines:—On these I have recommended (after having visited the Waikato) that they should be given in charge of Capt. Cadell. The lands at Port Waikato, I have recommended to be sold.

I have received from Mr. King, the Military Storekeeper, a satisfactory statement of his accounts; and I found on inquiry, that the stores in his charge had been handed over to Captain Mitchell, and that the stores in hand, agreed with the balance of stores as shewn in his account.

I forwarded for the information of the Government, the book in which my own letters and memoranda are entered.

I have, &c.,

CHARLES KNIGHT.

The Hon. the Colonial Secretary.

Enclosure.

Memoranda for guidance of Dr. Knight.

1. **TUAKAU BLOCK.**—To enter into arrangements for its disposal to the Provincial Government for £18,000 cash: if not accepted, take steps for immediate sale. Refer to Ministers and give preliminary notice.

WAIUKU BLOCK.—After ascertaining that all Native claims are extinguished, to place it in the market at upset price of 20 shillings, cash, an acre by auction. In no case will deferred payments be sanctioned.

ONEWHEREO BLOCK.—Ask Mr. Fenton to define boundaries for proclamation.

3. **NGARUAWAHIA HOSPITAL.**—Make enquiries as to its value. Ascertain to what public uses it could be turned.

4. Cease pay to all officers and men of the Waikato Regiments for whom land is ready excepting such as are required for garrison duty.

5. As to Immigrants—See copy of letter to his Honor the Superintendent of Auckland (herewith).

6. **LAND.**—Report on the progress made in the surveys for—

- (1.) Waikato Regiments.
- (2.) Immigrants.
- (3.) Land claims of loyal Natives.
- (4.) Insurgent Natives who have made their submission.
- (5.) Sale.
- (6.) To ascertain number of Blocks exempt from Native and other claims.

7. **WAIKATO REGIMENTS.**—

- (1.) Number located. Officers and men.
- (2.) Number remaining for whom land is ready.
- (3.) Distribution of located and unlocated.
- (4.) How many employed on public works. Pay-rations. Character of work. How much done. Probable value and cost.
- (5.) Advance in settlement by located men.

8. **IMMIGRANTS.**—

- (1.) Number expected and arrived.
- (2.) Date of respective arrivals. How long on rations.
- (3.) How employed. At what rates, and how long.
- (4.) Character of work. How much done. Probable value and cost.
- (5.) Number located.
- (6.) Proposed location of remainder.

9. **MILITARY AND OTHER STORES.**—

- (1.) Examination of books.
- (2.) Present number and state.
- (3.) Condemned—How disposed of, and proceeds accounted for.

Colonial Secretary's Office, Wellington, 29th June, 1865.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 22nd instant, reporting the conclusion of your mission to Auckland, on the various subjects which were referred to you.

I have great pleasure in expressing to you the thanks of the Government for the valuable information which you have furnished on these subjects, and in expressing their high sense of the able manner in which you have discharged the difficult duties entrusted to you.

I have, &c.,
J. C. RICHMOND.

Dr. Knight, Auditor of Public Accounts, Wellington.

Superintendent's Office, Auckland, June 19th, 1865.

SIR,—

I have the honor to draw your attention to the enclosed copy of a letter from Dr. Knight, dated the 11th ultimo, containing conditions proposed by the Hon. the Minister for Native Affairs, and the Hon. the Minister for Colonial Defence, for the settlement of the General Government immigrants in the Waikato District, and accepted by me.

I regret to have to state, that although several mails arrived here from Wellington since this arrangement was entered into, you have taken no official notice of the matter, and thus caused considerable inconvenience to the Government of this Province in carrying out the arrangement.

I beg to remind you that the principal condition agreed to, is, that the General Government is to transfer to the Provincial Government from time to time, at par, 8 per cent. debentures. With reference to this, the Sub-Treasurer at Auckland was informed about the 15th of May ultimo, that the sum required to meet the engagements for the month of May would be about £8,000, but no provision was made to meet this sum, nor were the debentures forwarded.

The other condition, namely, the handing over of the Tuakau Block to this Government in such manner as would enable me to sell, lease, or borrow money upon it, was to have been completed before the Ministers mentioned left Auckland. It is still unfulfilled, and you will perceive that it is necessary it should be complied with, in order to enable me to obtain advances on the debentures referred to, on advantageous terms.

I have therefore to request that you will comply with the conditions of the letter herein referred to with as little delay as possible.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Hon. the Colonial Secretary, Wellington.

Enclosure.

Auckland, 11th May, 1865.

SIR,—

In reply to your letter of yesterday, informing me that you are willing to agree to certain conditions for the settlement of the immigrants arrived and expected in the Province of Auckland, I am directed by the Ministers in Auckland to propose for your Honor's acceptance the following modification of the proposed conditions:

1. The Provincial Government of Auckland to provide out of Provincial funds the whole expense, except surveys, of introducing, maintaining, and locating the immigrants arrived or expected, and of providing employment for them from the 1st instant, for such period as the Provincial Government may think fit, not less than two months after the land has been allocated for their settlement.

2. The General Government to hand over to the Province the Tuakau Block in such manner as will enable the Superintendent either to sell, lease, or borrow money upon it. The consideration money for this block is £18,000.

3. The General Government will from time to time transfer to the Provincial Government, at par, 8 per cent. debentures, not exceeding altogether £15,000, to cover the expense of providing employment for the immigrants, and of carrying out the proposed undertaking; the sums so transferred, together with the purchase money (£18,000) of the Tuakau Block, to be charged against the Province; the time and manner of repayment of the sums to be determined upon by the General Assembly.

4. That the Provincial Government shall be free to employ the immigrants in any part of the Province, keeping in view the original intention of forming permanent settlements.

I have, &c.,

CHARLES KNIGHT.

His Honor the Superintendent, Auckland.

Superintendent's Office, Auckland, 12th May, 1865.

SIR,—

I have the honor to acknowledge the receipt of your letter of yesterday's date, forwarding for my acceptance a notification of the proposed conditions for the settlement of the immigrants arrived and expected in the Province of Auckland, and in reply, to inform you that I accept of them on the following understanding.

First, That the survey of the land for the settlement of the immigrants shall be proceeded with at once, and—

Secondly, That in accordance with condition No. 3, the Tuakau block will be transferred to the Provincial Government within two months from this date.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

Charles Knight, Esq., Auckland.

Colonial Secretary's Office, Wellington, 24th June, 1865.

SIR,—

Referring to previous correspondence on the subject of the arrangement entered into between the General Government and your Honor respecting the location of immigrants introduced

at the instance of the General Government into the Province of Auckland, I have to inform your Honor that directions have been issued for the transfer to the Provincial Government of Auckland of £15,000 worth of New Zealand Debentures, dated the 1st May last, and for the issue of a Crown grant to your Honor of the Tuakau Block.

I have, &c.,

WALTER MANTELL,
For Mr. Weld.

His Honor the Superintendent, Auckland.

Superintendent's Office, Auckland, July 3rd, 1865.

SIR,—

I have the honor to acknowledge the receipt of your letter dated the 24th ultimo, intimating that directions have been issued for the transfer to this Government of Fifteen Thousand Pounds' worth of New Zealand Debentures, dated the 1st May last, and for the issue of a Crown grant of the Tuakau Block, to the Provincial Government of Auckland.

I have &c.,

ROBERT GRAHAM,
Superintendent.

The Hon. the Colonial Secretary, Wellington.

Colonial Secretary's Office, Wellington, 30th June, 1865.

SIR,—

I have to acknowledge the receipt of your letter No. 166, of the 19th ultimo, referring to the arrangements for the settlement of the Government immigrants in the Waikato, and to certain conditions which had not at that time been fulfilled.

Mr. Weld's letter of the 24th instant, will have informed your Honor that directions had been issued for the transfer of New Zealand debentures as agreed to, and for the preparation of a Crown grant to your Honor, of the Tuakau Block.

With respect to that Crown grant, there are special difficulties connected with the carrying out the intention of the arrangement entered into with your Honor, about the Tuakau Block. The transaction will however be completed before the term limited for its completion.

I have, &c.,

J. C. RICHMOND.

Wellington, 19th September, 1865.

SIR,—

I have the honor to lay before you for your information copy of a letter addressed to me by Mr. Eaton, the Waikato Immigration Commissioner, in order that you may more fully understand the difficulties which have to be overcome, by the Auckland Provincial Government, in carrying out to a successful issue the scheme of settlement which I have undertaken on your behalf. I trust however to overcome them finally, if assured of such reasonable support as the General Government have it in their power to afford.

I also desire to recall your attention to the fact that one part of the arrangement under which in May last I undertook the management of the General Government Immigrants was this, that within two months from that date the Tuakau Block (at that time supposed to represent £18,000), was to be handed over to the Superintendent of Auckland in such a manner as would enable him to sell, lease, or raise money upon it. I need not remind you that the grant has not yet been made in such form as would enable me to accomplish any of the objects so contemplated. This delay has greatly affected the value of the Block, which is now inadequate to meet the requirements of the case.

Under any circumstances the Tuakau Block could not now be disposed of, except at a great sacrifice, I would therefore suggest that, in order to obviate the necessity of forcing it into the market, General Government debentures be placed in the hands of the Superintendent to enable him to carry out the engagements entered into with those immigrants, such debentures to be charged against the Province as for the permanent benefit of the Province under "The Loan Appropriation Act."

I have, &c.,

ROBERT GRAHAM,
Superintendent of the Province of Auckland.

Enclosure.

Waikato Settlement Office, Auckland, 22nd August, 1865.

SIR,—

I have the honor to acknowledge the receipt of your note, dated Wellington, 15th instant, and to inform you that nothing of consequence has transpired since my previous letter.

With respect to your wish that the immigrants should be armed without delay, I would suggest the advisability of deferring that step for a further period for various reasons. The rate of wages has been reduced, they are generally in debt and dissatisfied, and are ready at a moment's notice to rebel if means whereby they could ensure success were within their reach. That they must live is certain; that they cannot live on nothing is equally true; there is no work for them in the Province; what alternative is there for them but to put their threats, already uttered, into execution, and clear off every available head of cattle they can? The settlers are already beginning to fear the consequences of arming them. I would have them sworn in, for then we could check their leaving the Province in the wholesale manner they are now doing.

The only question now under discussion, is the right of the immigrant to dispose of his land, and whether the Government should approve of any respectable person, or confine themselves to agricultural laborers.

Everything in my power has been done to reduce unnecessary expenses; a destitute ration, costing half the value of the one heretofore in use has been supplied. The Drury depot has been abolished. The seeds, &c., are approved and are now being supplied; the whole of the sum required under this head will not exceed six hundred pounds for about four hundred applicants, and this almost includes the price of the fifty tons of potatoes supplied by Mr. Ralph Simpson, thus leaving ten shillings per head for agricultural implements, should you deem it desirable to accede to their demands on this score. I think it unnecessary, as a large amount of Government tools will be available for sale to them shortly perhaps.

Mr. Ralph Simpson has completed deliveries upon his contract, and in accordance with your verbal instructions, 75 per cent. has been paid him on the amount to which I considered he was entitled; I was very careful to erase any sum upon which the slightest doubt, as to its being subsequently approved by your Honor, existed. I will not fail to communicate any occurrence of any consequence.

I have, &c.,

FRED. J. EATON,
Immigration Commissioner.

R. Graham, Esq., M.G.A.,
Wellington.

Wellington, 20th September, 1865.

SIR,—

I have the honor to enclose a copy of a letter received from Mr. Jackson, Deputy-Superintendent of Auckland, respecting the condition of the Waikato Immigrants. I shall be glad if you will appoint an early day when I might wait upon you to ascertain what is the best course under the extraordinary circumstances to adopt.

I have, &c.,

The Hon. the Premier,
Wellington.

ROBERT GRAHAM,
Superintendent of Auckland.

Enclosure.

Superintendent's Office, Auckland 11th September, 1865.

SIR,—

I have the honor to inform you that out of the £33,000 placed at the disposal of the Provincial Government to carry out the Waikato immigration scheme, there only remains unexpended the sum of £5,800.

It is estimated that the sum of £4,900 will be required for the current month, and that on the 1st October next there will be on hand the small balance of £900 with which to meet claims for salaries, surveys, tools, seeds, &c.

Under these circumstances I have deemed it my duty, with the advice of Mr. Cheeseman, to notify to the Waikato Immigrants that assistance will not be afforded them after the 30th instant.

In the different districts where these immigrants are located there is little or no employment to be obtained, and in and about Auckland the case is no better; the result will be that a very large proportion of the immigrants will have to be supported at the cost of the Province, or starve.

The immigrants who are located at Mongonui and other Northern ports will, I presume, be entitled to a free passage to Auckland as soon as we cease to pay and ration them.

In a few days we shall have to grapple with this great difficulty, and it is not clear, in the absence of instructions from your Honor, what course we should pursue.

Had the blocks of land where the immigrants are located been earlier sold, there is no doubt that capitalists would have purchased farms, and found employment for the settlers; as it is the immigrants will be without employment—are at present almost universally indebted to the storekeepers, and when they are struck off pay will not have the means of purchasing a single meal.

I had hoped to have heard from your Honor before this what course to pursue, as for some-time past it must have been clearly foreseen that the Waikato immigration scheme could only land us where it has landed us, and that the difficulty would have to be met.

As there is time to hear from your Honor before the 30th instant, I do hope that you will furnish me with ample instructions what to do and how to act in this matter.

I have, &c.,

SAMUEL JACKSON,
Deputy-Superintendent.

R. Graham, Esq., M.G.A., Wellington.

Wellington, 22nd September, 1865.

SIR,—

I have the honor to enclose copy of Reports from Mr. Eaton, the Waikato Immigration Officer, for your information. I trust that you will appoint an early time to take the whole matter into consideration, and arrive at a decision before the return mail for Auckland on Sunday first.

I have, &c.,

ROBERT GRAHAM,
Superintendent of the Province of Auckland.

The Hon. the Colonial Secretary,
Wellington.

Enclosure I.

Waikato Settlement Office, Auckland, 4th August 1865.

SIR,—

In conformity with your request, I have the honor to forward for your Honor's information the accompanying statement, showing in detail the number of immigrants who have arrived under the General Government scheme, those who have been allocated, and the extent of land which will be further required for apportioning the remainder. With regard to other matters connected with immigration, I have to report favorable progress. All the requisitions for seeds have been received at the office, but owing to Mr. Harrop's services being in a great measure required in your Honor's office, a little delay in preparing and revising the necessary forms has occurred. I have, by authority, had books printed, containing a receipt for the seeds, together with a promissory note for the amount of their value, which the immigrant will sign after they have been duly filled up by me. The expense incurred by the Government on account of advances of this nature to immigrants, will not exceed your anticipations, if, indeed, it reaches it.

So soon as the necessary books are received, which are now in the printer's hands, steps should be taken in accordance with your views upon the matter, to have the immigrants sworn in.

A memorial has been received from the immigrants sent down to Whangaroa, praying for attention of the Government to their condition and ill-treatment. By authority from Mr. Crawford, and in accordance with a suggestion made by Captain Butler (and a memorandum only just received from Mr. Brown, left by Mr. Carleton), I have written to Mr. Fairbairn, requesting his assistance in ascertaining the truth of the memorial. If true, it will be advisable to appoint an officer to supervise the immigrants at Whangaroa, as is done at other places. The immigrants under Mr. Johnstone's care at Mangapai have also memorialised your Honor for redress of grievances. I have, in reply, called Mr. Johnstone's attention to the same, and informed him that every means should be adopted, compatible with economy, for securing the health and comfort of those under him.

As these matters are of a serious nature, I enclose original documents, above alluded to, for your information.

Mr. Bowling has been requested by the Deputy-Superintendent to find sureties for the faithful discharge of his duties. I understand that you mentioned the subject to him prior to your leaving for Wellington; this I was not aware of, or would have attended to it ere this.

Some of the estimates of pay appear unreasonably excessive, notwithstanding the last month (July) has been very wet. Consequently I have deemed it necessary to call Mr. Bowling's attention to the advisability of ascertaining why more money is required under the circumstances than was paid for the previous month.

Mr. Simpson's contract, so far as regards the delivery of stores at Tuakau, has, I learn from Mr. Hay, been performed. No notification has been received from other settlements that the remaining portion of the contract has been fulfilled.

I purpose proposing, for approval, a reduced scale of rations to be issued, in lieu of the present one, to those who have a just claim upon the Government for assistance, either in consequence of sickness or destitution, caused by inability to obtain employment.

I would here remind your Honor that the building on the North Shore is empty, while it might perhaps be let to advantage, and so assist in reducing our daily expenditure.

Mr. Kelly's account for the month of July is nearly £400 less than that for June; other reductions have also been made, which it is unnecessary to detail.

There is no other matter in connection with my department which I need bring under your Honor's notice.

I have, &c.,

FRED. J. EATON,

Immigration Officer for General Government.

R. Graham, Esq., M.G.A., Wellington.

Enclosure 2.

Waikato Settlement Office, Auckland, 16th September, 1865.

SIR,—

I have the honor to acknowledge the receipt of your Honor's favor dated the 9th instant, and feel much pleasure in complying with the request therein contained.

The mail leaves on Monday next, the 18th instant, and as your Honor's letter only came to hand this afternoon, I have not so much time as I could wish to prepare a lucid statement of affairs connected with my department.

I will divide my letter into three heads:—

1. The state of the funds placed at your Honor's disposal for immigration purposes.
2. The present condition of the immigrants.
3. The probable result of stopping the works.

I.—Statement of Funds.

Accompanying is a statement, No. 1, which will show in detail the moneys expended upon the General Government Immigrants, *ab initio*, excepting the cost of surveying lands for allocation, and the salaries paid to Agents in Great Britain and Ireland (these latter will be found in the printed correspondence upon Immigration matters, a copy of which is herewith.) From this statement, No. 1, it will be seen that £5,000 is inserted as "Probable requirements for September." The majority of the ploughing and seeds will be paid out of that amount. About £3000 would, I think, suffice for paying salaries and wages both north and south of Auckland. At the close of this month, therefore, we shall only have £1,300 to the credit of the fund. In this emergency it was deemed advisable to write a circular (copy enclosed), notifying that all pay would cease on the 30th instant. I will hereafter state the effect of this notice on the immigrants.

2.—The Present Condition of the Immigrants.

Upon this question I can speak the more reliably, having just completed a visit to all the settlements. In each and every one of them I observed a desire to better their condition; and those who have been some six months on their land have made very great progress in developing the natural advantages of their settlements, and indeed all have proportionately advanced. The Germans are conspicuously industrious; and all heads of families seem striving, not simply to remain in possession of their allotments and exist on Government work, but, by perseverance and self-denial, to improve, with the small means at their disposal, their little properties, and so, at a future day, to render themselves independent of external assistance, further than such as may be afforded by settlers in their immediate neighbourhood. This was the primary object of the scheme; and if those immigrants who hold this view of their position can be made to feel that Government will appreciate their endeavor to succeed by a little further support, then I am confident that a very great benefit will accrue to the Province from the success of the original intention of the late Ministry having been carried out in its integrity.

In some of the settlements, a proportion only of the immigrants have received their seeds; others have received none at present. Some have had a portion of land ploughed, others none at all; and a few have not yet been put in possession of their allotments. (*Vide* clause 7, printed terms and conditions).

Some of the settlements enjoy more geographical advantages than others, and have consequently greater facilities for obtaining employment. Others possess geological superiority, in having received land of admirable quality, ready for the plough; while a few are located in a thick bush the physical difficulties of clearing which (though very valuable to a capitalist) will prevent the present occupiers from reaping any benefit from it during the present year. Notwithstanding the many disadvantages enumerated, all appear anxious to use every endeavor to surmount them.

All large families are in debt to the storekeepers, and both debtors and creditors are depending upon the ultimate success of the settlements for the liquidations of these debts.

3.—The probable result of the Works being stopped.

There is generally a bright as well as a dark side to every picture; but in the one before me I can only discern the latter. If the majority of the immigrants were possessed of means, or if in the neighbourhood of their settlements any adequate labour could be provided to meet their exigencies,

then one might look upon the prospect of their welfare with a probability of success; but when, in lieu of this, we are aware of their indigence and inability (though willing to work at reasonable wages) to procure the means of existing, all must admit that their future is anything but favourable, either for themselves individually, or for the Province collectively. If the wages are stopped as intended at the close of September, there will be no alternative but to plunder and rob what they cannot honestly buy.

Already, in anticipation of circumstances, have they commenced killing cattle in the vicinity of their settlements, and rewards of £50 are now being offered for bringing the offenders to justice. It is lamentable to suppose that this state of things will be permitted, when a comparatively small sum, judiciously expended, would entirely obviate the difficulty, and ensure the execution of the original idea. Suppose, for instance, that a line of railway were opened from Drury to the Waikato, and that all the immigration labour were absorbed in this undertaking, or (if that were not feasible) that the adult males be enrolled as portion of the proposed Colonial Force, and be reserved for the defence of the Waikato. Whatever course is pursued by the Government should be communicated with the least possible delay to the authorities in Auckland, for the sword of Damocles is, as it were, suspended over their heads. They know what the result of present intentions will be, and a feeling of despair pervades them as a body; they have no heart to improve their land, when they feel it almost impossible for them ever to reap any benefit from their toil and outlay.

Again, not only will the Province suffer from their depredations as before alluded to, but the money expended in ploughing will have been thrown away, the seed will be wasted (the seed potatoes many are now living on), and last but not least, the cost of introducing upwards of three thousand immigrants will have no other effect than to cast an impoverished and starving population upon the hands of the Provincial authorities.

In conclusion, I may say that in writing this memorandum (though hurried on account of the mail), I have strictly adhered to facts, feeling the great importance of the question, and I trust that your Honor may be enabled, with assistance, to avert speedily the impending calamity.

I have, &c.,

FRED. J. EATON,
Immigration Commissioner.

R. Graham, Esq., M.G.A., Wellington.

Memorandum of a Conversation between Ministers and the Representatives of the Province of Auckland.

PRESENT:—The Hon. Messrs. Sewell, Richardson, FitzGerald, Atkinson, Richmond; Messrs. Carleton, Russell; His Hon. Mr. R. Graham.

1. The Government offers to hand over to the Auckland Provincial Government the Government House at Auckland, with the whole block of land, upon the payment by the Province of the sum of £8,000 to the General Government, the property to be handed over free of all engagements. The payment to be made within a reasonable time—to be arranged.

2. It is proposed, on behalf of Auckland, that all claims to compensation by friendly Natives should go through the Compensation Court, and should be settled in land or money by the Province; and that the claims of possibly hostile Natives should be settled in land by the Province.

It is agreed on both sides that, if Auckland undertakes the settlement of the Waikato and Tauranga, Auckland shall be charged with—

- (1.) The losses in the war.
- (2.) Compensation to Natives.
- (3.) Cheques in Auckland already paid under the Loan Appropriation Act.
- (4.) Cheques to be paid in fulfilment of engagements to settlers to put them on land.

Auckland requires 3 and 4 to be settled by arbitration.
Auckland declines to pay any money in cash for the land.

E.F.G.
R.G.

Colonial Secretary's Office, Wellington, 20th September, 1865.

GENTLEMEN,—

In reference to an interview which took place on Monday last between yourselves and several members of the Government, respecting the affairs of the Province of Auckland, I have the honor to request that you will furnish the Government with your several inquiries and proposals in writing; and particularly that you will state, in as precise terms as the case allows, on what conditions you think it would be reasonable to ask the Provincial Government of Auckland to undertake the administration of the confiscated lands within that Province.

The Government will lose no time in bringing the several questions raised to a practical bearing upon receipt of such a communication as I now ask.

I have, &c.,

J. C. RICHMOND.

His Honor R. Graham, Esq., M.G.A.
T. Russell, Esq., M.G.A.
Lieut.-Colonel Haultair, M.G.A.
John Williamson, Esq., M.G.A.

Wellington, 22nd September, 1865.

SIR.—

I have the honour to acknowledge receipt of your letter dated 20th instant, addressed to myself and the other members of the Deputation appointed by the members for Auckland, in which you request a statement, in as precise terms as the case allows, of the conditions on which it would be reasonable to ask the Provincial Government of Auckland to undertake the administration of the confiscated lands within that Province.

The Deputation having considered the main question,—viz.: That of the disposal and management of the confiscated lands—concur with me in the following propositions:—

Firstly.—That the confiscated lands should be handed over to the Province of Auckland as soon as the necessary arrangements can conveniently be made.

Secondly.—That these lands should be made subject to the following liabilities,—

- (1.) Compensation to Natives in fulfillment of awards in Mr. Fenton's Court.
- (2.) Compensation to settlers for losses incurred through the war,—amount to be ascertained and made payable by the Provincial Government.
- (3.) Charge on Province of sums expended for the permanent advantage of the Province of Auckland under "The Loan Appropriation Act, 1863," the amount of such sum to be ascertained by a Commissioner appointed for the purpose.

Thirdly.—That the 2nd, 3rd, and 4th Waikato Regiments should be permanently located in Waikato; the 1st Waikato Regiment at Tauranga, or elsewhere on the East Coast.

Fourthly.—That the Provincial Government should be empowered to raise money on the confiscated land in anticipation of the sale of those lands, for the purpose of meeting engagements to Natives, and to settlers, and of carrying out public works to be undertaken within the confiscated district or for the advantage of such district.

Fifthly.—That the Province shall engage to expend the whole proceeds derived from confiscated lands in Waikato, in colonizing and otherwise for the general advantage of that district; thereby restoring confidence and ensuring as far as possible the success of the military colonization and Waikato immigration schemes, undertaken by the General Government.

Sixthly.—That the Provincial Government shall take Te Papa, subject to the following liabilities,—

- (1.) Compensation to the Church Missionary Society and their tenants, the amount to be settled by arbitration.
- (2.) Giving town allotments to Military Settlers, the whole quantity not to exceed three hundred and fifty acres.

Seventhly.—That should it be found necessary to purchase any land at Tauranga or on the East Coast for the more convenient and useful location of the Military Settlers, the expenses of purchase and location shall be borne by the General Government.

Eighthly.—That every facility shall be given to the Provincial Government towards negotiations with the Natives for the purchase of lands in the Tauranga District, in continuation of Mr. Clarke's arrangement with the Ngaterangi Tribe.

Permit me to add that, unless some such arrangement as that proposed be agreed to, there will remain but little hope of carrying out the Waikato scheme of settlement as originally contemplated, and that great hardships, and even destitution—a period of which is close at hand—must inevitably follow, to the serious endamage of the good faith of the Colony, which is pledged to those who have been induced by promises, direct or implied, to engage with the General Government.

I may be allowed to observe, that the matter has now arrived at that critical point which renders it necessary that immediate action should be taken in the event of your agreeing to these propositions.

I suggest that, in order to avoid confusion in the carrying out of these and other works connected with the Province of Auckland, the Government agency should be given to the Superintendent of the Province.

I have, &c.,

ROBERT GRAHAM,
Superintendent of the Province of Auckland.
(for self and the other members of the deputation.)

The Hon. the Colonial Secretary, Wellington.

Memorandum relative to Confiscated Lands.

It appears that the total acreage confiscated in the Waikato is	Acres.	Acres.
about		1,170,000
At Tauranga		50,000
		<hr/>
		1,220,000
Of this there will be wanted for Military Settlers	200,000	
For other settlers	50,000	
For Natives	250,000	
	<hr/>	500,000
Balance to be handed over to Auckland		720,000
Say		700,000
		<hr/>
The money charges already payable by the Province of Auckland under the Settlement Act, is	£	s. d.
		189,000 0 0
Additional charges for locating settlers		31,000 0 0
		<hr/>
		220,000 0 0
It is proposed that the Province shall also pay.—		
1. Losses in the War	85,000 0 0	
2. Money compensation to Natives	15,000 0 0	
	<hr/>	100,000 0 0
		<hr/>
Supposing Auckland pays half-a-crown an acre		320,000 0 0
		87,500 0 0
		<hr/>
		407,500 0 0
Say		400,000 0 0
		<hr/>

It is understood that Auckland requires £100,000 to carry on the work of settling Waikato and Tauranga.

Supposing that a loan of half-a-million was sanctioned, and the interest charged on the Province of Auckland, the General Government will not interfere with the working of the scheme, but will require an entire surveillance and audit, with the power of putting an end to the scheme and taking it again into their own hands if the Province should fail in its work.

The Government will consent to replace the General Government Agent at Auckland if the General Assembly will pass a Bill for replacing the elected Superintendent by a Lieutenant-Governor.

The General Government cannot suspend the work in the meantime of putting the Natives on their land, which is in progress.

The Government is about to introduce a Bill for constituting separate Provinces in the centre of the Island, comprising the Ngatiamaniapoto, Taupo, Arewa, Opotiki, and East Coast tribes.

Colonial Secretary's Office, Wellington, 2nd October, 1865.

SIR,—

I have to acknowledge your letter of the 22nd instant, conveying proposals from yourself and several members of the House of Representatives from the Province of Auckland, for the administration of confiscated lands in Waikato and Tauranga. In reply I have first to express the regret of the Government that they should not have been afforded the opportunity which they sought by previous informal discussion with the gentlemen referred to, of arriving at terms likely to be satisfactory to all parties interested.

The Government propose that after satisfying all those claims on the land under the New Zealand Settlements Act, which can be paid in land under the Bill now before the Assembly for amending the Settlements Act, and after making Reserves at their discretion for the location of Natives who may wish to return to the district, the whole of the confiscated lands in the above districts be made over to the Provincial authorities of Auckland for administration on the following conditions:—

1. The Province of Auckland to satisfy all engagements for land made by the General Government with Military and other settlers.
2. The Province of Auckland to bear all charges for the permanent advantage of the Province.
3. Claims for losses by war.
4. Claims for compensation awarded in money by the Compensation Court under the New Zealand Settlements Act.
5. Half-a-crown an acre to be paid for all land sold or otherwise disposed of, except in fulfilment of engagements by the General Government.

The General Government will not interfere in the working out of the plans of the Auckland Government for the settlement of the country, but will retain a power of inspection and audit, and a power of cancelling this engagement should the Province of Auckland fail to fulfil its part.

I have, &c.,

J. C. RICHMOND.

Colonial Secretary's Office, Wellington, 3rd October, 1865.

SIR,—

The subject of the management and settlement of the confiscated lands in Auckland has, since the recent interviews with yourself and other representatives from that province, been under the most anxious consideration of the Government, with a view to proposing terms on which those lands may be handed over to Provincial administration.

The first liability to which the lands in question are subject, is compensation for the ascertained claims of loyal Natives. This is a liability of which the Government cannot divest themselves, but as its amount and nature will be exactly defined by the Compensation Court under the New Zealand Settlements Act, they are willing to leave its discharge to the Province, subject to a general supervision and power of re-entry on the lands in case of default.

The duty of settling those Natives who may wish to return to the districts, and to accept the Queen's authority, and take grants from the Crown, is one which the Government cannot delegate without breaking the engagements entered into with the Imperial Government when the New Zealand Settlements Act was left to its operation. The Government must, therefore, retain this duty in their own hands, but they are prepared to deal with the subject promptly and definitely before handing the rest of the lands over to the Province.

This liability disposed of, they propose to transfer the remaining lands, subject to the following charges and conditions:—

1. Compensation to Natives, whether in money or in land, as awarded by the Compensation Court under the Settlements Act.
2. The sums expended under the New Zealand Settlements Act for the permanent benefit of the Province, including any charges which may still come in course of payment under that head.
3. The completion of all engagements with Military and other settlers, except pay and rations to the former.
4. Compensation to settlers for losses incurred in the war.
5. The sum of half-a-crown per acre, for all lands so handed over to the Province, to be paid from time to time as the lands are sold or otherwise disposed of by the Province.
6. Regulations for the disposal of the lands to be made by Order in Council, as provided by the New Zealand Settlements Act, upon the recommendation of the Superintendent and Provincial Council, but subject to revocation or alteration on default of the Provincial Government on any stipulation on their part.

The Government must retain the right of excluding from this arrangement any lands such as a part of those at Tauranga, to which the title is still doubtful, and which cannot be settled without creating fresh difficulty; but such lands are to be handed over as soon as the difficulty attaching to them can be removed. The ordinary power of making reserves, as contained in "The Waste Lands Act, 1858," must also be retained.

The Government are prepared to submit these proposals to the General Assembly, and will accept any alteration in the details which the Houses may adopt.

I have, &c.,

J. C. RICHMOND.

His Honor R. Graham, Esq., M.G.A.

Colonial Secretary's Office, Wellington, 5th October, 1865.

SIR,—

Referring to your interview with Ministers this morning, I have the honor to inform you that, in order to provide immediate means for the employment of the General Government immigrants

and settlers on the Waikato, the Government will propose to the House of Representatives to sanction an advance of £10,000, in anticipation of an arrangement with the Provincial Government of Auckland respecting the confiscated lands.

The terms of such advance to be as follows:—

The money to be expended by the Provincial Government, but a right of control reserved to the General Government. The advance to be made in eight per cent. debentures at par, and to be reimbursed out of the sale of confiscated lands. Failing an arrangement respecting the confiscated lands, the advance to be a charge against the Revenues of the Province.

I have, &c.,

J. C. RICHMOND.

His Honor the Superintendent of Auckland,
Wellington.

Wellington, 5th October, 1865.

SIR,—

I have the honor to acknowledge the receipt of your letter, dated the 5th instant, on the subject of the management and settlement of the confiscated lands in Auckland.

In reference to the proposals contained therein, I have to observe, that the Representatives of the Province of Auckland who have lately held interviews with you on the subject, are of opinion that the Province ought not to be called upon to go beyond the proposals contained in my letter of the 22nd ultimo. They consider the offers therein made to be liberal and fair to the General Government. As you intimate your intention to submit your proposals to the House, the whole question had better stand over for consideration of the House.

I have, &c.,

HUGH CARLETON,
(For the Superintendent.)

The Hon. the Colonial Secretary.

Colonial Secretary's Office,
Wellington, July 8th, 1865.

SIR,—

Referring to my letter No. 263 of even date herewith, in which I inform your Honor that a grant to the Superintendent of Auckland of the Tuakau Block, has been forwarded to the Commissioner of Crown Lands at Auckland. I have to observe that the Secretary for Crown Lands has been obliged to affix a plan upon the Grant about the exact correctness of which there is a doubt; but that on any errors being discovered, the Government will cause the necessary corrections to be made under the "Crown Grants Correction Act."

Should your Honor find any legal difficulties in dealing with this grant the Government will be desirous of assisting you to the best of their ability by bringing in a Bill into the General Assembly at its approaching session for the purpose of facilitating the disposal of the land under certain regulations to be mutually agreed upon.

I have, &c.,

H. RICHMOND.

His Honor the Superintendent, Auckland.

Superintendent's Office,
Auckland, July 21st, 1865.

SIR,—

I have the honor to acknowledge the receipt of your letter dated the 8th instant informing me that the Secretary for Crown Lands has been obliged to affix a plan of the Tuakau Block, about the exact correctness of which there is a doubt, but that on any errors being discovered the Government will cause the necessary corrections to be made under the "Grants Correction Act."

The matter is receiving attention.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Honorable the Colonial Secretary, Wellington.

Colonial Secretary's Office,
Wellington July 4, 1865.

SIR,—

I have the honor to inform you that in consequence of the departure of the Governor for Wanganui, the Crown Grant of the Tuakau Block cannot be transmitted by this mail.

I have, &c.,

J. C. RICHMOND.

His Honor the Superintendent, Auckland.

Colonial Secretary's Office,
Wellington, July 8, 1865.

SIR,—

I have the honor to inform you that, by this mail, the Secretary for Crown Lands will forward to the Commissioner of Crown Lands at Auckland, for issue to your Honor, the Grant for the Tuakau Block.

I have, &c.,

J. C. RICHMOND.

His Honor the Superintendent, Auckland.

Superintendent's Office,
Auckland, 21st July, 1865.

SIR,—

I have the honor to acknowledge the receipt of your letter dated the 8th instant, informing me that the Secretary of Crown Lands, forwarded to the Commissioner of Crown Lands at Auckland for issue to me, the Grant of the Tuakau Block.

I have, &c.,

ROBERT GRAHAM,

The Honorable the Colonial Secretary,
Wellington.

Auckland, July 15, 1865.

SIR,—

I have the pleasure to inform your Honor that I have, this day, received from the Crown Lands Office, Wellington, a Crown Grant of the Tuakau Block, made under the "New Zealand Settlements Act, 1863," in favor of the Superintendent of Auckland and his successors, Superintendents of the said province.

I shall forward the said Grant to the Registrar of Deeds, for Registration immediately.

I have, &c.,

CHARLES HASELDEN,
Commissioner of Crown Lands.

His Honor the Superintendent, Auckland.

Superintendent's Office,
Auckland, 1st December, 1865.

SIR,—

I have the honor to invite your attention to the difficult position in which I find myself in regard to the maintenance and location of the Immigrants introduced into this Province under the New Zealand Settlements Act.

Permit me briefly to review the circumstances which have led to it.

In December, 1864, the Superintendent and his Executive agreed to act as agents for the General Government in management of the Waikato Immigration Scheme, the General Government engaging to supply the necessary funds. The duty was undertaken solely with a view to economising the cost, the General Government deeming it advisable to maintain an over-riding control, which they could not have exercised had the location of the Immigrants been made a Provincial matter.

In March, 1865, the General Government, considering the financial position of the Colony and the expense being incurred, directed the Sub-Treasurer at Auckland to discontinue payment on account of the employment of the Immigrants after the expiration of the month of April next ensuing, whereupon the Provincial Executive being deprived of the means to act resigned the agency, Dr. Knight assuming the responsibility of conducting the business.

After further correspondence the Superintendent consented to resume the agency, engaging to find the Immigrants in employment, &c., for not less than two months after the land should have been allocated for their settlement (a period calculated to extend until the last day of September ensuing) in consideration of the sum of £15,000, to be handed over in eight per cent. debentures and a Crown Grant of the Tuakau block, supposed to represent in value £18,000; this arrangement being subject to the condition that the survey of the land for the settlement of the Immigrants should be proceeded with at once, and that the Tuakau block should be transferred to the Provincial Government within two months from date.

Delay, however, took place in the issue of the grant, and when received it was found invalid, the Superintendent being consequently disabled from selling, leasing, or borrowing money upon it. The General Government are now proposing other arrangements for the Tuakau block, in common with the rest of the Waikato land. The Superintendent (my predecessor) had reckoned upon a sum of £33,000, to cover the expenses of a period extending to the last day of September. He found himself obliged to provide for them as best he could, with the assistance of only £15,000 from the General Government, and moreover, at the expiration of the calculated period found himself obliged to continue Government assistance, a large number of the Immigrants being absolutely unable to maintain themselves.

Every exertion consistent with good faith has been made to reduce the expense, and it has been reduced from over £5,000 a month to £1,500; but the drain upon the Provincial funds has been so severe that unless further assistance be afforded by the General Government the Province will be brought into serious financial embarrassment, and the Immigration Scheme itself must fail.

I have, therefore, the honor to request, as special agent in this matter for the General Government, that you will place at my disposal a sum of Eighteen Thousand Pounds, in substitution for the money which it was intended to be provided by means of the Tuakau block.

I have, &c.,

FREDERICK WHITAKER,
Superintendent.

The Hon. the Colonial Secretary,
Wellington.

Colonial Secretary's Office,

Wellington, November 9th, 1865.

SIR,—

I have the honor to transmit a copy of certain resolutions passed by the House of Representatives on the 26th ultimo relative to the transfer of the confiscated lands in the Province of Auckland, on certain conditions to Provincial Administration for the purposes of colonization.

I do not propose at present to do more than refer to the second of these resolutions which provides that the General Government shall secure to the loyal natives the lands to which they are entitled, and shall settle such other natives as may desire to accept the Queen's authority, and take Crown Grants for the lands allotted to them.

Some promises have been made directly to certain natives with respect to specific portions of the confiscated lands, and it has also been proposed to assign to others allotments sufficient for their support, and it is obvious that the settlement and occupation generally of these lands will be materially facilitated by an early settlement of all claims advanced by natives whether in fulfilment of actual promises and engagements, or otherwise.

Your honor will be furnished from time to time with all such further information with respect to any such engagements which may be considered necessary after an examination of the records of the office of the General Government Agent at Auckland which will be at your disposal.

It is scarcely necessary for me to express my earnest desire to co-operate with your honor in every way calculated to promote the early settlement of all matters affecting the colonization of the lands in question, in which the colony and the Province of Auckland are mutually so largely interested.

I have, &c.,

(Signed) E. W. STAFFORD.

His Honor the Superintendent, Auckland.

Superintendent's Office,
Auckland, Nov. 16th, 1865.

SIR,—

I have the honor to acknowledge the receipt of your letter of date the 9th instant, No. 381 having reference to transfer of confiscated lands in the Province of Auckland on certain conditions to Provincial Administration.

In reply, I have to inform you that as soon as I have carefully examined the records of the General Government Agency at Auckland I will communicate with you on the subject.

I have, &c.,

FREDERICK WHITAKER,
Superintendent.

The Honorable the Colonial Secretary,
Wellington.

Superintendent's Office,
Auckland, 4th December, 1865.

SIR,—

In reference to the Resolutions passed by the House of Representatives on the 26th October, relative to the transfer of the confiscated lands in the Province of Auckland on certain conditions to Provincial administration for the purpose of colonization. I have now the honor to inform you that I have examined the records of the General Government Agency at Auckland, and availed myself of all the sources of information open to me on this subject, with a view to form an opinion as to the desirability of taking the step contemplated by the resolutions. Of course it is not in my power to undertake the administration of the lands referred to without the co-operation of the Provincial Council; but I am prepared to bring the matter before the Council in the next Session.

Before, however, I can expect them to come to a decision, it is necessary that I should be able to afford them some information as to the source from which the necessary funds can be obtained to fulfil the arrangements, and meet the liabilities it is proposed the Provincial Government shall undertake.

It is also necessary that I should clearly see my way in this point before I undertake to accept the proposed transfer, as I feel bound to say that, it is plain to me beyond a doubt, that, without the assistance of the General Government, it would be quite impossible for the Provincial Government to carry the matter through, and I am anxious, therefore, to be informed whether the General Government will afford such assistance by way of loan or guarantee (the former if possible), as may be requisite for the purpose.

I have called the Provincial Council together to meet on the 12th inst., in order to dispose of the question of Responsible Government in the Provincial administration, as this question has now assumed such a shape that until settled, the Executive Government is not in a position to prepare the necessary measures for the consideration of the Council. Having disposed of this matter, I propose that the Council should meet again early in January for the consideration of the important subject submitted by the Resolutions of the House of Representatives, with other business of the Session.

I have, &c.,

FREDERICK WHITAKER,
Superintendent.

The Honorable the Colonial Secretary,
Wellington.

A.—No. 2.

Auckland Provincial Council.

SESSION XVIII., 1865.

CORRESPONDENCE

BETWEEN THE

RAILWAY COMMISSIONERS AND THE SUPERINTENDENT

REGARDING THE CONSTRUCTION

OF THE

AUCKLAND AND DRURY RAILWAY.

AUCKLAND :

1865.

CORRESPONDENCE

BETWEEN THE

RAILWAY COMMISSIONERS AND THE SUPERINTENDENT

REGARDING THE

CONSTRUCTION OF THE AUCKLAND AND DRURY RAILWAY.

Council Chambers,
February 2nd, 1864.

SIR,—

On behalf of the Railway Board of Commissioners, I beg to call your Honor's attention to the underwritten resolution relative to the services of Mr. Harding, and respectfully request a favorable reply :—

Resolved, on motion of Mr. Cadman, "That communication be made to His Honor the Superintendent requesting him to arrange with Mr. Harding, so as to allow that gentleman to give his services to the Board until some permanent arrangement be made regarding an Engineer."

I have, &c.,

THOS. CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 2nd Feb., 1864.

SIR,—

I have the honor to acknowledge receipt of your letter of this day's date, and in reply to request that you will inform the Board of Railway Commissioners that Mr. Harding is engaged in the survey of a Tramway which I am desirous of having completed during the present fine weather, but I will not object to Mr. Harding placing his services at the disposal of the Board for one month, as I am of opinion that Mr. Harding's assistance may be of great value to the Commissioners, but if Mr. Harding is required for more than a month, some other arrangement will have to be made.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Railway Board
of Commissioners, Auckland.

Railway Board,
Council Chambers,
Auckland, 13th February, 1864.

SIR,—

The Board of Commissioners for the Auckland and Drury Railway respectfully direct your Honor's attention to the 21st clause of the "Auckland and Drury Railway Act," passed by the last session of the General Assembly, and request that you will take the necessary steps to satisfy the Governor-in-Council that the provisions of the Act relative to the Ways and Means have been complied with.

On behalf of the Board.

I have, &c.

THOS. CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 14th February, 1864.

SIR—

I have the honor to enclose for your information copy of a letter addressed to me by the Hon. the Colonial Secretary in reply to the one I wrote to him on the subject of the ways and means of the Auckland and Drury Railway.

I have, &c.,

ROBERT GRAHAM,
Superintendent,

The Chairman of the Auckland and Drury
Railway Commissioners.

Auckland and Drury Railway,
Commissioners' Office, Council Chambers,
Auckland, 7th March, 1864.

SIR.—

The Board having been informed that the Railway Act, 1863, has been left by His Excellency to its operation, are anxious to proceed without unnecessary delay with the necessary works, but, they are advised by their Law Officer that by the 21st section of the Auckland and Drury Railway Act, 1863, they cannot commence the railway "until a *bona fide* provision to the satisfaction of the Governor in-Council, shall have been made by the Superintendent or by the Provincial Legislature, for obtaining the money necessary for the completion of the Railway, and the efficient working thereof."

The Board therefore respectfully request that your Honor will urge upon the General Government the expediency of determining the question as early as possible, with a view of enabling the Board to give the Notices required by Law, and to advertize for tenders for the Works.

I have, &c.,

THOS. CHEESEMAN.

His Honor the Superintendent, Auckland.

Superintendent's Office,
Auckland, 9th March, 1864.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 7th instant, referring to the opinion of your Law Officer that the Board of Commissioners of the Auckland and Drury Railway cannot commence the undertaking until certain steps are taken regarding the provision of the funds necessary to complete and efficiently work it, and I have to state in reply that the attention of the Government has been called to the subject, and to your previous letter upon it, and the Colonial Secretary will be seen again upon the matter.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Auckland and Drury
Railway Commissioners, Auckland.

Auckland and Drury Railway,
Commissioner's Office, Council Chambers,
Auckland, 12th April, 1864.

SIR,—

I am desired to inform your Honor that the enclosures 8, 9, and 10, are specifications with an accompanying plan from Messrs. Stewart and Harding, for the Iron-work and Sleepers of the permanent way proposed for the Line of Railway between Auckland and Drury, with a Branch to Onehunga.

After mature deliberation they have been adopted by the Board of Commissioners, and in conformity with legal requirements, are now forwarded to your Office for your Honor's consideration.

I have, &c.,

THOS. CHEESEMAN.

His Honor the Superintendent.

Commissioner's Office, Council Chambers,
Auckland, 9th April, 1864.

SIR,—

I beg to enclose the Specification of Rails and Sleepers for the Auckland and Drury Railway as recommended in Engineer's Report of last Tuesday for the reasons stated therein, and adopted by the Commissioners at that meeting. Taking into consideration that the Rail now adopted will be able to sustain heavier engines than the Rail at first proposed, it will be very judicious to increase the bearing of the Sleepers. I therefore specify the length to be 9 feet in place of eight feet, and the advantage will be apparent when traffic gets heavy on the line.

The exact quantity of Sleepers can not be ascertained until the final gradients in the vicinity of the viaducts and bridges are determined, but the quantity mentioned in the specification, viz. 30,000 will be under the mark.

In case it is found prudent to order only a portion of the Rails at first, the following estimate of the weight per mile, &c., will assist your proceedings:—

Rails, 68lbs per yard—107 tons per mile, at £10	... ..	£1070
Fish Plates 8 tons per mile, at £10	... ..	80
Bolts for same B.B.H iron, 18 cwt. per mile, at £28 per ton	... ..	25
Nuts, say	... ..	10
Spikes, B.B.H iron, 3 tons at £28	... ..	84

Estimates of one mile on ground, £1,269

Fluctuation in the Iron market may add or diminish cost as now estimated, but probably not to any great extent.

I have &c.,

SAMUEL HARDING, C.E.

Commissioners' Office, Council Chambers,
Auckland,

The drawing shews the section of the Rail, and also that of the Fish-plates of the joints. The sections and dimensions thereon are to be closely adhered to in rolling the rails. The weight will be about 68lb per yard. The iron is to be the best used for such Rails, and free from scales, reeds, or other defects. The length of all the Rails are to be alike, eighteen or twenty-one feet, cleanly cut square in ends.

The joints of the Rails are to be formed fished as shown, the fish plates are to be rolled accurately to the form and dimensions of the drawing. They are each to be two feet long, and to be bolted by four bolts seven eighths of an inch diameter, and of the lengths shown. The bolts to be spaced three inches from each end of the fish plate, and six inches between each bolt.

The holes in the Rails to be drilled in a machine, they are to be one inch in diameter, and adjusted so that when fished and the bolts concentric with the holes in the Rails, the latter shall be one eighth of an inch open in joint.

The bolts to have double nuts each $\frac{3}{8}$ thick, the fish plates to be also drilled in a manner to insure the most absolute accuracy, and with the bolts to be of B. B. H. iron. The bolts and nuts to be cleanly made, and full in thread. The spike holes in the Rails are to be uniformly as under: Spikes in joint sleepers are to be six inches from each end; intermediate sleepers three feet apart, and spikes spaced accordingly. The intermediate sleepers are to be spaced three feet from the ends of the Rails and not from the joint sleepers.

The two spikes in each sleeper are not to be exactly opposite each other, but one inch on each side of the medium line, which medium line is to be held the spacing of the sleeper. The diagram shows the nature of this arrangement. The spikes to be 6 inches long, each $\frac{3}{8}$ inch diameter, sound in heads and well made,—all of B. B. H. iron.

The probable quantity required will be about 2,500 tons, to be shipped in any Auckland bound vessel, in such quantities as may be directed by the Board of Commissioners, an exact proportion of joint plates, bolts and spikes to be forwarded with each consignment.

I have, &c.,

SAMUEL HARDING, C.E.

Auckland and Drury Railway,
Commissioner's Office, Council Chambers,
Auckland, 6th April, 1864.

SPECIFICATION OF SLEEPERS FOR THE AUCKLAND AND DRURY RAILWAY.

The Sleepers for the above Railway are to consist of some aged Puriri, sound heart of Kauri, or some Blue Gum, free from sap, nine feet in length. The least cross section permitted may be 8 inches, by $4\frac{1}{2}$ inches, if of hard wood, or 9 inches, by 5 inches, if of Kauri.

The contractor will be required to deliver and stack the sleepers in such quantities and on such ground as the Commissioners shall require, at the following places along the line, viz. :—

Auckland, Newmarket, Panmure Road, Onehunga, Otahuhu, Mangarei, Manurewa,
Papakura River Bridge, Papakura, and Drury.

B

All sleepers twisted and incapable of forming a steady bed, or possessed of any imperfections in the opinions of the Engineers to the Railway, will be rejected and not paid for. The number of sleepers required will be about thirty thousand. Tenders to state the price per thousand. If desired, the carting from the landing may be a separate contract, open to other parties.

I have, &c.,

SAMUEL HARDING, C.E.

Superintendent's Office,
Auckland, 29th April, 1864.

SIR,—

I have the honor to forward enclosed Papers on the Auckland and Drury Railway, which have been submitted to Mr. Weaver, the Provincial Engineer, with his notes upon them, and I beg to be supplied with further information to be laid before Mr. Weaver, on the subject referred to.

I have, &c.,

JOSEPH NEWMAN,
In the absence of the Superintendent.

The Chairman of the Auckland and
Drury Railway.

MEMORANDUM.

The Specification No. 8 should state whether the Sleepers are to be *Sawn* or *Split*, and in any case Blue Gum (Australian) should not be used, being quite unfit for the purpose.

No. 9. I can give no opinion on this specification without information as to the Rolling Stock intended to be used on the Railway. If this is to be of a light description 68lbs per yard for the Rails is unnecessarily heavy.

I would like to be informed what weight of locomotion it is proposed to use.

I have, &c.,

WM. WEAVER.

Auckland and Drury Railway,
Commissioners' Office,
Auckland, 29th April, 1864.

SIR,—

Your letter of this day forwarded hither with the accompanying enclosures, calling my attention to the official note of the Provincial Engineer thereon have been received by me, and, that there may be no unnecessary delay, I have taken upon myself the responsibility of forwarding to your office the report of Messrs. Stewart and Harding on the Rolling Stock, and other equipments of the line, supposing that they may furnish the information sought, as however, they are official documents belonging to the Railway Board, they should be returned to this office.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Auckland and Drury Railway,
Commissioners' Office,
Auckland,

Estimate No. 1.

For laying down Sleepers 3 feet apart 50lbs. Rails, Chains, Keys, Spikes, Fisch Plates, at per mile, £1,804.

Estimate No. 2.

For laying down Sleepers 6 feet apart, with longitudinal Sleepers 10 feet by 5 feet, Spikes, Fisch Plates, Bolts and Nuts, 56lb Rails, laying cost per mile £1796.

Estimate No. 3.

Approximate estimate of Griffin's Patent Way Rails, 56lb iron Sleepers, Tie-bands, Iron Keys, laying at per mile £1918.

Estimate No. 4 was not furnished.

R. SKEEN.

[By the Report dated 6th April, it will be seen that the weight of Rail was recommended by the Engineer to be increased 12lbs., making it 86 lbs., which was adopted by the Board.]

Superintendent's Office,

Auckland, 16th May, 1864.

Sir—

Referring to your letter of date 29th April, ultimo, transmitting the Reports of Messrs. Stewart and Harding, on the Rolling Stock, &c., required for the Auckland and Drury Railway, I have to express my regret that the absence of His Honor the Superintendent at the North has necessarily delayed the matter.

I have now the honor to request that you will procure from the Engineers to the Board, and forward to His Honor a schedule of the quantity of Rails and other material which it would be advisable to order from England by the next mail. Taking into consideration the limited sum of money voted for the Works, I have to suggest that only a portion of the material required should be ordered in the first instance. I also beg to name a suggestion made by Mr. Weaver, viz. :—that dogs and screws would be preferable instead of spikes.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Railway Board,
Auckland.

Auckland and Drury Railway,
Commissioners' Office,

Auckland 25th May, 1864.

Sir,—

I have been directed by the Board of Railway Commissioners to forward the enclosed list of instruments required, with a view to ascertain from your Honor whether the Provincial Government have such or any portion thereof, that might be placed at the disposal of the Railway Engineers.

I have, &c.,

R. SKEEN.

His Honor the Superintendent.

Instruments required for Railway Office.

- 1 5-inch Transit Theodolite, or a 6-inch one.
 - 2 Best 100 feet Chains.
 - 2 Do. 66 feet.
 - 6 100 feet best Tape Lines, feet on one side and yards and tenths on the other.
 - 6 66-foot best Tape Lines, in feet and links.
 - 1 Best Standard Chain 66 feet.
 - 1 Steel straight edge, 6 feet.
 - 1 14-inch Dumpy Level.
 - 2 Staves, (Gravatt's) 14 feet long.
 - 1 Set Box Scales and Offsets, feet and links.
 - 1 Do Do tenths only.
 - 1 Box Standard Scale, 2 feet long.
 - 1 Set Drawing Instruments, in box, consisting of Tubular Compasses, Hair Dividers, Bow Pencil, Bow Pen, Spring Divider, Spring Pencil, Spring Pen, Two Drawing pens, pointed, 1 needle-holder.
 - 1 2-feet extra heavy Brass Parallel Ruler.
- [All from Troughton and Simm's, London, each article to be engraved "Railway Office" abbreviated (Rly Ofce.)

Commissioners' Office, Council Chambers,

Auckland, May 25th, 1864.

Sir.—

I am directed on behalf of the Board of Commissioners of the Auckland and Drury Railway to call your Honor's attention to the following extract from report of S. Harding, Esq., Engineer to the Board, who requested Mr. Smythies to examine and report upon the state of the Branch to Onehunga, who states :—

"That in one of the curves every peg except one has been removed, though driven deep in the ground, and several have been removed in other places; he is under the impression the Militia families have taken them for firewood."

And respectfully requests that your Honor would give instructions to the Police, or otherwise, in order that the property of the Railway Board may be secured, or the same thing may occur when the permanent pegs are driven.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Auckland and Drury Railway,
Commissioners' Office,

Auckland, May 27th, 1864.

SIR—

Your Honor's letter dated the 16th instant has been laid before the Board, and with reference to that portion thereof suggesting the propriety of ordering the permanent way in portions, I have to remark that Messrs. Stewart and Harding are strongly of an opinion that the full amount of material required, being in itself a small order, should be contracted for in the first instance, in its entirety, or large and respectable firms might think it beneath their notice. They do, however, recommend that not more than sufficient to lay down five miles, should be shipped at any one time, and as it would be paid for *only* when received, the difficulty to which you refer will be considerably obviated.

On the monetary question, generally, the Commissioners would most respectfully call your Honor's attention to the fact that the last session of the Provincial Council not only appropriated the sum of one hundred thousand pounds for the construction of a Railway from Auckland to Drury, *but adopted and forwarded for your Honor's consideration*, a report from the Railway Committee, (a copy of which is herein enclosed) recommending that a further sum of £50,000 if necessary should be raised by Debentures on the Works. And should your Honor determine to act in accordance with the aforesaid Report, the Commissioners will feel bound to sustain such action in any subsequent Council. Indent of the Permanent Way and other material to be ordered from England, will be forwarded to your office as soon as completed by the Engineers of the Board.

I have, &c.,

THOMAS CHEESEMAN.

Memorandum.

In letter 976 reference is made to a Report forwarded to this office, which Report has been returned.

Auckland and Drury Railway,
Commissioners' Chambers,

Auckland, 1st July, 1864.

SIR,—

I am directed by the Board of Commissioners for the Auckland and Drury Railway to acquaint your Honor that in the opinion of the Board it is desirable and expedient to provide for the extension of the line of Railway from Drury to the Waikato, and that its importance is such, that the Board Resolved,—

“Your Honor should be requested to communicate with the General Government on the subject, with a view to the setting aside as Reserves or Railway Endowments, such lands as may now or hereafter be in possession of the General Government, for the purpose of providing means for the line of Railway from Drury to Waikato.”

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,

Auckland, 8th July, 1864.

SIR,—

Referring to your letter of date 1st instant, I have the honor to request that you will have the goodness to inform the Board of Railway Commissioners that I shall have much pleasure in doing what I can to promote the extension of Railway communication beyond Drury to the Waikato, either by endeavouring to procure endowments of land for the Railway, or otherwise.

I have addressed a communication to the hon. the Colonial Secretary on the subject of land for Endowments.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners,
of the Auckland and Drury Railway.

Auckland and Drury Railway,
Commissioner's Office,

Auckland, July 1st, 1864.

SIR,

I am directed by the Board of Commissioners for the Auckland and Drury Railway to inform your Honor that the enclosed Plans and Specifications from Messrs. Stewart and Harding, for Con-

tractor's Engine, with Rails, &c., to complete five miles of the Permanent Way of the Auckland and Drury Railway have been adopted by the Board and forwarded for your Honor's consideration, and as the indents, &c., should be sent home per this month's supplementary mail, your Honor is most respectfully desired to name the gentleman who is to act as agent in the transaction.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,

Auckland, 9th July, 1864.

SIR,—

Referring to your letter of 1st instant I have the honor to request that you will inform the Board of Commissioners for the Auckland and Drury Railway that the report, specification, plans, and indents received therewith having been laid before the Provincial Executive Council, it was resolved to name W. C. Daldy, Esq., as the gentleman who is to act as the agent for procuring and forwarding the Railway Plant, &c., also that I have written to that gentleman authorizing him to incur the necessary expenditure in procuring the articles particularized in the Indents which he will receive from you direct per the July mail.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners,
Auckland and Drury Railway.

Commissioners' Office,
Council Chambers,

Auckland, 20th July, 1864.

SIR,—

I have to inform your Honor, in accordance with the conditions contained in the fourteenth clause of the Railway Commissioners' Act of last session of the Auckland Provincial Council, that a further sum of Five Hundred Pounds is required to meet the current expenses of the Board incurred in the survey, purchase of pegs and other articles for the Auckland and Drury Railway.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Commissioners' Office,

Council Chambers, 21st July, 1864.

SIR,—

I am directed by the Board of Commissioners for the Auckland and Drury Railway to inform your honor that the sum of six thousand seven hundred and forty two pounds is required to discharge the liabilities which will be incurred by W. C. Daldy, Esq., in the purchase of material for five miles of permanent way and other articles as stated in the order sent to England per last mail; and also, respectfully request that you will forward the same to that gentleman.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,

Auckland, 19th July, 1864.

SIR,—

I have the honor to forward herewith for the consideration of the Board of Commissioners for the Auckland and Drury Railway, copy of a Report addressed to me by the Provincial Engineer in Chief on the subject of the several lines of Railway which it is in contemplation to have constructed in this Province.

I have, &c.,

R. GRAHAM,
Superintendent.

The Chairman of the Auckland and Drury Railway,
Board of Commissioners.

Auckland May 31st, 1864.

SIR,—

In compliance with your Honor's request, that I would examine the Working Drawings of the Auckland and Drury Railway, and report upon the whole question, taking into consideration the sum available for carrying out the work, I have now the honor to submit the following Report:—

After a careful examination of the sections of the line, accompanied by the information laid before me by Mr. Harding, with the original quantities and Estimates of the Line, prepared by Mr. Stewart, and himself, and taking these as my data, I have made an estimate, with as much care as the shortness of time at my disposal would permit, of the probable cost of the proposed Line from Auckland to Drury.

From my very recent experience in New South Wales, in the construction of a similar line, and taking the present rate of the labour market here, I cannot estimate the cost of the line from Auckland to Drury at less than £145,000 exclusive of Rolling Stock; for which not less than £15,000 should be provided.

This Estimate contemplates a Line with a Rail of 55 lbs. to the yard, and includes Stations, Telegraph &c. It also includes a sum of £7,000 for the erection of a sea wall in Mechanics' Bay, a great part, if not the whole of which might I think be fairly charged to the Harbour Works, which would be redeemed by the Land reclaimed by the Sea Wall.

Of the gross amount of £145,000, the estimated cost of the Line from Auckland Terminus to Newmarket (say one mile and three quarters in length) is £38,000.

The Onehunga Branch is *not* included in the above Estimate, which I cannot set down at less than £13,500 complete, with Terminus, Goods Sheds, &c.

With these Estimates before me (and I believe they will be found to be quite as low as the Works will cost,) I proceed, in compliance with your Honor's request, to review the Railway question as a whole asking your honor's consideration in reference to the opinions which I may now express, of the shortness of the time which I have had here to enable me to gain the necessary local information bearing upon such an important matter.

From all I have been able to gather of the main principles which should weigh in arriving at a decision on the question taken as a whole, it would seem apparent, that the great desiderata in connection with the construction of Railways here are. *First* direct Railway communication between Auckland and the Waikato, and *secondly*, similar communication between Auckland and Onehunga.

The line *first* referred to, seems to me to be of such great importance to the Colony generally, having in view the approaching settlement of a large agricultural population, that if means were available for the construction of a line from *Newmarket* to the *Waikato*, I have no hesitation in saying that the construction of a Line between those points should be the first railway work to be undertaken; because it would certainly draw the whole of the Southern traffic, and would thereby afford the greater good to the greater number, and would in all probability prove the most profitable investment of the Public Funds,

The line once brought from the Waikato to Newmarket; the enterprize and wealth of the citizens of Auckland would doubtless in a very short time ensure the continuation of the Line to the Harbour which *must* ultimately, of course, be the terminus.

