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PROVINCE OF CANTERBURY,  
NEW ZEALAND.

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JOURNAL OF PROCEEDINGS

OF THE

PROVINCIAL COUNCIL.

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VOL. I.

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SESSIONS I.—X.

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27<sup>TH</sup> SEPTEMBER, 1853, TO 3<sup>RD</sup> DECEMBER, 1858.

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CHRISTCHURCH:

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# JOURNAL

OF THE

## PROVINCIAL COUNCIL.

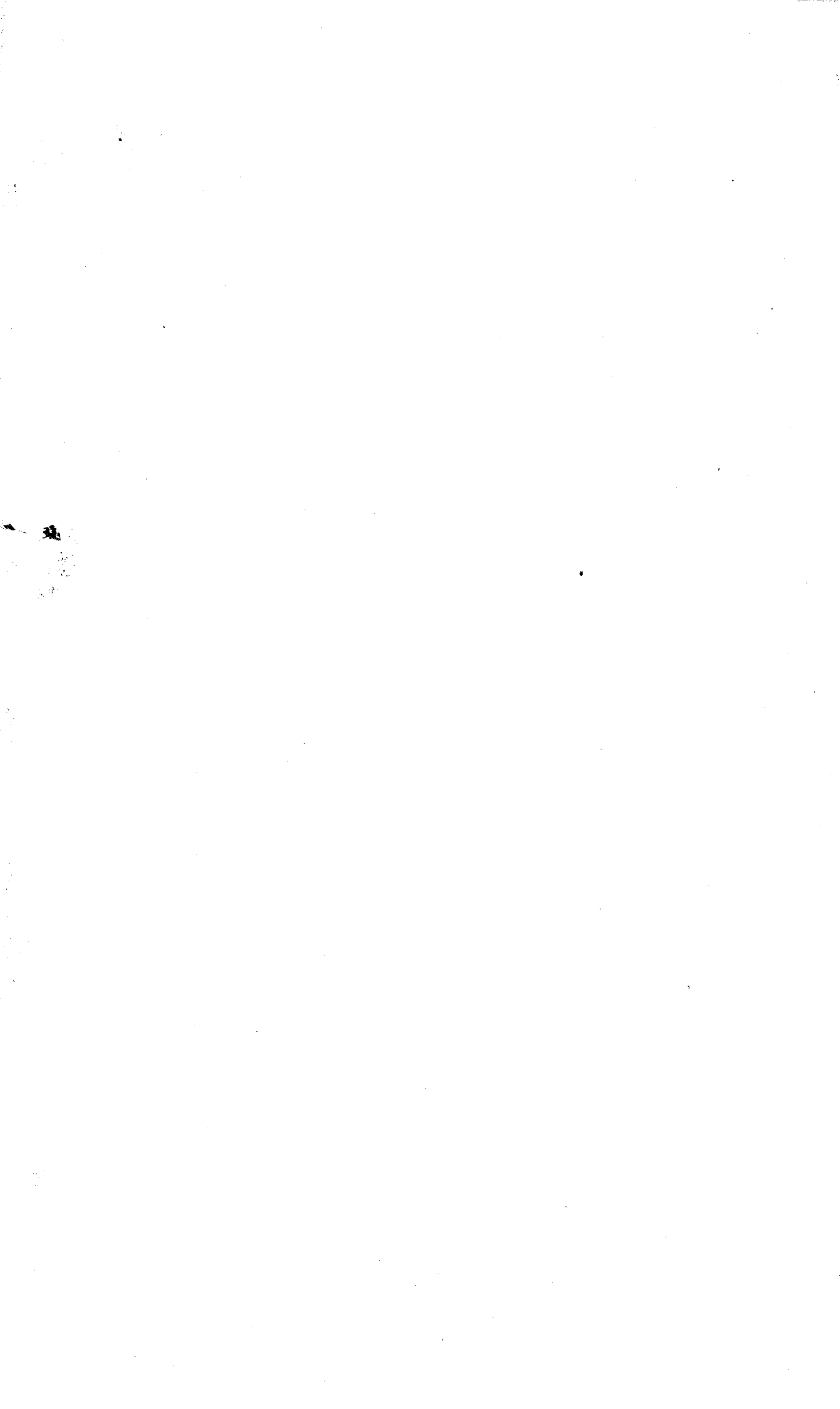
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VIII.	Kaiapoi Town ...	210	210	214	... 251, 223, 216 ...	251, 243	Assented to, page 58
	Cathedral Square ...	210	210	214	... ..	...	Not read 2nd time upon division, page 218
	Canterbury Association Reserves Amendment ...	211	211	243	... 247 ...	253	3rd reading postponed <i>sine die</i> , 247. Assented to, p. 258
	Inwood's Mill ...	211	211	227	... 235, 228 ...	253, 237	Assented to, page 258
	Fuller's Remission of Purchase-money ...	212	212	223	... 226 ...	227	Reserved, page 258
	Kaiapoi Bridge ...	212	214				
	Peacock's Wharf ...	212	212	223	... 227 ...	247	Reserved, page 258
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	Scab and Catarrh Amendment ...	216	217	227	... 235 ...	237	Assented to, page 258
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	Superintendent and Council Payment ...	232	232	232	... 253, 233 ...	253	Disallowed, page 258
	French Magazine Reserve ...	232	232	232	... 233 ...	235	Assented to, page 258
	Akaroa Jetty ...	232	232	232	... 233 ...	235	
	Roads Diversion ...	236	236	240	... 256, 252, 251, 248, 242 ...	256	Assented to, page 258
	Provincial Council Extension Amendment ...	240	240	243	... 250, 244 ...	251, 247	Assented to, page 258
	Governor's Bay Road ...	241	241	243	... 256, 251, 245 ...	256	Assented to, page 258
	Education ...	246	246	248	... 251 ...	251	Assented to, page 258
	Appropriation ...	246	246	255, 252			Assented to, page 258
	Public-house Amendment ...	253	253	253	... 253 ...	253	Assented to, page 258
IX.	Canterbury Association's Reserves Amendment ...	266	266	267	... 274, 271 ...	275	Assented to, 25th February, 1858
	Waste Lands Regulations Amendment ...	266	266	267	... 272, 271 ...	274	Reserved, 24th February, 1858
	Slaughter-house Amendment ...	267	267	273	... 275 ...	276	Assented to 24th February, 1858
	Inwood's Mill ...	267	267	271	... 273 ...	275	Reserved, 24th February, 1858
	Lyttelton Custom-house Reserve ...	274	274	275	... 276 ...	277	Assented to, 24th February, 1858
	Appropriation ...	278	278	278	... 278 ...	278	Assented to, 24th February, 1858

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SESSION.	SHORT TITLE.	INTRODUCED.	READ 1ST TIME.	READ 2ND TIME.	COMMITTED.	READ 3RD TIME AND PASSED.	REMARKS.
		Page.	Page.	Page.	Page.	Page.	Page.
X.	Canterbury Armed Police Force ... ..	285	285	286	... 302, 290, 288, 286 ...	303, 291	Assented to, page 303
	Cattle Trespass Amendment ... ..	285	285	286	... 291, 290, 287, 286 ...	292	Assented to, page 303
	Public Boards ... ..	285	285				
	Immigrants' Barracks ... ..	286	286	286	... 290, 288 ...	291	Assented to, page 303
	Planting of Forest Trees ... ..	286	286	287	... 290, 288 ...	291	Assented to, page 303
	Wharf Regulation Bill ... ..	287	287	287			Withdrawn, page 290
	Sheep Bill ... ..	292	292	292	... 299, 294, 293 ...	300	Assented to, page 303
	Lyttelton Electoral Bill ... ..	294					Withdrawn, page 295
	Cathedral Square Bill ... ..	295	295	295	... 297, 296 ...	298	Assented to, page 303
	Public Hospital Endowment ... ..	296	296	297	... 298 ...	299	Assented to, page 303
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	Christ's College ... ..	300	300	300	... 300 ...	300	Assented to, page 303
	Scab Prevention ... ..	300	300	300	... 300 ...	300	Reserved, page 303

## XIII.

## ABSTRACT OF MOTIONS AND RESOLUTIONS.

SESSION.	SUBJECT.	REMARKS.	PAGE.
I.	Election of the Speaker ... ..	Granted.—The Election of the Speaker was announced to his honor the Superintendent by a Deputation, and Confirmed. See Message No. 1.	14
	Claim of George Hempleman ... ..	Granted.—Withdrawn, page 16. A Motion on the same subject was Granted next sitting day	15
	For Post Office Returns ... ..	Granted.—Returns laid on the table, page 28	16
	Suspension of Standing Order No. 59 ... ..	Granted.—The "Advance of Money Bill" passed through all its stages	16
	That Mr. George Ross be Elected Clerk to the Council	Carried.—An Amendment having been Negatived upon Division, the Election was Confirmed by his Honor the Superintendent	17
	Form of Prayer for Use of the Council ... ..	Granted.—Form laid on the table, page 24	18
	That the Use of the Council Chamber be not granted Education ... ..	Carried on Division. See page 19. Letter received	29
	Regulations Issued by the Commissioner for Crown Lands	Carried as Amended	29
	Expenses of the Supreme Court, and the Establishment of a Court of Quarter Sessions	Motion for Documents was Granted	29
	The Appropriation of Public Revenues, and Time of Meeting of the General Assembly	Granted.—An Address was ordered to be Presented to his Excellency the Governor and the Houses of General Assembly	33
	Postal Communication ... ..	Carried upon Division, the Speaker's Casting Vote	34
	Commissioner of Crown Lands ... ..	Granted.—Ordered to be Communicated to the Post-Master General	35
	Deputations Appointed to Present Addresses Relating to the Waste Lands	Granted.—An Address ordered to be Presented	36
	Estimates for the Appropriation of the Revenue approved of	Granted.—The Clerk ordered to Communicate with the Gentlemen named	36
	For Correspondence Relating to the Title of Land at Akaroa, Purchased by Mr. Doyley, as affected by the Proceedings of the Commissioner of Crown Lands	Granted in pursuance of Resolution passed page 34	39
	Communication between the Port and the Plains ...	Granted	39
	For Copies of Documents under which Lands have been Conveyed to Lord Lyttelton's Trustees and the Ecclesiastical and Educational Trust	Passed as Amended. Ordered to be Transmitted to his Honor the Superintendent	40
	Registrar of Deeds ... ..	Granted	40
	The Immigration Fund ... ..	Passed as Amended, and Ordered to be Transmitted to his Excellency the Governor	40
	Waste Lands Administration ... ..	Granted	41
	Passed as Amended, and ordered to be Transmitted to his Excellency the Governor	42	
II.	For Provincial Council Extension ... ..	Granted	52
	Approval of the Proposal of his Honor the Superintendent Relating to Finance	Granted	52
	Names of Members to be Recorded upon Division taken	Granted	52
	For Copy of Correspondence relating to Lands said to have been Purchased from the Canterbury Association	Granted	57
	The Alienation of the Christchurch Town Reserves ...	Carried upon Division	57
	The False Clearance of Vessels, and Irregularity therefrom in the Transmission of Mails	Granted	57
	The Disposal of the Waste Lands of the Crown within the Province of Canterbury	Withdrawn by Consent	59
	For the Erection of a Beacon at the Head of the Harbour, £80	Granted	66
	That the Memorial of the Inhabitants of Lyttelton be Referred to his Honor the Superintendent	Withdrawn by Consent	68
	That Holders of Pre-emptive Right be allowed Extension of Time	Amendment was Carried	68
	Provision for the Travelling Expenses of Members ...	Negatived upon Division	68
	The Memorial of the Inhabitants of Lyttelton ...	Carried as Amended upon Division	69
	Subsidy for the Nelson Steamer ... ..	Granted	69
III.	For Correspondence Relative to the Appropriation of the Land Revenue	Granted	73
	For Returns of Instructions to and Action taken by the Inspector of Sheep	Granted	73
	For Leave to bring in a "Provincial Council Extension Bill," and Suspension of the Standing Orders	Carried upon Debate, Amendment having been Negatived	73
	That the "Provincial Council Extension Bill" be Read a Third Time	Carried upon Division	74
	Thanks voted to Captain Muter for Present of a Chart of the Countries now the Seat of War with Russia	Granted	78
	That the "Provincial Council Extension Bill" be Reconsidered in Committee	Amendment was Negatived, the Motion was agreed to	78
	For Copies of Correspondence Relative to Complaints made against the Registrar of Deeds	Granted	78
	For Returns of the Expenditure of the Provincial Government	Granted	78
	For Returns of the Liabilities of the Provincial Government	Granted	79
	Council Chamber Building ... ..	Granted	80
	Addition to Standing Orders No. 60 ... ..	Negatived upon Division	80
	For Copies of Correspondence between Col. Campbell and the Provincial Government	Granted	81
	Grant for the Construction of the Harewood Road ...	Granted	81
	Site of the Provincial Council Chambers ... ..	Granted	81
	Harbour Master to Retain Pilotage Fees ... ..	Granted	81
	For Correspondence Relating to the Public Revenues	Granted	84
	The Appointment of a Provincial Engineer, and the Laying out of Roads in the Province	Granted	87

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	The Removal of the Registrar of Deeds ... ..	Granted ... ..	89
	Road between Port and Plains ... ..	Granted ... ..	91
	Road between Port and Plains, Approval of Vote of £10,000 for Construction of a Bridge over the River Avon ... ..	Granted ... ..	91
IV.	For a Return Relating to Pasturage Runs ... ..	Granted ... ..	103
	For Correspondence relating to a Grant of Land to the Scotch Kirk	Granted ... ..	103
	Thanks Voted to Charles Simeon, Esq., Speaker	Granted ... ..	104
	For Copy of Warrants Appointing Charles Bowen, Esq., to be Treasurer	Granted ... ..	105
	For Copy of By-laws of the Church Property Trustees	Negativd ... ..	106
	For Leave to bring in a " Land Rate Bill " ... ..	An Amendment was Proposed. Amendment and Motion both were Withdrawn	106
	For a Committee of the Whole House on some early day on the subject of Surveys	Granted ... ..	106
	Approval of Waste Lands Regulations, <i>Government Gazette</i> of 14th December, 1854	An Amendment was carried upon Division ... ..	107
	Vote of Last Session (£100) for the Papanui and Harewood Road	Carried upon Division ... ..	107
	That the " Education Bill " be read a Second Time ... ..	An Amendment was Carried ... ..	108
	For Return of Names of Licenses of Pasturage Runs ... ..	Granted ... ..	108
	Thanks Voted to C. Ollivier, Esq., for Engravings presented	Granted ... ..	108
	The Land Regulations to be dealt with as Public Bills	Granted ... ..	109
	Thanks Voted to the Rev. the Chaplain, for Engravings presented	Granted ... ..	111
	That the Province is entitled to the Alleged Overpayment on account of the Land Fund	(The Debate Adjourned, 112) Resolutions Adopted ... ..	132
	The Members of the then Executive Council ... ..	Granted ... ..	113
	Report of the House Committee to be forwarded to his Honor the Superintendent		
	The Decision of the General Government on the Land Fund; Funds to be Raised by Taxation of Sheep and Cattle	Motion Proposed. Amendment Granted for a Reconsideration of Pasturage Rents	121
	For Returns of the Expenditure of the Education Grant	Granted ... ..	121
	Time of Session of the Provincial Council ... ..	Granted ... ..	127
	Communication for Horse Traffic between Port and Plains	Negativd upon Division ... ..	128
	For Copy of Communication from Mr. Torlesse on the subject of Roads	Granted ... ..	128
	For a Return of the Number of Sittings of Court and Attendance of the Resident Magistrate thereat	Amendment was Granted and Carried upon Division	129
	For a Map of the Runs within the Province	Granted ... ..	129
	For Accounts of the Immigration Vote of £10,000 ... ..	Granted ... ..	130
	Increase of Vote for Streets, &c., Lyttelton and Christchurch	Granted ... ..	130
	Contribution to the Patriotic Fund ... ..	Granted ... ..	130
	Adjustment of the Public Burthens ... ..	Resolution Adopted ... ..	132
	Chaplain to the Council ... ..	Granted ... ..	134
	Arrangement of the Affairs of the Canterbury Association	Granted ... ..	130, 136
	Survey to the West Coast ... ..	Carried upon Division ... ..	143, 140
	The Roading of the Province ... ..	Resolutions Adopted ... ..	141
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	Expenses of the Action, Lieut. Col. Campbell v. Mr. Watson, Returning Officer, Akaroa ... ..	Granted ... ..	142
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For Committee of Whole House upon Responsible Government	Negativd ... ..	143	
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V.	Amendment of the Land Regulations ... ..	Granted, an Amendment having been Negativd ... ..	151
	Adoption of the Waste Lands Regulations ... ..	Granted ... ..	152
	Tramway from Christchurch to Sumner ... ..	Amendment was carried upon Division ... ..	153
	The Alleged Overpayment on Account of the Land Fund, and Adjustment of Accounts with the General Government	The Resolutions of Last Session were Re-affirmed, &c.	155
	For Returns Relating to the North Road and Kaiapoi Ferry	Granted ... ..	156
	For Particulars of Arrangements Made for Steam Communication	Granted ... ..	157
	For Definite Information from the Government as to Road between Port and Plains	Withdrawn upon Debate ... ..	157
Extension of Time to the Select Committee upon an Address to his Excellency the Governor	Amendment was Carried upon Division, and Instructions given to the Committee	157	
VI.	For a Return of the Expenditure of the Grant for the Entertainment of his Excellency the Governor	Negativd ... ..	163
	The Pardon of Mackenzie ... ..	Withdrawn upon Debate ... ..	163
	For Correspondence relating to the Alma ... ..	Granted ... ..	163
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	Estimates for Roads and Bridges, Akaroa ... ..	Withdrawn by Leave ... ..	172
	Pilot Station and Beacon ... ..	Withdrawn by Leave ... ..	172
	Estimates, Kaiapoi and Harewood Road ... ..	Granted ... ..	173
	Estimates, Drainage of the Ferry Road ... ..	Granted ... ..	173
	Estimates, Carriage of Spars, Steamer Alma ... ..	Granted ... ..	173
	Standing Rule 122A, Private Bills ... ..	Granted ... ..	173
	Report of Members Absenting themselves ... ..	Granted ... ..	176
	Estimates, Drainage of the Riccarton Road ... ..	Granted ... ..	176
	Reserves Recommended in the Towns of Akaroa and Timaru	Granted ... ..	176
	For Committee of the Whole House upon the Land Regulations	An Amendment was Negatived. The Motion Carried	177
	For Correspondence with Messrs. Lingard on the Terms of Contract Relating to the Sumner Road	Withdrawn by Leave ... ..	178
The Appointment of a Resident Judge and Supreme Court	Resolutions were Adopted and ordered to be Transmitted	178	
For a Return Relating to Works upon the Rakaia ...	Withdrawn by Leave ... ..	178	
VII.	For a Sheep Return, shewing those Affected or not ...	Granted ... ..	184
	For a Return from the Waste Lands' Board, shewing the Particulars of certain Applications for Land	Negatived ... ..	184
	For Copies of Correspondence Relating to the Repairs of the Harewood Road	Granted ... ..	184
	Estimates, Pilot Station and Flagstaff ... ..	Withdrawn by Leave, page 185. Negatived on Division	186
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	Steam Communication ... ..	Granted ... ..	188
	For a Select Committee on the Treatment of Prisoners, Lyttelton Gaol	Negatived upon Division ... ..	188
	Postal Communication Amendment ... ..	Agreed to; an Amendment having been Negatived ...	188
	Reserves Recommended ... ..	Granted ... ..	191, 189
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	Message No. 1 from his Honor the Superintendent ...	Motion Granted, That his Honor should not be subject to Pecuniary Loss	190
	The Main Lines of Road ... ..	Granted ... ..	191
	For a Return of the Particulars of an Application to Purchase Section 453	Negatived upon Division ... ..	192
	Estimates, Town Hall ... ..	Amended in Debate and Granted ... ..	193
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For a Return of Expenditure on the Sumner Road ...		Granted ... ..	237
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	Melbourne Agency and Postal Service ...	Votes were Proposed but not taken ...	246
	For Dispatches as to Dissolution of the Council on the Election of a Superintendent	Granted ...	246
	Local Postal Arrangement ...	Granted ...	247
	Appropriation of the Capital Account of the Canterbury Association's Estate	Granted ...	248
	That the Petition of H. J. Cridland be Considered ...	An Amendment was Carried upon Division ...	250
	The Control of the Harbour Department ...	Resolutions were Adopted ...	250
	The Introduction of a Bill, as suggested in Message 39	Granted ...	251
	Clearance of Rivers Avon and Heathcote from Water-courses	Granted ...	251
	Reserves Recommended on the Lincoln Road, and at Riccarton	Granted ...	251
	Resolutions upon Postal Communication ...	After Debate and Division, Passed as Proposed	255
	Establishment of Melbourne Agency ...	An Expenditure of £500 was Authorized ...	256
	The Vote for Immigration ...	An Amendment having been Negativated the Resolution was Carried as Proposed upon Division	256
	Reserve Recommended on the Lower Lincoln Road ...	Granted ...	257
	Memorial to John Robert Godley, Esq., and H. Selfe, Esq.	Granted ...	257
	Thanks voted to Charles Bowen, Esq., Speaker	Granted ...	257
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IX.	Charles Bowen, Esq., Elected Speaker ...	Granted ...	263
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	For a Return of the Sums of Money and Number of Acres spent on Public Works	Granted ...	266
	For Production of Mr. Dobson's Letter as to Lingard's Contracts	Granted ...	270
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	Payment to Mr. Alport out of Estate of the late Canterbury Association	Granted ...	274
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	For Correspondence as to Employment of Prison Labor	Granted ...	276
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	Encouragement of the Planting of Timber by Legislative Enactment	Granted ...	277
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	Compensation to Messrs. Lingard ...	Granted ...	279
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X.	Reserves Recommended ...	Granted ...	287, 286
	Estimates, £80 for the Purchase of Land for Samuel Barwell	Granted ...	287
	For Returns, Reports, &c. ...	Granted ...	293, 292, 291, 288, 285
	Sheep Dip at the Hurunui ...	Granted ...	291
	Estimates, £2000 for the Improvement of the Town of Kaiapoi	Withdrawn by Consent ...	292
	Estimates, £200 for the Planting of Hagley Park ...	Granted ...	292
	Estimates, £1000 for the Building of a Cathedral ...	Withdrawn by Consent ...	292
	Estimates, £120 for the Sinking of Wells, &c., Lyttelton	Granted ...	294
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	Estimates, £2000, Main Drains, Lyttelton ...	Withdrawn by Consent ...	295
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	Estimates, Governor's Bay Road ...	Granted ...	295
	Electric Telegraph between Lyttelton and Christchurch	Carried upon Division ...	296
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XVII.

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I.	The Standing Orders ... ..	The Rules and Orders were Adopted, page 16; Amended, page 18; Referred to a Select Committee, page 19	16, 18,
	The Election of the Clerk of the Council ...	Mr. George Ross Elected upon Division ...	17
	Message No. 3 from his Honor the Superintendent	The "Advance of Money Bill" was Entitled ...	21
	Resolutions on the Waste Lands of the Province	The Resolutions were Amended, Adopted, and ordered to be embodied in an Address to his Excellency the Governor and the Members of the General Assembly	23
	The Akaroa Election Petition... ..	The Council declared that the Member in question was duly Elected	27
	That part of the Opening Address of his Honor the Superintendent relating to Education	The Resolutions Proposed passed as Amended ...	29
	The Estimates ... ..	Votes were taken ... ..	35, 6, 7, 8
	Postal Communication ... ..	The Resolutions passed as Amended, and were ordered (page 36) to be Transmitted to the Postmaster-General	35
	Communication between the Port and the Plains	The Resolutions passed as Amended, and were ordered to be Transmitted to his Honor the Superintendent	40
	The Office of the Registrar of Deeds ... ..	The Resolutions passed as Amended, and were ordered to be Transmitted to his Excellency the Governor	41
The Immigration Fund ... ..	Resolution passed as proposed... ..	41	
The Waste Lands ... ..	The Resolutions passed as Amended, and were ordered to be Transmitted to his Excellency the Governor	41	
II.	An Address in Answer to the Opening Address of his Honor Of Supply ... .. Terms of Purchase and Pasturage of the Waste Lands of the Crown within the Province of Canterbury	Passed Clause by Clause, and Presented by a Deputation Vote was taken ... .. Resolutions were Proposed, and Withdrawn by Consent	51 67, 66, 64, 53 59
III.	An Address in Answer to the Opening Address of his Honor The Improvement of the Means of Communication between the Port and Plains Committee of Supply Standing Orders ... ..	Passed as Amended, and ordered to be Presented by a Deputation Resolution was Withdrawn by Consent ... Votes were taken ... .. Amendment proposed by his Honor Passed ...	80 83 84, 83 92
IV.	An Address in Answer to the Opening Address of his Honor Land Regulations to be Framed and Submitted to his Excellency the Governor Surveys ... .. The Waste Lands Regulations ... ..  Distribution of the Land Fund, Correspondence on the Resolutions on the Road between the Port and Plains The Estimates ... .. Committee of Supply ... .. Adjustment of the Public Burthens ... .. Roading of the Province ... .. Resolutions on the Report of the Committee on the Expenses of Members	Passed as Amended, and ordered to be Presented by a Deputation Motion was Proposed; the Council Resumed ...  The Chief Surveyor attended ... .. Adopted, page 144 ... ..  The Debate Adjourned, p. 112. Resolutions Passed and were Adopted Carried upon Division ... .. Chairman Reported Progress ... .. Votes were taken ... .. Resolutions Passed, were Adopted, and ordered to be Transmitted Resolutions Passed, were Adopted, and ordered to be Transmitted Resolutions Passed, were Adopted, and ordered to be Transmitted	104 109, 108, 107  108 143, 138, 135, 134, 127, 126, 125, 124, 122, 120, 119, 117, 116, 114, 113, 112, 111, 110, 109 132 128 128 139, 138, 137, 136, 129 132 140 142
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# JOURNAL OF PROCEEDINGS OF THE PROVINCIAL COUNCIL

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PROVINCE OF CANTERBURY, NEW ZEALAND.

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SESSION I.

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TUESDAY, 27<sup>TH</sup> SEPTEMBER, 1853.

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THE Council was opened by His Honor the Superintendent in the following address:—

GENTLEMEN OF THE COUNCIL,

There is a certain solemnity about every event which can occur but once in the life of an individual, or the history of a people; of such a character is the act which it falls to my lot to perform, in addressing, from this Chair, the first Legislative Assembly of the Province of Canterbury. You will feel with me, that the language of ordinary congratulation falls far short of the dignity of the occasion; that it becomes me rather, upon my own part, upon yours, and upon behalf of the community whose interests are entrusted to our care, to acknowledge, with deep thankfulness, the goodness of Almighty God, that he has been pleased, in the course of His Providence, to restore to us, in this Legislature, a semblance of the revered and tried institutions of our native land; affording to us, thereby, a guarantee for the preservation of that most precious gift to a people, the inestimable blessing of civil and religious liberty; uniting us by fresh ties to the Great Empire of which we form a part, and kindling afresh, within every breast, sentiments of loyalty and devotion to the Crown and person of Her Most Gracious Majesty our Queen.

It would be presumptuous in me to remind you, did I not feel that, in sharing and presiding over your labors, I cannot be too often reminded myself of the weighty responsibility which attaches to the privileges you are permitted to enjoy and to the duties you are called on to fulfil,—to remind you that your responsibility is measured, not by the smallness of the interests, but by the magnitude of the principles with which you have to deal; that the laws which you enact ought not only to meet the immediate requirements of the present community, but should form the expression of principles which shall be applicable to the future, when every existing interest shall have augmented to a hundred fold its present importance.

Gentlemen, it may be well for us, at this epoch of our history, to pause and look back at the past before we apply ourselves to the future—to take a brief survey of the condition of the Province at the time when legislative power is placed in our hands.

Three years have not yet elapsed since the first body of Settlers landed on these shores, and I think it may be asserted that rarely, if ever, has so much real work been done by so small a body in so short a time; that never has any Settlement been founded with so much of success and so little of disaster to those who formed the forlorn hope of the enterprise. However, in point of magnitude, the undertaking may have fallen short of the hopes of its Promoters, the nature and character of the

results which have been achieved, deserve your most careful consideration, when you shall be called upon to alter and to discuss the principles upon which the Settlement has been founded.

Notwithstanding the great temptation to leave the sober and steadier paths of agricultural labor, and to stake all on the hazard of the Gold-finders' chance, there is, at this moment, in this Province, a population at least as large as that which has landed here from England since December, 1850. The numbers of those who have left do not, so far as I can learn, exceed the numbers of those who have joined us from the neighbouring Colonies. Now this may be somewhat accounted for by the great interest possessed in the land by the resident population of the Province; out of 24,485 acres of land the quantity sold to Purchasers from the Canterbury Association, I find that no less a quantity than 21,008 acres are owned by resident Colonists, or are let on lease to persons who are actually occupying and cultivating them; and out of 4,009 acres which have been appropriated for Church and educational purposes, 1,270 are leased and actually occupied; by no means an inconsiderable part of these lands are owned or occupied by men who came to this country almost pennyless Labourers, and are now growing into small but prosperous and independent Farmers.

I am unable, in the absence of all authentic statistical returns, to tell you the exact quantity of land in cultivation, but from enquiries which I have made, and on which I think some reliance may be placed, I conceive there are not less than 3,400 acres under crop this spring, and there must be at least 7,500 acres fenced in.

If you turn from the agricultural to the pastoral interests, you will find that part to be no less creditable, and the prospect no less encouraging. Forming a judgment as before, it may be stated that there are not less than 100,000 sheep in the Province, nor many less than 4,000 head of cattle, and 400 horses. That within the Canterbury Block alone, above a million acres are taken up for pasturage, producing a rent of £2,400 a-year, which will in four years have increased to above £7,000 a-year. This includes only the country within what was lately called the Canterbury Block, of the rest of the Province I can say nothing; the Commissioner of Crown Lands having, I regret to say, refused me all information on the subject of his Department. But there cannot be the least doubt that the revenue I have named, as accruing in four years from this time, might be considerably more than doubled in that time, if the same, or any so efficient system as that which prevails within the block were extended to the country beyond those limits.

I cannot leave the subject of the pastoral interests without remarking the very beneficial and healthy manner in which the existing regulations within the Canterbury Block have operated on the community at large. First, the small size and great number of the runs in proportion to the extent of country, prove that the profits to be derived from pastoral pursuits are shared by a very large number of the community instead of being monopolized by a few individuals; and, secondly, the stringent rules which required the lodgment of a deposit with the risk of forfeiture, have prevented runs being taken up for merely speculative purposes, and have preserved the country for those who really could and would occupy it with benefit to the Settlement at large; whereas I am informed by the pastoral Settlers themselves without the limits of the block, that the want of some such rule has been proved by the very contrary results.

I have endeavoured to procure a very rude estimate of the amount of actual property now in this Province in various kinds of investments, and I do not think I should make an exaggerated estimate if I were to state its value at nearly half a million of money.

Gentlemen, I have placed this statement on record, bearing with it the sanction which is derived from the occasion upon which it is spoken, because an impression has, I am informed, gone abroad in England, that the experiment of the Canterbury Settlement has failed; nay, even that your new homes are deserted, and your lands given back to the primeval waste. It seemed therefore to me not unbecoming such an important occasion as the present, to correct statements so regardless of truth; to defend this community from the implied aspersion either of deserting the work



they had undertaken through fickleness, or of irresoluteness in combating the unavoidable difficulties with which that work is surrounded.

It is not for us to speak boastfully of these things. We have enjoyed peculiar advantages not only derived from the physical character of the country itself, but arising from the original plan of the Settlement, which provided an efficient survey of the land, and a considerable amount of preparation before the arrival of the Colonists.

Gentlemen, I cannot leave this brief survey of the past, without alluding to one peculiar advantage which you have enjoyed; I mean the presence amongst you from the first, of that eminent man, who, having founded the Canterbury Association, presided over the Canterbury Settlement during the first and most critical period of its existence. I will not eulogise the wisdom of Mr. Godley's policy, because I will not even risk awaking one single dissentient feeling in any of your minds, but I cannot allude to the past without bearing this public testimony to the illustrious example which he has bequeathed to his successors, of a stern and ever present sense of public duty, and a pure and earnest zeal for the public service. With almost uncontrolled power, had he been so minded to sacrifice public to private ends, Mr. Godley left us with a public character which no breath of suspicion has ever sullied. His unbending integrity, his unwearied exertions in the duties of his offices, which neither feebleness of health, nor severity of weather, nor domestic claims, nor personal comfort, ever relaxed or excused; these rare and lofty qualities will never be forgotten by those whose privilege it was to serve under his Government; they communicated energy down to the lowest official; they have stamped a tone and character upon the public service of this Settlement, which I trust it will ever retain as a cherished tradition.

Before I turn to the future I will advert for a moment to the state of the Laws of this Province at the time when legislative power is placed in your hands.

The Common Law of England is the birthright of every subject of the Crown. *That* we brought with us from our native land, and still enjoy.

Its precepts, depending for their sanction upon ancient custom, not upon written enactments, have been handed down by tradition, and are now incorporated in various works of legal authority, the principal of which shall, as soon as they can be obtained, be placed in your library.

The Written or Statute Law of England may be considered to be of two kinds—Municipal and Imperial. By Municipal, I mean those laws which refer to certain limited portions only of the Empire, as, for example, the Constabulary and Poor-Laws of England. Laws of this class do not apply to New Zealand. To Imperial Statutes, by which I mean those which apply to the whole Empire, this Province is subject. I have been permitted to place a copy of the Statutes at large on your table, which will enable you to ascertain the Laws enacted by the Imperial Parliament which are actually in force in the Colony. In addition to these, I have laid on your table copies of the Ordinances which have been passed by the various Legislative Bodies which have from time to time exercised lawful authority in this Colony, or within that portion of it in which the Province of Canterbury is now situated. This list, however, is incomplete—the Laws of the last Session of the Legislative Council never having been communicated to this Province. But the Laws of New Zealand are not wholly contained in the written Ordinances, but also in various instructions from Secretaries of State to Governors for the time being, and in the proclamations issued by the Executive Government, and published in the 'Government Gazette.' Nor would it be possible to ascertain the actual state of the Law at any moment, in any portion of this Colony, without possessing the means of reference to a complete file of these documents.

Gentlemen, I regret to say I have received no answer to an application which I made some weeks ago to the General Government, to be supplied with these papers for your information and guidance; indeed, I very much doubt whether any proper and complete record of the Acts and Instruments of Government has ever been made in this Colony. Such as I could procure from incidental sources are on your table.

I now turn from the past to the future.

Gentlemen, I have called you together at a very short notice, and with comparatively little preparation for such important duties. But I entertain no doubt as to your entire acquiescence in the course which I have adopted. The necessities of the time require that you should at once comprehend the position in which you stand, and the large powers entrusted to you under the Constitution Act; and that you should use those powers not only with deliberation and care, but also with promptitude and energy.

Those powers are conveyed in a few simple, but impressive words, which ought to be graven upon the memory of every Member of your House, for they constitute the magna charta of your liberties for all time.

“It shall be lawful for the Superintendent of each Province, with the advice and consent of the Provincial Council thereof, to make and ordain all such Laws and Ordinances as may be required for the peace, order, and good Government of such Province, provided that the same be not repugnant to the Law of England.”

Upon certain subjects specified in the following clause, you are not to legislate; but with those few exceptions,—exceptions which are of the more value that they seem to prove your powers—in all besides, you are at liberty to make laws for the good of the Province.

The immediate object of my calling you together, is to vote a supply for the public service. You are aware that the present expenditure of the public revenues of the Colony is authorized under the Appropriation Ordinance of the last Legislative Council of New Zealand, and that that Ordinance expires on the 30th of the present month. After that day, there will be no legal authority for the expenditure of any public moneys whatever.

Unless, therefore, I obtained a vote of supply from the Council, the Government must come to a stand-still, or I must have taken upon myself to appropriate the revenues without lawful authority.

Now, whatever may be the difficulties, and there may be insuperable ones in the way of calling the Council together at an early period in other Provinces, yet here, where there was no such impossibility, I confess I shrank from the idea of inaugurating our new Constitution with any violation of the law. I have therefore adopted, as the lesser evil, the extreme inconvenience of calling the Council together at so short a notice.

Having done so, I conceive it will be my duty to take advantage of this, your first assembling, not only to call your attention to those special subjects which demand immediate legislation, but also to take a general survey of the requirements of this Province, and to lay before you the course of policy which I propose to pursue, and the chief objects which I desire to attain, during the period for which the local Government has been placed in my hands.

I shall first notice certain measures necessary for the purpose (I will not say of supplying omissions, for the Act is so large and so liberal, that I cannot call anything an omission which we have the power to supply ourselves—I will rather say) of completing the Constitution Act, and carrying into effect the intentions of the Imperial Parliament.

With this object, Bills will be laid before you to create a Common Seal for the Province; to create the Offices of the Provincial Government; to create an Executive Council; to enable your House to call for all persons and documents within the Province, and to compel their attendance or production under your Speaker's warrant; to protect your Members in privilege of speech, and to relieve the Publishers of documents, under your orders, from the penalties of libel, and to authorize the Superintendents to issue Government Gazettes, and to make the notifications so published legally binding upon those whom they concern.

With regard to many of the provisions of these Bills, it may be thought that they convey powers which are inherent in every Legislative Body. When, however, there is no exact precedent, it is better that the Law should be clearly defined by Statute.

With regard to the Bill for establishing an Executive Council, it is necessary that I should make a few remarks. It seems to me necessary to the harmonious working of the Local Legislature, that some one or more Members of your House should be charged with the conduct of the Bills sent down by the Superintendent for your consideration, and in possession of the policy which dictated those measures. Apart from this consideration, I thought it desirable that the Superintendent should habitually consult some one or more of the leading Members upon the affairs of his Government, and especially upon the exercise of his patronage; not, indeed, with the view of shifting to others the responsibility which properly belongs to himself, but of strengthening and aiding his own judgment by the advice of those who possess the largest amount of public confidence and esteem.

With this design, I have constituted an Executive Council, the Members of which have, at my request, kindly undertaken to fulfil the duties which I have pointed out, and the Bill to which I allude will constitute the Board by legal enactment.

Through this Executive Council, I propose that the relations between the Superintendent and the Provincial Council shall subsist. If the present Advisers of the Provincial Government fail to obtain majorities of your House, they will resign their seats in the Executive Council, and I shall then request the assistance of others who shall possess a larger amount of your confidence. It does not seem to me desirable that, in the present state of the Province, the Representatives of the Government in your Council should be identical with the Heads of Departments, although it is convenient that it should be so. But it would be far from easy to conduct the affairs of Government at all, under our present circumstances, if the Heads of Departments held their offices like the Ministers of England, virtually at the pleasure of the lower House.

The difference is, that in England, the current and ordinary details of business in each Department are conducted by standing Under-Secretaries and Clerks, the Head merely directing the policy. Here, the Head of the Department himself, executes a principal part of the details; and the inconvenience, and, indeed, expense, which would ensue from the accession of men to office who had all the office details to learn, would sorely encumber the practical and economical working of the Government.

I therefore propose that the Heads of Departments shall not *necessarily* be identical with the Executive Council; that the offices of the former shall not, for the present, be dependant upon the policy of the Government; that the latter, alone, shall be responsible for that policy, and shall hold their offices upon the condition of being able to carry the Government measures through your House. This plan is, I think, the nearest approximation which we can make to that system which has worked with such remarkable success in England for many generations, and has been imitated, more or less closely, by most of the European States.

I shall next refer to a Bill, the introduction of which will, I conceive, be met by general assent. In an assembly consisting of so few a number as twelve Members, there will always be danger lest the patronage at the disposal of the Superintendent should be used, or seem to be used, so as to compromise the independence of the Representatives of the people. The danger is not immediate, but that is the very reason why it should be foreseen and averted; for a time of public excitement is the very worst for effecting constitutional change. Yet, should it ever happen that the public generally were thrown into hostility to the Local Government at a time when the majority of the Council were holding offices of emolument under the Government, there can be no question that some such Law as that to which I allude, would be demanded, and probably, extorted by the people.

I propose therefore now, and whilst we can act with deliberation, to pass a law by which the custom in the English Legislature shall be imposed upon your House, namely, that if any Member shall accept any office or employment under the Government, he shall vacate his seat, and shall be subject to a fresh election by his Constituents. At first sight, this may seem to be an infringement of the Constitution Act, but this objection may be obviated, and the same result obtained

by framing the Statute so as to prohibit the Superintendent from appointing any person to an office of emolument under the Government, or from entering into any contract with any person, on the part of the Government, such person being at the time a Member of the Provincial Council. The result will be that any Member of your House accepting office or emolument, will have to resign his seat, and, after his appointment, subject himself to a new election.

Gentlemen, I am persuaded that you will agree with me in considering such a Law a necessary safeguard to the Constitution.

When I have enumerated an Empowering Ordinance, which may be necessary in order to accommodate the new title of Superintendent to the existing Law, and to confer upon him certain powers hitherto exercised by the Governors and Lieutenant-Governors, I have named all the subjects upon which immediate legislature is necessary in order to bring the new Constitution into effective operation in the Province.

There are, however, other Offices which I conceive it will be necessary to create, and to which I will now allude. I think we require an office of Public Record, for the safe custody of all Acts and Instruments of the Government; for the custody of the Public Seal; and for the registration of all documents of every description which ought to be preserved as the public memorials of a country. Upon the necessity of such an office there can be but one opinion.

Owing to the want of it, I am, at this moment, unable to put you in possession of the whole Law of the Colony. I anticipate the formation of such an office without any appreciable expense. I propose to join it to that of Registrar of Deeds, and Registrar of Births, Deaths, and Marriages, so that the "Keeper of the Public Records" shall be charged with the management of all the registration of the Province.

Another Office, which I conceive you will shortly find to be necessary, is a Court of Requests, for the recovery of small debts, and, coincidentally with this, I propose that the Resident Magistrate's Court should be abolished.

I am far from thinking the Resident Magistrate's Ordinance a useless one. In places where there is a large Native population, and no Bench of unpaid Magistrates, it does not appear unwise to entrust to some paid Officer of the Government the powers now vested in the Resident Magistrate. But in an almost entirely European Settlement, possessing a Bench of Magistrates of no mean order in point of intelligence, property, and education, the system for the administration of justice which prevails in England appears to me far preferable.

But I shall propose to limit the unpaid Magistracy to the position which they occupy in England, as Conservators of the Queen's peace, and Administrators of the Criminal Law in petty cases. For it does not seem to me that gentlemen who are for the most part without the advantages of legal education, are the best fitted to decide all the complicated cases of civil claims and rights, upon which, under the present system, they are compelled to adjudicate. I therefore propose to establish a Court similar to the Small Debts Courts in England, which have been found so eminently efficient in the last few years. With the administration of justice in the Supreme Court, it is beyond your province to interfere. I must, however, take this opportunity of remarking that the present system is one very far more expensive than is warranted by the wants of the community. Without limiting the powers of the Supreme Court, it appears to me, gentlemen, that an intermediate Court might be established with the greatest benefit to the community, analagous to the Courts of Quarter Sessions in England; cases of aggravated crime, for which the Law has allotted its extreme penalty, should always be tried before the highest legal Tribunal in the country; but those cases are, thank God, likely to be of very rare occurrence in this community. For minor cases of crime, such as those which are brought before the Quarter Sessions in England, I think a Local Tribunal, consisting of the Magistrates, with the assistance of a Recorder or Assisting Barrister, might safely be entrusted with the power of sentencing to two, or even to three years' imprisonment. In such a Court might be tried all civil cases in the Province involving a certain amount of property, leaving an appeal to the

highest Tribunal. This system for the administration of justice would be quite as effectual, and very much less expensive than the present.

For under the present system, although there may be but one or two cases to be tried, and those, perhaps, cases which are not far removed from the jurisdiction of the petty Courts, a very heavy expense has to be incurred, attendant on the visit of the Supreme Court to this Province.

Gentlemen, although this is a matter not immediately within your powers of legislation, it is one which you may think it not unwise to discuss, and should you agree upon any course, to proceed by address to His Excellency or to the General Assembly.

The next subject to which I will allude is that of Finance.

Communications will be laid upon your table from the General Government which will place you in possession of the financial arrangements which have been made by his Excellency the Governor, pending any Laws which may be made on the subject by the General Assembly. Of the revenues arising from the Customs and Post Office, two-thirds are to be paid to the use of the Province; one-third is to be retained for the service of the General Government; but, as it is contemplated that any increase in the Customs shall be in favor of the Province, the portion reserved for the General Government may shortly be altered to one-fourth; leaving three-fourths for the Province. All other revenues, such as fees and fines from the inferior Courts, Auctioneers' and Publicans' licenses, &c., will of course come into the Provincial chest; but it will be necessary to pass an Ordinance authorising and requiring the payment of such sums to the Provincial Treasurer.