The cost of a line from Newmarket to the Waikato (referring to the Estimates so far as the Line to Drury is concerned) would probably be not less than £182,000 exclusive of Rolling Stock.

The Estimate of the last fifteen miles of the line from Drury to the Waikato is necessarily only approximate, the trial surveys for the extension not being yet finished.

As, however, the means at your Honor's disposal are quite insufficient to enable the Commissioners either to carry out the line or to construct a Railway from Auckland to Drury, the *second* of the proposals before named, becomes worthy of consideration, viz.:—the completion of a Line between Auckland Harbour and Onehunga, continuing the main Southern Railway so far towards Otahuhu, as the funds would admit.

My Estimates show the probable cost of the Line to Onehunga to be about £74,000 (exclusive of rolling Stock.)

This would leave, say £10,000 available for continuation of the Line towards the South, and to defray the cost of the land, which has not been included in the foregoing estimates.

The construction and completion of a line to Onehunga (with the funds now available), connecting as it would, the waters of the two Harbours, is a work, which in my opinion deserves very serious consideration. In the *first* place, the traffic between the two ports is very considerable, and as they would always be the Termini of the Railway, *the whole of the Traffic* would, in all probability, come on such a line; which in practice is not found to be the case on Lines recently made in the Australian Colonies, which commence at the capital or sea port, and extend only a short distance into the interior, where goods and passengers have again to be transferred to other vehicles and ordinary roads, as would be the case if a line were opened from Auckland to Drury only.

Again, on constructing the Line from Auckland Harbour to Onehunga, means would be afforded of bringing in the necessary materials for the construction of the Harbour works, and a very large saving, amounting certainly to several thousand pounds would be effected.

I have little doubt that such a line would yield a very considerable return on the outlay, and I am strongly inclined to think, that in this respect, it would be a more profitable expenditure of the public funds than the construction of a line to Drury without a *continuation to the Waikato*.

Traffic returns, might, however, easily be obtained which would go far to decide this question.

I cannot conclude this report without strongly advising that your Honor's influence should be used with the Railway Commissioners, to induce them to make arrangements for the construction of any works which they may undertake with contractors of acknowledge repute and ample resources ; as the adoption of an opposite course in New South Wales has involved the Government there in innumerable difficulties, delays, and loss.

I have, &c.,

WILLIAM WEAVER,
Engineer in Chief.

Commissioners' Office,
Auckland, 25th July, 1864.

SIR,—

The Board of Commissioners for the Auckland and Drury Railway having considered the liability of Railway Iron to the duties chargeable under the New Zealand Tariff, and being desirous that if possible, exemption should be obtained, seeing that the amount will be not less than seven or eight thousand pounds, they respectfully suggest that your Honor should correspond with the honorable the Commissioner of Customs with a view to that end in event of the Colonial Government refusing to entertain the question favourably they submit to your Honor's judgement, as to whether consigning the material to the Provincial Government will secure the object desired.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 12th August, 1864.

SIR,—

I have the honor to request that you will inform the Board of Railway Commissioners, that I have, in accordance with the request transmitted in your letter of date 25th July ultimo, been in correspondence with the General Government relative to the exemption of Railway Plant from payment of Custom Duties, and am informed in reply that under the Customs Duties Act, Railway Plant is duty free.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners,
Auckland and Drury Railway.

Superintendent's Office,
Auckland, 11th August, 1864.

SIR,—

I have the honor to forward herewith for the consideration of the Railway Board of Commissioners copy of letter No. 200 addressed to me by the honourable the Colonial Secretary under date 28th July ultimo, and to request that you will favour me with the views of the Board upon the question raised therein viz, the proper rate of salary to be named for the Auditor appointed under the "Auckland and Drury Railway Act, 1863"

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners,
Auckland and Drury Railway.

Commissioners' Office,
Council Chambers,
Auckland, August 11th, 1864.

SIR,—

The Board of Commissioners for the Auckland and Drury Railway have instructed me to call your Honor's attention to the most anomalous position in which they are placed relative to the salary of the gentleman who has been appointed by his Excellency the Governor to the office of Auditor under the 17th section of the Auckland and Drury Railway Act 1863. For although it is clear that the General Legislature of the Colony in passing the aforesaid Act intended that such salary should be paid out of moneys belonging to the Railway Department, yet your Honor will observe

that the 19th clause thereof, restricts the payment out of funds other than those now at the disposal of the Board. And as no such funds will be available for a considerable length of time, the Commissioners most respectfully suggest for your Honor's consideration the desirability of making the salary in question a charge against the General Revenue of the Province by providing for it on the estimates of expenditure in the usual way.

To guide your Honor in forming an estimate the Commissioners deem it consistent with their duty to state that as the Railway accounts are at present neither complex nor multifarious, the sum of £25 per annum would be ample remuneration for the services to be performed.

On behalf and by order of the Board.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Auckland and Drury Railway,
Commissioners' Office,
Auckland, 27th July, 1864.

SIR,—

The enclosed copy of letter from the Engineers of the Auckland and Drury Railway is forwarded for your Honor's information and I am directed by the Board of Commissioners to state that it is of the utmost importance that they should have the undisturbed possession of the rooms now occupied by them until the next meeting of the Provincial Council, and although the Commissioners have no desire to dictate to your Honor the course you ought to pursue in allowing the use of the Council Chambers for the service of the Supreme Court they are nevertheless unanimous in their belief that no such eligible premises can be obtained in which to transact the Business of the Railway and they respectfully request that the Chief Justice and his Court may be located elsewhere.

On behalf and by order of the Board

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Auckland and Drury Railway,
Engineers Office, Council Chamber,
Auckland, 25th July, 1864.

SIR,

We beg to bring under your notice the inconvenience we have frequently sustained and are likely still to suffer for want of proper office accommodation.

During our busiest periods our assistants and the public have been crowded on us, rendering it quite impossible for us to give that consideration and have proper consultation on important matters.

We understand that those offices will soon be required for Law Business, or for the Provincial Council or Assembly.

Under these circumstances, we hope the Board will take into consideration the necessity of providing proper office accommodation, where no interruption to public business will occur by public parties impeding one another.

We have the honor to remain,

We have, &c.,

J. STEWART. }
S. HARDING. } Engineers.

The Chairman of the Railway Board.

Superintendent's Office,
Auckland, 10th August, 1864.

SIR,—

In reply to your letter No. 42-7 of date 27th July ultimo, I beg to express my regret that the requirements of the Supreme Court should in any way interfere with the present office arrangements of the Railway Board of Commissioners, but as the premises must at all events be vacated in time to prepare for the meeting of the Provincial Council early in October. I have given permission for the sitting of the Supreme Court there in the meantime, and have to request that the Board will at its earliest convenience make such arrangements as to enable it to give up to His Honor the Chief Justice about the 15th instant the apartments now in its occupation.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners,
for the Auckland and Drury Railway.

Commissioners' Office,
Auckland, 27th July, 1864.

SIR,—

I have been instructed by the Board of Commissioners for the Auckland and Drury Railway to transmit for your Honor's consideration, the enclosed memorandum as furnished by Messrs. Stewart and Harding, Engineers to the Railway Board upon the report of Wm. Weaver Esq., Engineer-in-Chief and forwarded by your Honor to this office.

I have, &c.,

THOMAS CREESEMAN.

His Honor the Superintendent.

Engineers' Office,
Council Chambers,
Auckland, 26th July, 1864.

SIR.—

We have the honor to submit to your Board the following memorandum on the terms of the Engineer-in-Chief's Report on the Provincial Railway schemes agreeably to your minute thereon of date 23rd instant.

From the first paragraph of the report we gather that it was the working drawings Mr. Weaver was desirous to examine. It is to be regretted that the same were not ready for inspection, as the total of the quantities of the latter when completed, and those of the parliamentary section will be we expect different.

The estimates of the Engineer-in-Chief we consider too high, but this until tested by the forthcoming tenders is to a great extent a matter of opinion, as to the amount of profits contractors will be satisfied with. We will show further on, that keeping the actual cost of earthworks in view the work can be done for less.

The Sea Wall in Mechanic's Bay which is estimated at £7,000 we believe may be dispensed with altogether. It is needless for us to enter into the question of the desirability of pushing the Railway to the Waikato, that is admitted on all hands, but we would respectfully protest against the idea of making Newmarket the terminus even temporarily. The Engineer-in-Chief seems convinced that the Harbour must eventually be the Terminus. It is our conviction that the money expended on such a scheme without extending it to the harbour would be half wasted.

Mr. Weaver supplies the argument in our favour, he hints with truth that parties adjacent to the termination of a Line merely carried into the interior are slow to avail themselves of it; having, it is presumed, to do some carting to the line, they are apt to cart the whole way. How much more then would they prefer doing so, if their goods had to be *re-carted* from the terminus a further one or two miles into town, if one transference of goods from carriage to carriage is bad surely the second transference is worse.

This leads us to the consideration of a matter in which we differ in opinion it is said, "The Line once brought from Waikato to Newmarket the enterprise and wealth of the citizens of Auckland would doubtless in a very short time ensure the continuation of the line to the harbour which must ultimately of course be the Terminus.

It is not from any distrust of the enterprise of the citizens that we doubt the possibility of their doing any such thing. What would be said of a company constructing a Railway 20 miles long at £5,000 a mile, and leaving in the middle or any where else on the Line a Tunnel and other heavy works costing £25,000 per mile to be done by another company? Place it the other way. It is much more likely that if by public funds, the heavy two miles were done that a company would take up the light and paying part.

We strongly urge as sound the arguments embodied in the Report regarding the importance of the Auckland and Onehunga Harbours being connected by Railway. We have always looked on this part of the works as being the real main line, and there is not the slightest doubt of its being the most profitable part of the scheme.

This scheme however is one to connect the harbours. It would look injudicious to propose a line from Onehunga to Newmarket only, yet, let us assure your Board that it is so, only in a less degree to propose to connect Newmarket with the broad Waikato, which is both Port and Highway for 120 miles, of what at no distant day is to be the centre of our population.

The concluding part of the report calls we think for particular notice at our hands, because it appears to refer to what has been called the Small Contract system, and advocated by us. Now we never hope to see a contract let to any one who has not ample resources. This has certainly led to delay and loss in New South Wales and other places. This may be called the "Small Contractors" system. The "Small Contract" is quite a different thing, and consists in the Proprietors whether Public or Private, being their own contractors, and subletting the works precisely as a large contractor would and saving his profits by taking his risk which risk in an easy line like this amounts to very little indeed.

You have by this means the *most extended competition*, and that amongst a class fully as capable to do a few cuttings and lead into a few embankments or undertake a mile of forming, ditching and fencing, as a large contractor is to take the whole work.

D

We would remind your Board that it was on this system, that we based our estimates originally as stated in the Parliamentary report, and taking into account the rise in labour, and iron, and increased weight of Rails and proposed Plant we think that 24½ miles of Line can be completed, enough of Plant to start with procured, and the Railway opened for about £145,000 exclusive of land; if it is not too late to reconsider this matter we would strongly urge it with that view. It points to a saving, if Mr. Weaver's estimates be correct of about £28,000.

We have, &c.,

JAMES STEWART, }
SAMUEL HARDING. } Engineers.

Superintendent's Office,
Auckland 22nd August, 1864.

SIR,—

I have the Honor to acknowledge receipt of your letter of date 27th, July ultimo forwarding memo. by Messrs. Stewart and Harding in reply to report of the Provincial Engineer-in-Chief.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners,
Auckland and Drury Railway.

Auckland and Drury Railway,
Commissioners' Office,
Auckland, July 29th, 1864.

SIR,—

The Board of Commissioners for the Auckland and Drury Railway respectfully request that your Honor will favour them with the assistance of two Draftsmen out of Mr. Warner's office during the next six days in order to facilitate the completion of Plans and Specifications &c., of the line of Railway in time for transmission per next supplementary mail.

On behalf and by order of the Board,

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, August 4th, 1864.

SIR,—

In reply to your letter of date 29th July ultimo requesting that the Engineers to the Auckland and Drury Railway may have the assistance for a few days, of two Draughtsmen from the Land Office, I have the honor to inform you that the services of two Draughtsmen have been placed at the disposal of the Board for the time mentioned.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners,
For the Auckland and Drury Railway.

Auckland and Drury Railway,
Commissioners' Office, Council Chambers,
Auckland, July 30th, 1864.

SIR,—

The Board of Commissioners for the Auckland and Drury Railway holding appointment for the construction of works, which in their nature and magnitude, vastly exceed all others in this Province, and requiring the utmost care and prudence in their execution, deem it consistent with their duty to inform your Honor, that it is not only their united endeavour to confine, if possible, the expenses of the undertaking within the limits prescribed by the votes of the last meeting of the Provincial Council, but also to adopt such deviations and alterations for the permanent improvement of the line as Engineering ability and the advancement of modern science suggest. One of the deviations now under discussion by the Board is that of cutting through Point Britomart from Official Bay, almost in a line with Custom House Street, that a more eligable site may be obtained for the Auckland Station, and the costly erection of a sea wall altogether avoided. And if such a change were adopted, a considerable quantity of earth would be sent to spoil; the Commissioners therefore suggest to your

Honor the desirability of continuing Custom House Street across Mechanics' Bay, until it unites Parnell Road, at the bend, seaward of Mr Nichol's ship yard, thereby effecting a lasting improvement to the Harbour, opening one of the best and easiest approaches to the city, and reclaiming fifteen or twenty acres of most valuable land, which might be leased for a sum exceeding by far, the expenses incurred.

In calling your Honor's attention to this question, the Board is desirous, if possible, to ascertain what amount of remuneration your Honor would be prepared to recommend the Harbor Trust to contribute for the advantages which would be secured in Mechanics' Bay by the Railway Works.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent, Auckland.

Superintendent's Office,
Auckland, August 18th, 1864.

SIR,—

Referring to your letter of date 30th July ultimo, describing a deviation of the line of the Auckland and Drury Railway, which the Board of Commissioners has under consideration, and enquiring what aid might be expected from the Harbour Trust Fund, in carrying out the same, I have the honor to inform you, that the Provincial Engineer in chief has been instructed to examine and report to me upon the subject, and that, upon the receipt of that report, I will communicate to you my views, as to the desirability, or otherwise, of the proposed alterations of the line.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners,
for the Auckland and Drury Railway.

MEMORANDUM.

A Plan, Section, and Estimate, of the proposed improvement should be furnished, before I can report on the question submitted.

WILLIAM WEAVER,
Engineer in Chief.

Auckland, and Drury Railway,
Commissioners' Office,
Auckland, 8th August, 1864.

SIR,—

I have been directed by the Board of Commissioners for the above Railway to call your Honors attention to the fact that the building now in course of erection in Official Bay for Sir W. Wiseman, has been reported to be upon the proposed line of Railway from Mechanics' Bay to Custom House Street, and beg to suggest to your Honor that steps be taken with a view to prevent unnecessary expense and trouble.

On behalf and by order of the Board,

I have, &c.

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 12th August, 1864.

SIR,—

Referring to your letter of date 8th instant I have the honor to request that you will inform the Board of Railway Commissioners that the building now in course of erection in Official Bay for the use of the Commodore on the Auckland Station, is not within the limits of deviation as shown on the Parliamentary Plan of the Auckland and Drury Railway, and that I am not aware of any other plan having been adopted.

I have &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners,
of the Auckland and Drury Railway.

Commissioners' Office,
Council Chambers,

Auckland, 11th August, 1864

SIR,—

The enclosed List of names, &c., of gentlemen who have tendered for the supply of Sleepers, for the Auckland and Drury Railway is forwarded for your Honor's information, and I am directed by the Board of Commissioners, to state that they have accepted the tenders of Messrs. Keleher & Co., and Mr. William Hay for 17,000; the balance they propose from Mr. McCaskell whose tender is the next lowest on the list, and as that gentleman's tender is of a character most advantageous to the Railway interests, and probably much lower than any which may be obtained at the time when the whole of the Sleepers will be required, the Commissioners submit to your Honor the desirability of securing from him a larger number than the 13,000, inasmuch as 40,000 will be required to complete the line from Auckland to Drury. This, however is a question upon which the Commissioners desire an expression of opinion from your Honor; and as Mr. McCaskell should be communicated with relative to his tender not later than Saturday next the 13th current, I most respectfully request that you will oblige the Board with a reply to this on or before that date.

On behalf &c., and by order of the Board.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,

Auckland, 13th August, 1864.

SIR,—

I have the honor to acknowledge the receipt of your letter of date 11th instant enclosing Schedule of Tenders received for supply of Sleepers, for the Auckland and Drury Railway, and stating that the Board of Railway Commissioners have accepted the tenders of Messrs. Keleher, and Co., and of Mr. William Hay, for the supply of seventeen thousand sleepers in all, you also state, that the Board proposes, if I approve of it, that Mr. McCaskell's tender should be accepted to the extent of thirteen thousand sleepers, being the balance required to complete the whole line from Auckland to Drury.

In reply I beg to state, that never having had any wish to offer the slightest obstruction to the Railway Commissioners, but having, on the contrary, shewn myself ready to give them all reasonable latitude, and to facilitate by every means in my power, the important work they are engaged upon, I regret to observe, that the Board has thought it right to accept tenders for sleepers to so large an amount before consulting me, either, as to the quantity that ought to be engaged for at present, or respecting the kind of timber that should be preferred, where the tenders afford so wide a choice. The adoption of this course is the more extraordinary, seeing the 14th clause of the Railway Commissioners Act, shews clearly that the approval of the Superintendent is necessary before tenders are accepted. It is particularly unfortunate, that the board has chosen the present occasion, for a departure from the rules laid down in the act referred to, as I happen to have good grounds for a strong belief in the great superiority of Puriri over the timber principally offered in the tenders accepted.

I observe, among the tenders rejected by the Board, one for 20,000 Puriri Sleepers at 5s. each and another for 20,000 of the same timber at 4s. 6d. each. Under these circumstances, I do not consider it desirable that any portion of Mr. McCaskell's tender for the supply of Kauri Sleepers should be accepted.

The question of the wisdom of arranging for the delivery of large quantities of timber long before it can be used, is open to discussion, as in the case of inferior woods, deterioration of quality proceeds rapidly when stacked in masses, and with all, there is a considerable risk from fire.

I should have been glad had the Board arranged so as to have all the tenders for the Railway materials and work submitted at one time, so that I could have, with the aid of my Executive Council, considered the whole matter, and formed an opinion upon the question, whether the available funds would suffice for completing the line or what portion thereof.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners,
Auckland and Drury Railway.

Superintendent's Office,

Auckland, 16th August, 1864.

SIR,—

Referring again to your letter of date 11th instant, and to my reply thereto, dated 13th instant, I have now the honor to request you to inform the Board of Commissioners, that it having been stated to me, verbally, (after despatch of the last named letter, that the tenders made by Messrs. Keleher & Co., and by Mr. Wm. Hay for the supply of Railway Sleepers, were not irrevocably ac-

cepted,) I laid the matter before my Executive Council, in accordance with the provisions of the Railway Commissioners' Act, and with the advice and consent of that Council, have decided to sanction that a contract be entered into by the Board of Commissioners, with Messrs. Keleher & Co., and Mr. Wm. Hay, for the supply of Sleepers as tendered for, to the extent of seventeen thousand.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners,
for the Auck'and and Drury Railway.

Commissioners' Office,
Council Chambers,
Auckland, August 16th, 1864

SIR.—

I have to acknowledge the receipt of your letter No. 1124, dated August 13th 1864 which has been laid before the Board of Commissioners of the Auckland and Drury Railway, and after mature deliberation thereon, I am desired to forward the following reply :—

Your Honor will observe that although nothing would be more unseemly than that any difference of opinion which may exist between your Honor and the board, should assume such proportions as to materially interfere with the progress of the Railway Works—yet the Commissioners would be wanting in dignity and self-respect were they not to attempt a justification of their conduct, which has now become the subject of your Honor's official correspondence.

While the Commissioners tender their warmest acknowledgements to your Honor for your expression of harmonious co-operation in the discharge of their onerous duties, they nevertheless regret that you should have considered it necessary to prefer so grave a charge as that of ignoring the prerogatives and functions of your office by accepting tenders before consulting your Honor, as to the quantity and quality of the material tendered for; and further that such a course is considered by you as the more "unfortunate," seeing that you suppose it to be an infraction of the 14th clause of the "Railway Commissioners' Act."

Now although the Commissioners claim credit for their unanimous desire to render that respect and honor to which, as the Superintendent of this Province you are justly entitled; they do nevertheless, most firmly dissent from the view you entertain, as to their proceedings being illegal, or at variance with the clause of the Act to which you refer. All that they have done is but a preliminary step—a simple resolution of the Board that the tenders of Mr. Hay and Messrs. Keleher & Co. are unexceptionable in their character, and such as they could accept,—but they have entered into no contract with those gentlemen—they have not even presented to them the conditions of a contract. But previous thereto, the whole of the proceedings of the Board in connection therewith, are forwarded for your Honor's approval or otherwise. And how such a course can be construed into a violation of the clause in question, is altogether beyond their comprehension. But before the Commissioners dismiss this part of your Honor's letter, they are bound to state that a most important question is raised here, and one which if pressed home may possibly involve the Commissioners in consequences, which it would be desirable to avoid. Your Honor will observe that the wording of the act is as follows :—"Provided always that no money shall be expended nor any contract 'entered into.'" This clause in its strict letter refers to small sums of money as well as to large ones, to sums of 1s. equally with those of £10,000. But to suppose that before the Commissioners can purchase a pencil for the use of a draftsman in the office, or the insertion of an advertisement in the newspapers for protection of Railway property, the sanction of your Honor and Executive must first be obtained is to suppose an absurdity never dreamed of by the framers of the Act. Clearly the Commissioners cannot for one moment entertain the opinion that your Honor would attach so forced a construction to the clause referred to above, but on the contrary afford that latitude which in all similar cases is both given and taken.

Should your Honor however think otherwise it is of the utmost importance that the Commissioners should be at once apprised thereof seeing that it is not what they anticipated when they accepted office.

The question of quantity and quality is one upon which the Commissioners had not even the remotest idea of consulting your Honor, as it is altogether of a nature to be dealt with by the Engineers of the Board; they do not however refuse to accept suggestions from your Honor, but submit for your consideration that there would have been greater propriety had the Board been communicated with on these points at an earlier date, instead of the present juncture when the tenders are all in.

It is assumed by your Honor that the Commissioners intend taking delivery of the Sleepers tendered for in full and within a short period of time—hence your remarks relative to—"receiving large quantities of timber long before it is required,"—"the deterioration of inferior wood and risk from fire." A perusal of the second paragraph of enclosed copy of conditions of contract may possibly convince your Honor that while the Commissioners have taken care to secure a supply of Sleepers when required. They have at the same time reserved the power to extend their reception over a considerable period. Hence your fears about deterioration and fire are groundless.

E

Your Honor labours under a mistake relative to a Tender for 20,000 Sleepers all of Puriri at 5s. each, no such Tender having been received by the Board. Nor is there one for 21,000 of the same wood at 4s. 6d. each. It is rather unfortunate too that your Honor seems to have inferred that Mr. McCaskell's tender was for Kauri; when that gentleman does not even name Kauri, therein, and the Board have equal right to infer that it would include all Puriri.

The propriety or otherwise of having all the Tenders for the entire works of the Line under consideration at one time, is a matter of opinion upon which the Commissioners hold no very strong views but in the absence of any justifiable reasons for the adoption of such a course, they deem it most prudent to proceed as they have hitherto done.

On behalf and by order of the Board,

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

—
PARAGRAPH REFERRED TO :—

“The Contractor will be expected to supply that kind of material only as set forth in the accompanying specifications and Tender, and at the time or times when ordered to do so by the Engineers to the Board; the number to be delivered at any one time shall not be less than five hundred (500). The first delivery to be made within thirty days from the date when the Engineers give notice and so on progressively from time to time, and the whole quantity contracted for within twelve calendar months from the date of the acceptance of this Tender.”

—
Auckland and Drury Railway,

Commissioners' Office,

Auckland, 13th August, 1864.

SIB,—

The enclosed Plans Specifications, &c for Railway Offices proposed to be erected by the Board of Commissioners upon a plot of ground fronting Jermyn street and opposite the residence of R. W. Wynn Esq, have been adopted by them and are now forwarded for your Honor's consideration, and as the question of removing the Board altogether with their Engineering Staff from the present building to some other location, assumes such vital importance, that your Honor is respectfully requested to state in reply your approval or otherwise of their proposition herein submitted. It is further suggested by the Board that the building proposed to be erected by them might be taken by your Honor for other purposes, and the Commissioners re-imbursed for their expenditure, when the necessity for its occupancy is superseded by the completion of permanent offices upon the Railway Works.

On behalf and by order of the Board,

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

—
SPECIFICATION FOR BUILDING OFFICES FOR THE AUCKLAND AND DRURY RAILWAY COMMISSIONERS.

This work consists in the construction and finishing of the Building as shewn on the accompanying Drawings together with the finding of all materials, labour and appliances required for the same.

The building is to be erected in the vicinity of the Council Chamber as will be marked out for the contractor.

Plates are to be 4 in. x 3 in. carried on 9 in. puriri blocks in spaces of about 6 feet, the blocks are to be in four rows longitudinally as shewn on section, the verandah to be supported as shewn.

Stud 4 in. x 3 in. are to be spaced as nearly as possible 18 in. apart all round centre, the whole framing to be well braced, Doors and windows properly framed and secured.

Sleepers 6 in. x 2 in.

Joists 10 in. x 2 in.

Rafters framed as shewn, 6 in. x 2 in. ties 6 in. x 2 in. spaced every two feet centres.

Battens 4 in. x 1 in. and shingled in a proper manner.

Weather Boarding 9 in. x $\frac{3}{4}$ in., well fastened with proper cap.

Flooring to be 1-inch tongued and grooved, and not more than 6 inches wide in boards, well and closely laid, dressed on upper surface.

Lining, The whole interior of side wall and partitions is to be closely lined with $\frac{3}{8}$ th lining, lining of ceiling to be dressed, the boards uniform in width and the joints covered with battens dressed, 3 in. x $\frac{1}{2}$ in.

Stair to be well framed and finished, treads 11 in. x $1\frac{1}{4}$ thick, breasts $7\frac{1}{2}$ in. rise x 1 in. thick, all dressed timber the joisting is to be brilled, or passing the chimney stack through, and also to carry a hearth for each fire.

Hearths to be of flagstone in one piece each, not less than 4 ft. x 2 ft. 3 in. carried on an arch of brick abutting on the joists, the joists to be deranged in middle lengths.

Chimneys to be well founded and built of good sound well burnt bricks and approved mortar, flues to be well bound and perfectly laid in mortar.

Doors to be all pannelled, and well framed and hung, locks to be strong rim pattern, keys to be furnished two for the two doors at the end of verandah and one for each other door.

Windows to be hung in both sashes, well framed and glazed panes 16 in. x 12 in. sashes to be furnished with good fastenings.

Mouldings to be carried round all doors and windows on both sides.

Skirtings to be carried round all the rooms 9 in. deep well dressed and moulded, staircase to be similarly skirted.

Each Fireplace to be fitted with neat mantle shelf and joints strong and well secured to brick-work.

Verandah to be well built as shewn, joists same as for main building, flooring same as for main building, railing to be 2 ft. in height, studs in pairs 3 in. square, top-rail of railing 3 in. x 2 in. Diagonals 2 in. x $1\frac{1}{2}$ in. Verandah rail studs and sarking to be dressed, sarking to be close jointed and shingled, verandah roof to be flashed with zinc, bridge boards to be closely fitted and all other appliances provided and means taken to render the building in all its parts perfectly wind and waterproof.

The whole of the sides of the rooms are to be canvassed and papered with paper of an approved pattern. The stair-case to be lined with dress boards tongued and grooved and close jointed.

Painting. The whole outside of walls and all dressed work in the verandah to be primed and afterwards receive two coats of best oil paint, finishing with such tint as may be approved of. Outside doors and all sashes to be painted in three coats of oil-paint, gate to be framed and hung on and off verandah.

Gutters of zinc to be carried all around the main building and verandah, two spouts to lead down the two back corners with all proper connections and fixings, one spout to lead down from the verandah. These spouts to be of zinc 3 in. diameter.

All Timber used in this building is to be sound heart of Kauri.

The whole work to be done in a complete and workmanlike manner, to the full and entire satisfaction of the Commissioners for the said Railway; or anyone appointed to inspect the work, within a period of six weeks from date of acceptance of tender.

The Commissioners shall have full power to alter the design or extent of the works at any time during construction, allowance for the same being made according to agreement at the time between the Contractor and the Inspector aforesaid, or by valuation by said Inspector and anyone appointed by the Contractor for that purpose.

Superintendent's Office,
Auckland, 17th August, 1864.

SIR,—

I have the honor to acknowledge receipt of your letter of date 13th instant relative to the proposed erection of Railway Offices upon a plot of ground opposite the residence of R. W. Wynn Esq.

I have to request, that you will inform the Board of Commissioners in reply that while I should much regret putting the Board to any inconvenience, yet I do not feel at liberty to incur so large an expenditure as the erection of the proposed buildings would involve without the sanction of the Provincial Council, I have however given directions that a room at the Land Office, hitherto used by the Provincial Land Surveyor may be placed at the services of the Board and that, for the use of their Engineers accommodation may be provided in the larger rooms of the same department.

These arrangements, I hope, will serve the purpose the Board have in view, until the Council meets.

I have to request that you will bring under the notice of the Commissioners that if it is decided to erect buildings to be used in the first instance for Railway Offices, it is in my opinion worthy of consideration, whether they ought not rather to be erected on a site convenient for receiving the Railway Plant &c., on its being landed from the shipping, as for instance the Government Water allotment in Official Bay.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the
Auckland and Drury Railway.

Auckland and Drury Railway,
Commissioner's Office,
Auckland, 20th August, 1864.

SIR,—

Referring to your Honor's letter dated the 17th instant, in answer to a communication with inclosures from the Board of Commissioners Auckland Drury Railway, on the desirability of erecting offices for the Railway Service. I am instructed to tender the acknowledgement of the Board for the readiness with which your Honor has placed temporary accommodation at their disposal:—and further to inform your Honor that the offer you have so liberally made of an allotment in Official Bay will have their immediate consideration.

On behalf and by order of the Board

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Commissioner's Office,
Council Chambers,
Auckland, 15th August, 1864.

SIR,—

I have to inform your Honor in accordance with the conditions contained in the 14th clause of the Railway Commissioners Act, of last session of the Auckland Provincial Council, that a further sum of One Thousand Pounds (£1,000) is required to meet the current expenses of the Board, incurred on account of the Auckland and Drury Railway.

On behalf and by order of the Board,

I have &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 20th August, 1864.

SIR,—

I have the honor to acknowledge the receipt of your letter of date 15th instant informing me that in accordance with the conditions contained in the 14th clause of the Railway Commissioners Act, of last session of the Auckland Provincial Council, that a further sum of one thousand pounds (£1,000) is required to meet the current expenses of the Board incurred on account of the Auckland and Drury Railway.

In reply I have the honor to state that I am at a loss to understand how the Board could have incurred such an expenditure. It appears quite clear to me, by the 14th clause of the Railway Commissioners Act that no money shall be expended nor any contract entered into without the sanction of the Superintendent and the Executive Council. I am not aware of any contracts entered into that involve immediate payments, or how the expense has been incurred that requires the advance of one thousand pounds (£1,000.) It is clear that the Board is in no way restricted in the employment of officers or the amount to be paid to such persons so appointed, but it is also provided that the Superintendent is required to pay all salaries and wages to persons so employed.

I forward herewith printed forms which you will please cause to be filled up from time to time as required. They will then require to be certified by the Chairman of the Railway Board as to the correctness of the amounts, and forward it to this office for the approval of the Superintendent of the Province; after which the amounts certified will be paid at the Provincial Treasury to the persons employed. Forms of account are also transmitted herewith, which are applicable in like manner for payments under all contracts entered into by the Board, after having obtained the sanction of the Superintendent and the Executive Council; as before stipulated.

I cannot see that the Board of Commissioners can experience any inconvenience by adopting the course now pursued in the various departments of the Provincial Government, by first forwarding to the Superintendent a requisition of the various articles required, for approval, the which, when approved will, with an account certified by the chairman, be the only authorities for the payment, which the person supplying the articles will be called upon to produce at the Treasury—no further reference being required. This course is, in my opinion clearly in accordance with the intention and spirits of the Railway Commissioners Act.

The system of advance was introduced during my absence on a visit to the Northern portions of the Province, and although I am restrained by the strict letter act from paying money, except as therein provided, still my desire to work harmoniously with the Board is such that I am willing to incur the

responsibility of advancing to the Board, if it is still considered necessary, small sums from time to time; and I may state that I am actuated by a desire to meet the wishes of the Board, and at the same time to guard the interests of the Province, by not paying interest on money unnecessarily. There are other reasons why the course laid down in the 14th clause of the Act referred to should be adhered to, but it is not necessary that I should go into them now.

The mode of procedure which has been described, will I trust be found convenient, and meet the views of the Commissioners for the Auckland and Drury Railway.

I have, &c.,

ROBERT GRAHAM
Superintendent.

The Chairman of the Board of Commissioners,
Auckland and Drury Railway.

Superintendent's Office,
Auckland, 16th August, 1864.

SIR,—

I have the honor to suggest for the consideration of the Board of Railway Commissioners, in connection with the arrangements to be made for obtaining further supplies of sleepers for the Auckland and Drury Railway, whether it might not be well to make further inquiry at several of the most likely of the parties whose tenders were not recommended for acceptance in the first instance, regarding the description of timber they proposed to supply, also as to whether or not, there would be any objection on their part, to allow their tenders to remain open until a few days after the assembling of the Provincial Council which meets on 30th September.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners
for the Auckland and Drury Railway.

Superintendent's Office,
Auckland, 24th August, 1864.

SIR,—

I have the honor to acknowledge the receipt of your letter of date 16th instant, and in reply to the remarks therein respecting the acceptance of tenders, and the consulting of the Superintendent relative to the quality and quantity of sleepers to be contracted for, I beg to refer you to your own letter of date 11th instant, as to the inference respecting Mr. McCaskill's tender being for kauri, it was stated to be so in the list transmitted in your letter. The tender which was quoted as for twenty one thousand ought to have been quoted thirty thousand, but the error was merely a clerical one, in no way affecting the question raised. The quotation of a tender for twenty thousand Puriri sleepers was correctly copied, from the list received from you.

In conclusion, I beg to state, that while the Railway Commissioners Act remains in force, no advantage can arise from the further discussion of the points upon which the present difference of opinion has arisen.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Railway Commissioners,
Auckland.

Commissioners' Office,
Council Chambers,
Auckland, 27th August, 1864.

SIR,—

I am directed by the Board of Commissioners for the Auckland and Drury Railway to repeat their application of the 13th instant for the sum of one thousand pounds (£1,000) a considerable part

of which is at present required to meet the requirements of the Board incurred by the employment of Engineers, Labourers in taking borings, and performing other preliminary works, advertising for Tenders, Stationery &c., &c.

On behalf and by order of the Board,

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent,

Superintendent's Office,
Auckland, 1st September, 1864.

SIR,—

I have the honor to acknowledge the receipt of your letter of date 27th August ultimo, repeating the application for an advance of one thousand pounds (£1,000) from the Provincial Treasury to the Board of Commissioners for the Auckland and Drury Railway.

In my letter of date 20th August ultimo, which you neither acknowledge nor refer to, it was clearly pointed out what I believe to be the spirit and intention of the Railway Commissioners Act, and also what I believe to be the proper way of conducting government payments, I now forward you herewith a legal opinion by the Provincial Solicitor upon the points which have been raised, and which the Board will observe confirms the view I had taken. I also forward herewith copy of the agreement entered into with the Bank of New Zealand, in order that the Board may observe that by the 7th clause thereof, all payments and disbursements out of the loan of (£500,000) five hundred thousand pounds, shall be made by the Provincial Government through the Bank of New Zealand. To this agreement I desire strictly to adhere. The Board will observe however from my letter of date 20th August ultimo, that I am willing to authorize the making of small advances from time to time, and will forthwith if it is wished authorize an advance of (£200) two hundred pounds, provided it will be dealt with in accordance with the terms of the agreement with the Bank of New Zealand as referred to above. I trust that this sum will meet all the requirements of the Board until the meeting of the Provincial Council, when the Railway Commissioners Act may be altered, but in my opinion not improved in so far as regulating the making of payments is concerned.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners,
Auckland and Drury Railway.

MEMORANDUM.

I have perused the correspondence alluded to in the annexed memorandum, and have also referred to the section of the Act alluded to, and I am clearly of opinion that the views of the Superintendent are quite in accordance both with the spirit and letter of the law. I am of opinion that the Superintendent would be violating both the Railway Commissioners Act, as well as the Appropriation Act by making advances as proposed. The clause in question gave rise to considerable discussion when the bill was before a select Committee, and it was ultimately framed as it now stands with the express intention of giving effect to the view that the Superintendent now takes of it, and I am of opinion that the wording of the clause effects the intention.

R. W. WYNN.

August 30th 1864.

Superintendent's Office,
Auckland, 6th June, 1863.

Extract from "Articles of Agreement" between the Bank of New Zealand and Robert Groham, Esquire, Superintendent, &c., &c.

7. All payments and disbursements, on account of the said Loan, shall be made by the Provincial Government through the Bank of New Zealand. In witness thereof the said Superintendent hath hereunto subscribed his name, and affixed his seal and the public seal of the Province of

Auckland ; and the Board of Directors of the Bank of New Zealand have caused the seal of the Bank of New Zealand to be hereunto affixed, in the presence of James Williamson, Thomas Russell, and David Nathan, and the said Jas. Williamson, Thomas Russell, and David Nathan, have hereunto set their hands and seals, &c. &c.

MEMORANDUM.

September 3rd, from Railway Board of Commissioners. Referred to late Provincial Law Officer, (R. W. Wynn Esq.), and not returned.

Commissioner's Office, Council Chambers,
Auckland, 6th September, 1864.

SIR,—

I have been requested to forward for your information the following resolution as passed by the Commissioners of the Auckland and Drury Railway.

Resolved—“That the offer of His Honor the Superintendent to place the sum of £200 to the credit of the Board, with the Bank of New Zealand, be accepted, but at the same time the Board is of opinion that the construction placed by His Honor on the 14th clause of the Railway Commissioners Act, cannot be sustained, and hopes that the Superintendent will submit the matter to the earliest consideration of the Provincial Council.

On behalf and by order of the Board,

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Commissioner's Office,
Council Chambers, Sept. 13th, 1864.

SIR,—

I am directed to request that your Honor will be pleased to place the sum of Three Hundred Pounds to the credit of the Commissioners of the Auckland and Drury Railway, for the purpose of meeting the current expenses incurred by the Board on account of the said Railway, and that you will favour them by causing a duplicate slip of credit, &c., being forwarded to this office.

On behalf and by order of the Board.

I have, &c.,

THOMAS CHEESEMAN,

His Honor the Superintendent.

Auckland and Drury Railway,
Commissioner's Office,
Auckland, 29th September, 1864.

SIR,—

The Commissioners of the Auckland and Drury Railway are unanimous in their opinion as to the immediate necessity for several alterations and amendments in the “Railway Commissioners' Act, 1864,” and as the most important of their alterations relate to the questions at issue between your Honor and the Railway Board, I am instructed to suggest the desirability of a conference with your Honor and your Executive Council, that a perfect understanding may be had without impeding the enterprise by further correspondence or inciting lengthy discussion in the Provincial Council.

Should this proposition meet with your Honor's approval, the Commissioners will be prepared to attend at the time and place you may appoint.

On behalf of and by order of the Board.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 1st October, 1864.

SIR,—

In reply to your letter of date 24th September ultimo, I have the honor to request you to inform the Board of Commissioners for the Auckland and Drury Railway, that it will be convenient for the Superintendent and the Executive Council to hold a conference with the Commissioners at this office, on Tuesday the 4th October instant, at two o'clock p.m., for the purpose of coming to an understanding respecting the action to be taken in the matter of the Railway Commissioners Act.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Auckland and Drury
Railway Commissioners.

Commissioners' Office,
Council Chambers,
Auckland, October 1st, 1864.

SIR,—

I am directed by the Board of Commissioners of the Auckland and Drury, Railway to request that your Honor will cause to be placed to their credit a further sum of £300 to meet current expenses.

On behalf and by order of the Railway Board.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Auckland and Drury Railway,
Commissioner's Office, Council Chambers,
Auckland, October 6th, 1864.

SIR,—

I am directed by the Board of Commissioners for the Auckland and Drury Railway to state, that after having carefully examined the various Tenders for Railway Works, they approve of that sent in by Mr. G. Blandford, the amount of which your Honor will find in the tabulated Report of the Engineers of the Board, forwarded from this Office for your consideration.

If Mr. Blandford's tender be accepted by your Honor, he is prepared with the cash deposit of £10,000, other than which the Commissioners would not feel justified in accepting.

Your Honor will observe, that the Commissioners reserve the right to let the *Fencing* in separate contracts, and for the completion of the same, they have received a lower tender than Mr. Blandford's but that gentleman has intimated to the Board in writing, his intention of withdrawing his Tender for the whole works, should the *Fencing* be taken out. It is therefore thought desirable not to interfere with this item, but the Board will be guided by the decision of your Honor in this matter.

On behalf and by order of the Board,

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 10th October, 1864.

SIR,—

I have the honor to acknowledge the receipt of your letter of date 6th instant, informing me that the Board of Commissioners has carefully considered the various tenders received for the Auckland and Drury Railway, and approve of that sent in by Mr. Blandford. In reply, I have to state, for the information of the Board, that with the advice and consent of the Executive Council, I approve of the decision arrived at by the Board, and authorize the acceptance of Mr. Blandford's tender for the whole work. I also concur in the opinion expressed by the Commissioners, that a cash deposit of ten thousand pounds should be required as security, and beg to state, that it is desirable that the Board should use all the means in its power to cause that portion of the line between Auckland and Onehunga to be completed first.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners,
of the Auckland and Drury Railway.

Auckland and Drury Railway,
Commissioner's Office,
October 6th, 1864.

SIR,—

The Board of Commissioners having decided upon the advisability of forwarding a second Indent of Permanent Way for the Auckland and Drury Railway, request your Honor's approval thereof; and beg to intimate that an advance of £4,364 will be required to be sent to their agent in London (W. C. Daldy Esq.), to cover the pecuniary expense.

On behalf of and by order of the Board.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Auckland, October 6th, 1864.

SIR,—

The Board of Commissioners for the Auckland and Drury Railway herewith transmit a second Indent as under, and beg you will see that the same be forwarded without delay :—

Rails, 18 feet long, at 56 lbs. per yard, 3,000.
Fish Plates, joints, 2 feet long, at 14½ lbs. per yard, 6,000.
Bolts ¾-inch, 14,000.
Spikes, ⅝-inch, 54,000.
Nuts, 24,000.

The above being adapted for about 5 miles of Permanent Way, but you will be careful to see that they are strictly in accordance with the plans and specifications forwarded to you with the first Indent.

I have, &c.,

THOMAS CHEESEMAN.

W. C. Daldy, Esq., London.

Superintendent's Office,
Auckland, 10th October, 1864.

SIR,—

I have the honor to acknowledge receipt of your letter, of date 6th instant, enclosing a second Indent of Railway Plant, for transmission to W. C. Daldy Esq., and in reply, to request you to inform the Board of Commissioners for the Auckland and Drury Railway, that as soon as Mr. Blandford has complied with the conditions imposed by the Board, and finally completed the arrangements with the Board for carrying out the contract, I will forward the Indent to Mr. Daldy as requested.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners,
for the Auckland and Drury Railway.

Commissioner's Office,
Council Chambers,
Auckland, 6th October, 1864.

SIR,—

I have been instructed by the Board of Commissioners for the Auckland and Drury Railway to transmit for your Honor's consideration the accompanying Report, with enclosures with a request that the same may be presented to the Auckland Provincial Council at your Honor's earliest convenience.

On behalf of the Board,

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

MEMORANDUM.

A printed form of the Report mentioned above was forwarded to the Provincial Council, under date October 12th, 1864.

T. B.

MEMORANDUM.

The usual practice in drawing Railway Contracts is to embody all the stipulations and conditions in a set of *general conditions* attached to the specifications, which, with the usual form of Contract Bond comprise the contract without any special "Articles of Agreement."

If however such an agreement is preferred in this case it should contain clauses to provide against :—

The "Truck System."
 "Insolvency of Contractor."
 "Subletting Work."
 "Assigning Moneys."

And to give power to the Commissioners to pay workmen's wages in case of failure by contractor.

W. W.

Auckland and Drury Railway,
 Commissioner's Office,

Auckland, 12th October, 1864.

SIR,—

I am instructed by the Commissioners of the Auckland and Drury Railway to inform your Honor that they have approved of the enclosed Articles of Agreement, and Conditions of Contract, which they herewith forward for your Honor's consideration.

On behalf of the Board.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,

Auckland, 13th October, 1864.

SIR,—

I have the honor to acknowledge receipt of your letter of date 12th instant, submitting for my consideration copy of articles of agreement and conditions proposed to be entered into between the Commissioners for the Auckland and Drury Railway and the contractor for the works. In reply I forward herewith copy of four clauses which the Provincial Engineer in chief recommends should be added to the conditions, and request you to inform the Board that with these additions I consider the articles of agreement and conditions will be satisfactory. These documents are returned herewith.

I have, &c.,

ROBERT GRAHAM,
 Superintendent.

The Chairman of the Board of Commissioners,
 for the Auckland and Drury Railway.

Auckland and Drury Railway,
 Commissioner's Office,

Auckland, 14th October, 1864.

SIR,—

I have the honor to acknowledge receipt of letter dated 13th October, returning Articles of Agreement furnished by the Board for your Honor's approval, and have to state in reply, that they entirely concur in the view held by your Honor, and that they have adopted the amendments and additions proposed by W. Weaver Esq., Engineer in Chief.

On behalf of and by order of the Board.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,

Auckland, 20th October, 1864.

SIR,—

I have the honor to acknowledge receipt of your letter of date 14th of October instant, informing me that the Board of Commissioners for the Auckland and Drury Railway have adopted the additional clauses which I recommended should be added to the articles of agreement and conditions to be imposed upon the Contractors for the construction of the Auckland and Drury Railway.

I have, &c.,

ROBERT GRAHAM,
 Superintendent.

The Chairman of the Board of Commissioners,
 for the Auckland and Drury Railway.

Auckland and Drury Railway,
Commissioner's Office, Council Chambers,
Auckland, October 14th, 1864.

SIR,—

I have been requested to forward for your Honor's information, the enclosed Return, showing the estimated cost of the Railway Works between Auckland, Onehunga and Drury, framed on the basis of Tender submitted by Messrs Higgins and Bloomfield, and now recommended by the Board of Commissioners for your Honor's approval.

With a view that your Honor may be possessed of the necessary funds for the completion of the entire line, it is the unanimous opinion of the Board, that your Honor should adopt the Resolution of the Railway Committee of the last Session of the Auckland Provincial Council, which recommends that the Balance beyond the £100,000, should be raised by debentures on the works.

On behalf of the Board.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Enclosure.

SIR,—

I have the honor to furnish you with the estimate to construct the Railway from Auckland to Drury, with branch to Onehunga, at the prices in schedule forwarded by Messrs. Higgins and Bloomfield but excluding their portion of the amount, relating to fencing.

The most eligible tender for fencing now available, is that of Messrs. Keleher and Co., and we have calculated the cost by their schedule of prices.

	£	s.	d.
Estimated cost per tender of Messrs. Higgins and Bloomfield, contingent on contractors' locomotives being supplied which was ordered for ballasting, &c.	-	-	78,155 0 0
Cost of fencing per schedule Messrs. Keleher and Co.	-	-	10,792 0 0
Add probable cost of permanent way (sleepers and iron)	-	-	35,000 0 0
Land purchase, &c.	-	-	18,000 0 0
Rolling Stock	-	-	12,000 0 0
Law and Engineering	-	-	5,170 0 0
Stations and Telegraph	-	-	4,000 0 0
Total			<u>£163,117 0 0</u>

I have, &c.,

SAMUEL HARDING, C. E.

The Chairman, Auckland and Drury
Railway Commissioners.

Auckland and Drury Railway,
Commissioner's Office, Council Chambers,
Auckland, October 14th, 1864.

SIR,—

I have been requested by the Railway Commissioners, to inform your Honor, that Mr. G. Blandford, having failed to furnish the amount of required deposit, as per general conditions, prior to entering into the Contract, his tender is consequently void. The Board has therefore considered it their duty to accept the tender of Messrs. Higgins and Bloomfield, and request your Honor's approval of the same.

On behalf and by order of the Board.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 22nd October, 1864.

SIR,—

Referring to your letter of date 14th instant, I have now the honor to request you to inform the Board of Commissioners for the Auckland and Drury Railway, that with the advice and consent of my Executive Council, I approve of Messrs. Higgins and Bloomfield's tender being accepted for the Railway Works.

I hope that the Board will make such arrangements with the Contractors as shall ensure the line being completed from Auckland to Onehunga, by the time the total expenditure on account of the Railway reaches one hundred thousand pounds.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners,
of the Auckland and Drury Railway.

Commissioners Office,
Council Chambers,
Auckland, 24th October, 1864.

SIR,—

I am instructed by the Railway Commissioners to state that a further sum of Three Hundred Pounds (£300) is required to meet current expenses incurred in the Engineers Department and by advertisements for Tenders, &c. Your Honor is therefore respectfully desired to cause the same to be deposited with the Commissioners account in the Bank of New Zealand and a duplicate deposit-slip forwarded to this office.

On behalf and by order of the Board.

I have, &c.,

THOMAS CHEESEMAN

His Honor the Superintendent.

Auckland and Drury Railway,
Commissioner's Office,
Auckland, October 25th, 1864.

SIR,—

I have been instructed by the Railway Board to request that your Honor will be pleased to forward to this office as soon as convenient, the notices for serving on the several Landowners, so that there may be no unnecessary delay in commencing the works for the Auckland and Drury Railway.

On behalf of and by order of the Board.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 12th November, 1864.

SIR,—

In compliance with the request contained in your letter, No. 116, of date 25th October ult., I have the honor to forward herewith for the information of the Railway Board of Commissioners a form of notice which is sufficient for cases where land is to be purchased. It is inapplicable to any case of temporary occupation. It should bear the Book of Reference No. for convenience sake.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners,
For the Auckland and Drury Railway.

Auckland and Drury Railway,
Commissioners' Office,
Auckland, 25th October, 1864.

SIR,—

Referring to your Honor's communication of date 17th August, 1864, relative to the water allotment in Official Bay, as a convenient site upon which to erect Temporary Offices, &c., for the Railway Service, I am instructed to request that your Honor will state upon what tenure possession of the aforesaid allotment will be granted, in the event of the Commissioners determining to accept your proposal.

On behalf and by order of the Board,

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 5th November, 1864.

SIR,—

Referring to your letter No. 116 of date 25th October ultimo, I have the honor to request you to inform the Board of Railway Commissioners that the tenure of possession of the water allotment in Official Bay had better be considered together with that of the land required for Railway purposes in Mechanic's Bay as one question and decided upon at the same time.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners
for the Auckland and Drury Railway.

Commissioner's Office,
Council Chambers, October 27th, 1864.

SIR,—

The questions raised by the Provincial Law Officer are fraught with importance, and hence my reasons for making the following remarks thereon.

If power is not vested in the Provincial Council to pass a Debenture Bill, then it would seem desirable to take immediate necessary action to introduce such a measure into the next session of the General Assembly. The £65,000 cannot of course be a secondary security, and as in clause 15 of the Commissioners Act the entire revenues of the Railway are disposed of to repay the £100,000 loan, the most judicious course would be to pass a Debenture Bill for the entire amount of £165,000.

But would this action imperil the enterprise, for Provincial Loans are at a discount? Would it not be wiser to pass such an act through the Provincial Council the mind of which is most favorable to the works, and secure the Governor's assent thereto.

If such a measure would be sufficient it would be more easily obtained.

The returned correspondence is of such importance that I suggest to your Honor it would be well to allow the Board copies thereof.

I have &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 1st November, 1864.

SIR,—

Referring to your letter of date 27th October, ult., I have the honor to forward copy of the memorandum addressed to the Provincial Solicitor on the subject of Debentures, to be issued on the security of the Works &c., of the Auckland and Drury Railway, also copy of the legal opinion furnished thereupon by that officer, and to request that you will invite the attention of the Railway Commissioners to the apparent present position of the matter, viz., that the whole revenue to be derived from the Railway being pledged to repay the £100,000 already sanctioned, it is useless attempting to issue Debentures upon the security of the Works.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners,
Auckland and Drury Railway.

MEMORANDUM.

The Provincial Solicitor is requested to prepare a Bill to be laid before the Provincial Council for the purpose of authorising the Superintendent to issue Debentures to the extent of sixty five thousand pounds (£65,000) on the security of Auckland and Drury Railway Works, the proceeds to be applied to the completion of the line to Drury. The Debentures to run for ten years, the rate of interest to be eight per cent, the Debentures to be disposed of by public tender, but no restriction to be placed on the price at which they may be disposed of, or the place at which they are to be sold.

In case the Bill should be disallowed, the Provincial Solicitor will give the necessary notice within the time prescribed by the rules, so that a Bill may be brought before the General Assembly.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland 22nd October, 1864.

H

MEMORANDUM.

On looking into this matter, I have grave doubts as to the power of the Provincial Council to pass an available Act for this purpose. To make the security available to Debenture holders, there must be provided a special machinery requiring the aid of the Supreme Court (similar to that detailed in section x. of the Auckland Harbor Debentures Act, 1860.) This I consider beyond the power of the Provincial Council. *Further*, the advance now sought must, if it is to be marketable, be made a preferable security to the advance of £100,000 already appropriated from the half-million loan. The Council has already impledged the gross Revenue of the Province to meet this loan, and although the revenue from railway traffic may not strictly come under that title, it seems best that the sanction of the General Assembly be obtained.

If this is resolved on, I would recommend that the necessary notice be immediately issued that a Bill to sanction these Debentures will be applied for, and that I be authorised to secure the services of Mr. Fenton as Parliamentary Agent. I have no authority to act in that capacity myself.

Section 21 of the Auckland and Drury Railway Act, 1863, requires that provision should be made to the satisfaction of the Government in Council for the cost of construction. I would suggest the propriety of informing the General Government of the mode in which you propose to meet the cost, and ask if it will be satisfactory.

JAMES H CRAWFORD.
Provincial Solicitor.

24th October, 1864.

Auckland and Drury Railway Commissioner's Office,
Auckland, 1st November, 1864.

SIR,—

I am instructed by the Board of Commissioners to submit for your Honor's consideration the question whether office accommodation could not be secured in connection with the buildings to be erected for temporary Supreme Court, the Board being of opinion that such arrangement would be better than building expressly on the allotment proposed in Official Bay.

On behalf and by order of the Board.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 5th November, 1864.

SIR,—

Referring to your letter No. 121, of date 1st instant, I have the honor to request you to inform the Board of Railway Commissioners that in my opinion it will be advisable for the Board to lease premises to be used as Railway offices, as the cost for rent will be defrayed by the General Government during the sitting of the General Assembly.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners
of the Auckland and Drury Railway.

Commissioner's Office, Council Chambers,
Auckland, 2nd November, 1864.

SIR,—

The Board of Commissioners for the Auckland and Drury Railway having carefully considered the question involved in your Honor's communication of this date, together with its enclosures, respectfully suggest that a Debenture Bill should be forwarded without delay to the Provincial Council, having the ostensible object of raising the £65,000 required, and that it should contain a clause making the above sum a prior charge upon the railway works to the £100,000 already voted by the last session of the Auckland Provincial Council.

They are further of opinion that the aforesaid Debentures should not be brought into the market until the completion of the line, but that the required amount should be taken from the half million loan to be repaid when the Debentures are sold.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 19th November, 1864.

SIR,—

Referring to your letter No. 122, of date 1st instant, I have the honor to forward herewith copy of a letter from the Provincial Solicitor, together with copy of a letter from F. D. Fenton, Esq., Parliamentary Solicitor, and to state for the information of the Railway Commissioners that there are great difficulties in the way of framing a practicable Debenture Bill in the form they desire, and that there will also be a difficulty in advancing any money out of the half million loan for railway purposes other than one hundred thousand pounds already sanctioned.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners
Auckland and Drury Railway.

Auckland, 7th November, 1864.

SIR,—

In terms of your verbal instruction, I have the honor to enclose a draft of Railway Debenture Bill, in a shape to be submitted to the Provincial Council. And I have the honor to suggest that this draft be submitted for the opinion of Parliamentary counsel, as to the powers of the Provincial Legislature to enact such provisions.

With this view the draft Bill might be sent to Mr. Fenton, and, as time is of importance, he should be instructed, if it be necessary, to give notice that during the ensuing session the General Assembly will be applied to for the requisite authority to raise a special Debenture Loan of £65,000.

I have, &c.,

JAMES CRAWFORD,
Provincial Solicitor.

His Honor the Superintendent.

Auckland, 11th November, 1864.

SIR.—

I have the honor to acknowledge the receipt of your Honor's letter of yesterday's date, covering the draft of a Bill to enable the Superintendent of Auckland to borrow money on the security of the proposed Auckland and Drury Railway, and requesting my opinion as to the effect of that Bill if passed by the Provincial Legislature. In compliance with your Honor's wish, I have had a consultation with the Provincial Solicitor, and have received all necessary information from that gentleman.

In my opinion the Bill would, if passed as proposed, have no effect at all, for I think that even if the Attorney-General advised the Governor that he could assent to this Bill, which I do not suppose would be the case, no person if well advised, would lend money on the security offered by it. The Act of 1863 of the General Assembly, vests all the land and all the real and personal property appertaining to the railway in the Superintendent in trust for the public service of the Province, to be managed, dealt with, and administered by him for the purposes of the Act. He is not empowered to mortgage this property, or the tolls and dues receivable for traffic, and it is not in my judgment competent for the Provincial Legislature to vary or add to the provisions of this Act in this very important particular. Moreover, very distinct provision is made for a separate keeping and audit of the accounts of the railway, and I do not see how in any light, the receipts to be derived from the tolls, &c. of the railway can be regarded as Provincial revenue. And even if they were Provincial revenue, objections, though of a different nature would be as formidable. Again, the provisions sanctioned by the General Assembly for the raising of the necessary funds for the formation and working of the line is such as shall have been approved by the Governor in Council. This is an executed power, and from its nature, can in no sense be executory. The £100,000 therefore appropriated by the Provincial Act of 1863, and approved by order in Council, must be looked upon as the "bona fide provision" which the General Assembly contemplated, when they inserted the very stringent restriction contained in the 21st clause of their Act. This provision cannot, to my thinking, be altered by any body of inferior legislative capacity. Permit me to add, my respectful suggestion, that as the Provincial Act of last session can have no force in vesting any real power in the Commissioners thereby purported to be appointed, and as the efficient working of that scheme is entirely dependent upon perfect harmony existing between the Commissioners and the Superintendent, who having received the real power from the General Assembly, cannot be deprived of it, even by Provincial Bill, assented to himself; it would be well for provision to be made in the Act for which you propose to apply, for carrying out effectually the wish of the Provincial authorities, with respect to the managing body of the Railway. I propose to insert in the notice of application a reference to provisions of this description, which, however, need not necessarily be acted upon. The Provincial Council should be invited to pass a resolution, authorising your Honor to make the application to Parliament.

I have, &c.,

F. D. FENTON.

His Honor the Superintendent.

Commissioner's Office,
Council Chambers,
Auckland, 24th November, 1864.

SIR,—

I have the honor herewith to forward the following information for your Honor's guidance relative to the remuneration to be made to the Provincial Solicitor for services required at his hands by the Railway Board. The number of conveyances from the various landowners will not exceed four hundred, and the titles to be examined in the Registry Office as it regards the serving of notices about the same.

There may possibly arise several cases of litigation relative to the price or purchase of land, but I should think they will not entail any serious amount of time or labour.

I beg to acknowledge the reception of your Honor's letter No. 1,659, dated the 19th instant, and request that you will favour the Board with a copy of the Debenture Bill therein referred to.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Auckland and Drury Railway,
Commissioners' Office, Council Chambers,
Auckland, November 7th, 1864.

SIR,—

The Railway Commissioners have instructed me to state to your Honor the desirability of deviating the present Line of Railway from a point at or near Wynyard Pier, through Fort Britomart, to what is in their judgment a more eligible site in Commercial Bay, for the Railway Terminus.

They therefore submit to your Honor the advisability of causing the necessary notice to be given for the passing of an Act through the General Assembly of conferring such powers upon the Commissioners, to make the required deviation.

On behalf and by order of the Board.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 17th November, 1864.

SIR,—

Referring to your letter, No. 126, of date 7th instant, I have the honor to request you to submit to the Railway Board of Commissioners the copy forwarded herewith, of a memorandum thereupon by the Provincial Engineer in Chief, also to inform the Board, that my own opinion is strongly opposed to the alterations of the line, contemplated in your letter, and that I am averse to additional expense being incurred were corresponding advantages would not be obtained.

I have, &c.,

ROBERT GRAHAM,
Superintendent

The Chairman of the Board of Commissioners
of the Auckland and Drury Railway.

MEMORANDUM.

I have already considered the desirability of the proposed deviation, in which I certainly can *not* concur:—

First—Because it is most objectionable to have a Tunnel and Curves immediately approaching a Terminus, where they can be avoided.

Secondly—Because the space available as a site for a Terminus on the west side of Point Britomart, is very limited; and very valuable for building purposes.

Thirdly—Because it would interfere with the existing and proposed extension of Custom House-street, &c., and

Lastly—Because it would considerably increase the cost of the Railway, without, in my opinion affording any corresponding advantages.

WILLIAM WEAVER,
Engineer in Chief.

Auckland and Drury Railway,
Commissioners' Office,
Auckland, 16th November, 1864.

SIR,—

I have the honor to forward herewith a second batch of "Notices" for your Honor's signature, the same having been prepared in accordance with terms of your letter of date 12th November, which is hereby acknowledged, and have to request that your Honor will be pleased at earliest convenience to forward to this office such notices as have been previously forwarded for signature in order that the contractor may be put in possession of the land required for the purpose of the Auckland and Drury Railway.

On behalf of and by order of the Board.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 6th December, 1864.

SIR,—

I have the honor to acknowledge receipt of your letter of date 16th November ultimo, forwarding second batch of "notices" for service on landowners etc., and to enquire whether the notices require to be examined or whether the Board will furnish such certificate as will prove the correctness of each several Notice in both Batches.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners,
Auckland and Drury Railway.

Commissioner's Office,
Auckland, 3rd December, 1864.

SIR,—

I have the honor to request that your Honor will favour the Railway Board of Commissioners with six (6) copies of the "*Auckland and Drury Railway Amendment Act, 1864*," proposed to be carried through the present session of the General Assembly.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 6th December, 1864.

SIR,—

In compliance with the request contained in your letter of date 3rd instant, I have the honor to forward herewith copies (six) of the "*Auckland and Drury Railway Amendment Act, 1864*."

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Railway Commissioners,
Auckland.

Commissioner's Office,
Council Chambers,
Auckland, 6th December, 1864.

SIR,—

The Railway Commissioners having had under consideration the Auckland and Drury Railway Amendment Act introduced by your Honor into the General Legislature of the Colony, have passed the following resolutions thereon, which are herewith forwarded for your Honor's information, and they suggest that your Honor should expunge the objectionable clauses therein referred to.

I am further desired to call your Honor's attention to the fact that the Bill forwarded from your office to the Board is not the one brought into the General Assembly.

On behalf and by order of the Board.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 10th January, 1865.

SIR,

Referring to your letter of date 6th December ultimo, forwarding copy of resolutions (two) adopted by the Board of Commissioners for the Auckland and Drury Railway. I have the honor to inform you in reply that the clauses referred to in those resolutions were inserted in the Auckland and Drury Railway Amendment Act after mature deliberation by the professional gentlemen consulted in the matter.

It may be remarked that the request for further deviation powers should sooner have been brought under my notice.

I have, &c.,

HUGH CARLETON,
For the Superintendent.

The Chairman of the Board of Commissioners,
for the Auckland and Drury Railway.

Auckland and Drury Railway,
Commissioners' Office,
Auckland, 10th December, 1864.

SIR,—

I have to acknowledge your Honor's letter dated 6th instant, and beg to state that the notices have already received every reasonable comparison with regard to their correctness for service on landowners; but as your Honor suggests, the Board have authorised that I should in conjunction with Mr. Crawford, and Mr. Skeen undertake to furnish proof of their correctness.

I have also to acknowledge receipt of six copies of the Auckland and Drury Railway Amendment Act, 1864.

On behalf of and by order of the Board.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 5th January, 1865.

SIR,—

I have the honor to acknowledge receipt of your letter of date 10th December ultimo, informing me that you in conjunction with Mr. Crawford and Mr. Skeen, undertake to furnish proof of the correctness of the Railway Notices.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners,
Auckland and Drury Railway.

Auckland and Drury Railway,
Commissioners' Office,
Auckland, December 18th, 1864.

SIR,—

I have the honor to request that your Honor will be pleased to cause a Tracing of the proposed improvements in connection with the Harbour Trusts in Mechanics' and Official Bays, to be forwarded for the use of the Railway Board of Commissioners.

On behalf and by order of the Board.

I have, &c.,

R. SKEEN.

His Honor the Superintendent.

Superintendent's Office,

Auckland, 6th January, 1865.

SIR,—

I have the honor to forward herewith for the information of the Board of Commissioners, for the Auckland and Drury Railway copy of the portion of a letter received from W. C. Daldy Esq., which relates to Railway Business. The Photographs referred to are also forwarded.

I have, &c.,

ROBERT GRAHAM,
Superintendent,

The Chairman of the Board of Commissioners,
for the Auckland and Drury Railway.

Enclosure.

RAILWAY.

I have to acknowledge the receipt of letters from the Chairman of Railway Board with duplicate of orders and instructions to ship in the name of the Superintendent of the Province of Auckland, which shall have my best attention.

REPORT OF PROGRESS.

I have engaged the services of Mr. Naylor Inspecting Engineer of the Indian and Peninsular Great Trunk Railway.

A gentleman of 20 years experience as head of the locomotive department of one of our large Railways, and chosen for his present position on account of his *practical knowledge* another advantage is his intimate acquaintance with the prices paid by the Company he serves, as he is always travelling to various parts of Great Britain to inspect the Plant they are sending out. He undertakes this with consent of the directors of his Company, and from private friends who have known him intimately. I am assured of his integrity. I enter into all contracts myself, aided by his advice and experience, he providing specifications, &c., and only pay on his certificate that the quality of the material is good and according to contract.

His charge is to be 1½ per cent. It has caused some time and trouble to make this arrangement; but I am very confident it is a good one.

The estimated amount of your present order is £7,500.

After making enquiries of various parties through the Engineer who knows all the Contractors likely to have them on hand. I cannot find any of the weight that he can recommend, and am advertising for them. I have been offered some new rails heavier than required at £8 10s. from the Old Park Iron Works, Wednesbury. I mention this to give you an idea of present prices.

I forward by Book Post different photographs of Engines with offers now under consideration of the Engineer. He has not decided but appears to attach much importance to the distribution of the weight on light Rails, and these are Engines used by Messrs. Peto, Brassey. It appears from both these offers I shall not be able to ship under four months from date.

Advertisements will be issued in a day or two. This description of Rail is principally used on the Continent not much in England. Recently two Engineers from the Indian lines were sent out to report on their wear, &c., &c., and their report is favourable.

You may depend I am anxious there should be no unnecessary delay in this matter, but it requires some caution in commencing a new work of this nature.

WILLIAM C. DALDY.

MEMORANDUM.

Say		£	s.	d.
„	Locomotive Engine	1220	0	0
„	45 1 tons of Rails, at £9 15s.	4387	10	0
„	25 tons, 10 cwt. Fish Plates, at £9	229	10	0
„	Fish Bolts and Nuts, 4 tons, at £16	64	0	0
„	Spike, 10 tons, at £12 15s.	129	0	0
„	Coach Screws, 2 tons, at £16	32	0	0
„	Dog Spikes, 2 tons, at £10 15s.	21	10	0
„	Dog Spikes, ½ ton, at £11	16	10	0
„	Cramp for Curving Rails	15	0	0
„	Five sets Switches, Crossings and Fixings... ..	27	10	0
„	70 tons Contractor's Rails at £9 10	665	0	0
		£6907	10	0
	1½ per cent. Inspection	103	12	3
		£7011	2	3

As the quantities are comparatively small you may or may not obtain the supplies as above, but I think you would do well seeing a probability of more materials being required to provide yourself with at least seven thousand five hundred pounds, say £7,500 to meet the demands.

Yours, truly,

WM. NAYLOR.

Auckland and Drury Railway,
Commissioner's Office,
Auckland, 12th December, 1864.

SIR,—

I have the honor to forward for your Honor's information the enclosed Report and Tracing, with the request that the portions of land sought for (and colored red in plan) may be obtained for the purposes of the Onehunga Branch of the Auckland and Drury Railway.

On behalf and by order of the Board.

I have, &c.,

R. SKEEN,
Secretary.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 9th January, 1865.

SIR,—

I am directed by His Honor the Superintendent to acknowledge receipt of your letter of date 12th December ultimo, forwarding a Report and Tracing, with the request, that the portion of Land sought for may be obtained for the purposes of the Onehunga Branch of the Auckland and Drury Railway, and in reply, to request you to inform the Board of Commissioners that if the Railway is to terminate at the point shown on the plan, on the East side of Queen-street, the Superintendent does not see for what purposes the allotment on the West side is required; and that in any case, he thinks a portion of the allotment on the West side should be retained by the Government to afford access to the "Springs" for which purpose the land appears to have been reserved.

I have, &c.,

ROBERT LUSK,
Chief Clerk.

R. Skeen, Esq., Auckland and Drury Railway,
Commissioners' Office, Auckland.

Auckland and Drury Railway,
Commissioners' Office,
Auckland, 16th January, 1865.

SIR,—

Referring to Mr. Lusk's letter of date 9th current relative to certain portion of land desired to be secured at Onehunga for Railway purposes. I am instructed by the Commissioners to impress upon your Honor how essentially necessary it is that the whole of the land as delineated on the Tracing forwarded from this office under date December 12th 1864, should be granted by your Honor for the uses of the Auckland and Drury Railway.

Your Honor will observe that the allotment on the east side of Queen-street is altogether insufficient, and when the large amount of traffic between Onehunga and Auckland is taken into account, together with the growing importance of the place, it will be seen that ample accommodation for the storage and shelter of merchandise must be provided. The area sought, therefore, whereon to locate the station, goods, department &c. &c., will not be in excess of actual requirements. Your Honor will also gather from the history of all similar enterprises, that property is more easily obtained at the beginning than in after years. And should your Honor reserve a considerable portion of the land in question for other purposes, purchases may have to be made from private owners at exorbitant rates.

It is with a view of avoiding such a state of things that the Commissioners renew their application, and trust that after a review of the whole case your Honor will at once accede to their request.

On behalf of and by order of the Board.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 23rd January, 1865.

SIR,—

I have the honor to acknowledge receipt of your letter of 16th instant relative to the appropriation of certain Lands at Onehunga for railway purposes, and to request you to inform the Board of Commissioners that the lands in question are Public Reserves and for the present will remain unappropriated to any purpose which will prevent the views of the Board respecting them from being carried

out a future time should it then be considered advisable to do so, but that to give at present a positive pledge that they shall be made over to the Railway Board at a future date might hereafter prove inconvenient to the Government of that day. If experience should prove that the land available for Railway purposes is insufficient without these Reserves another application can then be made.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners
for the Auckland and Drury Railway.

Auckland and Drury Railway,
Commissioners' Office, Council Chambers,
Auckland, 20th December, 1864.

SIR, —

The Railway Commissioners have instructed me to forward for your Honor's information, copy of a letter received from Messrs. Higgins and Bloomfield, relative to their Tender for the works on the Auckland and Drury Railway.

On behalf and by order of the Board.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Enclosure.

Melbourne, 7th December, 1864.

SIR, —

We have the honor of acknowledging the receipt of your letter dated the 22nd ultimo, wherein you state, that our Tender has been approved by his Honor the Superintendent, excepting the items for Fences, Gates, and Wickets.

In answer, we beg to inform you, that our Tender was put in as acknowledged by you, for the whole work, and amounted to £117,564 11s. 3d., and by a Report of the Commissioners, we find that our Tender has been reduced by them without our knowledge or consent, to the sum of £74,155 14s. 3d., being a reduction of £43,408 17s., which reduction appears to us to have been made by your Engineers, principally through altering the works as tendered for, and dealing with our Schedules of Prices, to say the least of it in such a way as no Schedule of Prices was ever dealt with before, taking advantage to increase the amount of such works as they considered the prices scheduled were low, and decreasing the amount of such work as they considered the prices were high, and in confirmation of this, we beg to refer you to their Report A No. 3, wherein, among other things they state, that "it has become apparent from an analysis of the prices of the respective kinds of work, as scheduled, that very considerable changes may still be made in the disposition of the same, with an *economical result.*"

We can but express our surprise and regret that such a course should have been pursued by your Engineers, and that we should have been put to the heavy expenses of a journey to New Zealand, preparing Tenders, &c., for work which is not now to be done, for the sole purpose, as it appears to us, of giving in a List of Prices for Works, by way of information, and to be taken advantage of by your Engineers."

Under the above circumstances, we beg to decline having anything to do with the works now offered to us, unless the whole, as tendered for, be given to us, (see note attached to our Schedule of Prices) in which case, we are prepared to proceed with the works at once; should this not be accepted, we trust you will be pleased, not only to pay to our credit, at the Bank of New South Wales, at Auckland, the One Thousand Pounds deposited, but also to pay the Exchange and Interest on that sum, this we think but right that you should do, owing to the great delay, that has occurred, and the manner in which our Tender has been treated.

Waiting your reply,

We have, &c.,

P. HIGGINS,
J. BLOOMFIELD.

T. Cheeseman, Esq., the Chairman of the
Auckland and Drury Railway.

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Superintendent's Office,
Auckland, 9th January, 1865.

SIR,—

I have the honor to acknowledge receipt of your letter of date 20th December ultimo, forwarding copy of a letter from Messrs. Higgins and Bloomfield relative to their Tender for the works in the Auckland and Drury Railway.

I have, &c.,

HUGH CARLETON,
For the Superintendent.

The Chairman of the Board of Commissioners
for the Auckland and Drury Railway,

Auckland, December 21st, 1864.

SIR,—

I am instructed by the Railway Commissioners to request that your Honor will cause to be placed in the Bank of New Zealand to the credit of their account the sum of two hundred pounds to meet the current expenses of the Board.

On behalf and by order of the Board.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Auckland, 29th December, 1864.

SIR,—

I am directed by the Railway Commissioners to apply to your Honor for a further advance of Two Hundred Pounds to meet the current expenses of the Board, and to request that your Honor will order the same to be placed to the credit of the Railway Account in the Bank of New Zealand by Wednesday next, the 3rd of January, 1865.

On behalf of and by order of the Board.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Auckland and Drury Railway,
Commissioners' Office, Council Chambers,
Auckland, December 28th, 1864.

SIR,—

The Railway Commissioners have instructed me to state, for your Honor's information, that rather than fall back upon the next Tender to that of Messrs. Higgins and Bloomfield, they have determined to prosecute the Railway works after the manner, as recommended by their Engineers, in a Report to the Board, of date 20th current, and as the general principles of that system are more succinctly described therein, than they possibly could be by any correspondence of mine, I have deemed it consistent with my duty to forward the enclosed papers relating thereto, for your Honor's perusal. These papers being original documents, your Honor will oblige by returning them to this Office.

On behalf and by order of the Board.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 6th January, 1865.

SIR,—

I have the honor to acknowledge receipt of your letter of the 28th ultimo, in which you inform me that rather than fall back upon the next Tender to that of Messrs. Higgins and Bloomfield,

the Board have determined to prosecute the railway works after the manner recommended in an accompanying Report, that is to say by letting the works in small contracts.

In reply, I beg to refer the Commissioners to Section XIV. of the Railway Commissioners Act, under which it is provided, that no money shall be expended, nor any contract entered into by virtue of that Act until the sanction of the Superintendent and his Executive shall be first had and obtained.

I regret having to differ in opinion from the Commissioners, but cannot find it consistent with my duty to sanction the introduction of a system which has been thoroughly tested, and which has failed. With the opinion of the Engineer in chief, copy of which is enclosed herewith, I entirely concur.

It has, moreover become my duty to call to your notice the great change in affairs, which has been brought about by the successful opposition to the Auckland and Drury Railway Amendment Bill, introduced by me in the last session of the General Assembly.

A sum of One hundred thousand pounds was originally appropriated for the construction of the Railway. When it appeared that a further sum of sixty-three thousand pounds was required for the purpose I consented at the request of the Board of Commissioners, and of the Provincial Council, to make provision for obtaining it.

Notice of formal opposition to the Bill under which I should have been empowered to raise the additional funds required, having been lodged in the Private Bill office, it became impossible, for want of time, in so short a session to carry the Bill. Partly for this reason, partly because of the less formal opposition raised by members of Council, to whom I ultimately gave way, the Bill was abandoned after the second reading.

Upon mature consideration, I feel that I should not be justified in sanctioning an undertaking of such magnitude, without having first obtained the certainty of being able to provide the whole of the necessary funds.

The Commissioners will observe the anomalous position in which I am placed. By the Auckland and Drury Railway Act of the General Assembly, the sole responsibility of making and maintaining the Railway is imposed upon me; and practically speaking, I am at present held responsible, and looked to by the public for the conducting of the work to a successful termination.

By the Railway Commissioners' Act, of the Provincial Council, a sum of one hundred thousand pounds was appropriated for the completion of the work. But this appropriation was coupled with a condition, that the main powers of the Superintendent should be delegated to a Railway Board.

To this Act, when passed, I was advised to assent. I am now advised that such delegation was illegal. It thus appears, that when I gave up the power, I did not free myself from responsibility. I am still responsible for all the acts of the Board, though exercising only a negative control. By the Bill which I brought into the Assembly, I sought power to make lawful delegation to a Board, but in this object also I was frustrated by the opposition to the Bill.

But while I cannot burden myself with the responsibility of sanctioning the main line without having first provided the means, I am willing that the branch line to Onehunga should be undertaken at once, let in large sections, say three or four, to really responsible contractors. By such a course we shall keep within our present means; take up unemployed labor, and afford an opportunity to the Council of expressing an opinion as to the most feasible mode of obtaining means to complete the line to Drury, and what under present circumstances, has become more than ever expedient, to extend that line to Waikato.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners of the
Auckland and Drury Railway.

MEMORANDUM.

My own experience, extending over upwards of ten years on extensive Public Works in the Colonies, is *entirely* opposed to the system referred to. During the last two years especially, it has been tried on Public Works under my own observation, and utterly failed, entailing delay and additional expense in the completion of the works, and loss, and in some cases actual distress to the men employed on them. Under such a system men without means are induced to enter into an agreement, which the very first difficulty compels them to abandon, and there is no guarantee to the employer and the public, that works so commenced will ever be finished within *any* estimated amount.

However well the system may have worked, under peculiar circumstances in Ireland, I have never known it answer in the Colonies. There would be no good reason why the Railway should not be let in "Sections," provided the conditions and the security were sufficient.

WM. WEAVER,
Engineer in Chief.

A.—No. 2

40

Auckland and Drury Railway,
Commissioners' Office, Council Chambers,
January 10th, 1865.

SIR,—

I am directed by the Railway Commissioners to acknowledge the receipt of your Honor's letter, of date the 6th current, and beg to state, that the accompanying memorandum from Mr. Weaver has been forwarded to the Engineers of the Board, to report thereon.

On behalf and by order of the Board.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

MEMORANDUM.

The Specification provides that the Commissioners shall find "Plant," and that the security shall consist of "two approved sureties," payments on account being 90 *per cent*. I cannot concur in any of these conditions which are most unusual, and would probably lead to the employment of men (as contractors) without adequate means, who would continue the works only so long as suited their own purpose, no proper guarantee being exacted that they would ever complete them.

I would recommend that the clauses referring to the provision of "Plant" by the Commissioners should be omitted:—that the security should be at the rate of ten per cent. on the amount of the tender, and should be a cash deposit receipt. Or if approved names are to be taken as sureties, that the amount be doubled, and that payments on account be 80 per cent. only.

WILLIAM WEAVER,
Engineer in Chief.

Auckland and Drury Railway,
Commissioners' Office, Council Chambers,
Auckland, 7th January, 1865.

SIR,—

I am directed by the Board of Commissioners to acknowledge receipt of your Honor's communication of January 6th instant, enclosing portions of letter from W. C. Daldy, Esq., on Railway business; and also to forward, for your Honor's information, the enclosed *Tenders for Fencing* from Messrs. Halpin and Kirby, together with one from Messrs. Keleher and Co., and the Report of the Engineer to the Board thereon.

On behalf and by order of the Board,

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 14th January, 1865.

SIR,—

I have the honor to acknowledge receipt of your letter of date 7th instant, forwarding two tenders for fencing, and the report of the Engineer to the Board thereon, and to forward herewith a copy of a minute by the Engineer in chief for your information.

I have, &c.,

HUGH CARLETON,
For the Superintendent.

The Chairman of the Railway Board of Commissioners,
Auckland.

MEMORANDUM.

If there are not sufficient funds available to complete the whole line, I do not think it would be wise to accept a tender at present for the *whole* of the Fencing. I should advise that contracts be entered into for fencing only so much of the Line as the Commissioners have funds to complete, and when they are in a position to go on, there is little doubt that tenders would be obtained for the remainder on quite as good terms as at present.

WILLIAM WEAVER.

Auckland and Drury Railway,
Commissioner's Office, Council Chambers,
Auckland, 10th January, 1865.

SIR,—

The Railway Commissioners have directed me to forward, for your Honor's information, the enclosed Specification for Section No. 2 of works on the Auckland and Drury Railway, with a request that your Honor will give it an early consideration.

On behalf and by order of the Board,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 14th January, 1865.

SIR,—

I have the honor to acknowledge receipt of your letter of date 10th January instant, forwarding Specification of Section two (2) of works on the Auckland and Drury Railway, and requesting me to give it an early consideration. In reply, I have to forward herewith copy of a minute by Mr. Weaver, the Engineer in chief, for your information.

I have, &c.,

HUGH CARLETON,
For the Superintendent

The Chairman of the Railway Board of Commissioners,
Auckland.

MEMORANDUM.

The Specification accompanying this letter contains the same objectionable conditions as those referred to in my minute on the Commissioners' letter of the 4th instant, forwarding Specification for "Section No. 1," and should, in my opinion, be modified as previously suggested.

WILLIAM WEAVER.

Auckland and Drury Railway,
Commissioners' Office, Council Chambers,
Auckland, 31st January, 1865.

SIR,—

With reference to your Honor's letter of date the 14th instant, containing Mr. Weaver's estimate upon specification of 2nd Section, Auckland and Drury Railway. I am instructed to assure your Honor, that the Commissioners are prepared, at all times, to listen with the greatest respect, to your views upon such questions, and I am further to state, for your Honor's information, that what the Board requires in the case of specifications, for first and second sections forwarded from this office under dates the 4th and 10th instant is the expression of your Honor's own opinion, and not the views of the Engineer-in-Chief.

On behalf, and &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendents Office,
Auckland, February 2nd, 1865.

SIR,—

With reference to your letter of the 31st January ultimo, informing me that the Commissioners are prepared at all times to listen with the greatest respect to my views upon such questions as that under consideration, but that the Board desires the expression of my own opinion, and not the views of the Engineer-in-Chief.

I have the honor to observe that in forwarding the minute of the Engineer-in-Chief, I desired to express my concurrence in it; as I am not a professional man, it is my duty to apply to the Engineer-in-Chief for advice; if, however, it be the wish of the Commissioners that the professional opinion which I adopt, should for the future, be expressed as my own, I offer no objection to doing so.

I have, &c., &c.,

ROBT. GRAHAM.

Superintendent.

The Chairman of the Railway Board of Commissioners,
Auckland.

Auckland and Drury Railway,
Commissioners' Office, Council Chambers,
Auckland, January 31st, 1865.

SIR,—

I am directed by the Railway Commissioners to acknowledge communications from your Honor, of date the 14th and 21st instant, both of which relate to Kirby's tender for fencing, and without reference to Mr. Lusk's remarkable "memo." upon the use of the monosyllable "means" and the relative duties of the Board and your Honor's Executive Council. I am to inform you, that the Commissioners see no reason why Kirby's tender should not be accepted. For your Honor will perceive, that the enclosed extracts from general conditions of contract, with a knowledge of which Kirby tendered, and by which he must abide, give power to the Commissioners to *add* or to *diminish* the quantity of fencing along the line and should part of the Railway remain unfinished for any considerable time, that part can be struck of from his contract, by virtue of the conditions referred to.

What the Board therefore desire to know, from your Honor, is, whether, after this explanation, you approve of Kirby's or any other tender.

On behalf, &c., &c.,

I have, &c.,
THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 4th February, 1865.

SIR,—

In further reference to your letter of the 31st January ultimo, forwarding resolutions approving of Tenders received for Sections 1 and 2, Auckland and Drury Railway, and recommending the Tenders for acceptance, I am directed by the Superintendent to state, that after consideration of the question in the Executive Council, he cannot take upon himself the responsibility of accepting the Tenders referred to, without further security for the public money, and for the work being carried out, as he cannot relieve himself of responsibility. He must decline being a party to a contract, the conditions of which he is unable to approve. In regard to the advance of 90 per cent, he observes, that excepting in the case of cash deposits, the usual advance in the Colonies is 80 per cent, the contractor to find plant which is considered as an additional security.

I have, &c.,

HUGH CARLETON,
Provincial Secretary.

The Chairman of the Board of Commissioners
for the Auckland and Drury Railway.

Superintendent's Office.

Auckland, January 7th, 1865.

SIR,—

I am directed by the Superintendent, in reply to your letter of the 4th instant, transmitting copy of a resolution of the Board, viz:—"that the tender for fencing, &c, submitted by Mr. Kirby be accepted on certain conditions" to refer the Commissioners to Section XIV of the Railway Commissioners Act, under which it is provided, that "no money shall be expended, nor any "contract entered into, by virtue of that "act until the sanction of the Superintendent "and his Executive shall be first had and obtained." The Superintendent further directs me to state, that in order to avoid future misconception on the subject, all tenders, with specifications and other necessary information should be sent in for consideration by the Executive Council, in order that the provisions of the act may be complied with, prior to entering into any contract.

The Executive will consider the contract in question, as soon as the means are afforded by the Board.

I have, &c.,
ROBT. LUSK,
Chief Clerk.

R. Skeen, Esq.,
Auckland and Drury Railway Company's Office,
Auckland.

Auckland and Drury Railway,
Commissioners' Office, Council Chambers,
Auckland, 4th January, 1865.

SIR,—

I am directed by the Railway Commissioners to forward, for your Honor's information, the enclosed fair copy of Specification for works to be done on the First Section of the Auckland and Drury Railway.

Your Honor will oblige by communicating to the Board your opinion thereon, at your earliest convenience.

On behalf and by order of the Board,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 9th January, 1865.

SIR,—

In reference to the specification for the 1st Section of Works on the Auckland and Drury Railway sent to me from your office on the 4th January 1865, I have the honor to transmit for your information copy of a Minute made thereon by the Engineer-in-chief.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Auckland and Drury
Railway Commissioners, Auckland.

MEMORANDUM.

The specification provides that the Commissioners should find "Plant and that the security shall consist of two "approved sureties" payments on account being 90 *per cent*. I cannot concur in any of these conditions, which are most unusual, and would probably lead to the employment of men (as contractors) without adequate means, who would continue the works only so long as suited their own purpose; no proper guarantee being exacted, that they would ever complete them.

I would recommend, that the clauses referring to the provision of "Plant" by the Commissioners should be omitted;—that the security should be at the rate of ten *per cent*, on the amount of the Tender, and should be a cash deposit received. Or if approved names are to be taken, as sureties, that the amount be doubled; and that payments on account be 80 *per cent*. only.

WILLIAM WEAVER,
Engineer in Chief.

Auckland and Drury Railway,
Commissioner's Office, Council Chambers,
Auckland, 31st January, 1865.

SIR,—

The Railway Commissioners have desired me to forward the enclosed memorandum, in reply to remarks of the Engineer-in-Chief, appended to a letter from your Honor to the Board, under date 9th January, on the system of small contracts, as set forth by Messrs. Stewart and Harding in their papers of the 14th November.

On behalf, &c., &c.,

I have, &c.,
THOMAS CHEESEMAN.

His Honor the Superintendent.

AUCKLAND AND DRURY RAILWAY.

Memorandum in reply to remarks of Engineer-in-Chief, appended to letter from his Honor the Superintendent, dated 9th January, 1864.

In reference to the remarks of the Engineer-in Chief, we beg to state, that the failure of the "small contract system" in Australia, does not prove that the system is bad, or incapable of being carried out in Auckland, with a considerable unemployed population. We imagine Australia is not a place the best adapted for its introduction, from the frequent fluctuations which have occurred in the labour market, by reason of the gold-fields. It is known that within the period named, big contractors have had their works deserted by a rush to the diggings, and landmen and seamen have left their customary avocations, as well as navvies. The country has had to pay for this state of affairs, in the shape of heavy prices for works.

Now, it must be recollected, the best system may fail, not from any fault of its own, but for want of being properly administered. Various causes unite towards the accomplishment of the undertaking, and in this instance, suitability to the requirements of the place, energy to show, that where there is a will there is a way, steadiness of officials, and many other circumstances, all tend to bring about the desired object. Notwithstanding the unfavorable light in which the Engineer-in-Chief views the small contracts, we are still of opinion, that by judicious management, and *bringing the size and value of the works within the means of the many*, and not by *imposing difficulties and restrictions* so as to *close them against all except the few*, that the Railway will be executed cheaply, expeditiously, and in a satisfactory manner. It is throwing the ports open to free trade in contracts, (if we may so use the expression), and completely spoiling a monopoly. The public good is not advanced by monopoly, no matter what theory of "protection" is put forward.

When railways were first commenced, no large railway contractors existed. Mr. Stephenson let the Liverpool and Manchester line to twenty-five or twenty-six small contractors; distance thirty-one miles. Of course he let the works as seemed best for the interest of the shareholders, and with reference to the class of contractors he could obtain, &c. We find two viaducts, two bridges, and one tunnel, were let in separate contracts leaving the average length of earth-work contracts one and a half miles each. The excavations, though heavy, cost only £7,300 per mile, and the whole expense was at the rate of £26,000 per mile; though, up to 1857, under the big contract system, the average cost for the same distance, had increased to nearly £40,000 per mile, in Great Britain.

We cannot imagine why the works may be likely to cost so much under small contracts as the Engineer-in-Chief supposes. According to this theory, it follows that a big contractor, say Mr. Higgins, for example, should employ some other large contractor, say Pearse and Co., to execute his contract; for if not, the small contractor, according to the above views, will be too costly a man, for it is stated, the works may cost any amount. But we know the big contractor always sub-lets his work to the "sub," as the best means of getting his profit, and therefore it is the cheapest course of the two.

If then the difficulty of letting and managing a small contract is not increased by its smallness, which experience proves is not the case, we should carry out the more prudent and economic system of letting the works at sub-contract prices, providing some plant for the purpose, and putting the saving accruing from the course, not into the large contractors pockets, but into the Treasury chest of the Province; there will be plenty of use for it in the extension line to Waikato, or in other ways. The engineers of the line would be culpable in recommending any other course, and they trust their views will be found as correct in this matter, as on other subjects, which may have at first appeared doubtful, till time solved the difficulty.

Taking another view of the case. Suppose Messrs. Higgins and Co., instead of being tenderers, were the Commissioners engineers, and instead of finding *plant and capital* as the contractors, they were furnished with the former by the Board, and received the latter according as the work was done. Is it possible to suppose, that the same success would not attend their sub-letting in one case as the other? It could only be possible on the supposition that their position as engineers would not allow of the same attention to the Commissioners interests, as their position as contractors would allow of their devoting to their own. Again, if the position of engineer, according to the "Act" forbids the adoption of the system, let it be so understood, and it would end the argument; but, believing that there is no legal impediment, and that it is possible for engineers to look to public interests, as well as contractors can see to their own, we still deem it right to adhere to the conviction that saving to a considerable amount can be effected.

Another reason in favor of its adoption is the fact that Nos. 1 and 2 sections being so large will occupy say *sixteen months*, but beyond these there are no works which can occupy *much more than half this time*, when once they are in progress; consequently, instead of works being wanted, completed in a hurry, they may wait until the completion of the heavier portions referred to; and all can be opened together, provided the additional time permitted is found to effect a saving, which, as a general rule holds good, and should be the case here.

We think that as we show reason and argument why the small contract system should succeed, the *counter opinion* ought to be backed by some reason, showing why they cannot be successful, or how they may have failed in the examples brought against us. At the same time, let it be borne in mind, that we believe there are cases in which the large contractor can work with decided economy, but a particular reference to the circumstances would swell the limits of this memorandum too much.

As reference has been made to "small contracts" paid for out of loans under the Treasury in Ireland, (which system, let it be remembered, was not adopted to meet the famine wants, but to carry out reproductive works charged on landed property) we may state that though a large population, the agricultural pursuits of the labourers produced periodical scarcity of labour for the various public works. Engineers had frequently to visit other counties to obtain men as best they could. Farmers frequently memorialised in spring and harvest to have the works stopped for a while. The introduction of strange labourers from other places necessitated their housing and sometimes their support and discretionary payments were obliged to be made in urgent cases to provide against want; jealousies, faction fights, and combinations were often the result. Threatening notices were common in the more lawless parts of the country; strangers were sometimes beaten and driven off the works by armed bands, while on other occasions, the constabulary (cavalry and foot) have had to stop the fighting on the works. Indeed, if a small proportion of the troubles attending those works were likely to occur here, we should be surprised.

We beg particularly to have it remembered, that our "small contracts" would be managed differently from the "small contracts" as usually carried out by other parties; and with reference to the public works, their being scattered in various places, prevents the close supervision, and in fact, as a class, they do not require the nice attention *which of necessity must take place on railway works*, where the proper depths, widths, &c., are pegged out to the very inch. On some of these provincial works, the contractor must be left greatly to himself to manage as best he can. He is liable to be put to expense to rectify his awkward methods of management. On a railway such a state of things cannot be permitted; the contractor is prevented from working in error, and the work is done in a more systematic manner.

Lastly, we cannot help expressing surprise at a circumstance come to our knowledge since we began this paper. It appears though the system we recommended, has been condemned by the Engineer-in-Chief, and some of the newspapers have joined in the same tone, which, we fear, will have an injurious effect on some intending tenderers, yet that system is being carried out to the fullest extent elsewhere. The improvements at Custom-house-street are tendered for under four distinct heads, viz., Totara piles, labour, timber-work, and iron-work; all referring to only one work—the widening of Custom-house-street.

JAMES STEWART.
SAMUEL HARDING.

23rd January, 1865.

Auckland and Drury Railway,
Commissioners' Office, Council Chambers,
Auckland, January 31st, 1865.

SIR,—

The Railway Commissioners have desired me to forward the following Resolutions, regarding the Tenders received for Sections Nos. 1 and 2, Auckland and Drury Railway, together with enclosures respecting them, for your Honor's consideration.

On behalf, &c., &c.,

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 3rd February, 1865.

SIR,

I have to acknowledge receipt of your letter of the 31st January ult., forwarding resolutions approving of tenders received for Sections Nos. 1 and 2, Auckland and Drury Railway, together with enclosures, and recommending the tenders for acceptance by me.

I have the honor to observe that I have already recommended proceeding with the Auckland and Onehunga Line, before undertaking the Auckland and Drury Line; but as Sections 1 and 2 are common to both lines, I am unwilling to raise a difficulty about what is virtually a matter of form.

I should have been prepared to accept the lowest tenders, had the Specifications been framed in accordance with the terms of the minute enclosed in my letter No. 100, dated 14th January ult. Those terms having been contravened, I find myself placed by the Board in a serious difficulty, concerning which I must again advise with the Executive Council.

I have &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Railway
Commissioners.

Superintendent's Office,
Auckland, 4th February, 1865.

SIR,—

In further reference to your letter of the 31st January ult., forwarding resolutions approving of tenders received for Sections 1 and 2, Auckland and Drury Railway, and recommending the tenders for acceptance, I am directed by the Superintendent to state, that after consideration of the question in the Executive Council, he cannot take upon himself the responsibility of accepting the tenders referred to without further security for the public money, and for the work being carried out. As he cannot relieve himself of responsibility, he must decline being a party to a contract the conditions of which he is unable

M

to approve. In regard to the advance of 90 per cent., he observes that, excepting in the case of cash deposits, the usual advance in the colonies is 80 per cent.—the contractor to find plant, which is considered as an additional security.

I have, &c.,

HUGH CARLETON,
Provincial Secretary.

The Chairman of the Board of Commissioners,
Auckland and Drury Railway.

Auckland and Drury Railway,
Commissioners' Office, Council Chambers,
Auckland, 4th February, 1865.

SIR,—

The enclosed copy of letter from Messrs. H. Peckham and Co., is forwarded by the Railway Commissioners for your Honor's information.

On behalf and by order of the Board,

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Enclosure.

Auckland, 31st January, 1865.

To the Chairman of the Board of Railway Commissioners.

SIR,—

Should the security we have already offered be insufficient, we are prepared with freehold security to the amount required when called upon.

HENRY PECKHAM,
CHARLES HART,
WILLIAM ELLIOTT.

Superintendent's Office,
Auckland, 8th February, 1865.

SIR,—

In consequence of verbal communication with yourself, and the receipt of your letter of the 4th instant, the Provincial Secretary deemed it advisable to retain a letter of the same date, which he was directed by me to write, until my return from the country.

Having now forwarded that letter, I now proceed to reply to your letter of the 4th, also to a second letter, date the 4th and received on the 6th.

I do not consider that the doubling the amount of bond required from the contractor a sufficient addition to the security required. But Mr. Grace's offer to find all the plant is of a more substantial nature.

Even now, I do not consider the arrangement satisfactory ; but owing to the difficult position in which I find myself placed, I have resolved accepting a heavier responsibility than I otherwise should have done.

I am prepared to accept Mr. Grace's Tender for Section No. 1, on condition, that the plant specified in your letter, amounting in value to two thousand one hundred pounds, be made over to the Commissioners during the construction of the works, as additional security for its due performance ; the plant to be returned to the contractor after completion of the contract, also, that the names of Mr. Grace's sureties be submitted to me for approval.

On similar terms I am prepared to accept Mr. Cheeseman's tender for section No. 2.

In order to obviate further difficulties I beg to inform you, than in regard to all future tenders I shall adhere to the terms of the minute enclosed in my letter to you, dated 14th ultimo, namely, that the contractor shall find plant ; that the security should be at the rate of ten per cent. on the amount of the tender ; and should be a cash deposit receipt. Or, that if approved names are to be taken as sureties, that the amount be doubled and that payments on account be eighty per cent.

As the specifications contain the conditions of future contracts, I must require, that for the

future, they be in all cases submitted to me for approval, before advertising for Tenders, it being my duty to satisfy myself of the terms of the contract, as well as of the eligibility of the tenders.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners,
Auckland and Drury Railway.

Auckland and Drury Railway,
Commissioners' Office, Council Chambers,
Auckland, 4th February, 1865.

SIR,—

I am directed by the Railway Commissioners, to forward, for your Honor's information, copy of a communication received, relating to Mr. Peter Grace's Tender.

On behalf, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Enclosure.

Wyndham-street,
1st February, 1865.

GENTLEMEN,—

I hereby tender to find *all the Plant* that I may require in carrying out the contract for No. 1 Section, Auckland and Drury Railway, for the sum of Two Thousand one Hundred Pounds (£2,100.)

I have, &c.,

PETER GRACE.

To the Commissioners, Auckland and
Drury Railway.

Auckland and Drury Railway,
Commissioners' Office, Council Chambers,
Auckland, February 4th, 1865.

SIR,—

I am directed by the Railway Commissioners, to inform your Honor, that they consider the questions raised by Mr. Weaver, in his "memo." forwarded under cover, from your office, on the 9th ultimo, and said by your Honor, to be sent over, for the information of the Board, to be entirely of a commercial character, upon which the Board feels itself capable of forming an opinion equally with the Engineer-in-Chief.

I am further to state to your Honor, that the Commissioners have carefully considered the "memo." of Mr. Weaver, and doubled the amount of bond required from the contractor, but think it undesirable to entertain the other recommendations as, however, the question of delay has assumed considerable importance, from the fact, that several of the tenderers desire the return of their deposits, some of whom having made arrangements to leave this province, it is necessary that your Honor should decide upon the course to be pursued without delay.

On behalf, &c., &c.,

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 12th January, 1865.

SIR,—

Referring to your letters (two) of dates respectively 21st and 29th December ult., both making application for advances of (£200) two hundred pounds each, to meet the current expenses of the Board, in reply I have the honor to request you to inform the Board that the money is lodged to the credit of the Railway Account, but that the Superintendent thinks the expenditure of the Board, as shown by the frequency of these advances, appears unduly large.

The Superintendent requests to have an account of the items of expenditure for which the four hundred pounds (£400) in question was required.

I have, &c.,

HUGH CARLETON,
For the Superintendent.

The Chairman of the Board of Commissioners,
Auckland and Drury Railway.

Auckland and Drury Railway.
Commissioners' Office, Council Chambers,
Auckland, January 27th, 1865.

SIR,—

In compliance with your Honor's request, in letter, under date the 12th instant, I am directed by the Railway Commissioners to forward the enclosed list of the various items, by which the last two advances from the Provincial Treasury have been absorbed.

On behalf and by order of the Board.

I have, &c.,

THOS. CHEESEMAN.

His Honor the Superintendent.

		£	s.	D.	£	s.	D.
December	1. Salary, Stewart and Harding, Engineers	50	0	0			
"	6. " Skeen, R., Clerk	15	1	8			
"	7. " Beere, M.D., Assistant Engineer	39	0	0			
"	8. Expenses in Sydney, Gilfillan, and Co.	5	12	0			
"	10. Pay Cadman, Commissioner	8	0	0			
"	12. " Removing Office Furniture	2	10	0			
"	13. " O'Neill, A., Commissioner	8	0	0			
"	14. " Rent of Premises	8	8	0			
"	14. Salary, Bowman, Assistant Engineer	25	4	0			
"	15. Pay, Newman, Commissioner	6	0	0			
"	21. Salary, Cheeseman, T., Chairman	16	13	4			
"	24. Pay, Wells, S., Cartage	2	2	0			
"	30. " "Melbourne Argus." Advertising	31	19	0			
"	30. " "Melbourne Herald," "	8	5	0			
January	5. " O'Neill, A. Commissioner	7	0	0			
"	5. Salary, Skeen, R. Clerk	15	1	8			
"	5. Stewart Engineer	33	12	0			
"	6. Pay, Cadman, J., Commissioner	6	0	0			
"	7. Salary, Cheeseman, T., Chairman	16	13	4			
"	7. " Lowerhagen, C. Draftsman	1	16	0			
"	7. Pay, Hay, W., Cartage	7	10	0			
"	12. Salary, Stewart and Harding, Engineers	50	0	0			
"	17. Pay, Newman, J., Commissioner	5	0	0			
					369	8	0
"	17. Balance in Bank of New Zealand				68	6	6
"	17. Cash in hand of Auckland Bank				28	0	0
					£465 14 6		

Superintendent's Office,
Auckland, 7th January, 1865.

SIR,

I am directed by the Superintendent to reply to your letter of the 4th instant, transmitting copy of a resolution of the Board, viz.—"That the Tender for Fencing, &c., submitted by Mr. Kirby, be accepted," on certain conditions—to refer the Commissioners to Section XIV. of the Railway Commissioners Act, under which it is provided that "no money shall be expended, nor any contract entered into, by virtue of that Act, until the sanction of the Superintendent and his Executive shall be first had and obtained." The Superintendent further directs me to state, that in order to avoid future misconception on the subject, all tenders, with specifications and other necessary information, should be sent in for consideration by the Executive Council, in order that the provisions of the Act may be complied with prior to entering into any contract.

The Executive will consider the contract in question, as soon as the means are afforded by the Board.

I have, &c.,

ROBERT LUSK,
Chief Clerk.

R. Skeen, Esq.,
Auckland and Drury Railway Commissioners' Office,
Auckland.

Auckland and Drury Railway,
Commissioners' Office, Council Chambers,
Auckland, 17th, January, 1865.

SIR,—

Referring to Mr. Lusk's letter of date 7th instant, relating to a Tender from Mr. Kirby for Fencing, on the Auckland and Drury Railway, wherein the attention of the Board is directed to the 14th clause of the Commissioners' Act, by which it is inferred that your Honor supposes the Commissioners have exceeded their powers. I am instructed to inform your Honor, that such is not the case.

They have entered into no contract with Mr. Kirby, nor are they in any way committed to that gentleman. They deemed it consistent with their duty to obtain all necessary information relating to the Tender that your Honor and your Executive might the better deal with the same. Such being their only object in the action they have taken.

Being however, altogether unable to comprehend the true meaning and intent of the following clause in Mr. Lusk's letter, viz. :—

“The Executive will consider the Contract in question as soon as the means are afforded by the Board.”

They have desired me to request that your Honor will inform them whether you approve of Kirby's or any other Tender.

On behalf, and by order of the Board.

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 21st January, 1865.

SIR,—

In reference to your letter of date 17th instant, informing me, that the “Commissioners” have entered into no contract with Mr. Kirby, nor are they in any way committed to that gentleman.” I have to state, that the circumstances have been laid before the Provincial Solicitor, and that he expresses a contrary opinion.

In reply to your request for explanation of a paragraph in Mr. Lusk's letter, I transmit the enclosed memorandum.

As the relative duties of the Board and of the Executive appear not to be clearly understood, I take this opportunity to express my own opinion I believe it to be their duty to seek all available information before coming to any decision on matters connected with the Railway; and not to perform a merely ministerial function for the Board, sanctioning contracts or expenditure *pro forma*, under the virtual direction of the Board.

In reply to your request to be informed whether I approve of Kirby's or any other tender, I beg to refer you to my letter of the 14th instant, enclosing a minute on the subject by the Engineer in Chief, but to which no reference is made by you. Also to my letter of date 6th instant, in which my views are explicitly stated.

I now beg to state, that the Executive is still, and has been for some time past, prepared to sanction the most eligible tender for works on the Onehunga line, being most desirous of entering forthwith upon the undertaking and of “finding labour for the unemployed.”

I have, &c.,

ROBERT GRAHAM,
Superintendent.

To the Chairman of the Railway Board of Commissioners,
Auckland.

Auckland and Drury Railway,
Commissioners' Office, Council Chambers,
Auckland, 4th January, 1865.

SIR,—

I am directed by the Railway Commissioners to transmit, for your Honor's information and approval, the enclosed letter, with minute.

N

Enclosure.

“Auckland, 4th January, 1865.

“SIR,—

“I beg to state, that in reply to your letter, I am prepared at once to take up the Contract, as well as comply with your instruction in regard to the kind of Timber to be used. Having to find it all here, I trust the time for the completion of the work will be extended.”

W. KIRBY.

The Chairman of the Railway Board.

“Resolved, That the Tender for Fencing, &c., submitted by Mr. Kirby, be accepted, on condition that he supply Puriri Posts and Ti-tree Rails only, and the distance of the posts do not exceed nine feet from centre to centre.”

On behalf and by order of the Board,

I have, &c.,

R. SKREEN.

His Honor the Superintendent.

Superintendent's Office,

Auckland, 7th February, 1865.

SIR,—

In reference to Mr. Kirby's tender for fencing the Auckland and Drury Railway I have the honor to inform you, that I am prepared to approve of that Tender to the extent of the fencing required to enclose the line from Auckland to Onehunga. Beyond this, I am not at present, prepared to contract with Mr. Kirby, or any other Tenderer.

I take this occasion of repeating my previously expressed determination not to sanction an undertaking of such magnitude as the Auckland and Drury Railway without having first obtained the certainty of being able to provide the requisite funds. I have a duty to the public to perform, and cannot consent to be made a party to a hasty undertaking, which might have the effect of bringing this Province to the condition of Southland; to a state of extreme financial embarrassment, if not of bankruptcy. There is no person in this Province more anxious than myself, for the completion of the Auckland and Drury Railway, with an extension to Waikato, at the earliest possible period. I think that I see my way to it, within no very distant period; but am resolved not to give the Superintendent's sanction until it shall be made certain, that no financial embarrassment can ensue. My desire is, that the Branch line to Onehunga should first be made out of the funds in hand, and that the main line should be undertaken as soon as the additional funds shall be forthcoming.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners,
Auckland and Drury Railway.

Superintendent's Office,

Auckland, 23rd January, 1865.

SIR,—

I have the honor to acknowledge receipt of your letter of date 20th instant, relative to the notices to be served upon the several landowners and other parties interested along the line of railway from Auckland to Drury.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners for the
Auckland and Drury Railway.

Auckland, 20th January, 1865.

SIR,—

I am instructed by the Railway Commissioners to inform your Honor, that the utmost care and caution have been observed in the preparation of the notices to be served upon the several landowners and other parties interested along the line of railway from Auckland to Drury; and although

it may be discovered, when the service commences, that changes have been made in the ownership of property, yet it will in no way involve your Honor in difficulty, but merely require the substitution of other names. Your Honor may therefore sign those forwarded from this office, without any reservation as to their correctness whatsoever.

On behalf and by order of the Board,

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 1st February, 1865.

SIR,

I have the honor to forward herewith for the information of the Railway Board of Commissioners copy of that portion of the letter recently received from W. C. Daldy, Esq., which relates to Railway Business.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners,
Auckland and Drury Railway.

RAILWAY REPORT.

I have contracted with Messrs. Manning, Wardle, & Co., for a Contractor's Tank Engine for the sum of £1,220, free on board.

I did not do this until I was satisfied by my Engineer examining several second-hand ones, and finding we could not find a good one (they were offered at £700 and £650, &c.), but all wanted repair, and would most probably soon get out of order in the Colony.

I have learned from good authority there is nothing more difficult than to obtain Engines quickly, although nearly all other trades are stagnant. They cannot supply Engines for the world fast enough. The demand for India alone is immense.

I have tenders for the contractors' rails not yet decided on, my Engineer being absent from London. They will be £8 per ton, shipped in a month from date. I advertised for these, and had plenty of tenders, but many only from brokers and middlemen.

The specification for the remainder of the order is complete, and I do not propose advertising but lithographing them, and sending to some of the principal firms, inviting offers, thereby obtaining a fair competition without having to do with the brokers between.

W. C. DALDY.

Auckland, 4th February, 1865.

SIR,—

With reference to the letter of Mr. Grace, of 1st current tendering to furnish *all the Plant he may require* to carry out the contract, No. 1 of the Auckland and Drury Railway, should his tender be accepted. We have to note, that the equivalent of Two Thousand One Hundred Pounds (£2,100) which he asks, is less, by Three Hundred and Thirty Pounds (£330) than the estimated cost of the Specified Plant, if furnished by the Commissioners. On the other hand, the Plant will under Mr. Grace's proposal, remain with him on the completion of the works.

We think the proposal fair, it being carried out by increasing Mr. Grace's schedule prices, *pro rata* so as to increase the total amount, by the sum of Two Thousand One Hundred Pounds (£2,100).

I have, &c.,

S. STEWART,
S. HARDING.

The Chairman, Railway Board.

Auckland and Drury Railway,
Commissioner's Office, Council Chambers,
Auckland, 4th February, 1865.

SIR,—

I am directed by the Railway Commissioners to request, that your Honor will cause to be placed to the credit of their account in the Bank of New Zealand, the sum of Two Hundred £200 Pounds, to meet the current expenses of the Board.

Oh behalf, and by order of the Board,

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 8th February, 1865.

SIR,—

In compliance with the request contained in your letter of date 4th February instant, I have the honor to inform you, that I have authorised the Provincial Treasurer to pay the sum of two hundred pounds to the credit of the Railway Board, of Commissioners Account, at the Bank of New Zealand.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Railway Commissioners,
Auckland.

Auckland and Drury Railway,
Commissioners' Office, Council Chambers,
Auckland, February 9th, 1865.

SIR,—

The Railway Commissioners desire me to acknowledge the reception of letters No. 250, and 274, relating to tenders for works along the 1st and 2nd section of the Auckland and Drury Railway, and also to forward the following names (as per margin) as sureties for the contractors.

I am also to state, for your Honor's information, that the contractors are prepared to give the Board a further security on their plant.

The Commissioners request me further to inform your Honor, that they wish to be in a position to complete the conditions of contract on Saturday next.

On behalf, &c., &c.,

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

RESOLVED,—

“That the Tender of Peter Grace be approved, for works on Section No. 1; and that of G. H. Cheeseman, for Works on Section 2; and that the same be forwarded to his Honor the Superintendent.”

RESOLVED,—

“That the whole of the Tenders for Sections Nos. 1 and 2 be sent to the Superintendent's Office, for his Honor's consideration, with the recommendation that Grace's and Cheeseman's be accepted.”

MEMORANDUM.

The Commissioners have doubtless approved of the most eligible Tenders, but I must decline to recommend entering into any contracts under the existing conditions, for reasons stated in my minute, dated 5th January, 1865. As, however, Tenders have been received under such conditions, the responsibility that the security is sufficient, rests with the Commissioners.

W. WEAVER.

February 2nd, 1865.

Auckland and Drury Railway,
Commissioners' Office, Council Chambers,
Auckland, February 9th, 1865.

SIR,—

Your Honor having accepted Tenders for the 1st and 2nd Sections Auckland and Drury Railway, the Commissioners desire me to impress upon your Honor, the necessity of having the Notices to the several land owners issued without further delay.

On behalf, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Peter Grace, No. 1

Mr. David Sheehan
„ Hugh Coolahan

Mr. G. H. Cheeseman
„ T. Cawkwell
„ A. Buckland

Auckland and Drury Railway
Commissioner's Office,
Auckland, 10th February, 1865.

SIR,

I am to inform your Honor that Mr. Alfred Buckland is the other surety for G. H. Cheeseman in the Contract for Sec. No. 2 Auckland and Drury Railway.

On behalf of the Board,

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent, Auckland.

Superintendent's Office,
Auckland, February 10th, 1865.

SIR,—

I have the honor to acknowledge receipt of your letter, No. 191, of date 9th February, instant, and to request you to inform the Board of Commissioners for the Auckland and Drury Railway, that I approve of the sureties named therein, and of the immediate completion of the necessary bonds and agreements with Messrs. Grace and Cheeseman on the conditions specified.

I have &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Railway Board of Commissioners,
Auckland.

Auckland and Drury Railway,
Commissioners' Office, Council Chambers,
Auckland, February 11th, 1865.

SIR,—

Your Honor is hereby informed, that the Contractors for Sections No. 1 and 2, Auckland and Drury Railway, have signed the necessary documents, and fully entered into contract. It is therefore of the utmost importance that some of the Notices for each section should be issued forthwith.

On behalf and by order of the Board,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 14th February, 1865.

SIR,

Referring to your letter, No. 195, of date 11th instant, I have the honor to forward herewith, duly signed, the remainder of the notices for service on Landowners along the first and second sections of the Auckland and Drury Railway.

You will observe that the date and the name of the landowner upon whom the respective notices are to be served have been left blank, in order that the same may be filled up under your own special direction.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners for the
Auckland and Drury Railway.

Superintendent's Office,
Auckland, February 10th, 1865.

SIR,—

I have the honor to forward herewith, copy of address, No. 24, presented to me by the Provincial Council, under date 8th instant, and to request, that I may be furnished with copies of the tenders referred to therein, for the information of the Council.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Railway Board of Commissioners,
Auckland.

ADDRESS NO. 24.

Session XVIII. 1864-5.

Extract from the Journals of the Auckland Provincial Council, Wednesday, 8th February, 1865.

RESOLVED,—

“That a respectful address be presented to his Honor the Superintendent requesting him to send down to this Council, with as little delay as possible, a copy of the tenders for the Auckland and Drury Railway, recommended by the Railway Commissioners for acceptance, also, any correspondence that has taken place between his Honor, and the Railway Commissioners.”

True Extract,

WILLIAM POWDITCH,
Speaker.

His Honor the Superintendent.

Auckland and Drury Railway,
Commissioners' Office, Council Chambers.

Auckland, January 27th, 1865.

SIR,—

The Railway Commissioners have directed me to forward to your Honor (as per margin list) the enclosed notices to be served on landowners, along the first section of the Auckland and Drury Railway, and to assure your Honor, that every precaution has been taken to secure their correctness. As tenders for this section will be received to-morrow, your Honor will permit me to observe that this batch of notices should be issued without delay.

On behalf, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

No. in Reference
Book.
115, 116
112
113
98
99, 100
110, 111
113
86
94, 96, 97

Superintendent's Office,

Auckland, 11th February, 1865.

SIR,—

Referring to your letter, No. 180 of date 27th January ultimo, I have the honor to forward herewith the notices (as per No. noted in the margin) duly signed for service on land owners along the first section of the Auckland and Drury Railway, and to coincide with the opinion expressed by you, that these notices should be issued without delay.

You will observe that the date and the name of the land-owner upon whom the respective notices are to be served, has been left blank, in order that the same be filled up under your own special direction.

I have, &c.,

ROBERT GRAHAM,
Superintendent.The Chairman of the Board of Commissioners,
For the Auckland and Drury Railway.Auckland and Drury Railway,
Commissioners' Office, Council Chambers,
Auckland, February 14th, 1865.

SIR,—

I have the honour, herewith to forward, at your Honors request, copies of tenders for works on sections 1 and 2, Auckland and Drury Railway.

On behalf &c., &c.,

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

AUCKLAND AND DRURY RAILWAY.

Estimated Cost of Plant required for Contracts Nos. 1 and 2, as per Specification.

No. 1.										£	s.	d.
36 Waggon, at £30	...	...	...	...	...	...	...	...	...	108	0	0
60 Barrows	...	...	...	...	...	...	...	...	...	100	0	0
90 Tons of Temporary Rails	...	...	...	...	...	...	...	...	...	900	0	0
Sleepers and Fastenings	...	...	...	...	...	...	...	...	...	200	0	0
20,000 feet of Timber	...	...	...	...	...	...	...	...	...	150	0	0
										<u>£2330</u>	<u>0</u>	<u>0</u>

No. 2.										£	s.	d.
20 Waggon, at £30	...	...	...	...	...	...	...	...	...	600	0	0
60 Barrows	...	...	...	...	...	...	...	...	...	100	0	0
60 Tons of Temporary Rails	...	...	...	...	...	...	...	...	...	600	0	0
Sleepers, Temporary	...	...	...	...	...	...	...	...	...	165	0	0
										<u>£1465</u>	<u>0</u>	<u>0</u>

JAMES STEWART, }
SAMUEL HARDING, } Engineers.

Auckland, 28th January, 1865.

AUCKLAND AND DRURY RAILWAY.

Tenders for Section No. 1.

										Without Plant.		
										£	s.	d.
1. Harry Peckham and Co.	...	...	...	...	...	...	...	...	...	17,144	0	7
2. Peter Grace	...	...	...	...	...	...	...	...	...	19,474	14	10
3. W. Dent	...	...	...	...	...	...	...	...	...	23,256	3	2
4. Burgoyne and Co.	...	...	...	...	...	...	...	...	...	23,895	0	2
										With Plant.		
5. Do.	...	...	...	...	...	...	...	...	...	25,563	12	10
6. Wells and Co.	...	...	...	...	...	...	...	...	...	27,589	6	0
										Without Plant.		
7. Amos and Co.	...	...	...	...	...	...	...	...	...	31,501	0	8
8. Campbell and Stark	...	...	...	...	...	...	...	...	...	30,255	18	3

Tenders for Section No. 2.

										Without Plant.		
										£	s.	d.
1. Common	...	...	...	...	...	...	...	...	...	5,040	0	0
2. Harry Peckham and Co. (conditionally)	...	...	...	...	...	...	...	...	...	5,810	0	0
										With Plant.		
3. G. H. Cheeseman	...	...	...	...	...	...	...	...	...	6,448	6	11
										Without Plant.		
4. Burgoyne and Co.	...	...	...	...	...	...	...	...	...	6,926	17	9
										With Plant.		
5. Do.	...	...	...	...	...	...	...	...	...	7,565	17	5
										Without Plant.		
6. Martin, McComorhie and Co.	...	...	...	...	...	...	...	...	...	7,040	0	9
7. Jackson	...	...	...	...	...	...	...	...	...	6,512	18	5
8. Campbell, Stark and Co.	...	...	...	...	...	...	...	...	...	8,038	3	1

Received—28th January, 1865.

Commissioners' Office,
Council Chambers,
Auckland, February 18th, 1865.

SIR,
The following notices are herewith forwarded for your Honor's signature, with the request that they may be returned with the least possible delay.

On behalf and by order of the Board,

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 22nd February, 1865.

SIR,—
Referring to your letter of date 18th February instant, No. 202, I have the honor to forward herewith the notices (as per No. noted in the margin), duly signed, for service on landowners along the line of the Auckland and Drury Railway.

You will observe that the date and the name of the landowner upon whom the respective notices are to be served, has been left blank, in order that the same be filled up under your own special direction.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Chairman of the Board of Commissioners for the
Auckland and Drury Railway.

Commissioner's Office,
Council Chambers,
Auckland, 24th February, 1865.

SIR,
I am directed by the Railway Commissioners to renew their application to your Honor for the water allotment in Official Bay for Railway purposes. The object of the Board is to erect offices thereon, together with a warehouse for the reception of engine, plant, &c., which from Captain Daldy's letter may be expected to arrive in two or three months from this date.

On behalf and by order of the Board,

I have, &c.,

THOMAS CHEESEMAN.

His Honor the Superintendent.

No. in Reference
Book.
109
109
86

SCHEDULE

OF QUANTITIES AND PRICES REFERRED TO IN SUB-SPECIFICATION OF WORKS, CONTRACT No. 1,
AUCKLAND AND DRURY RAILWAY, 30TH DECEMBER, 1864.

Quantity.	Unit.	Material or Description of Work.	Rate.		Amount.		
			s.	d.	£	s.	d.
4½	acres	Clearing and removing timber and other scrub from site of embankments, as specified	110	0	24	15	0
60	chains	Ditching round large cuttings, not less than 2 feet deep	14	0	42	0	0
156	yards	Lineal, 12-inch pipe in position ...	18	0	140	8	0
143	yards	Cubic, brick culverts, 9-in. thick in rings, 2 ft. 6 inches in diameter and upwards, circular or oval ...	70	0	500	10	0
101	yards	Cubic, brickwork in faces, wings, and aprons of culverts and pipes ...	68	0	338	7	0
107,423	yards	Cubic, earthwork in cuttings, north of tunnel, taken all together ...	1	3½	6,937	14	3
23,126	yards	Cubic, earthwork in cuttings, south of tunnel, taken all together ...	1	3	1,445	7	6
40,000	yards	Superficial, stripping soil spade deep, as specified	0	4	666	13	4
15	yards	Lineal, forming	10	0	7	10	0
4,000	yards	Cubic, hard material selected from cutting No. 4, and run to outside of bank in Mechanics' Bay (labour only)	1	3	250	0	0
459	feet	Cubic, kauri, in simple girders, joists, wall-plates, &c., of bridges ...	3	6	76	16	6
336	feet	Cubic, kauri, in laminated bow and string	4	6	75	12	0
140	feet	Cubic, kauri, in bracing of bow-string girder	3	6	24	10	0
362	feet	Cubic, kauri, in decking, including spikes for the same	3	4	60	6	3
2,542	lbs.	Malleable iron in superstructure and framing of bridges	0	7	74	2	10
1,808	lbs.	Cast iron, in shoes of bow, washers, &c.	0	5	37	13	4
596	yards	Cubic, coursed scoria masonry, in piers, abutments, counterforts, and wing walls—courses and backing taken in measurement all through ...	40	0	1,192	0	0
		Carried forward			11,894	6	10

Quantity.	Unit.	Material or Description of Work.	Rate.	Amount.
			s. D.	£ s. D.
		Brought forward ...		11,894 6 10
996	feet	Cubic, squared masonry, rock ashlar in face, in arches, spandrils, parapet, and coping of wings, &c. ...	12 0	597 12 0
225	yards	Cubic, brickwork in mortar ...	68 0	765 0 0
790	yards	Cubic, brickwork in roof and ends of sides of tunnel	90 0	3,555 0 0
108	yards	Cubic, brickwork in faces of tunnel	72 0	370 16 0
900	yards	Cubic, excavations in foundations of bridges and culverts ...	2 0	90 0 0
227	yards	Lineal, excavation in tunnel to finish 14 feet wide, 18 feet high above rails, with centre drain, including all contingencies ...	120 0	1,362 0 0
30,000	yards	Superficial, soiling of slopes ...	0 3	375 0 0
1,050	yards	Superficial, 6-inch pitching in side drains	6 0	315 0 0
—	—	Removing all buildings or other erections on the site of the works—dwelling-houses to be moved entire, workshops to be taken down, school over tunnel to be kept entire ...		150 0 0
		Total amount ...	£	19,474 14 10

The undersigned do hereby make offer to execute the works of Contract No. 1, of the Auckland and Drury Railway, according to Specification dated 4th August, 1864, and Sub-Specification dated 30th December, 1864, and signed by the Engineers, for the Sum of Nineteen Thousand Four Hundred and Seventy-four Pounds, Fourteen Shillings, and Ten-pence; and in the event of any alterations, additions to, or deductions from, the quantities contained in the above Schedule, agree to the modification of the said amount, according to the rates in the above Schedule, corresponding to the description of work so altered, increased, or diminished.

(Signed) PETER GRACE.

APPENDIX TO SCHEDULE.

Coursed scoria masonry in sea wall, Mechanic's Bay, if required	60s.	per cubic yard
Excavation in tunnel for double line, finishing 25 high and 25 feet wide, if required	200s.	per lineal yard
9-inch round piling in foundations of bridges, &c., if required	4s.	per lineal foot
Concrete in foundation, if required	16s.	per cubic yard
Piling in foundations of culverts as specified, if re- quired	6s.	per lineal yard

In the event of any of the above works being required, I agree to abide by the respective rates of the same.

(Signed) PETER GRACE.

A.—No. 2.