Estimates will be laid before you of the revenue which may be expected from the above sources during the year commencing the 1st October next; and of the expenditure which will be necessary for the same period to maintain the various Departments of Government in a state of efficiency; but as some weeks may probably elapse before you will have completed your consideration of these details, I propose to ask you, prior to all other business, to vote a small supply for the purpose of meeting the immediate expenses of Government before the Estimates of the year can be passed. There are some trifling expenses which must be immediately met, and I am anxious that not a farthing of the public money should be expended without the sanction of the Law; whilst I am equally anxious to establish the principle that the Creditors of the Government shall receive satisfaction of their demands without unreasonable delay.

I have endeavoured to arrange the expenditure for the year so that it may be met by the ordinary revenue of the Province, and I think this may be accomplished, provided that the utmost economy be maintained consistent with the public service. It may however reasonably be anticipated, from two causes, that that revenue will increase. First, because the proportion paid to the General Government is calculated in excess of what will be required; and secondly, because the rapidly increasing exports will probably command a corresponding increase in the imports; and therefore the revenue from Customs' duties may be expected to exceed the sum which I have placed upon the Estimates; with regard to the expenditure, I have recommended an increase in the salaries of many of the Servants of the Government; but I do not anticipate that you will consider the sums I have named to be larger than those which the Government ought in justice to pay at the present rates of wages, of prices, and of profits. The general principle upon which I have acted is this, that Government is most economically conducted when its Servants are liberally paid, whilst the whole of their time and of their energies are exacted and expended in its service. A numerous, ill-paid and half employed Staff is the most wasteful machinery for conducting public business, I therefore propose, by the provisional union of Offices, so to distribute the work to be done, that the time of every Servant of the Government shall be fully occupied; the business of the Provincial Secretary's Office I propose to conduct myself, with the assistance of a Private Secretary. The duties of Provincial Treasurer, Resident Magistrate and Sheriff will be performed by Captain Simeon, with the assistance of one Clerk. Mr. Hamilton who has been recently appointed by the General Government to be Collector of the Province, has kindly undertaken to superintend the Provincial

Audit Office, the principal duties of that Department being performed by one efficient Clerk, and in the event of your determining to establish an office of the Public Records, Mr. Brittan has consented to execute the duties which will attach to it.

The business of all the Departments will be conducted in accordance with certain regulations which I have prepared, and which will be laid upon your table. The present mode of keeping the Government accounts has been entirely remodelled and simplified. The great mass of formal and paper work has been put an end to, as affording no real guarantee for economy, whilst it was itself tiresome, obstructive, and expensive. The objects which the new regulations are framed to attain are, that Tradesmen and others employed by, or supplying the Government, may receive immediate payment of their demands, without that trouble and delay which has hitherto existed. That the Heads of Departments should become personally liable for all expense incurred without proper authority, and for all bills left outstanding beyond a certain time. And lastly, that all the accounts of the Provincial Government may be checked and controlled by a constant, efficient, and watchful audit.

Gentlemen, these changes which I propose to bring into operation on the first of next month have not been effected without very unusual exertion on the part of the public Servants; exertions which you will the more highly appreciate when I tell you that, although nine months have elapsed since the proclamation of the new Constitution in the Colony, it was not until the 16th of the present month that I received any intimation from the General Government as to the financial and other arrangements which it was proposed to make, or that the Treasury was to be closed for payments on account of the General Government on the 30th instant. Fourteen days, therefore, has been the time allowed for organizing the Provincial Treasury, arranging the system of accounts, and providing means for carrying on the Provincial Government for the future, and this at a time when the necessity for calling the Provincial Council together was obvious and unavoidable.

Gentlemen, I take this opportunity of acknowledging, in the warmest terms, how greatly I am indebted to the Officers in the service of the Government, and to the Members of the Executive Council, for their cordial co-operation, and for their great exertions in enabling me, under circumstances of peculiar difficulty, to make the necessary arrangements for bringing the Government of the Province into operation under the new Law. It is owing to their assistance alone that I have been enabled to make such arrangements as will, I anticipate, meet with your approbation.

Gentlemen, you will find in the Estimates an item providing for Law expenses of the Local Government. You are aware that some legal assistance is necessary. I will lay before you a copy of a letter which I addressed to Mr. Sewell, and upon which I have acted. The position which Mr. Sewell occupied in England connected with the framing and passing of the Constitution Act, and his intercourse with the authors of that measure, rendered me desirous of obtaining his assistance and advice during the period of bringing it into operation.

I therefore appointed him provisionally, Legal Adviser to the Government, with a seat at the Executive Council. That appointment I propose with your approval to confirm, and the remarks I have made in reference to the assistance I have received, apply to no one more forcibly than to Mr. Sewell.

It is right, however, for me to state that in all matters connected with the affairs of the Canterbury Association, Mr. Sewell will not be consulted, and will not, when such questions are under consideration, be summoned to the meetings of the Executive Council. Upon those matters, the Local Government will have recourse to other legal advice, whenever such is necessary.

Gentlemen, you will perceive that in the Estimates of which I have been speaking, no provision has been made either for immigration, or for public works; and, in fact, it is, under present circumstances, quite hopeless to expect that the ordinary revenue of the Province will supply means for either of those objects. The only fund which is available for these purposes, is the land fund, and I have

no hesitation in expressing my belief that the lands of this Province, if properly administered, will provide ample means for accomplishing all we can desire in either of these Departments.

You are aware that the waste lands are not at present within your control. It will therefore be unnecessary for me to occupy much of your time upon a subject with reference to which I am unable to propose any practical measures.

At the same time, the question is of such vast importance to the welfare of the Province, that I cannot pass it over without notice, the more so, because, although you are debarred from dealing with it by way of enactment, you are not debarred from expressing your opinion on it by way of address or petition to His Excellency, or to the General Assembly, and this, you will probably think it right to do.

There are two distinct questions involved, deserving separate consideration. First, the management of the waste lands, and secondly, the expenditure of the revenues arising from them.

So far as I can learn the intentions of His Excellency, from dispatches which will be laid on your table, it is proposed to retain the administration of the Land Department in the General Government, whilst certain portions of their proceeds are to be handed over to the Province to be expended under your directions. One, the most important dispatch on this subject, did not come to hand until this morning. I do not, therefore, yet, fully comprehend the intentions of the General Government upon this head.

Gentlemen, how great soever is the importance of your obtaining the power of disposing of the land revenues, of equal, if not of greater importance, is it, that you should possess a direct control over the management of the Land Department, over those intrusted with its administration, and, especially, over the expenses incurred in maintaining it. There is no Department of Government in a new country in which the facilities for mismanagement are so great, and the consequences so injurious; none in which the watchful and ever present control of public opinion, acting through the Constitutional means provided for its expression, is so needful to protect the public interests.

In this Province, especially, the Land Department is one which calls for immediate and wide reform. There are, in fact, two separate Departments, and two separate Survey establishments, where one is amply sufficient for all purposes of the Province. That part of the Province which is under the control of the Land Office at Christchurch, is becoming rapidly occupied for pastoral purposes, and it is, to a great extent, surveyed and mapped, and is producing a considerable revenue to the Colony. That part of the Province which is under the Department of the Crown Land Commissioner, has never been visited by that Officer, or by any Surveyor, or other person in the service of the Government, and, I believe, not one farthing of rent has yet been paid by the pastoral Settlers within its limits. It is needless for me to add, that these two Departments might be united, with benefit to the Province, and with a great saving of expense to the Government.

Gentlemen, the question to which I am now calling your attention, is one wholly distinct from that of the price of land, or of pasturage rents. That, indeed, is a question which will shortly demand your most serious consideration, but you will perceive that the question, as to how you could most beneficially administer the waste lands of the Province, is subordinate, and subsequent to that, as to whether you shall obtain the power of administration at all. This is the main point to which I conceive it would be most prudent for you to direct your attention in the first instance.

With the view of collecting your opinions on this subject, certain resolutions will be proposed in your Council on the part of the Provincial Government.

With respect to the expenditure of the land revenues, I will postpone the observations I have to make till a future occasion. When the entire management of the waste lands of the Province is in the power of the Provincial Government, I shall hope to lay before you measures which will restore a stream of immigration to the Settlement, supplying the labour of which the Province is so much in want;

which will provide the means of completing the public works so urgently needed, and will place the possession of the land within the reach of all classes who are able to occupy it with benefit to the community at large.

As soon then as the question as to the management of the waste lands is finally set at rest, I shall again request your attendance, and will submit to you such measures as the settlement of that question may enable me to introduce.

There is another subject of great importance, the consideration of which I am compelled to postpone, I mean the affairs of the Canterbury Association in reference to this Province. A brief correspondence has taken place between the General and Provincial Governments and the Agent of the Association. This shall be laid on your table, but the question stands in abeyance until Mr. Sewell shall have made some definite proposal, to which he has been invited by the Provincial Government. The delay in his doing so, arises, I am informed, by the absence of the accounts of the Association, which have been sent from England, but have not yet arrived in the Colony. Whatever proposition is made to the Government, shall be laid before the Provincial Council.

Gentlemen, there is a subject connected with the internal Police of the Province, upon which some legislation is immediately necessary. I mean the Laws relating to the prevention of disease in sheep. A Bill will be laid before you with the view of introducing such amendments in the present Law as may seem to meet the temporary emergency, but the arrangements I propose to make are by no means satisfactory or sufficient.

In the event of the management of the waste lands being given over to the Provincial Government, I am in the hope of being able to frame a measure for introducing Police regulations into the pastoral districts, and so combining it with the management of the lands themselves, that the public may reap the benefit without additional expense to the Government.

Under such a plan, disease might, I conceive, be effectually eradicated from the Province.

There is another subject upon which some alteration of the Law is greatly needed. I mean the Law of Trespass. But I conceive it will be better to postpone the consideration of this subject for a short time, in the hope of some speedy settlement of the land question; for in effecting a complete revision of the Law of Trespass, you must recollect that it should not only be made applicable to the more settled parts of the Province, but must also be accommodated to the peculiar circumstances of the purely pastoral districts, and the power of local management of the waste lands, would afford us a machinery for carrying the Law into effective operation in these parts of the Province.

The next subject to which I shall invite your attention, is the education of the people; I use the word in its largest sense, as comprehending the instruction of all classes, rich and poor; of all ages, old and young; in all matters, religious, as well as secular. You are well aware, Gentlemen, that this subject is one which, in our old country, is encumbered with greater difficulties than almost any other with which Legislators have to deal; but we must recollect that those difficulties arise from circumstances which have no existence here; they are occasioned in England, by the necessity and by the endeavour to accommodate institutions founded upon the principles, the sentiments, and the traditions of former ages, to the condition and circumstances of the present time.

It is your fortunate lot, Gentlemen, to enter upon this question unencumbered by such a conflict between the ideas of the past and the necessities of the future. Whatever you recognize as theoretically right, it is in your power to carry into action.

Now the question of education presents to us two problems, upon which it is desirable that we should entertain distinct and consistent views; and if possible, establish them as rules to be adhered to in all our future legislation. First, what is the relation in which the State in its corporate capacity, is to stand towards the various religious Bodies existing within it? And secondly, in what manner and to what extent ought the State to interfere in the education of the young?



With regard to the first of these points, whatever our individual predilections on the subject may be, however much we may wish that circumstances would admit of a different conclusion, I know not how we can accommodate to our existing political and social circumstances any other opinion than this,—that the State should stand in an attitude of absolute indifference to all religious communities; that we should regard the State as an organization of society for the purpose of regulating the intercourse between individuals in matters relating to this world; and religious communities as co-existent, but wholly independent organizations of the same society, for the purpose of ordering the conduct and promoting the well-being of their several Members in matters relating to another world. And the one only exception to this rule is, that the State being subject to the common law of self-preservation, is necessitated and bound to oppose, and even to expel those whose religious opinions involve the destruction of the State itself.

Gentlemen, I entertain no fear that this doctrine will produce irreligion amongst a people by whom it is distinctly understood and consistently acted on; for I am persuaded that if the State performs its duties in the affairs of this world the Church of God will fulfil its mission in the affairs of the next. I am persuaded that those who, as Members of the State, “render unto Cæsar the things that are Cæsar’s,” will not fail, as members of a Church, to render unto God the things that are God’s.

It does not however follow from the rule which I have endeavoured to lay down, and from which I trust the Government of this Colony will never depart, it does not follow that the State may not be called upon to legislate in reference to religious Bodies. The assistance of the Legislature may frequently be required to enable religious communities to manage their own affairs, which, under the existing state of the Law, they may be unable to do without such assistance.

Now an instance of this has occurred already. You are aware that a considerable amount of property is held in trust by the Canterbury Association for the purpose of education and Divine Worship in connection with the Church of England in this Settlement. You are also aware that by the seventy-sixth clause of the Constitution Act, the Canterbury Association are empowered to transfer to this Council all their “functions, powers, and authorities,” and that your Council is empowered to accept such transfer “upon such terms and conditions as shall be agreed upon between the Council and the Association.”

By the terms of the Royal Charter of incorporation granted to the Association, one principal object of and duty imposed upon that Body, is to establish and maintain religious institutions in this Settlement in connection with the Church of England.

Now the Canterbury Association are desirous, in accordance with their charter, to transfer to certain Corporations or Trustees within the Settlement the property which they hold for the above-named purposes, and they conceive that, in accordance with the clause in the Act which I have quoted, a legislative enactment by this Council is necessary, both to enable them to effect such transfer and also to acquit them of the obligations imposed upon them by the Royal Charter, as Trustees of the property referred to.

The Association will therefore probably petition your Council to pass two Bills which are in the course of preparation—the one having for its object to create a Board of Trustees, with perpetual succession, in which shall be vested that part of the property now held by the Association for exclusively ecclesiastical purposes, and to confide to such Board the perpetual management of the same; the other for the purpose of incorporating the Warden and Fellows of the College which is being established by the Association, and of constituting such Corporation the Trustees and Managers of the remainder of the said property which has been designed as an endowment for the College when formed.

I do not apprehend, Gentlemen, that these Bills will be considered to violate the principles which I have expressed; on the contrary, should any other religious Body claim the assistance which is asked by the Church of England, they ought in justice to receive it at your hands.

The State, you will observe by these Acts, does not *convert* property to the use of the Church, nor does it even assert the desirableness of such conversion. We have nothing now to do with how this property came into the possession of the Association; it may suffice us that, when we came into existence, we found it there. The only principle which is asserted in the two Bills to which your assent will probably be asked is, that it is expedient that the property in question should be placed in trust, and should be managed *within* the Settlement, and subject to the control of those to whose benefit it is dedicated, rather than that it should continue to be vested in a Corporation existing in England.

I come now to the second question—In what manner, and to what extent, does it become the State to interfere in the education of youth?

The obligation of the State to provide such education is recognized by almost every Statesman in every civilized country at the present day, and it is acted on with more or less completeness and consistency by every European Government. But if the necessity which has compelled the recognition of this principle has been so urgent in those communities where the appliances of refined civilization and a complete organization of society afford such extensive facilities for education through private means, and where the condensation of population places such vast numbers within the reach of schools so established, how tenfold more urgent must that necessity be where, as is the case with us, the mass of the population are engaged in the arduous struggle to extort from a wild country the first necessities of life, and to call around them in the midst of a desert the comforts of a home;—in a country where the great demands upon the energies of all to provide for the material prosperity of the present tends to obliterate the sense of the obligation to provide for the moral prosperity of those who are to come—where the inevitable dispersion of society renders all individual or unorganized efforts at education utterly fruitless.

Gentlemen, I know of no duty so incumbent upon a nation, as that of transmitting to posterity, unimpaired, if not improved, that moral and intellectual condition, which, under the providence of God, it has inherited from the past. I know of no duty, the neglect of which bears with it so immediately, or so fearfully, its own punishment in the degradation of the national character, the increase of crime, and the diminution of all the sources of human happiness. And yet, it is indisputable that a very small portion of the youth of this Province are enjoying the benefits of intellectual instruction or of moral discipline similar to that which their fathers received in England, still less similar to that which they might have themselves received had they remained in the land of their birth; and, unless some universal, some very earnest and self denying effort be made to avert the danger, I am at a loss to conceive how we can anticipate other than a deterioration in the character of the inhabitants, which it is bitterly painful to all right-minded men to contemplate, and keenly wounding to all honest national pride to submit to.

But the great necessity for some general scheme of education is still more strongly forced upon the mind when we consider the peculiar character of this population, and watch the direction in which it is advancing.

Speculating on the social condition of this Province some few years hence, it must be apparent to all, that in the course of a few years, a very powerful Body will have arisen in this country, whom we should in England call peasant Proprietors—small Farmers of their own lands; a class which, I believe, contributes the best and firmest basis upon which the superstructure of society can be erected. This class will be composed of those who were once Labourers in England; and you will see them rapidly growing up around you in wealth and political importance, a powerful and sturdy phalanx, whilst, unless some remedy be applied, they will, with equal rapidity, degenerate in intelligence and information.

There is something, to my mind, awful in the prospect of the great mass of a community rapidly increasing in wealth and power, without that moral refinement which fits them to enjoy the one, or that intellectual cultivation which enables them to use the other.

Gentlemen, I am deeply impressed with the necessity of averting evils, which I foresee are otherwise inevitable, by the introduction into this Province of a general system of education on a scale commensurate with the wants of the Province, but when I enquire into the means of accomplishing this great end, I am met at once by the conviction that there are no funds whatsoever at our command which can be applied to such a purpose. The Church of England, indeed, possesses an endowment for educational purposes, which has hitherto provided means for the support of the schools at Lyttelton and Christchurch, which were founded immediately after the landing of the first Colonists.

That endowment has already placed this Settlement in a position of superiority to any Colonial community of the same age and magnitude, but it is obvious to all that it is wholly insufficient to meet all the wants of the Settlement.

If, therefore, we resolve to possess the blessings of a really national education, we must ourselves provide means, by raising a rate or tax on the inhabitants of the Province.

It would be premature if I were now to enter upon the details of the measure which I desire to propose. If you consent to the principle of providing a state education, and if you admit the necessity for raising money by taxation for the purpose, we should not be long in agreeing upon the details of some plan for collecting the requisite annual amount, and of distributing the burden fairly amongst all.

But upon the mode of expending the education fund, when raised, I shall say a few words.

Keeping in view the principles with which I started, I should steadily avow that the State is not bound to educate its subjects in matters of religion. That is the proper business of the Church, or of the religious Bodies to which the children happen to belong. The business of the State is to educate in matters secular, and in them alone. But this doctrine is quite consistent with the admitted necessity of uniting secular and religious instruction in the education of youth.

The education fund of the Province should therefore be used in all instances to supply the secular instruction to schools set on foot by some religious Body, guaranteeing that religious instruction shall be given to the children attending it. For example, if the Church of England offers to provide religious teaching for a school at Riccarton, and guarantees an annual sum of money for that purpose, a grant would issue from the education fund of the Province to provide secular instruction for that school in proportion to the numbers attending it.

Upon this principle, of the most perfect fairness to all religious sects, the State education fund should be expended.

If the great mass of the people would consent to such a plan as this, and without that consent cheerfully given, from a deep sense of its necessity, it is idle to imagine it would succeed, I should not hesitate to lay a Bill on your table for carrying it into immediate effect. If I gain that assent, I contemplate not only day schools with really efficient Masters, at each centre of population, but the establishment of a good agricultural boarding school, where the children of the working classes may receive such an education as shall fit them for the higher and more influential position which every sober, honest, and industrious man is certain to attain in this Colony, and I think such a school might be made self-supporting.

Gentlemen, if such an educational scheme as that which I have proposed is to be worth anything, it must be set on foot with no niggard hand; you must have well educated, and therefore well paid Masters. If the education which the State is to give is to have the effect of moulding the character and exalting the tastes of the population, the Ministers of that education, your school Teachers, must be honoured and respected in their generation; and if the College which is about to be set on foot by the Canterbury Association, and which you will be asked to incorporate by charter, is to be a reality, and not a paper scheme, it is to that institution I should look to provide a supply of such Instructors. If the Masters in the parochial schools are well paid, depend upon it, young men will gladly take advantage of the College to qualify themselves for such situations.

That Institution would thus acquire an additional degree of importance and usefulness. With its library, its Scholars, and its staff of Professors and Fellows, who have brought with them honors from the greatest academical institutions of the world, the College ought to stand amongst us the living witness and symbol of that lofty mental culture, and that pure and disinterested love of learning which are enshrined in the venerable institutions of our own land. In such an aspect alone, it might indeed be regarded as a luxury too refined for a young and struggling commonwealth, but standing on the summit of a general educational system, reflecting its learning upon every individual in the State, by the supply of good Instructors to the common schools, offering rewards and encouragements to those who, from superior mental capacity, aspire to rise above their fellows, and long for the higher range of intellectual study. In such an aspect, the College would become incorporated with the best interests of the people. It could not fail to be regarded, not only as the most valued Institution, but as an indispensable adjunct to the educational system of the Province.

Gentlemen, I am not imagining that all this will be done in a day, all I ask now, is that this Province should commit itself to a principle—a principle of such vast importance, that upon your verdict will in my mind rest the destinies of this country for many generations. Nor in such a system should we neglect the Native population; small as it is in this Province, we shall be bound to provide some means to enable the Natives to share the advantages which the European population would in such case enjoy.

You will bear in mind that the Natives bear their share of the expenses of the Government of this Province by the consumption of articles which have paid duty to the Customs. They have therefore a direct claim to some share in the institutions of the Province established for the benefit of the community.

Moreover, if we applied some portion of the proposed educational fund to the purposes of Native instruction, we should have a great claim to some portion of the £7,000 a-year which is reserved by the Civil List for Native purposes to aid us in the undertaking. It would be possible either to establish a separate Industrial School for the Natives, or to admit them into a ward of the Agricultural School which I hope to found for the English laboring classes.

Gentlemen, the number and importance of the subjects to which I have thought it my duty to advert, afford sufficient evidence that I did not, in the former part of this address, over-rate the weight of responsibility which attaches to your deliberations in this House. A due attention to all these various topics will demand no short space of time, probably longer than you will be able to devote to them during the present Session. So soon as the several Bills and resolutions can be prepared, they will be laid before you in the order of their importance; and it will be your part to take them into consideration in such manner as the convenience of the Council and the interests of the public may suggest to you.

Gentlemen, with respect to these measures, as to all others which may come under discussion in this House, I have the most entire confidence that they will receive at your hands a fair and candid consideration; that as the Representatives of this community you will, in all your deliberations reflect that which has hitherto been its distinguishing character, an absence of the jealousies of party and of the animosities of faction, that whilst with patience and perseverance you thoroughly weigh, sift, scrutinize, and if you think it right, oppose propositions laid before you either by the Government or by individuals. You will in all be guided by one single end and feeling, a pure and conscientious regard for the public weal. It is because I entertain such a confidence, that relying upon your assistance, your advice, your co-operation, I indulge not only in the hope, but the conviction that I shall be able to govern this Province, so far as it is committed to my charge, to the Glory of God, to the honor of Her Majesty the Queen, and to the safety, welfare, and happiness of all classes of the subjects in this portion of Her Dominions.

His Honor having left the Council Chamber, a Motion was granted "That Charles Simeon, Esquire, be elected Speaker of this Council."

Motion was granted, "That Mr. Tancred and Mr. Cookson be appointed by

this Council as a Deputation to announce to his Honor the Superintendent that they have elected Charles Simeon, Esquire, to be their Speaker, and to request his Honor's confirmation thereof."

Mr. Tancred and Mr. Cookson left the Council Chamber to announce the election of the Speaker to his Honor, and returned bearing the following Message, which was read by the Clerk:—"His Honor the Superintendent has much pleasure in confirming the election of Charles Simeon, Esquire, Resident Magistrate of Lyttelton, Member of the Provincial Council of Canterbury, to be Speaker of the said Council."

The Speaker took the Chair.

A draft of the "Standing Rules and Orders of the Provincial Council of the Province of Canterbury, New Zealand," was laid on the table.

Motion was granted "That the draft Rules now laid on the table be read by the Clerk, and adopted *pro forma*, and for convenience in first proceeding to business."

The following Bills were laid on the table:—

A Bill "for Authorizing a Provincial 'Government Gazette' for the Province of Canterbury, New Zealand."

A Bill "for Protecting Members."

A Bill "for Authorizing an Advance of Money."

A Bill "for Making a Public Seal for the Province of Canterbury, New Zealand, and for establishing an Executive Government for the said Province."

The following Papers were laid on the table by order of his Honor the Superintendent:—

1. Estimates of Revenue for the Year commencing 1st October, 1853.
2. Despatch from the Civil Secretary to the Superintendent, authorizing his Honor to remit brief sentences.
3. Copy of Private Letter to Henry Sewell, Esquire, relative to his undertaking the duties of Legal Adviser to the Local Government.
4. Copy of Despatch from the Civil Secretary to the Superintendent on the subject of the Financial Arrangements for the Province.
5. Copy of Despatch from the Civil Secretary to the Superintendent stating that certain Heads of Departments are directed to report to his Honor from the 1st October next.

Motion was granted "That his Honor the Superintendent be respectfully requested to lay before the Council a copy of Memorial presented to him on the subject of the claim of George Hempleman, and the compensation allowed him by the Crown Land Commissioner."

The Council adjourned until Wednesday next at 11 a.m.

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WEDNESDAY, 28TH SEPTEMBER, 1853.

The Council met pursuant to adjournment. The Speaker in the chair.

Motion was granted "That the Council do resolve itself into Committee, for the consideration of the Standing Orders."

The Council in Committee, Mr. Aylmer was appointed Chairman.

Message No. 2, from his Honor the Superintendent, was received and read by the Chairman:—"His Honor the Superintendent, in accordance with the provisions of the New Zealand Constitution Act and of the fifty-fifth clause in the Proclamation issued by his Excellency the Governor of New Zealand, dated 5th March, 1853, refers to the Provincial Council the Petition hereunto appended, against the return of Robert Heaton Rhodes, and the Reverend William Aylmer as Members for the Akaroa District, to be dealt with as the Provincial Council shall direct and appoint."

JAMES EDWARD FITZGERALD,  
Superintendent.

Clauses 1 to 60 of the Standing Orders were discussed, and adopted with amendment.

The Council resumed.

The Chairman reported progress.

The Council adjourned until Thursday next, at 11 a.m.

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THURSDAY, 29TH SEPTEMBER, 1853.

The Council met pursuant to adjournment.

The Speaker being absent, Mr. Cass was elected Chairman for the day.

The Council in Committee on the Standing Orders, Mr. Alymer was elected Chairman.

The Standing Orders from clause 60 to the end were discussed and adopted with amendments.

The Standing Orders as amended were read by the Clerk.

Motion was granted "That the Standing Orders as now read do stand."

The Council resumed.

The Chairman of Committee reported the Standing Orders as amended.

Motion was granted "That the Standing Orders as passed in Committee be adopted by the Council and forwarded to his Honor the Superintendent for confirmation.

Leave was given to Mr. Aylmer to withdraw his former motion on the subject of Hempleman's claim at Akaroa.

The Council adjourned until Friday next, at 4 p.m.

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FRIDAY, 30TH SEPTEMBER, 1853.

The Council met pursuant to adjournment.

The Speaker being absent, Mr. Bowen was elected Chairman for the day.

The Chairman notified to the Council that he had received the Standing Orders confirmed by his Honor the Superintendent.

Motion was granted "That his Honor the Superintendent be respectfully requested to lay before the Council a copy of the Memorial presented to him by the English Settlers at Akaroa relative to the claim of George Hempleman, and the compensation made to him by the Crown Land Commissioner; together with any correspondence which may have taken place between his Honor and the General Government on the subject."

Motion was granted "That clause 59 of the Standing Orders be suspended for the present."

The "Advance of Money Bill" was read a first time.

The "Advance of Money Bill" was read a second time.

The House in Committee on the "Advance of Money Bill." Mr. Aylmer in the chair; the clauses passed as read by the Clerk.

The Council resumed. The Chairman reported the Bill as passed.

The "Advance of Money Bill" was read a third time and passed.

Motion was granted "That Standing Order No. 59 be again brought into force."

Leave was given to bring in a Bill "to Prevent the Spread of the Disease called Scab."

The Bill was laid on the table.

Motion was granted "That his Honor the Superintendent be respectfully requested to cause to be laid before the Council an account of the number of letters

received at the Post Office in Lyttelton, during a consecutive period of three months, addressed to Christchurch and its immediate neighbourhood: likewise a similar account of the number of newspapers."

The Council in Committee, to proceed to the election of a Clerk of the Council. Mr. Aylmer in the chair.

Motion was proposed "That Mr. George Ross be elected Clerk to the Council." Amendment proposed, "That the election of the Clerk be postponed."

Debate ensued. Division was called for. Ayes 3. Noes 3. The Chairman decided in favor of the Noes.

Amendment proposed, "That Mr. Frederick Thompson be elected Clerk to the Council."

Debate ensued. Division was called for. Ayes 1. Noes 5.

Motion was granted "That Mr. George Ross be elected Clerk to the Council." The Council resumed. The Chairman reported progress.

Motion was granted "That the Chairman for the day be requested to communicate with his Honor the Superintendent for his confirmation of the election of Mr. Ross as Clerk to the Council."

Motion was granted "That the Petition of Messrs. Moorhouse and Tribe against the return of Messrs. Aylmer and Rhodes be gone into on an early day, Tuesday next; and that Mr. Moorhouse receive a notice to that effect."

The Council adjourned until Tuesday next, at 4 p.m.

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TUESDAY, 4TH OCTOBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

The Speaker read to the Council a letter he had received from his Honor's Private Secretary confirming the election of Mr. Ross as Clerk to the Council.

Leave was given to bring in "a Bill for Protecting Members of the Provincial Council of the Province of Canterbury."

Leave was given to bring in "a Bill for Authorizing the Publication of a 'Government Gazette' by the Superintendent, and to make Printed Copies Evidence."

Motion was granted "That consideration of the petition of Messrs. Tribe and Moorhouse be adjourned till to-morrow."

Motion was granted "That the special leave of the Council be given to Members to bring on to-morrow Motions of which notice has been given by them to-day."

The Council adjourned at 5.45 p.m. until Wednesday next.

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WEDNESDAY, 5TH OCTOBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

Leave was given to bring in "a Bill to Limit the Patronage of his Honor the Superintendent, making it unlawful for him to appoint to any Office, or to enter into any contract under which payments of public money shall be made to any Members of this Council, unless such Member shall have first resigned his seat."

Motion was granted "That such Bill be read a first time, Friday, 7th October; a second time, Tuesday, 11th October, and discussed in Committee."

Leave was given to bring in "a Bill for Constituting a Provincial Executive Government for Canterbury, and for Creating certain Offices of Government."

Motion was granted "That such Bill be read a first time, Friday, 7th October; a second time, Tuesday, 11th October, and discussed in Committee."

Motion was granted "That a Standing Committee be appointed to regulate the internal arrangement of the Council Chamber and the custody of the Papers, such Committee to consist of Messrs. Cass, Hamilton, and Hall."

Motion was granted "That the Commissaries of the Lord Bishop of New Zealand be requested to compile a Form of Prayer for the use of this Council."

Motion was proposed "That the Address to his Honor the Superintendent, in reply to his inaugural Address to the Council, as now read, be adopted by the Council."

Amendment was carried "That the words beginning 'but they deeply regret' to the end of the section be omitted."

Amendment was carried "That the word 'also' be omitted in the sentence commencing 'They also regret.'"

Motion was granted "That further consideration of the Address be deferred till to-morrow."

The Council in Committee on the Standing Orders. Mr. Bowen in the chair.

Motion was granted "That clauses 75, 76, 77, and 78 of the Standing Rules and Orders of the Council, having reference to election petitions, be expunged, and that there be substituted for them the series of Rules now handed in; that they be read and taken into consideration *seriatim*."

Clauses A, B, C passed as read.

Clause D (amendment proposed and withdrawn by consent), passed as read.

Clause E passed as read.

Clause F ordered to stand over for reconsideration.

Clauses G and H passed as read.

Clause I considered. Amendment was carried upon division "That the word 'one' be omitted." Clause I passed as amended.

Clause K passed as read.

Clause L was considered. Amendment was carried "That the words 'leave his seat in the Council' be substituted for the words 'in the Council Chamber.'" Clause L passed as amended.

Clauses M and N passed as read.

Clause O was considered. Amendment was carried "That the words 'with the consent of the parties on both sides' be omitted." Clause O passed as amended.

Clauses P, Q, R passed as read.

Clause S ordered to stand over for re-consideration.

Clauses T and U passed as read.

Clause V was considered. Amendment was carried "That after the word 'Committee,' the words 'to be sufficient to unseat a Member' be inserted." Clause V passed as amended.

Clause W considered. Amendment was carried "That the word 'shall' be erased, and that the word 'may' be substituted." Clause W passed as amended.

Clauses X, Y, Z passed as read.

Clause F considered. Amendment was carried "That the original clause F be expunged, and that the clause now read be adopted in lieu thereof."

Clause S passed as amended and now read.

Motion was granted "That the several clauses on Election Petitions adopted this day be added to the Standing Rules and Orders of the Council."

The Speaker in the chair.

The Chairman reported the Standing Rules and Orders as amended and passed.

Motion was granted "That the additional Standing Rules and Orders now agreed to be forwarded to his Honor the Superintendent for confirmation."



A letter from his Honor's Private Secretary was received and read by the Speaker, together with enclosure, being a letter to his Honor from J. Seager Gundry, Esquire.

Ordered to lie on the table.

The "Scab and Catarrh Bill" was read a first time.

Motion was granted "That Thursday, the 20th instant, be the day appointed for hearing the parties to the case of the disputed Akaroa Election."

Paper No. 6 on the subject of the Waste Lands of the Province was laid on the table.

The Council adjourned at 3.15 p.m. until Thursday next.

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THURSDAY, 6TH OCTOBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

The "Protection of Members Bill" was read a first time.

The "Government Gazette Bill" was read a first time.

Motion was granted "That the Standing Rules and Orders be referred to a Select Committee for the purpose of revision and analysis, to report such alterations as may to them appear necessary; and that the Clerk to the Council be directed to furnish necessary copies of the Standing Rules. Such Committee to consist of Messrs. Tancred, Dampier, Hall, and Hamilton."

Motion was proposed "That it would be a bad precedent for the Council to allow their Chamber to be used for purposes other than the deliberations of the Council, especially during the Session."

Amendment proposed "That from the word 'That' to the end of the sentence be omitted, and that the following words be inserted:—'The Provincial Council Chamber be granted to the Freemasons for the purposes applied for on this occasion, but that it will not be considered as forming a precedent.'"

Question put that "The original words do stand."

Division was called for. Ayes 5. Noes 4.

The original Motion was granted.

Motion was granted "That Messrs. Moorhouse, Tribe, and the other parties to the Akaroa Petition be allowed to inscribe the name of an Agent on the Petition which has been presented by them to his Honor the Superintendent."

The address to his Honor the Superintendent was read by the Clerk.

TO HIS HONOR JAMES EDWARD FITZGERALD, ESQUIRE, SUPERINTENDENT OF THE PROVINCE OF CANTERBURY.

"SIR,—The Provincial Council take an early opportunity of addressing your Honor on the Speech with which you were pleased to inaugurate their proceedings.

"They will not attempt to enter at length into the numerous and important questions which have been raised in that communication. It is obvious that on the greater part of them, any decided expression of opinion would be at the present, premature and uncalled for.

"The Council wish to record their entire approbation of the course you have pursued in convening them at this early period. They consider that this was a matter of imperious necessity, for they would have deprecated most earnestly either the appropriation of the Provincial Revenue without lawful authority, or the adopting the only remaining alternative, that of impairing public credit by a general suspension of payments.

"It affords the Council much satisfaction to observe that the impressions which they had themselves entertained as to the progress of the Settlement in wealth and prosperity, are confirmed by the authenticated statements which your Honor has been enabled to lay before them.

“They will take into their early and most serious consideration the various measures which you have caused to be prepared for placing the Government of the Province upon an efficient and well defined footing. They fully appreciate the exertions which have led to these measures being laid upon the Council table at this early period.

“It is highly satisfactory to the Council to learn that the Revenue of the Province after contributing its due proportion towards defraying the expenses of the General Government, is still sufficient for the proper maintenance of the Provincial Establishments. But they regret that there are as yet no funds available for purposes of immigration, for the repair of roads, and for various other public works, which are highly essential to the material progress of the Province.

“They concur in the hope expressed by your Honor, that the administration as well as the revenue of the waste lands of the Province will, at no distant day, be committed to the Provincial Authorities.

“They entertain a deep sense of the importance of placing the education of the people upon a sound and efficient basis, and will give their earnest consideration to any measures which may be proposed to them on the subject.

“The Council express their sincere hope that they may always be enabled to co-operate with your Honor, so that the Executive and Legislative branches of the Government may work together harmoniously in promoting the firm establishment of Responsible Government.

“In conclusion, the Council wish to express their acknowledgments of the wisdom and goodness of the Imperial Parliament in bestowing upon this Colony the free Institutions which it now enjoys and their unfeigned thankfulness to Almighty God for having blessed the Province with so large a measure of present wealth and prosperity, and a fair prospect of future advancement and happiness.”

Motion was granted “That the Address, as amended and read, be adopted, and presented to his Honor the Superintendent by Mr. Speaker, Mr. Packer, Mr. Hall, and Mr. Cass.”

The Council adjourned at 6 p.m., until Friday next.

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FRIDAY, 7TH OCTOBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

The “Limitation of Patronage Bill” was read a first time.

The “Provincial Executive Government Bill” was read a first time.

The “Scab and Catarrh Bill” was read a second time.

Message No. 3, from his Honor the Superintendent was received and read.

“His Honor the Superintendent having received from the Speaker of the Provincial Council a copy of a Bill which has been passed by the Council, entitled a ‘Bill for Authorising an Advance of Money on account of the Revenue of the Province of Canterbury, New Zealand, for the service of the said Province,’—returns the same for the reconsideration of the Council.

“It appears to his Honor that the Bill ought to have been transmitted to his Honor in the form of an Act or Ordinance, and his Honor suggests to the Provincial Council whether it would not be desirable to follow the course adopted in other Legislative Bodies, of determining the *title* of every Bill by a resolution of the Council immediately after it has been passed.

“JAMES EDWARD FITZGERALD,  
“Superintendent.”

The Council in Committee to take into consideration a Message from his Honor returning for their consideration, the ‘Advance of Money Bill.’

Mr. Cass in the Chair.

Motion was granted "That this Bill be headed 'An Ordinance for Authorizing an Advance of Money on account of the Revenue of the Province of Canterbury, New Zealand, for the service of the said Province.'"

Motion was granted "That this Bill be entitled 'Advance of Money Ordinance.'"

The Council resumed, and adjourned until Noon on Saturday next.

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SATURDAY, 8TH OCTOBER, 1853.

The Speaker being absent, Mr. Bowen was elected Chairman for the day.

The "Advance of Money Bill" was read a third time.

The Council adjourned at 12.15 p.m., until Tuesday next.

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TUESDAY, 11TH OCTOBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

Motion was proposed "That the discussion of the Resolutions on the subject of the Waste Lands, in Committee of the whole Council, be deferred until Thursday, the 13th instant." Amendment was proposed "That the word 'thirteenth' be expunged, and the word 'twentieth' be substituted."

Question put "That the word 'thirteenth' proposed to be left out, do stand part of question."

Division was called for. Ayes, 7. Noes, 2. The original Motion was put and carried.

The "Provincial Government Executive Bill" was read a second time.

The "Provincial Government Gazette Bill" was read a second time.

The "Limitation of Patronage Bill" was read a second time.

The "Protection of Members Bill" was read a second time.

The following papers were laid on the table:—

No. 7, relating to the Canterbury Association.

No. 8, relating to Immigration.

No. 9, relating to Land Claims at Akaroa.

No. 10, relating to the Supreme Court.

Motion was granted "That in the opinion of this Council, extra clerical assistance is for a time required by the Clerk to the Council. That this Resolution be communicated to his Honor the Superintendent, by Mr. Speaker, with a request that his Honor will take measures accordingly."

The Council adjourned at 6.45 p.m., until Wednesday next.

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WEDNESDAY, 12TH OCTOBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

The Memorial of a Committee appointed at a public meeting held in the town of Christchurch, on the 5th of October, 1853, to consider the best means of averting the spread of disease among sheep was presented by Mr. Hall, and received.

The Council in Committee for the consideration of the Scab and Catarrh Bill. Mr. Cookson in the chair.

Motion was granted, "That for Clause 1 in the original Bill, Clause 1 in the amended Bill, be substituted."

Clause 2 in the amended Bill was substituted for Clause 2 in the original Bill, and amendment was carried "That after the words 'rented by him,' the words 'or of which he shall have the exclusive right of pasturage, or along any public or other road or way within the Province of Canterbury, except in covered vehicles,' be introduced."

Clauses 3, 4, 5, and 6 in the amended Bill were adopted. Amendment was carried "That to Clause 6, after the words 'distinctly wool branded,' the words 'on the side thereof' be inserted in the amended Bill."

Clauses 7, 8, 9, and 10 in the amended Bill were adopted.

Clause 5 in the original Bill ordered to stand over for further consideration.

Clauses 6, 7, 8 and 9 in the original Bill expunged.

Clauses 11, 12, 13, 14 and 15 in the amended Bill were adopted.

Clause 16 in the amended Bill ordered to stand over.

Clause 17, adopted as amended, "That the words in this clause exclusively relating to cattle be expunged."

Clauses 18, 19, and 20 in the amended Bill adopted.

Clause 10 in the original Bill ordered to be inserted in the amended Bill.

Clause 5 in the original Bill proposed to be expunged.

The Speaker in the chair.

Message No. 4 from his Honor the Superintendent was received and read.

"I, James Edward FitzGerald, Superintendent of the Province of Canterbury, hereby declare that I do, on behalf of his Excellency the Governor of New Zealand, assent to an Ordinance, entitled 'An Ordinance for Authorizing an Advance of Money on account of the Revenue of the Province of Canterbury, New Zealand, for the service of the said Province,' passed by the Provincial Council of the said Province upon the Eighth day of October, in the year of our Lord one thousand eight hundred and fifty-three, in the first Session of the same.

"Given under my hand this twelfth day of October, in the year of our Lord one thousand eight hundred and fifty-three.

" JAMES EDWARD FITZGERALD,

" Superintendent."

The Committee resumed.

Clause 5 in the original Bill was ordered to be expunged.

Clause 16. Motion proposed "That clause 16 in the amended Bill do stand part of the said Bill." Amendment was carried, upon division, "That the consideration of this be postponed till some clauses in this measure be brought forward regulating and providing for the landing of sheep or lambs diseased by scab or catarrh." Ayes, 5. Noes, 1. Motion was granted, "That certain clauses proposed by Mr. Dampier to be inserted in the Bill be so inserted."

The Speaker in the chair.

The Chairman reported progress, and obtained leave to sit again on Friday next.

The Council adjourned at 11.30 p.m., until Thursday next.

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THURSDAY, 13TH OCTOBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

The Council in Committee for the consideration of the Resolutions on the Waste Lands.

Motion was proposed "That Resolution No. 1, as read, be adopted." Amendment was carried "That the words 'conducted through the Land Office, at Christchurch, under the immediate control of the Executive' be omitted, and that the words 'committed to the Provincial' be substituted." The Resolution passed as amended.

Motion proposed "That Resolution No. 2, as read, be adopted." Amendment was carried "That the word 'executive' to the end be omitted, and that the word 'Provincial' be substituted; and that after the word 'expended' the words 'by the Superintendent and Executive Government' be introduced." The Resolution passed as amended.

Resolution No. 3, passed as read.

Motion was proposed, "That the Resolutions be adopted as a whole." Division was called for. Ayes, 2. Noes, 7.

The Speaker in the chair.

The Chairman reported progress.

The Resolutions were read as amended in Committee:—

1. "That in the opinion of this Council, the administration of all the waste lands of the Province ought to be committed to the Provincial Government of the Province."

2. "That in the opinion of this Council, there is immediate and urgent need that the funds arising from the waste lands of the Province should be placed at the disposal of the Provincial Government of the same, to be expended by the Superintendent or Executive Government, with the advice and consent of the Provincial Council."

3. "That an address be presented to his Excellency the Governor, praying that, pending any laws to be made upon the subject by the General Assembly of New Zealand, his Excellency will be pleased to take such steps as may be necessary to carry the above Resolutions into immediate effect."

Motion was granted "That the two first Resolutions be embodied in an Address to his Excellency the Governor."

The Committee resumed the consideration of the Waste Lands Resolutions.

Motion was proposed "That Resolution No. 4 be adopted." Amendment was carried "That after the word 'therefrom' the words 'subject to payment to the General Government of such portions as may be properly payable to the New Zealand Company, and for the service of the General Government' be introduced."

The Speaker in the chair.

The Chairman reported progress.