SCHEDULE

OF QUANTITIES AND PRICES REFERRED TO IN SPECIFICATION OF WORKS, CONTRACT No. 2,
AUCKLAND AND DRURY RAILWAY.—9TH JANUARY, 1865.

Cuttings.		How disposed of.		Lead.	Rate.	Amount.	Total Amount.
Material.	No.	In Embkts. No.	Cubic yards.					s. D.	£ s D	£ s. D.
Earth	7	8	14	10 yards	0 10	0 11 8	
Rock	8	8	116	30 yards	7 6	43 10 0	
Earth	9	9	56	70 yards	0 11	2 11 4	
"	10	10	520	80 yards	0 11	23 16 8	
"	"	9	7,923	¼ mile	1 2	462 3 6	
"	11	9	29,986	⅝ mile	1 5	2,124 0 2	
"	"	8	11,870	Under 1 mile	1 6	890 5 0	
"	12	11	231	60 yards	1 0	11 11 0	
"	"	12	1,531	80 yards	1 0	76 11 0	
"	"	14	8,185	500 yards	1 2	477 9 2	
"	"	15	948	900 yards	1 4	63 4 0	
"	"	16	4,955	1 mile	1 8	412 18 4	
Road Cutting							
Earth		16	787	1½ mile	1 9	63 17 3	
"		17	193	1½ mile	1 9	16 17 9	
"	13	14	451	80 yards	1 0	22 11 0	
Rock	14	15	70	30 yards	7 0	24 10 0	
"	15	16	802	⅓ mile	10 0	491 0 0	
Rock and boulder }	16	16	225	80 yards	6 0	67 10 0	
"	"	17	200	100 yards	6 0	60 0 0	
Rocky	17	18	238	80 yards	5 6	79 4 0	
"	18	18	98	50 yards	4 6	22 1 0	
SideCutting earth }		17	1,037	80 yards	0 11	49 16 5	
"		18	1,457	500 yards	1 4	97 2 8	
Carried Over—Total for Earthworks						£	5,498 1 11

Quantity.	Unit.	Material or Description of Work.	Rate.		Amount.	
			s.	d.	£	s.	d.
		Carried over			5,498	1 11
1	acre	Clearing and removing scrub from sites of embankments	60	0	3	0 0
83	yards	Lineal, 12-inch pipe in position ...	15	0	62	5 0
42	yards	Lineal, 18-inch brick culvert ...	60	0	126	0 0
596	yards	Cubic, dry stone culvert, as specified for transverse and longitudinal culverts in embankment Nos. 8 and 9 ...	20	0	596	0 0
36	yards	Cubic, 9-inch brickwork in faces, wings, aprons, pipes, and culverts ...	40	0	72	0 0
9	chains	Lineal, forming as specified ...	20	0	9	0 0
15	yards	Cubic, 9-inch brickwork, in cement, in tank at Newmarket	80	0	30	0 0
40	yards	Superficial, plastering in tank, 1-inch Portland cement	5	0	10	0 0
3	yards	Cubic, dry brickwork, in well ...	30	0	4	10 0
750	yards	Cubic, excavations in foundations of culverts and pipes	1	0	37	10 0
					£6,448 6 11	

The undersigned do hereby make offer to execute the works of No. 2 Contract, Auckland and Drury Railway, according to the general specification of date, 4th August, 1864, and Sub-Specification of date 9th January, 1865, and signed by the Engineers, for the sum of Six Thousand Four Hundred and Forty-eight Pounds, Six Shillings, and Eleven pence, and in the event of any alterations, additions to, or deductions from the quantities contained in the above Schedule, agree to the modification of the said amount, according to the rates in the above Schedule, corresponding to the description of work so altered, increased, or diminished.

(Signed) GEO. H. CHEESEMAN.

A.—No. 2

APPENDIX TO SCHEDULE.

Stripping of soil, as specified, if required	... @	4d.	per square yard
Soiling of slopes, if required	... .. @	2d.	per square yard
Ironwork, malleable in tank	... .. @	7d.	per lb
Do. cast do.	... .. @	4d.	per lb
Brickwork, in mortar, if required	... .. @	55s.	per cubic yard
Scoria masonry, squared in face, if required	... .. @	40s.	per cubic yard
Scoria gravel, required, in crossings of thorough- fares	... .. @	4s.	per cubic yard

In the event of any of the above works being required, I agree to abide by the respective rates of the same.

(Signed) GEO. H. CHEESEMAN.

APPENDIX.

MESSAGE No. 32.

In compliance with the request contained in the Address, No. 23, dated 8th February instant, the Superintendent lays before the Provincial Council "A Statement of the Amount of "Moneys charged against the Railway prior to the Railway Commissioners taking office."

ROBERT GRAHAM,

Superintendent.

Superintendent's Office, Auckland,

14th February, 1865.

RETURN OF THE AMOUNT CHARGED AGAINST THE RAILWAY PRIOR TO THE RAILWAY COMMISSIONERS TAKING OFFICE.

							£	s.	d.
1863									
July 19	T. B. Keele...	Services as Clerk	..	...	...	...	5	0	0
Nov. 5	J. Snodgrass	Do. from 21st Sept. to 19th Oct	...	...	...	...	28	0	0
" 17	S. Harding.....	Salary for October	...	...	...	...	25	0	0
	D. A. G. Hoben.....	Hire of horse	...	...	...	...	11	5	0
Dec. 7	S. Harding.....	Salary for November	...	...	...	...	25	0	0
	J. Snodgrass	Serving notices, &c,	...	...	...	...	25	0	0
	R. J. McFarland.....	Preparing tracings	...	...	...	...	7	14	0
	Do.	Do. plans, &c.	...	...	...	...	8	8	0
	Graham & Co.	Holland	...	...	...	...	2	18	8
	W. C. Wilson	Printing	..	...	...	...	5	15	11
	W. Leary	Services and travelling expenses	...	...	...	...	16	18	0
	H. N. Warner	Preparing plans ..	...	...	...	...	8	8	0
	D. A. Tole	Do.	..	...	...	...	8	8	0
	F. S. Somerfield	Serving notices, &c.	...	...	...	...	16	14	0
1864									
Jan. 5	Do.	Clerical assistance	...	...	...	...	22	10	0
	S. Harding	Preparation of plans	...	..	...	...	12	12	0
" 18	Do.	Salary for December	...	...	...	...	25	0	0
	J. Baber.....	Valuation of land	...	...	...	...	26	5	0
July 18	R. W. Wynn	Fees, &c., conducting Bill, &c.	...	...	...	...	130	0	0
	F. D. Fenton	Fees	...	...	...	...	145	10	0
	Creighton & Scales...	500 circulars and paper	..	...	...	...	2	11	0
" 11	R. W. Wynn	Fees, charges, &c., conducting Bill	..	...	...	...	45	0	0
							603	17	7

The above accounts are for expenses incurred in obtaining the Railway Act, and charged against the Railway, pursuant to the "Appropriation Act, 1864.

R. B. LUSK, Provincial Accountant.

February 10, 1865.

Auckland Provincial Council.

SESSION XVIII, 1864-5.

CORRESPONDENCE

BETWEEN

CAPTAIN DALDY

(THE AGENT-GENERAL)

AND

THE SUPERINTENDENT,

RESPECTING

I M M I G R A T I O N .

(In Continuation of "A.—No. 6," Session XVII.)

(Ordered by Council to be printed, February 7, 1865.)

C O R R E S P O N D E N C E
BETWEEN
C A P T A I N D A L D Y
(THE AGENT-GENERAL)
AND
T H E S U P E R I N T E N D E N T,
R E S P E C T I N G I M M I G R A T I O N.

London, Tuesday,
July 26th, 1864.

SIR,—

I have the honor to acknowledge the receipt on my arrival of letters as per margin,—

- No. 1. Copy of letters to Messrs. Ridgway.
- No. 2. Lists of Rate of Wages, &c.
- No. 3. Description of Land, &c., from Survey Office. Also a note from Messrs. Gilfillan, advising shipment of Plans, &c., in Sydney.
- No. 4. Lists of Applicants for Passages.
- No. 5. Enclosing draft for £4,000 duly accepted. From the General Government my appointment as Agent under Bay of Islands Settlement Act, together with copies of Regulations. Having only landed on Saturday afternoon and received the above mentioned letters yesterday morning. I have no remark or reply to give to them, but I assure you I shall lose no time in entering on my mission.

I communicate with Professor Gibson of Belfast to-day, and shall meet Messrs. Ridgway to-morrow morning.

Trusting I shall have some interesting particulars to report next mail.

I have, &c.,

WM. C. DALDY.

His Honor the Superintendent.

186 Fleet Street,
London, 19th August, 1864.

SIR,—

I have the honor to acknowledge receipt of your favors No. 699 (Duplicates) 727, 730, viâ Marseilles—Southampton Mail not arrived.

I have paid Messrs. Ridgway on their account £1500, and from the estimate they have given me, it will require £800 more to close it on the 1st September, when I have arranged to take over the assisted Emigration.

At the extreme high rate of money here at present, and which is likely to continue, I could not draw on Auckland under 7 or 8 per cent. therefore it is desirable to keep me well supplied in proportion to any instructions you may send for expenditure. I have made an arrangement to keep the Auckland Provincial Account with the Bank of New Zealand in such form that in the event of any accident to me it would not interfere with it and you could authorize any other person to operate on it.

I can at any time make a deposit for three months of any amount I am not likely to require at 5 per cent per annum, only 1 per cent below the interest the Government pays, I trust this will meet your approval.

Provincial Government Debentures are quite unsalable at present and had you not closed with the Bank for the Loan, the Government would have been in a bad position.

I am in constant communication with the General Government Emigration Commissioners, they send applicants not suitable to me, and suitable applicants who are unable to pay any part of their passage, I send to them, and you may depend on my cordial co-operation with them.

My applications for personal interviews are becoming very numerous, and I think it will be necessary to take an office for that purpose and correspondence.

Many circumstances are operating in favor of emigration to Auckland at this time—it is ceasing to America, the Australias are not doing much, Otago and Southland will have to discontinue for a time in consequence of their debentures being unsaleable and most likely Canterbury also, when the harvest is finished more will desire to emigrate.

I have arranged to go to Belfast after this mail leaves. From my correspondence I think the organization of the Committee is at present very imperfect, but will give full particulars next mail I got your account of visit to the North and am much gratified with it, you may depend on my best efforts to direct emigration to those important districts.

I have appointed Captain A. Grange, who has good knowledge of the Province, Agent for the approval of Assisted Emigrants in Scotland, I saw him in London, and fully explained the views of the Government to him.

I wrote to Mr. D. Lynch but have received no reply at present, I shall see him when in Ireland and consult with him before making any appointment for that country. I gave Messrs. Troughton and Sims, immediately on receipt, the order for instruments for Railway, and although I was urgent, they would only promise to complete it in three weeks.

I have delayed this until the last, hoping to have received the Southampton Mail. Will advise further *viâ* Marseilles on the 25th instant.

I have, &c.,

WM. C. DALDY.

His Honor the Superintendent.

No. 1, Broad-street Buildings,
Old Broad-street, City,
September 26th, 1864.

SIR,—

I have to acknowledge by this Mail your letter with Railway order and draft £3,000. The Southampton Mail by which they were posted was not delivered till the 22nd, two days after the outward mail had left. It would be much more convenient in future that letters requiring prompt attention should be posted *viâ* Marseilles, as it would give me time to reply by same mail. With regard to the Railway Plant it shall have my best and immediate attention. I have in expectation made various enquiries on the subject I find that in all purchases of Plant for Foreign Railways, an Engineer is appointed who inspects Plant ready for shipment and no payments are made except on his certificate. I have been in communication with two who perform this duty for the East Indian Lines. I have shipped the instruments ordered from Messrs. Troughton and Sims per the "Light Brigade," bill of lading enclosed. In future when I have to report on this subject I will address you separately that you may be enabled to hand it to the Commissioners, but this I did not consider of sufficient importance this time to do so.

WATER WORKS.

I have received the estimate and wish you had sent the reports. I should be glad if you would do so, and by first opportunity ship a small bottle of water to be analysed. I have spoken on the matter to Mr. W. Brown, Clarke, and others, and I think were the Reports to hand there would be little difficulty in getting parties here to take shares if the Government does not see the way to raise funds. I hope by next mail to be able to forward copies of "Water Companies Charters" for similar works in England.

EMIGRATION.

I have to report that I commenced active operations on this matter on the 1st of this month and have forwarded per "Viscount Canning," 227 adults who, have on an average paid one-third of their passage money. Several of these were under partial engagement, and others I was induced to take from their connexion with persons in the colony. On visiting the ship previous to her sailing I found no Matron had been appointed over the single females, 9 in No. 7, from Messrs. Ridgeways, and 2 from myself. I therefore gave the Master, whom I knew from his having visited Auckland several times, authority to appoint the most suitable person he could find amongst the married females on board; and gave an order for a gratuity of five pounds payable on his certificate. I did not approve of the ship generally (although good). She is not the class we ought to expect for the trade. I told the Brokers my opinion, I think for the future we shall have finer vessels. I have arranged to visit vessels when laid on, and decide if I will send by them or not. I am receiving a large number of applications; but have some difficulty in raising the amount they pay, from their having been taken for very small amounts. Single men I require £5 from at least. Married couples with families of grown up daughters I take upon very favourable terms. Single females, when I am satisfied with their references, upon terms the most they can pay, on account of the great want you have for domestic servants. From the distance they come it is very difficult to obtain characters, and can only be obtained

by writing to employers, &c., I am as careful as possible. To-day I have seen the Secretary of the National Emigration Society, and think with regard to single women I shall be able to make a good arrangement with them as from their agencies they can obtain all particulars and information. I think the two next vessels will have nearly 150 adults. I have succeeded in obtaining for one of them I think a first rate Matron, a widow with 3 daughters. In no case will I send females except under charge.

I am happy to inform you I am working hand in hand with the General Government Emigration Commissioners when unsuitable single women apply to them they forward them to me; and those applying to me who can only pay a trifle I hand over to them as they now grant free passages, it would obviously be unwise on my part to accept those who can only pay a trifle say £3 for a family. I visited the "Matoaka" in company with Messrs. Morrison, W. S. Grahame, May, Clarke, and Martin, whereby we were enabled to talk over our plans, and fully understand how we could assist one another in this matter. I always keep in mind that whoever does the work, Auckland pays; could you have been present, I think you would have said Auckland's interests were neither neglected nor forgotten.

BAY OF ISLANDS SETTLEMENT.

After some correspondence with Professor Gibson of Belfast, on the 6th of this month I started for Belfast, and on arrival found as I expected from the correspondence that there was no complete organization in existence but that only correspondence had taken place with isolated persons on this subject, however, after an interview with two or three, a meeting was arranged at which some of the principal merchants and ship owners were present. I enclose the published report of what took place and I trust the foundation of a good settlement is laid although most of the gentlemen present were Presbyterians, and it is brought forward under their auspices, still it was well understood and expressed by all that it should not be exclusive, but to embrace the co-operation of gentlemen in Derry, Glasgow, &c. I hope to have further to report next month on this matter as well as other localities to be sought for.

MONETARY.

Your authority is to expend £6,000 in Emigration until further instructions. I understand this as including my own and the amounts I make payable to the Colony. When in Ireland I visited Armagh and saw Mr. D. Lynch requesting him to act for the Government in Ireland, he could not decide then (the time being short) but promised to write to me. I have not yet received his decision. At Newry I saw Mr. Greer, who is a very sensible and straightforward man taking much interest in Auckland. At each place I called upon the various passenger Agents connected with the London shipping Houses, and explained to them the various schemes of Emigration to Auckland now in existence, it was much needed as with Free Passages (advertised), assisted Passages and free Grants of Land they were generally bewildered themselves and could give no correct information to persons applying. I trust and hope I have made matters clearer. At Portadown by request of one of the agents, I addressed a meeting of about 250 persons one evening and was very kindly received; many questions were put all of which I answered as truly as possible—some opposition was made by a party whose son has been out with the defence force; however he admitted his last advices were favourable, and that military duties would soon cease. He afterwards called on me and expressed his satisfaction at the way in which I had taken his remarks at the meeting. I told all, I did not come to persuade them to emigrate; but if they desired to do so, to give them the best information in my power about Auckland.

I went from Belfast to Glasgow and saw Mr. Hepburn, who is a thorough man of business and understands our requirements better than any other Agent.

I also saw Captain Grange, and fully explained to him what was required of him in making his selection of emigrants that when applications were sent to him from the various shipping agents, he might successfully carry out my views. He is taking great interest in the work, and I think will be able to select some first rate emigrants. I returned via Liverpool and saw one or two Agents there, but am of opinion little will be done in that locality.

I have also seen one or two Agents from the North of England, and East of Scotland. I have invited the shipping Houses, whenever their Agents come to London, to request them to call upon me in order that they may learn my views with regard to assisted passages. I believe from what I have done that we shall get, as many as we require, and that they will pay a much larger proportion of their passage money than heretofore. Five days since Mr. W. K. Grahame brought four Maoris to me who left Auckland with Dr. McGauran and afterwards came here with a man called Haggerty, and were performing at various places in England and Scotland they are in distress and want to get away before the winter sets in. The Aboriginal Protection Society have given them some relief. I at once undertook to find them present support at 1s. per diem, and get them away as soon as possible, taking their notes for the amount they receive. I have also undertaken to repay the Society the amount they have disbursed £6. I expect to get them away for a small sum each except the sick and married ones. In taking this course I believe I shall meet your views, and that of all Auckland, to advance not give what is necessary, leaving you to deal with their notes and not leave them to the care of the Auckland society to make fools of them and abuse the Colonists for their bad feeling towards the natives. I enclose invoice of Instruments for Railway, and Waste Land Department, also promissory notes for passengers per "Viscount Canning." I have adopted

the plan of sending the applications of all the Emigrants (per Book Post) that I send out, it will be of service hereafter if any dispute arise, and it shews under what recommendation they come and affords more particulars of them than could be compiled. As time permits I am making enquiries about Waters, Iron, Poles and other matters.

I have, &c.,

WILLIAM C. DALDY,
Agent for the Province of Auckland.

His Honor the Superintendent, Auckland.

No. 1 Broad Street Buildings, E.C.
London, October 26th, 1864.

SIR,—

I have the honor to acknowledge per October Mail the following letters :—

No. 1078 | 12, Draft for £3742, and Duplicate for £3000, also an order to remit £3 which has been done. A list of Emigrants to be sent out which shall have early attention.

MONETARY.

As far as I am able to estimate at this time my expenses for emigration and other purposes will be about £700 per month, and £7500 for Railway Plant by the end of January next, my balance is now £9084 when drafts are due. I have placed the money at 14 days' call, at current rates paid by the Joint stock Banks keeping a working Balance.

Herewith you will receive the Bond executed by me.

ADDITIONAL MONIES.

Since reporting on this subject, I regret to inform you the parties named have failed in their arrangement to go out by the "Napier," although every precaution was taken to prevent it. I have not seen them since, but will report further per next mail.

I was not aware until a few days ago that the Commissioners were sending single females, except those belonging to families.

I will see them on the subject, as theirs are quite free and cost more than mine, and will come into competition with them. As the Province pays whoever sends, it becomes a matter for looking into. The "Ernestina" leaves this day, and being much pressed for time, I must conclude.

I have, &c.,

WILLIAM C. DALDY.

His Honor the Superintendent.

MEMORANDUM.

I have appointed Mr. Lynch Agent for Ireland.

RAILWAY.

I have to acknowledge receipt of letters from the Chairman of Railway Board with duplicate of orders and instructions to ship in the name of the Superintendent of the Province of Auckland, which shall have my best attention.

REPORT OF PROGRESS.

I have engaged the services of Mr. Naylor, Inspecting Engineer of the Indian and Peninsula Great Trunk Railway.

A Gentleman of twenty years experience as head of the Locomotive Department of one of our large Railways, and chosen for his present position on account of his *practical knowledge*, another advantage is his intimate acquaintance with the prices paid by the Company he serves, as he is always travelling to various parts of Great Britain to inspect the Plant they are sending out.

He undertakes this with consent of the Director of his Company, and from private friends who have known him intimately, I am assured of his integrity. I enter into all contracts by myself, aided

by his advice and experience, he providing specifications, &c., and only pay on his certificate that the quality of the material is good and according to contract.

His charge is to be $1\frac{1}{2}$ per cent. It has caused some time and trouble to make this arrangement but I am very confident that it is a good one.

MONEY.

The estimated amount of your present order is £7500.

CONTRACTORS' RAILS.

After making enquiries of various parties through the Engineer who knows all the Contractors likely to have them on hand. I cannot find any of the weight that he can recommend, and am advertising for them. I have been offered some new rails, heavier than required at £8 10s from the Old Park Iron Works, Wednesbury. I mention this to give you an idea of present prices.

ENGINES.

I forward by Book Post, Photographs of different Engines with offers now under consideration of the Engineer, He has not decided but appears to attach much importance to the distribution of the weight on light Rails, and these are engines used by Messrs. Peto, Brassey. It appears from both these offers, I shall not be able to ship under four months from date.

PERMANENT RAILS.

Advertisements will be issued in a day or two. This description of rail is principally used on the continent, not much in England. Recently two Engineers from the Indian lines were sent out to report on their wear &c., &c., and their report is favorable.

You may depend I am anxious there should be no unnecessary delay in this matter, but it requires some caution in commencing a new work of this nature.

I have, &c.

W. C. DALDY.

His Honor the Superintendent.

MEMORANDUM.

Say		£.	s.	d.
„	Locomotive Engine - - - - -	1220	0	0
„	450 tons of Rails at £9 15s - - - - -	4387	10	0
„	25 tons 10-cwt Fish plates at £9 - - - - -	229	10	0
„	Irish Bolts and nuts, 4 tons at £16 - - - - -	64	0	0
„	Spikes 10 tons at £12 15s - - - - -	129	0	0
„	Coach screws 2 tons at £16 - - - - -	32	0	0
„	Dog Spikes, 2 tons, at £10 15 - - - - -	21	10	0
„	„ „ 1½ tons at £11 - - - - -	16	10	0
„	Cramp for curving rails - - - - -	15	0	0
„	Five sets switches, crossings and fittings - - - - -	127	10	0
„	70 tons Contractors's Rails at £9 10s - - - - -	665	0	0
		<u>£6907</u>	<u>10</u>	<u>0</u>
	1½ per cent Inspection - - - - -	103	12	3
		<u>£7011</u>	<u>2</u>	<u>3</u>

As the quantities are comparatively small, you may or may not obtain the supplies as above, but I think you would do well, seeing a probability of more material being required to provide yourself with at least seven thousand five hundred pounds, say £7500, to meet the demands.

I have, &c.,

WM NAYLOR.

MAORIS.

About three weeks since Mr. W. K. Graham brought some Maoris to me in distress, they were six in number, one of them sick, after enquiring into their circumstances, I gave some small relief, and a day or two after, we visited the place they were lodging at, paid what they owed, and

told them I would send them out in the first vessel I could, I also saw the Secretary of the Aborigines Protection Society, and offered to repay some small sum they had received. One of the Maoris had married an English girl.

I immediately made enquiries for a ship and had partially arranged for them to go in the "Napier," when a lady named Miss Weale, who took so much interest in Mr. Jenkins' Maoris, called on me, and strongly objected to their working on the passage out, or giving Promissory notes. I told her being natives of New Zealand in distress, I felt it my duty on behalf of the Provincial Government to return them to their own country at as little expense as possible, they being well fed and clothed. Since her interview with me, two of the natives have returned the money given to them, and Miss Weale has taken them to live at her house at Windsor. I see per notice in the *New Zealand Advertiser*, the Protection Society are going to send them out as passengers.

With these I shall not feel authorized to incur further expense. The remaining three who are of the party, Dr. McGauran took away and afterwards brought to this country by a person named Haggerty, from Melbourne; who without paying them sailed for Melbourne.

I am sending three per "Napier," Captain Petherbridge whom I know, and Mr. Norris who used to reside at the Bay, is on board, and has promised to look after them, I trust they will be all right. I pay £5 per head and they sign articles at £1 per month to Auckland. They have £6 worth of clothes each, put into the Captain's charge. The expenditure will be about sixteen pounds each for which I have taken their Promissory notes, and the worry and annoyance was very great.

The poor fellow in Hospital, I hear is a hopeless case, I enclose a letter from him to his friends, which you will please cause to be delivered.

I trust the expenditure incurred in this matter will meet your approbation, I felt that the Colonists of Auckland would, had it been possible, have relieved them at once, and not allow them to be objects of charity to the British Public, who have so many of their own.

I have taken their notes for the amount to show them it was an act of the Government, not individuals, who can if they think fit remit the payment.

WILLIAM C. DALDY.

EMIGRATION.

SIR,—

In my last I informed you that I had sent a few Emigrants per "Viscount Canning," and "Nelson," whose applications and second of Exchange I now forward per Book Post.

"ERNESTINA."

I expect that this fine vessel of 1,100 tons, well fitted, and which will leave on the 28th, with about 70 single women, single men, married couples and children in all about 160 adults. I have secured the services of a most desirable matron. The Surgeon is going out with his family. The Master is of very high standing. I think every thing very favorable; and that these Emigrants will compare with any ever sent to the Colony.

"ARMSTRONG."

This is a first class vessel, but my arrangements for her are not so forward, as she will not leave until the 4th or 5th of next month. I expect to have by her about 40 single women.

I shall not be able to forward per mail the accounts of these ships, but notice might be given of the single girls being expected. I intend sending per Book Post all the approval applications, and when characters are given to attach them so that they shall form a record of the persons.

Although I have raised the amount to be contributed considerably (except in the case of females) I am getting plenty and applications are increasing in the face of free Emigration; and I am more than ever convinced that contributing to their own passages is one of the best securities that can be had for respectability and utility. The selection and arrangement for single females is a very difficult and troublesome matter.

I request that you will forward me monthly labor lists that I may not put forward wrong statements.

Last week I again visited Belfast and Londonderry and saw the gentlemen who have taken an interest in this settlement. It appears from the applications and the general tone of their letters they were not prepared to push the matter. I find that Mr. Sargint has been far too sanguine, and from permission to use certain Ministers' names he has formed them into an Emigration Committee which they never intended. But seeing he has persevered and progressed so far, they urged a Committee of laymen to take up the matter, who evidently are not unanimous in their opinion as to the desirability of Emigration; in fact many employers of labour in the North of Ireland are decidedly opposed to it. I am now waiting the result of their deliberations on the subject, and should they abandon the affair, as I fully expect they will, I shall feel it my duty to place it before the Tenant Farmers of Great Britain and Ireland as extensively as possible.

I very much regret any delay in so important a matter; but it cannot be helped. I had hoped at first it would have been taken up by the originators friends and well worked, if not, it is injurious for them to keep the settlement in abeyance, and thus prevent others exerting themselves in the cause.

WILLIAM C. DALDY.

No. 1 Broad-street Buildings, E.C.,
London, November 25, 1864.

SIR,—

I have only to acknowledge the receipt this mail of letters No. 1292, 1355, 60, 13, and enclosures.

That on the subject of parties to be sent out with Land Orders, shall have my early attention.

EMIGRATION.

The scheme of Assisted Emigration is extending rapidly, in fact *rather too fast*, and it is my intention to contract my selection, and to demand higher contributions from parties wishing to get out. The payments by emigrants now averages considerably over $\frac{1}{4}$ (say £4 per head), and if the single women were deducted would exceed $\frac{1}{3}$.

It has been necessary at first starting, to give an impetus to the scheme, to be liberal, especially as they had been taken at much lower rates—former vessels only averaging 1-7th, as you will perceive by accounts sent; and it must be remembered at the same time Canterbury offers more than we do, viz., the gift of a like amount to that paid by the Emigrants.

Queensland also makes very liberal offers, and the General Government are working every part of the United Kingdom for Free Emigrants.

I have thought it judicious to give every possible encouragement at present, as those leaving will arrive in the summer, and have the chance of a fine weather passage on the Southern Hemisphere.

I feel confident from my experience that under the assisted system, vigorously worked out, all the Emigrants required for New Zealand might be obtained. Also that apart from monetary consideration, you secure a more self-reliant class. I always favour applicants, especially females, who have friends in the colony.

It is the experience of Mr. May and Mr. Martyn, as well as my own, that with all the trouble you may take some imposition will occur.

I have as much as possible avoided families of young children, and shall continue to do so.

I hope next mail, now that you have received information respecting the General Government plans of Emigration, that I shall receive your views and advice as to what extent I should go.

MONETARY.

My present balance is £7,900, the last draft I received having come due to-day, my engagements I estimate as follows:—

Contractor's Rails	-	-	-	-	-	-	-	-	£590
Locomotive, 3 months for this	-	-	-	-	-	-	-	-	1,220
Emigrants for December	-	-	-	-	-	-	-	-	750
Balance of Railway Order	-	-	-	-	-	-	-	-	5,700
Emigration to March 31	-	-	-	-	-	-	-	-	1,500
Salaries, &c.	-	-	-	-	-	-	-	-	240
									<hr/>
									£10,000

On looking over my correspondence I see I made a mistake in a former letter in thinking you only intended me to make engagements to the extent of £6,000 for Emigration; I now perceive that I am to spend that amount of money here. This rate of expenditure will send out about 1,700 adults, leaving £11,900 to pay in the Colony.

MAPS OF THE PROVINCE.

Knowing the importance of a copy of these maps reaching the colony as soon as possible, I have desired one to be sent by Book Post this mail, and written in detail to the Deputy Waste Land Commissioner as to cost, arrangement about the plates, future alterations, &c.

I have, &c.,

WILLIAM C. DALDY.

His Honor the Superintendent, Auckland.

RAILWAY REPORT.

I have contracted with Messrs. Manning, Wurdle and Co. for a Contractors' Tank Engine, for the sum of £1,220 free on board.

I did not do this until I was satisfied by my Engineer examining several second hand ones, and finding we could not find a good one (they were offered at £700, £650, and £600, but all wanted repair and would most probably soon get out of order in the colony).

I have learned from good authority there is nothing more difficult than to obtain an Engine quickly, although nearly all other trades are stagnant, they cannot supply Engines for the world fast enough—the demand for India alone is immense.

I have tenders for the Contractors' Rails not yet decided on, my Engineer being absent from

London ; they will be £8 per ton shipped in a month from date. I advertised for these and had plenty of tenders, but many only from Brokers and Middlemen.

The specification for the remainder of the order is complete, and I do not purpose advertising but lithographing them and sending the same to the principle firms, inviting offers, thereby obtaining a fair competition without having to do with Brokers between.

WILLIAM C. DALDY.

His Honor the Superintendent, Auckland.

EMIGRATION.

Your letters of instruction respectively, 1255-13, 1292-13, 1260-13, are to hand, and in course of being attended to according to instructions.

Will you kindly send me four or five Chapman's Almanacs.

I find Ann Edwards' brother paid £18, and is gone with his sister. Please supply Labour List Report.

Emigrants dispatched since my arrival :—Adults, 475.

Date.	Ship.	Paid by Emigrants.	Paid by W. C. D.
	Viscount Canning Nelson Ernestina Louisa Armstrong.	£1,897 0 0	£1,430 10 0

Single females over 14 years of age, including those belonging to families, 125.

The single females are the difficulty ; I could obtain any quantity of factory girls, but they will not do. It is very difficult to obtain any real good servants, they being very much in demand here.

I have taken numbers from Ireland, who although not first class servants, will, from the employment they have been used to, be of great service on the farms, and in the out-settlement.

I may here state, the "Caduceus" will leave on the 30th instant with 90 to 100 emigrants, I regret these accounts should all come together, but you will perceive by the peculiar sailing of the ships, it has been unavoidable.

MATRONS.

Matrons are very difficult to get of the right sort, and has given me considerable trouble, however, I trust I have been successful. Mrs. Holmes, of the Ernestina, I think very high of indeed, and was glad to get her. Mrs. Donnell, of the "Louisa," is not quite so energetic, but her husband, who has been steward of ships, bears a most excellent character so that the two combined, will I think, preserve good order and regularity. Mrs. Hurst, of the "Armstrong," I had not so good an opportunity in my selection, having been disappointed, and compelled to make the appointment only a day before the vessel sailed ; however, I was favourably impressed.

I have been most particular in the accommodation for the single females ; they are aft—the matron has a separate cabin, where she can see every one that passes up and down ; and in each ship a steward is found to take their provisions to the galley, none being allowed to go forward beyond a certain distance on the deck, knowing from experience, the difficulty of managing them on board.

I can assure you I have taken every precaution in my power for their comfort, and to prevent bad conduct. The matron has a book to mark down anything improper ; and is directed to hand it over to the emigration officer on arrival.

ESTIMATE.

My estimate is, that just now the emigrants are causing the colony to advance about £10 10s. each for their Promissory notes ; the General Government scheme will cost £15 10s. per head and 10 acres of land, nothing returnable.

Mr. Carleton's letter shall have early attention.

WILLIAM C. DALDY.

His Honor the Superintendent, Auckland.

Superintendent's Office,
Auckland, 7th November, 1864.

SIR,—

I have the honor to forward herewith the First of Exchange, No. 4-107 on the Bank of New Zealand, London, for five thousand pounds, payable to your order thirty days after sight, and to request that you will place that sum to the credit of the Provincial Government Account with your Agency.

I also forward second Indent of Articles to be procured, and forwarded by you for the Auckland and Drury Railway. Also copy of a letter from the Gaoler of the Mount Eden Stockade describing certain articles to be procured and forwarded by you for that Establishment.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

W. C. Daldy, Esq.,
Special Agent for the Province of Auckland,
London.

Superintendent's Office,
Auckland, 7th November, 1864.

SIR,—

I have the honor to acknowledge receipt of your letter of date 19th August ultimo, reporting your proceedings as Special Agent for this Province.

Enclosed herewith you will receive copy of Address, No. 49, presented to me by the Provincial Council, under date 2nd instant, from which you will observe that the majority of the members disapprove of your continuing to act as Agent for the Province. This I much regret, as I expect, upon receipt, you will deprive the Government of the benefit of your valuable assistance.

I have to inform you that in the present state of affairs here, I do not feel at liberty to encourage the assisted Emigration system, and desire, that assistance given in future should not exceed one third of the cost of passage, the Immigrants paying the remainder to the Provincial Agent in London before embarkation.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

W. C. Daldy, Esq.,
Special Agent for the Province of
Auckland, London.

Enclosure.

ADDRESS No. 49.

SESSION XVII., 1864.

“MAY IT PLEASE YOUR HONOR,—

“We, the Provincial Council of the Province of Auckland, in Session assembled, respectfully represent to your Honor that we were invited during the last Session of the Council by a Member of your Honor's Executive Council, to sanction the employment of Captain Daldy, as Agent for selecting Emigrants for this Province, upon which occasion Captain Daldy informed the Council that he was going home on his own private affairs, and that he would not accept of any official appointment unless he had the sanction of this Council. This sanction he failed to obtain; yet, notwithstanding this statement, your Honor has informed this Council that Captain Daldy has accepted the appointment of Emigration Agent, at a Salary of £400 a-year, and Agent in Britain for Provincial Government, with a Commission of one per cent. on purchases made on behalf of the Province.

“We beg respectfully to inform your Honor that we received the intimation of the acceptance of these appointments by Captain Daldy with much regret, and we entirely disapprove of Captain Daldy's conduct, and we shall seriously consider whether it will not be our duty to withhold our sanction, if asked, to the payment of any Salary or Commission in respect of such appointment.

“We further respectfully request that your Honor will be pleased at the earliest opportunity to communicate this Address to Captain Daldy, who will, they feel assured, at once relinquish his post, upon being informed of the disapproval of the Council of his conduct in accepting official appointments in direct violation of his promise.”

Superintendent's Office,
Auckland, 3rd December, 1864.

SIR,—

I have the honor to forward herewith copy of a Message No. 84 to the Provincial Council, in which my own views of the circumstances relative to your appointment as Provincial Agent in Great Britain are decidedly expressed. I regret much that the Council did not accept them, being

still of opinion, notwithstanding the reply made by the Council (copy of which I also enclose) that you have been "relieved from any engagement implied or expressed with the Council."

Of course I cannot expect you to consent to the permanent continuation of your services as Provincial Agent, but I think that I can rely upon your sense of public duty so far as this, viz. :—that you will remain so long in office, as will give the Government opportunity to provide against the confusion which must be apprehended from a sudden and unprepared change of Agents, or possibly of system. Until the Government shall have been completely informed of your proceedings and engagements up to the time of your receiving my letter of last month, it will be impossible to make complete provision for meeting the alteration of the circumstances under which our arrangement was entered into.

For the present, the Government must leave much to your own discretion. I have no hesitation in doing so, having known you long enough to feel assured, that you will not permit any personal feelings of vexation or sense of injustice to hinder you from exerting yourself on my behalf, so far as may be necessary to obviate direct injury to the Province of Auckland.

I have, &c,

ROBERT GRAHAM,
Superintendent.

W. C. Daldy, Special Agent, &c.,
London.

Enclosure No. 1.

MESSAGE NO. 84.

Superintendent's Office,

Auckland, 11th Nov., 1864.

The Superintendent has received an Address, No. 49, from the Provincial Council, commenting upon the appointment of Mr. Daldy, to the office of Special Emigration Agent, notwithstanding that the creation of such office had been recommended by resolution of the Council.

The Superintendent enters with reluctance into a question that ought not, in his opinion, to have been entertained by the Council, seeing that it is the duty of the Executive branch of the Provincial Legislature to make the appointments for the public service, as exclusively as it is the privilege of the Council to make or refuse the provision recommended for that service. But the wording of the address is such, that the Superintendent—departing on this occasion from the ordinary course—feels it due to Mr. Daldy, the Council, and himself, to review the circumstances which led to this appointment.

On 28th January, 1864, Mr. Cheeseman brought up a report from the Ridgeway Committee, and the same was received, and read as follows :—

"The select committee appointed to inquire into and report upon the financial and other matters relating to Messrs. Ridgeway and Son, as the London Agents of the Province, having examined Messrs. Daldy, Newman, Lusk, and others, together with a large quantity of documentary evidence, have the honour to report as follows :—

"(1.) That the present system of agency in the United Kingdom should be discontinued; and your committee recommend the appointment of a gentleman connected with this province, thoroughly acquainted with its character and capabilities, and whose duty it should be to carry out the instructions issued to him from time to time by the Provincial Government.

"(2.) Your committee are further of opinion that it would be a more judicious course to allow such agent a fixed salary, not exceeding £500 a year, with travelling expenses, instead of 10s. for each land order as at present; the fee of 10s. to be carried to the credit of the Province.

"(3.) Your committee highly disapprove of the present extensive transactions carried on by Messrs. Ridgeway and Son, in transmitting money to this province for the convenience of emigrants, and strongly recommend its discontinuance.

Subsequently, Mr. Foley asked—

"In what capacity the honourable member, Captain Daldy, is to represent the province on his approaching visit to England?"

"Mr. Daldy answered that he was not aware of there being any arrangement made for his representing the province during his visit to England, and that whilst he was a member of the Government he would not be a party to such an arrangement. He was going home in a private capacity."

When this statement was made in the Council the Superintendent had in no way suggested to Mr. Daldy acceptance of the appointment.

In consequence of Dr. Pollen having moved on the 28th January,—

"That the third reading of the Empowering Bill, 1864, was had and the bill passed, at the instance of the Executive, at a late hour, in a thin house, and in contravention of a distinct and understood arrangement between the Executive and this Council."

And also,

"That, unless a full and satisfactory statement of the manner in which the sum of £44,332 14s. 3d. authorised by the Empowering Act, 1864, to be applied to "immigration," be immediately made to this Council, either by message from his Honor the Superintendent or otherwise, this Council, in discharge of its duty as guardian of the public interest, will petition his Excellency the Governor to disallow the Empowering Act, 1864.

The Superintendent furnished the information required in the following message on February 2, viz. :—

“The Superintendent lays before the Provincial Council the following plan which he proposes to adopt for procuring a continuous stream of immigration into this province in addition to the population which may be drawn hitherwards by the inducements held out under the present land regulations.

“The Council has voted the sum of £44,332 14s. 3d. for immigration purposes, of which sum about £18,000 has already been authorized to be expended on the assisted passage system : particulars of the classes of immigrants sent for, and other information connected therewith will be found in the enclosed letters addressed to Messrs. Ridgway and Sons.

“Mr. Daldy being about to proceed to England shortly, the Superintendent proposes to take advantage of his services while there, and intends to authorise him to send out emigrants, and to make the best arrangements which personal investigation on the spot may lead him to adopt for selecting and forwarding them. The Superintendent proposes giving Mr. Daldy discretionary powers to make such arrangements with the emigrants as he may see best in each case as to the proportion of the passage money which the Government will advance by way of loan on their behalf. Mr. Daldy will also be authorized to arrange with societies in Great Britain who may be willing to assist emigrants in proceeding to Auckland. And it appears to the Superintendent that arrangements can be made most beneficially by a person familiar (as Mr. Daldy is) with the class of immigrants required and the resources of this province. He will also be empowered to issue land orders, with a view more particularly to special settlement immigration. The Victoria Valley is particularly well adapted for the location of a special settlement, and it is desirable in event of a party being forced for settlement there, that arrangements should be made for the vessel conveying the immigrants to proceed to Monongonui direct, so that they may not be subjected to the inconvenience and expense of transshipment at Auckland. There are also great inducements for the establishment of settlements at Hokianga and the Bay of Islands, and it would be desirable that they should proceed to the Bay of Islands direct. A large number of persons proposing to emigrate from Ireland have expressed a desire to come out to this province, and the fine district of Kawakawa has been chosen by their pioneer agent. There is therefore, every prospect of an important and prosperous settlement being founded in that part of the province.

“While Mr. Daldy will give his attention chiefly to emigration, the Superintendent also looks forward to receive from him valuable information respecting the construction of water-works, bridges, wharves, tramways, and other works of a similar character, which the Superintendent will lay before the Council during its next session.”

On February 4 the following resolutions were adopted by the Council, and forwarded in an address to the Superintendent, viz. :—

“That, with a view to a judicious and satisfactory expenditure of the funds appropriated to the purposes of immigration by the Empowering Act, 1864, this Council is of opinion—

“1st. That, inasmuch as the province of Auckland has been chiefly colonised by subjects of Her Majesty, immigrants from the United Kingdom, the sum of £44,000 now proposed to be appropriated to immigration ought to be so divided as that the amounts devoted to expenditure in the introduction of immigrants from England, from Ireland, and from Scotland respectively, should bear the same proportion to the whole sum as persons of the English, Irish, and Scottish races settled in this province respectively bear to the whole European population of the province, as shown in the latest census.

“2nd. That if it be finally determined, as intimated in the Message No. 65 of his Honor the Superintendent, that a paid agency shall be established in Great Britain, this Council is of opinion that there ought to be a resident agent for England, for Ireland, and for Scotland, respectively, and that to such agents authority to conduct the Auckland immigration, in conformity with the foregoing resolutions, ought to be confided.”

On the same day, Mr. May, a member of the Executive, moved as follows :—“That, having reference to the views expressed in his Honor’s message, No. 65, this Council is of opinion that the services of Mr. Daldy, (who has stated his intention of visiting the United Kingdom) should be obtained for the purpose of selecting emigrants.”

This motion was made without the knowledge or consent of the Superintendent, he being of opinion that so long as he is responsible for the appointments he ought to make them at his own discretion, tempered with due regard to the advice of his Executive Council.

Mr. Daldy is reported to have said that he was going home on his own private business, and would not accept any official appointment without the sanction of the Council ; he then, not choosing to discuss a matter personal to himself, left the Council Chamber. After a debate an amendment was moved, viz., “That this Council declines expressing an opinion relative to the proposed appointment of Captain Daldy as Immigration Agent, considering that the responsibility of appointing agents for this province ought to rest solely with his Honor the Superintendent.”

The Superintendent thinks it is much to be regretted that this amendment, which placed on its true basis the question between the Council and himself, and which would have obviated all difficulty, should have lapsed through an adjournment for want of a quorum.

“Notice being taken that the one-third of the members was not present, Mr. Speaker counted the Council, and one-third of the Council not being present, then adjourned the Council at five minutes to nine o’clock p.m.

“Members present : Mr. Cadman, Mr. Gallagher, Mr. Kerr, Mr. May, Mr. A. O’Neill, Mr. J. O’Neill, Dr. Pollen, Mr. Rowe, Mr. Skeen, Mr. Swanson.”

It thus appears that one section of the Council desired to sanction the appointment of Mr. Daldy, and that the other section declined to sanction any nomination whatever, being of opinion that the responsibility for appointing agents for this province, ought to rest solely with the Superintendent. Mr. Daldy was thus relieved from any engagement, implied or expressed, with the Council, and the appointment was left by the Council unquestioned in the hands of the Superintendent.

On the 26th Mr. Daldy resigned his seat in the Executive Council.

Subsequently to this resignation the Superintendent held a meeting, composed of Messrs. Newman and May, the remaining members of the Executive Council. The Superintendent submitted for consideration, the subject of emigration, when the question of appointing a special agent was fully discussed. The Superintendent, being of opinion that no one could perform the duties required with such advantage to the Province as Mr. Daldy, resolved upon endeavouring to obtain his services at a fixed salary (in accordance with a resolution of the Council), naming four hundred pounds (£400) for one year, on the condition of the customary fees being paid into the Treasury. Had the Superintendent, in opposition to the Ridgeway Committee, allowed Mr. Daldy to retain the fees which were expected to be lodged in lieu of a fixed salary, not a pretext for objection could have been raised.

It was only at the personal request of the Superintendent that Mr. Daldy consented to accept the appointment. The Superintendent is still of opinion that the appointment was the most judicious that could have been made, and on the most advantageous terms to the province.

ROBERT GRAHAM,
Superintendent.

Enclosure No. 2.

ADDRESS NO. 69.

SESSION XVII., 1864.

“RESOLVED,—That this Council in forwarding Address No. 49 to his Honor the Superintendent did not in any manner intend to interfere with his Honor's undoubted right, to make public appointments without the interference of this Council. They merely wished to express their disapproval of Captain Daldy's conduct in accepting a public appointment in direct violation of his promise, made in his place in this Council; and this Council find in his Honor's Message No. 84, no explanation which can be considered satisfactory of Mr. Daldy's conduct, which alone this Council desired to comment upon.

“That an address be forwarded to his Honor the Superintendent, conveying the foregoing resolution.”

True Extract,

WILLIAM POWDITCH,
Speaker.

Superintendent's Office,
Auckland, 7th January, 1865.

SIR,—

I have the honor to acknowledge receipt of your letter, dated 26th of October, 1864, enclosing bond executed by you, and a general report of your proceedings in regard to emigration and the purchase of Railway Plant.

I have much pleasure in expressing my general approval of what you have done, in particular with regard to the Maories in distress. The colony would have suffered much in English estimation, had you not taken upon yourself the responsibility you mention.

You have acted with judgment in considerably raising the amount excepting in the case of females, to be contributed to the passage money by the emigrants themselves; and in fact, have forestalled my own instructions to you, posted, but not received by you at the date of your letter.

It seems evident, from what you write, that the scheme for forming a special settlement at the Bay of Islands, by means of Immigration, has failed. You inform me that you will now feel it your duty to place it before the tenant farmers of Great Britain and Ireland, as extensively as possible. On consideration I feel disposed, unless I should learn by your next advices, that something definite has been effected by you, to effect the object by means of chosen Immigrants already arrived.

If anything is done in the matter of Locomotive Engines, you cannot do better than employ “Messrs. Manning, Wardle, and Co.” of Leeds (the builders of the six wheeled engine, of which a photograph was sent) as they are known to the Engineer in Chief, Mr. Weaver, to be by far the best makers of this class of Engine. He has imported several of their engines, for the New South Wales Government, and they have given the greatest satisfaction; but I would rather that you took no further steps in regard to the Railway, until I shall have been able, after advising with the Engineer in Chief, to communicate with you on this subject at length.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

P.S.—Second of Exchange No. 4-200, on the Bank of New Zealand, London, for two thousand pounds (£2,000) in your favor, at three days' sight is enclosed herewith.

W. C. Daldy, Special Agent, &c.,
London.

FURTHER CORRESPONDENCE

BETWEEN

THE SUPERINTENDENT

AND

THE AGENT-GENERAL.

No. 1, Broad-street Buildings, E.C.,
London, December 23rd, 1864.

SIR,—

By last mail, via Southampton, I reported the various payments agreeably to instructions received.

I have now to acknowledge receipt of letters Nos. 1388, &c., containing advices of passages for certain parties, which, coming via Marseilles, have had attention.

I feel much regret, when looking to the Public advices, that you have not given me directions as to my further proceedings. I doubt not you were in a difficult position to judge, but your opinions would have been of great service to me.

I my last I gave you an estimate of my probable expenditure, to March 31st, viz. £10,000, and balance in hand, £7,900, that estimate has been confirmed by my recent transactions in Railway Plant, &c. I have made an arrangement with the Bank of New Zealand to allow interest on minimum balance of account at 2 per cent. below Bank Rate, on the 14th of each month, to be retrospective. This is better than depositing certain sums on given notice, when you could not tell within some days when it might be required.

Immediately after the close of the year I will forward in duplicate complete accounts to December 31st.

Per 'Pegasus' you will receive a case of maps of the Province, which I trust, will meet your approbation. The account is enclosed, and Bill of Lading. It was a mistake, striking off 200 copies I only ordered 100; however, I believe they will sell readily, reimburse the money, and serve the Public. I have written full particulars to the D.L.C.

RAILWAY REPORT.

Since my last the Contractor's Rails have been shipped per 'Belgravia,' at 9s. 6d. per ton, the Bill of Lading for which will be forwarded next mail.

I shall insure for £600, payable in London or New Zealand.

I have concluded a contract for the nuts, screws, &c.

I have conditionally accepted a tender for Rails and Fish Plates, at £8 7s. 6d. F.O.B., provided my Engineer approves of the tests and quality of the iron &c. He is now at Darlington making the necessary examinations, and will report in a day or two.

I enclose for your information copy of prices tendered.

The whole of the Indent will be shipped by March 31st, the Engine being the only delay, which I will do my best to hasten.

From the enquiries I have been able to make, I believe the price is low, viz. because the transaction is cash, and if I obtain the same freight I trust this transaction will meet your approbation.

REPORT ON IMMIGRATION.

I now enclose a complete report of my operations to December 31st, 1864, as no other ship will leave to come into this year's account.

The Belgravia early in January, will have about 50.

For the undermentioned reasons I am now reducing my numbers, by raising the price, and in no case shall exceed 1000 adults, until I receive some definite instructions on the subject.

First.—The disastrous news received by this mail,

Second.—Those leaving after this will arrive in a bad season. I think by the numbers sent the immediate wants of the Province will be well supplied.

Third.—I have my doubts of the Free Emigrants being located on their lands. By raising the price I am securing a superior class, and at the same time decreasing the number of applicants, without destroying the system.

The enclosed return will show you at a glance the proportion of money, &c., by which you will perceive that I was, in the face of what Messrs. Ridgway had been doing, and the free Emigration compelled to begin low, but have gradually, step by step, brought the Emigrants contributions up to the present point.

Female Emigrants are the great difficulty. Good English servants will rarely go. I have been compelled to take most from Ireland, many of whom know little of housework; however, as the system becomes more known I get more of the class required. From not being able to see many of them before they embark I can of course only judge from references. Upon the whole, I think I have been very fortunate. There were a few I should like to have rejected had it been possible.

I regret I cannot give effect to Mr. Lusk's suggestion to engage the matron to look after them when they land. These I engage, are mostly with their families, and will not agree to be away from them after they arrive.

BAY OF ISLANDS SETTLEMENT.

I am now fully prepared to bring this settlement into notice, but in consequence of the present news, I have thought it most prudent to delay, until after the arrival of the next mail. Mr. Busby, whom I met, looked over my statement for publication and confirmed the truth of same. He also agreed with me, it would be wisest to wait awhile, as if once refused, it would be difficult to introduce it again.

I regret to say, that although I have written twice to the gentlemen at Belfast, since my last visit there, at which time they told me that they would send a resolution to the effect, that they were not prepared to carry out the scheme, yet, up to the present time, they have not done so.

I have, &c.,

W. G. DALDY.

To His Honor the Superintendent.

Superintendent's Office,
Auckland, 6th March, 1865.

SIR,—

I have the honor to acknowledge receipt of your letter dated 23rd December ultimo.

I find it difficult to give you instructions as to your proceedings, not knowing, as yet, how the immigration business of the Province will have been affected by the receipt of the resolutions of Council, which were forwarded some while since. My best course seems to be, to send instructions as heretofore, for your information, irrespectively of the resolutions, feeling satisfied that you will use your own best judgment for the advantage of the Province.

Referring to your successive advices, concerning the Bay of Islands Settlement, I find myself still unable to give you definite instructions. Should you clearly see your way to successful operations in England (the original scheme having evidently failed) I should advise you to persevere; if not, I have the means within the Province, of colonising that district, under the Bay of Islands Settlement Act. The difficulty is to avoid the clashing of the two schemes, and at the same time, not to incur unnecessary delay.

I should wish to see the special settlement at Mangatete carried out according to the original design, and as soon as possible; some impatience is being displayed on the subject.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

Superintendents' Office,
Auckland 7th March, 1865.

FINANCE.

SIR,—

Referring to the Financial portion of your letter of date 23rd December ultimo, I observe you state your probable expenditure till 31st March at about ten thousand pounds; and the balance in hand to be seven thousand nine hundred pounds. Since dispatch of your letter, you will have received a remittance of two thousand pounds on Immigration account, and five thousand pounds on Railway account.

I remit by this mail one thousand pounds on Immigration account; which I trust, will be sufficient, as the instructions you will have received must have led you very considerably to limit your operations,

indeed I perceive that to some extent, you have already done so, acting on your own judgement. This sum of one thousand pounds (£1,000) will make up the amount (which you state in your letter of 25th November), you considered yourself authorised to expend on Emigration.

On looking over your last letter and documents, I observe a statement respecting the disposal of the maps which have been prepared by your orders. It does not appear that you have given copies to Messrs. Ridgeway and Sons, or to the Provincial Emigration Agents in Scotland and Ireland, which I presume to be an accidental omission on your part; I have to request you to remedy this omission on the receipt of this letter.

I have, &c.,

ROBERT GRAHAM,
Superintendent.



FURTHER CORRESPONDENCE
BETWEEN
THE SUPERINTENDENT AND THE AGENT-GENERAL
RESPECTING
IMMIGRATION.

(Ordered by Council to be printed, March 31st, 1865.)

1, Broad Street Buildings, E.C.,
London, January 16, 1865.

SIR,—

I beg to acknowledge receipt of yours No. 1367-14 via Marseilles, covering an Address from the Provincial Council without comment thereon.

I think it more fitting to reply at once than wait the arrival of further information via Southampton.

I request your Honor will relieve me from my present position as early as it can be done without injury to the interest of the Province.

You may rest assured whoever may be my successor I will do all in my power to assist him during my further stay in England.

I think it would be futile at this time and distance to attempt any reply to the imputation conveyed in the Address ("in direct violation of his promise"), feeling assured, if I am spared to return, a fitting opportunity will present itself for doing so and proving its fallacy.

Financially you are aware it was much against my interest to accept this responsible position. The General Government would have accepted my services as one of their agents at a much better remuneration. I have at once given notice to all the shipping agents that I am not prepared to make any further arrangements at present for emigrants except in the terms named in your letter, 2-3rds.

In conclusion Sir you may rest assured my interest and efforts on behalf of the Province will not be abated.

I have, &c.,

W. C. DALDY.

His Honor the Superintendent.

London, January 18, 1865.

SIR,—

I have the honor to forward you my accounts to December 31, 1864, and trust they will meet your approval. I have rendered the accounts separate to the various departments so far as I knew, and trust the whole will be plain, explicit, and satisfactory.

I have, &c.,

W. C. DALDY.

His Honor the Superintendent.

1, Broad Street Buildings, E.C.,
London, January 19, 1865.

SIR,—

The attached form has been handed to me by Mr. Larkworthy of the Bank of New Zealand, and he has requested me to write to you on the subject. It appears by a recent law here, that all bonds issued subsequent to June, 1862, must bear the stamp of the Inland Revenue, as it is illegal to pay the interest on them.

The Bank of New Zealand, Australasia, and others paying interest on Colonial Debentures issued after the above date, having neglected to get this done, have been fined £10 on such Debenture, such fine being stamped on the face of the Debenture, but on petition afterwards the fine was remitted

to £1 in each case. Thus arises the question who ought to pay for the stamp being attached to Debentures issued. They are deliverable to the Bank in Auckland, but the interest upon them being payable in London, they are an incomplete document until stamped; and under the circumstances I am of opinion that the seller is bound to be at the expense of making them perfect. Doubtless you will receive an application from the Bank. I think it right however to inform you upon the subject. The stamp is 2s. 6d. per cent., the total amount on £500,000 will be £625.

Otago and Canterbury are paying it on Debentures sold in the Colony, and those in London I think, under all the circumstances, as far as I can judge, it would only be right and just for the Government to bear the charge.

I would strongly recommend that arrangements be made for the New Zealand Bank to pay the interest on the Harbour and City Debentures. At present the New Zealand Bank has to pay over the money to the Union Bank of Australia to distribute. With regard to the City Debentures the interest is now paid by Messrs. Ridgway, and the effect is that when they occasionally change hands the holders present them to the Bank of New Zealand (as occurred a few days since, they not being aware that Messrs. Ridgway paid the interest upon them) who were affronted at it. My attention was then drawn to it and I immediately authorised the Bank to pay, and have arranged with Messrs. Ridgway. I think the effect of these divisions of payment of interest is injurious to the public credit and well-being of the Province.

Looking to the future of the New Zealand Bank, and aware who hold the securities, they may be able to purchase them as an investment for the sinking fund of the present Provincial Debt, nothing could be more advantageous as that Loan provides for the payment of the principal of the Harbour and City Loan exclusive of their own sinking funds which do not provide the requisite sum.

Would it not be advisable to buy up these Debentures if possible on favorable terms out of the Loan, it would very probably have been done to some extent during the recent pressure.

If you approve of this arrangement the Bank must be authorized to advertise the payment of interest on the said Debentures,

I am, &c.,

WILLIAM C. DALDY.

His Honor the Superintendent.

Enclosure.

Bank of New Zealand,
London, January 16th, 1865.

SIR,—

As I presume, you are the holder of certain New Zealand Provincial Government Bonds, which were inadvertently issued by this Bank without the Inland Revenue Stamp, having been previously impressed, I regret to inform you that we have only recently ascertained that it is illegal for you to hold them in their present state or for the Bank to pay the Coupons, and as I have now made the necessary arrangements with the Inland Revenue Department to have the stamp impressed. I shall feel much obliged if you will at once forward your Bonds to this Office, when a receipt shall be issued for the same, and they shall be returned to you as early as possible, free of cost.

In the event of your having sold them, be so good as to favor me with the name and address of the purchaser.

I have, &c.,

Managing Director.

1, Broad Street Buildings, London, E.C.,
January 26th, 1865.

SIR,—

My other letters per this mail acknowledge receipt of yours and draft for £5000, and I answered them per Southampton Mail, as far as possible. I sent complete cash accounts to December 31st, 1864, duplicate next mail. Attached you will have my report on Railway and Emigration matters.

I have forwarded per Book Post some tracings and estimates of intended improvements in Wellington Harbour, and I think they will convey considerable information to your Engineers, although not suitable for Auckland as a plan. Iron Caissions filled with concrete after being weighed down by pig iron, are being used for all Railway Bridges over Rivers.

I believe they will not adopt this plan for Wellington, but are trying to contract with parties here to complete another scheme for a lump sum, I shall learn more of this matter and let you know, as, were it probable work of that character to be done in Auckland, they would visit it.

As the Emigration will not now absorb my time as it has done, I shall immediately seek information about cost, quality, and other matters relative to Water Pipes, Reservoirs, &c., and so be prepared to act if any order is sent.

I am glad I shall have some time to move about, and collect information on many matters that will be of interest and saving in Provincial undertakings.

Finance—I estimate I have now a sufficient sum in hand to cover all orders and expenditure at present anticipated, and all will be complete by June 30th.

I enclose copy of a letter from Rev. R. A. Hall, to show you what was preparing if the country had continued peaceable in the North, also to draw your attention to the desirability of making some provision for remuneration to, who go out with special settlement, you will see how he puts the case.

I am trying to send the order for Stockwell per "Empress" on February 1st, 1865.

You may rest assured that whatever has occurred in the Provincial Council, shall in no way abate my interest in doing the best I can in the position I hold.

I undertook it without selfish motives, and will follow it out in the same spirit.

I have, &c.,

WILLIAM C. DALDY.

Enclosure No. 1.

RAILWAY REPORT.

January 23rd, 1865.

During the past month I have shipped per "Belgravia" 70 tons of Contractors Rails, Bills of Lading enclosed. I had ordered the spikes suitable for them to be shipped by same vessel, but owing to detention of ten days on the Railway, (being Christmas time) they were shut and are now shipped per "Winterthur", Bills of Lading enclosed. *Freight*.—Previous to the arrival of this mail, I invited Tenders from the Brokers having ships loading for Auckland; I received two, one at 25s., the other 27s. 6d., I declined both, thinking I could do better, after a few days I offered 20s., which was not accepted, but received an offer of 22s. 6d.

Immediately the Marseilles Mail came in, and I found the emigration was to be stopped, I thought it best to close with this offer for the whole now ordered; as the number of ships going will be very much reduced, and dead weight not so much required.

The "Belgravia" was a peculiar case, I know two ships wanted weight at the time, and would otherwise have to take ballast, and consequently freight was obtained at a mere nominal figure.

I received your instructions, via Marseilles, for further purchases, and have closed all, except the nuts and screws, which will depend as they know on the delivery of the first order being satisfactory as to quality, &c.

I have closed with the Darlington Iron Company, (contractors for the first order) to supply this second indent, at a reduction of 2s. 6d. per ton, viz. £8 5s.

They now made this reduction because they have new machinery complete for this seaped rail; and as there is a general impression that Iron will rise in value, from strikes in the trade. I also thought it desirable they should all be the same make and quality.

The first shipment of Rails will be advised next month, and the whole of the orders shipped by May next.

I estimate my total expenditure for Railway, when these orders are executed, within £10,600.

I have &c.,

WILLIAM C. DALDY.

Enclosure No. 2.

3, Victoria-street, Westminster Abbey, S.W.,

17th January, 1865.

DEAR SIR,—

Referring to our conversation of a few days since, we now beg to hand you a sketch tracing of our design for an extension in iron of the existing wooden Pier at Wellington, New Zealand.

The present Wooden Pier runs out at right angles with the shore for a length of about 550 feet. It is 35 feet wide, and terminates in a crosshead 200 feet long by 50 feet wide, with a depth of water at low water, of from 17 to 19 feet. The rise of tide is only 4 feet.

The proposed extension (as you will see from the Drawing) continues the Pier on cast iron screw piles for a length of 160 feet and then provides a crosshead, founded on cast-iron cylinders 4 feet in diameter, which is 300 feet long by 50 feet wide, and has an average depth of water along its sea face of 25 feet at low water.

It is proposed to make Wellington a calling and a coaling station for the Panama Company's steamers, and in this view the Crosshead is designed of sufficient size and strength to accommodate steamers of the largest size, and to bear the constant load of 1,000 tons of coal.

Annexed we give you a copy of our estimate of the weight and cost of the materials of the proposed extension, which, with a few other particulars will enable you to form a tolerably correct idea of the cost of any other work carried out in a somewhat similar plan.

Taking the materials as we have given them, to cost, say £20,000, delivered on the spot, and the erection, say £6000, the cost per square yard of Wharf surface, will be £11 7s. 3d., which we consider very low considering the strength of the structure and the depth of water in which it is placed.

The weight per foot run of the cylinder is rather less than 5 cwt., and that of the screw piles rather less than 2 cwt. The cost per cwt. of the cast iron is about 7s. 6d., and of the wrought iron about 17s., in each case painted, packed where necessary, and delivered free on board in London.

The cost of the cement is about 2s. per bushel. We are informed that the freight of all materials to Wellington will be about 40s. per ton, and that the timber obtained on the spot will cost about 2s. 6d. per cubic foot.

We shall be happy to furnish you with any further information, &c.

We have, &c.,

THOMSON & BROWNING.

Enclosure No. 3.

EXTENSION OF WELLINGTON PIER, NEW ZEALAND.

Estimate of weight and cost of materials.

Description.	Weight.	F.O.B.		
		London Cost.		
		£	s.	d.
Cast and Wrought Iron in horizontal Extension - - -	218 8 1 14	2,318	19	0
" in Crosshead - - - - -	946 1 2 6	8,644	13	7
" in Rails, Fastenings, and Turntables -	24 0 0 0	470	0	0
" in Two Landing Stairs - - - - -	5 0 0 0	50	0	0
" in Two 3-ton Steam Travelling Frames	10 0 0 0	600	0	0
" in Four Screw Moorings, with chains and buoys - - - - -	11 0 0 0	352	0	0
6,000 bushels Portland Cement - - - - -	300 0 0 0	600	0	0
Engineering Expenses and Inspection in England - - -		500	0	0
Contingencies, say - - - - -		500	0	0
	1,514 9 3 20	14,035	12	7
Freight to Wellington on 1515 tons at 40s. - - - - -		3,030	0	0
To be provided in New Zealand—				
16,000 cubic feet timber at, say, 2s. 6d. - - - - -		2,000	0	0
3,400 cubic yards shingle for concrete at, say No. 2 coal sheds		500	0	0
To which may be added the cost of erection.				

THOMSON & BROWNING.

January, 1865.

EMIGRATION REPORT.

Sir,—

In accordance with your letter of November 7, 1864, No. 1567-14, I at once gave notice to the various Shipping Agencies that I was not prepared to entertain any new applications under 2—3rds of the passage money, consequently I have received scarcely any since.

I forward per book post for your information the conditions of assisted passages to various Provinces.

I think a careful comparison would be of service, and you will find that the emigrants I have shipped are on higher terms than any laid down to other Provinces.

In most cases if they pay half the balance is a free gift.

BELGRAVIA.

The list and notes of this ship were posted via Southampton, 66½ adults, including 18 single females of a very superior class.

EMPRESS.

Average payment £5 per adult. Will sail about the 1st February with about 70 assisted and some nominated.

This will be the last vessel unless there is a change in my instructions, as very few will come up to the 2nds.

EMIGRATION.

By the time my engagements entered upon previous to receipt of your letter are complete. I shall have shipped (including nominated) as near as possible 900.

WINTERHUR.

Just sailed with 40 adults, including 7 single females, average payment £5 15s.

I beg to draw your attention to the following cases of nominated passengers.

Waiburton, sent for three children, but made no mention of his wife and another child.

I have promised if the parish by whom she is now supported send her and child, I will as instructed send the children. His character is not well reputed. The wife bears a good character.

George Lewis sends for his wife and five children, but has sent no means to enable them to provide outfit and the parish refuse.

I have offered to contribute something. The parish have had to support this family since he left at 5s. per week.

Patrick Moran has applied to me, stating he has received letters from his brother-in-law, Thomas Cozlan, notifying that his passage had been secured for Auckland.

I can find no record, neither can Messrs. Ridgway, to whom I applied.

EMIGRATION.

In the event of any dispute arising on board ship, the only document you can stand on is the Passengers Contract Ticket, which is very stringent and in accordance with the Act I forwarded.

You have no power to refuse payment of the passage money, neither could any valid agreement be made to that effect, they are generally passenger ships and each an individual contract.

Also in addition to those named on the other side, I beg to call your attention to the case of G. Williams, Swan-street, New Plymouth, who anticipates his friends in Auckland have secured his sister's passage for her to Auckland.

I regret the paid passengers per 'Winterthur' do not appear very suitable from age, &c.

WILLIAM C. DALDY.

Auckland Provincial Council.

SESSION XVIII., 1865.

R E P O R T S

OF

EXPERIMENTS

MADE ON BOARD

H.M.S.S. 'CURACOA' AND 'FALCON'

TO TEST THE

KAWA KAWA COAL.

(Ordered by Council to be printed, February 14, 1865.)

AUCKLAND:
1865.

A.—No. 4

M E S S A G E No. 30.

The Superintendent forwards for the information of the Provincial Council copy of report of experiments made on board H.M.S.S. 'Curacoa' and 'Falcon' to test the quality of the Kawa Kawa coal ; together with copy of the portions of letters from the Hon. the Colonial Secretary and Commo-
dore Sir William Wiseman, Bart., which relate to that subject.

ROBERT GRAHAM,

Superintendent.

Superintendent's Office, Auckland,

14th February 1865.

REPORTS OF EXPERIMENTS

MADE ON BOARD

H.M.S.S. 'CURACOA' AND 'FALCON'

TO TEST

THE KAWA KAWA COAL.

Colonial Secretary's Office,
Auckland, January 7, 1865.

SIR,—

I have to transmit to your Honor the accompanying copy of a letter, with original enclosures from Commodore Sir W. Wiseman, Bart., respecting the coal from the Kawa Kawa Mines.

* * * * *
* * * * *

I have, &c.,

WALTER MANTELL
(For the Colonial Secretary).

His Honor the Superintendent,
Auckland.

'Curacoa,' Auckland.
19th December, 1864.

SIR,—

I enclose for your Excellency's information a copy of the report made to me by Commander Parkin, of H.M. ship 'Falcon,' and the Chief Engineers of this ship and the 'Falcon,' on the coal from the Kawa Kawa Mines.

Your Excellency will perceive that the coal is quite equal, if not superior, for steaming purposes to the best coal of Australia; and as the sample giving these results was a very inferior one, there seems little doubt that when the seam is properly worked and the coal conveyed to steam ships without being knocked about as this sample was, it will be found much superior to any coal as yet found in the Australian Colonies or New Zealand.

* * * * *
* * * * *

Should a future and more lengthened trial be determined on, as recommended in the report, I shall be happy to assist in any way I can.

I have, &c.,

W WISEMAN,
Commodore.

His Excellency Sir George Grey, K.C.B.,
Governor, &c., &c., &c.

REPORT ON EXPERIMENTAL COAL FROM THE BAY OF ISLANDS, NEW ZEALAND, BETWEEN THE 16TH OF DECEMBER, 1864, AND THE 16TH OF DECEMBER, 1864.

H.M.S. 'Falcon,' at Auckland,
17th December, 1864.

Number of Trial.	Date of Trial.	Duration of Experiment.	Revolutions.		Height of Steam Gauge.	Height of Barometer.		Weather Barometers.	Mean Pressure in Piston.	Indicated Horse-power.	Coals Consumed.			Per Centage of		Smoke.	Remarks.
			Total Number by Counter.	Per Minute.		Fore.	Aft.				Total Quantity.	Per Hour.	Per Indicated Horse Power per hour.	Ashes.	Clinkers.		
	1864.	Hours.									lbs.	lbs.					
1.	Dec. 16	2	2	90	19	25	23	30½	2	2	3,876	1,938	2	12.0	Nil	Medium volume of dark smoke	See Enclosure.
2.	" 16	2	2	96	20	25	23	30.16	2	2	4,984	2,142	2	11.0	Nil		

ROBT. J. WEMYSS,
Chief Engineer, H.M.S. Curacoa.

THOS. S. GIESIN,
Engineer-in-charge, H.M.S. 'Falcon.'

Approved.
J. H. PARKIN,
Commander.

REMARKS.

This sample of coal we consider very inferior, having been very much broken in the transit from the pit, and also saturated with water.

The furnaces being arranged for burning the Australian coal, it was found necessary, after a run of two hours, to allow the fires to burn down, for the purpose of putting in additional fire bars, the result of which was a decrease in the proportion of ashes, as shown in the Report.

We have been unable to give the exact consumption per indicated horse-power, owing to the spring of indicator having carried away; but from former figures, taken under similar circumstances with regard to wind and sea, we should think about 6 lbs. per indicated horse power.

We also wish to mention that this is the first time since being on the Australian Station that this ship has been able to maintain a pressure of 20 lbs. without the aid of the blast.

With this coal the pressure was easily maintained without forcing the fires, and with less labour to the firemen.

We also found that the quantity of soot deposited in the tubes from the time fires had been alight (namely, nine hours) was much less than in the generality of Australian coal.

Under these circumstances, we are of opinion that this coal is equal, if not superior, to the generality of coal received on this Station for the use of Her Majesty's ships; but before committing ourselves to so positive an assertion, we would recommend a further and more lengthened trial.

ROBT. J. WEMYSS,
Chief Engineer, H.M.S. 'Curacoa.'
THOS. S. GISSING,
Engineer-in-charge, H.M.S. 'Falcon.'

Approved.

J. H. PARKIN,
Commander.

Auckland Provincial Council.

SESSION XVIII., 1865.

KAWA KAWA COAL EXPERIMENT.

MESSAGE No. 91.

(Ordered by Council to be printed, March 31, 1865.)

The Superintendent lays before the Provincial Council copy of a letter received from Messrs. P. N. Russell and Co., of Sydney, reporting the result of experiments made for the purpose of ascertaining the quality of the Kawakawa Coal.

ROBERT GRAHAM,

Superintendent.

Superintendent's Office,

Auckland, 31st March, 1865.

Sydney, 16th March, 1865.

SIR,—

We have much pleasure in handing you our report upon the coal received from you some time ago.

We tried several experiments with it, and compared it with the Newcastle Coal, used by us, and find that it is very well adapted for steaming purposes. It gives out a clear strong heat, with a bright clear fire, requiring no stirring up, nor the use of the slice to clear the firebars.

It produces no clinker, and the refuse is simply a white ash, and in quantity at the rate of 4 per cent, whereas the Newcastle coal produces about 9 per cent of refuse.

We have used the coals for Blacksmith purposes, but for those it is not so well adapted, being too light for a strong blast, but it might be used advantageously for ordinary fires, or light work.

In our opinion it will not produce so much gas as the Newcastle coal, nor is it so well adapted for making coke, but if well manufactured the gas produced will be of very good quality.

The quality of the coal will improve as the mine is opened out, and for steaming purposes will in our opinion give general satisfaction.

We have, &c.,

J. N. RUSSELL & Co.

Robert Graham, Esq., Superintendent,
Auckland Province, Auckland.

Auckland Provincial Council.

SESSION XVIII., 1865.

R E P O R T

OF THE

KAWA KAWA COAL-FIELDS COMMITTEE.

(Ordered by Council to be printed, April 19, 1865.)

The Committee to whom was referred his Honor's Message No. 7, in reference to the coal-fields in the Kawa Kawa Block, near the Bay of Islands, having taken evidence in reference thereto, and having carefully considered the same, together with the instructions of the Council to the Committee, have the honor to report as follows :—

Your Committee have examined all papers which have been forwarded to them, and have also examined the following witnesses, viz. :—Mr. Kemp, Mr. David Pickup, Mr. John Kenyon, Mr. G. Graham, Esq., Samuel Clare, and Mr. James Dunn; and have come to an agreement on the following points, viz. :—

1st. That there is a seam of good coal of 13 feet thickness.

2nd. That the trial made is not sufficient to prove the extent of the deposit, but all parties examined believe it to be extensive; but the Committee regret that no positive evidence on the matter was forthcoming.

3rd. Considerable difference of opinion exists amongst the persons whose evidence has been taken, relative to the facilities for drainage.

4th. That no difficulty exists to the laying of a tramway for the first three miles to Marshe's Boat-house, the ground being favorable for that purpose; but to reach deep water 8 or 9 miles of tramway will be necessary.

5th. That immediate steps should be taken to obtain power to lease the mines.

6th. The best means is to have the land handed over under the "Public Reserves Act, 1854."

7th. That a Bill should be immediately introduced into the Provincial Council, enabling the Superintendent to lease the mines; that the conditions of lease should be embodied in a Schedule to be annexed to the Bill.

8th. That the conditions be those in the "Waste Lands Act, 1858," so far as suitable, with the following additions :—Compulsory on first lessee to lay tramway; right of carriage-way over such tramway for subsequent lessees, on payment of toll to be fixed by Superintendent; lease, 21 years; extent, 500 acres; Royalty, 8d. per ton.

9th. Leases to be submitted to public auction.

10th. That steps should be taken for testing the extent of the coal-fields, to obtain a report on the facilities for drainage, and an estimate of the cost of laying a tramway to deep water; to ascertain the feasibility of deepening certain shoal places between the present deep-water point and Marshe's Boat-house.

J. CADMAN,
Chairman.

April 19, 1865.

Auckland Provincial Council.

SESSION XVIII., 1865.

R E P O R T

(N o . 2)

OF THE

KAWA KAWA COAL-FIELDS COMMITTEE.

(Ordered by Council to be printed, April 20, 1865)

(1.) Your Committee have the honor to report, that in obedience to an order of the Council they have met, and beg to recommend that the portions of the evidence indicated in the Minute Book be printed.

(2.) Your Committee have also to state that it is their opinion that all the timbered land in the vicinity of the coal-fields and projected tramway, belonging to the Government, should be reserved for the use of the various lessees of the mines.

J. CADMAN,
Chairman.

Council Chamber,
April 20, 1865.

Auckland Provincial Council.

SESSION XVIII., 1865.

MINUTES OF EVIDENCE

OF THE

KAWA KAWA COAL-FIELDS COMMITTEE.

(Ordered by Council to be printed, April 20, 1865.)

AUCKLAND:
1865.

A.—No. 4

EXTRACT FROM THE JOURNALS OF THE AUCKLAND PROVINCIAL COUNCIL.

FEBRUARY 14TH, 1865.

KAWA KAWA COMMITTEE.

Resolved, That His Honor's Message, No. 7, of the 24th of January, 1865, relative to the Kawa Kawa Coal-field ; together with all papers on the subject that have been laid before Council be referred to a Select Committee with power to call for persons and papers, the Committee to consist of Mr. Ball, Mr. Carleton, Mr. Newman Mr. J. O'Neill, Mr. Ross, Mr. Rowe, Mr. Williams and the Mover (Mr. Cadman).

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE ON THE KAWA KAWA COAL-FIELDS.

FRIDAY, 10th MARCH, 1865.

MEMBERS PRESENT :

Mr. Ball
Mr. Ross

Mr. Rowe

Mr. Cadman in the chair.

Mr. KEMP examined.

By the Chairman—

1. Have you been entrusted to purchase any lands in the Bay ?
I have been in the habit of purchasing land on behalf of the General Government for several years.
2. Did you purchase the block in which we have the Coal Mines ?
I did ; the purchase was made in the presence of the Superintendent. It is a block I had been in treaty for, for two or three years.
3. At what price did you purchase this land ?
It is about 25,000 acres : the price was £3800.
4. Were the Coal Mines included in that particular block ?
Yes ; but at the time of my previous negotiation coal mines had not been discovered.
5. Can you tell how it is the Superintendent became the purchaser ?
I was officially the purchaser, the Superintendent authorising me to draw for the sum of £3800.
6. What price had you offered for the block prior to the discovery of the coal ?
I finally offered the Natives £2800.
7. Do you think the Natives would have taken that amount if you had not been interfered with prior to the discovery of the coal ?
The sum of £3800 was always the sum required for the land by their principal chief (Marsh Brown Kawata), but I recommended the General Government to offer £2800 as its full value previous to the finding of the Coal Mines.
8. When had you received instructions to purchase the Kawa Kawa Block, and from whom ?
From the General Government, about three years ago.
9. Had you instructions to make further purchases ?
I have had instructions from the Provincial Government, through Mr. John Williams, member for the Bay.
10. Were you negotiating in any other way for the purchase of the land ?
Not in particular.
11. Had you been negotiating for the purchase of the land which Mr. J. Williams wished you to purchase ?
No.
12. Had the Natives agreed to take any sum of money for any portion of the Native Reserve ?
They have now agreed to take the sum of 70s. per acre for the bush part, and 10s. per acre for the open fern land.
13. Did you find much difficulty in making the last purchase ?
Yes, a good deal.
14. Have you been consulted about any other further purchases ?
Not in particular.
15. Have you seen the pits they have sunk in finding coal ?
I have.

16. Where are they situate, and what is the state of them?
They are about the centre of the Coal-fields. There has been one shaft sunk a considerable depth.
17. What is the extent of the Coal-fields?
I think them to be very considerable.
18. To your knowledge, has any examination been made as to the extent of them?
None, that I am aware of.
19. What distance are they from any navigable part of the river?
About one mile and a-half.
20. What depth of water would there be at low water?
There would not be sufficient for a loaded barge : there might be about three feet.
21. Is the bottom of the creek muddy?
It is composed of mud and sand.
22. Is the navigation of the river capable of improvement?
Yes, considerable, and that within a few hundred yards of the Mine.
23. Where did the 'Falcon' lie when she took in coals?
Off Pomare Pa, distant about five miles from the Coal-fields.
24. How did they bring the coals down to her?
In boats and canoes.
25. Have you seen the Coal-pits lately?
Yes, very recently.
26. What state were they in?
The present works would be of no avail for the permanent working of the Mine.

By Mr. Ball—

1. Had any other party interposed previous to the completion of the purchase?
The Superintendent was associated with me in the purchase.
2. Was the ultimate price effected through the interference of the Superintendent?
The Coal Mine had in the meantime been discovered, and the Superintendent was the only person empowered on the spot to make a final offer to the Natives for the whole block, which was done.
3. Could you have purchased it for the same sum, irrespective of the intervention of the Superintendent?
I think I could.
4. Did the Natives set a higher value on their land after the discovery of the coal?
Yes.

By Mr. Rowe—

2. How far from the Creek is the Mine?
Within a few hundred yards.
2. Is the shaft on a hill?
It is on the hill side.
3. Could the Mine be thoroughly drained to the Creek?
Yes, and with comparatively little expence.
4. Supposing 500 acres were leased, what facilities would remain for draining other portions of the block.
Ample.
5. Is the surface level from the Mine to the shipping place?
Yes, nearly so, to the principal shipping place.
6. Are the banks of the river high?
No, but sufficiently so to admit of vessels loading by means of shoot alongside.
7. What amount of timber is there?
About 300 acres.
8. Have you seen any indications of Coal in the adjoining country?
I have.

By the Chairman—

1. Are you aware of any parties wishing to purchase any of these lands on private account?
There are parties wishing to do so under the new Act.
2. Is it desirable the Provincial Government should become the purchasers of any of the adjoining allotments the natives may wish to part with?
I think it very desirable indeed.

Committee adjourned until Monday, March 13th, at 11 o'clock.

MONDAY, 13th MARCH, 1865.

MEMBERS PRESENT :

Mr. Ball
Mr. Carleton

Mr. Cadman in the chair.

Mr. Rowe
Mr. Ross

Mr. DAVID PICKUP examined.

By the Chairman—

1. Are you a coal-miner.
Yes, of thirty years practical experience.
2. What Mines have you worked in ?
Several. The last was the Waterloo Main Colliery, Leeds, England.
3. Have you been employed at the "Kawa Kawa" Coal Mine ?
Yes, by the Superintendent, Mr. Robert Graham.
4. Did you manage the operations carried on there ?
No ; they were superintended by Mr. H. Graham.
5. Can you tell what work has been done there ?
Yes. At the commencement we sunk a hole by the side of the Creek, and found coal at 4 feet. We sunk into the Coal about 10 feet, but in consequence of the water coming in we did not get through the seam. Afterwards we went to the other side of the Creek and sank 9 feet into the Coal. Mr. Henry Graham then came down and stopped us. By his direction we recrossed the Creek and sunk a shaft 60 feet deep, 20 to 30 yards from the Creek. The seam was 13 feet thick and the appearance of the Coal good. We then drove towards the Creek in a diagonal direction for 60 or 70 feet, and found good Coal all the way. When we left off driving the seam was 17 feet thick.
6. How many shafts did you sink by Mr. Henry Graham's direction ?
Only one.
7. How long were you working at it ?
Three months.
8. How many men were there employed ?
Five miners, and nine labourers engaged on the surface.
9. Have you any idea of the extent of the Coal-field ?
It has every appearance of being very extensive, but I do not consider it has been properly tested.
10. Do you think you could thoroughly have tested the Coal-field with the men employed there ?
Yes.
11. Do you think the Coal is good ?
I think there can be no doubt of it.
12. Was the sample sent to Otago a fair one ?
No, it was taken from too near the surface.
13. Do you think under different management the Coal-fields might have been more fully developed ?
Yes.
14. Do you think Mr. Graham understands the management and working of Coal Mines ?
I do not think he does, and if so he did not impart his knowledge to any one else.
15. From walking about a great deal, can you not form some idea of the extent of the Coal-fields ?
It is difficult to judge where Coal may be from the the appearance of the surface.
16. Do you think the seam is continuous or faulty and broken in places ?
As far as they have driven there is no appearance of any fault ; there is every indication of its being a regular seam.
17. Do you think the shaft is sunk in a proper position ?
It is not in a proper place to commence workings, because of the water.
18. What is the condition of the shaft ?
The shaft not having been timbered, or any part of the drive, I expect they have fallen in, and for permanent works would be perfectly useless.
20. Where do you consider the most desirable place for commencing permanent works ?
At present it is difficult to say.
20. What distance is the Mine from the water ?
It is within three miles of the Creek, also the river ; but a vessel of 600 or 700 tons cannot take in cargo within six or seven miles of the Mine.
21. Do you think there are more Coal-fields than one there ?
There is no appearance of it.
22. Can you form any idea of the extent of the coal-field ?
I think it very extensive, but cannot form any correct idea. I have seen no indications of Coal any great distance from where I commenced working.

By Mr. Rowe—

1. What is the inclination of the seam?
About twelve inches to the fathom.
2. What extent of the Coal-field could be drained?
I cannot give a correct opinion. If we had sunk another shaft of 9 feet deep, it might have been easily ascertained.
3. What kind of roof has the mine?
It is a loose kind of stone.
4. Would there be much timber required for the working of the Mine?
I do not think there would.
5. What length of tramway would be required to convey the coal to the river, where you could load a ship of 1000 tons?
Seven or eight miles. A vessel of 200 tons might come within three miles.
6. Would the surface be level for a tramway?
Yes, for three miles; but to reach the deeper part of the river, seven or eight miles distant, the country is more undulating.
7. Do you think the tramway could be cut so as to render horse or steam power unnecessary for the conveyance of the coal?
I do not think it could.
8. How much land do you think any company would require, who had sufficient capital to lay down a tramway, and effectually open the Mine?
Not less than four or five hundred acres.
9. Do you think it probable that coal might be found near Russell?
I think so.
10. What Royalty is usually paid on coal-mines in England?
From 6d. to 10d. per ton.
11. If you had a lease of 500 acres of the coal-field, would you like to have the option of working out the whole of the coal?
I certainly should.
12. Could the coal-fields be thoroughly tested at little expense?
Yes.
13. If a tramroad was laid down, do you suppose a large supply of coal could be obtained?
Yes, if sufficient preparations were made.
14. Is there plenty of timber near the mine?
If they had a three-mile tramway, the timber lies parallel with it. There is also plenty for the one of seven or eight miles.
15. Did you ever test the crop coal?
No; I proposed it to Mr. Graham, but he would not allow it.
16. If you had tested the crop coal, could you have given us more information as to the extent of the field?
Yes.
17. If two companies leased 500 acres each, could they work without interfering with each other?
That would depend upon the manner the allotments were laid out.
18. Would there be any difficulty in two companies using the same tramway?
None whatever.

Mr. JOHN KENTON examined.

By the Chairman—

1. Are you a coal-miner?
I am; I have worked in coal-mines eleven years. The last was the Waterloo Mine, near Leeds, England.
2. Have you been working at the Kawa Kawa Coal-mines?
Yes; I was employed by the Superintendent.
3. How long had you been working before Mr. Henry Graham arrived there?
Fourteen or fifteen days.
4. What were you doing during that time?
We were sinking two holes, one on each side of the creek, about 12 yards apart, and 10 feet deep. We found coal in both of them.
5. Why did you not go deeper?
Mr. Graham stopped us and put us to work on another shaft on the dip, although the coal was cropping out when we sunk the first holes.
6. What was the distance from the first holes dug to the place where Mr. Graham sent you to work?
About twenty yards.
7. At what depth did you find coal?
Forty-seven feet.
8. How thick was the seam?
It was thirteen feet through.

9. When you got through the seam did you drive, and in what direction ?
 Yes. We first drove 20 feet in a direct line towards the creek, and then 50 feet running parallel with it.
10. What was the thickness of the seam ?
 It was 16 feet 8 inches where we left off.
11. Did you try any other place ?
 Pickup wished to make other trials, but Mr. Graham objected to it.
12. How long were you working there ?
 About three months.
10. How many men were there employed ?
 Five miners and nine men working on the surface.
14. What quantity of coal did you raise ?
 Forty or fifty tons.
15. Had you plenty of time to have made other trials ?
 Yes, if Mr. Graham had looked after his work.
16. Have you any idea of the extent of the coal-fields ?
 No. There was no endeavour made to acquire that information.
17. What is the distance from the coal to the creek and river ?
 It is half-a-mile from the creek and three miles from the river.
18. What is the depth of water at low water ?
 High water there is near 4 feet.
19. What do you think of the quality of the coal ?
 It is the best coal I have seen in this country. I consider it much superior to Sydney coal.
20. Have you had any experience in the working of coal-mines.
 Only as a working miner.
21. When you bottomed the 60-foot shaft, did much water come in upon you ?
 Yes.
22. Would there be much difficulty in draining the coal-field generally ?
 I do not think there would.
23. Wouldn't it require a steam engine ?
 No ; not for the crop coal.
24. Have you not formed some idea as to what is the extent of the coal-fields ?
 No, I left off searching on account of Mr. Graham's finding fault with me for so doing.
25. Do you think coal may be found further down the river, near Russel ?
 I do.
26. Why do you think so ?
 From the indication of the Kawa Coal-fields I have no doubt of it.
27. How many acres do you think sufficient for a Company to commence working upon ?
 About 5 or 600 acres.

FRIDAY, MARCH 17th, 1865.

MEMBERS PRESENT :

Mr. Carlton
 Mr. Rowe

Mr. Cadman in the chair.

Mr. Ross
 Mr. Wynn

H. Graham, Esq., examined.

By the Chairman—

1. Do you wish to make any remark upon the evidence just read ?
 Yes. Pickup and Kenyon did not begin by sinking 4 feet as stated by them. They commenced immediately on the top of the coal, and sunk 8 or 9 feet, when they were obliged to abandon it on account of water. They were about 5 or 6 feet down the second hole when I arrived. They had commenced this much nearer the Creek, so that it was more likely to be flooded, which was my reason for stopping them. By my direction they recrossed the creek, and sunk a shaft 60 or 70 yards from it. The seam at the bottom of the shaft was 13 feet 6 inches thick. It was driven 20 feet towards the creek, and then 60 or 70 feet parallel with it. We found good coal all the way. When we left off driving the seam was 13 feet 6 inches thick.
2. How many men were there employed ?
 There were only two men for ten days previous to my going there. I took down three more about the 10th of Sept. I wrote to the Superintendent for more, who sent me down three surface la-

bourers, and shortly afterwards three miners came. Any other assistance I procured myself, which consisted of five men, for a few days only.

2. Do you think you could have thoroughly tested the coal-field with the men employed there ?
Of course we could, but not with the means at command.

4. Was the sample of coal sent to Otago a fair one ?

I consider it a very fair one.

5. Do you think the coal-fields under different management could have been more fully developed ?

I think the best was done.

6. Do you think the shaft is sunk in the proper place ?

I do.

7. What is the condition of the shaft. Pickup stated that neither the shaft or drive has been timbered ?

A part of both the shaft and drive is timbered. Pickup and Kenyon put in a portion of it.

8. Upon your arrival at the coal-field, on which side of the creek were the men sinking a hole ?

They had sunk a hole on the right, which they abandoned in consequence of the surface water, and were engaged sinking one on the left, much closer to the creek, which proved to me their inexperience, or they would have commenced further from it. I stopped them, and commenced the shaft where we were in no way troubled with surface water. We sunk the shaft 61 feet 6 inches, to the bottom of the bed of the coal. In sinking the shaft we had no water for the first 40 feet ; after that it came in through the different beds. We cut through and increased very much as we went through the bed of coal.

9. What has been your experience in connexion with coal mines ?

I have been engaged under the superintendence of my father, who held large iron and coal mines in Scotland. I have also worked a coal-field from 1855 to 1860, in which 30 men were employed, as well as having examined different seams both in England and Scotland.

10. Can you give us any idea as to the extent of coal in the "Kawa Kawa" block ?

From the appearance of the pavement, the regular thickness and lay of the seam, it indicates that it is a very extensive coal-field.

11. What do you consider an extensive coal-field ?

I have no doubt there is 1,000 acres where it is already proved

12. Do you think there are any other places where coal may be obtained ?

I think it a coal country altogether for about nine square miles.

13. Have you made any survey of the country round about the mine ?

No.

14. Do you think coal may be found nearer the shipping place ?

I do.

By Mr. Rowe—

1. Was it on the crop or dip side of the creek the first hole was made ?

It was on the dip side. I will explain by saying that the second hole, although on the rise, or left-hand side of the creek, was sunk to a level of the seam where the first hole was made.

2. On which side was your shaft sunk ?

On the right hand, or dip side,—25 yards from the creek.

3. Is there any means of draining the shaft you sunk ?

None whatever.

4. Could you work the coal on the dip side of the creek without the aid of a steam engine ?

No. It would require an engine of at least 60-horse power.

5. What is the inclination of the seam ?

One foot in six feet.

6. What kind of roof has the mine ?

First, two feet of inferior coal and iron, mixed, with iron bands of a loose nature, then 2 feet of fire clay.

7. In working the mine would you not require a large quantity of timber ?

Yes. On that account I recommended the Superintendent to purchase the Kaikatea Bush, which has since been done through the instrumentality of Mr. Kemp.

8. Is the geological character of the country adjacent to the coal-fields of the same character as the "Kawa Kawa" block ?

The nine square miles I have described I consider of the same character.

Does your observation refer to the surface of the country ?

Yes, which on the whole is pretty level.

10. Have you made any minute examination of the country beyond the boundary previously referred to.

No.

11. Do you think it probable that coal may be found near Russell ?

I am very doubtful of its being found nearer than Brown's Boat Shed.

12. How far is the shed from the mine ?

Three miles of level country.

13. Do you think the present shaft in the most desirable position for permanent works ?
No. I should recommend the sinking of a new shaft, half-a-mile inland on the dip side of the creek.

14. What length of tramway would be required to reach the boat shed ?

Three miles.

15. What depth of water is there at the boat shed ?

At high water, 3 feet.

16. Is the surface of the country even to that place ?

Yes ; it would require little or no cutting.

17. What length of tramway would you require to reach the river where a ship of 1,000 tons could take in cargo ?

18. Nine or ten miles from the mouth of the shaft, the last six or seven miles of which would be very hilly, consequently very expensive to make.

19. Is there any intermediate point where a vessel of 500 tons could take in cargo ?

There are places, but I would not recommend them ?

20. If only three miles of tramway were made, should you require to send down the coal in barges.

Yes ?

21. Would you recommend that that plan should be adopted ?

Yes, at first, and after the coal-field is more thoroughly tested I should recommend a tramway to deep water.

22. If the mine is properly opened do you think a large supply of coal may be obtained ?

I have not the least doubt of it, and that continuously.

23. What quantity of land would a company commencing require ?

From 600 to 1,000 acres.

24. Would you recommend that the coal-field should be leased for a term or with the option of working out the coal.

I should recommend leases of from 19 to 21 years.

25. Is there no provision usually made for the renewal of the lease at the option of the tenants ?

Not in any I have seen.

26. If a lease of 500 acres was granted to a company, would there be any difficulty in leasing other portions of the field ?

I don't think there would.

27. Would there be any difficulty in two companies using the same tramroad ?

I think not, if they each had a depot at the shipping place.

28. Do you not think a company would carry out their works more efficiently if they had the privilege of working out the whole of the coal ?

I do.

29. What Royalty is usually paid on coal in England ?

Sixpence per ton on the large, screened through a riddle of $1\frac{1}{2}$ inches square, and 1d. per ton on dross.

30. Is there any natural drainage of the coal-field ?

It would be possible to drive a level from Waiaimoa River to the present shaft, a distance of half a mile, which might dry three or four acres of the coal-field, but further to the dip the water would require to be drawn off by machinery.

By the Chairman—

1. Have you made any survey ?

No.

2. How many trial shafts have you made ?

Only one, and the two holes sunk at the creek.

4. How far would the hole on the other side of the creek be from the shaft you sunk ?

About thirty yards.

4. Do you think there are any other seams ?

I cannot say.

5. Have you sunk more than one shaft ?

I have only sunk one shaft of 62 feet deep, and drove a mine in the seam of coal of from 70 to 80 feet, and from the lay of the pavement or bed of the seam, and the appearance of the seam in the holes at the edge of the creek, I have no doubt but it will prove a very extensive coal-field.

By Mr. Wynn—

1. Have you made any private communication to the Superintendent respecting the coal-field, which has not been printed and published.

To the best of my belief I have not.

2. Have you to anyone else ?

Not to my knowledge.

3. Are you not aware that several applications were made to various parties desirous to obtain leases ?

Yes ; three, four, or five.

4. Have you not to those made any representations as to the advantages likely to accrue from the obtaining of leases?

Yes.

5. What communication did you make?

I told Mr. Aitken it was a valuable coal-field.

6. Did not Mr. Aitken, as a practical man, ask you if it was not a good thing to go in for?

Yes; but I don't know who spoke first—myself or Mr. Aitken.

7. Did you ever give any information respecting these coal-fields besides to those who applied for leases?

Yes; to Mr. Kemp, Captain Bolger, Mr. Johnson, and others—merely saying I considered it a good coal-field, and would be a great benefit to the Bay of Islands.

Committee adjourned till Saturday, 18th March, at 12 o'clock.

J. CADMAN,
Chairman.

SATURDAY, 18th MARCH, 1865.

MEMBERS PRESENT :

Mr. Carleton
Mr. Rowe

Mr. Wynn

Mr. Cadman in the chair.

Mr. KEMP examined.

By the Chairman—

1. Do you think the difficulty of draining the coal-field so great as represented by Mr. H. Graham?

Judging from the appearance of the country, I think they might be drained with little trouble.

2. Do you think a tramroad could be made, without the necessity of cutting through the hills referred to by Mr. Graham?

Yes, by following the course of the river on either bank.

3. Can you tell us what would be the difference in the distance?

It would be about two miles further; that would be to deep water.

4. Would that prevent the necessity for cutting and tunnelling?

Very nearly so. There would be no difficulty in following the course of the river.

5. Would that be a much less expensive line than the other?

Yes, decidedly so.

By Mr. Wynn—

1. I believe you have resided some years in the neighbourhood of the coal-fields?

I have, and know the country well.

2. Before the coal-field was discovered, I believe the land belonged to the Natives?

Yes. I am a Commissioner, in the employ of the General Government, for the Purchase of Native Lands. I had been negotiating a purchase, previous to the discovery of the coal-field, for a block of land on behalf of the General Government, which included the Kawa Kawa Coal-fields. The negotiation commenced about two years previous to the discovery of the coal-field, and the survey was completed several months before. On several occasions I had discussed the price of the land with the Natives. The final sum offered by myself, on behalf of the General Government, was £2800 for the whole block. The entire block has been purchased for £3800. After having made the offer of £2800 on behalf of the General Government, I received instructions from them to assist the Superintendent in the purchase of any blocks of land in that district. I am aware of an offer having been made besides that made by myself. The Superintendent offered the Natives £3800. The time I offered the Natives £2,800 they required £3800. The European parties who were present when the offer was made by the Superintendent, were Mr. Bedlington, two Mr. Williams's, and myself. I am not aware of any endeavour having been made by the Superintendent or his agent to purchase the block of land between the time I made the offer of £2800 and the time previously referred to. The block of land, under the circumstances, could not have been purchased for a less sum of money, and if it had been deferred, a much larger amount would have been required for it. I consider it a very advantageous purchase for the province. The land itself is very indifferent. The purchase has been completed, the money paid, and the land is now virtually the property of the Provincial Government.

By Mr. Carleton—

1. What block were you originally in treaty for at the Kawa Kawa?

The Kawa Kawa Block on both sides the river.

2. Was the price asked by the Natives for the entire block, or were there separate prices asked for the two blocks as divided by the river?

For the north block they asked £2000, and took £1000. They wanted £3800 for the block on the south side, and I finally offered them £2800.

3. Were those the first sums demanded by the Natives for those blocks?

Yes.

By the Chairman—

1. Do you know of any other purchase made in the Kawa Kawa district adjoining the block purchased for £3800?

None.

FRIDAY, 23rd MARCH, 1865.

MEMBERS PRESENT

Mr. Carlton
Mr. Wynn

Mr. Ross

Mr. Cadman in the chair.

H. GRAHAM, Esq., examined.

By Mr. Carleton—

1. Did you give any information to Dr. Pollen relative to the coal-field?

Yes. I mentioned that in my opinion it was a very valuable coal-field, and would be of great advantage both to the province and Bay of Islands. I expressed myself in similar terms to Mr. Cadman, Mr. Harrop, and other members of the Provincial Council.

2. Do you know of any land belonging to the Natives near the shaft, which would impede the progress of the mine?

The Natives were possessed of land within 400 yards of the mine. The only means of making a tramway would require to go through that land. It then belonged to Marsh Brown, but I have since heard that Mr. Kemp has secured it on behalf of the Government.

SAMUEL CLARE examined.

By the Chairman—

I am a miner of upwards of 40 years experience. I was working at the "Kawa Kawa" Coal Mines nearly three months. I was not working at the shaft but in the drive. I don't know the thickness of the seam at the time I commenced driving, neither do I know the thickness of the seam at the shaft. The thickness of the seam, including the roof, was 17 feet 8 inches. I consider the quality of the coal as good as any I ever saw. It is of first-rate quality, and will coke well. I think there is a great extent of coal, because it dips to the mountain. I think there are several miles of it, but it is difficult to say how many.

By Mr. Carleton—

1. Do you think one shaft sufficient to test the coal-field?

In that place it was, but not sufficient to test the whole field.

2. Could Mr. Graham have sunk a shaft nearer the dip?

Not with the means at his disposal.

3. Did you ever discover fire damp in the mines.

No. Neither fire damp, black damp, or any other hindrance but water.

Mr. H. Graham examined.

By the Chairman—

The works had been stopped six weeks previous to the arrival of the 'Falcon.' When we took out the coal for the 'Falcon' we found the mine in the same good order as when we previously left off working it. I think in all probability it is in the same condition now. I could not have sunk any shaft any nearer the dip without the aid of steam power. The shaft was worked night and day, including Sunday, with the exception of two shifts of eight hours each. We were obliged to work that portion of Sunday to draw off the water to enable the miners to resume work on Monday morning. I never discovered either fire or black damp in the mine, or anything that could endanger the lives of persons working in it.

Mr. JAMES DUNN examined.

By the Chairman—

I was working at the Kawa Kawa Coal-field for two months. I am a miner of 22 years experience. I was employed by the Superintendent to go down and open the coal-field, under the Superintendence of Mr. H. Graham. When I went down they had a shaft sunk, and we struck to drive a

level. There were five of us :—Samuel Clare, Pickup, Kenyon, myself, and brother. The shaft was sunk 13 feet through the coal where we commenced to drive. We did not go through the seam of the shaft. After we had driven 20 feet we found the bottom of the seam. We then drove 40 feet before we proved its depth, which was 16 feet 6 inches. I believe there is another seam under the one I have described. There is a parting of grey ironstone, which is very hard, and similar to the grey ironstone which divides the Rushy Park from the Little Delf Seam in Lancashire. We never made any attempt to get through this stone, as Mr. Graham would not allow it. There are three partings in the seam of coal we worked at. From the floor the first parting is 7 feet from the floor, the next 6 feet from that, and then about 3 feet 6 inches not so good. I consider the roof a very good one, and the coal is very good. There is no question about that. There was only one shaft and two holes sunk, but I do not think that is sufficient to test the coal-fields. With the men employed (on the principle we were working) I do not think there was time to have made other trials. I consider we were working on a bad principle, and that a great deal of time and labor was thrown away for no purpose in the world.

By Mr. Ross—

Pickup and his mate were there before I arrived. The shaft was bottomed before that time. They may have tried to work through the greystone before I arrived. Mr. Graham was constantly on the ground.

By the Chairman—

I consider Pickup an experienced, good workman, and can timber his own work. When I left the shaft it was in a bad state. It had not been sufficiently timbered. I have no doubt both the shaft and drive have fallen in.

By Mr. Ross—

I was not there when the 'Falcon' went down.

By the Chairman—

A large extent of the coal-field may be drained without the assistance of machinery; I have no doubt to the extent of 600 acres.

Committee adjourned until Saturday, 25th March, 11 o'clock.

Confirmed, March 25th, 1865.

J. CADMAN,
Chairman.

SATURDAY, 25th MARCH, 1865.

MEMBERS PRESENT :

Mr. Ross
Mr. Carleton

Mr. Wynn

Mr. Cadman in the chair.

DAVID PICKUP examined.

By Mr. Cadman—

When we got to the bottom of the shaft, it consisted of very hard grey ironstone. We did not go into it. We tried it with picks, but I told Mr. Graham it was no use to do so as it must be drilled.

By Mr. Ross—

I am of opinion, by the sound of the stone, that there is another bed or seam of coal under the grey ironstone.

JOHN KENYON examined.

By the Chairman—

I went down to the coal-fields along with Pickup. I was at the sinking of the shaft. We came upon a very hard bottom—hard grey ironstone. We tried to go through with the picks, but could not. I think there is another seam of coal under the grey ironstone, because where Pickup sounded the rock was found to give a little, and from which I think there is another seam of coal. Pickup told Mr. Graham it could not be gone through without drills.

Auckland Provincial Council.

SESSION XVIII., 1865.

M E S S A G E N o . 7 1 .

(Ordered by Council to be printed, March 21, 1865)

In compliance with the Address No. 66 of date 7th March instant, the Superintendent forwards to the Provincial Council "copies of all correspondence between the General and Provincial Governments relative to three-eighths of Customs Revenue available for appropriation by the Council," and informs the Council that three-eighths of the gross amount of Customs Revenue for 1865 is estimated at £67,500 0 0

And that the balance of surplus general revenue in excess of the $\frac{3}{8}$ ths on 30th June 1864, was £14,618 0 0

Amounting together to £82,118 0 0

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 20th March, 1865.

No. 1.

(Enclosure.)

Superintendent's Office,
Auckland, 3rd September, 1864.

SIR,—

I have the honor to request that you will be good enough to furnish me with a probable estimate of the proportion of the Customs Revenue of this Province which will be available for the Provincial Service for the year 1865.

I have, &c.,

ROBERT GRAHAM,
Superintendent.

The Honorable the Colonial Secretary,
Auckland.

No. 2.

(Enclosure to No. 1.)

Colonial Secretary's Office,
Auckland, 26th September, 1864.

SIR,—

I have the honor to acknowledge the receipt of your letter of the number and date quoted in the margin, and in reply to inform your Honor that it is impossible to state what proportion of the Customs Revenue will be payable to the Provinces, for the year ending 31st December 1865, until the General Assembly shall have made the necessary appropriations for the general service of the colony for that period.

No. 1278-13
3rd September, 1864

I have, &c.,

WM. FOX.

His Honor the Superintendent.

No. 3.

Superintendent's Office,
Auckland, 10th January, 1865.

SIR,—

As the Provincial statement of ways and means for the year 1865 is now being prepared for the Provincial Council, it is desirable the Superintendent should be informed as soon as conveniently may be, whether there will be any surplus payable by the General Government, over the 3ths for the year ending 30th June 1864, and if so, what the amount is likely to be. An approximate estimate only is asked at present.

No. 13

I have, &c.,

HUGH CARLETON,
For the Superintendent.

The Honorable The Colonial Treasurer,
Auckland.

No. 4.

Colonial Secretary's Office,
Auckland, 12th January, 1865.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 10th instant, No. 56, addressed to the Honorable the Colonial Treasurer requesting to be informed whether there will be any surplus payable by the General Government over the 3ths for the year ending 30th June 1864, and if so, what the amount is likely to be, and to inform your Honor that your letter under reply will be transmitted to the Honorable the Colonial Treasurer at Wellington with the least possible delay.

I have, &c.,

HENRY SEWELL,
For the Colonial Secretary.

His Honor the Superintendent.

No. 5.

Colonial Secretary's Office,
Wellington, 15th February, 1865.

SIR,—

With reference to my letter of the 12th ultimo, I have the honor to inform you that from the accounts of the year ended June 1864, as now prepared and examined by the Auditor, the surplus payable to the Province of Auckland over the 3ths is stated to amount to fourteen thousand six hundred and eighteen pounds eleven shillings and eleven pence (£14,618 11s. 11d.)

I have, &c.,

FRED. A. WELD.

His Honor the Superintendent,
Auckland.

No. 6.

Superintendent's Office,
Auckland, 21st February, 1865.

SIR,—

I have the honor to acknowledge receipt of your letter of date 15th February instant, informing me that the surplus payable to the Province of Auckland, over the 3rd inst amounts to fourteen thousand six hundred and eighteen pounds, eleven shillings and eleven pence, for the year ending June 1864.

I have, &c.,

HUGH CARLETON,
For the Superintendent.The Honorable The Colonial Secretary,
Wellington.

Auckland Provincial Council.

SESSION XVIII., 1865.

MESSAGE No. 74.

(Ordered by Council to be printed, March 21, 1865.)

The Superintendent invites the Provincial Council to make provision for payment of the following sums, viz. :—

Bonus to School Teachers, as suggested by Address No. 46,	£99 11 3
Subsidy for for Waitemata Steamer, as suggested by Address No. 59,	350 0 0
Subsidy for Ferry from Te Papa to Matapahi, as suggested by Address No. 78,	50 0 0
Pay for a Police Sergeant and Private at Tauranga, as suggested in letter from the Resident Magistrate, of which copy is enclosed,	95 12 6
Amounting in all to	£595 3 9

ROBERT GRAHAM,

Superintendent.

Superintendent's Office,

Auckland, 21st March, 1865.

Enclosure.

Resident Magistrate's Court,

Tauranga, January 24th, 1864.

SIR,—

I have the honor to bring under your notice the urgent necessity for the immediate appointment of two good policemen to this district.

I would suggest to your Honor that I may be authorized to employ two of the Waikato Militia stationed at this place, in the above capacity. I have mentioned the matter to Colonel Harington, and he is quite willing to allow the services of two men provided that by accepting the office of policemen they do not forfeit their claims to land in common with other Waikato Militia men.

I would recommend the employment of one sergeant at five shillings (5s.) per diem, and one private at two shillings and sixpence per diem (2s. 6d.)

I have, &c.,

T. CLARKE,
R.M.

His Honor the Superintendent, Auckland.

Auckland Provincial Council.

SESSION XVIII., 1865.

COPY OF LETTER

FROM

COMMODORE SIR W. F. WISEMAN

TO

HIS EXCELLENCY THE GOVERNOR

RELATIVE TO

THE MANUKAU HARBOUR.

(Ordered by Council to be printed, March, 1865.)

AUCKLAND:
1865.

C O P Y O F L E T T E R

FROM

COMMODORE SIR W. F. WISEMAN

TO

HIS EXCELLENCY THE GOVERNOR

RELATIVE TO

T H E M A N U K A U H A R B O U R ,

No. 1.

Colonial Secretary's Office,
Wellington, 25th February, 1865.

SIR,—

I have the honor to forward copies of a letter, dated the 11th instant from the Commodore on this Station and of its enclosures calling attention to the state of the South Channel and inner harbour of Manukau, and suggesting the adoption of certain measures for its safe navigation.

I have to request your honor to be good enough to inform me what steps have been taken by the Provincial Government of Auckland in the matters to which the Commodore refers.

The Honorable Mr. Sewell before he left Auckland, at the end of last month, brought this subject under the consideration of your Honor and of the Marine Board Office.

I need not point out to your Honor that it is of vital importance that no delay should take place in taking the necessary steps to carry the suggestions of the Commodore into practical effect.

I have, &c.,

FRED. A. WELD.

His Honor the Superintendent.

No. 2.

(Enclosure of No. 1.)

"Curacoa," Auckland,
February 11th, 1865.

SIR,—

Two of Her Majesty's ships of the squadron under my command, having lately grounded in going out of the Manukau by the South Channel, notwithstanding the Buoys placed at Commander Sydney's recommendation to mark the Passage, it becomes my duty to call your Excellency's attention to the fact, (of which there seems to be no doubt) that the sands which form the Manukau Bar, frequently shift, indeed after every heavy westerly gale there is more or less change in the position of the Shoals, and in consequence the necessity of having in addition to the Buoys, Beacons, on shore one moveable as suggested by Mr. Wing, and an efficient staff attached to Mr. Wing's station to enable him to maintain the Marks and Buoys in the Channel, and to examine the shoals after every gale.

Unless this is done, I scarcely think it would be safe to allow any of Her Majesty's ships to enter the Manukau, and I believe some serious and fatal accident will sooner or later occur to vessels using the anchorage.

If the Beacons, Buoys, and Posts in the inner waters of the Manukau were put into a proper state of repair, there would be no necessity for Mr. Wing and his Assistant being constantly absent from the station piloting ships up to Onehunga; but they would be able to remain at the Heads to attend to the signals, and keep the marks &c., in order.

On the 2nd January last when the "Eclipse" with 288 troops on board went out by the South Channel, both Mr. Wing and his Assistant were absent, and the signal station left in charge of I

believe a native, or half caste who it is alleged made a wrong signal to that vessel, causing her to run on the Emma Bank, and endangering the loss of the ship and the lives of those on board.

Should any serious accident occur from the above cause, the blame will rest entirely with the authorities who have the control of the Pilotage and Navigation of the Manukau.

The risk of entering and leaving the anchorage, from the defective arrangements at the signal station at the Heads has been pointed out, not only by the Navy but by most merchant vessels using the channels.

I enclose extracts from a letter of Commander Parkins upon the subject, and I assure your Excellency that no man of war visits the Manukau without her Captain writing strongly to me upon this subject.

I have, &c.,

W. F. WISEMAN,
Commodore.

His Excellency Sir George Grey K.C.B.,
Auckland.

No. 3.

(Sub-enclosure of No. 1.)

Extracts from a letter from Commander George H. Parkin of H. M. ship Falcon, to Commodore Sir William F. Wiseman Bt., dated 2nd February, 1865.

I have the honor to forward the following remarks on placing Buoys and Beacons for the Navigation of the South Channel of the Manukau, and my ideas of the duties of the Pilot and the working of the signals.

At present as you are doubtless aware, the signal station is on Paratutai which is not easily distinguished when coming from the Southward, and which is entirely out of the line of the South Channel.

A Flagstaff has been erected on the South Head, which I have made out at a distance of 25 miles from seaward, and which is clearly seen from Mount Eden and Onehunga.

This of itself proves that a better position could be chosen, as from it ships might be warned should they be running into danger and information given of arrivals and accidents.

Mr. Wing, Pilot at the Heads has made out a very complete and comprehensive plan for Buoys, Beacons and Signals for the South Channel.

Briefly he proposes to maintain the present position of the Buoys, but he unites a large Buoy for the Fairway. The present Fairway Buoy to be placed as a Treachery Shoal Buoy. The present Treachery Shoal Buoy to take the place of the Red Buoy, off the spit; and the present Spit Buoy to be moved to the N. E. a short distance, as a guide for rounding clear of the increasing Shoal Patch.

He has fixed upon a spot near the new signal staff on the South Head, for erecting two Beacons, (one moveable) to guide vessels from the Fairway to the Treachery Shoal Buoy, and he proposes having these Beacons fitted with Lanterns, in order that coasters might come in, on arriving soon after night fall, when a westerly gale is threatening.

He has also decided on a position for two inner Beacons on the North Shore opposite the spit, and has arranged a set of semaphoric signals, applicable to the South Channel.

I think that Mr. Wing's great experience at the Heads would enable him to fix on the best sites for the Beacons, and the best position for the Buoys, and that it would be advantageous to give him the management of erecting and placing them.

I would also call to your notice the defective state of the Beacons, Buoys, and Posts in the inner waters of the Manukau. It would be simple to navigate that river if they were kept in good order.

I must here remark that the pilot and an efficient staff, would be much better employed in maintaining the marks in the channels, than in merely going to and fro from the Heads to Onehunga.

Auckland Provincial Council.

SESSION XVIII., 1865.

M E S S A G E N O . 9 0 .

BREAKWATER AT POINT BRITOMART.

(Ordered by Council to be printed, March 31, 1865.)

The Superintendent lays before the Provincial Council copy of correspondence with a number of the Merchants, Boat-owners, and others, in Auckland, relative to the prosecution of the Breakwater and other Harbour Works.

ROBERT GRAHAM.

Superintendent.

Superintendent's Office,

Auckland, 31st March, 1865.

Enclosure No. 1.

Auckland, March, 22nd 1865.

SIR.—

We the undersigned being deeply interested in the prosperity of this Port, and having seen the unjust reflections which have been thrown out against your government for having agreed to the construction of the Breakwater now going on at point Britomart.

We beg respectfully to say that we do not concur in these reflections; on the contrary, having seen the shelter which the Breakwater, though only very partially finished, has given to the shipping during the recent severe gales.

We unhesitatingly say that the Breakwater when completed will be of the most essential benefit to the shipping of the port, and we beg to tender our warmest thanks for the public spirit manifested by you in carrying out this improvement in the face of so much opposition.

We trust that your Honor will persevere in using every effort in your power to get the work advanced before winter sets in—for the last ten years every north-east gale caused damages varying from £300 to £2,000, and you will we are sure, be glad to hear from us, that the present gale caused little

or no damage. We do not concur in the reason urged against laying down a Breakwater, namely that the Harbour would silt up. That argument if sound would operate against all the Docks and Harbours of the world which are constantly filling up, and are requiring regular dredging, and we are satisfied that when that portion of the Harbor between the wharves will require dredging, the means and ability to do so, will be found.

We have &c.,

J. Casey
 H. Wadham
 Butt and Anderson
 James Ansinne
 Chas. Richards
 Capt. P. Copping
 S. S. Austin
 R. T. Ebborn
 James Riddel
 Fred. R. Hargraves
 Wm. Lombard
 John Carlin
 Matthew Cooper
 James Dewhurst
 Andrew Murray
 John Smith
 James Wallace
 Thos Dean
 Alfred Scales
 F. H. Lewisson
 John Edwards
 Robert Turnbull
 Newman and Ewen
 Thomas Williams
 Charles Bell
 E. and H. Tracy
 A. McGregor
 S. Hague Smith
 Robt. Pollock
 R. A. Philip
 Thos. Henderson
 John Soppet
 James Butcher
 John Pollock
 H. Niccol
 George Clarke
 Niccol and Co.,
 Seymour Wells
 Daniel Sellars
 Isaac Eggenton
 Joseph Murray
 John Baron
 Murdoch Ratt
 Edward Rose
 Wm. Thomas
 John Graham
 Patrick Darby
 Geo Graham.

Thomas Craig
 Hugh Craig
 Eaton and Dewolf
 — Mackay
 Sam. J. Edmonds
 George H. Short
 J. Morland
 Walter Combes
 James Fletcher
 Henry Holbrook
 Thomas Hunt
 Charles Strong
 Thomas W. Brown
 Alexander Duthie
 P. Blezard
 John Foulgram
 Geo. E. Chapman
 Thos. H. Mabin
 Wm. Boyd
 Thomas Wyatt Master
 D. B. Cruickshank
 John Kirkwood
 E. G. Norris
 R. Horne
 Thomas Russell
 Geo. A. Burnett, ship smith
 Robert R. Wells
 W. Jones
 John Defreites
 Thomas Thomas
 Edward Ha:nett
 J. W. Robinson
 James M. Clark
 Jones and Co.,
 David Nathan
 J. Browning
 John Richards
 Wm. E. Anderson
 G. Frost
 Alex Campbell
 Duncan Stewart
 Frank Furling
 J. Watson Bain
 Alexander McGregor
 David Kell
 — Robinson
 — Clayton
 John Salmon
 John Nicolson

Enclosure No. 2.

Superintendent's Office,
 Auckland, 24th March, 1865.

GENTLEMEN,—

Under the peculiar circumstances in which I find myself placed, it is with more than usual pleasure that I receive your address; approving the Plans of the Engineer-in-Chief for the improvement of our harbour. You are of course aware, that in this matter I am unfortunately placed in antagonism with the Provincial Council; who have adopted a report unfavourable to the works now

in progress. I was thus placed in a most difficult position, having to choose between refusing to accede to the wishes of the Council, and overruling the opinion of professional men in whom I place the highest confidence.

As it now appears that I have the support of the public in carrying out the Harbour works as planned. I shall with the greatest deference to the opinion of the Council intimate the inexpediency of breaking the contracts already entered into.

I have, &c.,

ROBERT GRAHAM.
Superintendent.

Messrs. Casey, Henderson, Riddal, and the
other gentlemen signing petition.

Auckland Provincial Council.

SESSION XVIII., 1864-5.

R E P O R T

OF THE

HARBOUR WORKS COMMITTEE

TOGETHER WITH THE

MINUTES OF EVIDENCE.

(Ordered by Council to be printed, March 9, 1865.)

AUCKLAND:
1865.

EXTRACTS FROM THE
JOURNALS OF THE AUCKLAND PROVINCIAL COUNCIL.

SESSION XVIII., 1864-5.

WEDNESDAY, FEBRUARY 1, 1865.

Resolved,—That the whole question of proposed Harbour Works in Commercial Bay be referred to a Select Committee.

Ordered,—That the Harbour Works Committee consist of Mr. Speaker, Mr. Cadman, Mr. George, Mr. King, Mr. Newman, Mr. A. O'Neill, Mr. J. O'Neill, Dr. Pollen, Mr. Swanson, and that Mr. Speaker be the convener of the meeting.

REPORT

OF

HARBOUR WORKS COMMITTEE.

Your Committee have to report as follows :—

The Committee have had before them the several plans previously submitted on Harbour Works, and mentioned herein, viz. :—

1. Plan of Engineer in Chief, detailing works off Point Britomart Wharf, in Gore Street, and additions to the outer end of Queen Street Wharf.

2. Plan laid before a former Committee of Harbour Commissioners by Mr. Simpson for the entire occupation of the available space in Commercial Bay.

3. Plan submitted to the Superintendent by Mr. O'Rafferty, proposing general Works for immediate operations, to cover the Queen street Wharf, as then in progress, and also contemplating the introduction of a Deep water Dock beyond the limit of Point Britomart.

Upon this latter plan was also pricked out the position of a Dock recommended for early construction by Sir Wm. Denison.

4. Reports relating to Sir Wm. Denison's and Mr. O'Rafferty's plans, in the records of the Council, were submitted to the Committee and read.

Evidence has also been taken from the following gentlemen, W. Weaver, Esq., Engineer-in-Chief; Capt. Burgess, Port Master and Pilot; Capt. Ellis, Harbour Master; Capt. Rattray; Mr. Utting, C.E.; Mr. Wrigg, C.E.

This evidence is laid on the table, and from it the Committee have come to conclusions, recommending the following resolutions for adoption by the Council :—

1. That no efficient accommodation can be given warranting so large an outlay as £88,000 on the Breakwater at Point Britomart.

2. That the present Works should be stopped at low-water mark.

3. That the water outside the low-water line ought not to be interfered with until the Railway works are further developed.

4. That the proposed improvements at the end of Queen-street Wharf, capable of berthing three ships on the outside, appear to be desirable

5. That the Projection of Albert-street should be carried out in the same line as the street as early as funds shall be available.

6. That the Queen-street Wharf traffic would be more effectually relieved by a Wharf at the Eastern side of Freeman's Bay, at a point near Harding Street, than by any Wharf at Custom House Street.

7. That it is desirable that the question of Sewerage should be considered with a view of carrying the Sewerage from the City down Queen-street Wharf beyond the permanent works and discharged below low-water mark.

8. That immediate steps should be taken to place the Harbour Trusts and the execution of Harbour Works under a Board of Commissioners instead of under the hands of the Superintendent, as at present, in order to avoid in future the necessity of disapproving works after they are undertaken; and that a comprehensive general Plan of the Harbour from Mechanics' Bay to Freeman's Bay, inclusive, should be invited by the Government from persons competent to draw such plan.

WM. POWDITCH,
Chairman.

M I N U T E S O F E V I D E N C E

TAKEN BEFORE THE

HARBOUR WORKS COMMITTEE

THURSDAY, FEBRUARY 23, 1865.

Committee met pursuant to adjournment.

Mr. Speaker in the Chair.

W. Weaver, Esq., Engineer in Chief in attendance and examined.

By the Chairman—

1. The work shown on the map from Point Britomart is that which you propose to carry out?
Yes.
2. How far do you propose to carry it out this year?
Six hundred feet is the extent for which the contract is taken and now in progress.
3. What will be the probable cost of the work?
Eight thousand one hundred and fifty-five pounds is the amount of the contract.
4. What other works are proposed?
Gore-street Jetty, 400 feet long.
5. Any work in connexion with the Railway?
Not any proposed by me, these works not being in my Department. I refer the Committee to my report and plan for general views.
6. What further works are in progress?
An extension of Queen-street Wharf, 55 feet in length, and a T east, in the whole length 360 feet by 60 feet wide. It is also proposed to widen the wharf 20 feet, as well to strengthen it as to provide for the traffic during its reconstruction which must take place at no distant date. In making this addition it is proposed to straighten the sides as shewn on the plan. There is also an extension of the new T of 70 feet recently contracted for.

By Mr. King—

7. I propose an extension of Albert-street to meet the line of proposed Commercial Road enclosing land proposed for a Custom House.

By Mr. Swanson—

8. It is proposed to effect a reclamation of land when it can be made between Custom House-street and Commercial Road to Point Britomart, leaving Building Section 4 chains deep. I am not aware that it is proposed to reclaim this year?
9. Do you propose any Works in the construction of Docks or otherwise in the open space of 38 acres?
None. I prefer to leave it a tidal basin at present, but there is nothing in the design to prevent such being done if required.
10. How do you propose to carry out Sewerage?
I have made as yet no permanent provision, but provision will be made, as the reclamation of land is carried out, to take the sewage to low water mark which is now being temporarily done by a box drain.
11. Do you propose an opening in the works at Point Britomart to convey the sewage?
None will be necessary when the entire plan is carried out as the sewer should pass along Commercial Road. At present I think the discharge in the Tidal Basin sufficient, but it should be carried out to below low water mark at once.

By the Chairman—

12. What may the whole cost of of the works at Point Britomart as shewn in reports according to the form ultimately proposed ?

I refer to the Report to explain the several estimates which vary according to the manner in which it is decided to complete the work.

On the suggestion of the Chairman the Committee then adjourned in consequence of the call for the House to sit.

WILLIAM POWDITCH.

TUESDAY, FEBRUARY 28, 1865.

MEMBERS PRESENT :—

Mr. Speaker	Mr. King
Mr. George	Mr. A. O'Neill
Mr. Swanson	
Mr. Speaker in the chair.	