The Resolution, as amended, was read—"That in the opinion of this Council, the disposal of the waste lands of this Province, either by sale or by letting the same for pasturage purposes, the entire management and administration of the same, and the disposal of all the revenues arising therefrom, subject to payment to the General Government of such portions as may be properly payable to the New Zealand Company, and for the service of the General Government, ought to be conducted solely according to laws to be enacted by the Superintendent and Provincial Council of the Province."

Motion was granted "That an Address be presented to his Excellency the Governor and to both Houses of General Assembly, in accordance with the Resolution now read."

The House in Committee for the consideration of the "Protection of Members' Bill."

Clause 1 passed as read.

Clause 2. Amendment was proposed "That the words be omitted 'or who shall be in any way concerned in editing, printing, or publishing any public news-

papers containing a faithful report of the proceedings of the said Council, or of any Committee thereof." Division was called for. Ayes, 4. Noes, 4. The Chairman decided in favour of the Noes. Clause 2 passed as read.

Clauses 3, 4, 5, passed as read.

Clause 6; Amendment was carried "That for the words 'transmitted by him to the Superintendent,' the words 'forthwith paid to the Provincial Treasurer' be substituted."

Clauses 7, 8, 9, 10, passed as read.

The Speaker in the chair.

The Chairman reported the Bill as amended.

The Council in Committee for the consideration of the "Provincial 'Government Gazette' Bill."

The clauses passed as read.

The Speaker in the chair.

The Chairman reported the Bill as passed.

The Council adjourned at 8.15 p.m., until Friday next.

FRIDAY, 14TH OCTOBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

The Form of Prayer drawn up by the Commissaries of the Lord Bishop of New Zealand was ordered to lie on the table.

Leave was given to bring in a Bill "to make certain portions of the Revenue collected within the Province of Canterbury payable to the Treasurer thereof."

The Council in Committee for the consideration of the Provincial Executive Government Bill.

Clauses 1, 2 passed as read.

Clauses 3, 4, 5 passed as amended.

Clauses 6, 7, 8, 9, 10 passed as amended.

Clause 11 expunged.

Clauses 12, 13, 14 passed as read.

Clause 15 ordered to stand over for consideration till the Bill be re-committed.

Clause 16 passed as amended.

Clause 17; amendment proposed "That this clause be expunged."

The Council resumed.

The Chairman reported progress, and obtained leave to sit again on Tuesday next.

Motion was granted "That, in accordance with the Resolutions referring to the waste lands, already adopted by the Council, the following Address to his Excellency be sent to his Honor the Superintendent, for transmission to his Excellency the Governor-in-Chief:—

"MAY IT PLEASE YOUR EXCELLENCY,

"We, her Majesty's faithful subjects of the Province of Canterbury, in Provincial Council assembled, respectfully pray your Excellency to be pleased, pending any laws to be made respecting the matter of this Address by the General Assembly of New Zealand, to commit the administration of all the waste lands of the Province to the Provincial Government of the Province.

"We desire respectfully to represent to your Excellency that there is immediate and urgent necessity that the funds arising from the waste lands of the Province should be placed at the disposal of the Provincial Government, to be

expended by the Superintendent, or Executive Government, with the advice and consent of the Provincial Council.

“And your Petitioners will ever pray, &c., &c., &c.”

The Council adjourned at 3 p.m., until Tuesday next.

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TUESDAY, 18TH OCTOBER, 1853.

The Council met, pursuant to adjournment.

The Speaker in the chair.

The following papers were laid upon the table :—

No. 11—Relating to Finance.

No. 12—Relating to the Post Office.

Two letters from his Honor the Superintendent, referring to the subject of “Extra Clerical Assistance” were read, and ordered to lie on the table.

The House in Committee for the consideration of the “Provincial ‘Government Gazette’ Bill.”

Clauses 1, 2 passed as read.

Clause 3 was expunged, and the following inserted—“Nothing shall be printed or published in the said Provincial ‘Government Gazette,’ except by direction of the Superintendent.”

Clause 4 was expunged.

Two clauses proposed to be added, ordered to stand over till to-morrow.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee for the consideration of the “Limitation of Patronage Bill.”

Clauses 1, 2, 3 passed as read.

Clause 4, passed as amended.

Clause 5, passed as read.

The Speaker in the chair.

The Chairman reported progress.

The “Provincial Executive Government Bill” was withdrawn.

The following Addresses were read :—

“TO HIS EXCELLENCY SIR GEORGE GREY, K.C.B., GOVERNOR AND COMMANDER-IN-CHIEF IN AND OVER THE ISLANDS OF NEW ZEALAND, AND VICE-ADMIRAL OF THE SAME, &c., &c., &c.”

“The Memorial of Her Majesty’s faithful subjects of the Province of Canterbury, in Provincial Council assembled,

“HUMBLY SHEWETH,

“That in the opinion of this Council, the disposal of the waste lands of this Province; either by sale or by letting the same for pasturage purposes, the entire management and administration of the same, and the disposal of all revenues arising therefrom, subject to payment to the General Government of such portions as may be properly payable to the New Zealand Company, and for the service of the General Government, ought to be conducted solely according to laws to be enacted by the Superintendent and Provincial Council of the Province.

“Your Memorialists pray your Excellency to cause such laws to be made by the General Assembly as shall carry this object into effect.

“And your Memorialists will ever pray, &c., &c., &c.”

“TO THE LEGISLATIVE COUNCIL IN THE GENERAL ASSEMBLY OF NEW ZEALAND.

“The Memorial of Her Majesty’s faithful subjects of the Province of Canterbury, in Provincial Council assembled,

“HUMBLY SHEWETH,

“That in the opinion of this Council the disposal of the Waste Lands of the Province, either by sale or by letting the same for pasturage purposes, the entire management and administration of the same, and the disposal of all the Revenues arising therefrom, subject to the payment to the General Government of such portions as may be properly payable to the New Zealand Company, and for the service of the General Government, ought to be conducted solely according to Laws to be enacted by the Superintendent and Provincial Council of the Province.

“And your Memorialists pray your Council to pass such Laws in the General Assembly as shall carry this object into effect.

“And your Memorialists will ever pray, &c., &c., &c.”

“TO THE HOUSE OF REPRESENTATIVES IN THE GENERAL ASSEMBLY OF NEW ZEALAND.

“The Memorial of Her Majesty’s faithful subjects of the Province of Canterbury in Provincial Council assembled,

“HUMBLY SHEWETH,

“That in the opinion of this Council, the disposal of the Waste Lands of this Province, either by sale or by letting the same for pasturage purposes, the entire management and administration of the same, and the disposal of all the Revenues arising therefrom, subject to payment to the General Government of such portions as may be properly payable to the New Zealand Company and for the service of the General Government, ought to be conducted solely according to Laws to be enacted by the Superintendent and Provincial Council of the Province.

“And your Memorialists pray your House to pass such Laws in the General Assembly as shall carry this object into effect.

“And your Memorialists will ever pray, &c., &c., &c.”

Motion was granted “That the Addresses now read be adopted.”

Motion was withdrawn by leave “That no Bill be hereafter passed for transmission to the Superintendent till four clear days after it has been printed and laid on the table for the use of Members.”

Motion was granted “That no Bill be hereafter read a third time till three clear days after it has been printed, or after six manuscript copies have been laid on the table for the use of Members.”

The Council adjourned at 6.13 p.m. until Wednesday next.

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WEDNESDAY, 19TH OCTOBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

The Council in Committee for the consideration of the “Scab and Catarrh Bill.”

Motion was proposed “That clause 1 do stand.”

Amendment was negatived upon division “That in the recital of the Bill the word ‘repealed’ be expunged, and the word ‘amended’ be substituted, and that the first or repealing clause be expunged.”

Ayes 3. Noes 5.

The original question was put and granted.

Clause 2 passed as amended.

Clause 3 ordered to be struck out.

Clauses 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 passed as amended.

Clause 14 ordered to stand over for consideration.



Clauses 15, 16 passed as amended.

A clause relating to the Quarantine Regulations was read, amended and deferred for consideration.

A clause providing for the appointment of Inspectors was read and ordered to be inserted in the Bill.

Clauses 17, 18, and 19 were ordered to be expunged.

Clauses 20 and 21 passed as amended.

Clause 21a was expunged.

The form of warrant was read and passed.

Clause 14 was expunged.

Clause 14a passed as read.

Clause 16 passed as amended.

The Speaker in the chair.

The Chairman reported progress. The Bill was ordered to be printed.

The order in reference to the " 'Government Gazette' Bill " was deferred till Tuesday.

Leave was given to withdraw the " Provincial Executive Government Bill," and to bring in a Bill " for establishing a Provincial Executive Government ; " and also a Bill " For Creating a Public Seal for the Province."

The Council adjourned at 6 p.m. until Thursday next.

THURSDAY, 20TH OCTOBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

The Council in Committee for the consideration of the Akaroa Election Petition.

Motion was granted " That all the objections to Standing Orders be stated at once."

Strangers were ordered to withdraw, and the Committee proceeded to the consideration of the Akaroa Election Petition.

Motion was granted " That in the opinion of this Committee the issue as to the legality of the tender of John McHutchinson has not been proven."

The Speaker in the chair.

The Chairman reported progress.

Motion was granted " That this Council declare Mr. Robert Heaton Rhodes and Mr. William Aylmer duly elected."

The Counsel for the Petitioners, and the Sitting Members having been recalled, the Speaker announced the decision of the Council in the matter of their Petition.

The Council proceeded to the Order of the Day.

The " Provincial Revenues Bill " was read a first time.

The " Provincial Executive Government Bill " was read a first time.

The Council adjourned at 6.30 p.m. until Tuesday next.

TUESDAY, 25TH OCTOBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

The Council in Committee for the consideration of the " Provincial 'Government Gazette' Bill. "

Clause 1 passed as read.

Clause 2 passed as amended.

Two additional clauses were read and ordered to stand part of the Bill.

The Speaker in the chair.

The Chairman reported the Bill to the House.

The Order of the Day in reference to the "Limitation of Patronage Bill," and the "Appropriation of Revenues Bill" was deferred till to-morrow.

The "Provincial Executive Government Bill" was read a second time.

Motion was granted "That the Standing Rules and Orders be suspended, and that the Council do now resolve itself into Committee for the consideration of the "Provincial Executive Government Bill."

The Council in Committee.

The preamble and clause 1 passed as read.

Clauses 2 and 3 passed as amended.

Clauses 4, 5, and 6 passed as read.

Clause 8 passed as amended.

The Speaker in the chair.

The Chairman reported the Bill to the House.

The "Provincial Revenues Bill" was read a second time.

Leave was given to bring in a Bill "to compel the Branding of all Sheep and Cattle."

Paper No. 13, the Post Office Returns, moved for September 30th, was laid on the table.

The "Provincial 'Government Gazette' Bill" and the "Provincial Executive Government Bill" were ordered to be printed.

The Council adjourned at 7.15 p.m. until Wednesday next.

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WEDNESDAY, 26TH OCTOBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

A Petition from Thomas Adams was presented and received.

The Council in Committee to consider the papers on the table in reference to the Supreme Court.

Motion was proposed "That none of the expenses of the Supreme Court ought to be paid out of the Provincial Revenues."

Amendment was proposed "That the expenses of the Supreme Court ought not to be paid out of the Provincial Revenues, but exclusively out of the General Revenues of the Colony."

The Speaker in the chair.

The Chairman reported progress.

The Order of the Day referring to the "Limitation of Patronage Bill," and the "Provincial Revenues Bill" was deferred.

The Council adjourned at 12.45 p.m. until Thursday next.

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THURSDAY, 27TH OCTOBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

A letter from his Honor the Superintendent to the Speaker, acknowledging the receipt of the Address to his Excellency the Governor, on the subject of the Waste Lands of the Province, was read from the Chair.

The Council in Committee on the "Limitation of Patronage Bill."

Clause 1 passed as read.

Clause 2 passed as amended.

Clause 3 was expunged.

Clause 4 passed as read.

A clause proposed for insertion, was read, amended, and ordered to be inserted in the Bill.

Clause 5 passed as read.

The Speaker in the Chair.

The Chairman reported the Bill to the House.

The Bill was ordered to be printed.

The Council in Committee on the "Provincial Revenues Bill."

Clauses 1, 2, and 3 passed as read.

Clause 1 was re-considered, amended, and passed.

The Speaker in the Chair.

The Chairman reported the Bill to the House.

The "Sheep and Cattle Branding Bill" was read a first time.

The Council adjourned at 6.30 p.m., until Friday next.

FRIDAY, 28TH OCTOBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

The Council in Committee to consider that part of the opening Address of his Honor the Superintendent relating to Education. Motion was proposed, "That this Council is of opinion that some general plan for the education of the people ought to be adopted by the Government of the Province. That it is expedient to raise the necessary funds for such education by means of a special rate to be levied for that purpose."

A message, No. 5, from his Honor the Superintendent, was announced.

The Speaker took the chair, and read the following message:—

"His Honor the Superintendent requests that the Provincial Council will receive him on Tuesday next, at the Council Chamber, at 4 o'clock, p.m., for the purpose of enabling his Honor to lay before them certain proposals in reference to the Financial Arrangements between the Provincial and the General Governments.

"JAMES EDWARD FITZGERALD.

"Superintendent."

Motion was granted "That the Provincial Council will meet his Honor, the Superintendent, on Tuesday evening next, at four o'clock."

The Committee resumed.

Amendment was carried "That after the words 'it is expedient' there be inserted the words, 'in the event of other means not being available for that purpose.'"

The Resolution passed as amended.

The Speaker in the chair.

The Chairman reported the Resolution as amended and passed.

Motion was granted "That his Honor the Superintendent be requested to lay before this Council a return of any Ordinances, of any Instructions from the Secretary of State, Governor in Chief, or of other official documents, under authority of which the Commissioner of Crown Lands has issued the Regulations for the occupation of pastoral runs within this district, which were published in the 'Lyttelton Times' of the 15th October, 1853."

Leave was given to bring in an "Appropriation Bill" for the current year.

The Council adjourned at 2.15 p.m., until Tuesday next.

TUESDAY, 1ST NOVEMBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

His Honor the Superintendent was received, and addressed the Council.

“GENTLEMEN OF THE COUNCIL,—

“When I had the honor to address you upon the occasion of opening this Council, I stated to you that certain financial arrangements had been made by His Excellency the Governor, pending any Laws which might be made on that subject by the General Assembly. You have subsequently been made fully acquainted with the nature of those arrangements, by the papers which have been laid on your table; the main feature being that one third of the Custom’s duties is directed to be paid to the General Government, and two thirds to be placed at the disposal of the Province.

“As soon however as it became the duty of the Provincial Government to frame a Bill to be laid before you, for the purpose of appropriating the Revenue thus placed at your disposal, a question presented itself as to the legal authority under which such appropriation could be made. And difficulties have arisen on this matter which I have thought it right, by the advice of the acting Executive Council, to lay fully before you.

“The sixty-sixth clause of the ‘Constitution Act,’ contains the special provision under which it was the intention of Parliament that the Revenues of New Zealand should be appropriated. Under that clause, the whole of the Revenue (after deducting certain charges specified in other parts of the Act) is subject to be appropriated by the General Assembly; and the portion not so appropriated is to be divided amongst the several Provinces in the proportion in which the whole Revenue has been contributed by each. So far, then, as this provision applies to the present question, it would appear doubtful whether the appropriation of any part of the Public Revenues by the Provincial Councils is a lawful proceeding, until the General Assembly shall have previously determined what share it will require for purposes of General Government.

“There are several objects to which the General Assembly might legitimately wish to appropriate public funds; for example, to the establishment of steam navigation between the various Settlements. But if, prior to the meeting of the General Assembly, all the Revenues of the Colony shall have been disposed of by the Executive of the General Government, and by the Provincial Legislatures, either the General Assembly must submit to forego the constitutional right bestowed upon it by the British Parliament, of having the first claim to dispose of the Public Revenues, or else the appropriation made by the Provincial Councils must be liable to be overthrown, and the arrangements made for carrying on the Provincial Governments altered.

“It appears, indeed, from the 54th clause of the ‘Constitution Act,’ that the General Assembly are prohibited from making any appropriation of public money, except upon objects for which His Excellency shall have been pleased to recommend that provision shall be made; and it may be argued that, as the General Assembly might be thus debarred from making any appropriation of Revenue, except for the purposes determined by His Excellency in the Instructions on your table, the portion allotted to each Province may be lawfully disposed of by the Provincial Council without encroaching upon the constitutional privileges of the General Assembly.

“But the power thus vested in the Executive, to limit the appropriation of Revenue by the Legislature, cannot be interpreted to legalize the appropriation of that Revenue without the consent of the Legislature.

“The 54th clause in the ‘Constitution Act’ is founded upon a recognized principle of the English Constitution, for the House of Commons has imposed upon itself a similar restraint. Since the year 1713, it has been a Standing Order of the House ‘that they will receive no Petition for any sum of money relating to the public service, but what is recommended by the Crown.’ But it has never for a

moment been imagined that this restraint could be interpreted into a claim on the part of the Crown to appropriate the Public Revenues without the consent of Parliament.

“Nor must it be forgotten, that although the Governor may absolutely debar the Houses of the General Assembly from voting money for purposes other than such as he recommends, and from interfering with the appropriation of the sums reserved by the Constitutional Law, yet His Excellency is not free from the direct control of the Legislature even in these matters. He is bound by the Constitution Act to lay full accounts of the expenditure of these reserved funds before them, nor can he escape from the indirect influence which flows from the opinions of a popular Assembly expressing itself by Resolutions, by Petitions, by Remonstrances.

“If the appropriation of the Revenue by the Executive Government were lawful without the consent of the Legislature, the allotment of two-thirds of the Customs’ duties to the Provinces, which has been arbitrarily made to-day, might be as arbitrarily unmade to-morrow, and the same authority which has withheld a portion of the Public Revenue from your disposal might withhold the remainder; and the constitutional privilege granted to you by the Imperial Parliament would be exercised by you as a matter of sufferance, not of right. The ‘Constitution Act’ would be a dead letter.

“I do not imply that His Excellency has claimed such a power whether it has been exercised in the arrangements which have been made for distributing the Revenues I shall enquire presently. But the *intention* appears to have been only to make such Revenues payable to the General Government as are now *by law* appropriated to certain purposes, and to leave the remainder at the disposal of the several Provincial Legislatures. But it must always remain a doubtful question, whether the consent of the General Assembly is not necessary to make this arrangement valid, if only for the purpose of placing its sanction upon the reservations by the Government as being *according to the law*.

“It will be therefore for the Provincial Legislatures to determine whether they will accept of the responsibility imposed upon them, knowing, as they do, that it is acquired at the expense of the constitutional privileges of the General Assembly.

“Gentlemen, such would be the question for your consideration, if your power to dispose of Revenue were defined solely by the sixty-sixth clause of the Constitution Act. But another difficulty has arisen, which gives a different aspect to the question.

“All the Revenues contemplated in the ‘Constitution Act’ are Revenues raised in virtue of some act of the General Assembly; no other Revenue is spoken of throughout; even the Civil List is reserved out of Revenue to be so raised, and cannot lawfully be charged upon any other funds; nor can I consider this language, so carefully adhered to throughout the Act, to be the result of mere inadvertance. On the contrary, it would seem to mark the clear intention of the British Parliament that all constitutional action should commence with, and flow from the General Assembly of the Colony; and whatever financial embarrassments result from this strict interpretation of the Law, they might have been avoided had that meeting of the General Assembly taken place which was evidently contemplated by the Act as the commencement of all constitutional action in the Colony.

“As I read the Constitutional Law of the Colony, the special powers granted thereby to the General Assembly and to the Provincial Council to expend Her Majesty’s Revenue, as well as the power given to his Excellency to reserve a certain part of that Revenue by way of Civil List, are applicable solely to Revenue *raised in virtue of some Act of the General Assembly*, and cannot be applied lawfully to any other Revenue.

“But the Revenues with which you are called on to deal are not so raised. They are Revenues raised under old laws still in force, because unrepealed; and to appropriate such Revenues, the 66th clause of the ‘Constitution Act’ gives no *special power*. You must therefore seek elsewhere for some authority to appropriate the existing public funds.

“ Now, it is indisputable that the appropriation of the public funds must be by *Law* : And the question for you to consider is, in whom does the power to make such *Laws* rest at the present moment ?

“ Had the General Assembly met, it would no doubt have passed a declaratory Act, setting the stamp of its authority upon all the Revenue raised in the Colony, and would thereby have brought the Revenues within the meaning of the ‘ Constitution Act,’ but as circumstances are at present, the whole of the Public Revenues appear to be subject to be appropriated without limit or reservation, by any authority competent to make *Laws* for the Colony.

“ But the General Assembly not having met, the Provincial Councils are the only powers in action competent to make such *Laws* ; and as the appropriation of Revenue is not one of the subjects interdicted by the nineteenth clause of the ‘ Constitution Act,’ the powers of the Provincial Councils appear to me to be plenary in this behalf. Hence it would follow that if the Superintendents and Provincial Councils make *Laws*, not disallowed by his Excellency, appropriating the whole Revenue of the respective Provinces, the Executive would be compelled to put such laws in force.

“ Gentlemen, I have proposed two distinct points for your consideration. First, whether, supposing the 66th clause of the ‘ Constitution Act’ could by any interpretation be taken to apply to the present state of affairs, you would consider it lawful, or, if technically lawful, whether you consider it consistent with your own dignity, or with your respect for the manifest intentions of the British Parliament to appropriate Revenues placed at your disposal by any authority other than an Act of the General Assembly ; and secondly, whether, supposing the existing Revenue to be wholly beyond the operation of the ‘ Constitution Act,’ you would feel it your duty, acting under the general authority given you to make all *Laws* for the good of the Province, to pass an Ordinance appropriating the whole Revenue raised in the Province, without any reservation or deduction, to such services as you may think proper.

“ When you have come to some determination on these two questions, a further point will yet remain for your consideration ;—I mean whether, supposing his Excellency to have been justified by *Law* in appropriating certain portions of the Revenue without the consent of the General Assembly, the particular appropriation made is consistent with *Law* and with justice.

“ I have stated that the intention of the General Government appears to be, to reserve only such funds as are now by *Law* appropriated to certain objects specified in the letter from the Civil Secretary of the 8th of August, which is now on your table. The first of those sums is the Civil List. I have already given reasons for doubting whether this appropriation is according to *Law*. The *Law* by which the old Civil List was reserved has lapsed. The *Law* by which the new Civil List is imposed is inoperative, because the Revenue does not exist out of which that Civil List was to be raised. There seems, therefore, to be no lawful authority at present for reserving any sum whatever by way of Civil List.

“ The second sum which his Excellency has reserved, is a sum to meet the Government Debentures outstanding under the Debentures Security Ordinance, Sess. VIII., No. 11. There can be no doubt but that some payment may be lawfully demanded from the Province on this account. But the manner in which the demand is made does not appear to me to be admissible. In the first place, the *Law* provides that the Surplus Revenue of the Colony may from time to time be applied to redeem the debt.

“ It is therefore clearly incumbent on the General Government to furnish accounts of the state of the public debt before taking the funds to meet the interest ; because there would otherwise be no security against sums being taken for the payment of interest on a debt, the principal of which might have been in part discharged.

“ Again, it is proposed to distribute the charge upon the Provinces in proportion to the amount of Revenue raised in each ; whereas the Ordinance expressly

states that the burden shall be divided amongst the several Provinces in *equal shares*. No doubt the provision of this Ordinance is a most unfair one, but it is nevertheless Law, and must be respected as such until altered.

“The next sum reserved by his Excellency is to meet the expense of the Savings Bank. But the 23rd clause of the Ordinance under which such Savings Banks are established, enacts that the expenses shall be charged on the General Revenue, or on the Revenue of the Province in which the Savings Bank is situated. It appears, therefore, if not illegal, yet most unjust, that one Province should be called upon to contribute to the maintenance of an Institution whose benefits are felt solely by the Province in which it is situated. And as the Law does not absolutely impose this charge on the General Revenues, but leaves the option of fixing it in the Revenue of the Province which enjoys the benefit, I cannot help thinking that the General Government ought to have adopted the latter alternative.

“For the same reason it may be said that the next charge made on our Revenues is an unjust one—that for expenses under the Education Ordinance. No School has been established in this Province under the provisions of that Ordinance. If we adopt the principle of State assistance to Schools, we shall probably find it necessary to repeal the Education Ordinance altogether, and therefore the authority under which this charge is made.

“For all these reasons, therefore, Gentlemen, it seems to me that the financial arrangements made by the General Government are open to grave objections, and ought to become a matter of careful consideration to the Legislature of the Colony, and that you will pause before you give the weight of your sanction either to the arrangements or to the assumption of authority by which they have been made.

“Gentlemen, until the legal difficulties which I have placed before you shall be removed, it is not the intention of the Provincial Government to propose to you any Bill for the appropriation of the Revenues; certain Resolutions will be submitted for your discussion, and you will be asked to give a provisional sanction to the expenditure of such funds as may be necessary for carrying on the public service of the Province until you may be in a position to appropriate the Revenue by Law.

“It is a matter of deep regret to myself, as I am sure it will be to you, that, at so early a period in the exercise of the privileges conferred upon us, anything should have occurred to disturb that harmony of action which it is so essential to maintain between the various branches and estates of the Government of the Colony. But I am fully persuaded that now, as upon all similar occasions, we shall find our safest and wisest course in a rigid adherence to the strict letter and spirit of the Constitutional Law; thereby we shall give the best assurance of our loyalty, and the best evidence of our gratitude to the Crown and Parliament of England for the privilege which it has been their wisdom to bestow.”

His Honor then retired, and the Address was ordered to lie on the table.

The following Resolutions, as read, were adopted:—

1. “That none of the expenses of the Supreme Court ought to be paid out of the Provincial Revenues.

2. “That it is desirable that a Court of Quarter Sessions should be established, having civil jurisdiction in cases involving property up to five hundred pounds, reserving, in such cases, an appeal to the Supreme Court on points of Law.

3. “That an Address be presented to his Excellency the Governor, and to both Houses of the General Assembly, praying them to pass a Law for the establishment of such a Court.”

Leave was given to bring in an “Empowering Bill.”

The Council adjourned at 5 o'clock p.m., until Thursday next.

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THURSDAY, 3RD NOVEMBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

Paper No. 14, Returns relating to the Waste Lands, was laid on the table.

Resolutions in answer to the Address of his Honor the Superintendent were deferred till Wednesday next.

Printed copies of the "Limitation of Patronage Bill" and "Provincial Revenues Bill" were laid on the table.

The Council adjourned at 4.45 p.m., until Tuesday next.

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TUESDAY, 8TH NOVEMBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

The third reading of the "Provincial Revenues Bill," "Limitation of Patronage Bill," "Executive Government Bill," "Government Gazette Bill" was deferred, and the Bills ordered to be recommitted to-morrow.

The "Sheep and Cattle Branding Bill" was read a second time.

Leave was given to bring in a Bill "To create a Public Seal for the Province of Canterbury."

Leave was given to bring in a Bill "To create an Office for the Custody of the Public Records of the Province of Canterbury."

The Council in Committee to re-consider the "Scab and Catarrh Bill."

The several clauses were read, amended, numbered, and passed. An additional clause (No. 22) determining the title passed.

Schedules A and B passed.

The Speaker in the chair.

The Chairman reported the Bill.

The Council adjourned at 6.45 p.m., until Wednesday next.

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WEDNESDAY, 9TH NOVEMBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

Motion was proposed "That this Council having taken into their consideration the Speech delivered by his Honor the Superintendent on the first of November, and the several matters relating thereto, resolve as follows:—

1. "That in the opinion of this Council, all appropriation of the Revenue of the Colony prior to a meeting of the General Assembly is a violation of the spirit of the "Constitution Act."

2. "That until a meeting of the General Assembly shall have taken place, or until further information is laid before them, this Council will abstain from passing any Law for the appropriation of the Public Revenues.

3. "That considering the extreme inconvenience which would be occasioned to the public service from the discontinuance of the functions of the local Government, this Council will (so far as may be hereafter within its power lawfully to appropriate the Public Revenues of the Province) guarantee the expenditure of such Revenue according to Estimates to be approved of by the Council.

4. "That an Address be presented to his Excellency the Governor, praying his Excellency to acquaint this Council when the General Assembly are about to be called together, in order that the Council may be guided as to the proper course to be pursued in the matter referred to in the Speech of his Honor."

Division was called for. Ayes, 3. Noes, 3. The Speaker decided in favour of the Ayes.

The Council in Committee on the "Provincial Revenues Bill."

The several clauses and schedule passed.

The Speaker in the chair.

The Chairman reported the Bill.



The Council in Committee on the "Provincial 'Government Gazette' Bill."

Clause 1 passed as read.

Clauses 2, 3, 4, 5 passed as amended.

The Speaker in the chair.

The Chairman reported the Bill.

The Council in Committee on the "Limitation of Patronage Bill" and "Executive Government Bill."

The "Limitation of Patronage Bill."

Clauses 1, 2, 3 passed as read.

Clause 4 passed as amended.

Clause 5 was inserted.

The "Executive Government Bill."

The several clauses passed as read.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 3.20 p.m., until Thursday next.

THURSDAY, 10TH NOVEMBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

The third reading of the "Executive Government Bill," "Provincial Revenues Bill," "Limitation of Patronage Bill," deferred till Friday next.

The "Public Seal Bill" was read a first time.

The "Public Record Office Bill" was read a first time.

The "Empowering Bill" was read a first time.

The Council in Committee for the consideration of the "Estimates of Revenue and Expenditure for the Province of Canterbury, for the year commencing 1st October, 1853."

Vote was taken—	Superintendent's Office...	...	...	...	£600
"	Provincial Treasurer's Office	...	...	...	540
"	Provincial Auditor and Accountant	...	...	...	160
"	Resident Magistrate's Office	...	...	...	30

The Speaker in the chair.

The Chairman reported progress.

Leave was given to bring in a Bill "To Prevent the Trespass of Cattle."

The Council in Committee to consider the Resolutions on the Post-office.

Motion was granted "That the absence of any official establishment in Christchurch for the receipt and delivery of letters and newspapers, as well as of any postal communication between that town and Lyttelton is the source of serious injury and inconvenience to the Inhabitants of this Province. That a Post-office ought immediately to be established at Christchurch, and a Post three times a week between Christchurch and Lyttelton.

"That a Post once a fortnight ought to be maintained between Lyttelton and Akaroa.

"That in the event of the Postal Revenue of this Province being insufficient to defray the expenses of these improvements, the deficiency ought to be paid out of the General Revenue of the Province; but that no such payments ought to be made out of the Provincial Treasury unless full accounts are laid before the Council of the expenditure of such sums."

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee on the "Sheep and Cattle Branding Bill."

Clause 1 passed as amended, "That all words relating to cattle be struck out."

Clauses 2, 3, 4, 5, 6, 7 and 8, passed as amended.

Clauses 9 and 10 ordered to be inserted.

Clause 11 passed as amended.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 7.45 p.m., until Friday next.

FRIDAY, 11TH NOVEMBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

Motion was granted "That this Council, having taken into consideration the various Papers upon their table in reference to the proceedings of the Commissioner of Crown Lands—

"Resolve, 'That the Commissioner of Crown Lands having, as it appears to this Council, acted in disregard of the Law, and having refused to afford this Council any information on the affairs of his Office, and having otherwise shown himself wholly incompetent to the discharge of the duties thereof, an Address be presented from this Council to his Excellency the Governor, praying his Excellency to be pleased to remove Colonel Campbell from the office of Commissioner of Crown Lands.'"

Motion was granted "That a copy of the Resolutions on the Post-office, adopted by the Council, be forwarded to his Honor the Superintendent, with a request that he will communicate them to the Post-Master General."

The following Bills were read a third time and passed:—"The Provincial Government Gazette Bill," "The Provincial Executive Government Bill," "The Provincial Revenues Bill," and "The Limitation of Patronage Bill."

The Council in Committee on the Estimates. Vote was taken—

	£	s.	d.
Police Department	406	10	0
Sheriff and Gaol Department	216	5	0
Harbour	337	10	0
Clerk of the Council	100	0	0
Akaroa	293	0	0

The Chairman reported progress, and obtained leave to sit again on Tuesday next.

The Speaker in the chair.

The Council adjourned at 3 p.m., until Tuesday next.

TUESDAY, 15TH NOVEMBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

Motion was granted "That Messrs. Sewell, E. J. Wakefield, and J. Stuart Wortley be requested to act as a Deputation to his Excellency the Governor, and to present the Address relating to the Waste Lands.

"That Mr. Sewell be requested to present the Address relating to the Waste Lands to the House of Representatives."

"That Mr. Sewell be requested to take charge of the Address to the Legislative Council, relating to the Waste Lands, and to request some Member of that Body to present it."

The Clerk was instructed to communicate with the gentlemen named in the above Resolutions, and to request their acceptance of these charges respectively.

The following Addresses, in accordance with the Resolution of November 1st, on the subject of Quarter Sessions, were agreed to :—

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.

“MAY IT PLEASE YOUR EXCELLENCY,

“We, her Majesty’s faithful subjects in Provincial Council assembled, desire to represent to your Excellency that there is great need for the establishment in this Province of a Court of Quarter Sessions, having, in addition to the usual criminal jurisdiction given to such a Court, civil jurisdiction in all cases involving property to an amount not exceeding five hundred pounds: an appeal, in all such cases, being reserved to the Supreme Court in point of Law. And your Petitioners pray that your Excellency will pass a Law for the establishment of such a Court.

“And your Petitioners will ever pray, &c., &c., &c.”

To be presented by Messrs. Sewell and E. J. Wakefield.

ADDRESS TO THE LEGISLATIVE COUNCIL.

“We, Her Majesty’s faithful subjects, in Provincial Council assembled, desire to represent to your honorable Council that there is great need for the establishment in this Province of a Court of Quarter Sessions, having, in addition to the usual Criminal Jurisdiction given to such a Court, Civil Jurisdiction in all cases involving property to an amount not exceeding five hundred pounds, an appeal in all such cases being reserved to the Supreme Court in points of Law. And your Petitioners pray that your honorable Council will pass a Law for the establishment of such a Court.

“And your Petitioners will ever pray, &c., &c., &c.”

To be presented by Mr. Sewell.

ADDRESS TO THE HOUSE OF REPRESENTATIVES.

“We, Her Majesty’s faithful subjects, in Provincial Council assembled, desire to represent to your honorable House that there is great need for the establishment in this Province of a Court of Quarter Sessions, having, in addition to the usual Criminal Jurisdiction given to such a Court, Civil Jurisdiction in all cases involving property to an amount not exceeding five hundred pounds, an appeal in all such cases being reserved to the Supreme Court, in points of Law. And your Petitioners pray that your honorable House will pass a Law for the establishment of such a Court.

“And your Petitioners will ever pray, &c., &c., &c.”

To be presented by his Honor the Superintendent.

The Clerk was instructed to transmit a copy of the first of the Resolutions on the Supreme Court, adopted by the Council, 1st November, 1853, to his Honor the Superintendent, and to request his Honor to communicate the same to his Excellency the Governor.

The Order of the Day referring to the “Cattle Trespass Bill,” was deferred.

The “Public Seal Bill,” and “Public Record Office Bill” were read a second time.

The “Empowering Bill” was read a second time upon division. Ayes, 6. Noes, 1.

The Council in Committee on the Estimates :—

Vote was taken, Provincial Council (the words “five shillings per day during Session,” to be inserted after the word “Messenger.”)	£	s.	d.
	235	0	0
Vote was taken, Legal Adviser to the Government, Crown Prosecutor and Contingencies	300	0	0
Vote was taken, Printing ... ..	200	0	0
” Supreme Court ... ..	200	0	0
” Superintendent’s Office (Supplementary Estimates ... ..)	83	6	8

		£	s.	d.
Vote was taken, Medical Department	...	413	0	0
„ Coroner's Department	...	27	0	0
„ Inspector of Sheep	...	75	0	0

The Speaker in the chair.

The Chairman reported progress.

Motion was granted "That this Council, acting in accordance with their Resolution of the 9th instant, approve of the Estimates for the appropriation of the Provincial Revenue for the year commencing October 1st, 1853, which have been laid before them."

The Council in Committee to consider an Address to his Excellency in accordance with Resolution No. 4, of 9th November, 1853.

The following Address was read and adopted:—

"MAY IT PLEASE YOUR EXCELLENCY,

"We, her Majesty's faithful subjects, in Provincial Council assembled, humbly pray that your Excellency will be pleased to acquaint this Council with the time when the General Assembly of New Zealand is likely to be called together, in order that this Council may be guided in the proper course for them to pursue in the appropriation of the Public Revenues of the Province.

"And your Petitioners will ever pray, &c., &c., &c."

The Speaker in the chair.

The Chairman reported the Address.

The following Address was read and adopted:—

"MAY IT PLEASE YOUR EXCELLENCY,

"We, her Majesty's faithful subjects, of the Province of Canterbury, in Provincial Council assembled, having had before us certain documents relating to the proceedings of the Commissioner of Crown Lands in this Province, beg to represent to your Excellency that the Commissioner of Crown Lands having, as it appears to this Council, acted in disregard of the Law, and having refused to afford this Council any information on the affairs of his Office, and having shewn himself wholly incompetent to the duties thereof, this Council have therefore to address your Excellency, and pray that your Excellency will be pleased to remove Colonel Campbell from the Office of Commissioner of Crown Lands."

Motion was granted "That the Petition of Thomas Adams be referred to his Excellency the Governor."

The Clerk was instructed to forward the Address to his Honor the Superintendent for transmission to His Excellency the Governor, and therewith, a copy of His Honor the Superintendent's Address to the Council, 1st November, 1853, together with a copy of the Resolutions passed by the Council, 9th instant, in reference thereto; and to request his Honor to forward these documents for the information of his Excellency the Governor, together with the Address of the Council.

A Memorial of the Lyttelton Colonists' Society, praying for a system of Education, was presented, and received.

The Council adjourned at 8.15 p.m., until Thursday next.

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THURSDAY, 17TH NOVEMBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

The following Messages, Nos. 6 and 7, from his Honor the Superintendent, were received and read:—

“ I, James Edward FitzGerald, Superintendent of the Province of Canterbury, hereby declare that I do, on behalf of his Excellency the Governor of New Zealand, assent to an Ordinance entitled the ‘ Government Gazette Ordinance, Session I, No. 2,’ passed by the Provincial Council of the said Province, upon the Eleventh day of November, in the year of our Lord one thousand eight hundred and fifty-three, in the first Session of the same.

“ Given under my hand, this Seventeenth day of November, in the year of our Lord one thousand eight hundred and fifty-three.

“ JAMES EDWARD FITZGERALD,  
“ Superintendent.”

“ I, James Edward FitzGerald, Superintendent of the Province of Canterbury, hereby declare that I do, on behalf of his Excellency the Governor of New Zealand, assent to an Ordinance, entitled the ‘ Executive Government Ordinance, Session 1, No. 3,’ passed by the Provincial Council of the said Province, upon the Eleventh day of November, in the year of our Lord one thousand eight hundred and fifty-three, in the first Session of the same.

“ Given under my hand, this Seventeenth day of November, in the year of our Lord one thousand eight hundred and fifty-three.

“ JAMES EDWARD FITZGERALD,  
“ Superintendent.”

The “ Public Seal Bill ” was committed, and reported without amendment.

The “ Public Record Office Bill ” was committed and reported, with amendment to clause 5, “ That the word ‘ Executive ’ be substituted for ‘ Provincial.’ ”

The “ Empowering Bill ” was committed and reported with an additional clause inserted as clause 3.

The Order of the Day referring to the “ Branding Bill ” was deferred until Friday.

Motion was granted “ That His Honor the Superintendent be respectfully requested to lay before this Council any correspondence relating to the proceedings taken by the Commissioner of Crown Lands affecting the title of land at Akaroa, purchased by Mr. Doyley from the Canterbury Association.”

The Bills which passed Committee this day were ordered to be printed.

The Council adjourned at 5.30 p.m., until Friday next.

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FRIDAY, 18TH NOVEMBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

The “ Scab and Catarrh Bill ” was committed and reported with amendment.

The “ Branding Bill ” was withdrawn by leave.

The Council adjourned at 1 p.m., until Tuesday next.

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TUESDAY, 22ND NOVEMBER, 1853,

The Council met pursuant to adjournment.

The Speaker in the chair.

Message No. 8, from his Honor the Superintendent, was received and read.

“ I, James Edward FitzGerald, Superintendent of the Province of Canterbury, hereby declare that I do, on behalf of his Excellency the Governor of New Zealand, assent to an Ordinance entitled ‘ The Provincial Revenues Ordinance, Session I, No. 4,’ and also to an Ordinance entitled ‘ The Limitation of Patronage Ordinance, Session 1, No. 5,’ passed by the Provincial Council of the said Province, upon the Eleventh day of November, in the year of our Lord one thousand eight hundred and fifty-three, in the first Session of the same.

“Given under my hand this Twenty-second day of November, in the year of our Lord one thousand eight hundred and fifty-three.

“JAMES EDWARD FITZGERALD,  
“Superintendent.”

The “Cattle Trespass Bill” was read a first time.

The Council adjourned at 5.30 p.m., until Wednesday next.

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WEDNESDAY, 23RD NOVEMBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

The Council in Committee to consider the following Resolutions:—

1. “That the establishment of an efficient communication between Lyttelton and the Plains, is of vital importance to the welfare of the Province.

2. “That a Commission ought forthwith to be appointed for the purpose of investigating the various plans which have been proposed for the attainment of this object, and of reporting upon the merits and probable cost of such plans respectively.”

Resolution No. 1 passed as read.

Resolution No. 2 considered. Amendment proposed, and carried upon division. Ayes, 6. Noes, 3. “That Resolution No. 2 be expunged, and the words added to Resolution No. 1, ‘That his Honor be requested to lay before this Council any information Government may possess or may be able to obtain upon the subject.’”

The Resolution, as passed, was reported, adopted, and ordered to be transmitted to his Honor the Superintendent.

The “Scab and Catarrh Bill” was read a third time and passed.

Motion was granted “That his Honor the Superintendent be respectfully requested to lay before the Council a Return of the authority, and of the formal document under which certain sections of land in the towns of Lyttelton and Christchurch have been conveyed to parties commonly known as Lord Lyttelton’s Trustees, and to the Ecclesiastical and Educational Trust.”

The “Public Seal Bill,” the “Public Record Office Bill,” and the “Empowering Bill” were read a third time, and passed.

The Council in Committee to consider certain Resolutions on the Registrar of Deeds:—

Resolution No. 1 passed as read.

Resolution No. 2 passed as amended. The words “for integrity of character and for acquaintance with business being expunged.”

Resolution No. 3 passed as read.

Resolution No. 4 passed as amended. The words “all constitutional principle” being substituted for the “whole principle of the constitution.”

Resolution No. 5 passed as read.

The Speaker in the chair.

The Chairman reported the following Resolutions:—

1. “That this Council have learned with great surprise and regret that Lieutenant-Colonel Campbell, after having been removed from the office of Commissioner of Crown Lands, has been appointed to that of Registrar of Deeds for this Province.

2. “That considering how largely the interest of individuals may be affected by the act of the Registrar, and the extensive evil which may result from his incompetence or mal-administration, this Council are of opinion that that Office ought to be entrusted only to some person possessing the fullest confidence of the public.

3. "This Council are of opinion that the office of Registrar of Deeds is one which ought, if possible, to be filled by a person having a legal education, and that, for the purposes of economy, its duties might, for the present, be most conveniently performed by the Deputy Registrar of the Supreme Court; and the Council are further of opinion, that for public convenience and economy, all the public records should be kept, and all the registration, including that of births, deaths, and marriages, should be performed in the same office.

4. "That this Council, referring to the letter of the Civil Secretary to his Honor, dated 14th October, 1853, in which it is proposed that any deficiency in the funds arising from fees and fines in the Departments of Supreme Court, Registrar of Deeds, and Registrar of Births, Deaths, and Marriages, to meet the expenditure of those Departments, should be defrayed out of the Provincial Revenue, resolve that this Council would deem it highly injurious to the public interests, and opposed to all constitutional principle, to vote any supplies for the service of any Department whose expenditure and accounts are not submitted to the control and audit of the Provincial Government.

5. "That this Council, considering that it is desirable to maintain the above-named Departments in uniformity with those in other parts of the Colony, resolve that as soon as these Departments shall, in other matters of expenditure and audit, be placed under the Provincial Government, this Council will make such provision as may be necessary for maintaining those Departments in a state of complete efficiency, and for the satisfactory performance of whatever work the General Government shall determine ought to be performed in those Departments respectively."

The Resolutions were adopted, and ordered to be forwarded to his Honor the Superintendent for transmission to his Excellency the Governor.

The Council in Committee to consider the following Resolution on the Immigration Fund :—

"This Council having taken into their consideration the letter from the Civil Secretary to his Honor the Superintendent, dated 12th August, 1853, No. 1062, resolve that it is desirable that that portion of the Land Fund of the Province which is now by Law applicable to Immigration purposes, should be expended under the management of the Provincial Government."

The Resolution passed, was reported, and adopted.

The Council in Committee to consider Resolutions on the Waste Lands.

Resolution 1 passed as read.

Resolution 2 considered. Amendment proposed "That the words 'Superintendent and Executive Council of the Province, acting by the advice and with the consent of the Provincial Council,' be substituted for the words 'Superintendent of the Province, acting by the advice and with the consent of the Executive Council.'"

The Council resumed, and adjourned for two hours.

The Council reassembled, and went into Committee on the Resolutions on the Waste Lands.

Resolution No. 2 considered. Amendment proposed "That this Council, however, regret that they cannot regard the arrangement made by his Excellency as one likely to result in a satisfactory management of the Land Department, and consider that the duties attached to the office of Commissioner of Crown Lands are not such as to justify the expenditure of public money on a separate salary."

Division was called for. Ayes, 5. Noes, 4.

The original Motion was carried upon division. Ayes, 4. Noes, 4. The Chairman decided in favour of the Ayes.

Resolution No. 3 passed with amendment.

The Speaker in the chair.

The Chairman reported the following Resolutions :—

1. "That this Council, having taken into consideration the additional correspondence laid on the table relating to the Waste Lands of the Province, resolve that whilst this Council learn with great satisfaction that his Excellency has been pleased to place the management of the Waste Lands under one control, they see no reason to depart from the opinions stated in the Resolutions passed on the 13th October, 1853.

2. "That this Council, however, regret that they cannot regard the arrangements made by his Excellency as likely to result in a satisfactory management of the Land Department. It appears to this Council highly undesirable that the office of Commissioner of Crown Lands should be held as an independent appointment. First, because the powers vested in that Officer are greater than, in the opinion of this Council, can ever be entrusted to one, especially to an irresponsible Officer, with a due regard to the interests of private individuals, or with the hope of his acts commanding any public confidence. Secondly, because the duties attached to the Office are not such as to justify the expenditure of public money in a separate salary. With an efficient staff of Surveyors, and the services of the Chief Clerk at present employed, the whole duties of the Commissioner might be performed by, and his powers most fitly entrusted to the Superintendent of the Province, acting by the advice and with the consent of the Executive Council; and the Council are persuaded that such an arrangement would be more conducive than any other to public confidence in the administration of Waste Lands.

3. "That this Council have learned, with the greatest disappointment, that there do not at present appear to be any funds whatever placed at their disposal for Public Works or for Immigration. The expenses of the Land Office, and of the Survey, being a first charge on the Revenues, and the Provincial Government having no control over that expenditure, it appears that the disposal of the whole of the Land Fund is virtually vested in the Land Department itself.

4. "That in the opinion of this Council, the Revenue from the Waste Lands within the Province, and the expenditure of the Land Department, ought to be subject to the disposal and control of the Superintendent and Provincial Council."

The Resolutions were adopted, and ordered to be forwarded to his Honor the Superintendent for transmission to his Excellency the Governor.

The following Address to his Excellency the Governor was adopted, and ordered to be forwarded to his Honor the Superintendent for transmission to his Excellency the Governor:—

"MAY IT PLEASE YOUR EXCELLENCY,

"We, her Majesty's faithful subjects, of the Province of Canterbury, in Provincial Council assembled, beg leave respectfully to represent to your Excellency that in the opinion of this Council, it was the intention of Parliament that the General Assembly should have been convoked as soon as possible after the Proclamation of the 'Constitution Act' in the Colony. That until such meeting shall have taken place, the 'Constitution Act' will not have been fully and fairly brought into operation. That a long delay in calling such meeting will entirely frustrate the designs of the Imperial Government. That many of the powers exercised by the Executive Government will, in the absence of the sanction of the General Legislature, be exercised in an illegal and unconstitutional manner. That in various questions which have been brought under the consideration of this Council, a great want has been felt of various Laws which could only be enacted by the authority of the General Assembly; and that from the want of such Laws, this Council have been debarred from legislating upon various subjects of the greatest importance to the welfare of the Province. For all these reasons, therefore, they humbly pray that your Excellency will be pleased to call the General Assembly of New Zealand together with the least possible delay.

"And your Petitioners will ever pray, &c., &c., &c."

The Council adjourned until Thursday next, at 11 a.m.



THURSDAY, 24TH NOVEMBER, 1853.

The Council met pursuant to adjournment.

The Speaker in the chair.

Motion was proposed "That it be an Instruction to the Clerk to enter the Protests of Members on the Journal of the Council." Amendment was carried, "That from the word 'that' to the end of the question be omitted."

The Speaker was requested to transmit the thanks of the Council to the Rev. O. Matthias for his services as Chaplain.

Message No. 9, from his Honor the Superintendent, was received and read.

"I, James Edward FitzGerald, Superintendent of the Province of Canterbury, hereby declare that I do, on behalf of his Excellency the Governor of New Zealand, assent to the following Ordinances:—

"The Public Seal Ordinance, Session I, No. 6,

"The Public Record Office Ordinance, Session I, No. 7,

"The Empowering Ordinance, Session I, No. 8,

"The Scab and Catarrh Ordinance, Session I, No. 9,

passed by the Provincial Council of the said Province upon the Twenty-third day of November, in the year of our Lord one thousand eight hundred and fifty-three, in the first Session of the same.

"Given under my hand, this Twenty-third day of November, in the year of our Lord one thousand eight hundred and fifty-three.

"JAMES EDWARD FITZGERALD,  
"Superintendent."

His Honor the Superintendent entered the Chamber, and addressed the Council as follows:—

"GENTLEMEN OF THE COUNCIL,—

"The various measures which you have passed, providing for the immediate necessities of the Government of the Province, render it undesirable that I should prolong your attendance at a time when the private interests of several amongst you must require your presence in distant parts of the Province.

"It is a matter for great congratulation that you have, at your first Session, passed such Laws as will place the Government of the Province upon a firm and permanent footing.

"I anticipate that the Scab and Catarrh Ordinance which you have passed, will operate most beneficially in protecting from loss that interest to which this Province must be mainly indebted for its future prosperity.

"I deeply regret that you have felt yourselves unable to give more than a provisional sanction to the expenditure of the Revenues, but I cordially concur in the resolution to which you have come, and I earnestly hope that an early meeting of the General Assembly may remove those difficulties which you have experienced.

"But most of all, I regret that I am still unable to inform you that any funds whatever are at the disposal of the Provincial Government for the purpose of Public Works and Immigration. This has arisen, first, from the continued refusal of the late Commissioner of Crown Lands to give any Return of the probable income to be derived from the portion of the Province under his control; and secondly, from the ignorance in which the authorities of the Province are still kept as to whether the funds arising within the late Canterbury Block are to be expended according to the Rules of the Association, or whether those funds are now to be considered as the same as other funds arising from Waste Lands within the Province; upon this point, I have still no instructions.

"I anticipate, however, that these disappointments will prove but temporary, and that by the time of the next meeting of this Council, these and other questions will have been cleared of those difficulties which now embarrass you.

“With regard to the Resolutions which you have passed in respect to the management of the Waste Lands, I entirely share the extreme difficulty you have felt as to the proper course to be adopted. But it is a matter of congratulation that you have kept in view the great principle for which this Settlement has, from the first day of its foundation, steadily contended,—the principle of Local Responsible Government. The power of making Laws upon this matter you do not possess; but you have asserted a great principle, that the Laws for the disposal and management of the Waste Lands ought not to be altered, except by the General Assembly; whilst you have resolved that it would be for the advantage of the Province that the General Assembly should delegate to the Provincial Legislature the power of making such Laws. I entertain little doubt that the General Assembly will, at its first meeting, confer upon you that important power.

“But long and painful experience has shewn that the power of making new Laws is, if possible, even of less importance than the power of enforcing a just and righteous administration of the Law already existing. This is, indeed, the great end and aim of all Responsible Government whatever. When the time shall arrive in which you shall have the power to legislate on the subject of the Waste Lands, I am certain you will unanimously agree that the arbitrary powers now vested in the Commissioner of Crown Lands ought never to exist, still less to be entrusted to one person. You will substitute known and written Law for the discretionary will of an individual. But now, whilst you have no power to make or alter Laws, you have, at all events, taken the only course open to you to mitigate the evil by twice recording your opinion that the persons in whom such vast powers are placed, should be those in whom the public have declared that they have most confidence. Indeed, it seems superfluous to argue that great powers may be always more safely entrusted to several persons, and those persons who have obtained the highest mark of the public esteem of their fellow countrymen, than in any one individual. But by proposing that those persons should be the Members of the Executive Government of the Province, you go one step farther, and assert that even an indirect responsibility to the public is far better than none at all.

“Gentlemen, it is my earnest wish that the day may come when the Administrators of the Waste Lands shall be, by Law, as directly responsible to you as the Administrators of the other Departments of Government now are; but until that time shall arrive, I trust you may be able to obtain some practical control over the Administration of the Land Department, by the powers of the Commissioner being entrusted to the Local Government.

“In coming to that conclusion, you were no doubt influenced by the other Laws to which you have assented for the constitution of the Executive Government. You have placed a wholesome check upon the Superintendent in the performance of the most important acts of Government, by requiring him to act by the advice of an Executive Council;—that is to say, by compelling him to find some three or four persons of high standing in the community who shall agree with him in his acts. This is in itself a most valuable restraint upon arbitrary power. But, by the Law for the limitation of patronage, you have required that Members of your Council accepting Office shall obtain the sanction of the people to the policy which they represent, by submitting to a re-election. Gentlemen, I know not how you could have more distinctly or directly provided for the complete constitutional responsibility of the Government to the Legislature; and, unless all Responsible Government whatever be a delusion, such a Government, so responsible, does appear to be the proper depository of all the powers and responsibilities of Government within the Province.

“Gentlemen, I have to render you my sincere thanks for the great attention and the careful consideration you have bestowed upon the measures which have been proposed to you by the Government, and I earnestly hope that I shall ever receive the same cordial co-operation at your hands.

“I now declare this Provincial Council to stand prorogued until Wednesday, the 15th day of February next.”

His Honor having left the Council Chamber, the formal Instrument proroguing the Council was read by the Clerk.

“I, James Edward FitzGerald, Superintendent of the Province of Canterbury, New Zealand, in virtue of the powers vested in me in that behalf, do hereby proclaim and declare that this Provincial Council of the said Province, now sitting, shall stand prorogued until the Fifteenth day of February, in the year of our Lord one thousand eight hundred and fifty-four; and this Council is hereby prorogued accordingly.

“Given under my hand at Christchurch, this Twenty-fourth day of November, in the year of our Lord one thousand eight hundred and fifty-three.

“JAMES EDWARD FITZGERALD,  
“Superintendent.”



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SESSION II.

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**JOURNAL OF PROCEEDINGS**  
OF THE  
**PROVINCIAL COUNCIL.**

PROVINCE OF CANTERBURY, NEW ZEALAND.

SESSION II.

WEDNESDAY, 15<sup>TH</sup> FEBRUARY, 1854.

The Council met pursuant to Proclamation of His Honor the Superintendent, bearing date 25th January, 1854.

The Speaker in the chair.

His Honor the Superintendent entered the Council Chamber.

The Chaplain having read Prayers, his Honor delivered the following Address :—

“ GENTLEMEN OF THE COUNCIL,—

“ At your first Session, your labours were directed to those preliminary measures which were deemed necessary in order to establish the Provincial Executive Government upon an efficient and permanent footing. On the present occasion, your attention will be directed to questions more immediately bearing upon the social well-being of the Province. I regret that it should have been necessary to call you together after so short a recess, but two reasons will, I am sure, justify this step. First, because there is necessity for some immediate legislation upon several subjects, especially the Law of Trespass, Public Works, and Immigration ; and secondly, because it will probably be found most convenient for public business that the annual Session of your Council should take place about this season, so that the public accounts of the Province may be laid before you as soon as they can be made up after the conclusion of each year, and that the Estimates may be voted for the service of each year, as soon after the commencement of the same as possible.

“ Having, on a former occasion, explained at considerable length, the policy which I proposed to pursue, it is not necessary that I should detain you by any detailed explanation of the measures which will be now laid before you, and which have been framed with a view to carry out that policy.

“ The Bill for the amendment of the Law of Trespass, which was under your consideration at the conclusion of last Session, will, with some modifications, be again submitted to you. A Law will be proposed for the purpose of enabling the Inhabitants of particular Districts to make, and keep in repair roads, and other works of public utility, and to raise rates for the purpose. The necessity for some such provision has been recognised in other Provinces of the Colony, where Laws with objects similar to that which will be proposed to you, have been passed. Your attention will also be asked to a Bill for establishing a General System of Education for the Province.

“ Statements will be laid before you in reference to the Revenue and Expenditure of the Province for the quarter ending 31st December.

“ The expectation that the sum of three hundred pounds would be received from the General Government at the commencement of the financial year, as set down in the Estimates, has not been realised. Upon adjusting the account according to the Instructions of his Excellency, it appears that if those Instructions be rigidly adhered to, this Province will have commenced with a debt to the General Govern-

ment. The Papers laid on your table last Session, will enable you to understand how this debt has arisen. His Excellency directed the late Sub-Treasurer to pay over to the General Government out of any balance in his hands on the 30th of September, a sum equal to the difference between one-third and one-fifth of the whole Revenue of the Province from the 17th January to the 30th September. This demand exceeds the balance in the Sub-Treasurer's hands by upwards of three hundred pounds. I have not yet received an answer to the application I made for further instructions on this point.

“Notwithstanding this, however, the Revenues for the quarter have so far exceeded, and the Expenditure so far fallen short of the respective sums placed on the Estimates, as to leave a small balance applicable to Public Works, and I took upon myself to anticipate your appropriation of this money by applying it at once to repair the main lines of road. Detailed statements will be laid before you of the sums already expended, and of the engagements entered into. The step which the Provincial Government has taken, is one, however, which ought not to be drawn into a precedent for the future. I anticipate your approval of it in the present instance, solely on the grounds that no time was to be lost if the main roads were to be made passable for the coming winter; that it is impossible in the present state of the Settlement, to obtain any considerable number of Labourers, and that these disposable funds had not arisen, and were not anticipated during your last Session.

“With regard to the mode of dealing with these funds for the future, it is impossible to calculate what sums may be so available during the current year. I shall therefore ask you to approve, provisionally, of such expenditure as may be necessary for carrying on such public works as you may deem most advisable, without regard to any estimated Revenue, and that you will indicate the order in which you wish those works to be executed, according to their several degrees of importance, leaving it to the discretion of the Executive Government to apply the moneys accruing from time to time to the execution of those works in such manner as circumstances may admit.

“I regret to say no Instructions have yet been received in this Province on the subject of the disposal of the funds arising from the Waste Lands within the Canterbury Block. Eight months have now elapsed since the management of these lands came under the General Government. A considerable sum has accumulated, and is now lying in the Bank and cannot be used, because no Instructions have been received for its issue to the Provincial Treasurer.

“The difficulties which you experienced at your last Session in relation to the financial policy of the General Government, have, as yet, received no solution. The seat of the General Government having been removed to Auckland, and the Civil Secretary's Office at Wellington having been broken up, no reply has been yet received to the communications from the Provincial Government, transmitting the Resolutions which you passed. In the mean time, as long as any doubt exists as to the legality of the present arrangement, the only consistent course appears to be, that the moneys paid to the Provincial Government from time to time under his Excellency's Instructions, should be taken and deemed to be in the nature of an advance for the General Government, liable to be accounted for out of any moneys appropriated to or declared to have been legally appropriated to the Province by any Act of the General Assembly.

“A plan for restoring a regular Immigration to the Settlement will be submitted for your approval. The enquiries which I have made, lead me to believe that it would not be wise to look to the Australian Colonies as a source whence any large immediate supply of labour is to be obtained, or to propose the expenditure of the public funds upon Immigration thence.

“It seems to me that the Immigration Fund can be employed in no way so beneficially as by organizing a regular line of passenger ships from England, bringing with them not only a regular supply of the best class of labour, but also all those additional and substantial advantages which direct communication from England confers, and which were so largely felt during the first eighteen months

of the Settlement. This is the object I have had in view in the Bill which will be laid before you.

“Although you have, at present, no power to make Laws respecting the Waste Lands, yet the time appears to have arrived when it is desirable for you to express some distinct opinion on the best plan for their disposal and management, having regard to the general advancement of the Province, and to the interests of all classes of the community. I have therefore caused to be prepared, a complete scheme for the management of the Waste Lands, upon which I shall ask you to express some opinion by Resolution.

“The accounts of the Canterbury Association have arrived in the Colony, and a digest of them has been transmitted to the Government, and will be laid before you, together with the correspondence which has taken place thereupon between the Government and the Agent of the Canterbury Association. You will perceive that a proposal has been made by Mr. Sewell, which will demand your serious consideration.

“It appears from the Accounts, that the Association have expended, in the service of the Settlement, a larger sum than that which they received by the sales of land. This over-expenditure has been temporarily provided for by loans from private individuals on the security of the property held by the Association, and their Agent now proposes to transfer that property to the Province upon condition of its making provision for the outstanding debt.

“I shall not anticipate your judgment upon this matter by any observations. The wording of the 76th clause of the ‘Constitution Act’ seems to intimate that the subject is one to be dealt with peculiarly and especially by your Council; and although I should not shrink from stating the line which the Provincial Government are prepared to recommend, should you desire me to do so, or should the time have arrived when it will be incumbent on me to do so, in the exercise of the prerogative attached to the office of Superintendent, still I think it more consistent with the intention of the ‘Constitution Act’ to leave the matter, in the first instance, entirely in your hands, and to allow the responsibility of originating any measure on the subject to emanate from yourselves. The Government have, for these reasons, determined to consider this as an open question in your discussions.

“There is one other subject, Gentlemen, upon which I am anxious to obtain your opinion—I mean, upon the expediency of increasing the number of Members of your Council, and of arranging the Electoral Districts. Should you agree with the Provincial Government in deeming such a step desirable, a Bill will be prepared with that object, but I submit to you, at the same time, whether it would be wise to pass such a measure until a fresh registration of the Electors has taken place. It is generally supposed that the last registration was a very partial one, and in that case, is not fitted to be the basis of a new arrangement of the Electoral Districts. The next will, no doubt, be fuller; and when it becomes generally known that the re-arrangement of the Electoral Districts, and the apportioning of the Members accordingly, will be decided by the next registration, I earnestly hope that every man possessing a qualification will feel it his duty to take advantage of the privileges conferred on him by the Constitution Act, and to place his name on the Electoral Roll.

“These, Gentlemen, are the principal questions to which I have to invite your attention during the present Session, in the assurance that your deliberations will tend to the good government and welfare and happiness of the people.

“I now declare the Provincial Council to be opened for the dispatch of public business.”

His Honor then left the Council Chamber,

The following Papers were laid upon the table :—

No. 1, relating to the Registrar’s Office.

No. 2, Land Claims (Hempleman’s), continued from Paper No. 19, Session I.

No. 3, relating to Finance, continued from Paper No. 18, Session I.

No. 4, relating to the Post Office, continued from Paper No. 20, Session I.



No. 5, relating to the Land Fund.

No. 6, relating to the Canterbury Association, continued from Paper No. 5, Session I.

A Petition from the Canterbury Association, by their Agent and Attorney, Henry Sewell, praying for leave to introduce into the Provincial Council a Bill for effectuating certain objects set forth in their Petition, was presented and referred to a Select Committee; such Committee to consist of Messrs. Tancred, Bealey, Packer, Hamilton, and Hall.

The Council adjourned at 3 p.m., until Thursday next.

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THURSDAY, 16TH FEBRUARY, 1854.

The Council met pursuant to adjournment.

The Speaker in the chair.

The Council in Committee for the consideration of an Address in answer to the Speech of His Honor the Superintendent on opening the Council.

The following Address was considered and passed, clause by clause :—

“ SIR,

“ We, the Provincial Council, take the earliest opportunity of acknowledging the Address with which you have opened this, our second Session, and beg to tender you our thanks for the information contained therein.

“ The Council will not fail to give its earliest attention to the various and important measures which your Honor has brought under its notice. The very variety and importance of these questions, however, will make it unwise for the Council to give expression, on the present occasion, to any decided opinions, which more careful and deliberate examination might induce it to modify. For the present, this Council wishes to confine itself to subjects upon which no difference of opinion is to be apprehended.

“ This Council wishes to express, in the first place, how fully it appreciates your Honor’s unremitting attention to the interests of the Province, as evinced by the great amount of work which has been done, and the great number of measures which you have elaborated.

“ The financial position of the Province appears to be, upon the whole, a subject of congratulation, inasmuch as although we were led to rely on a balance of three hundred pounds being paid over to the Provincial Government, which an adjustment of the accounts proved not to be correct, but left the Province to start in debt, yet such is the buoyant state of the Revenue, that after meeting all the expenditure, a small surplus remains in hand for the material improvement of the Colony.

“ The Council still has to regret that the General Assembly of New Zealand has not only not yet been convened, but also that this event appears to be as distant as ever. This delay in the meeting of the General Assembly has the injurious effect of preventing the Province from dealing satisfactorily with many questions which require an early and permanent settlement.

“ The doubt and uncertainty arising from this state of affairs is, in its opinion, a great obstruction to the harmonious working of the ‘ Constitution Act,’ not only in matters affecting the general welfare of the Colony at large, but also, although indirectly, as regards the legislation of each particular Province.

“ The Council considers it due to itself to put on record this expression of its opinion, because it feels that until the General Assembly shall have clearly defined the system of Government to be adopted in the whole Colony, the free action of the Provincial Legislature is greatly impeded, and the difficulties in the way of passing useful measures are proportionately increased. Notwithstanding these difficulties, however, this Council is so fully aware that many questions will admit of no further delay, that it entirely agrees with your Honor in the propriety, and, indeed, in the urgent necessity of holding another Session.

“Your Honor may rest assured that this Council will give its best and most earnest attention to the measures to be brought before it, so as, in as far as lies in its power, to ensure the peace, order, and good government of the Province.”

The Speaker in the chair.

The Address was reported, and adopted.

A Deputation was appointed, consisting of the Speaker, Messrs. Rhodes and Bowen, to wait upon his Honor the Superintendent with the Address.

Motion was granted “That a Select Committee be appointed to examine the Accounts of the Canterbury Association, and report thereon; as also the proposal which has been made by the Agent of the said Association, and to make any recommendations in reference to this subject which to them may appear proper. The Committee to be at liberty to obtain the assistance of an Accountant in the investigation of the Accounts, and to have power to examine Witnesses, and to call for Papers. Such Committee to consist of Messrs. Bealey, Packer, Hall, Hamilton, and Tancred.”

Motion was granted “That the Speaker be requested to communicate with the Agent of the Canterbury Association, and to request him to place the Accounts in the hands of the Select Committee.”

Returns were moved for, of the numbers of letters and newspapers which have passed through the Post Office in Christchurch during the three months ending 31st March next; also of the number of letters and newspapers addressed in one month to Kaiapoi and its neighbourhood.

The Petition of Edward Dobson for Edward Gibbon Wakefield, for a Bill to divert the road on Section No. 6, was presented, and referred to a Select Committee, to consist of Messrs. Bowen, Cass, Packer, and Hall.

The Council adjourned at 5.45 p.m., until Friday next.

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FRIDAY, 17TH FEBRUARY, 1854.

The Council met pursuant to adjournment.

The Speaker in the chair.

The Report of the Select Committee on the Petition of the “Church Property Trust Bill” was brought up and adopted.

Motion was granted “That in the opinion of this Council, it is desirable that the number of its Members should be increased to not less than twenty-four Members. That it is desirable to delay any alteration in existing arrangements until after the next Registration of Electors.”

Leave was given to bring in a “Cattle Trespass Bill.”

The Motion referring to “Committee of Supply” was postponed.

Motion was granted “That this Council approves of the proposal of his Honor the Superintendent with reference to Finance.”

Motion was granted “That it is the opinion of this Council that upon any division of the Council or of a Committee, the names and votes of all Members be taken and recorded.”

Leave was given to bring in a Bill “for Establishing a Trust for the Management of Property held for Ecclesiastical and Educational purposes by the Canterbury Association.”

The Bill was laid on the table.

The Report of the Select Committee on the Petition of Edward Dobson for Edward Gibbon Wakefield, was brought up.

Leave was given to bring in a Bill, on Tuesday next, “to Divert a Public Road along a portion of the North Bank of the River Avon, in the Christchurch District,

within the Province of Canterbury, New Zealand, over a part of Rural Allotment No. 6, in the said District.”

The Bill was laid on the table.

The Council adjourned at 1.30 p.m., until Tuesday next.

TUESDAY, 21ST FEBRUARY, 1854.

The Council met pursuant to adjournment.

In the absence of the Speaker, Mr. Bowen took the chair.

The “Cattle Trespass Bill” was read a first time.

Leave was given to bring in the following Bills :—

A “District Commissioners’ Bill.”

An “Immigration Bill.”

An “English Agent’s Bill.”

An “Education Bill.”

The Select Committee on the Standing Rules and Orders was re-appointed, to consist of Messrs. Hamilton, Dampier, Tancred, and Hall; instructed to report forthwith.

The “Church Property Trust Bill” was read a first time.

The “Edward Gibbon Wakefield’s Road Bill” was read a first time.

The Council adjourned at 6.20 p.m., until Wednesday next.

WEDNESDAY, 22ND FEBRUARY, 1854.

The Council met pursuant to adjournment.

The Speaker in the chair.

The Council in Committee of Supply :—

	£	s.	d.
Vote was taken, Papanui Bridge (repairs) ...	19	12	0
” Papanui Road (repairs) ...	249	12	6
” North Road ... ..	187	7	0
” Lower Lincoln Road ... ..	71	17	0
” Waimakariri Ferry (approaches)	12	17	4
” Bridle Path ... ..	92	13	0
” Harewood Road (formation) ...	470	14	6
Vote was proposed, Bridle Path to Akaroa } (construction) ... .. }	400	0	0

Amendment proposed “That ‘three hundred’ be read for ‘four hundred.’”  
Division called for. Ayes, 3. Noes, 4.

	£	s.	d.
Vote was taken, Bridle Path to Akaroa ...	400	0	0
” Rakaia Ferry ... ..	300	0	0
” Proposed Heathcote Bridge ...	300	0	0

Division called for. Ayes, 1. Noes, 6.

Motion was granted “That, subject to the Resolutions passed by this Council, 17th instant, the Committee approve of the above expenditure upon the several objects specified, and is of opinion that the works named should be undertaken so far as is possible, in the order in which they are placed in the above list.”

The Speaker in the chair.

The Resolutions were reported and adopted.

Leave was given to bring in a Bill “to Empower the Superintendent of the Province of Canterbury to Perform certain acts heretofore performed by the Governor or Lieutenant-Governor of New Zealand.”

The following Papers were laid upon the table :—

No. 7, relating to Finance.

No. 8, relating to the Commissioner of Crown Lands.

No. 9, relating to Waste Lands.

The Council adjourned at 2 p.m., until Thursday next.

THURSDAY, 23RD FEBRUARY, 1854.

The Council met pursuant to adjournment.

In the absence of the Speaker, Mr. Rhodes took the chair.

The "Cattle Trespass Bill" was read a second time.

The "Immigration Bill" was read a first time.

The "Districts Commissioner's Bill" was read a first time.

The "English Agent's Bill" was read a first time.

The "Empowering Bill" was read a first time.

The "Edward Gibbon Wakefield's Road Bill" was read a second time.

The "Church Property Trust Bill" was read a second time.

The following Papers were laid on the table :—

No. 10, relating to the Post Office.

No. 11, relating to the Registrar of Deeds.

No. 12, relating to the Supreme Court.

No. 13, relating to the Commissioner of Crown Lands.

No. 14, relating to the Disallowance of the "Empowering Bill."

No. 15, relating to Finance.

No. 16, relating to the Supreme Court.

The Council adjourned until Friday next.

FRIDAY, 24TH FEBRUARY, 1854.

The Council met pursuant to adjournment, but did not proceed to business.

TUESDAY, 28TH FEBRUARY, 1854.

The Council met.

In the absence of the Speaker, Mr. Cookson was elected Chairman of the day.

The following Papers were laid on the table :—

No. 17, relating to the Post Office, continued from Paper No. 4, Session II.

No. 18, Draft Terms of Purchase and Pasturage of Waste Lands.

The Petition of the Reverend Octavius Matthias, Commissary of the Lord Bishop of New Zealand, praying for an alteration in the fifth clause of the "Church Property Trust Bill," was presented and received.

The "Immigration Bill" was read a second time.

The "English Agent's Bill" was read a second time.

The "District Commissioner's Bill" was read a second time.

The "Empowering Bill" was read a second time.

The Council in Committee on the "Church Property Trust Bill."

The Preamble passed as read.

Clauses 1, 2, 3 passed as amended.

Clauses 4, 5 passed as read.

Clause 6 passed as amended.

Clause 7 passed as read.

Clause 8 passed as amended.

Clause 9 passed as read.

Clause 10 : a new clause was substituted for the original.

Clause 11 was amended.

The Agent of the Bill was called to the Bar of the Council, and heard in explanation of this clause.

Clause 11 was referred to the Promoters of the Bill upon Division taken. Ayes, 4. Noes, 3.

A new clause was inserted after clause 11.

Clause 12 passed as read.

The Chairman of the day in the chair.

The Chairman of Committee reported progress.

The Council adjourned at 7.25 p.m., until Wednesday next, at 1.30 p.m.

WEDNESDAY, 1ST MARCH, 1854.

The Council met pursuant to adjournment.

Mr. Aylmer having taken the chair, and read Prayers, Mr. Cookson was elected Chairman for the day.

A Petition from the Inhabitants of Akaroa, praying "That this honorable House will adopt such measures as will lead to the formation of a Bridle Path between Akaroa and Lyttelton, and to the selection of such a line as may, eventually, form the basis of a Carriage Road," was presented and received.

A Petition from the Inhabitants of Akaroa, praying "That the subject of a general system of Education may be speedily brought before the attention of the Council, and such steps taken as may at once supply to Akaroa a want that that place so seriously feels" was presented and received.

The Council in Committee to consider clause 11 of the "Church Property Trust Bill."

Clause 11 passed as amended 28th February.

Clause 2 was re-considered and amended.

Clause 5 was reconsidered and amended.

The Title was amended.

The Council resumed.

The Chairman reported the Bill.

The Council in Committee on the "Edward Gibbon Wakefield's Road Bill."

Clause 1 was amended and ordered to be re-considered to-morrow.

Clause 2 passed as amended.

The Council resumed.

The Chairman reported progress and obtained leave to sit to-morrow

The Council in Committee on the "Cattle Trespass Bill."

The Preamble passed (*pro formá*) as read.

Clause 1 passed as read.

Clause 2 passed as amended.

Clause 3 passed (*pro formá*) as read.

Clauses 4, 5, 6 passed as amended.

The Council resumed.

The Chairman reported progress.

Leave was given to bring in a Bill "to Relieve the Members of the Church from any Restrictions which may Prevent them from Framing Rules and Regulations for the Government and Discipline of their own Religious Body."

The Council adjourned at 6.20 p.m., until Thursday next.

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THURSDAY, 2ND MARCH, 1854.

The Council met pursuant to adjournment.

The Speaker in the chair.

The Council in Committee for the consideration of the "Edward Gibbon Wakefield's Road Bill."

Clause 1 passed as amended.

The Title passed as read.

The Speaker in the chair.

The Chairman reported the Bill.

The Council in Committee for the consideration of the "English Agent's Bill."

The Title and Preamble passed as amended.

Clauses 1 and 2 passed as amended.

Clause 3 passed as inserted and read.

Clause 3 passed and numbered 4.

Clause 5 passed as inserted and read.

Clause 6 and 7 passed as amended.

Clause 8 passed as read.

The Speaker in the chair.

The Chairman reported the Bill.

The Council in Committee on the "Immigration Bill," the "Empowering Bill," and the "Cattle Trespass Bill."

The Preamble passed as read.

Clause 1 passed as read.

Clause 2 passed as read, and added to.

Clause 3 passed as read.

Clause 4 passed as read, upon division taken.

Ayes, 6—Messrs. Packer, Bowen, Rhodes, Bealey, Hall, Simeon.

Noes, 1—Mr. Dampier.

Clauses 5 and 6 passed as read.

The Council in Committee on the "Empowering Bill."

The Preamble passed as read.

Clauses 1, 2, 3 passed as read.

The Schedule passed as read.

The Council in Committee on the "Cattle Trespass Bill."

Clause 7 passed as amended.

Clauses 19, 20, 22, 23, 24, 25 passed as read.

Clause 21 passed as amended, the blank being filled in with the words "one hundred pounds."

Clauses 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 passed as read.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 7.45 p.m., until Friday next.

FRIDAY, 3RD MARCH, 1854.

The Council met pursuant to adjournment.

The Speaker in the chair.

The "Church Disabilities Removal Bill" was read a first time.

The Order of the Day referring to the "Church Property Trust Bill" was deferred till Thursday next.

The Council in Committee for the consideration of the "District Commissioner's Bill."

The Preamble passed as read.

Clauses 1 and 2 passed as read.

Clause 3 ordered to stand over.

Clauses 5, 6 passed as read.

Clauses 7, 8, 9 passed as amended.

Clause 10 passed as read.

Clause 11 ordered to stand over for re-consideration.

Clauses 12, 18, 19, 20 passed as read.

Clause 21 ordered to stand over for re-consideration.

Clause 22 passed as read.

The Speaker in the chair.

The Chairman reported progress.

Motion was granted "For a copy of any Correspondence which may have taken place between the Provincial and General Governments on the subject of the Lands or other Property said to have been purchased by the Canterbury Association, which has not yet been laid upon the table."

Motion was carried, upon division, "That this Council, taking into consideration the early period at which it is probable that the land known as the Christchurch Town Reserves will come under the control of the Provincial Government, and at which the people of the Province will be enabled by their Representatives in this Council to decide upon the measures to be adopted with regard to it, resolve,

"That under existing circumstances, it would be unwise and inexpedient to alienate the Christchurch Town Reserves.

"That a copy of the above Resolution be transmitted to his Honor the Superintendent, with a request that he will forward the same, without delay, to the Officer administering the General Government.

"That a copy be likewise forwarded to the Commissioner of Crown Lands for this Province, requesting that he will suspend any proceedings with respect to the alienation of the Christchurch Town Reserves until the decision of the General Government upon the subject shall be known."

Ayes, 6. Noes, —

Motion was granted "That it being notorious that vessels are in the constant habit of clearing out for ports to which it is not intended that they should proceed, or to which they proceed after visiting intermediate port or ports; and it being equally notorious that great inconvenience is thereby entailed upon the public, inasmuch, as in the first instance, the delivery of the mails is indefinitely delayed, and in the second, the intermediate ports receive no mails at all, resolved, that an Address be presented to his Excellency the Governor, and to both Houses of the General Assembly, praying them to pass a Law to remedy the evil above detailed, and for a more regular and uniform transmission of the mails."

The "Empowering Bill," the "English Agent's Bill," and the "Immigration Bill" were ordered to be printed.

The Council adjourned at 1 p.m., until Tuesday next.

TUESDAY, 7TH MARCH, 1854.

The Council met pursuant to adjournment.

The Speaker in the chair.

The Council in Committee on the "Cattle Trespass Bill."

The Preamble passed as read.

Clause 1 passed as read.

Clause 2 ordered to stand over for re-consideration.

Clauses 3, 6 passed as read.

Clause 7 ordered to stand over for re-consideration.

Clause 8 passed as read.

Clause 9 passed as amended.

Clauses 10, 11 passed as read.

Clause 12 passed as amended.

Clauses 13, 14, 15, 16, 17, 18 passed as read.

A new clause was inserted.

Clause 7 passed as amended.

Schedule A passed as amended.

Schedule B ordered to stand over for re-consideration.

Schedule C passed as read.

Schedule D ordered to stand over for re-consideration.

The Speaker in the chair.

The Chairman reported progress and obtained leave to sit again on Wednesday next.

The Order of the Day, referring to the Waste Lands Regulations, was deferred till to-morrow.

The third reading of the "English Agent's Bill," the "Immigration Bill," and the "Empowering Bill" was deferred.

Leave was given to withdraw the "Church Disabilities Removal Bill."

A draft of Standing Orders on Private Bills was laid on the table by Mr. Dampier, and referred to the Select Committee on the Standing Rules and Orders.

The Council adjourned at 8.30 p.m., until Wednesday next.

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WEDNESDAY, 8TH MARCH, 1854.

The Council met pursuant to adjournment.

The Speaker in the chair.

The Council in Committee on the "Cattle Trespass Bill."

Schedule D passed as read.

Schedule B was considered.

Motion was granted "That Mr. W. Wilson be summoned to the bar, and examined."

Mr. W. Wilson attended, and gave evidence as to the nature of a sufficient fence, under clause 1 of this Schedule as follows:—

Considers three rails, 3 feet 6 inches high to the top of the rail, to be sufficient.

States that most palings split in the bush are 3 feet 6 inches.

In Witness's experience in England, a hurdle or a fence of the height of a hurdle, is a proper fence. Considers that the distance apart of the posts should be eight feet.

The depth of mortice is five inches.



In ordinary soil, the posts should be embedded nine to twelve inches; in sandy soil, 18 inches.

Considers two rails insufficient.

Knows that there are many fences with only two rails. The rails should be nine feet in length, and the posts eight feet apart.

The average height of posts is six feet; for stock-yards, nine feet.

Considers a two-rail fence with one wire between, not sufficient.

Mr. Wilson then withdrew.

Clauses 1, 2, 3, 4 of Schedule B passed as then amended.

An additional clause was proposed to be inserted.

Mr. Wilson was again examined.

Considers that the growth of a quick fence depends on the quality of the land. Knows of a gorse fence already two feet 6 inches in height, which will be sufficient in another season. Quick depends on the quality of the land, and may in three years, but not under, become a sufficient fence, if planted on even ground, if on a bank, in less.

Quick is planted at one or two years old, and becomes sufficient three years after.

Gorse, in three years from sowing.

A new clause was inserted as clause 5.

Clause 5 passed as read, to be numbered 6.

A new clause was inserted as clause 7.

Clause 7 as read was struck out and a new clause inserted, to be numbered 8.

Schedules E, F, G, H, I, K passed as read.

Clauses 7 and 2 passed as amended.

The Speaker in the chair.

The Chairman reported progress.

The Clerk was instructed to thank the Witness for his attendance.

The Council in Committee to consider the draft of "Terms of Purchase and Pasturage for the Waste Lands of the Crown within the Province of Canterbury."

Motion was proposed "That this Council having taken into their consideration the 'Draft Terms of Purchase and Pasturage for the Waste Lands of the Crown within the Province of Canterbury,' submitted to the Council by his Honor the Superintendent, resolve

"That this Council approve generally of the plan now proposed by His Honor for the management of the Waste Lands, and especially of the price proposed for their sale, and for letting the same on leases, as being most applicable to the circumstances and condition of the Province.

"That an Address be presented to his Excellency the Officer administering the Government of New Zealand, and to both the Houses of the General Assembly, praying that if the General Assembly should decline to comply with the former Petition from this Council, that a Law might be passed to give effect to the Resolution passed by this Council, 13th October, 1853, his Excellency and the Houses of the General Assembly, respectively, would then be pleased to pass a Law for the Disposal of the Waste Lands of the Crown within the Province of Canterbury, generally, in accordance with the Terms of Purchase and Pasturage now before the Council."

The Resolutions were withdrawn by consent.

Clause 16 of the Draft was considered and deferred.

Clause 9 passed as amended, "That the word 'twenty' be read for 'forty.'

Clause 16 considered. Amendment proposed, "That 'three pounds' be read for 'two pounds.'"

Division was called for. Ayes, 3. Noes, 4.

Clause 16 passed as read.

Clause 17 passed as amended, "The words 'at the upset price of two pounds per acre' being inserted after the word 'auction.'"

Resolution No. 1 passed as amended, "The words being added 'with the exception that the Council are of opinion that the land should be sold in blocks of not less than twenty acres, instead of forty, as laid down in Rule 9.'"

Resolution No. 2 was proposed. Division called for. Ayes, 3. Noes, 4.

The Speaker in the chair.

Resolution No. 1 was reported as amended, and adopted.

The Speaker was requested to transmit the resolution to his Honor the Superintendent, with a request that his Honor would bring it before the General Assembly in case that body should refuse to place the management of the Waste Lands under the Provincial Government.

Paper No. 19, referring to the Christchurch Town Reserves, was laid on the table.

The Council adjourned at 5.30 p.m., until Thursday next.

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THURSDAY, 9TH MARCH, 1854.

The Council met pursuant to adjournment.

In the absence of the Speaker, Mr. Bowen was elected Chairman for the day.

A Letter from the Commissioner of Crown Lands was read in answer to the Speaker's letter, enclosing the Resolution of Council, 3rd March, 1854, and stating that in deference to the wish of the Council, the Commissioner would suspend further proceedings with respect to the alienation of the Town Reserves until the decision of the General Government is known.

The "English Agent's Bill" was read a third time, passed, and ordered to be numbered No. 1.

The "Empowering Bill" was read a third time, passed, and ordered to be numbered No. 2.

Leave was given to bring in a "Road Bill."

The Council in Committee on the "Immigration Bill."

The Preamble passed as read.

Clauses 1, 2 passed as read.

Clauses 3, 4, 5 struck out.

Clause 6 passed as read, and numbered 3.

The Council resumed.

The Chairman reported progress.

The House in Committee on the "Cattle Trespass Bill."

A new clause was inserted as clause 18.

Clause 18 was considered and numbered 19. Amendment was proposed "To insert the words 'other than an official Arbitrator' after 'person,' and the words 'but in the case of an official Arbitrator, one pound' after the word 'shillings.'"

Division called for.

Ayes, 3: Messrs. Packer, Bealey, Tancred.

Noes, 1: Mr. Hall.

The Clause passed as amended.

The Title was inserted and passed.

Schedule A considered. The last clause was struck out.

Schedule B considered. To clause 5, the words "to be declared as such by the Arbitrators" were added.

Amendment was proposed to clause 6.

Debate ensued.

The Council resumed.

The Chairman reported progress.

The "Church Property Trust Bill" was read a third time and ordered to be numbered No. 3.

The Council adjourned at 7 p.m., until Friday next.

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FRIDAY, 10TH MARCH, 1854.

There not being a quorum of Members present, the Council stood adjourned until Tuesday next.

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TUESDAY, 14TH MARCH, 1854.

The Council met pursuant to adjournment.

The Speaker in the chair.

A letter from his Honor's Private Secretary acknowledging the receipt of a Resolution of Council, 7th March, was read.

A Motion for leave to bring in an "Appropriation Bill" was deferred.

Leave was given to bring in a "Debentures Bill."

A motion for going into Committee on the "Cattle Trespass Bill" was deferred.

The Council in Committee on the "District Commissioner's Bill."

Clause 3 passed as read.

A new clause was inserted as clause 4.

Clause 14 was ordered to stand over.

The Speaker in the chair.

The Chairman reported progress.

The "Immigration Bill" was read a third time, passed, and ordered to be numbered No. 4.

The Council adjourned at 6.15 p.m., until Wednesday next.

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WEDNESDAY, 15TH MARCH, 1854.

The Council met pursuant to adjournment.

The Speaker in the chair.

A Petition from certain Inhabitants of Banks' Peninsula, and other parts of the Canterbury Province, praying for relief from the unsatisfactory position (as detailed in the Memorial) and that an Ordinance may be passed reserving a line of road, connecting Akaroa and Pigeon Bay, was presented, and received.

Message No. 1 from his Honor the Superintendent was received and read.

"His Honor the Superintendent, in submitting a Bill to the Provincial Council for the Appropriation of the Revenues of the Province for the ensuing year, requests the attention of the Council to the following observations.

"By the Resolutions of the 9th November, the Council declined to appropriate the Revenues until they were satisfied of their right to make such appropriation by law, and the doubts then expressed have been shared by most of the Provincial Legislatures of the Colony.

"Since the passing of those Resolutions, a Revenue properly belonging to the Province has been created by the Provincial Revenues Ordinance of last Session, which has been allowed by his Excellency, and there can be no doubt that such Revenues ought to be appropriated by the Council.

“The inconvenience of appropriating such Revenue apart from the other funds at the disposal of the Provincial Government is obvious, and ought, if possible, to be avoided.

“The measure now submitted has been framed, so as to assert, in the more formal manner of an Ordinance, the same principles which the Council has already asserted by Resolution. It proposes to get rid of the inconvenience of allowing Revenues, now becoming of considerable magnitude, to be appropriated without the sanction of Law; whilst, by declaring that the payments under the present Instructions are accepted from the General Government as a temporary loan in aid of the Provincial Revenues, and that the Province undertakes to account for them in such manner as the General Assembly shall direct, it maintains a perfect consistency with the line the Council has previously taken on this subject.