Captain Burgess, Mr. Utting, and Captain Rattray, in attendance.

Capt. Burgess, Port Master and Pilot, examined.

By the Chairman—

13. What is your opinion as to the effect of the Breakwater now in process of erection at Point Britomart ?

I think it will cause silting up, Sluices would be an improvement.

14. Would the projection, if carried beyond 6 feet on the line to the proposed point be injurious to the river navigation ?

If it goes no further than 7 feet low water, I do not think the Breakwater will cause any obstruction to river navigation.

By Mr. George—

15. Would the Breakwater if carried out according to plan proposed by Mr. Weaver, affect the Channel ?

I do not think it would effect the main bed of the river.

By the Chairman,—

16. Would not a rough Breakwater at about the former position give all the protection needed The old position of the Breakwater would more effectually protect the small craft in Custom house-street Quay, with a Northerly wind, but this would limit the accomodation. There is N.N.E. wind which might do a deal of damage.

17. Do you think vessels lying on the outside of the T require a Breakwater to give them protection there ?

Vessels lying there suffer a good deal sometimes, the Breakwater no in progress would afford them a good deal of protection.

By Mr. George—

18. Would it not be better to excavate in this space (referring to the land side of Tital Basin, and near the Reserves) for Docks.

I contemplate Docks will be formed in all these Bays. From 6 to 8 feet off Point Britomart should be the limit to which they are carried out.

19. You think in reference to the other Bays, that a line from the reef off Judge's Bay to the extremity of the reef off the Watchman, should be the outer limits for Docks ?

I do.

By the Chairman—

20. Do you think provided Queen-street Wharf were made solid it would silt up inside the Breakwater ?

I think it would not except from sewage.

21. Do you think the silt from the sewage would be much ?

I do. If the Western angle at the outer point were not there the sewage would escape more freely, but that is necessary for complete protection ?

22. Would a light at the end of the Breakwater be of much service ?

Yes : of great service. The present light is insufficient from being to low.

23. Would this work if carried out offer any impediment in your service ?

None at all.

By Mr. George—

24. Would any further T on the Wharf produce further accomodation ?

Yes.

By Mr. King—

25. Is this the only plan you have seen ?

There are others I have seen. I think O'Rafferty's and Simpson's.

26. Which of the plans do you think most advantageous to the general interests of the Shipping and the whole Harbour ?

I decline answering, that being a question for Engineers.

Captain Burgess withdrew.

Mr. Utting, C.E., examined.

By the Chairman—

27. Would the projection from Point Britomart, pointed out on the plan, if carried beyond 6 feet in that line, be injurious to the river ?

I think it would be seriously injurious : by interrupting the flow of the tide, it would cause a rapid silting up on both sides.

28. Do you think a projection from Albert-street, parallel with Queen-street Wharf, could be produced sufficiently to form a Water-borne Dock ?

Yes. It might eventually be carried to an extent corresponding with that of Queen-street Wharf, that is as far as made solid for Docks.

29. To what extent would it be safe to carry the New Breakwater ?

Any solid Breakwater beyond low water mark, would be prejudicial in its immediate effects. I should prefer for the present a Breakwater across West towards the Wharf at about the same line with the outer part of Fitzroy Jetty. And in the event of the formation of a Deep water Dock outside, I would propose a line curving West, intermediate between Mr. O'Rafferty's and Mr. Simpson's limits.

The Breakwater E and W from Fitzroy Jetty, (understanding that a passage for general purposes including sewerage is left at both ends, the E and W Breakwater might be completed to give wharfing accommodation on both sides, and thus become much more valuable.

30. Would an open piled end at Point Britomart be useful ?

If the Breakwater were carried to low water mark off the Point it would be made more useful by a short open piled, projection for landing from cargo boats with Ordnance Stores &c., and it would not be objectionable as it would offer no impediment to tide.

31. Would there be sufficient room on Queen-street Wharf for a T on the West side without interfering with Dock building off Albert street.

Plenty of room.

32. How far do you think Docks might extend into the river ?

Speaking generally I should say the point at three fathoms as shown by Mr. O'Rafferty's plan.

33. How would you provide for conveying the sewerage ?

An opening should be left for the sewerage at the Land end of the Breakwater East and West, and also at the present Queen-street Wharf ?

34. Would that part of Queen-street Wharf beyond the supposed limit of the Docks be necessary when they are made ?

I should think not.

35. If the Breakwater as proposed were carried out in its integrity would it after the Docks were made become an obstruction ?

I think it would. It would also be expensive to remove. The expense of removal would be more than the original cost.

36. How much might your Breakwater cost ?

The E. and W. Breakwater mentioned by me would not exceed £2,000. The inner portion would in the meantime form a sufficient tidal basin for small traders.

W. Rattray Esq., examined.

By the Chairman—

37. Do you think that the addition to the length of the Queen Street Wharf of 50 feet beside the T will be sufficient ?

I think the width of the T only would be sufficient at present. The extent of the T East and West should be sufficient for berthing 3 ships on the outside.

38. Do you think vessels lying there would require further protection in the form of a Breakwater ?

No further protection would be needed because vessels lying along the stream are easily secured by their own anchors.

39. Would not a rough Breakwater at about the former position give all the protection needed to vessels lying in Commercial Bay ?

I think so.

40. Would the projection now in progress at Point Britomart if carried beyond 6 feet on the line to the proposed point be injurious to the river ?

Most decidedly injurious.

41. Would a projection from Albert Street parallel with Queen Street Wharf could it be sufficiently produced to form a Waterborne Dock for Colonial Traders be advisable?

Speaking generally, it would be preferable for a first Dock.

42. What is your opinion as to the formation of Docks?

Docks should be kept within the deep water line, and should be cut out of the banks; they should be confined within the 3 fathom line. The West side of Queen-street Wharf would be a good situation for a first Dock.

43. Is a T on the West side of Queen-street Wharf desirable?

I think it is; but it should be carried out in accordance with the outer T

44. Would it be desirable to reclaim any land on Britomart side from Fitzroy Jetty?

If for the purposes of warehouses, it might be desirable.

45. Would you recommend Custom-house-street to be produced to Hobson-street?

Yes.

46. How would you propose the sewage from the City to be carried out?

Into the permanent action of the Ebb Tide. I would also recommend the sewage to be carried out through the works at Point Britomart.

47. Would the accommodation of the Tidal Basin as proposed warrant so heavy an outlay as £88,000?

I think not.

48. Do you think the removal of this work will be necessary at some future period?

Yes all beyond the permanent Dock Works.

49. What is your opinion as to berthing vessels alongside Queen Street Wharf?

From all my experience I have found that vessels both for themselves and their moorings lie easiest moored along the stream, and moreover vessels moored across the stream aid in the silting up with both the flow and ebb tide.

50. Do you think the wharf proposed in Gore Street would give sufficient benefit in proportion to the cost?

I do not think it would.

51. Do you think a wharf run out from Nelson Street would afford any advantageous relief to Queen Street Wharf for the Lumber Trade?

I think that any additional wharves for the landing of timber and other materials, would greatly relieve Queen Street Wharf, and I think the end of Nelson Street a good situation for one.

52. Do you think the site proposed on one of the Charts for a Post-office, being the present Custom-house, a desirable one?

No.

53. Would you prefer a street run through that site to relieve the traffic from Point Britomart in the event of the anticipated Railway.

Yes

54. In reference to the Harbour Works do you think the Trust should remain in the hands of the Superintendent in preference to a local Board.

No, a commission is, in my opinion, preferable.

Captain Rattray withdrew.

Committee adjourned till to-morrow, at 11 o'clock.

WILLIAM POWELLICH.

WEDNESDAY, MARCH 1, 1865.

Committee met pursuant to adjournment.

MEMBERS PRESENT:—

Mr. Speaker

Mr. King

Mr. George

Mr. Swanson

Mr. Speaker in the chair.

Captain Ellis, Harbour Master and Wharfinger, in attendance, and examined.
By the Chairman—

55. What additions would you propose to the Wharf, for the accommodation of shipping?

I would recommend the addition of 50 feet besides the T.

56. What length would suffice for the T?

I would recommend the length of one ship on the West and two ships on the Eastern portion.

57. Is a T needed on the Western side of the Wharf?

I do not think there is any necessity. If there were one steamers would not come alongside or haul away so easily.

58. Do you think the vessels lying in the harbour require protection?

In my opinion no protection for large ships by way of Breakwater, is needed. They do not require mooring anchors, their own being sufficient. A Breakwater would protect vessels lying inside the Bay, but I do not recommend it as it would silt up very soon.

59. Would the Breakwater from Point Britomart now in course of construction be of great service if carried out to the proposed extent?

I do not see the use of its being carried out so far.

60. From what direction is the most injurious wind?

The worst wind is the E. N. E.

61. Would there be any necessity to remove any portion of the Breakwater if Docks were formed in accordance with a former plan?

If Docks were carried out according to the former plan it would be necessary to remove the extreme end of the Breakwater if it were carried out according to the plan of Mr. Weaver as shown in the chart. I think an open piled wharf on the outer part of the projection in lieu of the Breakwater would be a great improvement.

62. Do you think the neighbourhood of the end of Albert-street a favorable place for an Inter-colonial Dock?

Yes I think it is.

63. What is your opinion as to Gore-street Jetty.

A wharf or Jetty at Nelson-street would be preferable, but it would cost more.

64. Then you would not recommend the Breakwater to be carried out so far as proposed.

No.

By Mr. A. O'Neill—

65. Where would you discharge the sewage.

If it were discharged outside the Breakwater it would keep the Bay clearer.

66. Is it desirable to have the Dock gate on the North face?

It would make it less easy for vessels to go in and out.

By Mr. King—

67. Which of the four plans now submitted would you recommend as most advantageous to shipping generally, and most conducive to the permanent improvement of the Harbour of Auckland?

I approve of Mr. Weaver's.

68. Are you aware of the area within the Breakwater on Mr. O'Rafferty's plan?

I am not.

69. Do you not think the area sufficient for 100 years to come?

I am not able to answer that question.

70. Supposing the Government has from £25,000 to £50,000 to spend on Public Works connected with the Harbour what accommodation would you suggest as most desirable?

I think it would be best expended at Queen street Wharf, in continuation of Pilework.

71. If there were any surplus fund how far would you recommend the carrying out of the Works at Point Britomart?

To six feet low water.

72. Have you inspected the Works at Point Britomart?

I have not been there since they were commenced.

73. How would you recommend these works to be finished, so as to produce increased accommodation for wharfage, &c.?

I would recommend that the present Breakwater should be faced on the West side, which would allow of vessels coming alongside.

Capt. Ellis expressed some dissatisfaction at enquiries being made of Officers of the Government after works were entered upon, and ultimately stated as follows:—

“I think the plans ought to have been submitted to persons of the nautical profession before the works were proceeded with.”

Captain Ellis withdrew.

The Committee then adjourned till an opportunity should be afforded of examining H. Wrigg Esq., C.E.

WM. POWDITCH,
Chairman.

FRIDAY, MARCH 3, 1865.

Committee met pursuant to notice.

MEMBERS PRESENT:

Mr. Calman

Mr. George

Mr. Swanson

Mr. A. O'Neill.

Mr. Speaker in the chair.

H. Wrigg Esq., C. E. in attendance, and in reply to Chairman stated:—
I am a civil Engineer and have had considerable experience in Harbour Work. I have a general knowledge of Harbour requirements.

I think the sewerage should be discharged at Point Britomart, and it should go beyond all

clock lines into the tide. I think the Dock works should be made within the present works as shown. Docks can be made in as far as Custom House-street.

The tendency of the present work at Point Britomart will be to cause the harbour to silt up.

All the further Harbour Accommodation should be as near as possible in accordance with the run of the tide.

I think a T on the West side of the Wharf would be an advantage.

A wharf at the nearest point in Freeman's Bay would be preferable to one in Custom House-street.

I would not recommend any encroachment on the water except a small portion for harbour improvements.

I think the principle of carrying out a Solid Breakwater at right angles with the run of the tide is wrong, unless you are prepared to incur the cost of dredging.

One of the best reliefs to present traffic would be to throw out a Jetty at Albert Street and have a wharf at the nearest point in Freeman's Bay.

Every step you take in solid work will cause the Channel to decrease.

Mr. Wrigg withdrew.

Committee adjourned till Monday, at 10. 30.

WILLIAM POWDITCH.

Auckland Provincial Council.

SESSION XVIII, 1865.

AUCKLAND
WATER SUPPLY.

REPORT OF ENGINEER-IN-CHIEF.

(Ordered by Council to be printed, April 11th, 1865.)

AUCKLAND:
1865.

AUCKLAND WATER SUPPLY.

REPORT OF THE ENGINEER-IN-CHIEF.

Engineer in Chief's Department.

Auckland, April 10th, 1865.

SIR,—

I have the honor to state that the Surveys for the proposed Road and route for pipes in connection with a Supply of Water for the City of Auckland from the Nihitupu River having been completed over the most difficult part of the ground in the Waitakeri Ranges, I am now in a position to submit for YOUR HONOR'S information the following Report and an Estimate, based on correct data, of the cost of the proposed Works :—

Your Honor having placed in my hands the Plans, Sections, and Report, which had been prepared for the Government by Mr. Henry Wrigg, I considered I was justified in assuming that this information was reliable.

My instructions, therefore, to the Surveyors employed to make the trial surveys for the Road or Pipe track were,—to work from the "Source" or point on the River at which it is proposed to take the water, with a general falling gradient to the "passes" in the Ranges marked by Mr. Wrigg as 697 and 829 feet, respectively, above datum, and which are stated in his Report to be "*the only passes in the Mountain Ranges that are available*" and "*which cannot be disturbed*," the inference, of course being, that these points were *the lowest* "passes" or outlets from the Ranges through which the pipes could be taken.

In accordance with these instructions several trial lines were run, which from the extremely precipitous nature of the ranges were entirely impracticable for a Road or pipe track, and it was a work of great labor and expense, owing to the exceedingly broken nature of the ground, and the dense forest with which it is covered, to obtain any approach to a practical line out of these gorges. When, however, a line had been pushed through, and accurate levels taken over it to the "pass" in the mountain range marked by Mr. Wrigg as 829 feet above datum—or 55 feet below the site of the proposed filters—it was found that the lowest ground or "pass" in this Range was 260 feet *lower* than the site referred to.

There is, no doubt, abundance of ground in the neighbourhood of the "pass" of the elevation named by Mr. Wrigg, but had such a level been adopted at this locality, the pipes must still have been carried down, almost precipitously to the same low level, instead of approaching it gradually as the result of the last survey enables us to do.

There is, moreover, another very sufficient reason for selecting lower ground at this point, than the levels indicated by Mr. Wrigg. Assuming the quantity of water to be delivered in twenty-four (24) hours at 850,000 gallons, as provided for in the Report, and the fall to be only 55 feet from the source of supply, then the size of pipe proposed, namely nine (9) inches, would not nearly convey the required quantity; nor could this have been obtained under such circumstances without a very largely increased outlay in the works.

Before calling attention to the Estimate, it is necessary that I should explain the data on which it has been based, premising, in the first instance, that the works contemplated have been kept as nearly as I consider practicable to those proposed by Mr. Wrigg.

The population of Auckland, including the suburbs of Parnell and Newton, as ascertained by the recent Census, is 17,145 : This is exclusive of the Military and their families. There is also a considerable number of persons living immediately outside the lines fixed as the boundaries of Districts for Census purposes.

The total present population to be brought within the limits of a water supply, may therefore be fairly taken at 18,000.

A supply for this number, calculated at the quantity usually fixed upon as sufficient to cover all requirements for a Town population, viz: 30 gallons per head per diem (*), will amount to 540,000 gallons per day of twenty-four hours.

There is no reason to doubt that the Nihitupa will yield this quantity at its minimum flow in the driest season, and by the construction of a Dam and Storage Reservoir, at a comparatively small cost, this quantity can easily be doubled, while a still larger supply may, with equal facility, be obtained when the requirements of a largely increased population demand it.

The great difficulties and expense necessary in the formation of the Road by which to convey, and along which to lay, the pipes, and the small proportionate increase in the total cost of the Works incidental to a slightly additional size of pipe, have induced me to recommend laying down, at once, a Main of sufficient size to supply double the present population, i.e., 1,080,000 gallons per diem.

It will be very desirable to relieve the pipes of the great pressure caused by the descent into the Whau Valley, and I have accordingly provided for a small intermediate Reservoir for that purpose.

By a proper arrangement, in regard to position and level of such a Reservoir, a pipe of ten (10) inches diameter will supply the quantity fixed upon. I have accordingly estimated for a main pipe of 10 inches diameter of the requisite thickness to withstand the pressures of the upper and lower sections, viz: $\frac{1}{2}$ inch and $\frac{3}{8}$ inch respectively.

I cannot concur in the recommendation that the pipes for this Work should have "turned and bored" joints, which, I am aware, are frequently used for similar works, but in this case the line of pipes must of necessity be so exceedingly tortuous, that it would be impossible to use pipes with these joints without an immense number of "special castings," which would add greatly to the expense.

The sizes of the Service Reservoirs have been calculated at as nearly as possible the same as formerly proposed.

A reference to the accompanying Plan and Section will explain the course of the proposed Road from the "source" (or point on the River at which the water would be taken) to the "pass" or gap in the mountain range; and also the exceedingly broken nature of the ground over which it is necessary to pass in order to construct a Road or track for the pipes through the Ranges; and when it is borne in mind that the transverse section of the ground for a great portion of the distance varies from 25 to 45 degrees, and that the line over which the Section is taken is the best result which can be obtained after months of careful survey and excessive labor, the Engineering difficulties of this portion of the scheme and the consequent cost of the works will be better appreciated.

A personal inspection of the locality has given me no reason to hope that the line can be materially improved by further surveys, but it is utterly impossible for anyone to form the slightest estimate of the nature of the ground to be traversed, even for a distance of a few chains, until he commences to cut his way through the forest. It is then generally found that the ground which appeared to be moderately favorable is broken up with precipitous gorges, frequently almost perpendicular and varying in depth from 60 to 150 feet.

In order to keep the works down to the lowest practicable limit, I reduced the width of the proposed road from 22 to 16 feet, and fixed the maximum gradient at 1 in 6, which, over a newly formed road is as steep as it would be judicious to attempt to take even an average load.

With these rather severe restrictions the estimated quantities of the various Works on the first 3 $\frac{1}{2}$ Miles are as follow:—

Excavation (to a great extent in Rock)	89,262 cubic yards.
Masonry ... ..	.. 300 " "
Viaducts ... ..	.. 702 lineal feet.
Culverts and Pipe Drains .. ..	.. 1,258 " "

besides clearing, surface drainage, and other minor Works.

I may here state that I consider the construction of a well formed road to be actually necessary for carrying out the Works; the length of such Road from the "Source" to the junction with the Titirangi Road will be about nine (9) miles, while the entire distance to the Reservoir at Kyber Pass Road will be about 16 miles, instead of 13 $\frac{1}{3}$ rd as previously estimated.

The Engineering difficulties in the construction of that part of the Road through the Ranges, although admitted to be "considerable," have been greatly underestimated, causing a very false impression as to their extent and cost; while the length and weight of the main pipe are very much below the actual requirements of the proposed Works. These two items alone form a very large portion of the increase in my estimate over that of Mr. Wrigg.

* From a recent official statement made to the Victorian Legislature, I find, that the water delivered in Melbourne during the past year, from the Yau Yau Waterworks, amounted to the large quantity of ninety (90) gallons per head (per diem) of the population.

With these remarks I submit to Your Honor the following

APPROXIMATE ESTIMATE OF PROPOSED WORKS.

	£	s.	d.
Forming road, including excavation, clearing, and surface drainage ...	14,064	13	0
Bridges, culverts, and pipe drains	6,989	8	0
Excavating and refilling pipe trenches	3,520	0	0
Laying pipes	5,866	17	6
Two thousand three hundred and sixty-four tons of pipes, delivered on works (including special castings), at £10	23,640	0	0
Air-cocks, valves, &c.	200	0	0
Dam, sluices, and reservoir, (at source)	2,200	0	0
Filters	4,970	0	0
Intermediate reservoir	500	0	0
Service reservoirs	7,000	0	0
Purchase of land, and compensation to landowners for preservation of timber on watershed	1,750	0	0
	£70,700	18	6
Contingencies, 10 per cent.	7,070	1	10
Total cost to Kyber Pass road	£77,771	0	4
Piping for the city, for present requirements (say)	5,000	0	0
Total estimated cost	£82,771	0	4

This Estimate will probably be considered large, when compared with former Estimates for the same work, which, it is to be regretted, were framed on insufficient data.

I can only state, that the various works have been kept down to the very lowest limit compatible with the successful carrying out of the scheme: the quantities have been carefully computed, and the prices are arrived at in most instances by the cost of works within my own knowledge; and with regard to the item of pipes, I am supplied with information to the most recent dates; and while I have been anxious to avoid the too common error of *under estimating* the cost of works, I have been especially desirous, in this case, not to exaggerate. The local difficulties in carrying out such works, must not, however, be lost sight of, for they will most certainly add considerably to their cost.

Exception may be taken to the fact of my having made provision for the supply of a larger quantity than that contemplated by the Works estimated for by Mr. Wrigg.

It is true that the Works, as I propose to carry them out, will deliver an additional quantity of 230,000 gallons per diem. A 9-inch pipe will not, however, supply the smaller quantity of 850,000 gallons; and the substitution of a 9-inch for a 10-inch main would effect but a small saving of expense, at a very considerable decrease of quantity.

In the event of its being determined to proceed with these Works I would suggest that the outlay of £13,600 included in the foregoing Estimate for Filter Beds and Reservoirs might, for the present, be dispensed with, providing only for the small intermediate reservoir. A personal examination of the locality, and a sample of water obtained at a time when the waters of the River were bank high, and consequently in their most disturbed state, have led me to the conclusion that the construction of filter beds, however desirable, is not really necessary to ensure a supply of water of a very good quality; while, by a proper arrangement for the service pipes, a reservoir (desirable, no doubt, in case of accidents) is not actually requisite.

I may state, in confirmation of this recommendation, that at the Melbourne Water Works neither filter-beds nor service reservoirs were provided, while the water is certainly much inferior in purity to the waters of the Nihitupu.

Such works could, if found necessary, be constructed hereafter, when funds should be available.

If this proposal be adopted, the cost of bringing the water into Auckland, might then be estimated as follows:—

	£	s.	d.
Formation of Road, viaducts, &c., complete	21,054	1	0
Excavating for, and laying pipes	9,386	17	6
Pipes, &c.	23,840	0	0
Dam, sluices, intermediate reservoir, &c.	1,100	0	0
Land and compensation	1,000	0	0
	£56,380	18	6
Contingencies, 10 per cent.	5,638	1	10
	£62,019	0	4
City supply, say	5,000	0	0
	£ 7,019	0	4

From the nature of the country through which these Works would be constructed, and the local difficulties attendant thereon, I cannot hope for their completion in less than eighteen (18) months from the commencement of active operations; and whatever system of water supply may be decided on, it is but too probable that the two next Summers must pass before the necessary Works can be finally completed and in working order.

Under these circumstances, then, and considering the urgent requirements of the City for water, I think a temporary and partial supply, during the progress of the permanent works, from the "Northern Brewery," or its neighbourhood, quite worthy of consideration.

Should it be found on investigation that 40,000 or 50,000 gallons of water per diem could be procured from such a source (of which there is good reason to hope) I would not hesitate to advise the construction of a Reservoir at the top of the Kyber Pass Road, for the reception of such a supply; whence it could be distributed through the Main Streets, and the more thickly populated parts of the City, to be made available by Street Fountains, and for extinguishing fires.

A considerable stock of pipes suitable for this purpose is on hand; and any work done in the formation of a reservoir on the site referred to, would be available hereafter for the permanent supply.

The outlay required, therefore, would be but small, and the works, though temporary, would not be altogether thrown away.

The greatest expense would be the purchase of a small engine and pumping machinery; but the former may not be necessary, if arrangements could be made with Messrs. Seccombe and Son, to attach pumps to their new engine (which is sufficiently powerful for all purposes), provided of course that a supply could be procured in that neighbourhood, which I would recommend should be at once ascertained.

By such means, a partial supply of water might be brought into the City in a few weeks, which would, in my opinion, be a very great boon to the inhabitants, while the permanent works are in progress.

I cannot conclude this Report without assuring Your Honor that I am deeply impressed with the urgent importance of arising at a decision in reference to this most necessary Public Work, but I consider that I should be grossly neglecting my duty if, even at a saving of time which is most precious, I had advised its commencement without due investigation, and in the absence of those data on which alone such works should be undertaken. Such a course would most probably have led to a waste of the public money, and must inevitably have committed the Province to an expenditure greatly in excess of the funds provided for the purpose.

No exertion has been spared by the Surveyor in charge of the work, which has indeed been of a most harassing and laborious nature, and the result has been to prove how easily a mere superficial examination of a country in reference to such works may lead to most deceptive conclusions.

The apparently small cost of the scheme proposed, tended to give it a preference which may now perhaps be questionable, and although I still adhere to my opinion in favor of a Water Supply by gravitation, it will be for Your Honor to decide how far such advantages justify the increased outlay.

I have, &c.,

WM. WEAVER,
Engineer in Chief.

His Honor the Superintendent.

Auckland Provincial Council.

SESSION XVIII, 1865

P A P E R S

RELATING TO THE

CONSTRUCTION OF A PATENT SLIP

AT THE

NORTH SHORE.

(Ordered by Council to be printed, April 13th, 1865.)

AUCKLAND:
1865.

A.—No. 11

MESSAGE No. 105.

The Superintendent lays before the Provincial Council copy of proposals made by Messrs. Whitaker & Russell, on behalf of Mr. Beddoes, who wishes to lay down a Patent Slip at the North Shore, on condition that the Provincial Government will guarantee interest upon the cost thereof for ten years. The Superintendent also forwards copy of a letter from the Hon the Colonial Secretary, as giving the views of the General Government relative to leasing the foreshore for such purposes.

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,

Auckland, 19th April, 1865.

P A P E R S

RELATING TO THE

CONSTRUCTION OF A PATENT SLIP

AT THE

NORTH SHORE.

Auckland, 10th March, 1865.

SIR,—

We have the honor to inform you that Mr. Beddoes, of the North Shore, purposes laying down a Patent Slip, suitable for vessels of large tonnage, and with that view he has recently purchased the piece of land marked with his name on the plan herewith enclosed. In addition to this land, it is necessary, of course, that he should have the land in front of it extending some distance into the harbour.

As the undertaking is one of great public importance, Mr. Beddoes hopes and expects that the Provincial Government will lend their assistance, and he therefore makes the following propositions :—

1. That a lease of so much of the land below high-water mark as is coloured pink, shall be granted to him for ninety-nine years.

2. That the Provincial Government shall guarantee 6 per cent. on the capital expended for ten years, as has recently been done by the Provincial Government of Wellington.

On his part, Mr. Beddoes undertakes to complete the slip within three years.

We have, &c.,
WHITAKER AND RUSSELL.

His Honor the Superintendent.

Superintendent's Office,
Auckland, 22nd March, 1865.

GENTLEMEN,—

I have the honor to acknowledge receipt of your letter of date 10th March instant, expressing, on Mr. Beddoes' behalf, a hope that the Provincial Government will lease for ninety-nine years a certain portion of the North Shore, for the purpose of laying down a Patent Slip, and guarantee interest, at the rate of 6 per cent. for ten years, on the capital to be expended by him on that work. I have to request, before giving any further reply, that you will inform me on what amount Mr. Beddoes would require the guarantee in question.

I have, &c.,
ROBERT GRAHAM,
Superintendent.

Messrs. Whitaker and Russell, Solicitors, Auckland.

Auckland, 28th March, 1865.

SIR,—

In reply to your letter of the 22nd instant, in reference to a Patent Slip at the North Shore, we have the honor to inform you that the amount on which Mr. Beddoes requires the guarantee is such sum as shall be expended by him in laying down the Slip, not exceeding the sum of £20,000.

We have, &c.,
WHITAKER AND RUSSELL.

His Honor the Superintendent.

A.—No. 11

4

Colonial Secretary's Office,
Wellington, 31st January, 1865.

SIR,—

With reference to my letter, of the number and date quoted in the margin, I have to inform your Honor that I do not think the General Government should relinquish all power over land between high and low water mark, in the general way requested.

At the same time, I have to inform your Honor, that any parts of the land referred to will be leased by the General Government, in the manner and on the terms you recommend, subject to the approval of his Excellency the Governor. The Commissioner of Crown Lands would then be the person who would enforce the lease, &c. Of course, as a rule, the recommendations of your Honor will be adopted.

I have, &c.,

FRED. A. WELD.

His Honor the Superintendent.

Auckland Provincial Council.

SESSION XVIII., 1865.

REPORTS

OF THE

REMOVAL OF SLAUGHTER-HOUSE COMMITTEE;

TOGETHER WITH

THE PROCEEDINGS OF COMMITTEE

AND

MINUTES OF EVIDENCE.

(Ordered by Council to be printed, March 31, 1865.)

AUCKLAND:
1865.

EXTRACTS FROM THE JOURNALS OF THE AUCKLAND PROVINCIAL COUNCIL

SESSION XVII., 1864.

On motion of Mr Harrop,

Ordered, "That Message No. 17 of His Honor the Superintendent be referred to a Committee, consisting of Mr. Buckland, Mr. Cheeseman, Mr. Kerr, Mr. King, Mr. Martin, Mr. McGee, Mr. Newman, Dr. Pollen, Mr. Wynn, and the mover."

SESSION XVIII., 1865.

FRIDAY, FEBRUARY 3, 1865.

On motion of Mr. Harrop, *Ordered*, "That the Interim Report of the Slaughter-house Committee, as brought up, and the evidence collected be referred to the committee appointed during last session viz:—Mr. Buckland, Mr. Cheeseman, Mr. Kerr, Mr. King, Mr. Martin, Mr. McGee, Mr. Newman, Dr. Pollen, Mr. Wynn and the mover."

INTERIM REPORT (No. 1)
OF
SLAUGHTER-HOUSE COMMITTEE.

Your Committee having sat and taken evidence from parties in the neighbourhood, from those interested, and from gentlemen of the medical profession, are of opinion that it is desirable that the Slaughter-house should be removed as speedily as possible from the present site.

Your Committee believe that the butchers generally would prefer a site near the present one, either on land belonging to Mr. Petschler or the Trustees of the late Mr. Meurant, whilst the Government and a few connected with the trade desire the new Slaughter-house should be erected on land belonging to Mr. Young. The obstructions to the traffic through Newmarket, from the retaining of the Sale Yards there—the increased traffic to the Railway Station—and the driving of Stock through the Remuera toll across the level crossing of the Railway—would cause serious inconvenience, however well-timed and regulated.

Other sites have been suggested to your Committee on property belonging to Messrs Dilworth and Shepherd, near Orakei, Cabbage-tree Swamp, and on the North-road; but whilst considering some nearer site might be selected than Mr. Young's (since from the evidence it does not appear that the supply of water can be depended upon), yet its proximity to the main line of railway is of considerable importance, and should not be overlooked. Still your Committee are of opinion that, unless the management of the Slaughter-house is under very different inspection and jurisdiction and a proper Board appointed, and the details of the new building carried out with a careful supervision, with the view to prevent the nuisance presently existing, little good would be derived except the removal of a nuisance to another place.

J. W. HARROP,
Chairman.

Council Chambers, 8th November, 1864.

REPORT (No. 2)

OF

SLAUGHTER-HOUSE COMMITTEE.

The Committee appointed to report upon the removal of the Slaughter-house have the honour to report :

That, after having obtained the best information and evidence with regard to the selection of a new site for a Slaughter-house, they beg leave to submit the following resolutions for adoption :—

1. That the site known as Mr. Young's, on the Panmure-road, be selected as the site for the new Slaughter-house.
2. That His Honor the Superintendent be respectfully requested to make ample accommodation in the new building for the slaughtering of cattle, and that special attention be paid in framing rules to regulate the new Slaughter-house ; that it should be sufficiently supplied with water and drainage for properly cleansing the same ; and that suitable stock-yards for the reception of cattle to be slaughtered be provided.
3. That His Honor the Superintendent be respectfully requested to take the necessary steps to commence the erection of the new buildings and appurtenances with the least possible delay, in order that the slaughterers of cattle may not be subject to any inconvenience in consequence of the site of the old building being immediately required for railway purposes, the Commissioners having already served the necessary notices.

J. W. HARROP,
Chairman.

Council Chambers, Auckland,
29th March, 1865.

PROCEEDINGS OF COMMITTEE.

WEDNESDAY, 19th OCTOBER, 1864.

Committee met pursuant to notice.

	MEMBERS PRESENT :	
Mr. Cheeseman		Mr. King
Mr. Harrop		Mr. Martin
Mr. Kerr		Mr. Newman

On motion of Mr. Newman, Mr. Harrop was appointed Chairman.

Mr. Newman informed the Committee that the Government would lay plans and particulars before the Committee in a few days.

On motion of Mr. Martin, Ordered, That Mr. Buckland, Mr. Styak, Mr. Ireland, Mr. Bedlington, Mr. Kilgour, Mr. Grigg, Mr. James Runciman, be summoned to give evidence before the Committee. The Committee then adjourned till Friday at 10 o'clock.

J. W. HARROP,
Chairman.

FRIDAY, OCTOBER 21, 1864.

Committee met pursuant to notice.

	MEMBERS PRESENT :	
Mr. Cheeseman		Mr. Newman
Mr. Kerr		
	Mr. Harrop in the chair.	

On motion of Mr. Cheeseman (no witnesses being in attendance,) the Committee adjourned until 12 o'clock on Monday, 24th October, Messrs. Styak, Grigg, Bedlington and Phillipson, to be requested to attend.

J. W. HARROP,
Chairman.

MONDAY, OCTOBER 24, 1864.

Committee met pursuant to notice.

	MEMBERS PRESENT	
Mr. Kerr		Mr. King
	Mr. Harrop in the chair.	
	Mr. Grigg examined.	

By the Chairman—

I am a settler occupying land near Otahuhu. I occasionally send cattle in for sale at Newmarket, I consider a site centrally situated as regards Pannure, Otahuhu, and Onehunga, would be the best for all classes.

How would the removal of the Slaughter-house six miles from place of consumption affect the consumer?

I think it would raise the price at least from $\frac{1}{2}$ d. to 1d. per lb., and a great deal more with ship cattle. The present site is a bad one.

By Mr. Martin—

I think it quite necessary that the Slaughter-house should be removed ; I think it would be better if a suitable site could be found nearer Auckland than the site offered by Mr. Young. I think there is a great objection to having the Slaughter-house in one of the Bays, as I look forward to saving the offal for manure, and also that its washing up on the beach would injuriously affect the inhabitants of the locality. Cabbage-tree Swamp would be out of the question. The establishment of the Railway would do away with my objection to a great extent as far as regards raising the price. I do think the Otahuhu people would object to bringing their meat from one central Slaughter-house. They would prefer having one of their own. The great advantage of only one Slaughter-house would be the greater facility for inspecting brands and meat.

By the Chairman—

Would not municipal arrangements requiring stock to be driven only at certain hours remove the greatest evils of the present site?

I do not think it would.

Mr. BUCKLAND examined.

By the Chairman—

I am proprietor of sale yards at Newmarket. I am aware that the Slaughter-house is considered a public nuisance by the inhabitants and requires Municipal Regulations. I am aware the present site is interfered with by the Railway. If it should be removed, I do not think it should be far from the present neighbourhood. There is no available landing place for Cattle about Point Chevallier. I have endeavoured to meet the difficulty of selling store and fat cattle at the same time and place. It is probable my sale yards will be removed whether the Slaughter-house is removed or not. The site proposed by the Government, that is Young's site, will increase the cost to the consumers $\frac{1}{4}$ d. to 1d. a pound of meat during the summer months. The present site is better than Mr. Young's, the best site would be in Messrs. Shepperd or Dilworth's property, near the first cutting on the Otahuhu road. My own property at One Tree Hill Swamp would be better than the present site; but it is not so good as Mr. Dilworth's. The cattle owners would be placed at a great disadvantage if it was removed to the back of Mount Eden. I do not think the Railway would be much used, it would only be for bringing the carcasses into town from a greater distance than the Slaughter-house. I am altogether unfavorable to Mr. Young's site. If a general Slaughter-house were erected no other should be allowed within a certain radius of the Slaughter-house. All Slaughter-houses should be under proper regulations with a provision for removing the grosser offal, a site over the water in any of the Bay's would do. The Government reserve on the Panmure road is preferable to Young's land.

On motion of Mr. Kerr, the Committee adjourned until Wednesday at noon. Messrs. Young Scarrot, Phillipson and Bedlington requested to attend the latter to bring Government plans.

J. W. HARROP,
Chairman.

WEDNESDAY, OCTOBER 26th, 1864.

Committee met pursuant to notice.

Mr. King
Mr. McGee

MEMBERS PRESENT:—

Mr. Kerr

Mr. Harrop in the chair.

Mr. YOUNG examined.

By the Chairman—

I am a Butcher carrying on business in Auckland. I have been in the habit of purchasing cattle at the Newmarket sale yards, and at one time had them slaughtered at the Newmarket Slaughter-house. It would be handier to have the Slaughter-house for Auckland and Suburbs adjacent to town, but it is not absolutely necessary. The present site of Slaughter-house is objectionable, I think the fittest site for a Slaughter-house would be my site on the Panmure road, I have lately slaughtered in my own Slaughter-house ; my chief reason for withdrawing from the Government Slaughter-house was the want of accommodation for keeping cattle. I do not think that butchers at Onehunga, Otahuhu and Panmure, would be content to send to one central Slaughter-house.

By Mr. King—

I consider the present site or its neighbourhood would not be a suitable site for the erection of a permanent Slaughter-house, it would be injurious to the health of the people the only advantage the

present site possesses is its proximity to town. I have made myself acquainted with the proposed sites for a permanent Slaughter-house. Taking into consideration all interests the site on Panmure Road would be the best, as it is in the centre of the grazing districts and there is plenty of water. No injury is caused to the meat by bringing it the further distance, the extra expense would not be more than 2s. a bullock. The Railway will facilitate the transfer of meat.

By Mr. Kerr—

There is surface water. It might also be got by sinking. You must cart away the solid offal; the remainder is washed away; there is sufficient water for that purpose. It would be in a central position for sale yards, at least as good as Newmarket. There would not in my opinion be any difficulty in getting paddocks for grazing cattle in, for everybody's interest it would be superior to Newmarket.

By Mr. McGee—

I have not been actually down to the site in Hobson's Bay, but I think it would be a worse site than the present one. The site on the Panmure road would be as central as any I know, I do not know whether the Otahuhu butchers kill at Newmarket, but Cook of Onehunga does.

Mr. Young was thanked and withdrew.

The following tabular statement was handed in by Mr. King :—

INVENTORY OF CATTLE AND SHEEP KILLED AT NEWMARKET, AND ALSO AT WALTER'S AND YOUNG'S, OTAHUHU AND ONEHUNGA.

From 1st January, to 31st December, 1863.

	Beasts.	Sheep.		Beasts.	Sheep.
Newmarket ...	2,329	10,585	Walter's ...	1,438	2,953
			Young's ...	384	1,925
			Otahuhu ...	117	1,118
			Onehunga ...	125	889
	<u>2,329</u>	<u>10,585</u>		<u>2,094</u>	<u>6,885</u>

From 1st January, to 30th September, 1864.

	Beasts.	Sheep.		Beasts.	Sheep.
Newmarket...	2,474	10,179	Walter's ...	1,836	3,400
			Young's ...	352	2,117
			Otahuhu ...	174	952
			Onehunga ...	191	1,009
	<u>2,474</u>	<u>10,179</u>		<u>2,553</u>	<u>7,478</u>

Contractor, Otahuhu 778 656

E. KING.

October 26, 1864.

Mr. BEDLINGTON examined.

By the Chairman—

Handed in a plan showing the present and proposed sites for Slaughter-house, and states as follows: I am Provincial Engineer, I was directed to examine the sites for Slaughter-houses near Auckland. I have examined them my instructions went no further than to examine the sites offered. I consider the present site objectionable, a nuisance, and requires removal. Keeping in view the interests of all parties I consider the site on the Panmure road preferable to Newmarket. I have looked about and do not think you could get a better site.

By Mr. King—

The distance of Paice's site from town is less than the other, but there is no approach to it and very few cattle from that direction at present. There is an abundant supply of water at Young's site. The surplus water from the Lake takes a subterranean passage and it would not do to carry the drainage through that as we do not know what the passage is, and if it got blocked up it would cause a deal of difficulty. I believe it is Mr. Young's land; he has about 200 acres there I think; I believe he would sell sufficient for the purpose at £20 an acre. I would not have less than 8 acres but more would be desirable.

By Mr. Kerr—

I am of opinion taking the interest of all concerned into consideration that it is the best place for the Public.

Mr. Bedlington withdrew.
On motion of Mr. King ordered that, Messrs. George, Walters, Pollock, and Shore be summoned for the next meeting.

Messrs. Weaver, Stratford and Philson, and J. Baber Junr., for Tuesday next at 12 o'clock.
The Committee then adjourned till Friday next at 12 noon.

J. W. HARROP,
Chairman.

FRIDAY, OCTOBER 28, 1864.

Committee met pursuant to notice.

	MEMBERS PRESENT :	
Mr. McGee	|	Mr. Wynn
Mr. Martin		Mr. Keir
	Mr. Harrop in the chair.	
	Mr. HUNTER examined.	

By the Chairman—

I am a Cattle Agent and Auctioneer, I am in the habit of selling cattle at the sale yards at Newmarket. The sale yards should be near the Slaughter-House, the present site is too close to the main road. Considering the interests of all parties, I think the best site would be in either Dilworth's or Shepperd's Paddocks. Mr. Young's site is too far away and the only water is a well, which I do not think sufficient. The Butchers of Onehunga at present purchase and kill at Newmarket, but the Otahuhu butchers kill at Mr. Hall's Slaughter-House. The best site in Auckland I believe to be near Mr. Cheeseman's property, near Orakei, but I fear it would be too far away for the butchers. The best site of all is Mr. Petchler's, it is 14 acres in extent, I don't think the drainage running into Hobson's Bay would be a nuisance.

By Mr. McGee—

I think the site in Hobson's Bay would be preferable to either Shepperd's or Dilworth's but these would be better than Young's, Mr. Young's would be between two and three miles farther than Shepperd's. I believe the site in Hobson's Bay would be convenient for all parties.

By Mr. Wynn—

I believe the distance to the site at Panmure, would be the cause of the Meat being materially injured in transit during the summer season. It would also raise the price of Meat, I think one Slaughter-House would be sufficient.

Mr. POLLOCK examined.

By the Chairman—

I am a Butcher in town, am in the habit of buying and slaughtering cattle at Newmarket, I am aware it is proposed to move the present site of the Slaughter-House. The best place to fix the new Slaughter-House would be either Shepperd's or Dilworth's property. Mr. Young's site is out of the question from the distance. In the summer time the quality of the meat would not be injured by the conveyance into town. There is not sufficient water, there being only a well, and drainage there is none.

By Mr. McGee—

I speak of Young's present Slaughter-House, I think Petchler's is a good site but not as good as Shepperd's or Dilworth's.

Mr. SHOVE examined.

By the Chairman—

I am a Butcher in Hobson-street and in the habit of purchasing and slaughtering cattle at Newmarket, I have done so for eight years. I understand the intention of Government in removing the present Slaughter-House is to get better drainage and to remove it from the centre of traffic. Government plan of sites shown to Mr. Shove, I consider Mr. Young's site is too distant, Mr. Paice's difficult of approach, Mr. Petchler's decidedly the best of the three. The next best site would be adjoining Mr. Cheeseman's property, but only as regards drainage. The present site is a great nuisance. I do not think the meat would be seriously injured if brought in proper carts from Mr. Young's site. In my opinion it would seriously affect the smaller Butchers, several would have to join in a cart to bring the meat from the Slaughter-House, and being closely packed it would injure the quality. Cattle coming to Mr. Petchler's site would be landed at the Tamaki. Considering all interests, I do not think any one of the sites suitable. The present site is a great nuisance to Newmarket and the

surrounding neighbourhood, the want of drainage is the nuisance. The site I recommend is on another stream of which the one at present used is a branch, it empty's itself into the bay, it would not be a nuisance if removed to where I recommend, provided regulations were made for driving cattle, only at proper times.

On the motion of Mr. Kerr, the Committee adjourned till Tuesday, 1st November, at 12 o'clock.

J. W. HARROP,
Chairman.

TUESDAY, NOVEMBER 1, 1864.

Committee met pursuant to no tie.

MEMBERS PRESENT :

Mr. Kerr
Mr. McGee

Mr. Harrop in the Chair.

Mr. Martin
Mr. King

MR. JAMES BABER examined.

By the Chairman—

I am an architect and surveyor, and reside at Remuera. I am aware that the site of the present Slaughter-house is a great nuisance to the residents of Newmarket and Remuera. I think it would be a benefit to the neighbourhood to remove it. I would suggest two sites, one at St. Anne's Bridge, Great South Road, distant about six miles from Auckland, and the other at the Government reserve at McDonald's Creek on Great North Road, distant about four miles; there is abundance of water at both places, but at St. Ann's some little expense would have to be incurred in making a pond to give sufficient head for flushing the floor. I think one Slaughter-house would be sufficient for the cattle slaughtered in Auckland and the surrounding districts but two would be more convenient. In driving cattle from the South towards Mr. Edgecombe's there would be the same objections as driving to Newmarket.

By Mr. Kerr—

Of the three Government sites considering all interests I think Mr. Young's site would be the best, I should not think there would be any difficulty in getting water. I do not think it ever likely to become a populous district. My objections to Mr. Petchler's site are that difficulties will be experienced in driving cattle over the level crossing of the Railway at Newmarket. Also that it would be as great a nuisance to the inhabitants as the present one.

By Mr. Martin—

I have not heard of the site proposed at Mr. Shepherd's

MR. WEAVER examined.

By the Chairman—

I am Engineer in chief to the Provincial Government. I am aware it is the intention of Government to remove the Slaughter-house. I am not acquainted with any of the proposed sites. I am of opinion that a site where there is plenty of water and near a Railway would be the best. I have seen the new *Abattoirs* at Melbourne and those at Sydney, and also one for a private Company about 20 miles out of Sydney on a line of Railway. The Government *Abattoirs* at Sydney, are about 2 miles out of the town on an Island which is connected with the main land by a bridge on one side and an embankment on the other. There are also private *Abattoirs* very largely used, about 20 miles out of Sydney on a line of Railway, both built by myself, the plan proposed by me would cost about £2,000.

On motion of Mr. Martin, Mr. Weaver was requested to examine and report on the sites.

DR. PHILSON examined.

By the Chairman—

I am Provincial Surgeon, in my medical capacity, I frequently pass through Newmarket, and have noticed the offensive smell from the Slaughter-house. I think the miasma arising from the Slaughter-house prejudicial to health. I have always been surprised that a greater degree of sickness has not been caused by it. Decided cases of Typhus Fever have been admitted into Hospital from residents at Newmarket. I think the Slaughter-house should be removed to a less populous neighbourhood. I think that the drainage being carried down to the beach would be still further prejudicial, all refuse should be collected in tanks and deodorised.

MR. SCARROTT examined.

By the Chairman—

I am a settler. I have heard the Government contemplate removing the present Slaughter-house. I think the present site objectionable for the inhabitants of Newmarket. I think a site should be chosen near the salt water. I think if the refuse was emptied into a drain where the tide would reach it would be carried away and not be a nuisance. I think it the best way to get rid of it. I do not think the Slaughter-house should be far from town, near the salt water within a mile or two of the city would be the best. I think one Slaughter-house would be sufficient for Auckland and the surrounding districts within a radius of 5 miles.

By Mr McGee—

Of the three Government sites I think Petchler's the more desirable, I know. Mr. Young's Slaughter-house, I do not think there is sufficient water for a Public Slaughter-house.

By Mr. Cheeseman—

I have been at Young's site, all the water I saw was in a well, I do not think there is sufficient water, for a Public Slaughter-house, I think it would be for the public benefit to have it near salt water because if built inland it would soon become a nuisance, I never saw a stream of water running across Shepherd's farm I believe a Slaughter-house there would soon be as great a nuisance as the one at Newmarket at present is.

By Mr. Martin—

I live in the neighbourhood of two Slaughter-houses, I find great inconvenience from Mr. Walter's Slaughter-house, but I have not from Young's, I believe the erection of a Slaughter-house would add to the value of property in some neighbourhoods, if it was placed near Mr. Young's it would increase the value of property in that locality. I think it would also add slightly to the price of meat. I do not think it would materially interfere with the butchers.

The Committee then adjourned until Thursday next at 12 o'clock, Messrs. Wrigley, George, Kilgour and Stratford to be requested to attend.

J. W. HARROP,
Chairman.

THURSDAY, NOVEMBER 3RD, 1864.

MEMBERS PRESENT :—

Mr. Kerr

Mr. Harrop in the chair.

Mr. McGee

DR. STRATFORD examined.

By the Chairman—

You are a medical practitioner ?

A Member of the Royal College of Surgeons.

In your medical capacity you have frequently to pass the present site of the Slaughter-house at Newmarket ?

I have.

You are aware of the offensive smell arising from it ?

I am ; and I think the terribly offensive smell has been perceptible and occasionally observed for miles distant.

You are of opinion the Slaughter-house should be removed ?

I am of opinion that it is very extremely deleterious to the health of the neighbourhood, and I think some houses ought not to be tenanted ; and I am certain many cases of typhoid fever have been produced by it.

Do you think that the butchers-meat would be materially injured by carting it from a distance ?

I think, if properly covered from the sun, three or four hours would make very little difference, and think if the killed meat remain within the range of the dreadful effluvia produced by the present Slaughter-house, it would do it more injury than conveying it a distance. I should object very strongly to all this material being conveyed down the gully into Hobson's Bay ; for, spread out upon the Bay and deposited in the sand, its decomposition would be a great nuisance, and surely a source of disease ; and, what's more, I consider it an enormous waste of material that should be employed for fertilising the soil.

What, in your opinion, would be the best way of deodorising and utilising the refuse of the Slaughter-house ?

To dig a hole in impervious clay, to allow the matter to be spread in the hole, and within twelve hours to cover it with a layer of burnt clay or alluvial matter, which would deodorise it. This occur-

FRIDAY, MARCH 3RD, 1865.

MEMBERS PRESENT :

Mr. McGee
Mr. Harrop

Mr. King
Mr. Martin

Mr. Harrop was appointed Chairman.

MR. WEAVER, Engineer-in-Chief, examined.

By the Chairman—

I have examined other sites than those offered by the Government. One on the North Road at Oakley's Creek, another site is a Government reserve near Low & Motion's Creek. These sites are sufficiently well supplied with water and drainage.

My attention was called to other sites on the North Road which were in themselves good but difficult of access for cattle.

Under any circumstances the cattle would have to be driven from the southern side to be slaughtered. I am under the impression that very few cattle come from the northern side at present, and therefore I do not see any great advantage in having a Slaughter-house in that direction. In the event of any considerable supply of cattle from the north, a site in this neighbourhood, would be desirable.

I have also visited Mr. Meurant's land. There was little or no water on it at the time, but I was informed there would be abundance by the formation of a dam and the construction of a reservoir.

The most favorable site for a central Slaughter-house provided the drainage is sufficient I think is Young's site, on the Panmure Road, but I have doubt as to the drainage being sufficient. In the event of the drainage becoming choked it would be very expensive to drain it artificially. I prefer this site to others on account of its accessibility generally, and its proximity to the Railway.

By Mr. King—

The drainage escapes through cavities in the Scoria at present. I am informed that the country has never been flooded in consequence of these cavities being filled up. I was also told that the flood-water has never gone below these cavities. There is sufficient water in the summer season for Slaughter-house purposes.

I think the present Slaughter-house is offensive to the inhabitants of that neighbourhood, and there is an insufficient supply of water and bad drainage. My objections would have the same force against Meurant's and Petchler's sites unless the proceedings were better conducted and they were more amply supplied with water and were properly drained. The only drainage at present from either of the sites is down the natural gullies. Effective and inoffensive drainage from a Slaughter-house could not be made but at a large expense.

I have also examined Point Resolution in Judges Bay. A site near St. Ann's Bridge has been suggested to me but I have not inspected it.

Taking all circumstances into consideration and the particulars of the various sites I do not see that one of them is free from considerable objection.

I would recommend a site near the line of Railway.

I would recommend the site on the Panmure Road, if the drainage can be depended on, without contamination to Springs in that locality.

By Mr. Martin—

If a temporary Slaughter-house were erected near the present one. I would recommend strict regulations respecting cleansing as well as the driving of cattle at certain hours during the day. I think the Slaughter-house near Auckland could be kept in much better order than at present if provided with a better supply of water. I think under all the circumstances, and the difficulties of obtaining a site free from objection, it might be advisable to erect temporary buildings on Meurant's land, and when the Railway is completed sites, which would now be objectionable on account of distance might become available.

By the Chairman—

Have the Provincial Government to your knowledge or the Railway Commissioners given notice that they required the present site of the Slaughter-house for Railway purposes?

I am not aware as a fact that such has been done. My impression is they have not.

Committee then adjourned till Wednesday next at 12 o'clock.

J. W. HARROP,

Chairman.

WEDNESDAY, MARCH 8, 1865.

Committee met pursuant to adjournment.

	MEMBERS PRESENT :	
Mr. McGee	|	Mr. Martin
Mr. King	|	Mr. Wynn
	Mr. Harrop in the chair.	

Mr. WEAVER examined.

By the Chairman—

Mr. Weaver, since your last attendance here you have visited other sites in the neighbourhood of Judge's Bay.

Yes as suggested by Mr. King. I have done so.

Will you kindly state to the Committee what you think of the sea-board in the direction of Judge's Bay?

Judge's Bay seems a favourable site for a Slaughter-house, but there is no indication of fresh water. I walked round from Point Resolution to the Small Gulley running into Judge's Bay, but even there there was no water. At the point which appears the best place for a Slaughter-house. I question whether water could be obtained even by sinking, and that at a considerable expense.

By Mr. Martin—

Having inspected all these various sites would you fix upon a new site or put up a temporary building near the old site?

All the sites examined are more or less unsuitable: but should the Railway be opened, the Panmure site appears to be the best of them for a permanent building.

By Mr. Wynn—

Should there not be two Slaughter-houses?

Yes I think there should be two.

In the event of cattle in any considerable number being sent down from the North, it would be more convenient to have two.

By Mr King (Plan of Slaughter-House submitted) —

Is this Slaughter-House sufficient in size for the population say for 6 or 7 years?

I do not know what the entire consumption of the population is, but the buildings shown in the plan are suitable for killing from 30 to 40 bullocks in each compartment per day, and in the other compartment almost any number of sheep, say up to 200 per day, and the building is capable of extension.

Have you made any estimate of the cost?

Yes. It will be about £1,200, exclusive of the cost of providing for drainage and water supply.

What do you mean by providing temporary accommodation? Would not a new building be necessary?

If temporary accommodation were provided in Meurant's site, probably a new building would be required. I am not able to say whether or not any of the materials of the present buildings are worth using. I could not calculate on a less expenditure than £700 or £800 on the buildings, and including a dam or well, probably £1000 to £1200.

Mr. Weaver stated in reference to the question last proposed at the previous meeting, that he had inquired at the Superintendent's Office whether notice had been given that the Slaughter-House site would be required, and learned that no such notice had been given.

Committee then adjourned.

It was resolved that the Committee should visit Young's site on the Panmure Road, with a view of forming an opinion as to its suitability for a Slaughter-House, and that Mr. Weaver be requested to accompany the Committee there.

J. W. HARROP,
Chairman.

The Committee, accompanied by Mr. Weaver examined Young's site, on the Panmure Road, and the other sites proposed, including Mr. Meurant's and Mr. Fletcher's.

WEDNESDAY, 29th MARCH, 1865.

Committee met pursuant to notice.

PRESENT :—
Mr. King | Mr. Martin
Mr. Harrop in the Chair.

The Minutes of preceding Meeting were read and confirmed.

On motion of Mr. Martin, *Resolved*, That the site known as Mr. Young's on the Panmure Road be selected as the site for the new Slaughter-House.

On motion of Mr. King, *Resolved*, That His Honor the Superintendent be respectfully requested to make ample accommodation in the New Building for the Slaughtering of Cattle, and that special attention be paid in framing rules to regulate the New Slaughter-House, in order that it may be properly and amply supplied with water for the purpose of being properly cleansed, and that sufficient and proper Stock-yards for the reception of Cattle to be slaughtered be provided.

On motion of Mr. King, *Resolved*, That the Committee recommend that His Honor the Superintendent take the necessary steps to commence the erection of the new buildings and appurtenances, with the least possible delay, in order that the slaughterers of cattle may not be subject to any inconvenience, in consequence of the site of the old building being immediately required for railway purposes—the Commissioners having already served the necessary notices.

On motion of Mr. King, *Ordered*, That the Chairman bring up the Report this day.

Ordered, That the Committee do this day empower Mr. Harrop to sign the Minutes of this day's meeting.

J. W. HARROP,
Chairman.

29th March, 1865.

Auckland Provincial Council.

SESSION XVIII., 1864-5.

R E P O R T

OF THE

COMMISSION APPOINTED TO ENQUIRE INTO THE ORGANIZATION AND WORKING

OF THE

WASTE LANDS DEPARTMENT;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMISSION

AND

M I N U T E S O F E V I D E N C E .

(Ordered by Council to be printed, April 6, 1865.)

AUCKLAND:
1865.

MESSAGE No. 92.

The Superintendent invites the attention of the Provincial Council to the report of the Commissioners appointed to enquire into the organization and working of the Waste Lands Department, also the evidence upon which that report was based, copy of which is transmitted herewith.

The Superintendent entirely concurs with the Commissioners in opinion, and in particular recognizes the necessity of appointing to the office of Waste Lands Commissioner some thoroughly qualified professional man who has been regularly educated in the highest branches of geodetic surveying.

But high professional attainments cannot be commanded without the offer of adequate remuneration. The Superintendent therefore recommends that a salary of £800 per annum be voted for a Waste Lands Commissioner. Such officer to have entire charge of the whole of the surveys of the Province both in connection with the alienation of Native Lands and otherwise, also to be charged with a proper system for all future surveys, and with the revision and gradual correction of all existing surveys.

The Superintendent believes that by the engagement of such an officer a great saving may be effected to the Province.

ROBERT GRAHAM,

Superintendent.

Superintendent's Office,

Auckland, 6th April, 1865.

R E P O R T

FROM THE

COMMISSION APPOINTED TO ENQUIRE INTO THE ORGANIZATION AND WORKING
OF THE WASTE LANDS DEPARTMENT.

Auckland, January 7, 1865.

SIR,—

In compliance with the instructions conveyed to us by your Honor's letter of the 19th of November last (No. 1651-14), that we would act as a Commission to enquire into, consider, and report upon the following matters, viz. :—

“The organization and working of the Provincial Waste Lands' Department as at present constituted.”

“Whether or not it would be beneficial to the public service that that Department should be divided into two separate and distinct branches, one under the Waste Land Commissioner and his Deputy, the other under the Provincial Surveyor?”

“If such division were made, what ought to be defined as the duties and responsibilities of each branch and their relative position to each other respectively; and to which of these branches should the subaltern employees of the present establishment be respectively assigned?”

“If such division be not considered advisable, what ought to be the relative position of the Deputy Waste Lands Commissioner and of the Provincial Surveyor towards each other, and towards the subaltern employees, and what ought to be their respective duties and responsibilities, no more weight being given to precedent in these matters than is consistent with apparent past, or probable future, advantage to the efficient performance of the public service?”

We have now the honor to state that, having examined the gentlemen named in the margin, whose evidence is appended hereto, we now beg to submit the following

Charles Haselden, Esq.,
Waste Lands Commissioner.
H. N. Warner, Esq.,
Deputy Waste Lands
Commissioner.
H. H. Fenton, Esq.,
Acting Provincial
Land Surveyor.
Major C. Heaphy.
James Baber, Esq.
J. J. Wilson, Esq.
Theoph. Heale, Esq.

R E P O R T .

1. The Waste Lands Department, as at present constituted, consists of the following officers :—

Waste Lands' Commissioner, who is also Commissioner of Crown Lands, and Receiver of Land Revenue.

Deputy Waste Lands Commissioner, who is in fact the Executive Head of the Department.

Provincial Land Surveyor.

Chief Draftsman.

Three Draftsmen

One Exhibitor of Plans, and

Five Clerks.

2. The evidence of all the witnesses examined, agrees in one important particular, namely in pronouncing the present organization of the Department as very defective. There is evidently a radical evil in the present system, which has led to such an absence of departmental discipline and subordina-

tion, that two gentlemen who have held the appointment of Provincial Surveyor informed the Commissioners that they could "hardly say" to whom they were subordinate, or to whom the Draftsmen in the office were subordinate.

3. The present unsatisfactory state of things has arisen in our opinion to a very great extent, from the practice which has obtained of making the Deputy Waste Lands' Commissioner, resident at Auckland, practically the head of the Department, while the office of Waste Lands' Commissioner was filled for some time by a member of the Executive Government, and recently the office was for some months unfilled, the duties being performed by the Deputy.

4. This state of things is, in our opinion, not in accordance with the arrangement contemplated by the "Waste Lands' Act," which appears to us to provide for the appointment of a Deputy Commissioner for temporary and special purposes, more particularly for carrying out the Act in the Country Districts, rather than as a permanent officer whose duties are far more important in many respects than those of his principal.

5. Another great defect in the present system exists in the anomalous position of the Provincial Land Surveyor—equally in regard to his own position as a subordinate of the Waste Lands Department, and the relative positions of the Deputy Waste Lands Commissioner and himself, and also the the Draftsman in the office to them both.

6. The serious results likely to arise from such a state of things will be best understood by a reference to the evidence of Major Heaphy, which (corroborated as it is by the evidence of other gentlemen) clearly shows that the harmonious working of the Department depends entirely on the *personal feeling* of the officers. Nothing *worse* than this can be said of *any* system, and is enough in itself to prove the necessity for a total re-organization of the Department.

7. The present mode of conducting the Surveys in connection with the alienation of the Waste Lands of the Province is also seriously defective, unconnected as they are by any comprehensive system of Triangulation, and carried on, we almost say, without the least attempt at a correctness, which can only be ensured by proceeding on a scientific basis. By the mode of survey at present adopted, errors on errors are accumulating which can have no other result than to involve the Province hereafter in innumerable disputes and almost endless litigation.

The want of country and local maps is also greatly felt, and is a serious inconvenience to intending settlers and others.

8. Assuming therefore that enough has now been said to show the inefficiency of the present system, of which indeed a perusal of the evidence can scarcely leave a doubt on the mind of anyone. We have only to reply in the negative to the questions contained in the Second Clause of your Honor's letter, which is also an answer to "clause 3," before passing on to "clause 4," in reply to which we think it desirable to consider what would be the best system under which the whole Department of Waste Lands may be re-organized.

9. After mature consideration of all the evidence, we are of opinion that the following arrangements for the re-organization of the Waste Lands Department should be made as soon as practicable :—

First,—That the office of Waste Lands' Commissioner be held by a thoroughly qualified professional man, who has been regularly educated in the highest branches of Geodetic Surveying, &c.

Secondly,—That this officer have entire charge of the whole of the surveys of the Province, both in connection with the alienation of Waste Lands and otherwise; and that he be specially charged to initiate a proper system for all future surveys, and to provide for the gradual revision and correction of all existing surveys.