“The Bill distinctly proclaims that the Provincial Legislature appropriates that only which it lawfully can appropriate, namely, the Public Revenues of the Province; that it does not legalize the apportionment to the Province, without Law, of any part of the General Revenues of the Colony. It proposes to accept such part of the General Revenues as a temporary loan, declaring the right of the General Assembly to sanction or disallow the arrangement, and undertaking to account for, and, if necessary, to repay such advances; and this Bill has the further advantage of placing the matter in the most distinct and definite shape in which it can be brought before the General Assembly.

“For these reasons, the Superintendent hopes that the Bill now submitted will be passed by the Council.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

The “Wakefield Road Alteration Bill” was read a third time, passed, and numbered No. 5.

The Council in Committee for the further consideration of the “District Commissioner’s Bill.”

A new clause was inserted as clause 4.

Clause 11 was considered. Amendment was carried upon division. Ayes, 5. Noes, 2: “That after the words ‘real property’ in the eighth line, the words ‘and right of pasturage held’ be inserted.”

Amendment was negatived upon division. Ayes, 2. Noes, 5: “That after the word ‘district’ the words ‘and of the number of carts, carriages, drays, horses, cattle, sheep, goats and swine within the district’ be inserted.”

Amendment granted “To strike out the words ‘and such list shall be made in the form set forth in the Schedule B to this Ordinance.’”

Clause 11 passed as amended.

Clause 12 passed as read.

Clause 13 passed as amended.

A new clause was introduced and amended.

Leave was given to bring in an “Appropriation Bill” upon division. Ayes, 5. Noes, 2.

The Standing Orders were suspended for the purpose of passing the “Lyttelton and Christchurch Road Commissioner’s Bill.”

The Bill was read a first and second time.

The Council in Committee on the Bill.

The Preamble passed as read.

Clause 1 passed as read.

Clauses 2, 3 passed as amended.

Clause 4 passed as read.

The Speaker in the chair.

The "Lyttelton and Christchurch Road Commissioner's Bill" was read a third time, passed, and numbered No. 6.

The Council adjourned at 3 p.m. until Thursday next.

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THURSDAY 16TH MARCH, 1854.

The Council met pursuant to adjournment.

The Speaker in the chair.

Messages Nos. 2, 3 and 4 from his Honor the Superintendent were received and read.

"I, James Edward FitzGerald, Superintendent of the Province of Canterbury, hereby declare that I do, on behalf of his Excellency the Governor of New Zealand, assent to an Ordinance entitled 'The Church Property Trust Ordinance, Session II, No. 3,' passed by the Provincial Council of the said Province upon the Ninth day of March, in the year of our Lord one thousand eight hundred and fifty four, in the second Session of the same.

"Given under my hand this Sixteenth day of March, in the year of our Lord one thousand eight hundred and fifty-four.

"JAMES EDWARD FITZGERALD,  
"Superintendent."

"I, James Edward FitzGerald, Superintendent of the Province of Canterbury, hereby declare that I do, on behalf of his Excellency the Governor of New Zealand, assent to an Ordinance entitled 'The Lyttelton and Christchurch Road Commissioner's Ordinance, Session II, No. 6,' passed by the Provincial Council of the said Province, upon the Fifteenth day of March, in the year of our Lord one thousand eight hundred and fifty-four, in the second Session of the same.

"Given under my hand this Sixteenth day of March, in the year of our Lord one thousand eight hundred and fifty-four.

"JAMES EDWARD FITZGERALD,  
"Superintendent."

"His Honor the Superintendent desires to submit the Ordinance entitled the 'Wakefield Road Alteration Ordinance, Session II, No. 5,' to the re-consideration of the Provincial Council.

"Under the provisions of the 'Public Record Ordinance, Session I, No. 7,' the original of all Ordinances is to be deposited in the office of Public Records. The Superintendent, therefore, suggests that any plan required for the interpretation of the Ordinance should be made a part of the Ordinance, attached thereto in the form of a Schedule, and should be deposited along with the original Ordinance in the same office, instead of with the Clerk of the Provincial Council.

"The Superintendent therefore suggests that the words in Clause 1, 'a plan deposited with the Clerk of the Provincial Council' should be replaced by the words 'the plan set forth in the Schedule to this Ordinance annexed.'

"JAMES EDWARD FITZGERALD,  
"Superintendent."

The "Debentures Bill" was read a first time.

The Council in Committee for the further consideration of the "Trespass of Cattle Bill."

Clauses 2 and 7 passed as amended.

Clause 8 was struck out.

Clause 12 was numbered 11, and passed as amended.

Clause 13 was numbered 12, and passed as amended.

A new clause was inserted.

Clauses 14 and 15 passed as amended.

Clauses 16 and 17 were struck out.

A new clause, 16, was inserted.

Clause 18 was struck out.

Clauses 19, 22, 30, 31 passed as amended.

A new clause was inserted.

Schedules B, C, D, E passed as amended.

Schedules F and G were struck out.

Schedule F passed as inserted.

Schedule G was deferred.

Schedule I passed as read.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee for the further consideration of the "District Commissioner's Bill."

Clause 11 passed as amended.

A new clause was inserted as clause 12.

Clauses 16, 17, 19 passed as amended.

Clauses 22 and 23 were inserted.

Clause 25 passed as read.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 7.15 p.m., until Friday next.

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FRIDAY, 17TH MARCH, 1854.

The Council met pursuant to adjournment.

The Speaker in the chair.

The Council in Committee to consider the Estimates of Revenue and Expenditure of the Province of Canterbury for the Year commencing 1st April, 1854.

Vote was taken :—	Superintendent's Office	...	...	£625	0	0
	Provincial Council Department	...	...	175	0	0
	Supreme Court	..	...	200	0	0
	Provincial Treasurer's	..	...	540	0	0
	Provincial Auditor and Accountant's	...	...	155	0	0
	Provincial Solicitor's	..	...	300	0	0
	Resident Magistrate's	..	...	30	0	0
	Sheriff and Gaol	..	...	234	10	0
	Police	..	...	484	1	3
	Medical	..	...	413	0	0
	Coroner's	..	...	27	0	0
	Harbor Master's	..	...	362	10	0
	Inspection of Sheep	..	...	100	0	0
	Akaroa	...	...	293	0	0
	Printing	...	...	200	0	0

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee to consider an Amendment to the "Wakefield Road Alteration Bill," proposed by his Honor's Message of the 16th instant.

Amendment was granted "That the words in Clause 1 'a plan deposited with the Clerk of the Provincial Council' be replaced by the words 'the plan set forth in the Schedule to this Ordinance annexed.'"

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee on the "Trespass of Cattle Bill."

Schedule G passed as read.

The Speaker in the chair.

The Chairman reported progress.

The "Appropriation Bill" was read a first time.

The Council adjourned at 1.30 p.m. until Tuesday next.

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TUESDAY, 21ST MARCH, 1854.

The Council met pursuant to adjournment.

The Speaker in the chair.

Motion made "That the 'Trespass of Cattle Bill' be read a third time and passed."

Amendment was granted "That the 'Trespass of Cattle Bill' be recommitted."

The Council in Committee on that Bill.

Clause 2 passed as amended.

Clause 9 passed as amended.

Clause 6 was reconsidered. Addition was proposed. The Committee divided. Ayes, 3. Noes, 6.

Schedule B was reconsidered and passed as amended.

The Speaker in the chair.

The Chairman reported the Bill as amended.

Message No 5, from his Honor the Superintendent, was received and read.

"I, James Edward FitzGerald, Superintendent of the Province of Canterbury, hereby declare that I do, on behalf of His Excellency the Governor of New Zealand, assent to an Ordinance entituled the 'English Agent's Ordinance, Session II, No 1,' and also to an Ordinance entituled the 'Empowering Ordinance, Session II, No 2,' passed by the Provincial Council of the said Province on the Ninth day of March; and also to an Ordinance entituled the 'Immigration Ordinance, Session II, No 4, passed by the said Provincial Council on the Fourteenth day of March, in the year of our Lord one thousand eight hundred and fifty-four.

"Given under my hand this Twenty-first day of March, in the year of our Lord one thousand eight hundred and fifty-four.

"JAMES EDWARD FITZGERALD,  
"Superintendent."

The Council in Committee for the further consideration of the "District Commissioner's Bill." The Schedule passed as read.

The Speaker in the chair.

The Chairman reported progress.

The "Appropriation Bill" was read a second time.

The "Debentures Bill" was read a second time.

Message No 6, from his Honor the Superintendent, was received and read, together with accompanying Memorials.

"His Honor the Superintendent requests the attention of the Council to the accompanying Memorials.

"The Superintendent considers that for the present, the funds accruing from the sales of land ought to be devoted *mainly* to the improvement of the great lines of communication; but should the Council think it desirable to vote any sums for the works suggested in the accompanying Memorials, the Superintendent conceives they ought to be voted in aid of funds to be raised by the Proprietors whose farms will be mainly benefited by the improvement.

“The Superintendent requests the Council to make such provision in this behalf as they may think fit.

“JAMES EDWARD FITZGERALD,  
“ Superintendent.”

The Council in Committee on the Estimates for the year 1854-1855.

Vote was taken, Superintendent's Department ... ..	£725	0	0
"    Provincial Council   "    ... ..	225	0	0
"    Provincial Secretary's   "    ... ..	300	0	0
"    Proposed Registrar's   "    ... ..	365	0	0

Division was called for. Ayes, 8. Noes, 1.

Vote was taken, Registrar's Department... ..	£365	0	0
"    Inspector of Sheep ... ..	400	0	0
"    Post Office Department ... ..	150	0	0
"    Education ... ..	1000	0	0
"    Immigration ... ..	1000	0	0
"    Public Works Department ... ..	2345	0	0
"    Expenses of Census ... ..	50	0	0
"    Standard Set of Weights and Mea- sures ... ..	100	0	0

The Speaker in the chair.

The Chairman reported progress.

Motion was granted “That his Honor the Superintendent be respectfully requested to add to the Estimates the sum of £80 for the Erection of a Beacon at the entrance of the Harbor.”

The following Papers were laid upon the table :—

No. 20, relating to the Registrar's Office (continued from Session II, No. 11).

No. 21, four letters from his Honor the Superintendent to J. R. Godley, Esq.

No. 22, a letter from his Honor the Superintendent to Messrs Money, Wigram, and Co.

The Council adjourned at 8 p.m., until Thursday next.

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THURSDAY, 23RD MARCH, 1854.

The Council met pursuant to adjournment.

The Speaker in the chair.

Message No 7, from his Honor the Superintendent, was received and read.

“His Honor the Superintendent, in reference to the Resolution of the Provincial Council of the 21st March, requesting his Honor to add to the Estimates the sum of £80 for the Erection of a Beacon at the entrance of the Harbor, begs to acquaint the Council that he has referred the Resolution in question to the Harbor Master for a Report on the necessity of such a Beacon, and to the Legal Adviser of the Government for an opinion as to whether the Provincial Government are competent to appropriate money to such a purpose without a violation of the 19th Clause of the ‘ Constitution Act.’ ”

“JAMES EDWARD FITZGERALD,  
“ Superintendent.”

The Council in Committee for the further consideration of the “ District Commissioner's Bill.”

Clause 16 passed as amended.

The Schedule was considered. Clauses 1 and 2 passed as amended.

The Council in Committee for the further consideration of the “ Trespass of Cattle Bill.”

Clauses 3, 4, 5, 6, 7, 8, 17 and 18 were amended and passed.



Schedule E was amended and passed.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee for the consideration of the Estimates of Revenue and Expenditure, 1854-1855.

Vote was taken, Bridle Road under the Hills	...	...	£ 70	0	0
„ Road from the Bridge at the Market Place to the Cemetery, and Rural Section No. 33	...	...	30	0	0

The Preamble of the “Appropriation Bill” passed as read.

Clauses 1, 2, 3, 4, 5 passed as read, the blanks being filled up according to the Estimates.

The Speaker in the chair.

The Chairman reported the Bill as passed by the Committee.

The Council in Committee on the “Debentures Bill.”

The Clauses 1, 2, 3 passed as read.

The Speaker in the chair.

The Chairman reported the Bill as passed.

The Council adjourned at 6 p.m., until Friday next.

FRIDAY, 24TH MARCH, 1854.

The Council met pursuant to adjournment.

The Speaker in the chair.

Clause 59 of the Standing Orders was suspended.

The “Trespass of Cattle Bill” was read a third time, passed, and numbered No. 7.

Motion was proposed “That the ‘District Commissioner’s Bill’ be read a third time.”

Division was called for. Ayes, 2. Noes, 4.

The “Appropriation Bill” was read a third time, passed, and numbered No. 8.

The “Debentures Bill” was read a third time, passed, and numbered No. 9.

The Council adjourned at 1 p.m., until Tuesday, 11th April.

TUESDAY, 11TH APRIL, 1854.

The Council met pursuant to adjournment.

In the absence of the Speaker, Mr Bowen was elected Chairman.

The Report of the Road Commission was read.

The Speaker in the chair.

Message No. 8, from his Honor the Superintendent, was received and read.

“I, James Edward Fitzgerald, Superintendent of the Province of Canterbury, hereby declare that I do, on behalf of His Excellency the Governor of New Zealand, assent to the following Ordinances:—

“The ‘Wakefield Road Alteration Ordinance,’ Ses. II, No. 5, passed by the Provincial Council on the 21st March.

“The ‘Cattle Trespass Ordinance,’ Ses. II, No. 7,

“The ‘Appropriation Ordinance,’ Ses. II, No. 8,

“The ‘Debentures Ordinance,’ Ses. II, No. 9,

passed by the Provincial Council of the said Province upon the Twenty-fourth day

of March, in the year of our Lord one thousand eight hundred and fifty-four, in the second Session of the same.

“Given under my hand this Twenty-ninth day of March, in the year of our Lord one thousand eight hundred and fifty-four.

“JAMES EDWARD FITZGERALD,  
“Superintendent.”

The following Papers were laid upon the table :—

No. 23, relating to the Waste Lands.

No. 24, correspondence with the English Agent.

No. 25, relating to the Road Commission.

No. 26, relating to Inter-colonial Steam Navigation.

A Memorial of the Inhabitants of the Port Town of Lyttelton, praying for a Grant of £200 for the repair of the Streets, &c. of the Town, was presented and received.

Motion was withdrawn by consent, “That the Petition be referred to his Honor the Superintendent, and that his Honor be informed that it is the opinion of this House that it is desirable such provision should be made as is in the Petition mentioned, for effecting the works referred to before the approaching winter.

Motion was proposed “That regard being had to the original Contract between the Canterbury Association (as representing the Government) and the original Purchasers of lands within the Canterbury Block, to the proposed alteration in the price of land, and to the altered circumstances of the Colony, and appropriation of the purchase moneys, it is the opinion of this Council, that persons having rights of pre-emption under such original Contracts be allowed time for payment of their purchase money, so as, on declaring their intention to exercise the privilege, they do forthwith pay down one-seventh part of such purchase money, and the residue by like equal instalments, at the end of each successive year, until wholly paid. That his Honor the Superintendent be requested to communicate this Resolution to the General Government, and to obtain the requisite instructions to be issued to the Commissioner of Crown Lands for giving effect to that arrangement. That a proviso to the like effect be appended to the terms of the purchase passed in this Council on the 8th instant, in regard to the pre-emptive rights now existing within the Canterbury Block.”

The following Amendment was carried, and ordered to be transmitted to his Honor the Superintendent :—

“That in the opinion of this Council, in case the administration of the Waste Lands be handed over to the Provincial Government, in any new Regulations regard ought to be had to the rights of those who hold Rights of Pasturage.”

Motion was lost upon division taken (Ayes, 3; Noes, 7), “That his Honor the Superintendent be respectfully requested to make some provision for reimbursement of the travelling expenses of Members of the Provincial Council who reside above five miles distant from the Council Chamber.”

The Report of the Road Commission was ordered to be printed.

The Standing Rules and Orders were ordered to be printed as they now stand.

The Council adjourned at 6.45 p.m., until Wednesday next.

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WEDNESDAY, 12TH APRIL, 1854.

The Council met pursuant to adjournment.

The Speaker in the chair.

Motion was withdrawn by consent, “That the Petition of the Inhabitants of the Port Town of Lyttelton be referred to his Honor the Superintendent, and that his Honor be informed that it is the opinion of this Council that it is desirable such

provision should be made as is in the Petition mentioned, for effecting the work referred to before the approaching winter."

Amendment was proposed and withdrawn by consent, "That the Petition be referred to his Honor the Superintendent, and that his Honor be respectfully requested to make such provision as may be found necessary, and as the funds at the disposal of the Government may justify, to meet the prayer of the Petitioners."

Amendment was carried upon division (Ayes, 5; Noes, 2), "That one hundred pounds be allowed for the expenses of the highways in Lyttelton, on a like sum being raised by the Inhabitants."

Motion was granted, "The Council having read the communication from the Provincial Governments of Nelson and Wellington on the subject of the 'Nelson' steamer, resolve that this Council will guarantee the expenditure of a sum not to exceed two thousand pounds, to enable his Honor the Superintendent to enter into such terms with the other Provincial Governments as may be found advantageous, in order to secure the benefits of steam navigation between the several Provinces."

His Honor the Superintendent entered the Council Chamber and delivered the following Address:—

"GENTLEMEN OF THE COUNCIL,

"I cannot dismiss you from your labors without thanking you for the candid and careful consideration which you have bestowed on the Bills which have been laid before you by the Government, and expressing my confident expectation that your legislation will prove of benefit to the community.

"I anticipate that the Measure you have passed, defining and condensing the Law of Trespass, will put an end to that evil, and that discontent of which the old Law was a fruitful source.

"You have passed Measures, and have appropriated money to Immigration, to Public Works, and to Education, and you have confided large powers to the Executive in those matters. I have lost no time in taking active steps to carry your wishes into operation.

"I have already organized a plan for restoring a regular line of Emigration from England, and I have appointed Mr. Harman to be the Emigration Agent in London, in order that a class of Emigrants likely to be the most useful, may be selected by a gentleman intimately acquainted with the Settlement and with its Inhabitants. It appeared also probable that the dispatch of a Special Agent, upon whose statements implicit reliance might be placed, would put an end to those injurious reports which have been fabricated in England in reference to this Settlement. Mr. Harman will sail for England by the first opportunity, and I am happy to inform you that considerable numbers are likely to take advantage of the opportunities thus afforded them of assisting their friends in England to join them in the Colony.

"The Vote for Education will, I am persuaded, be attended with the greatest benefit to the people. I regret I have been unable to lay before you a Bill for establishing a regular Educational System in the Province, but it seemed far better that Schools should be established under a provisional arrangement, than that the matter should stand over until another Session. Besides, it is not impossible that the experience of the working of a temporary system under the present Ordinance will better enable us at a future time to organize a uniform system suited to the wants of the Province. The Executive Council have therefore passed a Minute for the appropriation of the Grant, in accordance with the existing Education Ordinance. I have arranged with Mr Sewell for transferring the Schools established by the Canterbury Association to the Government, and for placing them on a better footing as regards inspection. Seven additional Schools are in the course of establishment, and will, I hope, shortly be in operation.

"The money voted for Public Works shall be expended with economy and care, but the scarcity and dearness of labor renders great caution necessary on the

part of the Government, lest too much labor should be withdrawn from the more important occupation of tilling the soil. Until, therefore, a supply of labor shall arrive from England, I rely on much forbearance on the part of the people, should the Government be unable to accomplish all that you have contemplated.

“I cannot lose this opportunity of expressing my sense of the energy and activity with which the Commissioners on the Lyttelton and Christchurch road have brought their labors to so speedy a termination, and on the value of the Report they have presented; but I think you will agree with me, that the plans suggested are of so important a character, involving so large an expenditure of public money, and so nearly affecting private as well as public interests, that it is right to postpone any final decision on the question until the public shall have had ample opportunity of discussing the several plans proposed, and of expressing an opinion thereon. The want of labor, moreover, adequate to the construction of works of so great magnitude, renders it unnecessary that any hurried conclusion should be arrived at. I have therefore determined to take no further steps in the matter until after the Session of the General Assembly, when I shall again ask your attendance for a short time to deal with this question.

“The flourishing condition of the finances is a matter for congratulation, but so far as it has arisen from extensive sales of land, at a price below their value, I cannot regard it with unmixed satisfaction. I earnestly hope that at the approaching Session of the General Assembly, the Waste Lands will be placed under such administration as to secure all the benefits of a present Revenue without sacrificing wholesale that which constitutes the great source of wealth of this Province, and upon which its future progress so entirely depends—its available Waste Lands.

“In other respects, the financial condition of the Province is highly satisfactory. The Accounts for the half-year, which will shortly be published, will shew that, by a careful economy, the expenditure has been brought within the Estimates, while the Revenue has exceeded them.

“The great increase of public business thrown upon myself, especially by the establishment of Departments of Public Works, Immigration, and Education, rendered it absolutely necessary for me to have the assistance of a Provincial Secretary. I have to thank you for the readiness with which you have voted the funds requisite for that office.

“Gentlemen, you are aware that it will be my duty to proceed shortly to Auckland, to attend in my place at the meeting of the General Assembly; for this contingency you made sufficient provision in the first Empowering Ordinance, which His Excellency has disallowed. So far as I am able, under the difficulty which has been created, I have provided for the Service of the Government, by authorising the Provincial Secretary in all matters to act in my behalf, so far as he is empowered by Law. Owing to the establishment of steam communication, I do not anticipate that my absence will be of long duration.

“Your attendance will probably be necessary shortly after my return, to deal with questions which will have arisen out of the Laws passed by the General Assembly. I therefore declare this Council to stand prorogued till Tuesday, the Third day of October next.”

His Honor then left the Council Chamber.

The Clerk read the formal Instrument of Prorogation :

“I, James Edward FitzGerald, Superintendent of the Province of Canterbury, do hereby, by virtue of the powers in me by Law in that behalf vested, proclaim and declare this Provincial Council of the said Province to stand prorogued until the Third day of October next ensuing, and this Council is prorogued accordingly.

“Given under my hand, at Christchurch, this Twelfth day of April, in the year of our Lord one thousand eight hundred and fifty-four.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

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**SESSION III.**

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JOURNAL OF PROCEEDINGS  
OF THE  
PROVINCIAL COUNCIL.

PROVINCE OF CANTERBURY, NEW ZEALAND.

SESSION III.

TUESDAY, 10TH OCTOBER, 1854.

The Council met pursuant to Proclamation of his Honor the Superintendent, bearing date 6th day of October, 1854.

In the absence of the Speaker, Mr. Bowen was elected Chairman.

The Chaplain read Prayers.

Message No. 1, from his Honor the Superintendent, was received and read.

“The Superintendent greatly regrets that the business of the General Assembly should have been delayed to such a late period that he was unable to meet the Provincial Council on the day to which it was prorogued.

“Being very anxious not to postpone longer than is absolutely necessary the settlement of those questions arising out of the recent legislation of the General Assembly which demand the immediate attention of the Provincial Council, he has called them together this day. The principal of those questions are—the Waste Lands, the Affairs of the Canterbury Association, and the enlargement of the Provincial Council. Measures relating to these subjects are under the consideration of the Provincial Government. But the Council will perceive that some delay is necessary, in order that they may be matured with due care.

“In the meantime, it seems to his Honor desirable that the Council should have the opportunity of advancing any Measures emanating from private Members, or any enquiring especially into the affairs of the Canterbury Association, and that it will prove more conducive to the Public Service if the Council adjourn from time to time until the Measures of the Government are ready to be submitted to them, than that they should be prorogued to a later period.

“The Superintendent lays before the Provincial Council a copy of the ‘Waste Lands Act,’ recently passed by the General Assembly.

“The Provincial Government propose as soon as possible to publish Regulations for the Management and Disposal of the Waste Lands within the Province, and, in accordance with the Act, to lay the same before the people at large for one month before submitting them to the Council, in order that the wishes of the Inhabitants of the Province on this important subject may be ascertained prior to any final legislation on the subject.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

The Council adjourned at 4.30. p.m., until Wednesday next.

WEDNESDAY, 11TH OCTOBER, 1854.

In the absence of the Speaker, Mr. Bowen was elected Chairman.

Motion was granted “That a Committee, to enquire into the affairs of the Canterbury Association be appointed, and instructed to report immediately, to consist of Messrs. Hamilton, Hall, Bealey, Packer, and Tancred.”

Motion was granted "That the Select Committee on the Standing Orders, consisting of Messrs. Dampier, Hamilton, Tancred, and Hall, be reappointed."

Motion was granted "For a Return of any Correspondence which may have passed between the Commissioner of Crown Lands and the General Government in the course of the present year, and which has not already been laid upon the table, relative to the appropriation of the Land Revenue within the Province."

Motion was granted "For a Return of any Regulations or Instructions which have been issued for the guidance of the Official Inspector of Sheep in the performance of his duties. Also, a Return of the duties performed by such Inspector since his appointment, shewing the number of Stations visited for the purposes of inspection, the time occupied in and the result of each visit, as well as the steps taken by the Inspector in every case in which he was made aware of any infringement of the provisions of the Scab and Catarrh Ordinance."

Motion was proposed "That leave be given to bring in a Bill for the Enlargement of the Council, and that the Standing Orders be suspended."

Amendment was negatived "That this Council has learned with the greatest satisfaction that his Honor the Superintendent has under his consideration the question of an early enlargement of the Provincial Council."

The original Motion was carried after debate.

The Bill was read a first time.

Motion was proposed "That the Bill be read a second time."

Amendment was negatived "That the Council do now adjourn."

The original Motion was carried after debate.

The Bill was read a second time.

The Council adjourned at 1.50. p.m., until Thursday next.

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THURSDAY, 12TH OCTOBER, 1854.

The Council met pursuant to adjournment.

In the absence of the Speaker, Mr. Cass was elected Chairman.

Motion was granted "That the Standing Orders be suspended, and that the Council do go into Committee to consider the 'Provincial Council Extension Bill,' and proceed to the third reading."

The Motion was withdrawn by consent, "That the Council do now adjourn until to-morrow."

The Council in Committee. Mr. Bowen was elected Chairman.

The Preamble passed as read.

Clause 1 passed as read.

Clause 2 passed as amended, "That the word 'four' be substituted for the word 'five,' and the word 'two' for the word 'one.'"

Clause 3 passed as read.

The following clause was inserted, "That the word 'Governor' shall include the Officer administering the Government for the time being."

Clause 4 passed as amended, and numbered 5.

The Council resumed.

The Chairman reported the Bill as amended.

Motion was proposed "That the 'Provincial Council Extension Bill' be read a third time."

Motion was granted "That the Council do now adjourn until Friday next."

The Council adjourned.

FRIDAY, 13TH OCTOBER, 1854.

The Council met pursuant to adjournment.

The Speaker in the chair.

The Petition of "Certain undersigned Inhabitants in the Town of Lyttelton, praying that the Council will adopt the necessary measures for the construction of the Sumner Road," was presented, read, and received.

The Memorial of the "Inhabitants of the Province, in public meeting assembled, praying that the Council will take this Memorial into their immediate and serious consideration, with a view to the removal, as speedily as may be practicable, of the great obstacle which retards the progress of the Province, and prevents the full development of its export trade," was presented, read, and received.

A Motion for the suspension of the Standing Orders was withdrawn by consent.

Motion was proposed "That the 'Provincial Council Extension Bill' be read a third time."

Division was called for. Ayes, 5: Messrs. Packer, Cass, Dampier, Hall, Hamilton. Noes, 3: Messrs. Cookson, Bowen, Tancred.

The Question having been put before the Bill had been read, the Bill was now read, and Motion was carried upon division, "That the 'Provincial Council Extension Bill' be considered read a third time." Ayes, 6: Messrs. Packer, Cass, Dampier, Cookson, Hall, Bowen. No, 1: Mr. Tancred.

The Council adjourned until Tuesday next.

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TUESDAY, 17TH OCTOBER, 1854.

The Council met pursuant to adjournment.

The Speaker in the chair.

Motion was granted "That the Council do now adjourn until this day fortnight."

The Council adjourned until Tuesday, 31st October, 1854.

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TUESDAY, 31ST OCTOBER, 1854.

The Council met pursuant to adjournment.

The Speaker in the chair.

Message No. 2, from His Honor the Superintendent, was received and read.

"The Superintendent requests that the Provincial Council will receive him at the Council Chamber at 4 o'clock this day.

"JAMES EDWARD FITZGERALD,  
"Superintendent."

A Letter was read by the Speaker from D. D. Muter, Esquire, presenting to the Library of the Provincial Council a Chart of the Countries between Turkey and Birmah.

His Honor the Superintendent entered the Council Chamber, and delivered the following Address:—

"GENTLEMEN OF THE COUNCIL,

"Upon the occasion of proroguing your Council at the conclusion of your last Session, instead of postponing the time of your re-assembling to the period of the ordinary annual meeting in the month of February or March, I fixed that time for the 3rd of October, because it was to be expected that the General Assembly might, during its first Session, enable you to deal with certain subjects requiring immediate attention, and I was anxious that the Province should benefit, at the earliest possible period, by the result of your legislation on those subjects.



“My return to the Province was unavoidably delayed until after the day to which you had been prorogued. Upon my arrival, I should have best consulted the convenience of the Government by again proroguing the Council until there had been time to prepare the measures which I might be advised to submit to you. Aware, however, that you had one very important matter of enquiry on hand, that relating to the affairs of the Canterbury Association, and that the public were anxiously anticipating the conclusion of your investigations, prior to any final legislation on that subject, and anxious that no delay on my part should occur in forwarding the public business, I determined to call you together at once, requesting you, at the same time, to allow the Government a reasonable time to prepare its policy before you proceeded to legislate upon matters in which that policy might be involved. In the Message which I therefore addressed to you on the 10th instant, I intimated the wish of the Government that you would adjourn for a short time until its measures were matured. It was presumed that, not having availed myself of a further prorogation, and having submitted to the manifest inconvenience of meeting the Council at so early a period after my return to the Province, I might not unreasonably express such a wish, in the expectation that it would have been complied with.

“The Council, however, being apparently anxious to postpone legislation on any important matters until after the enlargement of their numbers, proceeded, anticipating the exposition of the policy of the Government, to pass a Bill adding twelve members to their own Body.

“The proposal to enlarge the Provincial Council, having emanated from the Government, I need not say I concur most cordially in the principle which that Bill asserts. Its particular provisions may require some further consideration. The manner in which it was passed has unavoidably occasioned some embarrassment.

“The Members of the late Executive Council deeming that the House had virtually expressed its want of confidence in themselves or their policy, resigned their seats, and in accordance with the terms upon which they held their appointments, I felt it my duty to accept their resignations.

“Upon receiving the Bill upon the evening of Friday, the 13th, it became my duty to determine whether I ought, consistently with the powers vested in me by the ‘Constitution Act,’ to return the Bill for your further consideration, with such amendments as I might think fit; that power, Gentlemen, is one which, under a system of ministerial responsibility, ought never to be exercised, indeed, can never be exercised, in ordinary circumstances, except by the advice of the Executive Council.

“When, however, the Bill came into my hands, the Members of the Executive Council had already resigned, and I should not have been justified in taking any further steps in so important a matter before I should be in a position to receive the advice of a new Executive Council.

“But, however I might have been inclined to incur such a responsibility under ordinary circumstances, the grave character of the Bill before me, and the magnitude of the questions involved in it would have forbidden my acting with precipitation in the present instance.

“The Bill deals with the whole representative system of the Provincial Constitution; it determines the degree in which the several Constituencies shall be represented in your Council, and therefore the relative amount of political power which shall be exercised by various parts of the Province. The Bill had never been printed. It had not been placed in the hands of all the Members of your own House. A considerable portion of the Province were in ignorance that it was about to be proposed.

“I cannot for a moment doubt that the Measure received at your hands full and careful consideration, notwithstanding the unusual rapidity with which it passed through its various stages but the facts to which I have alluded could not but induce me to proceed with more than usual caution in determining what course it was my duty to adopt, as charged with the interests of all parts of the Province and all classes of the community.

"If it be urged that the measure in question was intended to be merely a temporary expedient, there still remained room for doubt whether the necessity for unusual precipitation in a matter of so grave importance as that of an act of constituent legislation was such as to overbalance the obvious danger of introducing frequent changes into the Constitution of the Province.

"Upon these matters, it is not for me to give a final judgment; but I have thought it right to lay them before you so far as they constituted sufficient reasons to my own mind for inducing me to act with great deliberation before placing the Bill finally beyond your control at a time when I was necessitated to determine in the absence of Constitutional Advisers; and I entertain no doubt, Gentlemen, but that your Council and the Inhabitants of the Province generally will justify the course which I have taken, that it will be felt that even if the delay of one month should occasion any slight inconvenience, which I cannot myself anticipate, it will be far more than counterbalanced by the consideration that in making so material a change in the constitution of the Province, that change has been made with the unanimity of different branches of the Provincial Legislature, and with the cordial, well considered approbation of the people.

"So far, Gentlemen, I have found it necessary to speak of what occurred before the present Executive Council accepted office. I will now refer briefly to the topics which I am advised to bring before you for your future consideration.

"The 'Provincial Council Extension Bill' will be laid before you with certain Amendments, and your attention will be drawn to the point whether an entirely fair distribution has been made of the proposed additional Members amongst the existing Constituencies. Another Bill will be also submitted to you on the same subject. It provides for a subdivision of the Christchurch Country District, and a re-distribution of the Representation upon a fair basis amongst all parts of the Province. It will also be suggested for your consideration whether the present mode of revising the Electoral Rolls ought not to be amended, and assimilated to that in use in England, namely, by means of a Revising Officer specially appointed, instead of by the Bench of Magistrates as at present in use in this country.

"If the first Bill be assented to by His Excellency, it has been thought a fresh Election would not be necessary, but that additional Members might be elected, the present Members retaining their seats. It is possible, however, that His Excellency may be of opinion that such would be an improper mode of bringing the Bill into operation, and might think it right to dissolve the Council. In such case, you will probably all feel that the 'Provincial Council Extension Bill' would be hardly the measure you would wish to have passed; that measure, indeed, appears to be based upon the idea of avoiding the necessity of a dissolution. The second Bill, therefore, proposed to you, will be one to come into operation in the event of a General Election.

"The Ordinance passed in the first Session for the Prevention of the Spread of Disease in Sheep has operated upon the whole, I am informed, with great advantage, but some additional provisions appear to be required to prevent the introduction of diseased sheep into the Province by land as well as by sea.

"A Statement will be laid before you of the available balance still unappropriated in the Treasury for the remainder of the financial year.

"I have to call your attention to the immediate necessity of making provision for the erection of a Council Chamber and of suitable Government Offices. The present Council Chamber will be no longer at your service at the conclusion of the term for which it is hired, except at a considerable increase of the present rent, nor could it afford proper accommodation to the Council when enlarged as proposed. The Government Offices at Christchurch are at present in apartments in my private house, from which I am anxious they should be removed as soon as possible.

"The question of completing the communication between the Port and the Plains will also be submitted to you, and you will be asked for such a grant as shall enable a road to be constructed with all expedition.

"You will also probably consider the propriety of taking some steps to promote the establishment of small steamers to keep up a constant intercourse between the various Bays of the Peninsula, Lyttelton, Christchurch, and Kaiapoi.

"Upon the subject of the Waste Lands, it is necessary that I should say a few words. The Regulations to be proposed to you will be ready to be laid before the people in a few days. If the Regulations proposed by the Government should meet with general acceptance, and if it should prove to be the general wish of the people that this question should be settled without waiting for the enlargement of the Council, the Government propose to proceed with the settlement of it during the present Session. Should, however, any material opposition be made to the plan proposed by the Government, it will be suggested to you to postpone dealing with the subject until the Council shall be enlarged.

"The main object in view in the Regulations which will be proposed will be that the land shall be disposed of only to persons competent and likely to use it for beneficial occupation.

"I cannot but express my hope that you may be able by a settlement of this question upon a basis which may be satisfactory to all classes of the community, to meet the wishes of that large Body who desire its speedy adjustment.

"No time will be lost by the Government in placing its proposal in the hands of the public.

"The Provincial Secretary having signified his wish to retire from the public service of the Province in a short time, I have considered the propriety of endeavouring still further to carry into effect the principle of Ministerial responsibility in the conduct of the Government by appointing to that Office in future from the Members of the Provincial Council, and making its tenure dependent on the ability to command the support of the Legislature. It does not appear to me that any alteration in the Law is required to effect this change. I would remind you that the real responsibility of the Executive to the Legislature is maintained, not by any specific enactments, but by the exclusive power of the Representatives of the people to grant supplies. The responsibility of the Ministers of the chief Executive power is but convenient machinery by which the harmonious working of the Legislature and the Executive is secured, and that harmony will be, I conceive, more effectually attained by the gradual growth of such a system in our Government as we may find most applicable to our circumstances than by any stringent application by Law of a system which has grown up, not by Law but by custom, in the Government of England.

"The system we have hitherto adopted has worked satisfactorily. If it should be thought desirable to adopt the more complete and more costly system which renders all the principal Officers of the Government responsible for their tenure of office, I shall heartily concur in any alterations which your experience may suggest, and which may tend to the effective and harmonious working of the Government, and to the benefit which must necessarily ensue to the Province at large."

His Honor then left the Council Chamber.

Motion was granted "That the Address of His Honor the Superintendent be printed."

Message No. 3 from His Honor the Superintendent was received and read.

"The Superintendent returns to the Provincial Council 'the Provincial Council Extension Ordinance' presented to him on the 13th instant, for transmission to His Excellency the Officer administering the Government, with certain amendments marked in red ink, to which he prays the consideration of the Council.

"JAMES EDWARD FITZGERALD,

"Superintendent."

Motion was granted "That Message No. 3 be printed."

A Petition from certain undersigned Owners and Occupiers of Land on the Lower Lincoln Road was presented, read, and received.

Motion was granted "That this House, having received from Captain Muter a new Chart of the Countries now the Seat of War with Russia, it is resolved that the thanks of the House be communicated to him for his interesting present."

The Council adjourned at 6 p.m., until Wednesday next.

WEDNESDAY, 1ST NOVEMBER, 1854.

The Council met pursuant to adjournment.

The Speaker in the chair.

Motion was granted "That on the adoption of a Motion that a Bill shall be read a first, second, or third time, the Title only of such Bill shall be read."

Motion was proposed "That the Council resolve itself into Committee to reconsider the 'Provincial Council Extension Bill.'"

Amendment was negatived, upon division, "That the Council, having taken into consideration the Message, No. 3, of his Honor the Superintendent, dated 31st October, 1854, returning to them the 'Provincial Council Extension Bill' with Amendments for their consideration, resolve that it is inexpedient, under the circumstances, to alter or amend the Bill as suggested, and that an Address be presented to his Honor, urging that he immediately transmit the Bill to His Excellency the Officer administering the Government, for his assent, in order to bring the Bill passed into immediate operation in this Province, it being imperatively provided by the 'Constitution Act' that all Bills of this nature, passed by the Provincial Council, shall be reserved for the Governor's assent."

Ayes, 2: Messrs. Packer, Dampier. Noes, 5: Messrs. Cookson, Bowen, Bealey, Hall, Hamilton.

The original Motion was then agreed to.

The Council in Committee.

Mr. Bowen was elected Chairman.

Clause 2 was considered. Amendment was granted "After the words 'Electoral Districts,' to omit the words 'of the said Province, in the following proportion, viz:' and to insert instead thereof the words, 'respectively, as follows: that is to say.'"

Amendment was proposed "After the words 'Christchurch Country District,' to omit the word 'four,' and insert instead thereof the word 'five,' and after the words 'Akaroa District,' to omit the word 'two,' and insert instead thereof the word 'one.'"

Motion was proposed, "That the Chairman do report progress, with a view to the appointment of a Select Committee to examine the Electoral Roll."

Division was called for. Ayes, 3: Messrs. Simeon, Bealey, Hall. Noes, 4: Messrs. Packer, Dampier, Hamilton, Cookson.

The original Motion was then negatived upon division. Ayes, 3: Messrs. Bealey, Hall, Simeon. Noes, 4: Messrs. Packer, Dampier, Hamilton, Cookson.

The Speaker in the chair.

The Chairman reported progress.

Leave was given to bring in a "Provincial Council Extension Bill."

Motion was granted "That a Library and Printing Committee be appointed, to consist of Messrs. Hamilton, Dampier, Bealey, Hall."

Motion was granted "For copies of any Correspondence between the Provincial Government and the Registrar of Deeds, relative to any complaints made against that Officer, for not completing the Registry of Deeds deposited in the Office."

Motion was granted "For a Return of Revenue and Expenditure of the Provincial Government from 1st October, 1853, to 30th September, 1854; distinguishing the different branches of Revenue, and the Expenditure of the several Departments, under the heads of Salaries and Incidents."

Motion was granted "For a Return, shewing the Liabilities of the Provincial Government at the end of the last quarter; also, the probable amount which will be required to meet all engagements now incompletd, but entered into since 1st October, 1854, distinguishing ordinary and current expenses from those of an unusual nature."

Leave was given to bring in a Bill to amend the "Auctioneers' Licensing Ordinance."

The Council adjourned at 2.30. p.m., until Thursday next.

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THURSDAY, 2ND NOVEMBER, 1854.

The Council met pursuant to adjournment.

Members present: Messrs. Packer, Cass, Dampier, Hamilton, Bowen, Bealey, Hall.

The Speaker in the chair.

Message No. 4, from his Honor the Superintendent, was received and read.

"The Superintendent transmits to the Provincial Council the enclosed Supplementary Estimate of the Unappropriated Revenue of the Province for the current year, and of certain services, for which he recommends the Council to provide.

"JAMES EDWARD FITZGERALD,

"Superintendent."

The following Papers were laid upon the table:—

No. 1, relating to the English Agent.

No. 2, relating to the Post Office.

No. 3, relating to the Canterbury Association.

No. 4, relating to the Waste Lands.

No. 5, relating to the Land Fund.

Also, a Paper, No. 9, omitted Session 2, and List of Electors to proposed new districts.

The Council in Committee, for the consideration of an Address, in answer to the Address of his Honor the Superintendent.

The Address passed as amended:—

"SIR,—The Provincial Council desire to thank your Honor for the Message received by this Council on the 10th ultimo, and for the Speech which you addressed to them on Tuesday last.

"The Council regret to learn that the Government should have experienced any embarrassment from the fact of their having proceeded to important business at an earlier date of the Session than was anticipated by your Honor, but the urgency of the Measure which was brought under their consideration appeared to them to call for such a proceeding. The Council fully appreciate the motives which induced your Honor to return for their consideration the 'Provincial Council Extension Bill,' but regret that, after full consideration, they have been unable to agree to all the Amendments which you submitted to them.

"The Council take this opportunity of recording the satisfaction with which they have learned that the principle of the management of the Waste Lands by the Provincial Authorities has been partially conceded by the General Assembly, and they cordially join in the hope expressed by your Honor, that it may be found practicable to effect a settlement of that all-important question, in a manner satisfactory to all classes and interests in the Province, with as little delay as is consistent with the due consideration of the matter. The Council will give the most careful attention to any measures which may be submitted to them by the Government."

The Speaker in the chair.

The Chairman reported the Address.

A Motion for the amendment of Standing Order No. 60 was postponed.

The Address was adopted, and ordered to be presented to his Honor the Superintendent by a deputation, consisting of Mr. Speaker, Messrs. Hamilton, Bealey, and Hall.

The Council adjourned at 7 p.m., until Tuesday next.

FRIDAY, 3RD NOVEMBER, 1854.

The Council met pursuant to adjournment.

Members present: Messrs. Tancred, Bealey, Hall, Cass.

The Speaker in the Chair.

The "Provincial Council Extension Bill" was read a first time.

Motion was granted, "That it is desirable that a Building, to contain a Council Chamber and Government Offices should be erected without delay. That the cost should not exceed £2,000. That it is desirable that the Building should be erected by contract, and that the contract as well as the design should be submitted to public competition."

Leave was given to bring in a "Scab and Catarrh Bill."

The Council adjourned at 6 p.m., until Tuesday next.

TUESDAY, 7TH NOVEMBER, 1854.

The Council met pursuant to adjournment.

Members present: Messrs. Packer, Tancred, Dampier, Cookson, Hamilton, Bowen, Bealey, Hall, Rhodes.

The Speaker in the chair.

The following Papers were laid upon the table:—

No. 6, relating to the Registrar of Deeds.

No. 7, relating to the Hospital.

No. 8, report of Mr. Bray, in continuation of the Report of the Lyttelton and Christchurch Road Commission.

No. 9, a Return of Liabilities on account of Immigration.

No. 10, a Return of the Liabilities of the Province of Canterbury at the end of the Quarter ending 30th September, 1854.

No. 11, a Return of the Revenue and Expenditure of the Province of Canterbury, from 1st October, 1853, to 30th September, 1854.

The above Papers were ordered to be printed.

A Petition of "certain undersigned Inhabitants of Papanui and neighborhood, on the subject of the Harewood Road," was presented, read, and received.

The "Provincial Council Extension Bill" was read a second time.

The third reading of the "Provincial Council Extension Bill" was deferred.

The Council in Committee to consider clause 60 of the Standing Orders.

Mr. Bowen in the chair.

Motion was negatived, upon division, "That to Standing Order, No. 60, the words be added, 'and that one half of the Members be present, on a division to suspend the Orders.'"

Ayes, 2: Messrs. Hamilton, Hall. Noes, 5: Messrs. Dampier, Bealey, Cookson, Tancred, Simeon.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 7.15. p.m., until Wednesday next.

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WEDNESDAY, 8TH NOVEMBER, 1854.

The Council met pursuant to adjournment.

Members present: Messrs. Packer, Hamilton, Aylmer, Tancred, Rhodes, Hall, Bealey.

The Speaker in the chair.

Paper, No. 12, "On the Site of the Provincial Council Chamber," was laid on the table.

Motion was granted "For copies of all the Correspondence between Colonel Campbell and the Provincial Government since the appointment of Colonel Campbell to the office of Registrar, and which has not yet been laid upon the table of the House."

Motion was granted "That, considering the expediency from time to time, and as it may become necessary, of opening up the main lines of road, and considering that the road leading from Papanui to the westward, commonly called the Harewood Road, is a main line of road, on which many Settlers are already living, the Council recommend to his Honor the Superintendent to place on the Estimates, for the construction of this Road, such sum of money as the financial position of the Province, and other claims of a similar character may justify."

The Resolution was ordered to be forwarded to his Honor the Superintendent.

Motion was granted "That a Select Committee be appointed to consider the propriety of addressing his Honor the Superintendent to propose an Estimate of Allowance to the Speaker and Members of this Council, such Committee to consist of Messrs. Bealey, Packer, and Hamilton."

Leave was given to bring in a Bill "to Repeal the 'Auctioneers' Ordinance,' and the 'Auctioneers' Amendment Ordinance' of New Zealand, and to make other provisions in lieu thereof, within the Province of Canterbury."

Motion was granted "That the Council, having before them the Correspondence between the Superintendent and the Agent of the Canterbury Association in reference to a site for the Provincial Council Chamber, are of opinion that the site described as that of the Hospital, at Christchurch, is the best which can be adopted."

Motion was granted "That the Harbor Master ought to be allowed to retain all the Pilotage Fees for the current year, making the same Returns respecting them as heretofore."

The "Scab and Catarrh Bill" was read a first time.

The Council adjourned at 1 p.m., until Thursday next.

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THURSDAY, 9TH NOVEMBER, 1854.

The Council met pursuant to adjournment.

Members present: Messrs. Packer, Cass, Aylmer, Tancred, Cookson, Hamilton, Rhodes, Bowen, Dampier, Hall, Bealey.

The Speaker in the chair.

A Petition, praying for the Formation of a Lyttelton Country District, was presented, read, and received.

A Petition, praying for the Formation of a Kaiapoi Electoral District, was presented, read, and received.

Message, No. 5, from his Honor the Superintendent, was received and read.

“The Superintendent submits to the Provincial Council the accompanying Supplementary Estimate, in substitution of the sum of £1,500, for ‘Other’ Public Works included in the Supplementary Estimate submitted with the Message dated the 2nd November, 1854.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

Message, No. 6, from his Honor the Superintendent, was received and read.

“The Superintendent begs the attention of the Provincial Council to an item of £126 13s. 11d., which he has placed on the Estimates for the Hospital at Lyttelton.

“At the commencement of the winter, the Superintendent was informed that the state of the building was such that the Patients ought not to be left there unless expensive repairs and alterations were made to protect them from the weather. At the same time, the Nurse gave notice to quit, alleging as a reason, the great discomfort of the position, and the bad accommodation. There were six Patients at the time in the Hospital, some of whose cases especially required a more weather-tight building than the then Hospital.

“Under these circumstances, the Superintendent entered into an agreement with Mr. Sewell, the Agent of the Canterbury Association, to the effect that the reserve upon which the Custom House was originally built by the then Provincial Government should be given up, with the building upon it, for the use of the Hospital, and that no rent should be charged until the question pending between the Provincial Government and the Association as to the property in the Reserves should be settled.

“The Expenditure referred to was incurred in making such alterations and additions to the building as will render it suitable for the purposes of a Hospital for some time to come.

“The Council will observe that an annual expenditure of £40 a-year will be saved by this arrangement. The Superintendent hopes that the Council will sanction the expenditure as necessary under the circumstances.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

Paper No. 13, Report of Mr. Dobson on the Akaroa Bridle Road, was laid on the table.

The Petition of certain Landowners in the Sumner district, praying for the completion of the Sumner Road, was presented, read, and received.

The Council in Committee to consider the “Provincial Council Extension Bill.”

Mr Bowen in the chair.

The preamble passed as read.

Clause 1 passed as inserted.

Clause 2 passed as inserted and amended.

Clause 1 passed as read, and was numbered 3.

Clause 2 was struck out.

Clause 3, as read, passed, and was numbered 4.

Clause 4, as read, passed, and was numbered 5.

Clause 5, divided into 6 and 7, passed as amended.

Clause 6, numbered 8, passed as amended.

Clause 7, numbered 9, passed as amended.

A new clause was proposed to be inserted, and numbered 10. Division was called for. Ayes, 6: Messrs. Packer, Cass, Hamilton, Rhodes, Bealey, Hall. Noes, 5: Messrs. Alymer, Tancred, Cookson, Dampier, Simeon.

The clause was ordered to be inserted.



Clause 8, numbered 11, passed as amended.  
 Clause 9, numbered 12, passed as read.  
 Clause 10, numbered 13, passed as amended.  
 The Schedule : Clauses 1, 2, 3, 4, 5 passed as amended.  
 Clauses 6, 7 passed as read.  
 Clause 9 was reconsidered, amended, and passed.  
 The Council adjourned at 8.15 p.m., until Friday next.

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FRIDAY, 10TH NOVEMBER, 1854.

The Council met pursuant to adjournment.

Members present: Messrs. Packer, Bealey, Dampier, Hamilton, Rhodes, Hall, Cookson, Bowen, Cass.

The Speaker in the chair.

Paper, No. 14, Report on Schools, was laid on the table.

The "Auctioneers' Licensing Bill" was read a first time, and ordered to be printed.

The "Scab and Catarrh Bill" was read a second time.

The Council in Committee on the following Resolution: "That the Council, having taken into consideration the various plans which have been proposed for improving the means of communication between the Port and the Plains, is of opinion that the line of road by Sumner, recommended by the Road Commissioners, is, under all circumstances, the best which can be adopted. That it is desirable to proceed with the construction of this Road with the greatest possible expedition."

The Resolution was withdrawn by consent.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee of Supply.

Vote was taken, Clerk's Salary (addition from commencement of present financial year)	...	...	...	...	£	50	0	0
„ Lock-up at Kaiapoi	...	...	...	...		70	0	0
„ Building Council Chamber and Offices	...	...	...	...		2,000	0	0
„ Steam Communication	...	...	...	...		1,000	0	0

Vote was proposed, Papanui and Harewood Road (labor to be provided by Inhabitants of the neighbourhood)	...	...	...	...		100	0	0
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The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 3.35 p.m., until Tuesday next.

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TUESDAY, 14TH NOVEMBER, 1854.

The Council met pursuant to adjournment.

Members present: Messrs. Packer, Cass, Hamilton, Cookson, Rhodes, Bealey, Hall, Bowen, Dampier.

In the absence of the Speaker, Mr. Bowen was elected Chairman for the day.

The Council in Committee for the further consideration of the "Provincial Council Extension Bill."

The Schedule: Clauses 4, 5, passed as amended.

The Council resumed.

The Chairman reported progress.

The Council in Committee on the "Scab and Catarrh Bill."

The Preamble passed as read.

Clauses 1, 2, 3, 4, 5, 6 passed as read.

The Council resumed.

The Chairman reported progress.

Message No. 7, from his Honor the Superintendent, was received and read.

"His Honor the Superintendent transmits to the Provincial Council the enclosed Return of the Expenditure on Public Works from 1st April to 30th September, 1854.

"JAMES EDWARD FITZGERALD,  
"Superintendent."

The Committee resumed.

Clauses 7, 8, 10, 11, 13, 15, 16, 17, 18, 19, 20, 22, 25, 26, 27, 28, 29, 30, 31 passed as read.

Schedules A, B, C passed as read.

The Council resumed.

The Chairman reported progress.

A Petition from certain Inhabitants of the Province of Canterbury, praying for the repair of two bridges across the river Avon, was received and read.

The Council in Committee of Supply, to consider the Supplementary Estimates proposed by his Honor the Superintendent.

Vote was taken, Papanui and Harewood road (labor to be provided by Inhabitants of the neighbourhood	... ..	£100	0	0
„ North Road	... ..	400	0	0
„ Road from Papanui to the Purarekanui	... ..	200	0	0
„ Lincoln Road	... ..	400	0	0
„ Bridle path to Akaroa	... ..	300	0	0
Vote was proposed, Bridle Path to the Head of Port Victoria	... ..	200	0	0

Amendment was carried upon division, "That the vote for the Lincoln Road be reconsidered, and that the sum £400 be reduced to £300; and the sum £100 be added to the vote of £200 for the Bridle Path to the Head of Port Victoria."

Ayes, 4: Messrs. Dampier, Hamilton, Cookson, Rhodes. Noes, 4: Messrs. Packer, Cass, Bealey, Hall.

The Chairman decided in favor of the Ayes.

		£	s.	d.
Vote was taken, Road to the South of Christchurch (to be met by £100 from Inhabitants)		100	0	0
„ Road under the Hills	... ..	100	0	0
„ Great South Road	... ..	100	0	0
„ Alterations to Hospital	... ..	126	13	11
„ Repairs of two Bridges over the Avon	... ..	50	0	0

The Council resumed.

The Chairman reported progress.

The "Auctioneers' Licensing Bill" was read a second time.

Motion was granted "For a copy of Correspondence between the Provincial Government, or Superintendent, and the General Government, relating to the free grant of any portion of the Public Revenues of the Province."

The consideration of the Report of the Select Committee on the Payment of Members was postponed.

The Council adjourned at 8 p.m., until Thursday next.

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THURSDAY, 16TH NOVEMBER, 1854.

The Council met pursuant to adjournment.

Members present : Messrs. Packer, Cookson, Rhodes, Bowen, Hall, Hamilton, Bealey.

In the absence of the Speaker, Mr. Cookson was elected Chairman for the day.

Message No. 8, from his Honor the Superintendent, was received and read.

“ In reply to a communication received from Mr. Bowen, enclosing a Resolution of the Provincial Council, dated the 14th November, 1854, requesting ‘ a copy of all Correspondence between the Provincial Government, or the Superintendent, and the General Government, relating to the free grant of any portion of the Public Revenues of the Province,’ the Superintendent begs to acquaint the Provincial Council that no such Correspondence has taken place as that referred to in the Resolution.

“ JAMES EDWARD FITZGERALD,

“ Superintendent.”

The following Papers were laid upon the table :—

No. 15, relating to the Registrar (continued from Paper No. 19, Ses. II).

No. 16, relating to Roads (continued from Paper No. 10, Sess. III).

No. 17, Return (shewing the state of the Province with regard to Disease in Sheep) from the Inspector of Sheep.

Motion was proposed “ That the ‘ Provincial Council Extension Bill ’ be read a third time.”

Amendment was carried “ That the Bill be recommitted.”

The Council in Committee.

Mr. Bowen in the chair.

The Schedule : Clause 6 was amended and passed.

The Council resumed.

The Chairman reported progress.

The Council in Committee on the “ Scab and Catarrh Bill.”

Mr. Bowen in the chair.

Clause 2 passed as read.

Clauses 9, 12, 14, 21 passed as amended.

Clauses 23, 24 passed as read.

The Preamble passed as amended.

Clauses 4, 7, 15, 16, 27 passed as amended.

The words “ or lambs ” throughout the Bill, except in clause 6, ordered to be struck out.

The clauses of the Bill were ordered to be re-numbered.

Schedule A to be called B, B to be called C, C to be called A.

The Council resumed.

The Chairman reported progress.

The Council in Committee on the “ Auctioneers’ Licensing Bill.”

Mr. Bowen in the chair.

The Preamble passed as amended.

Clauses 1, 2 were struck out.

Clause 1 passed as read and inserted.

Clauses 3, 4, 5, 6 passed as read, and re-numbered 2, 3, 4, 5, respectively.

Clauses 7 and 8 passed as amended, and re-numbered.

Clause 9 passed as read, and re-numbered 8.

Clause 10 was struck out.

Clauses 11, 12 passed as amended, and re-numbered.

Clause 13 was struck out.

Clause 14 passed as amended and numbered 9.

Clause 15 passed as read and numbered 12.

Clause 16 passed as amended, and divided into 13, 14.

Schedules A, B passed as read.

The Council resumed.

The Chairman reported progress.

The Council adjourned at 6.50 p.m., until Friday next.

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FRIDAY, 17TH NOVEMBER, 1854.

There not being a quorum of Members present, the Council stood adjourned until Tuesday next.

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TUESDAY, 21ST NOVEMBER, 1854.

The Council met pursuant to adjournment.

Members present: Messrs. Packer, Cass, Bowen, Hall, Cookson.

In the absence of the Speaker, Mr. Bowen was elected Chairman for the day.

Message No. 9, from his Honor the Superintendent, was received and read.

“His Honor the Superintendent forwards to the Provincial Council a Letter which he has received from Mr. Blatchford, in London, accompanying a number of Parliamentary Papers, which Lord Lyttelton has presented for the use of the Province.

“The Superintendent conceives that Lord Lyttelton’s wish will be most fully complied with by depositing the volumes in question in the library of the Provincial Council, he therefore forwards them along with this Message.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

The following Papers were laid upon the table:—

No. 18, report of Mr. Cridland on the Public Works.

No. 19, relating to Roads.

The Council in Committee on the “Scab and Catarrh Bill.”

Clauses 14, 4 passed as amended.

Schedule A passed as amended.

The Council resumed.

The Chairman reported progress.

The “Provincial Council Extension Bill” was read a third time.

The Council adjourned at 5.50 p.m., until Thursday next.

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THURSDAY, 23RD NOVEMBER, 1854.

There not being a quorum of Members present, the Council stood adjourned until Friday next.

FRIDAY, 24TH NOVEMBER, 1854.

The Council met pursuant to adjournment.

Members present: Messrs. Packer, Hall, Bealey, Cass.

In the absence of the Speaker, Mr. Cass was elected Chairman for the day.

The "Scab and Catarrh Bill" was read a third time.

The following Address to his Honor the Superintendent, in answer to Message No. 9, was adopted and ordered to be transmitted:—

"SIR,—The Provincial Council beg to thank your Honor for transmitting to them Mr. Blatchford's Letter of the 24th of February.

"The Provincial Council concur with your Honor in thinking that their Library is the fitting place of deposit for the Parliamentary Papers to which that letter refers.

"They beg you will convey to Lord Lyttelton the expression of their thanks for the valuable addition which his Lordship's liberality has made to their Library."

The Council in Committee on the "Auctioneers' Licensing Bill."

Mr. Cass in the chair.

Clause 4 passed as read.

Clauses 3, 5 passed as amended.

Schedule B was struck out.

Schedule A passed as amended.

The Council resumed.

The Chairman reported progress.

The Report of the Select Committee appointed to consider the propriety of addressing his Honor the Superintendent to propose an Estimate of Allowances for the Speaker and Members of the Council was brought up and adopted.

Motion was granted "That in the opinion of this Council, previously to Public Works of any kind being undertaken by the Provincial Government, a competent and efficient professional gentleman should be appointed, at a fixed salary, to plan and superintend the execution of such works in detail. That in the opinion of this Council, immediate steps should be taken by the Provincial Government to obtain from the General Government all requisite authority for laying out necessary lines of road throughout the Province, and that Instructions be conveyed to the Chief Surveyor of the Province and Commissioner of Crown Lands to give effect, as far as lies in their power, to the expressed intentions of the Provincial Government in regard to such laying out of roads."

The Council in Committee of Supply.

Vote was taken, Mr. Speaker (travelling expenses) ... £50 0 0

The Council resumed.

The Chairman reported progress.

The Report of the Select Committee on the Standing Orders was referred to the Library Committee.

Motion was granted "That this Council approve of the expenditure of the various sums as voted in Committee of Supply upon the several objects specified."

Memorial of certain "undersigned Merchants and other Inhabitants of Lyttelton," praying for the repair of the Jetty at Lyttelton, was presented, read, and received.

The Council adjourned until Tuesday, 12th December, 1854.

TUESDAY, 12TH DECEMBER, 1854.

The Council met pursuant to adjournment.

Members present: Messrs. Cass, Bowen, Dampier, Hall, Hamilton, Packer.

The Speaker in the chair.

Paper No. 20, referring to legislation, was laid on the table.

Messages Nos. 10, 11, 12, 13, 14 from his Honor the Superintendent, were received and read.

“I, James Edward FitzGerald, Superintendent of the Province of Canterbury, hereby declare that I reserve the ‘Provincial Council Extension Ordinance, Session III., No. 1,’ passed by the Provincial Council of the said Province, on the Twenty-first day of November, in the year of our Lord one thousand eight hundred and fifty-four, for the signification of the Governor’s pleasure thereon.

“Given under my hand, this Twenty-fifth day of November, in the year of our Lord one thousand eight hundred and fifty-four.

“JAMES EDWARD FITZGERALD.

“Superintendent.”

“I, James Edward Fitzgerald, Superintendent of the Province of Canterbury, hereby declare that I do, on behalf of His Excellency the Governor of New Zealand, assent to an Ordinance entitled ‘The Scab and Catarrh Ordinance,’ Session III, No. 2, passed by the Provincial Council of the said Province, on the Twenty-fourth day of November, in the year of our Lord one thousand eight hundred and fifty-four.

“Given under my hand, this Eleventh day of December, in the year of our Lord one thousand eight hundred and fifty-four.

“JAMES EDWARD FITZGERALD.

“Superintendent.”

“The Superintendent thinks it expedient to solicit the concurrence of the Provincial Council in the removal of Lieutenant Colonel James Campbell from the office of Registrar of Deeds of the Province.

“The tenure of the Office of Registrar of Deeds differs from that of all other offices in the Colony. Section 2 of the ‘Registration Ordinance’ enacts that he shall hold his office so long as he shall well behave himself therein. Assuming the intention of the Legislature to have been to place the office on the same footing as that of the Judges in England, and adopting the same process in the Colony that would be adopted in England towards a Judge who had misbehaved himself, the Superintendent proposes to dismiss Colonel Campbell from his appointment with the consent and concurrence of the Provincial Council.

“The grounds on which the Superintendent proposes to remove Colonel Campbell are—general unfitness for the duties of his office, wilful and continued neglect of duty, and a determined spirit of opposition and resistance to the Provincial Government, and disrespect towards its Executive Officers. The whole of the Correspondence with Colonel Campbell is already before the Provincial Council, and the accompanying summary of the more prominent parts of it may be found useful.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

“The Superintendent has received from the Provincial Council the Resolution passed on the 24th November, respecting the appointment of an Officer to superintend the Public Works, and respecting the laying out of roads.

“The Superintendent has given effect to the wishes of the Council by the appointment of Mr. Edward Dobson to the office of Provincial Engineer, at a salary of £300 per annum, with a forage allowance of £50 per annum.

“With regard to the laying out of the roads, the Superintendent conceives that the Letter from the Commissioner of Crown Lands, of the 16th November, laid before the Provincial Council on the 21st November, is a satisfactory arrangement, pending the final settlement of the Waste Lands question.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

“The Superintendent begs to acquaint the Council that the Government has failed to obtain Tenders for designing and building the Council Chamber and Offices. He has reason to believe that no competition will take place in offering designs for the building. He therefore proposes to employ an Architect to provide a suitable design, and to proceed to build at once, under the inspection of the Provincial Engineer, either by contract or by day labor, as the state of the labor market may render advisable.

“JAMES EDWARD FITZGERALD,  
“Superintendent.”

The following Papers were laid on the table :—

No. 21, relating to Immigration.

No. 22, relating to Finance.

No. 23, relating to the Registrar.

No. 24, relating to Education.

Motion was withdrawn by consent “That the ‘Auctioneers’ Licensing Bill’ be read a third time.”

Amendment was granted “That that Bill be recommitted Thursday next.”

Motion was carried upon division “That the Jetty at Lyttelton is a public work of great importance to the Settlers of this Province, and in the maintenance of which they are all directly interested. That it is, therefore, incumbent on the Provincial Government, failing the ability of the Association or present Occupiers of the Jetty, to provide the necessary funds for its repair. That it is, moreover, desirable that an inspection of the Jetty, and the adjoining portion of the harbor be made by some person on behalf of the Government, to report upon what improvements can be effected in the chief landing-place of the Province, whereby shipping and commerce may be encouraged.”

Division was called for. Ayes, 4: Messrs. Cass, Dampier, Hamilton, Bowen. Noes, 2: Messrs. Packer, Hall.

The Resolution was ordered to be transmitted to his Honor the Superintendent.

The Council adjourned at 6.30 p.m., until Thursday next.

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THURSDAY, 14TH DECEMBER, 1854.

The Council met pursuant to adjournment.

Members present: Messrs. Packer, Dampier, Rhodes, Bowen, Bealey, Hall, Cass.

The Speaker in the chair.

Leave was given to bring in a Bill “for the purpose of laying a temporary tax upon land to be purchased under the new Land Regulations.”

Motion was granted “That this Council, having taken into consideration the Papers laid upon the table upon the subject of the conduct of Lieutenant-Colonel James Campbell, are of opinion that the public interests imperatively require that that gentleman should be removed from the office of Registrar of Deeds.”

The Council in Committee on the “Auctioneers’ Licensing Bill.”

Clauses 2, 3 passed as amended.

A new clause was inserted after clause 5.

Clause 9 passed as amended.

Schedule A passed as amended.

The clauses of the Bill were ordered to be re-numbered.

The Council adjourned *sine die* at 9.20.

THURSDAY, 21ST DECEMBER, 1854.

The Council met pursuant to adjournment.

Members present: Messrs. Packer, Cass, Bealey, Hall.

In the absence of the Speaker, Mr. Cass was elected Chairman for the day.

Notices of Motion were given.

The Council adjourned at 4.23 p.m., until Wednesday next.

WEDNESDAY, 27TH DECEMBER, 1854.

The Council met pursuant to adjournment.

Members present: Messrs. Packer, Dampier, Cookson, Rhodes, Bowen, Hall, Hamilton, Cass.

The Speaker in the chair.

Message No. 15, from his Honor the Superintendent, was received and read.

“The Superintendent transmits to the Provincial Council the copy of a Report from Commander Drury, of H.M.’s surveying vessel ‘Pandora,’ on the subject of the navigation of the entrance of the Avon and Heathcote rivers.

“The Superintendent has not had time to ascertain what the expense of erecting the perch and leading marks, as recommended by Captain Drury, is likely to be, but he proposes at once to execute that work during the fine weather, unless the Council should object to the expenditure.

“After the opinion now laid before the Council, the Superintendent does not conceive the Council would wish him to propose a vote for any further improvements in the Sumner Bar in the course of the present year, but the Superintendent has invited Tenders for the establishment of a line of one or more steamers to run between the Port and the Plains, assistance being given by the Government.

“The Superintendent at the same time requests the Council again to entertain the question of completing the Sumner road. He would remind the Council that the whole subject of the best line of road was thoroughly considered by a Commission, consisting of several Engineers of unquestionable ability, and whose opinions on the subject must be entitled to far more weight than those of any other persons. Upon the best line of road those gentlemen were unanimous, and the Superintendent cannot but think that it would be most unwise to depart from a decision arrived at by them after the most ample survey of the whole country.

“The road recommended by the Road Commissioners was estimated to cost £25,000. This was intended to refer to a road of ample width, with a complete system of drainage, and with parapet walls throughout a great part of the line; but the Provincial Engineer is of opinion that a road sufficient for the wants of the Province for a few years might be made practicable for drays within one year, at a cost of about £12,000, by diminishing the width in the expensive and difficult places, and leaving to a future time a large portion of the work which would be necessary for a permanent road of full width throughout the whole line.

“It is impossible to lay before the Council any accurate estimate for the cost of constructing such work until a careful and complete survey of the whole line is made, and the necessary calculations entered into. The Superintendent is unwilling to engage in this survey, which would involve considerable expense, and which will be wholly useless if the road be not made, until the Council shall have determined that the work shall be undertaken. So far, however, as the Provincial Engineer is able to judge from the information before him, he entertains no doubt that with the means now at the disposal of the Province, a practicable communication for drays might be opened within twelve months, by which goods could be conveyed on a comparatively level road.

“The Superintendent would remind the Council that some time must necessarily elapse before the necessary staff and materials can be organized for entering upon a work of such magnitude, and if the summer is allowed to pass without any



steps being taken, another year's delay will probably occur, during which the Province will suffer all the loss and inconvenience arising from a want of any land communication between the Port and the inland country.

"The Superintendent therefore earnestly hopes that the Council will vote the sum of £10,000 for the construction of the Sumner Road on the line recommended by the Road Commissioners.

"JAMES EDWARD FITZGERALD,

"Superintendent."

Paper No. 25, relating to Crown Lands, was laid on the table.

Motion was granted "That in the opinion of this Council it is expedient that the line of road recommended by the Commissioners for enquiry into the communication between the Port and the Plains, and alluded to in Appendix B, should be undertaken without delay."

The Council in Committee of Supply.

Vote was taken, Opening up communication between  
 Port and Plains ... .. £10,000 0 0

The Council resumed.

The Chairman reported progress.

A Petition of certain Inhabitants residing on either side of the river Avon was presented, read, and received.

The Council in Committee on the Standing Orders, and the Report of the Select Committee.

Clauses 1 to 22 passed as read.

Clause 23 was amended and passed.

Clauses 24 to 122 passed as read.

Clauses 133 to 170 passed as read.

Clause 171 passed as amended.

Clause 172 passed as read.

Clauses 123 to 132 passed as read.

The Council resumed.

The Chairman reported the Standing Orders as amended.

Motion was granted "That this Council approve of the application of a sum not exceeding £10,000 towards opening out the communication between the Port and the Plains."

The "Auctioneers' Licensing Bill" was read a third time.

The Council adjourned at 3.25 p.m., until Thursday next.

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THURSDAY 28TH DECEMBER, 1854.

The Council met pursuant to adjournment.

Members present: Messrs. Cass, Packer, Hall, Bowen.

Mr. Bowen was elected Chairman for the day.

Motion was granted "That in the opinion of this Council the construction of a bridge over the Avon, near the corn mill, on section No. 6, is of considerable public importance, and well deserving of assistance from the public funds, and that this Council will guarantee any reasonable expenditure which may be incurred by the Government in promoting the construction of this bridge."

The Standing Orders passed in Committee were adopted by the Council, and ordered to be laid before his Honor the Superintendent for approval.

The Council adjourned at 2.10 p.m., until Tuesday, 13th February.

TUESDAY, 13TH FEBRUARY, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Packer, Dampier, Bealey, Bowen.

In the absence of the Speaker, Mr. Bowen was elected Chairman for the day.

Messages Nos. 16 and 17, from his Honor the Superintendent, were received and read.

“The Superintendent returns to the Provincial Council the Standing Orders, with some formal alterations which may be desirable before printing them, especially the insertion of some of the clauses which appear to have been omitted by oversight.

“JAMES EDWARD FITZGERALD.

“Superintendent.”

“The Superintendent returns to the Provincial Council the ‘Auctioneers’ Ordinance’ with some amendments, which the Council will probably think it expedient to adopt, as more fully carrying out the object and intent of the Ordinance.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

The Report of the Select Committee on the affairs of the Canterbury Association was brought up, adopted, and ordered to be printed.

The Council adjourned at 5 p.m., until Wednesday next.

WEDNESDAY, 14TH FEBRUARY, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Packer, Bowen, Bealey, Cookson.

In the absence of the Speaker, Mr. Cookson was elected Chairman for the day.

The Council in Committee on the Amendments to the Standing Orders proposed by his Honor the Superintendent.

Clauses 12, 15, 16 were amended and passed.

Clauses 19, 20 were struck out.

Clauses 48, 54, 65, 84, 96, 99, 100, 101, 113, 114, 130, 132, 152 were amended and passed.

The Rules for the conduct of Election Committees were agreed to.

Clauses 159, 161, 165, 166, 168, were amended and passed.

The Council resumed.

The Chairman reported the Standing Orders as amended.

The Standing Orders as passed were adopted by the Council.

The Council in Committee on the “Auctioneers’ Licensing Bill.”

Clauses 3, 8 were amended and passed.

The Council resumed.

The Chairman reported the Bill as amended.

The Standing Orders having reference to the passing of Bills were suspended to enable the “Auctioneers’ Licensing Bill” to be read a third time.

The “Auctioneers’ Licensing Bill” was read a third time.

Mr. Packer and Mr. Cookson were appointed a Deputation to present the “Auctioneers’ Licensing Bill” and the Standing Orders to his Honor the Superintendent.

His Honor entered the Council Chamber and declared his assent to the "Auctioneers' Licensing Bill" in the following terms:—

"I, James Edward FitzGerald, Superintendent of the Province of Canterbury, hereby declare that I do, on behalf of His Excellency the Governor of New Zealand, assent to the 'Auctioneers' Licensing Ordinance, Sess. III, No. 3,' passed by the Provincial Council on the Fourteenth day of February, in the year of our Lord one thousand eight hundred and fifty-five, in the third Session of the same."

His Honor then declared his approval of the Standing Orders.

"I, James Edward FitzGerald, Superintendent of the Province of Canterbury, hereby declare that I do, on behalf of His Excellency the Governor of New Zealand, approve of the 'Standing Rules and Orders,' passed by the Provincial Council of the said Province, upon the Fourteenth day of February, in the year of our Lord one thousand eight hundred and fifty-five."

His Honor then addressed the Council.

"GENTLEMEN,—The Session which has just passed has been prolonged to an unusual length with the object of enabling you to institute full enquiries into the affairs of the Canterbury Association. The other matters which have demanded your attention have been few, although far from unimportant. His Excellency the Officer administering the Government has been pleased to assent to the Ordinance for enlarging the Provincial Council, but has stated that it is not his pleasure at present to dissolve your Body. It will therefore become my duty to issue Writs for the elections of twelve additional Members at the earliest possible opportunity.

"The additional Estimates which you have voted shall be expended with care and economy.

"In compliance with your wish, I have organized a Department of Public Works, and have appointed a Provincial Engineer, under whose superintendence I anticipate the public works will advance with as much dispatch as the limited supply of labor will admit.

"The arrival from England of passenger ships, dispatched by the Immigration Agent, may shortly be expected. In the mean time, I have entered into arrangements for the introduction of a small supply of labor to the extent of between two and three hundred persons from Australia.

"Your Council, consisting after this day of 24 Members, I have thought it right to put an end to the present Session. I therefore declare this Council to stand prorogued until the Fifth day of April next, and this Council is prorogued accordingly."

His Honor then left the Council Chamber.

The Clerk read the formal Instrument of Prorogation:—

"I, James Edward FitzGerald, Superintendent of the Province of Canterbury, do hereby, by virtue of the powers in me by Law on that behalf vested, proclaim and declare this Provincial Council of the said Province to stand prorogued until the Fifth day of April next ensuing, and this Council is prorogued accordingly.

"Given under my hand this Fourteenth day of February, in the year of our Lord one thousand eight hundred and fifty-five.

"JAMES EDWARD FITZGERALD,

"Superintendent."

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SESSION IV.

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# JOURNAL OF PROCEEDINGS

OF THE

## PROVINCIAL COUNCIL.

PROVINCE OF CANTERBURY, NEW ZEALAND.

SESSION IV.

WEDNESDAY, 11<sup>TH</sup> APRIL, 1855.

The Council met pursuant to Proclamation of his Honor the Superintendent, bearing date 18th day of March, 1855.

Members present: Messrs. Rhodes, Bowen, Cookson, Sewell, Tancred, Ollivier, Fooks, Brittan, Packer, J. Bealey, Dampier, Thomson, Hall, S. Bealey, Donald, Blakiston, Barker, Bray, Hamilton, Westenra.

The Speaker in the chair.

Prayers were read by the Chaplain.

His Honor the Superintendent entered the Council Chamber and delivered the following address:—

“GENTLEMEN OF THE COUNCIL,

“The Session which is about to take place will be one of unusual importance, not from the variety but from the nature of the subjects which will be brought under your consideration. Before however alluding to those subjects, I cannot but congratulate you upon the change which has taken place in your Body since I last addressed you. The Provincial Legislature has exercised for the first time the highest of the privileges which has been bestowed on it by the British Parliament—the power of constituent legislation. In the exercise of that power, the original constitution of your Council has undergone a change, which will, I doubt not, enable it to command the confidence of the people in a larger and fuller degree than heretofore. It is additionally gratifying to me to reflect that this change has been made at so early a period, in compliance with a general demand on the part of the people;—a demand not arising from any hostility to, or mistrust of the Council as hitherto constituted, but indicating rather, that the people are taking an increasing interest in their public affairs, and more fully recognize and appreciate the powers and privileges which they possess, and the responsibility which attaches to their exercise.

“I may be allowed to take this opportunity of acknowledging, in the warmest terms, the patient and attentive consideration which the Council, as hitherto constituted, has paid to the Measures which it has been my duty to submit to it, and how deeply indebted I stand to its Members for their co-operation, their advice, and their assistance. They may justly claim the gratification of reflecting, that the Measures which they have passed have proved to be beneficial to the Province and satisfactory to the community in no ordinary degree.

“I am happy to be able further to congratulate you upon the steady advance which this Province is making in general wealth and prosperity, a prosperity the more satisfactory because it is shared by all classes of the community. It is not in my power to lay before you any official statistics which will enable you to judge of the advance which has been made. Some amendments in the Census Ordinance will be proposed to you, which may enable me, in future years, to provide such information; but, so far as incidental sources of information may be relied on,

there can be no doubt that the quantity of land now in cultivation is considerably greater than when I first opened the Council eighteen months ago, and I have reason to believe the amount of stock in the Province has nearly doubled since that time. The population has slightly increased. The imports have increased considerably, and the exports very largely. The latter fact is very significant. The increase in imports for the year ending the 31st December last is returned at 29 per cent. over those of the preceding year, whilst the increase in the exports for the same period is one of no less than 500 per cent.; and it is certain that, from the value of the wool of the present season, the exports will again be far more than doubled in next year's returns. This is a very encouraging fact, inducing the hope that our Settlement, so lately formed, is rapidly approaching the normal condition of every country in a healthy state of trade, and that the important necessaries and luxuries which we enjoy, will, before long, be paid for wholly by the products of our own labor, and the resources of our own Province.

“The only drawback to this state of general prosperity arises from the great scarcity of labor. This, however, will be probably of temporary duration, as the arrival of Immigrants, both from Australia and from England, may now be daily looked for. With regard to Immigration from England, I regret to inform you that owing to the delay in paying over the proceeds of the Land Fund to the Provincial chest, and the consequent inability of the Provincial Government to transmit funds to England, a delay has occurred in making arrangements with shippers to undertake the Immigration. I endeavoured to avoid the difficulty by empowering the Agents in England to draw on the Provincial Government, but there appears to be some temporary difficulty in negotiating such bills. As soon, however, as I was apprised of the difficulty, I caused £10,000 to be transmitted to Mr. Godley, through the Union Bank, and in the meantime, Mr. Godley and Mr. Selfe have again come forward to aid the Settlement by their private credit. So that some Immigrants may be daily expected.

“To the same scarcity of labor you must attribute the apparent delay which exists in accomplishing those public works for which funds have been voted by the Provincial Council. In this matter I have felt it incumbent on the Government to act with great caution, both to avoid withdrawing labor from the ordinary occupations of the Colony, especially during harvest time, and also to avoid throwing such large public funds into the labor market as to raise the price of labor to an extent ruinous to the ordinary employer. I do not however doubt but that with the assistance which will shortly be received from fresh Immigration, all the works for which funds have been voted will be accomplished in the course of the ensuing year.

“With one or two trifling exceptions, however, it is not the intention of the Government to ask you for any further votes on account of Public Works for the current year, both because it is not likely that any works besides those already engaged in, could, with the labor we shall be able to command, be readily executed during the current year, and also because no larger sums than those already voted could be safely expended in labor during that time, without risking so serious a disturbance of the labor market as to inflict considerable injury on the Province.

“With regard to the main work undertaken by the Government—the Sumner Road—so much misapprehension exists, that I request your attention for a few moments to that subject. The Commissioners appointed to enquire into this subject have reported on the best line of road, and also on the best line of railway. I entirely agree with those who think that a railway from Lyttelton to Christchurch is necessary, in order to develop the resources of this Settlement, and I have no doubt but that in a few years the Province will be in a position to undertake such a work. At present it possesses neither means or credit, public or private, for so large an undertaking. In a young and comparatively unknown community, the establishment of the public credit is the first consideration. To undertake a work far beyond our present means, would be ruinous, not only to that work, but to future undertakings. On the other hand, the formation of the cart road into the interior from the Port will only hasten the time when the Province will be able to undertake a railroad; and the sum of money required for this work is only a small fraction of that necessary for the construction of a railroad.

“ I have had an accurate and detailed survey and estimate made of the Sumner Road. If that estimate had much exceeded the sum I proposed to you to spend on the work, I should have again referred the subject to your consideration before engaging in the task; but I am happy to be able to state to you that after the most complete and careful survey of the whole line, it appears that a good practicable road for carts, of full breadth throughout, may be opened within twelve months for the sum of about £12,000; whilst a further expenditure of ten or twelve thousand pounds would effect such improvements, chiefly in metalling the road, as to render it a first-rate road throughout. Such further improvements, however, are not necessary in order to open the road for traffic; they need only be effected in a series of years, and will probably be, in a great measure, unnecessary. The road now surveyed is considerably shorter than that originally laid out. It will present no dangers. Instead of the precipitous rocks and lofty retaining walls of the old road, the retaining walls are very trifling in extent, and will nowhere exceed four feet in height, and on the Sumner side, instead of a long descent of two and a quarter miles in very steep hill side, the proposed line will descend by a hill of less than a mile, in ground of the easiest possible character. The complete survey, moreover, shews that the tunnel will pass 270 feet below the summit of the hill. This road will therefore save a perpendicular rise of no less than 700 feet as compared with any road which can be made over any other part of the hills. After the most mature consideration of the whole subject, aided by the elaborate and careful survey which has now been made, I am satisfied that as a means of surmounting the great natural obstacles which those lofty and precipitous hills present to the communication between the Port and the Plains, the road now determined on is not only the best which can be made, but also that it will be a work reflecting the highest possible credit on the sagacity and skill of the Engineers by whom it was originally proposed, and upon the gentleman by whom the details have been completed. I am compelled to the conclusion that it will prove not only to be the cheapest road, in point of actual cost, which can be made, but immeasurably the cheapest as regards the advantages it will present when done. The unavoidable delay which has occurred from the necessity of completing a careful survey of the whole line being at an end, I propose to prosecute the work in the course of the ensuing year with the utmost expedition.

“ With regard to the financial condition of the Province, I have caused a Statement to be prepared, shewing the amount of expenditure which has taken place in the past year. Whilst that expenditure has fallen within the Estimates on the whole, there has been a slight excess in some Departments. The reasons for this excess will be explained to you in proposing a Bill for the appropriation of the sums comprised in it. I am happy to be able to direct your attention to the fact that the Ordinary Revenue of the Province has hitherto been sufficient to provide for all the ordinary and current expenses of the Government without drawing upon the Land Fund. This is a state of things which I hope will ever be scrupulously observed. It appears to me to be not only unsound in a financial point of view, but very unfair towards one class of the community that the funds derived from the sale of Waste Lands should be applied to liquidate the current and ordinary expenses of Government. If the ordinary annual expenses of Government are allowed to encroach on the casual and incidental receipts, one great check on the expenditure will be removed, and a spirit of extravagance will not improbably be fostered. The lands should rather be regarded as the capital stock of the country, and their proceeds should, according to all sound economy, be expended in giving permanent value to the land itself:—for example, in the introduction of labor, without which the land is valueless, and in the construction of public works which facilitate its occupation; and amongst those public works, not the least in importance is the building and endowment of Schools for the benefit of the Occupiers of the Land. In proposing the Estimates which will be laid before you for the ensuing year, the same principle has been observed.

“ You are already in possession of the Instructions from His Excellency, by which it appears that one-half instead of one-third of the General and Land Revenues

of the Colony is to be paid to the General Government. I am unable to understand why so large a portion of the Revenue is necessary to meet the Expenditure of the General Government, and I entertain no doubt whatever but that the proportion will shortly again be altered, and that the Province will be entitled to receive at least two-thirds of the net Revenue during the ensuing year. In that event the Revenues of the Province will probably exceed the sums set down in the Estimates.

“ Amongst the subjects which will come before you in the course of the present Session, that which will principally occupy your attention will be the disposal of the Waste Lands. The measure to be proposed by the Government has been so long before the public, and has been so amply discussed, that it is unnecessary for me to dwell upon it at any length. The policy upon which it is based may be briefly embodied in two propositions. First, that the occupation of the soil by Settlers who require it, and will use it for agricultural purposes, is the basis of all real and durable prosperity to a Colony, and ought, therefore, to be regarded as the main object to which all others should be made subservient. Secondly, that until the Waste Lands are required by agricultural Settlers, the utmost possible encouragement should be given for their use for pastoral purposes. It cannot be too often or too strongly asserted that the interests of the pastoral and agricultural Settlers are not opposed to one another, but are identical; for whilst as I have said, the settlement of the lands in the hands of *boná fide* Occupiers and Cultivators is the main and ultimate object to be kept in view, that object is largely promoted, not retarded, by the temporary occupation of the Waste Lands by pastoral Settlers. The Cultivator of the soil benefits at least as largely as any other class in the community by the prosperity of the Squatter. The introduction of capital, the importation of stock, the cheapening of animal food, the creation of a large export trade in a commodity of all others the most readily produced, and the consequent stimulus given to the importation of the necessaries and luxuries of life; these, the results of the Squatters' enterprise, add largely to the wealth and prosperity, not only of the Settlement generally, but especially of the Agriculturist, by extending the market for his produce. The prosperity of the Squatter cannot then justly become an object of jealousy to other classes of the community, unless it be gained at their expense; and the limit to the encouragement which the pastoral interest should receive, may be defined by this principle,—that it should never be permitted to stand in the way of the permanent settlement of the country by the Cultivator of the soil. And in the final disposal of the land for permanent settlement, a leading principle seems equally obvious: I mean that the Settler should be enabled to acquire it on the easiest possible terms. Not indeed at the lowest price, for terms which would admit of the land falling into the hands of large capitalists for speculative purposes, would be not the easiest but the hardest of all terms to the Settler of limited means. I mean the easiest terms consistent with all the conditions and circumstances of the case. I am aware that it has been proposed to set aside certain parts of the country in which the sale of the land shall be limited to the *boná fide* occupying Settler by affixing to the sale conditions of occupation; such as the expenditure of a certain sum of money in improvements, and withholding the Crown Grant until those conditions are fulfilled. I hope no such system will be adopted by your Council. A system which involves an inquisitorial inspection of every man's property, which places the Settler at the mercy of the opinion or caprice of an Official of Government who is to determine the nature and value of his improvements—which prohibits for several years the sale and interchange of property—which compels the investment of labor upon a precarious title—and, by preventing the Settler from borrowing money for purposes of improvement, virtually dissevers capital from the Land,—and, more than all, a system which would impose these hard terms upon the poor man, whilst it leaves open a great part of the country to be bought by rich men without any such conditions or restrictions;—this seems to me to be a system not only repugnant to the character and habits of the English people, but entirely opposed to all sound economical principles. The problem, gentlemen, which is offered to your practical solution is,—first, on what terms can the agricultural Settler be enabled to acquire land with the greatest facility;—secondly, to what extent can you encourage the



temporary occupation of the unoccupied portion of the Province for pastoral purposes, without in any degree impeding the advance of its permanent settlement.

“ I shall gladly unite with you in recommending to His Excellency any plan which will accomplish these objects.

“ Amongst the practical difficulties which the Inhabitants of the Province have to encounter, none are more severely felt than those arising from the state of the Law relating to roads and drainage, from the absence of any machinery for keeping roads in repair, for altering lines of road which experience has shown to be inconvenient, and for laying out new roads through settled districts which have become necessary to the public. A Measure to supply this want will be submitted to you similar to Measures already adopted in other Provinces, and similar, so far as circumstances will admit, to the Law of England.

“ In compliance with a Petition which I have received from some of the Inhabitants of Lyttelton, I have caused a Bill to be prepared for the purpose of bestowing a Municipal Corporation on the town. It may be a matter of discussion as to what corporate powers should be intrusted to a town of so limited a population and at so early a stage of its existence. In the Bill to be laid before you, almost all the powers are included which are enjoyed by Municipal Corporations in England. There are, however, certain matters of the greatest importance, such as the protection to the town from fire, and the adoption of an effective system of drainage, which can only be properly and efficiently accomplished by the townspeople themselves, and then only by the agency of a Municipal Body. Should a similar wish be expressed by the Inhabitants of Christchurch, a similar Bill will be laid before you for bestowing on that town similar corporate powers.