Thirdly,—That the subordinates of the Department consist of :—

Two (or more) *District Surveyors*, whose duties would be (generally) to Survey Roads in their Districts, check the work of Contract Surveyors, ascertain the true position of, and connect the detached surveys; and to act specially as Deputy Waste Lands Commissioners, when sales of Land or other circumstances within their Districts should require.

A Chief Draftsman, in the head office, specially charged with the compilation of all plans, and the speedy preparation of Country or District plans, to be lithographed for public use.

This officer would of course be provided with the assistance of such number of Draftsmen as the exigencies of the service may from time to time require.

A Chief Clerk to the Commissioner to conduct the correspondence and issue Crown Grants, &c.

This officer might probably with advantage hold the appointment of Commissioner of Crown Lands.

A Clerk of Records, in charge of all (completed) plans, &c., and to whom *alone* the Public should have access to obtain information.

Such clerical assistance as may be necessary to conduct efficiently the business of the Department.

10. The above officers would form the permanent staff of the Department, and the Surveys would of course be done by contract as at present.

11. In reference to these Contract Surveyors, we would here record our opinion that they should all be licensed surveyors, under the Department—the passing a proper examination before a duly qualified Board of Examiners) the Head of the Department being of course one) being a condition precedent to receiving a License to perform Work under the Department.

12. Until such time as provision can be made for the above system, we would advise that a Provincial Surveyor be appointed temporarily, with a view to his hereafter being transferred to a District as one of the District Surveyors. And in making the appointment, we are of opinion that it should be distinctly understood that this officer should be *entirely subordinate* to the Head of the Waste Lands Department receiving instructions from him alone.

13. Pending other arrangements also, we would recommend that the appointments of Waste Lands Commissioner and Deputy Waste Lands Commissioner, as now held, should be abolished ; and that a professional man be appointed as acting “ Waste Lands Commissioner until the whole Department can be remodelled, and a permanent appointment made. Such an officer might be instructed to initiate as far as practicable the reforms in the Department herein referred to.

14. It need scarcely be stated here that permanent and sufficient office accommodation is absolutely essential to the proper preservation of the office records, and the efficient conduct of the business of the Department.

15. As too much importance cannot in our opinion, be attached to the necessity for the early commencement of a correct system of surveys throughout the Province, we would strongly urge that your Honor's influence should be used with the General Government to take advantage of the opportunity which now offers, in the surveys of the confiscated territory, for the initiation of a proper system of triangulation, which can gradually be extended over the whole Province.

16. We wished, before closing the enquiry, to have had before us a return asked for from Mr. Warner, which would have enabled us to arrive at the present cost per acre of the surveys in the Province ; but that gentleman's time has been so fully occupied as to have prevented our being as yet furnished with the information required. This may however still be obtained, and would be valuable as an appendix hereto.

17. We cannot conclude this Report without tendering to Major Heaphy and Mr. Heale our acknowledgements of the valuable information afforded us by them on the subject under enquiry, and we particularly commend a consideration of their evidence to your Honor's attention.

We have, &c.,

WM. WEAVER, A. J. C. E.,
Engineer in Chief,

WM. BEDLINGTON, R. E.

PROCEEDINGS OF THE COMMISSION.

SATURDAY, NOV. 26, 1864.

PRESENT—Both Commissioners.

Mr. H. N. Warner, Deputy Waste Lands' Commissioner, in attendance, and examined by the Engineer-in-Chief.

1. You are Deputy Waste Lands' Commissioner?
Yes.

2. Describe the organization of your department as at present established, stating number of officials employed, their salaries, and duties performed?

Deputy Waste Lands Commissioner, £400 per annum.

The general direction, superintendence, and responsibility of the entire operations of the department, and the conduct of all correspondence in relation thereto, &c.

Provincial Land Surveyor, £300 per annum.

The issue of instructions to Surveyors and examination of surveys on the ground, in accordance with directions received from the Deputy Waste Lands' Commissioner.

Chief Draftsman, £350 per annum.

The entire charge of the Drafting Department, the responsibility of the accuracy of the descriptions of Crown Grants, and their examination, as well as that of the various Plans of Survey, &c.

First Draftsman, £300 per annum.

Examination of plans, plotting, do., subdivision of same into saleable allotments, computing areas, and preparation of Land Lists and Land Returns, preparing boundaries of Highways, and other districts, as also the charge and preparation of all Survey and other Departmental Accounts.

Second Draftsman, £168 per annum.

Chiefly occupied in checking Areas, and copying Plans on Crown Grants, &c.

Engrossing Clerk, £200 per annum.

Engrossing Crown Grants, preparing monthly returns of Lands sold and selected, keeping the Land Sale Book, and the general supervision of the disposal of the applications for Land, and performing the general duties of Deputy Waste Lands Commissioner's Clerk.

Exhibitor of Plans, £150 per annum.

Furnishing the public with information on plans when making application, and preparing tracings, &c., of thistle and other districts, as well as being an assistant Draftsman occasionally.

Clerical Assistance, £168 per annum.

Custody of, and docketing applications for land, collecting information therefrom for Deputy Waste Land Commissioner to answer correspondence on the subject of applications for Crown Grants

and replying to the correspondence on the same, and general charge of the land orders when presented for endorsement, and recording the same.

Clerical Assistance, £100 per annum.

Charge of reference book, and occasionally copying clerk of correspondence.

Compiling Draftsman, £250 per annum.

Checking Plans of Contract Surveyors, reducing same for compilation, and computing areas of same.

Engrossing Clerk, £150 per annum.

Preparation of Crown Grants.

Preparing Draft Grants from description book, and Duplicates.

Entering Clerk, £150 per annum.

Entering Grants in register.

Can you suggest any improvements in the conduct of the Waste Lands Department, as at present administered?

Yes. The employment of District Surveyors, more Draftsmen, and the establishment of proper permanent, and more commodious office accommodation.

3. What is your relative position to the Waste Lands' Commissioner at present? Do you receive any instructions from him?

I receive no instructions from him, nor has such been customary. I receive instructions from the Superintendent direct.

4. So far as you are acquainted with the Act, what in your opinion should the duties of the Waste Lands' Commissioner be?

General supervision of the whole of the Waste Lands' Department, including the Surveying branch, as required by Act.

5. Has such been the usual practice?

Former Waste Lands' Commissioners have always done so.

6. Have former Deputy Waste Lands' Commissioners been professional men?

Invariably they have been professional men.

7. State the Provincial Surveyor's duties?

To carry out the instructions of the Deputy Waste Lands' Commissioners.

8. Has it been the practice of the Superintendent to give instructions direct to the Provincial Surveyor?

No. But it has been done.

9. Is it desirable that the Provincial Surveyor should be entirely under the Waste Lands Department?

Yes.

10. Is the Chief Draftsman attached to the Waste Lands' Department?

Yes?

11. How are the Surveys carried out?

They are performed under the Provincial Surveyor by Contract Surveyors.

12. State chief duty of Provincial Surveyor?

It is to verify the work done by the Contract Surveyors, and pass accounts for final payment.

13. Is the present contract system the best?

No. District Surveyors would be a better system, and I would recommend the appointment of District Surveyors, who should have charge of, and be responsible for, all surveys made in their District. I would recommend that the Deputy Waste Lands' Commissioner should be a professional man, and have entire charge of the Waste Land and Survey Department.

14. Would the duties required of the Waste Lands' Commissioner greatly interfere with his general superintendence of the Survey Branch, and would he require a Deputy?

I don't think it would if he were a Professional man; if he were not, he would require a Deputy, who was a professional man.

15. Is it any part of your duty to conduct Land Sales?

Yes.

16. Do you think it a good system for Deputy Waste Lands' Commissioner to act as Salesman?

I do not, but it cannot be avoided under the Land Order System. Under the present system, the sales must be conducted by the Commissioner or Deputy.

17. Is it compulsory that the offices of Waste Lands' Commissioner, and the receiver of Crown Land Revenue, should be held by the same person?

No.

18. Until recently were the offices of Waste Lands' Commissioner and Provincial Treasurer held by the same person?

Yes.

19. Was the Waste Lands' Commissioner necessarily the receiver of Crown Land Revenue?

No. The Receiver of Land Revenue is appointed by the General Government.

20. If District Surveyors are appointed, as you recommend, under whose direction should they be placed?

In case District Surveyors are appointed, I think they should be under the immediate direction of the Deputy Waste Lands' Commissioner, and be paid by salary.

21. Have you experienced any difficulty in getting your instructions carried out?

I have.

22. Is the Provincial Surveyor entirely subordinate to you?

I do not know who is at present Provincial Surveyor. I have been informed Mr. Fenton is, but his appointment has not been gazetted.

23. Have you issued any instructions to Mr. Fenton as Provincial Surveyor?

I have conveyed instructions to Mr. Fenton through the Superintendent.

24. Have the instructions been carried out?

They have not.

25. Have you received any reports or plans from Mr. Fenton as Provincial Surveyor?

I had a report from Mr. Fenton, on Mr. Fairburn's Road, but no report or plan relative to any instructions conveyed by myself. The report on the Road was to the Superintendent, and was referred by him to me.

26. State what official communication you have had with Mr. Hazelden with reference to Crown Land Grants?

Principal communication was with reference to Grants. As Crown Lands Commissioner, Mr. Hazelden issues Crown Grants as Commissioner of Crown Lands. As Waste Lands Commissioner, I have had little or no communication with him in reference to any one in my department.

27. Did you for some time, while there was no such officer as Waste Lands Commissioner, perform the duties of Crown Lands' Commissioner and Waste Lands' Commissioner?

Yes. The Waste Lands' Commissioner must be the Crown Land Commissioner.

Mr. Warner being thanked for his attendance, withdrew.

Commissioners adjourned until 10.30 a.m. on Monday next.

THURSDAY, NOVEMBER 28, 1864.

Commission met pursuant to adjournment.

PRESENT—Both Commissioners.

Mr. C. Hazelden in attendance, and examined by the Engineer-in-Chief.

1. You are the Waste Lands' Commissioner?

I am.

2. And also Receiver of Land Revenue, and Commissioner of Crown Lands?

Yes.

3. You hold these two appointments under the General Government?

I do.

4. Please state your duties as Waste Lands' Commissioner?

They have been very light, principally attending sales, and deciding claims referred to me, respecting Land Orders.

5. Are these all the duties?

At present they are the principal ones.

6. Is there, in your opinion, any objection to one person holding the two offices of Waste Lands and Deputy Waste Lands Commissioner, and discharging the duties of both offices?

I don't think it advisable that the two offices should be held by the same person. There are many duties which have hitherto been chiefly done by the Deputy Waste Lands Commissioner, which more properly should have been done by the Commissioner, and most probably would have been discharged by him, but from the fact of his having held other appointments, viz.:—Provincial Treasurer and Secretary. I am reluctant to interfere with this too suddenly, seeing that my appointment has caused dissatisfaction in a certain quarter. I hoped in a little time to effect a proper separation of the duties, and then the Commissioner would find his time fully occupied.

7. Mr. Hazelden will please state in writing what his opinion is of the present working of the Waste Lands' Act, and make any suggestions he may think proper, as to the mode in which the provisions of the Act should be carried out?

"There appears to be a want of method in conducting the business of the office, and so far as I can learn from observation there are too many employed.

"I do not think that the Waste Lands' Act intended the office of the Commissioner's Deputy to be a fixed one. Clause Six says, 'It shall be lawful for the Superintendent, *from time to time*, to appoint a fit and proper person to act as Deputy for the Commissioner at any place within the Province. This, surely, does not give the Commissioner's work into the hands of the Deputy to do as an independent officer."

CHARLES HAZELDEN,
Waste Lands Commissioner.

Mr. Fenton in attendance, and examined by the Engineer-in-Chief.

1. Are you Provincial Surveyor?
I have been acting as such, but my appointment has never been gazetted.
2. Have you received any instructions from the Commissioner of the Waste Lands' Department?
I never received any instructions from Commissioner or Deputy.
3. From whom have you received instructions?
I have received instructions from time to time from the Superintendent.
4. Have you received any special instructions?
I have received a letter containing instructions from the Superintendent as to Surveys in the North.
5. Did you receive any other instructions?
No. My duties have never been defined in any way since I held the appointment.
6. Did you receive a letter from the Superintendent?
Yes, and I commenced duties on 1st September last, under the authority conveyed in that letter.
7. Have you had any communication with the Waste Lands Commissioner?
I have had several oral communications with the officers in that Department.
8. Please state the nature of the communication?
For the purpose of getting information as to previous Surveys and the Kawa Kawa Block.
9. Did you make any application to the Deputy Waste Lands' Commissioner?
I applied to him, and he refused to give me any information, except through the Superintendent. Anything done has been done from instructions received through the Superintendent.
10. Are you aware of the working of the Waste Lands Act,
I am not aware of the system on which the Waste Lands Act is carried out.
11. When you were appointed Provincial Surveyor, did you consider you would be subordinate to the Waste Lands Commissioner or his Deputy?
No. Quite the reverse. I understood, in fact, I was told by the Superintendent that I should be quite independent of the Waste Lands Department, and not in any way subordinate to it.
12. Had you any idea of the duties you would be required to perform?
I had no idea. I have only found out from my own researches. I have never been informed of the duties I would be required to perform. I have often asked the Superintendent to define my duties, but he has never done so.
13. How have you been employed?
My first employment was special, but since then, in the usual routine of duties performed by my predecessor.

Mr. Fenton being asked to state in writing what he knew of the system under which the Waste Lands Department is carried out in the South, sent in the following statement:—

Auckland, November 28th, 1864.

SIR—

In reply to your request, I have the honor to inform you, in reference to the conduct of the Waste Lands and Survey Department in Southern New Zealand, that the only connexion that exists is that the Waste Land Department receives from the Chief Surveyor certified copies of plans of all Surveyed Lands, and gives the Chief Surveyor any information of the localities of land most in demand. For full evidence on this matter I should wish to refer you to Mr. Heale, a gentleman who has had considerable experience and been highly successful. For my own part, in holding the appointment of Provincial Surveyor, I think it absolutely essential for the well-working of the Department, that the Provincial Surveyor in the first place should receive from the Commissioner all information as to the Land he may require to be brought into the market, but in all the details of the Survey, the Provincial Surveyor be alone responsible. If there be a legal objection as to the designation of my appointment, it might be easily remedied by appointing me a Deputy Waste Land Commissioner. There could be no objection to this, as already it appears by the Act, that such Commissioner is expected to exercise surveillance over the Survey, as well as the other matters departmental. I trust, however, that whatever conclusion the Commissioners may arrive at, that the duties may be clearly defined, and so avoid any trouble hereafter.

I have, &c.,

HAROLD H. FENTON.

Messrs. Weaver and Bedlington.

TUESDAY, NOVEMBER 29, 1864.

Commissioners met pursuant to adjournment.

PRESENT—Both Commissioners.

Major Heapy in attendance, and examined by the Engineer-in-Chief.

1. Were you formerly Provincial Surveyor?

I was Provincial Surveyor, the Provincial Surveyor and Deputy Waste Lands Commissioner, conjointly, then Deputy Waste Lands Commissioner.

2. Were you then (as Provincial Surveyor) subordinate to the Waste Lands Commissioner or Deputy Waste Lands Commissioner?

I was to the Waste Lands Commissioner, but not to the Deputy Waste Lands Commissioner, although I was aware that the Deputy had all the powers of the Commissioner in his absence. They both were in Auckland, which I believe was never intended by the Waste Lands' Act.

3. Did you receive instructions from the Commissioner, or from the Superintendent direct?

I have received instructions from Superintendent, Waste Lands Commissioner, and Deputy Waste Lands Commissioner.

4. To whom did you report?

To Waste Lands Commissioner generally; occasionally to Deputy Waste Lands Commissioner.

5. Do you consider the present system of conducting the Waste Lands Department, a good one, especially in regard to the Survey Branch?

I consider it faulty in regard to the Survey Branch.

6. Do you think it would add to the efficiency of the Department if the Survey Branch were detached from the Waste Lands' Office, and formed into a separate Department?

No, I think it would create difficulty and delay.

7. Are you of opinion that the general system of Surveying by Contract, especially in regard to laying out Roads, is desirable?

Yes. I think it is, under due supervision: it has its defects, but it also has its advantages.

8. Would it not in your opinion be desirable to appoint District Surveyors at fixed salaries, whose duties should be to lay out Roads and verify the Surveys done by Contractors in their districts?

That might probably meet the difficulty, provided the Commissioner was a professional man, and equal to the professional requirements of the head office.

9. Should the head of the Waste Lands Department, in your opinion, be a professional or non-professional man?

A professional man.

10. The Waste Lands Commissioner having a great deal of what may be called judicial matters to attend to, adjusting claims, &c., would it not greatly interfere with his duties to have to attend to the Survey Department?

No. I do not think it would, provided you have a professional man, and not what I would call a "layman." The necessity of cases for adjudication refers to boundaries and areas, native claims, and Road encroachments, and a Surveyor can the most readily settle them.

20. To whom was the Chief Draftsman subordinate, in your time of office,—the Deputy Waste Lands Commissioner or Provincial Surveyor?

I can hardly give a definite answer to that question. I might say he belonged to both parties. They both claimed his services and accommodated these demands.

I think the whole difficulty could be got over by appointing a thoroughly qualified professional man as Waste Lands Commissioner, in which case the office of Deputy Waste Lands Commissioner will be unnecessary.

21. Supposing that to be adopted, what would you consider the best constitution of the Survey Branch? Would you think a Provincial Surveyor necessary?

I should not consider that office absolutely necessary.

22. Who would you consider the proper parties for the inspection and verifying of Surveys, &c?

District Surveyors, in that case, who would be responsible. I believe the District System of Surveying a correct one. I was a District Surveyor in Mahurangi, in 1855 and 6. The system seemed to work advantageously.

Will you be kind enough to give the Commissioners in writing your views as to the organization and arrangement of officers, best adapted for carrying out the provisions of the Waste Lands Act?

Answer appendix below.

Major Heapy being thanked for his attendance withdrew.

Adjourned till Friday next at 11 o'clock.

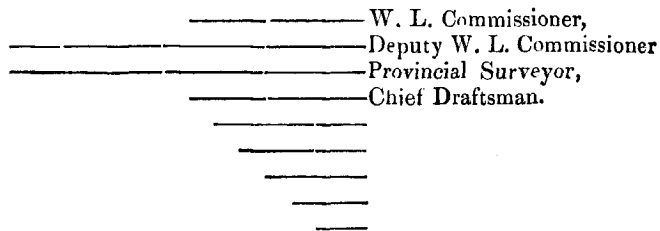
REMARKS ON THE ADMINISTRATION OF THE WASTE LANDS DEPARTMENT, BY CHARLES HEAPHY.

Many of the evils complained of in this Department have arisen, I think from the faulty principle of its construction.

I believe (from having attended to the Debates on the Waste Land Regulations and from a general bearing of the whole of the clauses of the Waste Lands Act, 1858,) that it was never intended that a Waste Lands Commissioner and Deputy Waste Lands Commissioner should conduct business in one locality in Auckland. Such a thing is an anomaly. The practice resulted from the first Waste Land Commissioner, being although a gentleman of great ability an unprofessional man in respect to surveying &c.; while the gentleman who was in possession of the Land Office, with its traditions and records, viz :—Mr. Baber being of long experience as a surveyor, in the administration of lands.

The Provincial Surveyor required to be a person well acquainted with the country of energetic habits, and of sufficient experience and practice professionally to command the respect of those whose work he had to inspect and approve.

The relative amount of administration of the work of the Department which devolved on each—beginning with the Waste Lands Commissioner, may be explained by the lines—



It is evident that an assumption of some duties by the Waste Lands Commissioner, takes from the actual administration officer (the Deputy Waste Lands Commissioner), a portion of the importance of his office. The Waste Lands Commissioner also occasionally gives instruction to the Provincial Surveyor, a circumstance that militates from the position of the Deputy. The public and the Superintendent look always to the Provincial Surveyor for the accuracy of Surveys, and, commenced as these necessarily are from many isolated points, that officer unless he has the control of the compilation of maps, cannot be responsible for accuracy.

When I commenced duty as Provincial Surveyor I had gazetted a number of trig points, poles on hill tops, remarkable peaks &c., on which all surveyors were to fix their work. This was to insure the relative accuracy of position of non-contiguous blocks on the General Maps, and prevent distortion and overlap of surveys, but without the control of the Draftsmen I could not carry it out.

The Deputy Waste Lands Commissioner naturally required the services of the Draftsman, in order to prepare tracings of Land for sale, to check contractors accounts, and to prepare Crown Grants, there was thus always a divided requirement, and although from personal friendship, no serious hindrance occurred; it was evident that *the constitution of the Department was wrong*. With regard to my relative position with Mr. Wilson, Provincial Surveyor, the last remark also holds.

I do not think that (unless private friendship clear the way), a man of sufficient standing will ever be found to fill the office of Provincial Surveyor, under a Deputy Waste Lands Commissioner.

I may here point out the inconvenience and delay occurring from the practice of remitting to the Waste Lands Department extraneous work—the odd jobs as they are termed by the other department. Reports on timber, reports on gold prospecting, reports on acclimatization and animals; and estimation of number of persons entitled to vote; on District Boards; and signing memorials; with anything else that other departments would avoid, is sent to the Land Department, until frequently the major part of the work done in a week is not that of placing persons on 40 acre lots, but in duties which the public knows nothing, and which is extraneous to the administration of Lands and Surveys.

I would propose that the office of Waste Lands Commissioner should in all cases be filled by a surveyor, and one well acquainted with the past land regulations of the colony for the last 15 or 20 years, and that he should have the actual control of the Department and the personal administration of the Land Law.

That until such time as it may be practicable to appoint District Surveyors, the office of Provincial Surveyor should continue, that officer reporting only to the Waste Lands Commissioner.

That as soon as possible District Surveyors should be appointed at such places as the Bay of Islands, Kaipara, Wangari, &c., &c., for the purpose of managing surveys, compiling maps, and inspecting contracts, in defined districts.

The Waste Lands Commissioner being a professional man would be able to superintend the compilation of country and province maps, in the head office; and make such arrangements as might be necessary for connecting all surveys by a system of tryonometical calculation.

The preparation of deeds should I think be an office department in itself, apart from all other duty.

During my connection with the Waste Lands Office, the gentlemen preparing Crown Grants were subject to having their attention drawn off by any 40 acre man who might require information.

The frequent removal of the office occasions great destruction of maps and confusion of papers, as well as loss of time ; all attempts at the attainment of order and system are frustrated by it.

CHARLES HEAPHY,

Chief Surveyor to the General Government.

December 1st, 1864.

FRIDAY, DECEMBER 2, 1864.

Commission met pursuant to adjournment.

PRESENT—Both Commissioners.

Mr. Baber in attendance and examined by the Engineer-in-chief.

1. You were formerly Deputy Waste Lands Commissioner ?

I was.

2. From whom did you receive instructions, the Waste Lands Commissioner or the Superintendent ?

Generally from the Superintendent.

3. Was the Waste Lands Commissioner at that time a member of the Executive Government ?

Yes, Dr. Pollen held the office then.

4. Do you consider the present arrangement of the Department of Waste Lands a good one, I mean especially as to the offices of Waste Lands Commissioner, Deputy Waste Lands Commissioner and Provincial Surveyor as at present divided ?

No I don't think it a good one.

5. Are you of opinion that the head of the Waste Lands Department, should be a professional, or non-professional man ?

A professional man.

6. What is your opinion as to the present system of contract surveys, especially as regards laying out roads ?

I recommended the appointment of District Surveyors in the time of the late Superintendent.

7. Do you think the Appointment of District Surveyors, reporting directly to the head of the Department, would be an improvement on the present system ?

Yes.

8. In your experience as Deputy Waste Lands Commissioner, did you find any difficulty in working with the Provincial Surveyor ; did you consider him your subordinate ?

I would rather you would not put down any answer to that question.

9. Who had special charge of the Draftsmen ?

Each used them as they required them, in Mr. O'Rafferty's time they were chiefly under me, in Mr. Heaphy's time they were under him.

10. In your experience, do you consider the appointment as at present held of Deputy Waste Lands Commissioner, and Provincial Surveyor, calculated to work together ?

I think not.

11. If you have any further suggestions to make will you be kind enough to furnish them in writing ?

The only additional suggestions I would make are, that I think the whole Waste Lands Department should be under the entire charge and control of one thoroughly qualified professional man, and in such a case I think it would be desirable to have two or more District Surveyors. I think the office of Provincial Surveyor, under the present system, useless, expensive, and deficient.

Mr. Baber being thanked for his attendance withdrew.

Adjourned until Monday next.

MONDAY, DECEMBER 5, 1864.

Commissioners met pursuant to adjournement.

PRESENT—Both Commissioners.

Mr. J. I. Wilson in attendance, and examined by the Engineer-in-Chief.

1. You were recently Provincial Surveyor ?
Yes.
2. Were you then subordinate to the Waste Lands or Deputy Waste Lands Commissioner ?
I know not whether I was or not.
3. From whom did you receive instructions ?
Mostly from the Superintendent direct.
4. To whom did you Report ?
Latterly to the Deputy Waste Lands Commissioner.
5. What were at that time the duties of the Provincial Surveyor ?
To dispose of all the work of the Department, and see that all arrangements were made for carrying out all the Surveys.
6. Do you think it would add to the efficiency of the Department if the Survey branch was detached from the Waste Lands Office, and formed into a separate Department ?
I think it is not necessary to separate them.
7. Are you of opinion that the present system of Surveying by contract especially in regard to laying out Roads is desirable ?
It is I think the best for the time being.
8. Should the head of a Waste Land Department in your opinion be a professional, or non-professional man ?
I don't think he should be a professional man, I think his position and duties should be more defined.
9. Would it not be well to have one head over the whole Waste Lands and Survey Department, and would not a properly qualified professional man be the best ?
I hope to see the whole Provincial Survey Department under one professional man.
Will you be kind enough to give the Commissioners in writing your views as to the organization and arrangement of office best adapted for carrying out the disposal of the Waste Lands ?
Answer appended below

Mr. Wilson being thanked for his attendance withdrew.

Adjourned until further notice.

MEMORANDUM.

Survey Station, Ngarauwalia,
December 17th, 1864.

In complying with a request of the Commissioners appointed to enquire into the administration of the Land Office, to state my opinions on the subject ; I would premise that the present arrangement is found to be faulty, or rather the organization imperfect. The duties of the heads of Department clashing with each other, it is in fact a body with two heads ; though from a fortunate succession of officers, the difficulties have been smoothed over, perhaps the frequent resignations that have taken place will tell more plainly than anything else ; the true state of the case.

In giving a hasty view of my idea in reference to effecting an improvement I will pass over without any detail of the points where the two heads are likely to differ in opinion ; as it is only recently that I had the honor of holding the position of one of them, lest it should appear that I had imputed any feeling respecting my individual case into the question.

I will endeavour to give my idea of a more satisfactory organization for the land and survey department.

The Waste Land Commissioner should attend to the general administration of lands, and should have a seat in the Executive, and if possible be a member of the Provincial Council.

The Surveys of the Province should be placed under the Superintendence of a thoroughly qualified professional man, both in the *office* and *field*.

If as I suppose it would be more than one man could properly attend to, considering the examination of Surveys, there should be a Deputy Chief Surveyor, whose business would be principally attending to the manner in which the surveys have been executed in the country.

To enumerate the duties devolving on the heads of the Survey department is quite unnecessary ; sufficient to say, he should have complete charge of the whole Department.

I might however mention that from my experience of the department that the greatest

necessity exists for compiled plans, and that they should be printed and published for general information.

And in the field to continue the system of endeavouring to locate Surveyors in certain districts, by keeping them employed there, and to offer a little encouragement for a District plan yearly of all work done, and make a scale of charges that the public could obtain every necessary information by applying to such surveyors.

I have already suggested in a report to the Superintendent of 27th April 1864, that a small salary should be paid, but perhaps the Province is not in a condition at present to give salaries, and the more thoroughly independent these District Officers are the better.

These few remarks are all that I will trouble the Commissioners with at present.

J. I. WILSON.

MONDAY, DECEMBER 19, 1864.

Commissioners met pursuant to adjournment.

PRESENT—Both Commissioners.

Theoph. Heale Esq., in attendance.

Memorandum of questions submitted to him by the Engineer in chief to which he returned answers as appended :—

1. I believe you have had considerable experience in connection with the Survey and Waste Lands Department of several of the New Zealand Provinces?

I was for about three years Chief Surveyor of Southland, and a member of the Waste Land Board; my avocations have led me to examine various systems of Survey and Land administration.

2 Will you be kind enough to inform the Commission, what is the system adopted in the Southern Provinces in conducting the sale of Waste Lands, more especially in regard to the Survey Department?

In the three Southern Provinces the administration of the Land is vested in a Waste Lands Board, and its officers *alone* communicate with the public in reference to land. The Survey Department is so far subordinate to the Waste Land Board that it carries out its "Resolutions" as to what Land shall be surveyed &c., is quite independent in the exercise of its own functions. It is strictly a Geodetic Department, the nature of the ordinary business in Southland is this:—when land has been proclaimed a "Hundred," and the Waste Land Board has "Resolved" that it be surveyed into Sections for Sale, the Chief Surveyor causes the Sectional Survey to be made; the Tryonometrical Survey having been previously carried forward far in advance of all probable demands for Land, this Triangulation enables the Department to give the Section Surveyor minute instructions as to his starting point, road and closings and enables any number of Surveyors to be employed on the most detached "spots" without any danger of discrepancies arising; as the Blocks are Surveyed; the maps after scrutiny in the Survey Office, are submitted to the Waste Land Board, and occasionally are returned for Reserves to be marked or other alterations to be made; when "passed" by the Board, the maps is lithographed in the Survey Office, the original is deposited in the Survey Office safe as a Record, and the copies are handed to the Waste Land Office for the use of the public. No one has access to the Records except by special permission of the Chief Surveyor, and a list of the practising Solicitors, and approved private Surveyors is kept for that purpose. Crown Grants of sold Sections are prepared in the Waste Land Office, proceed thence to the Survey Office, where they are "recorded" on the Crown Grant Record Map, compiled for that purpose from the working maps.

The Chief Surveyor is always a member of the Waste Land Board, and the two Departments have always worked together in the greatest harmony.

3. Do you think the system adopted in the Southern Provinces could be carried out here, taking into consideration the fact that the blocks of Land which are surveyed (as acquired from the Natives) are generally detached?

The whole system of the South is in my opinion quite inapplicable here. I see no scope here for the action of a highly organized Survey Department, and such a complete change as the creation of one would involve, would, in my opinion, be very ill-timed now, even if practicable, which I doubt. The Surveys in this Province have from the first been so conducted that there cannot be any Survey Record properly so called, and there are no means in existence by which the Contract Surveys can be effectively checked. To attempt now to unravel the accumulated errors of 24 years would be a prodigious task, and would probably fail altogether.

The most which I believe now to be practicable is gradually to connect the detached Surveys and to ascertain their variations in azimuth and standard from each other, and from the North, and to

provide that all new Surveys shall be based on a correct meridian. This would probably employ a competent Surveyor in each district, and very slight duties would fall to a central Department.

If the Surveys of the General Government are conducted on sound geodetic principles they will confine the old errors to a limited area, and will ultimately afford a basis for closing and eliminating them, and then that system may be extended over the whole Province.

It is so very much easier to start on a sound system than to rectify an old faulty one, that I think the Provincial Government will do well to content itself by using its influence to secure the adoption by the General Government of a thoroughly sound and scientific system of Survey; and I trust to that initiation for the ultimate extinction of the certainly very unsound one entailed on it by its predecessors.

4. Are you acquainted with the organization of the Waste Lands Department in this Province, and the mode in which the Surveys are carried out?

I apprehend that the Waste Lands Department of this Province has scarcely been so far "organized" that anyone can say they thoroughly "understand its organization." The Surveys have always been carried on on a system of "Traverse and Plot," every Surveyor obtaining his meridian from the compass, and working without any geodetic check whatever.

5. Do you not think that the Survey Department of this Province must almost of necessity, for the present, be a branch of the Waste Lands Office, and subordinate thereto?

I doubt if, under the system of unchecked Contract Surveys, there is room for the action of any Survey Department at all. Some supervision over the conduct and *character* of Contract and District Surveyors seems to be the only controul practicable.

In any case, as regards general directions, the Chief Surveyor or Survey Department must take instructions from the Waste Lands' Administration, and therefore be subordinate to it, but certainly in the execution of purely Survey duties it is very desirable that Surveyors and Draftsmen should be confined strictly to their own work, and should not be subjected to interference, or interrupted by other calls on their attention.

6. Will you be kind enough to give the Commissioners the advantage of any suggestions as to the best and most efficient mode of conducting the business of the Waste Lands' and Survey Departments?

I think the above embodies all I can suggest on the matter.

Auckland Provincial Council.

SESSION XVIII., 1865.

R E P O R T

OF THE

BUILDING COMMITTEE.

(Ordered by Council to be printed, April 25, 1865.)

Your Committee have the honor to report that they have considered the subject referred to them, and examined the following gentlemen thereupon, viz. :—

Mr. J. Baber
Mr. Wrigley
Mr. Keals
Mr. Weaver, Engineer-in-chief.

They have also communicated with the City Board.

In prosecuting their inquiries, the Committee have had their attention called to several defects in the Act now in operation, which in their opinion require immediate attention.

Your Committee are of opinion that the operation of the Building Act should be extended without delay, but that it is not advisable that this should be done without the introduction of certain amendments. They also think that the area of extension proposed in the Bill referred to them is too large.

The Committee therefore recommend—

1. That the area for the extended operation of the Building Act should be that bounded by a line commencing at the abuttal of Eden-street upon Mechanics' Bay, and thence along Eden-street to its junction with Waterloo Quadrant; thence along Victoria Quadrant and Coburg-street to its junction with Wellesley-street; thence along Wellesley-street to its junction with Hobson-street; thence along Hobson-street to high-water mark; thence along the line of high-water mark to Albert-street; thence along the intended new line of road across Commercial Bay to Point Britomart; and thence along the line of high-water mark to Eden-street aforesaid.

2. That a clause be inserted in the Bill, to give power to the Superintendent to extend the operation of the Act from time to time, as shall be deemed necessary, on the representations of the City Board.

3. That an additional Schedule be annexed to the Bill, to amend Schedule B. of the former Act, providing that the thickness of walls shall be determined by *inches*, and not by bricks; also, that for buildings of the first-class, the external walls be not less than 17 inches for the first floor and not less than 13 inches above, and that party walls be not less than 17 inches to the square of the roof, and thence not less than 13 inches; that for buildings of the second-class, the party-walls be not less than 17 inches for the ground-floor, and 13 inches above; and that for buildings of the third-class, the party-walls be not less than 13 inches all the way up; also, that any dividing wall between any two tenements shall, for the purposes of the Act, be deemed a party-wall.

4. That the Clause relating to Brestsummers, in Schedule C. in the Act, be amended, or so interpreted as to provide for the safety of the walls above—the Committee having found that the placing of Brestsummers 4 inches back has been attended with danger and even loss of life.

5. That Inspectors be appointed to see that the provisions of the Act are properly carried out in the case of any building within the limits of its operation, and that certain fees in respect of such inspection be chargeable on proprietors.

6. That hoardings inclosing any building in process of erection be limited both as to the space enclosed and the time they are permitted to remain.

Lastly, the Committee earnestly recommend that an Address be presented to His Honor the Superintendent, requesting him to instruct the Provincial Solicitor to confer with some architects and builders competent to advise in the matter, with a view to prepare a draft of an entirely new bill, and that the same be submitted for consideration early in the next Session of the Provincial Council, and that notice should be given three months previous to the extension of the boundary.

JAMES GEORGE,
Chairman.

Council Chamber,
Auckland, 25th April, 1865.

Auckland Provincial Council.

SESSION XVIII, 1865.

R E P O R T

OF THE

T H I S T L E A C T C O M M I T T E E .

(Ordered by Council to be printed, April 25, 1865.)

The Committee to whom was referred the enquiry into the working of the Thistle Act, and particularly as to whether the Inspector or Sub-Inspectors are permitted to enter into Contracts with the Government or other persons for the Eradication of Thistles, have examined into the questions referred to them, and report as follows:—

1st. Your Committee have the honor to report that it has been proved to the satisfaction of the Committee that the Sub-Inspectors have been in the habit of taking contracts from private persons in the districts over which they were Sub-Inspectors. Your Committee are of opinion that such a practice is highly improper, and that the Inspector ought to be instructed peremptorily to put a stop to it.

2nd. That the Thistle Act is in many respects insufficient for the purpose of keeping down the rapidly-increasing number of thistles.

3rd. The funds voted for the purpose are altogether insufficient, and your Committee recommend that in those districts in which the "Highways Act, 1862," is in force, the Commissioners ought to provide the necessary funds for the eradication of thistles in their respective districts, and that the administration of those funds should be left at the disposal of the Commissioners.

4th. That your Committee are of opinion that the owners or occupiers of land abutting on the highway ought to be compelled to eradicate the thistles on such portion of the highways as abut on such lands.

Your Committee beg to represent that the vast increase in the number of thistles apparent during the last few years, is in a great measure due to the want of their eradication on Native and Government lands; and your Committee would earnestly recommend the consideration of this part of the question to the Government and Council.

R. W. WYNN,
Chairman.

Council Chamber,
Auckland, 25th April, 1865.

Auckland Provincial Council.

SESSION XVIII., 1865.

R E P O R T

OF THE

T U R N P I K E A C T C O M M I T T E E .

(Ordered by Council to be printed, April 27, 1865.)

The Select Committee appointed to enquire into the working of the Turnpike Act, have the honor to report that they have taken evidence on the matter referred to them, and beg to recommend :

1. That no alteration be made in the Turnpike Act during the term of the present tenant's lease.
2. That the schedule of the present Act be repealed, and the following inserted in lieu thereof :—

For every single horse or mule	...	...	...	...	...	3d.
For every two-wheeled carriage or vehicle drawn by one horse or mule	...	...	...	...	...	6
For every additional horse or mule drawing such carriage or vehicle	..	..	..	..	..	3
For every four-wheeled carriage or vehicle drawn by one horse or mule	...	...	...	...	...	9
For every additional pair of wheels beyond four drawn by one horse or mule	...	...	...	...	...	3
For every additional horse or mule drawing such carriage or vehicle	...	...	...	...	...	3
For every two-wheeled carriage or vehicle drawn by one bullock	...	...	...	...	...	4½
For every additional bullock drawing such carriage or vehicle	...	...	...	...	...	1½
For every four-wheeled carriage or vehicle drawn by one bullock	...	...	...	...	...	7½
For every additional bullock drawing such carriage or vehicle	...	...	...	...	...	1½
For every additional pair of wheels beyond four drawn by one bullock	...	...	...	...	...	1½
For every additional bullock drawing such carriage or vehicle	..	..	..	..	..	1½
For all great and small cattle per head	...	..	...	...	...	1½
For pigs, sheep, and goats per head	...	..	...	...	...	0½

Provided that all carriages or vehicles with wheels having tires of a breadth not less than four and a half inches shall only be liable to one half of the above rates of Toll.

3rd. That an additional Toll Bar should be erected near to Otahuhu and another at the junction of Symonds Street with the Kyber Pass Road.

JAMES GALLAUGHER,
Chairman.

Council Chamber,
Auckland, 27th April, 1865.

B—No. 1.

Auckland Provincial Council.

SESSION XVIII, 1864-5.

A STATEMENT

OF THE

REVENUE AND EXPENDITURE

OF THE

PROVINCE OF AUCKLAND,

DURING THE PERIOD FROM THE 1ST DAY OF OCTOBER TO THE 31ST DAY OF

DECEMBER, 1864.

(Ordered by Council to be printed January 25th, 1865.)

AUCKLAND:
1865.

A STATEMENT OF THE REVENUE AND EXPENDITURE OF THE PROVINCE OF

REVENUE.						£	s.	d.
FROM THE GENERAL REVENUES OF THE PROVINCE :—								
Customs—Three-eighths Gross Receipts at Auckland, from 1st September till 30th								
November, per Colonial Treasurer						14,835	11	1
Land—On Account of Land sold						3,157	2	8
PROVINCIAL REVENUE :—								
Fees—Pilotage and Harbour Dues						746	10	6
" Dog Nuisance Act						10	15	0
" Water Tank						13	10	0
" Auctioneers' Licenses						130	0	0
" Publicans' Bush Licenses						20	0	0
" Diseased Cattle Act						100	0	0
" Wholesale Spirit Licenses						20	0	0
Rent—Public Slaughter House						84	0	0
Miscellaneous						82	7	6
Harbour Debt Interest						720	0	0
REIMBURSEMENTS :—								
Hospital and Asylum						616	9	9
Public Works						124	3	6
Marine Board						31	7	8
Sundries						14	8	10
GREAT SOUTH ROAD :—								
Tolls						600	0	0
IMMIGRATION REPAYMENTS						620	12	9
Amount carried forward						21,926	19	3

AUCKLAND DURING THE PERIOD FROM 1ST OCTOBER TO 31st DECEMBER, 1864.

EXPENDITURE.	Totals.			On Account of the Year 1863.			On Account of the Year 1864.		
	£	s.	d.	£	s.	d.	£	s.	d.
PERMANENT CHARGES:—									
Interest on Provincial Debentures under Loan Act, 1863	1,102	15	0				1,102	15	0
Sinking Fund, do., do.	1,000	0	0				1,000	0	0
Superintendent, per Act	200	0	0				200	0	0
Auditor's Salary and Contingencies	52	8	0		16	0	51	12	0
PROVINCIAL COUNCIL:—									
Salaries	145	0	0				145	0	0
Contingencies	259	19	6				259	19	6
Expenses of Members	175	0	0				175	0	0
Provincial Council Library	72	0	6				72	0	6
THE SUPERINTENDENT'S OFFICE:—									
Salaries	346	16	8				346	16	8
Contingencies	77	13	3				77	13	3
PROVINCIAL SOLICITOR									
	93	10	6				93	10	6
WASTE LANDS OFFICE:—									
Salaries	461	1	8				461	1	8
Contingencies	130	7	10				130	7	10
ENGINEER IN CHIEF'S DEPARTMENT:—									
Salaries	250	0	0				250	0	0
Contingencies	31	12	4				31	12	4
ROADS AND WORKS OFFICE:—									
Salaries	191	0	0				191	0	0
Contingencies	22	1	6				22	1	6
POLICE DEPARTMENT:—									
Commissioner's Salary and Pay of Force	1,832	19	6				1,832	19	6
Contingencies	126	19	11				126	19	11
PRISONS:—									
Salaries	653	0	0				653	0	0
Contingencies	1,178	0	5				1,178	0	5
HOSPITAL:—									
Salaries	192	0	0				192	0	0
Contingencies	486	10	11				486	10	11
LUNATIC ASYLUM:—									
Salaries	109	10	0				109	10	0
Contingencies	328	15	0				328	15	0
SHEEP AND THISTLE DEPARTMENT:—									
Salaries	106	5	0				106	5	0
HARBOURS:—Auckland—									
Salaries	233	0	8				233	0	8
Contingencies	124	6	2				124	6	2
Manukau—									
Salaries	209	5	0				209	5	0
Contingencies	224	8	1				224	8	1
Russell—									
Salaries	82	3	0				82	3	0
Contingencies	2	15	0				2	15	0
Mongonui—									
Salary	25	0	0				25	0	0
Hokianga—									
Salaries	63	8	0				63	8	0
Contingencies	7	6	10				7	6	10
Kaipara—									
Salary	25	0	0				25	0	0
Contingencies	624	12	8				624	12	8
Amount carried forward...	11,246	12	11		16	0	11,245	16	11

AUCKLAND DURING THE PERIOD FROM 1ST OCTOBER TO 31ST DECEMBER, 1864. (Continued.)

EXPENDITURE.	Totals.			On Account of the Year 1863.			On Account of the Year 1864.		
	£	s.	d.	£	s.	d.	£	s.	d.
Amount brought forward ...	11,246	12	11		16	0	11,245	16	11
FERRIES :—									
Panmure... ..	67	10	0				67	10	0
North Shore	37	0	0				37	0	0
Wangarei and Kawai	4	10	0				4	10	0
Taipa	10	0	0	2	10	0	7	10	0
Karaka	12	0	0				12	0	0
Awitu	12	10	0				12	10	0
Kaipara	27	10	0				27	10	0
Mahurangi	25	0	0	25	0	0			
SPECIAL :—									
Surveys and Opening Blocks of Land ...	2,424	18	0				2,424	18	0
Preparing Crown Grants	158	11	8				158	11	8
Great North Road	744	11	8				744	11	8
Streets, Branch Roads, &c.	824	7	2				824	7	2
Bay of Islands	51	0	9				51	0	9
Kaipara Roads	325	16	10				325	16	10
Mangawai	73	16	3				73	16	3
Okura Road and Bridges	87	10	0				87	10	0
Wharf Road at Stokes' Point	35	0	0				35	0	0
General Contingencies	423	13	5				423	13	5
Road and Bridges at Kaurapapakapa (adl.) ...	63	2	0				63	2	0
Repairs to Wharf at Onehunga	56	2	10				56	2	10
Surveying Line of Tramway between the Wai-temata and Kaipara	171	16	7				171	16	7
Road Repairs	272	18	10				272	18	10
Raglan—Roads and Bridges	10	0	0	10	0	0			
Road and Landing-place at Coromandel ...	6	12	0	6	12	0			
Wangarei—Road to Korihohori	50	0	0	50	0	0			
MISCELLANEOUS :—									
Board of Education... ..	712	17	8				712	17	8
Printing and Stationery	254	17	3				254	17	3
Relief of Sick and Destitute &c... ..	731	19	5				731	19	5
Expenses under Thistle Act	83	10	0	40	0	0	43	10	0
Rent and Insurance of Public Buildings ...	95	12	6				95	12	6
Repairs, Public Buildings	218	10	2				218	10	2
Expense of publishing Provincial Laws ...	200	0	0				200	0	0
Vaccination	27	10	0				27	10	0
Railway Survey	543	1	0				543	1	0
Wynyard Pier, repairs of	19	16	9				19	16	9
Onehunga Institute... ..	5	4	0				5	4	0
House for Commodore	765	10	2				765	10	2
Private Grievance Committee	20	0	0				20	0	0
Expenses on account of Diseased Cattle Act ...	70	16	9				70	16	9
*Auckland Industrial School	1,000	0	0				1,000	0	0
Supreme Court (Temporary)	751	10	0				751	10	0
Prison Labour	88	5	9				88	5	9
Breaking Road Metal	539	0	4				539	0	4
Kawa Kawa Coal Mine	239	4	9				239	4	9
General Government	49	0	0				49	0	0
Amount carried forward ...	23,638	17	5	134	18	0	23,503	19	5

* To be transferred to Immigration.

A STATEMENT OF THE REVENUE AND EXPENDITURE OF THE PROVINCE OF

REVENUE.								
						£	s.	d.
Amount brought forward	...	...	...	...	...	21,926	19	3
LOAN INTEREST AND SINKING FUND...	...	...	...	...	...	105	0	0
			£	s.	d.			
City of Auckland charged to ...	...	...	667	1	1			
Great South Road, do. ...	...	...	1,800	0	0			
Harbour Trust, do. ...	...	...	1,299	9	0			
			<u>£3,766 10 1</u>					
PROVINCIAL DEBENTURES :—								
On account of Debentures issued	...	...	...	...	...	45,000	0	0
Do., do, to be issued	...	...	...	...	...	50,000	0	0
DEPOSITS :—								
Harbour Trust	...	...	...	...	...	2,120	15	4
City Trust	...	...	...	...	...	338	17	5
College and Grammar School Trust	...	...	...	...	...	3,519	2	6
Hospital Trust	...	...	...	...	...	42	8	3
Impounded Cattle Sold	...	...	...	...	...	20	19	6
A. F. Ridgway & Sons	...	...	...	...	...	4,607	15	8
Advances not accounted for 30th Sept., 1864,	...	...	...	...	...	4,731	19	6
Balance on 30th September, 1864,						20,761	2	7
						<u>£133,175</u>	<u>0</u>	<u>0</u>

Superintendent's Office,
19th January, 1865.

AUCKLAND DURING THE PERIOD FROM 1ST OCTOBER TO 31ST DECEMBER, 1864. (Continued.)

EXPENDITURE.					Totals.					
					£	s.	d.	£	s.	d.
Amount brought forward...					23,638	17	5			
EMPOWERING AND LOAN ACTS:—										
Great South and Onehunga Roads	...	...	...	...				323	18	7
Immigration	...	...	...	...				7,801	7	0
New Lock-up	...	...	...	...				1,460	16	8
Loan to City of Auckland	...	...	...	...				5,000	0	0
New Lunatic Asylum	...	...	...	...				3,582	3	0
Improvements to Stockade	...	...	...	...				1,547	6	9
Panmure Bridge	...	...	...	...				1,173	0	0
Auckland and Drury Railway	...	...	...	...				5,625	0	0
Maukai Harbour Improvements	...	...	...	...				362	0	8
Native Land Purchase	...	...	...	...				1,232	5	9
Loan to Harbour Trust	...	...	...	...				30,000	0	0
<i>Commissioners of Public Buildings—</i>										
Preparing Plans	...	...	...	...				2	2	0
Government House	...	...	...	...				25,000	0	0
Supreme Court House	...	...	...	...				25,000	0	0
					108,110	0	5			
DEPOSITS:—										
Harbour Trust	...	...	...	...	4,900	14	6			
City Trust	...	...	...	...	770	16	0			
College and Grammar School Trust	...	...	...	...	3,475	2	9			
Hospital Trust	...	...	...	...	360	13	9			
Impounded Cattle	...	...	...	...	85	3	6			
A. F. Ridgway & Sons	...	...	...	...	1,362	10	9			
Advances not accounted for	...	...	...	...	5,224	15	3			
Cash in the Bank of New Zealand	...	...	...	...	5,232	0	0			
Do. Provincial Treasury	...	...	...	...	14	8				
					£153,175	0	0			

R. B. LUSK,
Provincial Accountant.

A STATEMENT OF REVENUE AND EXPENDITURE, &c. (Concluded.)

PARTICULARS OF ADVANCES NOT ACCOUNTED FOR.

	£	s.	d.
Provincial Engineer	247	4	5
Engineer in Chief	265	12	11
Captn. Daldy, on account of Immigration...	4,000	0	0
T. Ball, for Public Works at Mongonui	7	16	8
An Advance on account of Prison Expenditure	3	0	0
Waitangi and Waimate Road Committee	12	18	2
W. Butler, on account of Mongonui Roads	350	0	0
Tairare Road Committee		9	6
H. Graham, on account of Kawakawa Coal Mine	237	13	7
F. D. Fenton, on account of Parliamentary Expenses	100	0	0
	£5,224	15	3

Auckland Provincial Council.

SESSION XVIII., 1863.

STATEMENT OF THE AUCKLAND LOAN ACT ACCOUNT ON 31ST JANUARY, 1865.

(Ordered by Council to be printed, February 14, 1865)

	£	s.	d.
Debentures issued, amounting to	200,000	0	0
Amount placed to the credit of Loan Account	175,000	0	0
Of this amount—£50,000, being the amount paid for Govern- ment House and the Supreme Court-House site, is charge- able against the portion of the Loan to be raised in 1866.			
(At the credit of the Loan Account £5,000.)			
In the hands of the Bank of New Zealand, available at 30 days' } notice	75,000	0	0
Expended on Loan Account to 31st January, 1865 :—			
Loan to Great South Road	15,000	0	0
" City of Auckland	11,000	0	0
" Harbour Trust	34,341	11	4
Loan on account of Manukau Harbour	576	0	8
" " Panmure Bridge	2,290	11	7
Immigration, including advances to Provincial Agents... ..	21,141	8	8
New Lock-up	3,000	0	0
New Lunatic Asylum	5,938	4	4
Improvement of Stockade	2,834	18	4
Surveys	4,499	2	1
Auckland and Drury Railway	15,921	17	7
Native Land purchases	5,773	10	9
Government House and grounds	25,000	0	0
Site of Old Supreme Court House	25,000	0	0
	172,317	5	4

R. B. LUSK,
Provincial Accountant.

February 13th, 1865.

B.—No. 4.

Auckland Provincial Council.

SESSION XVIII., 1864-5.

COMPARATIVE STATEMENT

FOR THE

YEAR ENDING 31ST DECEMBER, 1864.

(Ordered by Council to be printed February 10th, 1865.)

AUCKLAND:
1865.

COMPARATIVE STATEMENT,

SHOWING THE SUMS VOTED FOR THE SERVICE OF THE PROVINCIAL GOVERNMENT FOR THE
YEAR ENDING 31ST DECEMBER, 1864. THE EXPENDITURE ON ACCOUNT OF THAT
PERIOD, THE AMOUNTS UNEXPENDED, AND THE AMOUNTS
EXPENDED IN EXCESS OF VOTES AND WITHOUT
VOTES, ON 31ST DECEMBER, 1864.

	Amount Voted.			Amount Expended.			Amount Unexpended.			Expended in Excess of Vote.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
PERMANENT CHARGES :—												
Interest on Provincial Debentures ...	4,500	0	0	2,250	0	0	2,250	0	0			
Interest and Sinking Fund under Loan Act, 1863 ...	9,300	0	0	4,602	15	0	4,697	5	0			
Superintendent, per Act ...	800	0	0	600	0	0	200	0	0			
Auditors' salary and Contingencies ...	260	0	0	154	4	6	105	15	6			
PROVINCIAL COUNCIL :—												
Salaries ...	580	0	0	541	10	0	38	10	0			
Expenses of members ...	300	0	0	300	0	0						
Contingencies ...	600	0	0	625	19	4				25	19	4
Provincial Council Library ...	400	0	0	88	15	4	311	4	8			
THE SUPERINTENDENT'S OFFICE :—												
Salaries ...	1,404	0	0	1,353	0	8	50	19	4			
Contingencies ...	170	0	0	261	13	0				91	13	0
THE PROVINCIAL SOLICITOR ...												
	400	0	0	360	3	10	39	16	2			
ENGINEER'S OFFICE												
Salaries ...	1,000	0	0	567	10	0	432	10	0			
Contingencies ...	50	0	0	51	12	4				1	12	4
THE WASTE LANDS OFFICE :—												
Salaries ...	1,986	0	0	1,782	9	4	203	10	8			
Contingencies ...	200	0	0	437	18	10				237	18	10
ROADS AND WORKS OFFICE												
Salaries ...	764	0	0	738	10	8	25	9	4			
Contingencies ...	150	0	0	105	6	6	44	13	6			
POLICE DEPARTMENT :—												
Salaries ...	8,298	7	6	6,166	3	10	2,132	3	8			
Contingencies ...	877	8	0	643	14	3	233	13	9			
PRISONS :—												
Salaries ...	2,612	0	0	2,512	2	11	99	17	1			
Contingencies ...	3,180	15	0	3,834	3	1				653	8	1
New Lock-up ...	314	0	0				314	0	0			
HOSPITAL :—												
Salaries ...	768	0	0	725	1	9	42	18	3			
Contingencies ...	1,840	0	0	1,876	9	0				36	9	0
LUNATIC ASYLUM :—												
Salaries ...	438	0	0	423	8	0	14	12	0			
Contingencies ...	1,350	0	0	1,321	13	1	28	6	1			
SHEEP AND THISTLE DEPARTMENT ...												
	500	0	0	421	18	0	78	2	0			
Carried forward ..	43,042	10	6	32,746	3	3	11,243	7	10	1,047	0	7

	Amount Voted.			Amount Expended.			Amount Unexpended.			Expended in Excess of Vote.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Brought forward	43,042	10	6	32,746	3	3	11,343	7	10	1,047	0	7
HARBOURS :—												
Auckland :												
Salaries	965	0	0	894	17	4	70	2	8			
Contingencies	390	0	0	994	5	7				604	5	7
Manukau :												
Salaries	782	0	0	724	10	2	57	9	10			
Contingencies	400	0	0	413	0	8				13	0	8
Kaipara :												
Salaries	100	0	0	75	0	0	25	0	0			
Contingencies and pilot services ...	1,098	0	0	764	18	0	333	2	0			
Russell :												
Salaries	343	0	0	241	14	8	101	5	4			
Contingencies	25	0	0	2	15	0	22	5	0			
Mongonui :												
Salary	100	0	0	75	0	0	25	0	0			
Hokianga :												
Salaries	268	0	0	139	0	0	129	0	0			
Contingencies	35	0	0	52	7	3				17	7	3
Waikato :												
Salaries	442	0	0				442	0	0			
Contingencies	100	0	0	5	18	0	94	2	0			
Tauranga :												
Salaries	442	0	0				442	0	0			
Contingencies	100	0	0				100	0	0			
FERRIES :—												
Panmure Ferry and repairs	400	0	0	343	9	3	56	10	9			
North Shore	144	0	0	135	13	4	8	6	8			
Wangarei and Kawau	48	0	0	33	0	0	15	0	0			
Waipu — Main, East, and West												
Branches	35	0	0	17	10	0	17	10	0			
Mangawai	20	0	0	15	0	0	5	0	0			
Arai	10	0	0				10	0	0			
Orewa	25	0	0	12	10	0	12	10	0			
Waiwera	18	0	0	6	0	0	12	0	0			
Puhoi	18	0	0				18	0	0			
Mahurangi	30	0	0	15	0	0	15	0	0			
Taipu	10	0	0	7	10	0	2	10	0			
Mungamungaroa	18	0	0				18	0	0			
Mangarei	50	0	0	23	17	7	26	2	5			
Karaka	55	0	0	12	0	0	43	0	0			
Awitu	25	0	0	12	10	0	12	10	0			
Kaipara	130	0	0	27	10	0	102	10	0			
Waikato	104	0	0				104	0	0			
SPECIAL :—												
Surveys and opening blocks of land ...	4,000	0	0	6,044	12	3				2,044	12	3
Preparing Crown grants	300	0	0	459	11	2				159	11	2
Great North Road	2,000	0	0	1,636	19	10	363	0	2			
Great South and Onehunga Roads ...	3,655	6	10	1,171	1	2	2,484	5	8			
City of Auckland contribution to local rates	2,000	0	0	2,000	0	0						
Streets, branch roads, &c., to meet contributions, &c.	6,000	0	0	2,345	18	7	3,654	1	5			
Mongonui	250	0	0				250	0	0			
Bay of Islands	250	0	0	51	12	9	198	7	3			
Kaipara Roads	500	0	0	406	5	10	93	14	2			
Wangarei	100	0	0				100	0	0			
Waipu	100	0	0				100	0	0			
Mangawai	100	0	0	108	6	3				8	6	3
Matakana	50	0	0	4	12	0	45	8	0			
Mangapai Road	80	0	0				80	0	0			
Okura Road and Bridges	100	0	0	87	10	0	12	10	0			
Wharf Road at Stokes' Point	100	0	0	105	0	0				5	0	0
Mahurangi	50	0	0	40	4	6	9	15	6			
General contingencies	1,000	0	0	584	12	8	415	7	4			
Road repairs	1,000	0	0	1,335	12	6				335	12	6
Road and Bridges at Kankapakapa ...	100	0	0	127	2	0				27	2	0
Carried forward	71,507	17	4	54,300	1	7	21,469	14	0	4,261	18	3

	Amount Voted.			Amount Expended.			Amount Unexpended.			Expended in Excess of Vote.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Brought forward	71,507	17	4	54,300	1	7	21,469	14	0	4,261	18	3
SPECIAL (continued) :—												
Repairs to Wharf at Onehunga ...	100	0	0	213	11	7				113	11	7
General Assembly accommodation ...	500	0	0	819	9	7				319	9	7
Improvement of Slippery Creek ...	700	0	0	700	18	6				0	18	6
Police Station at Otahuhu ...	500	0	0	466	3	9	33	16	3			
Surveying line of tramway between the Waitemata and Kaipara	70	0	0	255	5	4				185	5	4
Bridge at Mauku	500	0	0				500	0	0			
Mount Smart Road (resolution of Council)	250	0	0				250	0	0			
Post Office, Bay of Islands (do) ...	300	0	0				300	0	0			
Pilot Station at Kaipara	300	0	0				300	0	0			
Additions to Hospital Buildings ...	750	0	0				750	0	0			
Additions and repairs to existing build- ings at Stockade	500	0	0				500	0	0			
Cutting Roads through new Blocks of Land... ..	500	0	0				500	0	0			
Whau Road, in the direction of Manukau Heads	250	0	0				250	0	0			
Bridge over the Mungamungaroa River, in accordance with Resolution of Council	250	0	0				250	0	0			
Public Works at Onehunga, to be met by equal contributions (Resolution of Council)	350	0	0				350	0	0			
Public Works at Newton	200	0	0				200	0	0			
To complete the Erection of City Lock-up	1,000	0	0	60	16	8	939	3	4			
MISCELLANEOUS :—												
Board of Education	3,000	0	0	2,106	4	1	893	15	11			
Printing and Stationery	600	0	0	870	13	4				270	13	4
Crown Prosecutions	650	0	0	24	19	0	625	1	0			
Relief of Sick and Destitute, and Main- tenance of Orphans	1,900	0	0	2,084	0	11				184	0	11
Expenses under Thistle Act	400	0	0	273	13	6	126	6	6			
Rent and Insurance of Public Buildings, Repairs, Public Buildings	275	0	0	258	12	6	16	7	6			
Rent of Water for Tank in Official Bay	500	0	0	909	10	2				409	10	2
Auckland Dispensary	10	0	0	10	0	0						
Auckland Dispensary	100	0	0	50	0	0	50	0	0			
Expense of Publishing Provincial Laws	250	0	0	200	0	0	50	0	0			
Vaccination	250	0	0	27	10	0	222	10	0			
Railway Survey, to be a charge against any future Loan for carrying out the projected Railway	1,000	0	0	797	13	1	202	6	11			
Purchase of Police Station	300	0	0				300	0	0			
Purchase of Works on Practical Mechanics	100	0	0	100	0	0						
Purchase of Works on Agricultural for Mahurangi Library	50	0	0				50	0	0			
Onehunga Institute	50	0	0	5	4	0	44	16	0			
Patriotic Fund... ..	500	0	0				500	0	0			
Assisting to provide house accommoda- tion for soldiers wives and families...	200	0	0	200	0	0						
Contribution to Improvement of Mangawai Harbor	300	0	0				300	0	0			
To meet recommendations of Private Grievance Committee	410	0	0	170	0	0	240	0	0			
House for Commodore... ..				1,465	10	2				1,465	10	2
Expenses under Diseased Cattle Act (beyond fees received)				2	19	8				2	19	8
Prison Labour				88	5	9				88	5	9
Breaking Road Metal				1,064	0	4				1,064	0	4
Kawa-Kawa Coal Mine				239	4	9				239	4	9
General Government				49	0	0				49	0	0
Refugees				38	11	6				38	11	6
Marine Board (this amount is reimbursed)				31	7	8				31	7	8
New Zealand Exhibition				100	0	0				100	0	0
* Auckland Industrial School Building				1,450	0	0				1,450	0	0
Carried forward	89,372	17	4	69,433	7	5	30,213	17	5	10,274	7	6

* This amount is transferred to Immigration, being for the Depot at Newton.

	Amount Voted.	Amount Expended.	Amount Unexpended.	Expended in Excess of Vote.
Brought forward	89,372 17 4	69,433 7 5	30,213 17 5	10,274 7 6
MISCELLANEOUS (continued):—				
Temporary Supreme Court	1,500 0 0	764 6 7	735 13 5	
Refunds		11 9 6		11 9 6
Albert-street Repairs		500 0 0		500 0 0
	90,872 17 4	70,709 3 6	30,949 10 10	10,785 7 6
EMPOWERING AND LOAN ACT:—				
Great South and Onehunga Road	15,000 0 0	15,000 0 0		
Immigration	45,000 0 0	12,041 14 8	32,958 5 4	
New Lock-up	3,000 0 0	3,000 0 0		
Loan to City of Auckland	20,000 0 0	11,000 0 0	9,000 0 0	
New Lunatic Asylum	14,000 0 0	5,638 4 4	8,361 15 8	
Improvement to Stockade	2,494 7 10	2,422 16 3	71 11 7	
Panmure Bridge	15,000 0 0	1,250 6 7	13,749 13 5	
Auckland and Drury Railway	100,000 0 0	15,496 17 7	84,503 2 5	
Manukau Harbour Improvement	2,000 0 0	362 0 8	1,637 19 4	
Native Land Purchase	10,000 0 0	1,282 5 9	8,718 5 9	
Loan to Harbour Trust	60,000 0 0	30,000 0 0	30,000 0 0	
Commissioners Public Buildings, for Government House and Supreme Court House... ..	50,000 0 0	50,002 2 0		2 2 0
TRUST EXPENDITURE:—				
Harbour Trust		11,826 14 11		
City Trust		2,748 19 2		
College Grammer School Trust		3 11 0		
Hospital Trust... ..		— — —		
Impounded Cattle		3 16 0		
Messrs. A. F. Ridgway & Sons		5,001 15 10		

R. B. LUSK,

Provincial Accountant.

B.—No. 5.

Auckland Provincial Council.

SESSION XVIII, 1864-5.

A

R E T U R N

OF THE

T H E L I A B I L I T I E S

OF THE

P R O V I N C I A L G O V E R N M E N T

ON THE 21ST OF DECEMBER, 1864, PAYABLE IN THE MONTH OF JANUARY, 1865.

(Ordered by Council to be printed March 21st, 1865.)

AUCKLAND:
1865.

B.—No. 5.

MESSAGE No. 72.

In compliance with the request contained in the Address No. 50, of date 2nd March instant, the Superintendent forwards to the Provincial Council a "Return of the Liabilities of the Provincial Government on the 31st December, 1864, payable in the month of January, 1865."

ROBERT GRAHAM,
Superintendent.

Superintendent's Office,
Auckland, 21st March, 1865.

B.—No. 6.

Auckland Provincial Council.

SESSION XVIII., 1864-5.

R E P O R T

OF THE

A U D I T C O M M I T T E E .

(Ordered by Council to be Printed, May 2nd, 1865.)

A U C K L A N D :

1865.

B.—No. 6.

REPORT OF THE AUDIT COMMITTEE.

The Select Committee to whom were referred the Public Accounts transmitted in Message 21 of last session and Message No. 8 of the present session, from the 1st October, 1863, to the 31st December, 1864, inclusive, have the honor to report—

That your Committee have examined the Statements of Public Accounts, and find that the items of receipts and expenditure correspond with the entries in the books of the Provincial Treasurer.

Your Committee have examined the Provincial Auditor, and have to report that the amounts of expenditure are sustained by the vouchers produced by the Provincial Accountant, and that with the exceptions hereinafter enumerated are covered by the Appropriation Acts and the Empowering Acts passed by the Provincial Council.

Your Committee recommend that his Honor the Superintendent be requested to make provision by Supplementary Estimate for the expenditure not so covered.

HUGH CARLETON,
Chairman.

Council Chamber, April 26, 1865.

APPENDIX TO REPORT

FOR THE YEAR 1863.

AMOUNTS IN EXCESS OF VOTE.

	£	s.	d.
PROVINCIAL COUNCIL.			
Library - - - - -	0	4	6
SUPERINTENDENT'S OFFICE.			
Contingencies - - - - -	18	3	4
ROADS AND WORKS OFFICE.			
Salaries - - - - -	9	11	8
POLICE.			
Pay of additional policemen - - - - -	454	12	7
PRISONS.			
Additional overseers' salaries - - - - -	262	8	1
HOSPITAL.			
Salaries - - - - -	0	0	10
Contingencies - - - - -	203	9	0
LUNATIC ASYLUM.			
Salaries - - - - -	1	2	7
Contingencies - - - - -	122	7	9
FERRIES.			
Panmure - - - - -	1	13	11
SPECIAL.			
Great North Road - - - - -	119	19	7
Streets, Branch Roads, &c. - - - - -	128	2	6
Mahurangi, Korewera - - - - -	11	15	0
" Ahuroa - - - - -	26	13	4
Contingencies - - - - -	24	10	9
Road Repairs - - - - -	167	5	1
Repairs of wharf at Onehunga - - - - -	40	18	11
MISCELLANEOUS.			
Printing and Stationery - - - - -	67	8	2
Addition to Lunatic Asylum - - - - -	107	3	2
NOT VOTED.			
Refund of overpayment - - - - -	12	0	0
<hr style="width: 20%; margin-left: auto; margin-right: 0;"/>			
£1,779 15 9			

FOR THE YEAR 1864.

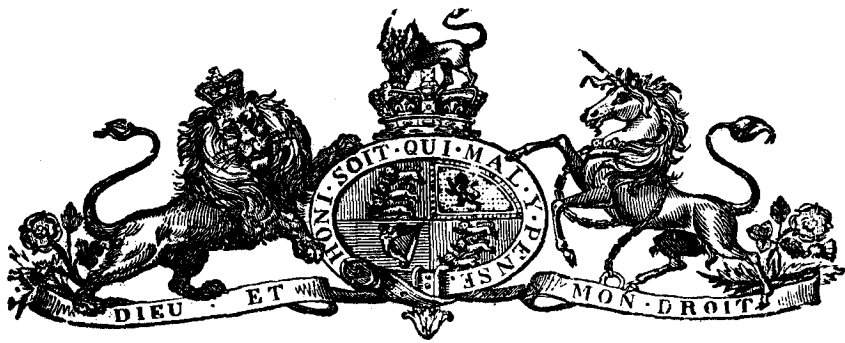
AMOUNTS IN EXCESS OF VOTE.		£	s.	d.
PROVINCIAL COUNCIL.				
Contingencies	-	-	-	25 19 4
SUPERINTENDENTS OFFICE.				
Contingencies	-	-	-	91 13 0
ENGINEER'S OFFICE.				
Contingencies	-	-	-	1 12 4
WASTE LANDS OFFICE.				
Contingencies	-	-	-	237 18 10
PRISONS.				
Contingencies	-	-	-	653 8 1
HOSPITAL.				
Contingencies	-	-	-	36 9 0
HARBOURS.				
AUCKLAND—				
Contingencies	-	-	-	604 5 7
MANUKAU—				
Contingencies	-	-	-	13 0 8
HOKIANGA—				
Contingencies	-	-	-	17 7 3
SPECIAL.				
Surveys and opening blocks of land	-	-	-	2,044 12 3
Preparing Crown Grants	-	-	-	159 11 2
Mangawai	-	-	-	8 6 3
Wharf Road at Stoke's Point	-	-	-	5 0 0
Road Repairs	-	-	-	335 12 6
Road and bridge at Kaukapakapa	-	-	-	27 2 0
Repairs to Wharf at Onehunga	-	-	-	113 11 7
General Assembly Accommodation	-	-	-	319 9 7
Improvement of Slippery Creek	-	-	-	0 18 6
Surveying line of tramway between the Waitemata and Kaipara	-	-	-	185 5 4
MISCELLANEOUS.				
Printing and Stationery	-	-	-	270 13 4
Relief of Sick and Destitute	-	-	-	184 0 11
Repairs Public Buildings	-	-	-	409 10 2
EMPOWERING AND LOAN ACT.				
Commissioners Public Buildings for Government House and Supreme Court	-	-	-	2 2 0

NOT VOTED.

House for Commodore	-	-	-	1,465 10 2
Expenses under Diseased Cattle Act	-	-	-	2 19 8
Prison Labour	-	-	-	88 5 9
Breaking Road Metal	-	-	-	1,064 0 4
Kawa Kawa Coal Mine	-	-	-	239 4 9
General Government	-	-	-	49 0 0
Refugees	-	-	-	38 11 6
Marine Board	-	-	-	31 7 8
New Zealand Exhibition	-	-	-	100 0 0
Refunds	-	-	-	11 9 6
Albert Street Repairs	-	-	-	500 0 0

 £9,337 19 0

Province of Auckland.



CATTLE LANDING ACT, 1865.

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

1865. SESSION XVIII. No. 1.

ANALYSIS:

- | | |
|---|---|
| Title. | 3. Exemption in favour of landing a small number of cattle. |
| Preamble. | 4. When Act to come into operation. |
| 1. Landing of cattle between certain points prohibited. | 5. Short Title. |
| 2. Penalty for landing cattle in prohibited places. | |

AN ACT *to Prohibit the Landing of Cattle in and near the City of Auckland.* Title.

WHEREAS the landing of Cattle from Ships in populous Preamble.
places and in the vicinity of the City of Auckland is a
dangerous public nuisance, and it is expedient to prohibit the
same.

BE IT THEREFORE ENACTED by the Superintendent of the
Province of Auckland with the advice and consent of the Provincial
Council thereof as follows :—

I. It shall not be lawful for any person to land from any
ship or vessel Cattle on the Southern Shore of the Harbour of
Auckland between the points known as Shelly Point and Resolu-
tion Point respectively. Landing of cattle
between certain points
prohibited.

Penalty for landing
cattle in prohibited
places.

II. Every master of a ship or vessel who after this Act shall come into operation shall land any Cattle or suffer any Cattle to be landed and every person who shall aid and assist in the landing of any Cattle between the places aforesaid shall forfeit and pay for every head of Cattle so landed as aforesaid any sum not exceeding £5 nor less than £1 to be recovered in a summary way Provided that no such penalty shall exceed in the whole £100

Exemption in favour of
landing a small number
of cattle.

III. Provided that it shall be lawful for the Superintendent or other person appointed by him for that purpose by writing under his hand to grant permission to any master of a ship or vessel to land Cattle within the limits aforesaid Provided that no such permission shall be given or be of any force or effect for the purpose of landing a greater number of Cattle than six out of any one vessel.

When Act to come into
operation.

IV. This Act shall come into operation not later than the fourteenth day of May next Provided that the Superintendent shall notify the same in the *Provincial Gazette* not less than fourteen days before the Act shall be brought into operation.

Short Title.

V. The Short Title of this Act shall be "The Cattle Landing Act, 1865."

WM. POWDITCH,
Speaker.

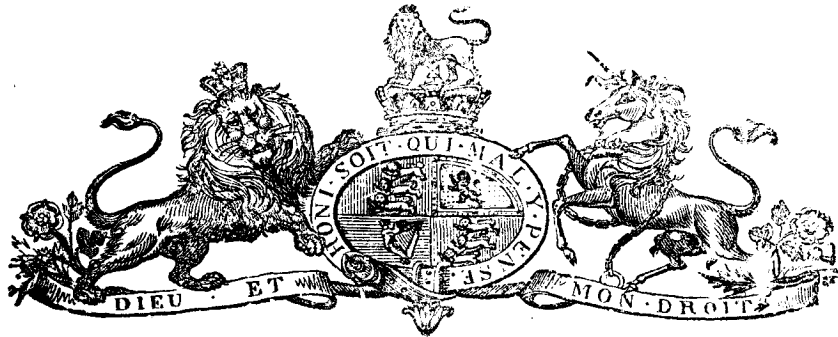
Passed the Provincial Council the thirteenth
day of April, one thousand eight
hundred and sixty-five.

G. MAURICE O'RORKE,
Clerk of Council.

On this first day of May, in the year of our Lord one thousand eight hundred and sixty-five, I hereby assent to this Act on behalf of the Governor.

ROBERT GRAHAM,
Superintendent.

Province of Auckland.



INDUSTRIAL SCHOOL ACT, 1862, REPEALING ACT, 1865.

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XVIII, 1865. No. 2.

ANALYSIS:

Title.
Preamble.

1. Recited Act repealed.
2. Short Title.

AN ACT to Repeal "The Industrial School Act, 1862."

Title.

WHEREAS in the Industrial School Act 1862 it was recited Preamble.
that in pursuance of "The Public Reserves Act 1854" the piece of land described in the schedule thereunto annexed was by grant dated the 14th day of February 1862 granted to the Superintendent of the Province of Auckland and his successors Superintendents of the said Province in trust as a public square And in the said Act it was further recited that it was expedient that the specific purpose for which such piece of land was granted be changed under the powers contained in the said "Public Reserves Act 1854" and that the same should be appropriated as a site for the erection of a School and for other purposes connected with the maintenance and education of orphans and destitute children in the Province of Auckland AND WHEREAS it was by the aforesaid Act enacted that the said Superintendent should thenceforth stand and be possessed of the piece of land particularly described in the schedule thereto and should hold the same in trust as a site for the

erection by public subscription of buildings to be used as a Home and School for the maintenance and education of orphans and destitute children in the Province of Auckland and for other purposes connected with the institution AND WHEREAS no steps have been taken to use the said land for the purposes aforesaid and the necessity for using the said land for the said purpose no longer exists it is expedient to repeal the said first recited Act and to alter the trusts upon which the said land shall be held.

BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland by and with the advice and consent of the Provincial Council thereof as follows:

Recited Act repealed.

I. The Industrial School Act 1862 is hereby repealed and the said Superintendent shall henceforth stand and be possessed of the said piece of land upon trust to hold the same as a site for a building or buildings to be used as an Immigration Barrack or for such other purpose as the public service may require.

Short Title.

II. The Short Title of this Act shall be "The Industrial School Act 1862' Repealing Act 1865."

WM. POWDITCH,
Speaker.

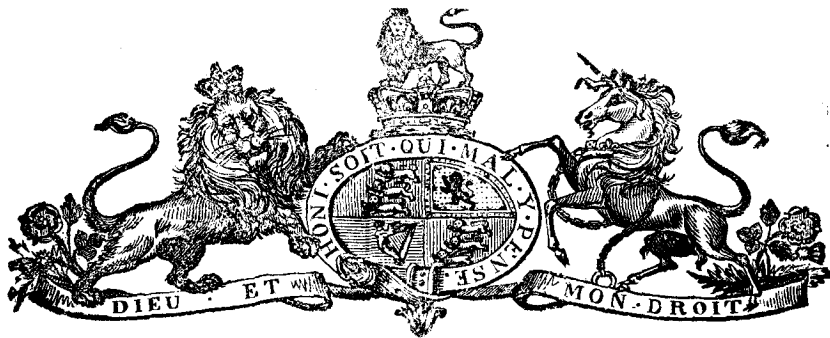
Passed the Provincial Council the Twenty-seventh day of April, one thousand eight hundred and sixty-five.

G. MAURICE O'RORKE,
Clerk of Council.

On this Tenth day of May, in the year of our Lord one thousand eight hundred and sixty-five, I hereby assent to this Act on behalf of the Governor.

ROBERT GRAHAM,
Superintendent.

Province of Auckland.



APPROPRIATION ACT, 1865.

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

1865. SESSION XVIII. No. 3.

ANALYSIS :

- | | |
|--|---|
| <p>Title.</p> <p>1. Certain sums to be applied to defray the charge of the Provincial Government from the 1st of January to the 7th October, 1865.</p> <p>2. Treasurer or other person in charge of public funds to pay money on warrant of Superintendent.</p> <p>3. Money borrowed to be deemed revenue.</p> | <p>4. Persons in possession of public funds to pay same to Treasurer or such other person as Superintendent shall direct.</p> <p>5. Penalty for misapplication of grants.</p> <p>6. Duration of Act.</p> <p>7. Repeal of Temporary Acts.</p> <p>8. Short Title.</p> |
|--|---|

AN ACT to appropriate the Revenue for 1865.

Title.

BE IT ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :—

1. Out of the Revenue of the Province of Auckland subject to the appropriation of the Provincial Council thereof and to any conditions expressed in this Act there may be issued and applied any sums of money for or towards the several services mentioned in the Schedules hereto annexed and such sums shall be issued for and applied to the several services specified and set forth in the several divisions and items of subdivisions opposite to the same in the said Schedules and not otherwise.

Certain sums to be applied to defray the charge of the Provincial Government from the 1st of January to 7th October, 1865.

Treasurer or other person in charge of public funds to pay money on warrant of Superintendent.

2. The Provincial Treasurer or other person having charge of the Public Funds of the Province shall issue and pay from time to time any sum of money not exceeding in the whole the sums respectively specified to such person and in such portions as the Superintendent for the time being shall by warrants to be granted by him from time to time direct and such Treasurer or other person having charge of the Public Funds of the Province shall in his accounts be allowed credit for all sums paid by him in pursuance of such warrants and the receipts of the persons to whom such sums shall have been so paid shall be to him a full discharge for the sums for which such receipts shall have been given and the amounts thereof shall be passed to his account accordingly.

Money borrowed to be deemed revenue.

3. All money borrowed under the authority of any Act of the Provincial Legislature shall be deemed to be revenue of the Province of Auckland for the purposes of the "Provincial Audit Act, 1861," of the General Assembly.

Persons in possession of public funds to pay same to Treasurer or such other person as Superintendent shall direct.

4. Every person who shall have possession of any Public Funds of this Province is hereby authorised and required to pay the same to the Treasurer thereof or to such other person and in such manner as the Superintendent by warrant granted under his hand shall direct.

Penalty for misapplication of grants.

5. Any Provincial Treasurer Secretary or other officer or person who shall divert or misapply any money out of the Revenue of the Province of Auckland subject to the appropriation of the Provincial Council thereof to any other uses or purposes than is by this Act directed and authorised shall be deemed to be guilty of an offence against this Act, and shall be liable to forfeit a penalty of £100, to be recovered in a summary way.

Duration of Act.

6. Provided always that this Act and all matters herein contained shall cease and be of none effect from and after the seventh day of October One thousand eight hundred and sixty five.

Repeal of Temporary Acts.

7. "The Appropriation Act 1865" and "The Appropriation Act (No. 2) 1864" are hereby repealed.

Short Title.

8. The Short Title of this Act shall be "The Appropriation Act (No. 1) 1865."

ESTIMATED WAYS AND MEANS
OF THE
PROVINCE OF AUCKLAND,
FOR THE YEAR 1865.

AVAILABLE.	£	s.	d.
Balance of Surplus General Revenue in excess of 3ths - - - - -	14,618	0	0
Unexpended Revenue of 1864 - - - - -	9,000	0	0
Customs - - - - -	67,500	0	0
Land Revenue - - - - -	6,000	0	0
Provincial Revenue - - - - -	7,000	0	0
Pilotage and Harbour dues - - - - -	3,600	0	0
Interest on Harbour Trust debt of £12,000 - - - - -	720	0	0
	£108,438	0	0
<hr/>			
CONTINGENT.			
Repayment of assisted passages - - - - -	2,000	0	0

AVAILABLE ASSETS.

	£	s.	d.
Balance of Surplus General Revenue	14,618	0	0
Unexpended Revenue of 1864	9,000	0	0
Customs	67,500	0	0
Land Revenue	6,000	0	0
Provincial Revenue	7,000	0	0
Pilotage and Harbour dues	3,600	0	0
Interest on Harbour Trust debt	720	0	0
	£108,438	0	0

REVENUE OF TRUSTS (ESTIMATED).

HARBOUR TRUST.				
Wharf dues, Tonnage, &c.	-	-	-	7,500 0 0
CITY TRUST.				
Rent of City Endowments	-	-	-	1,877 5 0
COLLEGE AND GRAMMAR SCHOOL TRUST.				
Rent of Endowments	-	-	-	693 7 6
Interest on cash lodged in Bank of New Zealand	-	-	-	139 0 0
HOSPITAL TRUST.				
Rent of Endowments	-	-	-	411 19 0

PERMANENT CHARGES.

	£	s.	d.	£	s.	d.
Interest on Provincial Debentures, 1855-6 to 1st May	-	-	-	1,500	0	0
Interest and Sinking fund on Auckland Loan, 1863	21,000	0	0			
Less amount to be received	-	-	-	12,000	0	0
Superintendent per Act	-	-	-	800	0	0
Auditors' Salary	-	-	-	200	0	0
„ Contingencies „	-	-	-	60	0	0
				£14,560	0	0
Remains for appropriation	-	-	-	93,878	0	0
				£108,438	0	0

EXPENDITURE OF TRUSTS.

HARBOUR TRUST.						
Interest and Sinking Fund, on £6,000 loan	-	-	-	5,400	0	0
Interest on £12,000 due to the Province	-	-	-	720	0	0
Establishment Salaries, Labour, Light, and Contingencies	-	-	-			
CITY TRUST.						
Interest and Sinking Fund on City Debentures	-	-	-	1,500	0	0
Cost of Collecting Rents	-	-	-	50	0	0
				£1,550	0	0
COLLEGE AND GRAMMAR SCHOOL TRUST.						
Cost of Collecting Rents	-	-	-	17	10	0
HOSPITAL TRUST						
Cost of Collecting Rents	-	-	-	10	6	0

APPROPRIATIONS.

GENERAL EXPENDITURE

FOR THE YEAR 1865.

	£	s.	d.	£	s.	d.
1. PROVINCIAL COUNCIL.						
Speaker	300	0	0			
Clerk and Librarian	250	0	0			
Messenger	100	0	0			
Expenses of Members for Mongonui and Marsden	150	0	0			
Contingencies—Printing and Clerical Assistance	600	0	0			
				1,800	0	0
2. THE SUPERINTENDENT'S OFFICE.						
Provincial Secretary	400	0	0			
Accountant	350	0	0			
Chief Clerk and Clerk of Executive Council	225	0	0			
Clerk	200	0	0			
Messenger	116	0	0			
Contingencies and Clerical Assistance	170	0	0			
				1,461	0	0
3. THE PROVINCIAL SOLICITOR						
				400	0	0
4. WASTE LANDS OFFICE.						
Deputy Waste Lands Commissioner	400	0	0			
Provincial Surveyor	350	0	0			
1st Draughtsman	350	0	0			
2nd Do.	300	0	0			
3rd Do.	168	0	0			
Engrossing Clerk	200	0	0			
Custodier and Exhibitor of Plans	150	0	0			
Clerical Assistance	100	0	0			
Contingencies—Stationery, Drawing Materials, Firewood, Travelling Expenses, and Labour	200	0	0			
				2,218	0	0
Carried forward				5,879	0	0

	£	s.	d.
Brought forward -	5,879	0	0
5. ENGINEER IN CHIEF'S DEPARTMENT.			
Engineer in Chief -	800	0	0
Inspector of Roads -	250	0	0
Clerk and Draughtsman -	200	0	0
Clerk -	125	0	0
Storekeeper -	75	0	0
Contingencies and Travelling Expenses -	250	0	0
Messenger -	39	0	0
	<hr/>		
		1,739	0 0
6. POLICE DEPARTMENT.			
Commissioner of Police -	400	0	0
One Clerk and Inspector of Weights and Measures -	156	0	0
One Sergeant-Major at 10s. 6d. per day -	191	12	6
Two Sergeants at 8s. 6d. per day -	310	5	0
Two Corporals at 7s. 6d. per day -	273	15	0
Fifty-five Privates at 7s. per day -	7,026	5	0
One Sergeant, Water Police, at 7s. 6d. per day -	138	5	0
Two Constables, Water Police, at 7s. per day -	256	4	0
District Constables, on occasional service -	600	0	0
Rents at Parnell, Newton, Panmure, Papakura, Mongonui, and New Districts -	202	4	0
Rations for Prisoners -	105	0	0
Stationery, firewood, oil, boat hire, travelling, &c. -	175	0	0
Expenses under Dog Nuisance Act -	30	0	0
Forage for Commissioner's Horse -	60	0	0
Great Coats and Clothing -	300	0	0
	<hr/>		
		10,224	10 0
7. PRISONS.			
STOCKADE—			
Gaoler -	200	0	0
Inspector of Labour, 15s. per day -	234	0	0
Five Overseers, first-class, at £126 -	630	0	0
Eleven do. second-class, at £114 -	1,254	0	0
Bedding and Clothing -	750	0	0
Rations and medical comforts -	2,350	0	0
Firewood and coal -	175	0	0
Contingencies—lamp oil, powder, tools, &c. -	150	0	0
Materials for workmen—leather, timber, &c. -	107	0	0
AUCKLAND GAOL—			
Gaoler -	200	0	0
Two Turnkeys, £120, £130 -	250	0	0
Four Overseers, at £114 -	456	0	0
Matron -	72	0	0
Contingencies—firewood, clothing -	200	0	0
Rations and medical comforts -	550	0	0
LOCK-UP—			
Rations -	100	0	0
Furniture, &c. -	100	0	0
Forage for Visiting Justice's horse -	60	0	0
	<hr/>		
		7,838	0 0
9. HOSPITAL.			
Provincial Surgeon -	350	0	0
House Surgeon -	175	0	0
Nurse -	100	0	0
Three Assistant Nurses -	162	0	0
Matron -	60	0	0
Cook -	60	0	0
Rations and Medical Comforts -	1,800	0	0
Medicines for Hospital, Lunatic Asylum, and Prisons -	160	0	0
	<hr/>		
Carried forward -	2,867	0	0
		25,680	10 0

	£	s.	d.	£	s.	d.
Brought forward	-	-	-	25,748	10	0
Hospital (continued):—	2,867	0	0			
Fuel	120	0	0			
Washing	120	0	0			
Contingencies—Bedding, Clothing, Books, &c.	280	0	0			
Bedding, &c., for new Wards	80	0	0			
				3,467	0	0
10. LUNATIC ASYLUM.						
Head-Keeper	120	0	0			
Three Assistant Keepers, at £48, £54, £60.	162	0	0			
Matron	60	0	0			
Assistant Matron	42	0	0			
Cook	54	0	0			
Rations and Medical Comforts	1,000	0	0			
Firewood	80	0	0			
Bedding, Clothing, Washing, and Contingencies	240	0	0			
				1,758	0	0
11. SHEEP AND THISTLE DEPARTMENT.						
Inspector	300	0	0			
Contingences	20	0	0			
Inspector of Slaughter-Houses	50	0	0			
				370	0	0
	£	s.	d.			
12. HARBOURS:—						
AUCKLAND.						
Port Master and Chief Pilot	400	0	0			
Harbour Master (also Wharfinger)	100	0	0			
Two Assistant Pilots, at £200 each	400	0	0			
Signalman	120	0	0			
Chief Boatman, at £10 10s. per month	126	0	0			
Two men, at £10 per month	240	0	0			
Extra assistance	100	0	0			
Boats, Buoys, Repairs, &c.	280	0	0			
				1,766	0	0
MANUKAU.						
Harbour Master and Pilot	250	0	0			
Assistant Pilot	130	0	0			
Signalman	120	0	0			
Chief Boatman, at £9 per month	108	0	0			
Three men, £7 per month	252	0	0			
Buoys, Beacons, and Mooring Chains	300	0	0			
Boats, Repairs, &c.	130	0	0			
				1,290	0	0
Additional Establishment						
KAIPARA.						
Pilot	250	0	0			
River Pilot	150	0	0			
Three men, at £96 each	288	0	0			
Boat, Buoys, Beacons, &c.	260	0	0			
				948	0	0
FUSSELL.						
Harbour Master and Pilot	200	0	0			
Two men, at £7 each per month	168	0	0			
Boat, Repairs, &c.	25	0	0			
				393	0	0
MONGONUI.						
Harbour Master and Pilot	100	0	0			
				100	0	0
Carried forward	-	-	-	4,497	0	0
				31,343	10	0

	£	s.	d.	£	s.	d.	£	s.	d.
Brought forward	-	-	-				31,343	10	0
HARBOURS (continued)	-	-	-	4,497	0	0			
HOKIANGA.									
Harbour Master and Pilot	-	-	100	0	0				
Two Boatmen, at £7 per month each	-	-	168	0	0				
Boat, Repairs, &c.	-	-	25	0	0				
						293	0	0	
WAIKATO.									
Harbour Master and Pilot	-	-	250	0	0				
Two Boatmen, at £8 per month each	-	-	192	0	0				
Boats and Beacons	-	-	200	0	0				
Boat Repairs, &c.	-	-	25	0	0				
						667	0	0	
TAURANGA.									
Harbour Master and Pilot	-	-	250	0	0				
Two Boatmen, at £7 per month each	-	-	168	0	0				
Boats and Beacons	-	-	100	0	0				
Boat Repairs, &c.	-	-	25	0	0				
						543	0	0	
							6,000	0	0
13. FERRIES.									
Panmure Ferry and Repairs	-	-	-	200	0	0			
North Shore	-	-	-	150	0	0			
Wangarei and Kawhia	-	-	-	48	0	0			
Waipu—Main, East, and West Branches	-	-	-	35	0	0			
Mangawai	-	-	-	20	0	0			
Arai	-	-	-	10	0	0			
Orewa	-	-	-	25	0	0			
Waiwera	-	-	-	18	0	0			
Puhoi	-	-	-	18	0	0			
Mahurangi	-	-	-	30	0	0			
Taipa	-	-	-	10	0	0			
Mungamungaroa	-	-	-	18	0	0			
Mangarei	-	-	-	50	0	0			
Karaka	-	-	-	48	0	0			
Kaipara	-	-	-	130	0	0			
Awitu	-	-	-	25	0	0			
Waikato	-	-	-	104	0	0			
							939	0	0
SPECIAL.									
Surveys and opening blocks of land	-	-	-	5,000	0	0			
Cutting roads through do.	-	-	-	1,000	0	0			
Great South Road	-	-	-	4,500	0	0			
Great North and Branch Roads	-	-	-	2,500	0	0			
City of Auckland	-	-	-	3,000	0	0			
Streets, branch roads, &c., to meet contributions and rates	-	-	-	8,000	0	0			
Road repairs	-	-	-	1,500	0	0			
Newton	-	-	-	300	0	0			
Onehunga Road, by Mount Smart	-	-	-	150	0	0			
Dirto, by Resolution of Council	-	-	-	250	0	0			
Kaukapakapa	-	-	-	200	0	0			
Mongonui	-	-	-	250	0	0			
Bay of Islands	-	-	-	250	0	0			
Kaipara Roads, including Portage Road	-	-	-	500	0	0			
Wangarei	-	-	-	120	0	0			
Waipu	-	-	-	200	0	0			
Maungakaramea	-	-	-	100	0	0			
Mangawai	-	-	-	100	0	0			
Matakana	-	-	-	100	0	0			
Mangapai Road	-	-	-	100	0	0			
Okura Coast Road	-	-	-	100	0	0			
Mahurangi	-	-	-	100	0	0			
Repairs to Wharf at Onehunga	-	-	-	150	0	0			
Supreme Court accommodation	-	-	-	1,500	0	0			
Carried forward	-	-	-	29,970	0	0	38,282	10	0

	£	s.	d.	£	s.	d.
Brought forward	-			38,282	10	0
SPECIAL (continued):						
Public Works at Onehunga, to be met by equal Contributions	29,970	0	0			
Post Office Bay of Islands (Resolution of Council)	350	0	0			
Coromandel	300	0	0			
Additions to Hospital Buildings	250	0	0			
Whau Road, in the direction of Manukau Heads	750	0	0			
To Complete the erection of the City Lock-up	250	0	0			
Two Police Stations, at Wangarei and Papakura	1,000	0	0			
Three Pilot Stations, Kaipara, Waikato, and Tauranga	400	0	0			
House for Assistant Pilot, Manukau	900	0	0			
Slaughter-House	150	0	0			
Rent of house for Pilot and crew at Onehunga	2,000	0	0			
House for Assistant Pilots, Auckland	40	0	0			
Additions and repairs to existing buildings at Stockade	200	0	0			
Prison in lieu of City Gaol	500	0	0			
Preparing Crown Grants	2,000	0	0			
Lithographing Plans	300	0	0			
Buoys for ascertaining Magnetic influence on Compass	150	0	0			
Stockyard at Stoke's Point	200	0	0			
House for Pilot's crew and ferrymen at Port Waikato	80	0	0			
Signal Station at Tiri-tiri	200	0	0			
	100	0	0	40,690	0	0

MISCELLANEOUS.

Board of Education	3,500	0	0			
Stationery	500	0	0			
Printing	400	0	0			
Advertising	200	0	0			
Relief of sick and destitute, and maintenance of orphans	2,500	0	0			
Expenses under Thistle Act	600	0	0			
Rent and insurance of public buildings	275	0	0			
Repairs of public buildings	500	0	0			
Auckland Dispensary	150	0	0			
Vaccination	250	0	0			
Postage	50	0	0			
Formation of Electoral Roll	250	0	0			
Returning Officer, Auckland	50	0	0			
Other Returning Officers, for each Provincial Election	2	2	0			
Extra pay to crew of the "Falcon"	98	5	6			
Contingencies	3,000	0	0	12,325	7	6
Subsidy for Steam Service to Coromandel and the North (if undertaken by a Local Company)				2,000	0	0

ADDITIONAL ITEMS OF EXPENDITURE.

	£	s.	d.		£	s.	d.
Road to Albertland Settlement	500	0	0				
For the Mangawai Breakwater (additional)	450	0	0				
Bonus to school teachers	99	11	8				
Subsidy for ferry from Ti Papa to Matapihi	50	0	0				
Pay for a police sergeant and private at Tauranga	95	12	6				
Mr. O'Brien, for past services as Returning and Registration Officer	60	0	0				
Assistance at Mount Eden Gaol	32	0	0				
To be placed at the disposal of his Honor the Chief Justice	400	0	0				
Carried forward	1,637	4	2	92,697	17	6	

		£	s.	d.
Brought forward ...	...	92,697	17	6
Brought forward ...	...	1,687	4	2
Salary of Assistant Pilot, Auckland (additional) ...	...	40	0	0
For site, &c., of Mechanics' Institute, Newton ...	...	100	0	0
For Mungamungaroa ferry service (increase of subsidy) ...	...	7	0	0
For expenses of Provincial Election next ensuing ...	...	350	0	0
For opening a road from Mangawai to Waipu, across Bream Tail ...	...	200	0	0
For opening a road from Wangarei to Mangapai, by Otaiki ...	...	70	0	0
Expenses of conveying prisoners and witnesses to Auckland ...	...	200	0	0
Expenses incurred in connection with the burglary at Mr. Beck's	...	343	0	0
Kawa-Kawa Coal-field exploration ...	...	500	0	0
For the purchase of books for the Auckland Mechanics' Institute	...	100	0	0
Expenses in connection with the New Zealand Exhibition ...	...	150	0	0
Great South Road (additional)...	...	2000	0	0
For hedging and making portion of Kaipara portage road, and extending wharf at Deacon's Point ...	...	500	0	0
For making and forming Franklin, Ponsonby, and Karangahape roads ...	...	600	0	0
Salary for Wharfinger at Onehunga ...	...	150	0	0
For the erection of a lock-up at Ngaruawahia ...	...	150	0	0
Do. do. at Waiuku ...	...	100	0	0
For repair of bridges on road from junction at the Whau to Waikomiti, Parish of Titirangi ...	...	100	0	0
For additional Overseers at Stockade or Gaol—one at £144, and two at £126 each ...	...	396	0	0
For road repairs (additional) ...	...	1000	0	0
For repairing streets in Howick, Panmure, and Otahuhu (to be distributed in equal proportions) ...	...	250	0	0
For arms and accoutrements for use of Overseers at the Mount Eden Stockade ...	...	93	2	0
For ferry service on the Kaipara, with a view to putting on a powerful vessel to carry goods as well as passengers (additional) ...	...	200	0	0
For expenses incurred on account of the visit of H.M.S.S. 'Falcon' to the Bay of Islands to try the Kawa-Kawa coal	...	17	0	0
For relief of sick and destitute (additional) ...	...	100	0	0
Expenses under Thistle Act (additional) ...	...	320	0	0
Expenses of Council (additional) ...	...	250	0	0
		<u>£9,973</u>	<u>6</u>	<u>2</u>
		<u>£102,671</u>	<u>3</u>	<u>8</u>

TRUST SERVICES.

HARBOUR TRUST.

Wharfinger (also Harbour Master,) at 100 per annum	-	200	0	0
Assistant Wharfinger	-	220	0	0
Collector and Clerk	-	175	0	0
Labourer	-	96	0	0
Occasional Assistance	-	100	0	0
Expense of Light	-	80	0	0
Fenders, &c.	-	40	0	0
		<u>£911</u>	<u>0</u>	<u>0</u>

WM. POWDITCH,
Speaker.

Passed the Provincial Council the Fourth day of May, one thousand eight hundred and sixty-five.

G. MAURICE O'RORKE,
Clerk of Council.

On this Eleventh day of May, in the year of our Lord one thousand eight hundred and sixty-five, I hereby assent to this Act on behalf of the Governor.

ROBERT GRAHAM,
Superintendent.

Printed under the authority of the Provincial Government of the Province of Auckland, by WILLIAM H. J. SEFFERN, Shortland Crescent, Auckland, Printer for the time being to the Provincial Government.

Province of Auckland.



CITY BOARD ACT AMENDMENT ACT, 1865.

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

1865. SESSION XVIII. No. 4.

ANALYSIS.

- | | |
|---|--|
| <p>Title.
Preamble.</p> <ol style="list-style-type: none">1. No interference with streets without permission of Board.2. Board may fill up cellar-openings in streets.3. Alterations of pipes, &c., in streets to be made when necessary.4. Footpath, sewer, and lighting rates authorised.5. Board may decline to recognise private streets.6. When vacant allotments may be fenced by Board. | <ol style="list-style-type: none">7. Chairman to retain office till accounts audited8. When public sewer formed private sewers must be connected therewith.9. Board to maintain all existing Cisterns, Pumps, &c.10. Amendment of Section 81 of Act.11. Amendment of Section 101 of Act.12. Amendment of Section 103 of Act.13. Act incorporated with City Board Act.14. Short Title. |
|---|--|

AN ACT further to Amend "The City Board Act, 1863." Title.

WHEREAS it is desirable further to amend the "City Board Act, 1863," and to make further provision for carrying out the objects of that Act. Preamble.

BE IT ENACTED by the Superintendent of the Province of Auckland by and with the advice and consent of the Provincial Council thereof as follows :

I. No street highway footpath or public thoroughfare within the boundaries defined as the Boundaries of the City of Auckland by the City Board Act 1863 shall be stopped or opened up nor shall any barricade be erected or excavation be made therein or any drain sewer culvert or other work be made laid or formed

No interference with streets without permission of Board.

therein nor shall any vault excavation cellar or trapdoor be made laid or formed on or under any street highway footpath or public thoroughfare within the said limits by any person (not being a workman or officer employed in carrying out the instructions of the City Board) unless by and with the written permission of the Board under the hand of their Secretary or Engineer for the time being nor shall any person be entitled to remove any earth soil or other material therefrom nor alter the level thereof Every person who shall contravene this enactment shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding One Hundred Pounds (£100) to be recovered in a summary way upon the complaint of the Secretary or Engineer to the Board.

Board may fill up cellar-openings in the streets.

II. It shall be lawful for the City Board to fill up and level all cellar openings or other openings in the footpaths or streets within the limits of the "City Board Act" and to remove all cellar fittings or other works which interfere with or impede the thoroughfare on any such footpath or street In the event of any person impeding any officer or workman employed in such filling up levelling or removal he shall be guilty of an offence against this Act, and shall be liable in a penalty not exceeding One Hundred Pounds.

Alterations of pipes, &c. in streets, to be made when necessary.

III. All alterations of pipes already laid down or sewers or other works already formed in any of the streets within the said limits shall be executed to the satisfaction of the Board or their Engineer at the expense of the party owning such pipes sewers or other works or claiming a right to use the same.

Footpath, sewer, and lighting rates authorised.

Footpath rate.

Sewer rate.

Lighting rate.

IV. Besides the rates authorized by the City Board Act 1863 it shall be lawful for the Board to make and levy in manner prescribed by the said Act a special rate not exceeding fourpence per pound on the rated annual value of the property assessable for the formation and making of footpaths in any part of the City of Auckland and for the purpose of constructing any sewer and the works in connexion therewith may make and levy a special rate not exceeding tenpence in the pound to be collected from the district that would be beneficially affected by the construction of such sewer and for this purpose the City Board shall have power to form and constitute districts to be called "Sewer Districts" and upon such districts to lay such rate to cover the cost of constructing any sewer within such district as aforesaid and also may make and levy a special rate not exceeding fourpence in the pound upon all property within the limits of the City of Auckland for the purpose of lighting the same or any part thereof and all sums to be levied under the powers hereby conferred shall be expended in the formation making and maintaining such footpath for the construction of such sewers and for lighting the City of Auckland as the case may be.

Board may decline to recognise private streets.

V. It shall be lawful for the said Board to refuse to recognize any dedication to the public of any street lane or thoroughfare within the limits of the City Board Act or of this Act and to prevent the expenditure of any moneys under their control thereon until such street lane or thoroughfare shall be formed of a width of not less than forty feet and shall have been levelled formed sewered and paved to their satisfaction.

VI. It shall be lawful for the Board to expend from time to time such sums of money as may be required for making and maintaining a sufficient fence to enclose wholly or partially any allotment of land within the said limits to charge the same as a rate against the owner of such allotment and to recover the amount thereof from the owner or occupier either directly or in the manner prescribed by an Act of the General Assembly intituled "The Sale for the Nonpayment of Rates Act 1862" and notwithstanding the amount to be recovered may with the rates authorized by the City Board Act 1863 exceed the limits therein prescribed.

When vacant allotments may be fenced by Board.

VII. Section 29 of the "City Board Act 1863" in the final proviso thereof is hereby amended by the addition of the words "but in the event of the Chairman for the past year not being re-elected he shall retain office until the first Monday after the accounts of the Board for the year then expired shall have been audited and the annual Report published."

Chairman to retain office till accounts audited.

VIII. In all cases where a public sewer has been made in any street, it shall be lawful for the Board to serve on the owner of any tenement having frontage to or entering from such street a notice under the hand of their Engineer, or Inspector of Nuisances, calling upon such owner within ten days to form a private drain or sewer from such tenement, and to connect the same with such public sewer in a manner to be approved of by the said Engineer. In the event of such owner neglecting to comply with the requirements of such notice within the time therein specified such neglect shall be deemed an offence against this act and such owner shall thereupon be liable in a penalty of not less than £5 and not exceeding £100 to be recovered in a summary way.

When public sewer formed, private sewers must be connected therewith.

IX. The Board may cause all existing cisterns pumps and wells used for the gratuitous supply of water to the inhabitants within the limits of this Act to be continued maintained and supplied with water or they shall substitute other such works equally convenient and shall cause them to be maintained and supplied with water and such public cisterns and other works shall be vested in the Board and be under their management and control and the Board may construct any number of new cisterns pumps conduits and other works for the gratuitous supply of water for the use of any persons who may choose to carry the same away not for sale but for their own private use. Any person who shall wilfully damage destroy or commit any act whereby such cisterns pumps or other works may become damaged destroyed or defective such person shall be liable to a penalty not exceeding Ten Pounds nor less than Five Pounds. Provided always that any person who shall sell any water supplied from from any such cisterns pumps and wells without the sanction of the City Board first had and obtained in writing shall be liable to a penalty not exceeding Fifty Pounds. And further it shall be lawful for the City Board from time to time as they shall think fit to regulate the manner in which the public shall be allowed the gratuitous supply of water so provided and any person who shall be guilty of an offence against any such regulations shall be liable to a penalty not exceeding Five Pounds. The penalties aforesaid to be recovered in a summary way.

Board to maintain all existing cisterns, pumps, &c.

Amendment of Section
81 of Act.

X. Section 81 of the "City Board Act 1863" is hereby further amended by the insertion of the words "omnibus or other vehicle" after the word "waggon" in the fourth line thereof.

Amendment of Section
101 of Act.

XI. Section 101 of the "City Board Act 1863" is hereby amended by the insertion of the word "August" therein instead of the word "July."

Amendment of Section
103 of Act.

XII. Section 103 of the "City Board Act 1863" is hereby amended by the insertion of the word "July" therein instead of the word "August."

Act incorporated with
City Board Act.

XIII. This Act shall be read and construed as part of the "City Board Act 1863."

Short Title.

XIV. The Short Title of this Act shall be—"The City Board Act Amendment Act 1865."

WM. POWDITCH,
Speaker.

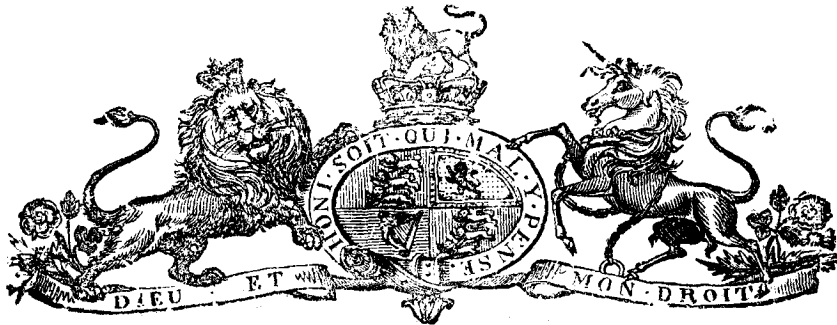
Passed the Provincial Council the Twenty-first day of April, one thousand eight hundred and sixty-five.

G. MAURICE O'RORKE,
Clerk of Council.

On this Twelvth day of May, in the year of our Lord one thousand eight hundred and sixty-five, I hereby assent to this Act on behalf of the Governor.

ROBERT GRAHAM,
Superintendent.

Province of Auckland.



CITY BOARD LOAN ACT, 1865.

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XVIII, 1865. No. 5.

ANALYSIS.

- | | |
|--|--------------------------------------|
| Title. | 2. Money to be secured on rates, &c. |
| Preamble. | 3. Short Title. |
| 1. Superintendent authorised to lend £7,000 to City Board. | |

AN ACT to enable the Superintendent of the Province of Auckland to advance by way of loan the sum of Seven Thousand Pounds to the City Board out of the money to be raised under the provisions of the Auckland Loan Act 1863. Title.

WHEREAS it is expedient to authorize the Superintendent to lend and advance the City Board the sum of Seven Thousand Pounds, to be expended as hereinafter mentioned : Preamble.

BE IT ENACTED by the Superintendent of the Province of Auckland, with the advice and consent of the Provincial Council thereof, as follows :

1. It shall be lawful for the Superintendent of the Province of Auckland out of the sum of Five Hundred Thousand Pounds to be raised under the provisions of the said Act to lend and advance to the said City Board the sum of Seven Thousand Pounds for the construction of a Market House in the said city. Superintendent authorised to lend £7,000 to City Board.

Money to be secured on
rates, &c.

2. Before making such advance the said Superintendent shall take security for the repayment of the said sum of Seven Thousand Pounds, at the rate of three pounds per centum per annum, together also with interest at a rate of not less than six pounds per centum per annum on the principal remaining due. Such security to consist of an assignment of all rates to be collected under the provisions of the "City Board Act, 1863."

Short Title.

3. The Short Title of this Act shall be the "City Board Loan Act 1865."

WM. POWDITCH,
Speaker.

Passed the Provincial Council the Twenty-seventh day of April, one thousand eight hundred and sixty-five.

G. MAURICE O'RORKE,
Clerk of Council.

On this Twelfth day of May, in the year of our Lord one thousand eight hundred and sixty-five, I hereby assent to this Act on behalf of the Governor.

ROBERT GRAHAM,
Superintendent.

Province of Auckland.



EMPOWERING ACT (No. 1) 1865.

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

1865. SESSION XVIII. No. 6.

- | | |
|---|---|
| <p>Title.
Preamble.</p> <ol style="list-style-type: none">1. Expenditure of £5,000 in purchase of Native lands authorised.2. Expenditure of £2,500 on Onehunga Wharf authorised. | <ol style="list-style-type: none">3. Provision for Interest and Sinking Fund.4. Superintendent has power to erect toll-bar.5. Persons evading the payment of toll may be proceeded against.6. Short Title. |
|---|---|

AN ACT to enable the Superintendent of the Province of Auckland to expend certain Moneys to be raised by virtue of the "Auckland Loan Act, 1863." Title.

WHEREAS it is expedient to authorise the Superintendent Preamble.
to expend out of the amount appropriated to the purposes of Immigration and Purchase of Land by the "Auckland Loan Act, 1863," a sum not exceeding £5000 on the purchase of Native Lands, and a sum not exceeding £2500 on the Wharf at Onehunga.

BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :—

I. Out of the amount appropriated to the objects of Immigration and the Purchase of Native Land and to be raised in virtue of the "Auckland Loan Act 1863" it shall be lawful for the Superintendent and he is hereby authorised from time to Expenditure of £5000 in purchase of Native lands authorised.

time to pay and expend any sum or sums of money not exceeding in the whole the sum of Five Thousand Pounds in the purchase of Native Lands including therein the whole cost of extinguishing the Native Title.

Expenditure of £2,500
on Onehunga Wharf
authorised.

II. Out of the amount appropriated to Public Works by the said recited Act it shall be lawful for the Superintendent and he is hereby authorised from time to time to pay and expend any sum or sums of money not exceeding in the whole the sum of Two Thousand Five Hundred Pounds in extending and repairing the Wharf at Onehunga.

Provision for Interest
and Sinking Fund.

III. It shall not be lawful for the Superintendent to expend any portion of the said sum of Two Thousand Five Hundred Pounds as last above mentioned until he shall have taken a Bond from such and so many responsible freeholders and others interested in the extension and repair of the Wharf as to the said Superintendent and Executive Council shall seem fit to secure the payment to the Superintendent of all interest and Sinking Fund which may become payable by the Provincial Government in respect of any money expended by virtue of this Act.

Superintendent has
power to erect toll-bar.

IV. It shall be lawful for the Superintendent to erect a Toll-bar on the said Wharf or any convenient point on the road leading thereto and to direct Tolls to be levied and paid for all goods animals and all vehicles passing to or from or otherwise using the said Wharf, and for all vessels loading or discharging cargo thereat at rates not exceeding the rates in the Schedule to this Act annexed and such rates at any time to alter.

Persons evading the
payment of toll may be
proceeded against.

V. If any person not entitled to exemption from Toll shall refuse to pay or shall evade payment of any such Toll the Collector thereof or any person acting under his authority may seize and distrain any goods animals or vehicles in respect of which any such Toll is payable or any goods or chattels of the person so refusing to pay such Toll and if such Toll with reasonable charges for such seizure and distress shall not be paid within four days the vehicles animals goods or chattels seized may be sold and the proceeds applied in payment of such Tolls or charges But nothing herein contained shall prejudice the rights of the said Superintendent at law to recover any sum due for Tolls.

Short Title.

II. The Short Title of this Act shall be "The Empowering Act (No. 1) 1865."

SCHEDULE.

	s.	d.
For every licensed cargo boat per load - -	1	6
For every registered coasting vessel - -	3	0
For every barrow or truck - -	0	3
For every vehicle with two wheels, without horses -	0	3
For every cart or other vehicle drawn by one horse -	0	6
For every additional horse - -	0	6
For every vehicle with four wheels, without horses -	0	6
For every horse not drawing any cart or vehicle -	0	6
For every head of great cattle - -	0	3
For every pig, sheep or goat - -	0	1

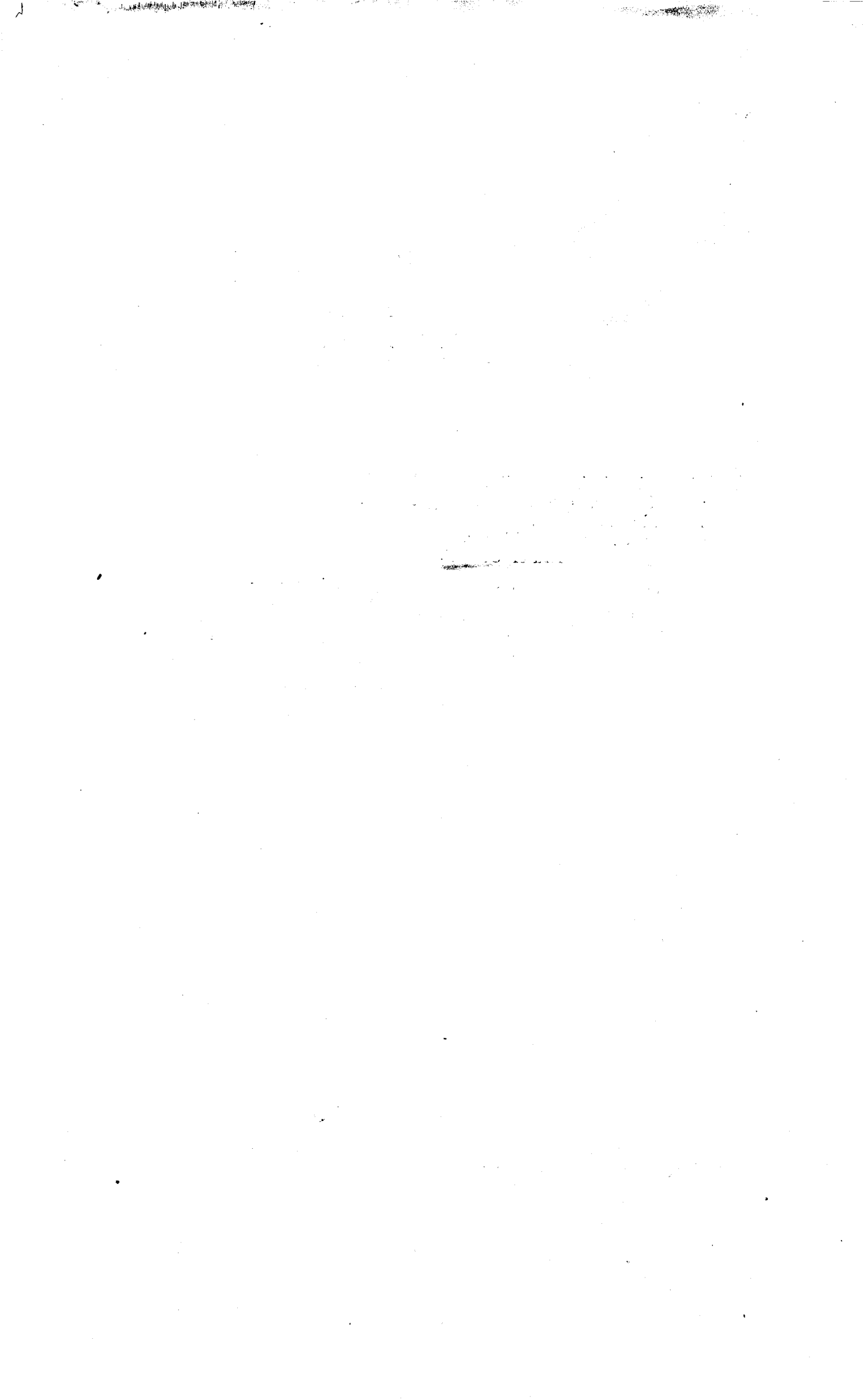
WM. POWDITCH,
Speaker.

Passed the Provincial Council the Third
day of May, one thousand eight
hundred and sixty-five.

G. MAURICE O'RORKE,
Clerk of Council.

On this Tenth day of May, in the year of our Lord
one thousand eight hundred and sixty-five, I hereby assent to this
Act on behalf of the Governor.

ROBERT GRAHAM,
Superintendent.



Province of Auckland.



EMPOWERING ACT (No. 2) 1865.

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

1865. SESSION XVIII. No. 7.

ANALYSIS:

Title.
Preamble.

1. Expenditure of £7000 on the erection of a Lunatic Asylum.
2. Short Title.

AN ACT *to enable the Superintendent of the Province of Auckland to expend a further sum not exceeding Seven Thousand Pounds on the erection of a Lunatic Asylum.* Title.

WHEREAS it is expedient to authorise the Superintendent to expend out of the amount appropriated to the purposes of Immigration and Purchase of Land by the "Auckland Loan Act, 1863," a further sum not exceeding £7000 on the erection of a Lunatic Asylum. Preamble.

BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :—

Expenditure of £7000
on the erection of a
Lunatic Asylum.

I. Out of the amount appropriated to the objects of Immigration and the Purchase of Native Land and raised or to be raised in virtue of the "Auckland Loan Act 1863" it shall be lawful for the Superintendent and he is hereby authorised from time to time to pay and expend any sum or sums of money not exceeding in the whole the sum of Seven Thousand Pounds in carrying on the works known as the Lunatic Asylum in the neighbourhood of Auckland.

Short Title.

II. The Short Title of this Act shall be "The Empowering Act (No. 2) 1865."

WM. POWDITCH,
Speaker.

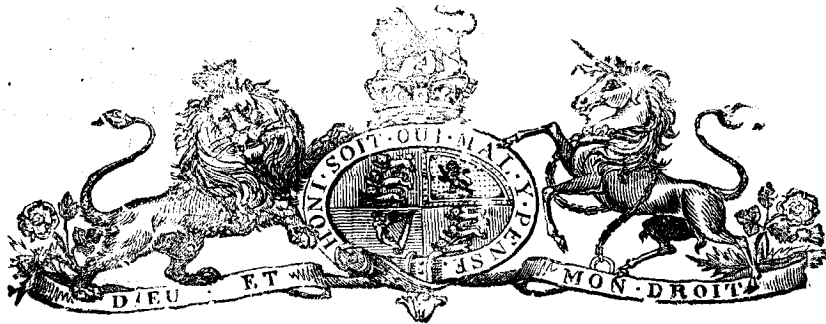
Passed the Provincial Council the Fourth
day of May, one thousand eight
hundred and sixty-five.

G. MAURICE O'ROKKE,
Clerk of Council.

On this Tenth' day of May, in the year of our Lord one thousand eight hundred and sixty-five, I hereby assent to this Act on behalf of the Governor.

ROBERT GRAHAM,
Superintendent.

Province of Auckland.



CITY BOARD LOAN ACT, 1865.

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

1865. SESSION XVIII. No. 8.

ANALYSIS.

- | | | |
|--|---|---|
| Title. | } | 2. Money to be secured on rates, &c. |
| Preamble. | | 3. Power to Superintendent to collect rates in case of default. |
| 1. Superintendent authorised to lend £8,000 to City Board. | | 4. Short Title. |

AN ACT to enable the Superintendent of the Province of Auckland to advance by way of loan the sum of Eight Thousand Pounds to the City Board out of the money to be raised under the provisions of the Auckland Loan Act 1863. Title.

WHEREAS it is expedient to authorize the Superintendent Preamble
to lend and advance to the City Board the sum of Eight
Thousand Pounds, to be expended as hereinafter mentioned :

BE IT ENACTED by the Superintendent of the Province of
Auckland, with the advice and consent of the Provincial Council
thereof as follows :

1. It shall be lawful for the Superintendent of the Province
of Auckland out of the sum of Five Hundred Thousand
Pounds to be raised under the provisions of the said Act to lend
and advance to the said City Board the sum of Eight Thousand
Pounds for general improvements within the said City.

Superintendent autho-
rised to lend £8,000 to
City Board.

Money to be secured on rates, &c.

2. Before making such advance the said Superintendent shall take security for the repayment of the said sum of Eight Thousand Pounds, at the rate of three pounds per centum per annum, together also with interest at a rate of not less than six pounds per centum per annum on the principal remaining due. Such security to consist of an assignment of all rates to be collected under the provisions of the "City Board Act, 1863."

Power to Superintendent to collect rates in case of default.

3. Provided always that in case it shall at any time occur that the said City Board shall fail to pay the interest and Sinking Fund of the said sum or in respect of such part thereof as may from time to time be advanced by virtue of this Act it shall be lawful for the Superintendent by Proclamation in the *Provincial Government Gazette* to suspend the Collector of the rates authorised to be levied by the "City Board Act 1863" and to appoint a Collector in his place who shall collect all rates and arrears of rates due to the said City Board and pay the same to the Treasurer of the Province of Auckland until all money due to the Provincial Government for such interest and Sinking Fund is fully paid and satisfied. And in case it shall happen when any such default may be so made that the rate levied or assessed by virtue of the said Act and uncollected shall not be sufficient to pay such interest and Sinking Fund it shall be lawful for the Superintendent from time to time to assess levy and collect other rates in the same manner as the City Board is empowered to assess and levy and collect rates by virtue of the said Act relating to the making levying collecting and enforcing payment of rates and all such rates shall be vested in the Superintendent until all arrears of interest and Sinking Fund shall be fully paid and discharged. And it shall not be lawful for the said City Board during any time that the Superintendent may exercise the powers conferred upon him by this Act to assess levy or collect any rates by virtue of the said Act.

Short Title.

4. The Short Title of this Act shall be the "City Board Loan Act 1865."

WM. POWDITCH,
Speaker.

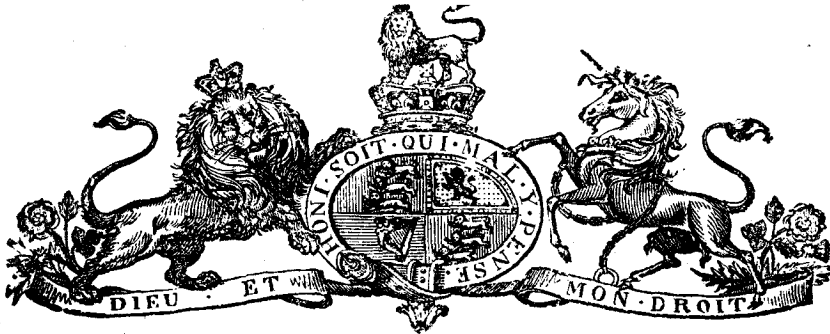
Passed the Provincial Council the twenty-second day of March, one thousand eight hundred and sixty-five.

G. MAURICE O'RORKE,
Clerk of Council.

On this twenty-first day of June, in the year of our Lord one thousand eight hundred and sixty-five, I assent to this Act on behalf of the Governor.

ROBERT GRAHAM,
Superintendent.

Province of Auckland.



THE AUCKLAND WATERWORKS ACT AMENDMENT ACT, 1865.

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

1865. SESSION XVIII. No. 9.

ANALYSIS:

- | | |
|--|---|
| Title. | 2. Reservation of Superintendent's right to |
| Preamble. | recover damages. |
| 1. Certain Penalties made payable into the
Colonial Treasury. | 3. Short Title. |

AN ACT to amend the "*Auckland Waterworks Act, 1864.*" Title.

WHEREAS by the "*Auckland Waterworks Act 1864*" Preamble
certain penalties are made payable to the Superintendent
of the Province of Auckland as undertaker of the Auckland
Waterworks and it is desirable to make other provision for the
application of such penalties :

BE IT ENACTED by the Superintendent of the Province of
Auckland by and with the advice and consent of the Provincial
Council thereof as follows :—

1. The penalties payable under Sections 21 22 23 55 56
and 57 of the "*Auckland Waterworks Act 1864*" shall be paid
into the Colonial Treasury in the same manner as ordinary
Revenue. Certain Penalties made
payable into Colonial
Treasury.

Reservation of Superintendent's right to recover damages.

2. Nothing herein, or in the said, recited Act, contained shall operate to prevent the Superintendent, as undertaker of the Auckland Waterworks, recovering any sum by way of damages for any waste of water, or for any injury done to any part of the Waterworks.

Short Title.

3. The short Title of this Act shall be "The Auckland Waterworks Act Amendment Act, 1865."

WILLIAM POWDITCH,
Speaker.

Passed the Provincial Council the Sixteenth day of March, one thousand eight hundred and sixty-five.

G. MAURICE O'RORKE,
Clerk of Council.

On this ~~Twenty first day of June, in the year of our Lord~~ one thousand eight hundred and sixty-five, I assent to this Act on behalf of the Governor.

ROBERT GRAHAM,
Superintendent.