“ The next subject to which I shall request your attention is that connected with the affairs of the Canterbury Association, and I earnestly hope you will be able finally to dispose of that question in the course of the present Session. The subject has now been so long before the public that you will no doubt be able to effect an arrangement which will be satisfactory to the Province.

“ The question has now been cleared of most of the difficulties which at one time surrounded it. A Committee of your Council has investigated the accounts of the Association, and you can have no difficulty in ascertaining the amount of the outstanding liabilities which the Province can upon any grounds be called on to assume. On the other hand, His Excellency, on the part of the Crown, has undertaken that no difficulty shall arise in respect of the Title to the property which the Association holds, and is prepared to hand over to the Province.

“ The Correspondence embodying the arrangement I was enabled to make with His Excellency at Auckland is upon your table. Should there be any validity whatever in the doubts which have been expressed as to the Title of the Association to its property, the Crown, as the Owner of the land in the event of a defect in the Association's Title, is the party directly interested. You will perceive, however, that the Crown has undertaken to supply any defect in the Title, should it be your wish to accept the property.

“ Should you then determine that the Province *can*, without injustice to itself, and *ought*, as a matter either of justice or honor, to undertake the Association's debt, it will obviously be necessary for the Province to obtain the absolute Title to the Reserves. Such a Title you can obtain by a joint Conveyance from both the parties interested in the Title, the Crown and the Association. On the other hand, should you refuse to entertain the proposal made by the Association, the Reserves will either remain absolutely vested in and managed by the Association, or else will become a matter of litigation in the Courts of Law.

“ Whilst leaving this question wholly to your judgment, and being desirous to aid in effecting any arrangement which you may consider most conducive to the interests of the Province, I cannot avoid pointing out to you the great evils which would result from the latter contingency. The Province could not but be largely benefited by acquiring the absolute property in these valuable reserves, and by placing them under an effective system of management. On the other hand, it

could not but suffer, either by their being vested permanently in a Corporation in England, or by their becoming the subject of costly and tedious litigation. If therefore you should find that the Association's debt can be undertaken without entailing too heavy a burden on the Province, and that, at the same time, you can obtain an absolute Title to those reserves, I cannot but think sound policy would dictate an arrangement being made on the basis proposed to you by the Association. It seems right, as you will probably expect, that I should express an opinion as to the financial effect of such an arrangement on the Province. So far as I am able to judge of the amount of the liabilities, and of the value of the property, I think that by a proper management, and judicious sale of portions of the estate, the Province would not be called on to contribute any part of its Revenues towards the liquidation of the debt. But even were it called on to do so to a limited amount, the sacrifice would be far more than compensated for by the general credit and character which the Province would establish in the eyes of the public in England, by undertaking to indemnify from loss those private individuals who, without any hope of advantage in the success of the Settlement, nevertheless did not shrink from heavy pecuniary responsibility in the determination to save it and those whose fortunes were embarked in it from failure.

“Gentlemen, I hope I may be favored with your views on this question at an early period, in order that any Bills which may be necessary to embody the Resolutions at which you may arrive, may be prepared. But the question which in my mind exceeds all others in importance, as affecting the permanent welfare of the community, is the question of providing for the Education of the people; and that not by temporary expedients, but by the establishment of permanent and liberal Educational Institutions.

“You will remember that in opening this Council for the first time, I endeavoured to urge the importance of this question on the Province. The experience of eighteen months has only served to deepen and strengthen the views which I then ventured to express. The whole tendency of the discussions which have taken place throughout the Colony on the subject of the Waste Lands, must have left the impression that the result of legislation on that subject will be to create, possibly with great rapidity, a very large class of peasant Proprietors and small Farmers throughout the Province. Those who think as I do that such a class will constitute the surest basis for the durable prosperity of a Colony and the happiness of its Inhabitants, have watched that tendency with the deepest interest.

“But it is impossible to anticipate without mistrust and alarm the increase of such a class in numbers and wealth, if their youth are allowed to grow up without that Education which alone can fit them to fulfil the duties which prosperity entails, and to exercise the great political privileges which our Constitution places in their hands. Institutions so free as those which have been bestowed on this Colony, will prove a curse, and not a blessing, except in the hands of an intelligent and educated people.

“You will remember the Government postponed framing a Measure for establishing an Educational System until the present Session, and you were asked for a vote of a thousand pounds in order to provide for Education temporarily, until experience should have shewn what might be devised as most applicable to the condition of the Province.

“Full accounts will be laid before you of the manner in which the Grant has been expended. The difficulties which have been experienced have arisen from the limited supply of good Schoolmasters, and from the impossibility of making permanent institutions on the frail security of a casual vote of the Council.

“In dealing with Education, there are two distinct questions for legislation. First, that relating to the system to be adopted. Secondly, that relating to the means by which it is to be maintained.

“In establishing any system, it is idle to disguise the difficulties arising from the connection between Education and religion and the various views entertained on the nature and extent of that relation in a country consisting of various religious denominations.

“The Measure to be submitted to you endeavours to deal fairly with that part of the subject; but I desire to say it is not proposed in the expectation that it will *of necessity* solve a question which ever has been, and will be, surrounded with difficulty. To contrive such a system, Gentlemen, I believe is not in the power of man. In a matter in which opinion and feeling enter so largely, the spirit in which any system is worked will mainly determine its success or failure. The most that legislation can do is to establish a system which shall be fair to all, and shall distinctly recognize the duties of all; and the principle in the proposed Measure is this—that whilst no system deserves the name of Education which endeavours to separate secular instruction from moral and religious training, yet the duty of the State extends only to affording secular instruction, whilst the various religious denominations of which the State is composed are the proper organs for conveying doctrinal instruction in religious matters. If the State then shall undertake to teach secular things, and shall place it in the power of the Teacher of religion to fulfil his proper duty, it has done all that it can do in the matter.

“But with the other parts of the subject—the means of maintaining Educational Institutions, this Bill does not propose to deal; and in this respect it is manifestly inadequate to the object sought. I can never regard any system as satisfactory or sufficient which is not maintained by a fixed and permanent source of income.

“The expenses attending an efficient Educational System are two-fold; comprising, first, the cost of building School-houses and providing materials for the Schools; and, secondly, the cost of maintaining the Schoolmasters. The first of these demands is of a varying nature, and may be supplied as funds become available; but the second is a permanent annual expense to be guaranteed every year.

“I am aware that it has been proposed to set aside a portion of the Land Fund or Land Rate for Educational purposes. I should rejoice to see that proposal adopted. But the funds which may be anticipated from this source are in their nature precarious, likely to vary largely from year to year, and not to be relied on for meeting a fixed annual liability. Besides, if the Education is to be made worthy of the Province, if a system is to be established which shall command the respect of the people, I believe the funds arising from land sales will be wholly absorbed for many years in the buildings required, and in the other expenses attending the first foundation of Schools. The permanent annual cost will still be left unprovided for. I know of but four ways in which these funds can be raised: first, as the existing Ordinance provides; that is, by setting apart a certain fixed portion of, or per centage on the Public Revenues; second, by annual votes of the Provincial Council; third, by payments made by the Parents of the Children attending the Schools. I will speak of these three before recurring to the last. An examination of the Estimates will shew that the present Ordinary Revenues are barely more than sufficient to provide for the Ordinary expenses of Government, whilst the annual sum required for Education would amount to nearly one-third of the Revenues. Again, the sums derived from weekly payments by the Scholars, can never provide more than a small part of the expense of a School, except in localities where, from the density of population, the numbers attending are very large. In this country, with a widely diffused population, that will never be the case. Nothing can be less satisfactory than grants in aid or votes of your House, virtually making the education of the people contingent on the political chances and party struggles inherent in a popular form of Government. The fourth mode of providing these necessary funds is by a rate on the whole population of the Province. I have calculated that a rate of ten shillings on every person above the age of fifteen years, and five shillings on every child between the ages of three and fifteen years, would produce, even with the present population, a sum sufficient to provide for the permanent charges of an efficient educational system. But, with such a rate, another great principle might be asserted—I mean free Education for all alike. That the Schools should be entirely open to all the Inhabitants of the Province, without any charge, and that, not as a matter of charity, but as a matter of right. A tax so small, to accomplish an object so great, would not, I think, be deemed a burden. Upon those who had large families it would fall most heavily; but to those very persons it would be an

actual boon, because it would enable such persons to educate their families at a less expense than if they had to make the present weekly payments. To those without families, the charge would be too trifling to occasion complaint; whilst it would constantly bring before the minds of all the moral duty which belongs to all, to provide for the Education of the youth of the community. To make such a system complete, it would be right that endowments should be attached to every School in the form of Scholarships and Exhibitions, by which Children, living too far from the Schools to take advantage of them by daily attendance, might be maintained as Boarders without additional charge either to their Parents or to the public. The creation of these permanent endowments would be a legitimate object to which to devote a portion of the Land Fund of the Province.

“At the same time the Government have not thought it wise to propose in the present Measure any such plan as I have described. I entirely agree with them in thinking that a rate, if adopted, should be assented to by the population at large. I have therefore brought it before you, in order that it may be fully considered by the Province.

“I do not share in the apprehension that a rate really expended in providing a good and free system of Education would be obnoxious to the people; on the contrary, the time will, I hope come, when the people will demand as a right that the means of Education for their Children shall, at any cost, be provided, and will justly charge the Government which shall neglect to provide those means with forgetfulness of its highest duties.

“Gentlemen, I claim your indulgence for having entered so fully into this subject. I have it too dearly at heart to forbear to urge it upon the Province. To create institutions such as these—to bestow on them the character of permanence—to establish for ever free Schools for all—to enlist the sympathies of the people in their progress and management,—this is a work which will be remembered when all the ordinary subjects to which our attention is now directed will have been long forgotten in the political changes of the day and the hour.

“I cannot conclude, Gentlemen, without alluding to the great struggle in which our Queen and country are at present engaged. For although it has pleased God to cast our lot in a land far removed from the scene of war, the fearful interest of that contest is undiminished by distance.

“It will be for you to consider whether we may not give some evidence more substantial than words alone of our sympathy with a cause in which the liberties of Europe are involved; whether we may not seize the opportunity of proving our gratitude for the gift of those free institutions which we so long wished to enjoy and now so highly prize.

“The finances of this Province will not enable us to follow the example of those Colonies of the Empire which have made grants of public money towards the expenses of the war; but of that in which we are rich—our Waste Lands—I would suggest to you whether we may not contribute something towards relieving the necessities of those of our countrymen who may become sufferers in the conflict.

“With this object, a supplementary clause will be introduced with the Waste Lands Regulations for making free grants of land to a limited extent to discharged Soldiers and Seamen, and to the Widows of those who may have fallen in the present war, and who may be willing to settle in this Province.

“Gentlemen, I have alluded to the principal subjects which will be submitted to you by the Government. I am sure they will receive from you the most careful consideration. And for my own part, whilst laying before you my own views, and those of the Members of the Government, I need not tell you that I will endeavour, to the best of my ability to carry into effect whatever may be the ultimate result of your deliberations.

“It only remains for me to declare this Council open for the dispatch of business.

His Honor left the Council Chamber.

Paper No. 1, relating to Immigration, was laid on the table.

Mr. Speaker resigned his Office.

Motion was negatived upon division, "That the Council do now adjourn until to-morrow, at 11 a.m." Ayes, 3: Messrs. Cookson, Dampier, Hamilton. Noes, 16: Messrs. J. Bealey, Rhodes, Bray, Ollivier, Thomson, Brittan, Barker, Donald, Sewell, Blakiston, Bowen, Tancred, Hall, S. Bealey, Packer, Westenra.

The Council adjourned at 3 p.m., until to-morrow, at 5 p.m.

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THURSDAY, 12TH APRIL, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Tancred, S. Bealey, Thomson, Hamilton, Ollivier, Sewell, J. Bealey, Hall, Bowen, Rhodes.

Mr. Bowen was elected Chairman for the day.

Mr. Bowen was elected Speaker.

A Select Committee was appointed to consider the Supplementary Account of the Canterbury Association; to be at liberty to report upon the difference between the Summary of the Accounts presented by the Committee of last Session, and that presented by Mr. Sewell: such Committee to consist of Messrs. Tancred, Packer, S. Bealey, Brittan, Blakiston, Hall.

Leave was given to bring in a "Census Bill."

Motion was granted "For a Return containing

"1. A List of all Runs within the Province, together with the names of the Licensees.

"2. The Acreage of each Run.

"3. The Date of the Issue of each License.

"4. The Amount Payable on each License, for the year commencing 1st April, 1855, to the 31st March, 1856, both inclusive, and the day on which such amount became due in each case.

"5. The Amount of Stock upon each Run.

"6. The Extent of Pre-emptive Rights which may have been laid down on each Run."

Motion was granted "For a Copy of any Correspondence between the Commissioner of Crown Lands and the General Government, in reference to a Grant of Land to the Scotch Kirk."

A Select Committee was appointed to report upon the readiest means for securing fit and proper accommodation for the transaction of the business of the Council; such Committee to consist of Messrs. Hall, Thomson, Sewell, Tancred, Barker, Hamilton.

Messrs. Hall, J. Bealey, Packer were appointed a Deputation to announce the election of the Speaker to his Honor the Superintendent.

The "Census Bill" was read a first time.

The Council adjourned at 9 p.m., until Friday next.

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FRIDAY, 13TH APRIL, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Packer, Dampier, Blakiston, Fooks, Hamilton, Brittan, Ollivier, Sewell, Tancred, Westenra, Thomson, Hall, Bowen, J. Bealey, S. Bealey, Bray.

Mr. Bowen was elected Chairman for the day.

Leave was given to bring in an "Empowering Extension Bill."

The Council in Committee for the consideration of an Address to his Honor the Superintendent, in answer to his Speech.

Mr. Rhodes in the chair.

Clauses 1, 2, 3 passed as read.

A new clause was inserted as clause 4.

Clause 5 was considered. Amendment was negatived upon division "To omit the last paragraph." Ayes, 6: Messrs. Packer, Dampier, Brittan, Fooks, Hamilton, Thomson. Noes, 9: Messrs. Bowen, J. Bealey, Ollivier, Sewell, Tancred, Westenra, Blakiston, S. Bealey, Hall.

Clauses 5, 6 passed as read.

Clause 7 passed as amended.

The Council resumed. The Chairman reported the Address.

"SIR,

"The Provincial Council thank your Honor for the Address with which you have opened their Session.

"They concur in the feelings of satisfaction expressed by your Honor at the generally prosperous condition of the Province.

"The increase in their numbers will enable them to approach with confidence many important questions, in dealing with which a less numerous Body might have failed to ensure the confidence of the people.

"The Council desire to express their sense of the deep obligation under which the Province is placed to Mr. J. R. Godley, and Mr. Selfe Selfe, for the personal sacrifices by which they have averted the entire postponement of Immigration from England to this Province.

"The Council are glad to learn that immediate steps have been taken to reimburse the advances made.

"The Council will enter upon the consideration of the Laws to be proposed to them for the disposal of the Waste Lands, impressed with a deep sense of the important influence which those Laws must exercise upon the future progress and welfare of the Province. They entirely agree with your Honor as to the general objects to be aimed at in any legislation upon this subject.

"They are glad to find that measures will be submitted to them for placing the construction and repair of roads on an efficient footing.

"Deeply sensible of the importance, for the future character of the people of Canterbury, that a well-devised system of Education should be established without delay, the Council will gladly concur with your Honor in any practicable measure which may be proposed to them upon the subject.

"They will give to the above, and to all other Measures which may come before them, the most careful and attentive consideration; and they earnestly hope that under the Divine blessing, the result of their deliberations will tend to the well-being and the happiness of the Inhabitants of the Province."

The Address, as reported, was adopted, and transmitted to his Honor the Superintendent by a Deputation consisting of Captain Westenra, Messrs. Ollivier and Hall.

Motion was granted "That the best thanks of this Council are due to Charles Simeon, Esquire, for the manner in which he has filled the office of Speaker during the first three Sessions of the Council."

Mr. Thomson's name was added to the Committee on the Supplementary Accounts.

The "Empowering Extension Bill" was read a first time.

The Council adjourned at 1 p.m., until Tuesday next.

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TUESDAY, 17TH APRIL, 1855.

Members present: Messrs. Barker, Fooks, Thomson.

There not being a quorum of Members present, the Clerk declared the Council adjourned to the next sitting day.

WEDNESDAY, 18TH APRIL, 1855.

Member present : Mr. Hall.

There not being a quorum of Members present, the Clerk declared the Council adjourned to the next sitting day.

THURSDAY, 19TH APRIL, 1855.

The Council met pursuant to adjournment.

Members present : Messrs. Barker, Fooks, Westenra, Brittan, S. Bealey, Thomson, Hall, Bowen.

Mr. Bowen was elected Chairman for the day.

Notices of Motion were given.

The Council adjourned until Tuesday next.

TUESDAY, 24TH APRIL, 1855.

The Council met pursuant to adjournment.

Members present : Messrs. Aylmer, Bowen, Brittan, Donald, Fooks, Ollivier, Sewell, Thomson, Ward, Westenra, Hall, Packer, J. Bealey, Cookson, S. Bealey, Bray, Hamilton, Barker.

Mr. Bowen was elected Chairman for the day.

The following Papers were laid upon the table :—

No. 2, relating to the Land Fund.

No. 3, relating to the Canterbury Association.

No. 4, relating to the appointment of a Provincial Treasurer.

No. 5, relating to the Overland Route to Nelson.

No. 6, relating to an infringement of the "Arms Importation Ordinance."

No. 7, relating to the Lyttelton Harbor Improvement.

Motion was withdrawn, by leave, referring to the Correspondence relating to the appointment of a Provincial Treasurer.

Motion was withdrawn, by leave, referring to the Library Committee.

Motion was granted "That his Honor the Superintendent be respectfully requested to lay before the Council a copy of any Warrants issued under his hand with the advice and consent of the Executive Council, removing Charles Simeon, Esquire, from the office of Provincial Treasurer, and appointing Charles Bowen, Esquire, in his stead."

Motion was granted "That a Select Committee be appointed to enquire and report upon the expediency of paying from the Public Revenue the expenses of Members residing at a distance from Christchurch; such Committee to consist of Messrs. Packer, Thomson, Sewell, Ollivier, Hamilton."

Mr. Fooks was appointed Chairman of Committees.

The Committee on the Supplementary Accounts of the Canterbury Association was instructed to report that day fortnight.

Leave was given to bring in a Bill "to Provide for the Education of Youth within the Province of Canterbury, New Zealand."

Leave was given to bring in a Bill "to Provide for the making and Repairing of Roads and Drains, and for the good conduct of persons using the same within the Province of Canterbury, New Zealand."

Leave was asked to bring in a Bill "to Constitute a Municipal Corporation for the Town and Suburbs of Lyttelton."

Debate ensued.

Division was called for. Ayes, 8: Messrs. J. Bealey, S. Bealey, Brittan, Donald, Fooks, Hall, Packer, Sewell. Noes, 9: Messrs. Aylmer, Barker, Bray, Cookson, Hamilton, Ollivier, Thomson, Ward, Westenra.

The "Empowering Extension Bill" was read a second time.

The "Road Bill" was read a first time.

The "Education Bill" was read a first time.

The Council adjourned at 9.5 p.m., until Wednesday next.

WEDNESDAY, 25TH APRIL, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, Bray, Hamilton, Westenra, Ollivier, Sewell, J. Bealey, S. Bealey, Ward, Aylmer, Fooks, Thomson, Hall, Bowen, Donald, Brittan.

Mr. Bowen was elected Chairman for the day.

Paper No. 8, relating to the Land Fund, was laid on the table.

The Petition of certain Inhabitants and Holders of Pre-emptive Rights on Pasturage within Banks' Peninsula was presented and received.

The Petition of Dunbar Douglas Muter was presented and received.

Motion was granted "That a Standing Committee be appointed to make arrangements for the transaction of business and the accommodation of Members; such Committee to consist of Messrs. J. Bealey, Fooks, Westenra, Tancred, Ollivier, Hamilton, Hall, Thomson, Sewell."

Motion was negatived "For a copy of any By-laws framed by the Church Property Trustees in pursuance of powers confirmed by the 'Church Property Trust Ordinance,' and the subsequent Correspondence."

A Select Committee was appointed to enquire into the working of the "Cattle Trespass Ordinance, Sess. III., No. 7," more especially of clauses 4 to 11; to report 22nd May; with power to call for persons and Papers. Such Committee to consist of Messrs. Westenra, Ollivier, Ward, Hall, Packer, J. Bealey, Sewell, Thomson.

Motion was proposed "That leave be given to bring in a 'Land Rate Bill.'"

Amendment was proposed "That it is desirable that the whole subject of the Waste Lands should be considered together, and not in detached Measures."

The Amendment and original Motion were withdrawn.

Motion was granted "That the Council do, on some early day, resolve itself into a Committee on the subject of Surveys, with a view to obtain information as to the present state of Surveys complete and in progress; the plan on which they are being carried on, and their cost; the natural features and character of the unsold lands to which the proposed Land Regulations will apply, with a special view to ascertain the proper sites for new townships, and the steps which it may be expedient to take towards forming the same."

The Report of the House Committee was brought up and adopted.

Motion was negatived that the Council do adjourn until Thursday, at 11 a.m.

The Council adjourned at 4.30 p.m., until Thursday next.

THURSDAY, 26TH APRIL, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Aylmer, Barker, J. Bealey, S. Bealey, Blakiston, Bowen, Bray, Brittan, Cookson, Dampier, Fooks, Hall, Hamilton, Ollivier, Packer, Rhodes, Sewell, Tancred, Thomson, Ward, Westenra.



Mr. Blakiston was elected Chairman for the day.

Message No. 1, from his Honor the Superintendent, was received and read.

“His Honor the Superintendent has much pleasure in assenting to the appointment of Charles Bowen, Esquire, to be Speaker of the Provincial Council.

“JAMES EDWARD FITZGERALD,  
“Superintendent.”

Mr. Speaker took the chair.

A Petition from seventy-four Inhabitants of Lyttelton, praying for the substitution of “three years” in place of “five years,” in clause 1 of the Land Regulations, was presented and received.

Paper No. 9, relating to the affairs of the Canterbury Association was laid on the table.

Motion was proposed “That this Council approve generally of the principles of the Laws for the disposal of the Waste Lands, published in the ‘Government Gazette’ of 14th December last.”

Amendment was carried upon division, “That this Council do go into Committee on the Waste Lands Regulations, with the view of settling and defining the main principles on which such Regulations should be framed.”

Ayes, 14: Messrs. Aylmer, Barker, Blakiston, Bray, Cookson, Dampier, Fooks, Hamilton, Packer, Rhodes, Sewell, Thomson, Ward, Westenra. Noes, 6: Messrs. J. Bealey, S. Bealey, Brittan, Hall, Ollivier, Tancred.

The Council in Committee.

Motion was proposed “That the whole scheme for regulating the disposal of the Waste Lands ought to be embodied in a distinct and direct form in any Land Regulations to be submitted for the Governor’s approval.”

The Council resumed.

The Chairman reported progress.

Motion was negatived “That the Council do now adjourn.”

A Select Committee was appointed, to consider the present state and progress of Public Works, and the means likely to be at disposal for carrying out the same. The Committee to consist of Messrs. Ollivier, Thomson, Sewell, Hall, J. Brittan, S. Bealey, Bray, Hamilton.

The Council adjourned at 9.30 p.m., until Friday next.

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FRIDAY, 27TH APRIL, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Packer, Bray, Tancred, Dampier, Blakiston, Hamilton, Ollivier, Thomson, Rhodes, Ward, Aylmer, J. Bealey, Westenra, Hall, S. Bealey, Sewell, Fooks, Bowen, Brittan, Barker.

The Speaker in the chair.

Motion was proposed “That in the opinion of this Council, the sum of £100, voted during the last session for the Papanui and Harewood Road, is not understood to have been voted on condition of the neighboring population contributing a similar sum, and therefore, that on the neighboring population finding Laborers for the performance of the work, all the conditions required for the issue of this sum will have been fulfilled.”

The Chief Surveyor was allowed to take a seat within the House. After debate, Amendment was negatived “That the vote for the construction of the Harewood and Papanui Road be referred to the Committee on Public Works.”

The original Motion was put.

Division was called for.

Ayes, 10 : Messrs. Aylmer, S. Bealey, Blakiston, Hamilton, Packer, Rhodes, Tancred, Thomson, Ward, Westenra. Noes, 7 : Messrs S. Bealey, Bray, Brittan, Dampier, Fooks, Ollivier, Sewell.

The Council in Committee on the subject of surveys.

The Chief Surveyor, Mr Cass, was examined as provided for the examination of Witnesses before Select Committees in the Standing Orders.

The best thanks of the Committee were voted to Mr Cass, who withdrew.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee.

The adjourned debate was resumed on the question "That the whole scheme for Regulating the disposal of the Waste Lands ought to be embodied in a distinct and direct form in any Land Regulations to be submitted for the Governor's approval."

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 8.35 p.m. until Tuesday next.

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TUESDAY, 1ST MAY, 1855.

The Council met pursuant to adjournment.

Members present : Messrs Aylmer, Barker, J. Bealey, S. Bealey, Blakiston, Bowen, Bray, Brittan, Cookson, Dampier, Donald, Fooks, Hall, Hamilton, Ollivier, Packer, Rhodes, Sewell, Tancred, Thomson, Simeon, Westenra.

The Speaker in the chair.

Motion was proposed "That the 'Education Bill' be now read a second time."

Amendment was carried "That the Council do proceed to the next Order of the Day."

Motion was granted "That a further Return be furnished of the name of the original Licensee of all Runs which may have been transferred since the issue of the said license, and the date at which such transfer was made."

The best thanks of the Council were voted to Mr Ollivier for the Engravings presented by him for the ornament of the Council Chamber. Steps were ordered to be taken for the preservation of the Engravings by the House Committee.

The Council in Committee to consider the second Resolutions.

Clauses 1, 2, passed as read.

Clause 3 considered.

Amendment was granted "To add to the clause the words 'the Superintendent and the Provincial Council may by Ordinance alter the line of any such highways, bridle-paths and foot-paths, and dispose of the land theretofore used for the same.'"

Clause 3 passed as amended.

Clause 4 considered.

Amendment was negatived upon division, "To substitute for this clause the words 'The Superintendent shall reserve all lands having timber thereon, except Banks' Peninsula.'" Ayes, 2 : Messrs. Dampier and Blakiston. Noes, 18 : Messrs Aylmer, Barker, J. Bealey, S. Bealey, Bowen, Bray, Brittan, Cookson, Donald, Hall, Hamilton, Ollivier, Packer, Rhodes, Sewell, Simeon, Tancred, Westenra.

Clause 4 passed as read.

Clause 5 considered.

Amendment was negatived upon division "To omit the words 'precious metals' and substitute 'coal, iron, copper, or other metals.'" Ayes, 5 : Messrs.

Parker, Brittan, Hamilton, Sewell, Simeon. Noes, 16: Messrs Aylmer, J. Bealey, S. Bealey, Blakiston, Bowen, Bray, Cookson, Dampier, Donald, Hall, Ollivier, Packer, Rhodes, Tancred, Thomson, Westenra.

Clause 5 passed as read.

A new clause was proposed to be inserted, and negatived. "Notice of any Reserves made by the Governor of New Zealand, or by the Superintendent, shall be laid before the Provincial Council either immediately, if the Council be then sitting, or if not, then within fourteen days after the commencement of the next Session of the Provincial Council."

Clause 6 passed as read.

Clause 7 passed as amended, "The words 'and Provincial Council' being added after the word 'Superintendent.'"

Clause 8 passed as amended, "The words 'and one or more of the public newspapers' being added after the word 'Gazette.'"

Clause 9 passed as amended, "The word 'chief' being substituted for the word 'Government.'"

Clause 10 considered.

Amendment was negatived upon division "To omit the words 'ten per cent. of.'" Ayes, 6: Messrs. Brittan, Ollivier, Packer, Sewell, Simeon, Westenra. Noes, 14: Messrs. Barker, J. Bealey, S. Bealey, Blakiston, Bowen, Bray, Cookson, Dampier, Donald, Hall, Hamilton, Rhodes, Tancred, Thomson.

Amendment was granted "After the words 'Crown Lands' to insert the words 'such deposit money shall be forfeited if the land be not sold at such auction.'"

Clause 10 passed as amended.

Clause 11 passed as read.

Clause 12 passed as amended, "The words being added 'and in one or more newspapers of the Province.'"

Clauses 23, 14, 15, 16, passed as read.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 10.35 p.m., until Wednesday next.

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WEDNESDAY, 2ND MAY, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Bray, Tancred, Barker, Hamilton, Fooks, Dampier, Hall, Cookson, Ollivier, J. Bealey, Sewell, Packer, Thomson, Rhodes, Donald, Aylmer, Westenra, S. Bealey, Blakiston, Bowen, Brittan, Ward, Simeon.

The Speaker in the chair.

The Petition of the Stockowners of Canterbury, by a Committee appointed at a Public Meeting of their Body, was presented and received.

Motion was granted "That after the Land Regulations have been reported by the Chairman of Committees, they shall then be further dealt with, as near as may be, in accordance with the Standing Orders on the passing of Public Bills; it being understood that no alteration affecting the fundamental principles of the Regulations as adopted by the Committee, be made except upon one week's notice."

The Council in Committee on the Land Regulations.

Clause 17 considered.

Amendment was proposed "That after the words 'per acre' there be added the words 'in addition to the contributions for special purposes hereinafter mentioned.'"

Debate ensued.

A further Amendment was proposed "That for the words 'ten shillings' the words 'three pounds' be substituted."

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned till four o'clock.

The Council met at four o'clock and went into Committee on the Land Regulations.

Debate was resumed upon amendment "That after the words 'per acre' there be added the words 'in addition to the contributions for special purposes hereinafter mentioned.'"

Division was called for. Ayes, 7: Messrs. Aylmer, Blakiston, Bray, Brittan, Dampier, Sewell, Simeon. Noes, 14: Messrs. Barker, J. Bealey, S. Bealey, Bowen, Cookson, Hall, Hamilton, Ollivier, Packer, Rhodes, Tancred, Thomson, Ward, Westenra.

Amendment was proposed "That for the words 'ten shillings' the words 'three pounds' be substituted."

The Speaker in the chair.

The Chairman reported on a question of order.

The Committee resumed.

The debate was resumed and adjourned.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 8.45 p.m., until Thursday next.

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THURSDAY, 3RD MAY, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Aylmer, Barker, J. Bealey, S. Bealey, Blakiston, Brittan, Bray, Bowen, Cookson, Dampier, Donald, Fooks, Hall, Hamilton, Moorhouse, Ollivier, Packer, Rhodes, Sewell, Tancred, Ward, Thomson, Simeon, Westenra.

The Speaker in the chair.

Mr. Tancred's name was ordered to be added to the Committee on the working of the "Cattle Trespass Ordinance."

The Council in Committee on the Waste Land Regulations.

The debate was resumed on Amendment to Clause 17 "That for the words 'ten shillings' the words 'three pounds' be substituted."

Division was called for. Ayes, 9: Messrs. Aylmer, Bowen, Bray, Cookson, Packer, Sewell, Tancred, Simeon, Westenra. Noes, 12: Messrs. J. Bealey, S. Bealey, Blakiston, Brittan, Dampier, Donald, Hall, Hamilton, Ollivier, Rhodes, Thomson, Ward.

Amendment was negatived upon division: "That for the words 'ten shillings' there be substituted the words 'three pounds, twenty shillings to be paid down; twenty shillings in twelve months; and twenty shillings the following twelve months. The last payment to be remitted on the Purchaser handing in a certificate to prove that the land purchased has been legally fenced.'" Ayes, 2: Messrs. Bowen, Tancred. Noes, 20: Messrs. Aylmer, J. Bealey, S. Bealey, Blakiston, Bray, Brittan, Cookson, Dampier, Donald, Hall, Hamilton, Moorhouse, Ollivier, Packer, Rhodes, Sewell, Simeon, Thomson, Ward, Westenra.

Amendment was carried upon division "That for the words 'ten shillings' the words 'forty shillings' be substituted." Ayes, 13: Messrs. Aylmer, Blakiston, Bray, Cookson, Dampier, Donald, Hamilton, Rhodes, Sewell, Simeon, Thomson,

Ward, Westenra. Noes, 10: Messrs. J. Bealey, S. Bealey, Barker, Bowen, Brittan, Hall, Moorhouse, Ollivier, Packer, Tancred.

Clause 17 was proposed as amended.

Amendment was negatived upon division "That for the words 'forty shillings' there be substituted the words 'at a uniform price of sixty shillings per acre; twenty shillings to be paid down, and a sum of ten shillings per annum for the first, second, third, and fourth years.'" Ayes, 8: Messrs. J. Bealey, S. Bealey, Bowen, Brittan, Hall, Ollivier, Packer, Thomson. Noes, 13: Messrs. Aylmer, Blakiston, Bray, Cookson, Dampier, Donald, Hamilton, Rhodes, Sewell, Simeon, Tancred, Ward, Westenra.

The debate on clause 17 was adjourned until Friday next.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 9.40 p.m., until Friday next.

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FRIDAY, 4TH MAY, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Aylmer, Barker, J. Bealey, S. Bealey, Blakiston, Bowen, Bray, Brittan, Dampier, Donald, Fooks, Hall, Hamilton, Moorhouse, Ollivier, Packer, Rhodes, Sewell, Simeon, Tancred, Thomson, Ward, Westenra.

The Speaker in the chair.

The best thanks of the Council were voted to the Reverend the Chaplain for the Engravings presented by him for the use of the Council.

The House Committee were instructed to take the necessary steps for the preservation of those Engravings.

The Council in Committee on the Waste Land Regulations.

Clause 17 was considered as amended.

Amendment was negatived that the clause do stand "That during the period of five years from the day on which these Regulations shall come into force all lands within the Province, not reserved for the sites of towns and other purposes intended by these Regulations, shall be open for sale as rural lands at the uniform fixed price of ten shillings per acre, subject to the restrictions and conditions next hereinafter mentioned."

Amendment was negatived "That the words be added, 'such price may, upon the application of the Purchaser, be made payable by instalments of four equal yearly payments, the first payment to be made at the date of purchase. The Crown Grant not to issue until the whole purchase-money be paid; the unpaid instalments to remain a charge upon the land until satisfied; the Purchaser to give security, by Bond, to the Superintendent in a sufficient penalty for due payment of such instalments, and also to enclose the land purchased within one year from the date of purchase, with a sufficient fence, to satisfy the provisions of the 'Cattle Trespass Ordinance;' but no Purchaser shall be entitled to the privilege of payment by instalments for more than one hundred acres in any one year.'"

Amendment was negatived upon division, "That for the words 'forty shillings' there be substituted the words 'sixty shillings' in one payment."

Ayes, 9: Messrs. Aylmer, J. Bealey, S. Bealey, Bray, Hall, Packer, Simeon, Tancred, Westenra. Noes, 13: Messrs. Barker, Blakiston, Bowen, Brittan, Dampier, Donald, Hamilton, Moorhouse, Ollivier, Rhodes, Sewell, Thomson, Ward.

The debate was adjourned.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 2.20 p.m., until 4 o'clock.

The Council reassembled at 4 o'clock, and went into Committee on the Land Regulations.

The debate on Clause 17, as amended, was resumed.

Amendment was negatived upon division, "That for the words 'forty shillings per acre' there be substituted the words, 'sixty shillings per acre, to be paid in three annual instalments of twenty shillings.'"

Ayes, 5: Messrs. J. Bealey, S. Bealey, Bowen, Hall, Packer. Noes, 14: Messrs. Aylmer, Barker, Blakiston, Bray, Brittan, Donald, Hamilton, Ollivier, Rhodes, Sewell, Tancred, Thomson, Ward, Westenra.

Clause 17 passed as amended.

The following clause was proposed to be inserted after Clause 17:—"The Superintendent may, upon the recommendation of the Provincial Council, by Proclamation in the *Government Gazette* of the Province, reserve for suburban lands any quantity of land not exceeding six thousand acres, immediately adjacent to any new town hereafter to be laid out."

Division was called for. Ayes, 4: Messrs. Packer, Rhodes, Sewell, Thomson. Noes, 14: Messrs. Aylmer, Barker, J. Bealey, S. Bealey, Blakiston, Bowen, Bray, Brittan, Dampier, Hall, Hamilton, Ollivier, Tancred, Westenra.

Clause 18 was considered.

Amendment was granted "That after the words, 'may be sold,' the words, 'for the fixed sum of five pounds sterling,' be omitted, and the following words substituted: 'by auction, at the upset price of forty shillings per acre, the time and place of sale and payment of purchase-money to be as nearly as may be in accordance with the Regulations herein contained applicable to the sale of town land.'"

Amendment was negatived upon division, "That the word 'twenty' be omitted throughout, and the word 'fifty' be substituted."

Ayes, 3: Messrs. Dampier, Moorhouse, Sewell. Noes, 14: Messrs. J. Bealey, S. Bealey, Blakiston, Bowen, Bray, Brittan, Hall, Hamilton, Ollivier, Packer, Rhodes, Tancred, Thomson, Westenra.

Clause 18 passed as amended.

Clauses 19, 20, 21, were postponed by consent.

Clauses 22, 23, passed as read.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee to consider the subject of the Correspondence with the General Government relating to the distribution of the Land Fund.

Motion was proposed "That this Council is of opinion that the Province of Canterbury is of right entitled to the sum of ten thousand eight hundred and twenty-one pounds seventeen shillings and eight pence, claimed by the General Government to be refunded, as an alleged over-payment on account of the Land Fund."

The debate was adjourned.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 8.53 p.m., until Tuesday next.

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#### TUESDAY, 8TH MAY, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Packer, Barker, S. Bealey, Hall, Bray, Dampier, Hamilton, Cookson, Blakiston, Ollivier, Thomson, Sewell, Fooks, J. Bealey, Ward, Donald, Brittan, Aylmer, Bowen, Tancred, Westenra.

The Speaker in the chair.

The Council adjourned at 6.15 p.m., until Friday next.

FRIDAY, 11TH MAY, 1855.

The Council met pursuant to adjournment.

Members present : Messrs. Hall, Bray, J. Bealey, S. Bealey, Barker, Packer, Ollivier, Thomson, Brittan, Aylmer, Blakiston, Sewell, Bowen, Fooks, Dampier, Hamilton, Westenra.

The Speaker in the chair.

Motion was granted "That in the opinion of this Council the Land Regulations for this Province should be proceeded with without delay."

Motion was granted "That those Members who shall accept seats in the Executive Council, are held justified in the opinion of this Council, special reference being had to the present emergency in not accepting any office under His Honor the Superintendent, by which they may be required to incur the great delay of a fresh election."

Motion was carried upon division, "That so soon as the Land Regulations shall be accepted by the Council, the cause for delaying fresh elections will cease to exist."

Ayes, 10 : Messrs. Aylmer, J. Bealey, S. Bealey, Brittan, Fooks, Hall, Hamilton, Ollivier, Packer, Thomson. Noes, 7 : Messrs. Barker, Blakiston, Bray, Dampier, Sewell, Ward, Westenra.

Motion was carried upon division, "That the Council do resolve itself into Committee on the Land Regulations."

Ayes, 9 : Messrs. Blakiston, Bray, Brittan, Dampier, Hamilton, Ollivier, Packer, Sewell, Ward. Noes, 8 : Messrs. Aylmer, Barker, J. Bealey, S. Bealey, Fooks, Hall, Thomson, Westenra.

The Council in Committee on the Land Regulations.

Motion was proposed "That before any lands shall be opened for sale, a proper survey thereof shall be first made, and a Map of such surveyed lands certified by the Chief Surveyor, shall be deposited in the Land Office, and notification thereof shall be given in the Government Gazettes of the Province, and no application for sale shall be received till the expiration of fourteen days after such notification."

The debate was adjourned until Tuesday next, upon division.

Ayes, 13 : Messrs. Aylmer, Barker, J. Bealey, S. Bealey, Bowen, Brittan, Dampier, Hall, Hamilton, Ollivier, Packer, Thomson, Westenra. Noes, 4 : Messrs. Blakiston, Bray, Sewell, Ward.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 12.55 p.m., until Tuesday next.

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TUESDAY, 15TH MAY, 1855.

The Council met pursuant to adjournment.

Members present : Messrs. Fooks, Bray, Barker, Hall, Ward, Ollivier, Sewell, Thomson, Aylmer, Brittan, Packer, S. Bealey, Tancred, Rhodes, J. Bealey, Bowen, Blakiston, Cookson, Donald, Westenra.

The Speaker in the chair.

The first Report of the House and Library Committee was brought up and adopted.

The following Papers were laid upon the table :—

No. 10, Correspondence relating to the Grant of Land to the Scotch Kirk.

No. 11, Pasturage Returns.

Extension of time to Tuesday, 31st instant, was granted to the Committee on the Supplementary Accounts of the Canterbury Association for bringing up their Report.

The Council in Committee on the Waste Lands Regulations.

The question under debate was withdrawn by leave.

Clause 23 was considered.

Amendment was carried upon division "To insert after the word 'admit' the words 'provided that whenever the lands selected lie without the surveyed districts, the expense of the survey and of connecting such survey with the existing surveys, shall be borne by the Purchaser, who shall at the time of purchase deposit the amount of the estimated cost of such surveys, which shall be made as soon as practicable by the order of the Chief Surveyor.'"

Ayes, 14: Messrs. Aylmer, Barker, Blakiston, Bowen, Bray, Brittan, Cookson, Hall, Ollivier, Packer, Sewell, Tancred, Thomson, Westenra. Noes, 4: Messrs. J. Bealey, S. Bealey, Rhodes, Ward.

Clause 23 passed as amended.

General Amendment was proposed.

Division was called for. Ayes, 7: Messrs. Barker, Brittan, Ollivier, Packer, Sewell, Thomson. Noes, 11: Messrs. Aylmer, J. Bealey, S. Bealey, Blakiston, Bowen, Bray, Cookson, Hall, Tancred, Ward, Westenra.

A Motion to report progress was negatived.

Motion was granted "That the Committee do now proceed to take evidence on the subject of the Pasturage Regulations; and that the Council do request the favour of the attendance of the Commissioner of Crown Lands to give evidence."

The Speaker in the chair.

The Chairman reported progress.

The Speaker was requested to communicate with the Commissioner of Crown Lands, and to request his attendance at 11.30 a.m., to-morrow.

The Council adjourned at 8.15 p.m., until Wednesday next.

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WEDNESDAY, 16TH MAY, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Donald, Barker, Tancred, Ward, Blakiston, Bray, Ollivier, Sewell Thomson, Hall, Rhodes, Aylmer, Brittan, Packer, Bowen, S. Bealey, Fooks, J. Bealey, Westenra.

The Speaker in the chair.

Motion was granted "That a copy of the Report of the House Committee be forwarded to his Honor the Superintendent. That his Honor be requested to concur in the suggestions of the Committee as to the mode of carrying out arrangements for the accommodation of the Council. That his Honor be requested to cause to be placed on the Estimates a sum sufficient for carrying out the recommendations of the Report from the House Committee.

The Council in Committee on the Waste Lands Regulations. The Commissioner of Crown Lands attended and was examined on the subject of the Pasturage Regulations generally.

The best thanks of the Committee were voted to Mr Brittan for his attendance and evidence.

Clause 24 was considered.

Amendment was negatived upon division "That the word 'licenses' be struck out, and the word 'leases' substituted."

Ayes, 1: Mr. Ollivier. Noes, 16: Messrs. Aylmer, Barker, J. Bealey, S. Bealey, Blakiston, Bowen, Bray, Brittan, Hall, Packer, Rhodes, Sewell, Tancred, Thomson, Ward, Westenra.

Clause 24 passed as read.

Clause 25 was considered.

Amendment was proposed "That after the words 'to possess' the words 'within the Province ready to be placed' be struck out, and the words 'and to place' substituted."



Leave was given to Mr. Hall to read a proviso to be added to the clause: "After the words 'to possess' to leave out the words 'within the Province ready to be placed,' and substitute the words 'and to place,' and add the words 'provided always that in any case in which a Runholder can prove, to the satisfaction of the Waste Lands Board, that he is precluded by arrangements entered into previous to the passing of these Regulations from actually for a given period placing his stock on his own Run, it shall be sufficient if he prove, to the satisfaction of the Board, that he possesses, within the Province, the requisite amount of Stock, and will undertake to place the same upon the Run at the expiration of such period. Provided also, that one or more Runs held by the same individual or firm may, for the purposes of this clause, be considered as one Run.'"

The Amendment was put.

Division called for. Ayes, 15: Messrs. Aylmer, S. Bealey, Blakiston, Bowen, Bray, Brittan, Hall, Ollivier, Packer, Rhodes, Sewell, Tancred, Thomson, Ward, Westenra. Noes, 2: J. Bealey, Barker.

Clause 25 passed as amended.

Clause 26 passed as read.

The Committee divided upon question "To report progress."

Ayes, 6: Messrs. Brittan, Ollivier, Packer, Rhodes, Sewell, Thomson. Noes, 10: Messrs. Aylmer, J. Bealey, S. Bealey, Bowen, Blakiston, Bray, Hall, Tancred, Ward, Westenra.

The Committee adjourned for a quarter of an hour.

On reassembling, the question 'to report progress' was again put.

The Committee divided. Ayes, 3: Messrs. Brittan, Packer, Sewell. Noes, 13: Messrs. Aylmer, J. Bealey, S. Bealey, Bowen, Blakiston, Bray, Hall, Ollivier, Rhodes, Tancred, Thomson, Ward, Westenra.

Clause 27 considered.

Amendment proposed "That the clause do stand 'The Licensee shall pay at the commencement of the first year for at least one twentieth part of the Run applied for, at the rate of twenty shillings per hundred acres, per annum; *e. g.*, if he applies for twenty thousand acres, he must pay for at least one thousand acres at the rate of twenty shillings per hundred acres; at the commencement of the second year, he must pay for at least one tenth part; the third year for one fifth part; the fourth year for one third part; the fifth, sixth, and seventh years for at least one half of the Run applied for at the rate of twenty shillings per hundred acres, per annum.'"

Motion was proposed "To report progress."

The Committee divided. Ayes, 3. Noes, 13,

The Amendment was proposed.

Motion "To report progress" was granted.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 11 p.m., until Friday next.

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#### FRIDAY, 18TH MAY, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Bray, Barker, S. Bealey, Bowen, Hall, Ollivier, Sewell, Ward, Tancred, Thomson, Aylmer, Brittan, Packer, Fooks, J. Bealey, Rhodes, Hamilton, Blakiston, Simeon, Westenra.

The Speaker in the chair.

The Petition of Wickham Talbot Harvey, Esquire, praying for compensation for money expended on Public Roads, was presented and received.

The Council in Committee on the Waste Lands Regulations.

The debate on an Amendment to clause 27 was resumed.

Division was called for after debate and adjournment. Ayes, 4: Messrs. Brittan, Packer, Sewell, Simeon. Noes, 14: Messrs. Aylmer, J. Bealey, S. Bealey, Barker, Blakiston, Bowen, Bray, Hamilton, Ollivier, Rhodes, Tancred, Thomson, Ward, Westenra.

Amendment was carried upon division, "That the clause do stand 'The sum to be paid for a License to Occupy any Pastoral Run for a term of fourteen years shall be five pounds sterling per annum for every Run not exceeding four thousand acres, and at the rate of one pound sterling per annum per one thousand acres for all Runs above five thousand acres.'"

Ayes, 10: Messrs. Aylmer, Barker, J. Bealey, S. Bealey, Bowen, Bray, Ollivier, Tancred, Thomson, Westenra. Noes, 7: Messrs. Blakiston, J. Brittan, Hamilton, Packer, Sewell, Ward, Simeon.

The clause as amended was put.

Amendment was negatived upon division, "That the clause do stand 'The sum to be paid every year for the License of a Run not exceeding five thousand acres shall be at the rate of fifteen shillings per one hundred acres, and for a Run exceeding five thousand acres at the rate of ten shillings per one thousand acres for the first year; twenty shillings for the second year; thirty shillings for the third year; forty shillings for the fourth year; fifty shillings for the fifth year; sixty shillings for the sixth year; seventy shillings for the seventh year; eighty shillings for the eighth and every subsequent year. Provided that the first year shall be taken to be the time elapsing from the date of the License to the first day of April next following.'"

Ayes, 6: Messrs. Blakiston, Brittan, Hamilton, Ward, Sewell, Simeon. Noes, 11: Messrs. Aylmer, Barker, J. Bealey, S. Bealey, Bowen, Bray, Ollivier, Rhodes, Tancred, Thomson, Westenra.

Motion was carried upon division, "That the Amendment carried do stand as Clause 27."

Ayes, 11: Messrs. Aylmer, Barker, J. Bealey, S. Bealey, Bowen, Bray, Ollivier, Rhodes, Tancred, Thomson, Westenra. Noes, 6: Messrs. Blakiston, Brittan, Hamilton, Sewell, Ward, Simeon.

Clause 29 passed as read.

Clause 30 considered.

Amendment was granted to omit the words "to the year one thousand eight hundred and seventy, inclusive."

A further Amendment was granted, "After the word 'license' to insert the words 'but subject to any revision of the General Land and Pastoral Regulations to be made in the year eighteen hundred and seventy.'"

Clause 30 passed as amended.

Clause 31 considered.

Amendment was carried upon division, "To strike out the word 'five' in each case, and substitute the word 'three;' to substitute the words 'four times' for 'three times,' after the word required; to add 'or if upon conviction of having wilfully made a false Return of the number of Stock upon the Run.'"

Ayes, 13: Messrs. Aylmer, Barker, Bowen, Bray, Brittan, Hamilton, Ollivier, Rhodes, Sewell, Tancred, Thomson, Ward, Simeon. Noes, 5: Messrs. J. Bealey, S. Bealey, Blakiston, Hall, Westenra.

Further Amendment was granted "That after the words 'the run,' the words 'required to be made by any Law or Ordinance for the time being in force,' be added."

Motion was negatived "To postpone consideration of the amended clause."

Further Amendment was granted "To expunge the word 'may' and substitute the word 'shall;' insert the words 'by the Commissioner' after the words 'put up;' after the words 'public auction' insert the words 'after advertisement in the *Government Gazette*, or in one or more Newspapers published within

the Province;’ after the words ‘shall be,’ expunge the words ‘null and void,’ and substitute, ‘declared by the Commissioner to be forfeited.’”

Clause 31 passed as amended.

Clause 32 passed as amended; the words ‘but if such conditions be not fulfilled, such deposit shall be forfeited,’ being added.

Clause 33 passed as read.

Clause 34 was deferred.

Clause 35 passed as read.

Clause 36 considered.

Amendment proposed, “After the words ‘Pre-emptive Right’ to insert the words ‘over the improvements on the Run, provided such improvements shall not exceed twenty acres for every one thousand acres in the Run over which such License extends.’”

Question to report progress was negatived.

The Amendment was negatived.

Amendment was granted, “Not more than six hundred acres, provided that such Right may be exercised over six or fewer separate blocks of not less than one hundred acres each; but no such Right of Pre-emption shall be exercised over any land which the Runholder shall not have defined to the Commissioners and which shall not have been shown on the Maps at the Land Office within twelve months after application for a Run shall have been granted.”

Clause 36 was ordered to be deferred.

Clause 37 considered.

Amendment was negatived “That the clause do stand ‘All Pre-emptive Rights hitherto existing within the limits of the districts South of the River Ashley and East of a line drawn due North and South through Trig. Station No. 29, on the bank of the Waimakariri, shall be abolished; but Pasturage Licenses may be granted for the unoccupied lands within such districts in the proportion of two hundred and fifty acres to the Holder of a fifty-acre section, at the rate of twenty shillings for every one hundred acres. The fee shall be paid every year in advance; for the first year on the issue of the License, and for the second and every subsequent year on the first day of April. If any person holding Pre-emptive Rights under the Canterbury Association shall voluntarily resign the same to the Government, he shall be entitled to receive a License under these Regulations, bearing date the same as though it had been issued at the same time as the License resigned to the Government: provided always, that the Right conferred by such License shall immediately determine over any land which may be purchased; in such case, the balance, if any, of the License, for the term it has to run, shall be refunded to the Licensee.’”

Clause 37 passed as read.

The Speaker in the chair.

The Chairman reported progress.

Motion was granted for the following Papers:—

A Copy of any Warrant or other Instrument appointing Mr. Marshman to be Provincial Auditor, and of any Correspondence relating to such appointment.

A Return of any Salary paid to that gentleman, showing the authority or vote of the Council for paying such salary.

A Return of all Sums paid or ordered by his Honor to be paid by the Provincial Treasurer for the financial year ending 31st March, 1855, for services not provided for by vote of the Provincial Council, distinguishing each Department of the public service on account of which such sums have been disbursed.

Also the same Return for the period since 31st March to the end of the week ending 12th instant.

The Council adjourned at 12.45 p.m., until Tuesday next.

TUESDAY, 22ND MAY, 1855.

The Council met pursuant to adjournment.

Members present : Messrs. Donald, Thomson, Fooks, Barker, Bray, Rhodes, Dampier, Hall, Ollivier, Sewell, Cookson, Brittan, Packer, Blakiston, Ward, Bowen, Westenra.

The Speaker in the chair.

Messages Nos. 2 and 3, from his Honor the Superintendent, were received and read.

“The Superintendent begs to acknowledge the receipt of the Resolution passed by the Provincial Council on the 27th April, but only received by him a few days since, respecting the Papanui and Harewood Road.

“The Superintendent has directed the work to be undertaken upon the understanding expressed in the Resolution of the Council.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

“The Superintendent begs to acknowledge the receipt of a Report of the House and Library Committee, adopted by the Provincial Council on the subject of additional accommodation required by the Council.

“The Superintendent has directed the Provincial Engineer to communicate with the Chairman of the Committee and to provide what is required forthwith.

“According to the wish of the Council, a sum shall be placed on the Estimates to cover the expenses incurred.

“At the same time, the Superintendent would earnestly request the Council to limit their requirements, as far as possible, to the actual exigencies of the public service. And the Superintendent ventures to urge this request because both he and the other Officers of the Government have submitted to great inconvenience rather than limit the funds available for works of general utility to the Province.

“The recent decision of the General Government respecting the distribution of the Land Fund, has seriously embarrassed the Provincial Treasury. The Superintendent is therefore especially anxious that the utmost economy should be maintained in all the Departments of Government.

“The Superintendent thinks it would be unadvisable to add to the building at present in use. The offices of the Executive Government are sufficient in number, but wholly unfit for the purpose. Nor can they ever be made at all fit by alteration or addition. It is absolutely necessary that proper offices should be built the moment the finances of the Province will admit of such an expenditure. The Superintendent takes this opportunity of informing the Council that a Council Chamber and suitable offices would have been now in the course of construction, in accordance with the vote of last Session, had it been possible to procure materials except at exorbitant prices. The buildings were abandoned the moment the alteration in the distribution of the Land Revenues was made known, and the materials already procured were resold. Under these circumstances, the Superintendent suggests to the Council whether it would not be most unwise to expend any part of the public moneys upon a building which can never be regarded as affording more than temporary and inconvenient accommodation.

“With regard to the last clause in the Report, the Superintendent would suggest that it will probably be found most convenient, in point of efficiency, economy, and uniformity in the Accounts, that all things of the nature of Public Works should be done under the superintendence of the Provincial Engineer. If the Chairman of the House Committee, or other person empowered to act on behalf of the Council, will send in requisitions in the usual form for what is required for the convenience of the Council, the Superintendent will immediately forward them to Mr Dobson, with instructions to provide what is required, after consulting with the Chairman of the Committee.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

The Petition of certain Members of the Church of England, resident within the Province of Canterbury, praying for the repeal of the "Church Property Trust Ordinance," was presented and received.

Motion was granted "For a Return of the number and dates of Applications for Runs within the Canterbury Block at present on the Books of the Land Office, with the names of the Applicants, and extent of the acreage of application in each case."

A Select Committee was appointed to consider and report upon the matter of Captain Harvey's Petition; such Committee to consist of Messrs. Brittan, Hall, Ollivier, Thomson, and Sewell. To report on Tuesday, 29th instant.

The Council in Committee on Waste Lands Regulations.

A new clause was proposed to be inserted after clause 37, "Nothing in those Regulations, or in any License to be granted under the powers thereby conferred, shall prevent the sale of any land contained in such License, or the resumption of such lands, when, in the opinion of the Superintendent and Provincial Council, or of the General Government, as the case may be, the same shall be required for any purpose of public defence, safety, utility, convenience or enjoyment."

The following words were added during debate, "and for the settlement and improvement of the Colony."

Division was called for. Ayes, 8: Messrs. Blakiston, Brittan, Cookson, Dampier, Donald, Packer, Sewell, Thomson. Noes, 8: Messrs. Barker, Bowen, Bray, Hall, Ollivier Rhodes, Ward, Westenra.

The Chairman decided in favour of the Ayes.

The words "and for the settlement and improvement of the Colony" were withdrawn.

The clause passed as proposed.

A new clause was proposed, "In the event of the Holder of a Pasturage License not obtaining a renewal of the same in the year one thousand eight hundred and seventy, or in the event of portions of the Run being reserved or being purchased by another person than the Runholder, the latter shall receive from the Government, or from the Purchasers of such portions, or from the incoming Tenant of the Run, as the case may be, the value of such building, fencing, or other improvements as may be left upon the Run, or upon the portion so purchased; such value to be ascertained by arbitration, under the direction of the Waste Lands Board."

Amendment was negatived upon division, "In the event of portions of the Run being reserved for the Government, or being purchased during the terms of the License by any person other than the Runholder, the latter shall receive from the Government or the Purchaser the value for such building, fencing or other improvements as may be left upon the portion so purchased; such value to be ascertained by arbitration under the direction of the Waste Lands Board."

Ayes, 4: Messrs. Hall, Ollivier, Ward, Westenra. Noes, 12: Messrs. Barker, Blakiston, Bowen, Bray, Brittan, Cookson, Dampier, Donald, Packer, Rhodes, Sewell, Thomson.

The clause as proposed was also negatived.

A new clause was also negatived, "A lease shall be liable to forfeiture in three modes:—

"1. It shall be forfeited for non-payment of rent as hereinbefore specified.

"2. It shall be forfeited absolutely immediately upon conviction of felony against the Lessee.

"3. It shall be forfeited in the event of the Runholder's conviction before the Commissioner of Crown Lands for false Returns under Clause 31, or by a Justice of the Peace for offence against the Law; in either case, should an enquiry be demanded before the Commissioner within three months of the conviction, it shall be lawful for the Commissioner to adjudge the lease to be forfeited with or without

compensation. Provided always, that no such adjudication of forfeiture shall take effect unless confirmed by the Superintendent."

Clause 38 passed as read.

Clause 39 considered.

Amendment was negatived upon division, "That from the words 'this clause' to the end be omitted."

Ayes, 7: Messrs. Barker, Bray, Brittan, Dampier, Donald, Ollivier, Thomson.  
Noes, 8: Messrs. Blakiston, Bowen, Cookson, Hall, Rhodes, Sewell, Ward, Westenra.

Clause 39 passed as read.

Clause 40 passed as read.

Clause 41 considered.

Amendment was granted "To insert the words 'during the term of the License.'"

The clause passed as amended.

Clause 42 passed as read.

Clause 43 considered.

Amendment was granted "To substitute the word 'twenty-eight' for 'fourteen,' and insert the words 'duly licensed.' Further Amendments were granted 'To substitute the words 'fifty yards' for words 'twenty yards,' and the words 'no other' for 'it shall not be lawful for any other.'"

The clause passed as amended.

Clause 44 passed as amended, "The word 'ninety' being substituted for the word 'thirty.'"

Clause 45 was proposed.

Division was called for. Ayes, 4: Messrs. Blakiston, Donald, Hall, Ward.  
Noes, 10: Messrs. Bowen, Bray, Brittan, Cookson, Dampier, Ollivier, Rhodes, Sewell, Thomson, Westenra.

The clause was struck out.

Clauses 46 and 47 were struck out.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 10 p.m., until Wednesday next.

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WEDNESDAY 23RD MAY, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Bray, Bowen, Thomson, Dampier, Hall, Sewell, Donald, Barker, Rhodes, Hamilton, Ward, Brittan, Blakiston, Packer, Ollivier.

The Speaker in the chair.

The Council in Committee on the "Empowering Bill."

Mr. Blakiston in the chair.

Clause 1 passed as read.

The Title, Schedule, and Preamble, passed as read.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee on the Waste Lands Regulations.

A new clause was proposed and passed "That in the event of improvements having been effected by the Licensee of a Run on any land, the possession of which shall be resumed by the General Government, or by the Provincial Government, under clause , he shall receive payment for the value of the same; such value to be decided by arbitration, under direction of the Waste Lands Board."

A new clause was proposed and passed, "Whereas the Superintendent and Provincial Council and other the Inhabitants of Canterbury, are desirous to aid in making provision for the maintenance of such persons of her Majesty's Land and Sea Forces as may be discharged as unfit for further service in consequence of wounds or loss of health incurred in the present war with Russia, and also for the maintenance of the Widows of those who may be killed in such war. Any such person or Widow shall, upon application to the Waste Lands Board, and upon the production of satisfactory evidence from the proper authorities as to such discharge or death, be entitled to receive a free grant, not exceeding thirty acres of the Waste Lands within this Province, subject to the conditions as to form and frontage contained in these Regulations. Provided always that such application shall be made to the Waste Lands Board by such person or Widow in person, within three years after such discharge or death."

A new clause was proposed and passed, "The lands comprised within any Pasturage License (with pre-emptive right of purchase) held under the Crown by virtue of any purchase through the Canterbury Association, shall not be open for sale to any other than the person holding such License until the expiration of one calendar month after notice to such Licensee of the intended purchase thereof; nor unless the Purchaser, on giving to the Commissioners of Crown Lands notice of his intention to purchase, shall define the land required, and deposit with him the whole purchase money thereof, to abide the exercising of such right of pre-emption by the holder of the License, within one calendar month after notice to him of such intended purchase."

A new clause was proposed and passed, "Whereas it is desirable that private persons should be enabled to receive portions of Waste Land in exchange for private lands taken for roads or other public purposes: If any person shall be entitled to receive compensation in respect of any land which shall have been taken for the purposes of a road, or of any other public work, or in respect of any damage done to his property by the taking of such land for such purposes, such person shall, upon application to the Waste Lands Board, be entitled to a grant of rural land in such situation as he shall select, to the extent of one acre for every two pounds sterling of the amount of compensation which the Applicant shall be entitled to receive in respect of the land taken for such purposes, or in respect of such damage as aforesaid."

The Speaker in the chair.

The Chairman reported progress.

Extension of time was granted to the Committee on the "Trespass of Cattle Ordinance" to Tuesday, 4th of June.

Motion was proposed "That, as the recent decision of the General Government respecting the distribution of the Land Fund has seriously embarrassed the Provincial Treasury, it is necessary to devise some means for raising funds for Provincial purposes.

"That an assessment upon all sheep and cattle within the Province is the readiest mode of raising such funds, without burdening the Laborer and the small Freeholder.

"That in the opinion of this Council the exigencies of the Provincial Treasury would be in part relieved by a poll tax of one penny per head on sheep, and six-pence on cattle, payable in the month of April, to be increased fifty per cent. if paid in May, or to be doubled in June."

Amendment was granted "That the Committee be instructed, on Tuesday next, to sit again to reconsider the question of Rent of Pasturage in Clauses 27 and 28."

Motion was granted "For a Return of the Expenditure of the Grant for Education in the year ending 1st March, 1855, showing the amount expended in each particular School established by the Government, distinguishing the sum paid for Salaries from those paid for Rent and other contingencies.

"The date on which each School was opened.

“The average attendance of Scholars (male and female) in each year in each separate School.

“The amount received for School Fees in each quarter, distinguishing the amount received in each School.”

The Council adjourned at 3.5 p.m., until Friday next.

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FRIDAY, 25TH MAY, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Bray, Brittan, Thomson, Bowen, Fooks, Westenra.

There not being a quorum of Members present, the Speaker adjourned the Council until the next sitting day.

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TUESDAY, 29TH MAY, 1855.

The Council met pursuant to adjournment,

Members present: Messrs. Barker, J. Bealey, S. Bealey, Bowen, Bray, Brittan, Cookson, Donald, Fooks, Hall, Hamilton, Moorhouse, Ollivier, Packer, Rhodes, Sewell, Thomson, Ward, Simeon, Westenra.

The Speaker in the chair.

Message No. 4, from his Honor the Superintendent, was received and read.

“The Superintendent transmits to the Provincial Council two Returns. The first shows the balance in the Treasury on the 31st March last, and the sums voted for special services but not expended up to that date. From this it appears that the sum voted exceeds that at the disposal of the Government by £3,657 4s. The revenue for the ensuing year is not estimated at such a sum as is likely to provide for that deficiency. It will therefore be impossible for the Government to execute all the works for which money was voted by the Provincial Council. The Superintendent therefore requests the Council to revise the votes of last Session. For this purpose, although the balance in the chest is not properly available, having been already disposed of, the Superintendent proposes that in the Estimates for the ensuing year, the whole of this balance shall be again brought to account as available revenue for the year, and placed at the disposal of the Council. The second Return shows the sums expended and liabilities incurred under the votes of last Session, from the 31st March to the present time.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

The Council in Committee on the Waste Lands Regulations.

Clause 27 was reconsidered.

Amendment was carried upon division “That the clause do stand, ‘The sum to be paid for any Run which shall contain five thousand acres or upwards shall be one farthing per acre for the first and second years; one half-penny per acre for the third and fourth years; three farthings per acre for the fifth and every subsequent year: provided that the first year shall be taken to be the time elapsing from the date of the License to the first day of May next following.’”

Ayes, 17: Messrs. S. Bealey, Bowen, Bray, Brittan, Cookson, Donald, Hall, Hamilton, Moorhouse, Ollivier, Packer, Rhodes, Sewell, Thomson, Ward, Simeon, Westenra. No, 1: Mr. J. Bealey.

Further amendment was withdrawn by consent, “To insert after the word ‘paid’ the words ‘for a License to Occupy till the first day of May, one thousand eight hundred and seventy, any run.’”

An additional clause was proposed, “The sum to be paid for the License every year shall be as follows:—for a Run containing not more than one thousand



acres, twopence per acre; for a Run containing above one thousand acres, and under five thousand acres, twopence per acre for the first one thousand acres, and one half-penny per acre for every acre in addition."

The consideration of the clause was deferred.

General amendments in clauses 1a, 2a, 3a were agreed to.

Clause 4a was considered.

Amendment was negatived upon division, "That the clause do stand 'There shall be established a Board, to be called the Waste Lands Board, to consist of the Chief Commissioner of Crown Lands, and of at least two other Commissioners, which two or more shall be appointed and removable by the Superintendent, by Warrant, under his hand, by and with the advice of the Executive Council, but not otherwise.'"

Ayes, 7: Messrs. Bray, Brittan, Donald, Hamilton, Ollivier, Thomson, Simeon. Noes, 9: Messrs. J. Bealey, S. Bealey, Bowen, Cookson, Hall, Moorhouse, Sewell, Ward, Westenra.

Clauses 4a, 5a passed as read.

Clause 6a passed as read, with addition of the words "one or more Newspapers published in the Province."

Clause 7a passed as amended upon division, the words "an original and also" being struck out.

Ayes, 9: Messrs. Bowen, Bray, Brittan, Cookson, Duncan, Hamilton, Ollivier, Simeon, Westenra. Noes, 7: Messrs. J. Bealey, S. Bealey, Hall, Moorhouse, Sewell, Ward, Thomson.

Clause 8a passed as read.

Clause 9a considered.

Amendment was carried upon division, "After the words 'licenses shall' to omit all the remainder of the clause, and to insert the words 'after hearing necessary evidence be determined by the Board at some sitting thereof.'"

Ayes, 13: Messrs. J. Bealey, Bowen, Bray, Brittan, Cookson, Donald, Hall, Hamilton, Sewell, Thomson, Ward, Simeon, Westenra. Noes, 2: Messrs. S. Bealey, Ollivier.

The clause passed as amended.

Clause 10a passed as amended. After the word "pasturages" to insert the words "and timber;" and after the word "runs" to insert the words "and districts."

Clause 11a passed as read.

Clause 12a considered.

Amendment was granted "That the clause be expunged."

The Committee divided upon Motion made to report progress.

Ayes, 10: Messrs. J. Bealey, S. Bealey, Bowen, Brittan, Cookson, Donald, Hall, Sewell, Thomson, Ward. Noes, 5: Messrs. Bray, Hamilton, Ollivier, Simeon, Westenra.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 11.35 p.m., until Wednesday next.

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WEDNESDAY, 30TH MAY, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Donald, Barker, Sewell, Hamilton, S. Bealey, Thomson, Hall, Ollivier, Bray, Rhodes, Ward, J. Bealey, Brittan, Packer, Bowen, Fooks, Moorhouse, Simeon, Westenra.

The Speaker in the chair.

Standing Orders Nos. 122, 123 were suspended for the purpose of receiving a petition for a private Bill.

A Petition, praying for the introduction of a Bill "To Grant Corporate Powers to Christ's College, Canterbury," and to proceed with such Bill and Petition, in ordinary course, was presented and received.

Leave was given to bring in a Bill "To Grant Corporate Powers to Christ's College, Canterbury." The Bill was read a first time.

The Message of his Honor the Superintendent, No. 3, was read.

Motion was negatived "That the Council do go into Committee to consider Message No. 3."

Extension of time was granted to the Committee on Captain Harvey's Petition to Tuesday. Mr. Bray's name was added to the Committee.

The Council in Committee on the Waste Lands Regulations.

Mr. Donald in the chair.

Clause 13a passed as amended, "After the words 'in which' to insert the words 'all applications, written or personal, or by deputy, duly authorized in writing, for land and for Pasturage and Timber Licenses, shall be entered in the order in which they are received. And the Commissioner shall, during some sitting of the Board, consider and determine the applications for land in the order in which they shall appear in the Application Book, and take evidence, when necessary, on all applications for Pasturage and for Timber Licenses in like order, and determine thereon according to priority of application. And it shall be lawful, &c., &c.'"

Addition was ordered to be inserted before "and it shall not be lawful," "in case of two or more simultaneous applications for the purchase of the same piece of land, or for Pasturage or Timber Licenses extending over the same district, the Waste Lands Board shall decide by lot which application shall be entertained first."

Clause 14a considered.

Amendment was proposed "To omit the words 'two shillings and sixpence,' and substitute the words 'one shilling.'"

Division called for. Ayes, 5: Messrs. Barker, J. Bealey, S. Bealey, Bowen, Ollivier. Noes, 7: Messrs. Bray, Brittan, Hall, Sewell, Thomson, Ward, Westenra.

Amendment was negatived "That after the word 'hours' the rest of the clause be omitted."

The clause passed as amended.

Clause 15a considered.

Amendment was granted "That the clause do stand, 'There shall be a Chief Surveyor, who shall be appointed and removable by Warrant, under the hand of the Superintendent, by and with the advice of the Executive Council, but not otherwise; and as many Assistant Surveyors as shall be necessary, who shall be appointed and removable by the Superintendent upon the recommendation of the Chief Surveyor.'"

Clause 16a passed as amended, "To add the words 'subject to any general directions on the part of the Superintendent.'"

Clauses 17a, 18a passed as read.

Clause 19a was expunged upon division.

Ayes, 9: Messrs. Barker, S. Bealey, Bray, Hamilton, Ollivier, Rhodes, Sewell, Thomson, Simeon. Noes, 7: Messrs. J. Bealey, Bowen, Brittan, Fooks, Hall, Ward, Westenra.

Schedule A and endorsement passed as read.

Schedule B and endorsement passed as read.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 2 p.m., until Thursday next.

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THURSDAY, 31ST MAY, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Bray, Ward, Barker, S. Bealey, Hall, Ollivier, Blakiston, Fooks, Rhodes, Brittan, Packer, Thomson, Bowen, Dampier, Hamilton, J. Bealey, Donald, Westenra.

The Speaker in the chair.

The Council in Committee on the Waste Lands Regulations.

The Speaker in the chair.

The Chairman reported progress.

The "Christ's College Bill" was referred to a Select Committee, to consist of Messrs. Hall, Ollivier, S. Bealey, Hamilton, Donald.

The Committee resumed.

Clause 19 was deferred.

Clause 30 passed as amended, "That the clause do stand 'Every Pasturage License shall be in the form set forth in the schedule hereunto annexed, and shall be transferable by endorsement in the form set forth in the schedule, and shall entitle the Holder to the exclusive right of pasturage over the land specified therein upon the terms above stated. It is intended that such License shall be renewable from year to year, until the land specified therein shall be purchased or reserved under these Regulations; and if so resumed, the rent to be paid in respect of such Licenses shall not be altered until the First day of May one thousand eight hundred and seventy: provided always, &c.'"

Clause 26 considered.

Amendment was granted, "After the words 'at the rate of' to insert the words 'one hundred and twenty acres to every head of great cattle, and twenty acres to every head of small cattle.' The words 'great cattle' to mean horned cattle, horses, mules, and asses, male and female, with their offspring above six months of age; and the words 'small cattle' shall be construed to mean sheep, male and female, with their weaned offspring."

Further amendment was carried upon division, "To insert the words 'goats and pigs' after the words 'sheep, male and female.'"

Ayes, 10: Messrs. Barker, J. Bealey, S. Bealey, Bray, Donald, Hall, Hamilton, Rhodes, Thomson, Ward. Noes, 6: Messrs. Blakiston, Bowen, Brittan, Ollivier, Packer, Westenra.

A new clause was proposed to be substituted for clause 31:—"A License shall be declared by the Waste Lands Board to be forfeited if the License Holder shall wilfully and knowingly make a false Return of the Stock on his Run to the Waste Lands Boards, as provided in clause 25; if the Rent be not paid on the day required; if, at any time during the first four years after the first issue of a License authorizing the occupation of a Run, the quantity of such Stock shall be less than that originally required, or during the next three years less than twice that amount, or during the next three years less than three times that amount, the Waste Lands Board may declare a portion of such Run, proportioned to the deficiency in the Stock, to be forfeited. Provided always, that with regard to Runs granted prior to the issue of these Regulations, such period of four years shall commence from the date on which these Regulations shall come into operation. Provided also, that any License granted after forfeiture, shall be deemed to be an original License. Every License which shall have been forfeited as above shall be put up by the Waste Lands Board to public auction, after advertisement in the 'Government Gazette' and one or more Newspapers of the Province. Upon appeal from any

person whose Run has been forfeited within sixty days from the date of such forfeiture, it shall be lawful for the Superintendent to reserve or suspend such forfeiture, either wholly or in part."

Ayes, 15: Messrs. Barker, J. Bealey, S. Bealey, Bowen, Bray, Dampier, Donald, Hall, Hamilton, Ollivier, Packer, Rhodes, Thomson, Ward, Westenra. No, 1: Mr. Blakiston.

A further Amendment was proposed and negatived upon division, "That the clause do stand 'No Pasturage License shall be renewed by the Waste Lands Board if the Occupier shall be convicted of wilfully and knowingly making any false Return, nor unless, during the first three years of occupation, the Stock for the Run be the amount originally required for stocking the Run, nor unless during the next three years the stock be twice that amount; nor shall the License be renewed beyond six years unless the amount of Stock be three times the amount required.'"

Ayes, 7: Messrs. Barker, Blakiston, Bowen, Bray, Brittan, Packer, Thomson. Noes, 10: Messrs. J. Bealey, S. Bealey, Dampier, Donald, Hall, Hamilton, Ollivier, Rhodes, Ward, Westenra.

Amendment was granted in the clause as proposed, "To strike out the words 'if the rent be not paid on the day required.'"

The clause passed as proposed and amended upon division.

Ayes, 9: Messrs. J. Bealey, Blakiston, Bray, Dampier, Hall, Ollivier, Rhodes, Thomson, Westenra. Noes, 7: Messrs. Barker, S. Bealey, Bowen, Brittan, Donald, Packer, Ward.

Clause 36, as amended, was considered.

Amendment was carried upon division "That the clause do stand 'Every Holder of a Pasturage License shall have a Pre-emptive right over portions of the Run specified in such License, as follows, viz. :—

- 'Over 400 acres of any Run of less than 10,000 acres.
- 'Over 600 acres of any Run of less than 20,000 acres.
- 'Over 800 acres of any Run of

Such right shall be limited to blocks of not less than fifty acres: provided always, that such blocks shall have been first defined by him, in writing, to the Chief Commissioner of the Waste Lands Board, and indicated as near as may be on some authentic map certified by the Chief Surveyor. At the annual renewal of his License, the Holder thereof shall be entitled to vary the position of such blocks, defining and indicating them as aforesaid. After written notice shall have been given by the Provincial Government to the Holder of a Pre-emptive Right over land within twenty miles distance from Christchurch, he shall be required to exercise his right within one week from the receipt of such notice, and within one month from such receipt in the case of land situated beyond twenty miles from Christchurch. If he decide upon purchasing any portion of the land applied for, he shall forthwith pay to the Treasurer of the Waste Lands Board a deposit of ten per centum of the purchase money of such portion, and the remainder he shall pay within six weeks, or forfeit the deposit money to the uses of the Province. The Applicant for any rural land included in any Pre-emptive Right shall deposit with the Waste Lands Board a sum equal to ten per centum of the purchase money, and the remainder he shall pay within one week from the date of his application being granted, or forfeit such deposit to the uses of the Province. Such deposit, however, shall be immediately returned upon demand if the Holder of the Pre-emptive Right shall purchase any portion of the land applied for.'"

Ayes, 14: Messrs. J. Bealey, S. Bealey, Blakiston, Bowen, Bray, Brittan, Dampier, Donald, Hall, Hamilton, Packer, Thomson, Ward, Westenra. Noes, 3: Messrs. Barker, Ollivier, Rhodes.

Amendment was negatived on division, "That the words 'one hundred' be substituted for the word 'fifty.'"

Ayes, 6: Messrs. Bowen, Brittan, Hamilton, Packer, Rhodes, Thomson. Noes, 10: Messrs. J. Bealey, S. Bealey, Blakiston, Bray, Dampier, Donald, Hall, Ward, Ollivier, Westenra.

Amendment was carried upon division, "That after the word 'thereof' the words 'may upon sufficient reason shewn to the satisfaction of the Waste Lands Board' be inserted; the words 'shall be entitled to' being struck out."

Ayes, 9: Messrs. Bowen, Blakiston, Brittan, Dampier, Hamilton, Ollivier, Packer, Rhodes, Thomson. Noes, 8: Messrs. Barker, J. Bealey, S. Bealey, Bray, Donald, Hall, Ward, Westenra.

The clause passed as amended.

Clause 29 passed as amended, "the word 'May' being substituted for the word 'April.'"

Clause 19 considered.

Amendment was granted "That the clause do stand 'Every section of rural land shall be in one block, and, as far as circumstances and the natural features of the country will admit, of a rectangular form, and if bounded by a frontage line shall be of a depth of half-a-mile (or forty chains) from such frontage.'"

NOTE.—A frontage line shall be taken to mean the boundary of a road, river, or public reserve, which shall be declared, by notification in the 'Government Gazette,' to constitute a frontage for the purchase of a section.

Clause 20 passed as read.

Clause 21 passed as amended, "The words 'and such section shall not be less than half-a-mile distant from a frontage line' being added."

Clause 24 passed as read.

An additional clause was ordered to be inserted after clause 44, "If any person holding a Timber License shall be proved before the Waste Lands Board to have offended against any Regulations herein contained respecting timber, or to have wilfully or negligently injured or destroyed by fire or otherwise any timber belonging to the Crown, such License shall be immediately declared to be forfeited, and it shall be at the discretion of the Board to refuse to issue another Timber License to the same person."

Schedule C passed with endorsement.

The Amendments were ordered to be re-numbered, and alterations to be made by the Chairman in italics. The Regulations to be printed with Amendments.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 11.40 p.m., until Friday next.

FRIDAY, 1ST JUNE, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, J. Bealey, S. Bealey, Blakiston, Bowen, Bray, Brittan, Dampier, Donald, Hall, Hamilton, Ollivier, Packer, Rhodes, Thomson, Ward, Westenra.

The Speaker in the chair.

The name of Mr Packer was substituted for that of Mr J. Bealey, on the Committee on the Christ's College Bill.

The Council in Committee on Resolutions on time of Session.

Mr Blakiston in the chair.

Motion was granted "That in the opinion of this Council the time of year that best suits the convenience of Members for their Annual Meeting is after shearing time and the gathering in of the grain crops, but not later than the 1st March."

Motion was granted "That this Council should be convened for dispatch of business at least a fortnight before the expiration of the financial year."

The Speaker in the chair.

The Resolutions were reported, adopted, and ordered to be forwarded to his Honor the Superintendent, with a request that he will assent to them if possible.

The Council in Committee on Resolutions on the Road between Lyttelton and Christchurch.

Mr. Blakiston in the chair.

Motion was negatived upon division, "That in the opinion of this Council, a certain and uninterrupted communication for horse traffic between the Port and the Plains is indispensable to the Settlers of this Province for due transaction of business both public and private.

"That the communication should be one not liable to interruption by the accidents and delays which are frequent and unavoidable at ferry crossings.

"That the line of road by the foot of the Port Victoria hills and across Wilson's Bridge is one that ought always to be kept open.

"That in the opinion of this Council the Executive Government should take steps for making such line of road safe and passable for horses and beasts of burthen by the immediate construction of such temporary works as will last until the line be properly and completely opened.

"That the Executive Government should endeavour to secure to the Province for as long as it may be required any right-of-way across private property necessary for making the line at once."

Ayes, 7: Messrs Bowen, Dampier, Donald, Hamilton, Rhodes, Thomson, Ward. Noes, 8: Messrs. J. Bealey, S. Bealey, Brittan, Bray, Hall, Ollivier, Packer, Westenra.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee for the consideration of the Estimates.

Motion made at 2.20 p.m., "That the Chairman do report progress."

Division was called for. Ayes, 4: Messrs. Bowen, Bray, Donald, Ollivier. Noes, 10: Messrs. J. Bealey, S. Bealey, Brittan, Hall, Hamilton, Packer, Rhodes, Thomson, Ward, Westenra.

The Speaker took the chair at 3 p.m.

The Chairman reported progress.

The Report of the Committee on the expenses of Members was brought up.

The Council adjourned at 3.10 p.m., until Tuesday next.

TUESDAY, 5TH JUNE 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, J. Bealey, S. Bealey, Bowen, Brittan, Cookson, Donald, Fooks, Hall, Hamilton, Ollivier, Packer, Sewell, Thomson, Westenra.

The Speaker in the chair.

Motion was granted "For a copy of any further communication from Mr. Torlesse, in continuation of that already laid upon the table, on the subject of laying out roads in the Province."

Motion was proposed "For a Return of the occasions on which the Magistrate's Court at Christchurch has been held during the year ending on the 31st December, 1854; of the number of times that no Court has been held, and the number of times that the Resident Magistrate has attended during that year."

Amendment was granted "That the Return should include the number of sittings at Lyttelton, and show also the number of cases, distinguishing civil from criminal, in each Court, together with the decisions arrived at."

The amended Resolution was carried upon division. Ayes, 8: Messrs. Brittan, Cookson, Donald, Hamilton, Ollivier, Packer, Sewell, Thomson. Noes, 5: Messrs. Barker, J. Bealey, S. Bealey, Hall, Westenra.

Leave was given to bring in a Bill "to Amend the Provincial Council Extension Ordinance."

The Bill was read a first time.

Motion was granted "That his Honor the Superintendent be respectfully requested to place upon the Estimates a vote of money as an acknowledgment of the services of the Chaplain to the Council."

The Council in Committee of Supply.

Vote was proposed: Provincial Treasurer's Department, £200.

Amendment was negatived upon division, "To add the words 'The Treasurer also to perform the duties of Resident Magistrate,' and for '£200' substitute '£300.'"

Ayes, 2: Messrs. Donald, Hamilton. Noes, 12: Messrs. Barker, J. Bealey, S. Bealey, Bowen, Brittan, Cookson, Hall, Ollivier, Packer, Sewell, Thomson, Westenra.

Amendment negatived upon division, "To insert the words 'the Treasurer also to perform the duties of Clerk to the Bench at Christchurch.'"

Ayes, 5: Messrs. J. Bealey, S. Bealey, Donald, Hall, Hamilton. Noes, 9: Messrs. Barker, Bowen, Brittan, Cookson, Ollivier, Packer, Sewell, Thomson, Westenra.

Amendment was withdrawn by consent, "To substitute £150 for £200."

Vote was taken: Provincial Treasurer's Department ... £200 0 0

Vote was proposed: Provincial Auditor's Department ... £100 0 0

Amendment was negatived upon division, "After 'Auditors' to add 'and Accountants.'"

Ayes, 4: Messrs. S. Bealey, Hall, Hamilton, Ollivier. Noes, 7: Messrs. Barker, J. Bealey, Brittan, Cookson, Packer, Sewell, Thomson.

Vote was taken: Provincial Auditor's Department ... £100 0 0

Vote was proposed: Resident Magistrate's Department ... £425 0 0

Amendment was negatived upon division, "That the Resident Magistrate's salary (£300) include allowance in place of forage." Ayes, 5: Messrs. Barker, J. Bealey, S. Bealey, Donald, Hamilton. Noes, 7: Messrs. Bowen, Brittan, Cookson, Hall, Ollivier, Sewell, Thomson.

Vote was taken: Resident Magistrate's Department ... £425 0 0

The Speaker in the chair.

The Chairman reported progress.

Leave was given to Mr. Barker to withdraw his Notices of Motion.

The Council adjourned at 11 p.m., until Wednesday next.

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### WEDNESDAY, 6TH JUNE, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. S. Bealey, Bowen, Bray, Brittan, Cookson, Donald, Fooks, Hall, Hamilton, Ollivier, Packer, Sewell, Thomson, Westenra.

The Speaker in the chair.

Extension of time was granted to the Committee on the Supplementary Accounts of the Canterbury Association until 12th June.

Motion was granted "That his Honor the Superintendent be respectfully requested to take such steps as he may judge best for obtaining and producing to the Council a Map, shewing how and by whom the Runs within the Canterbury Block are now held."

Motion was granted "That his Honor the Superintendent be respectfully requested to lay before the Council a Summary of all Accounts connected with the expenditure of the sum of ten thousand pounds voted for Immigration."

Motion was granted "That it be referred to the Committee on the Estimates to consider the propriety of making an addition to the sum of two hundred pounds for the repair and construction of streets, roads, and drains in the town of Lyttelton, and of a like sum for the like object in the town of Christchurch."

Motion was granted "That it be referred to the Committee on the Estimates the propriety of adding two hundred pounds to the Estimates as a contribution towards the Patriotic Fund."

The "Census Bill" was read a second time.

The "Provincial Council Extension Ordinance Amendment Bill" was read a second time.

The Council in Committee of Supply.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 2.35, until Thursday next.

#### THURSDAY, 7TH JUNE, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Thomson, Dampier, Hall, Ollivier, Sewell, Bowen, Brittan, Packer, Fooks, Simeon, Westenra.

The Speaker in the chair.

The Report of the Committee on Public Works was brought up.

Extension of time was granted to the Committee on the "Cattle Trespass Ordinance" until the 26th instant.

Extension of time was granted to the Committee on the Petition of Captain Harvey until Thursday next.

The "Empowering Bill" was read a third time, passed, and numbered No. 1.

The Council in Committee on the "Census Bill."

The Bill was considered and amended.

The Speaker in the chair.

The Chairman reported the Bill as amended.

The Council in Committee of Supply.

The Council resumed and adjourned at 11.8, until Friday next.

#### FRIDAY, 8TH JUNE, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, Thomson, Hall, Sewell, Packer, Brittan, Bowen, Simeon.

The Speaker in the chair.

The Report of the Committee on Captain Harvey's Petition was brought up and referred to the Committee on the Waste Lands Regulations.

Leave was given to bring in a "Sumner Road Bill." The Bill was read a first time.

The Committee on the Supplementary Account of the Canterbury Association was empowered to employ an Accountant.

Paper No. 12, Returns relating to Schools, was laid on the table.

The Council adjourned at noon, until Tuesday next.



TUESDAY, 12TH JUNE, 1855.

The Council met pursuant to adjournment.

Members present : Messrs. Fooks, Barker, J. Bealey, Rhodes, S. Bealey, Sewell, Thomson, Bray, Hall, Ollivier, Brittan, Ward, Bowen, Westenra.

The Speaker in the chair.

Messages Nos. 5 and 6, from His Honor the Superintendent, were received and read.

“The Superintendent has received from the Provincial Council a copy of a Resolution, requesting him to place on the Estimates a vote of money, as an acknowledgement for the services of the Chaplain to the Council.

“The Superintendent feels it his duty, with respect and deference to the opinion of the Council, to request the reconsideration of the Resolution in question. The appropriation of any part of the Public Funds for the payment of a Chaplain to the Council, appears to the Superintendent to involve a principle of the greatest magnitude, namely, the recognition by the Government of a State religion.

“The Superintendent believes the recognition of such a principle to be fraught with evil, equally to the well-being of the Province and to the interests of religion, by laying up in store for the future the inevitable introduction of religious dissension into the affairs of secular government, and the paralyzing of the energies of Religious Bodies by inviting them to look for pecuniary aid from the Civil power.

“The Superintendent does not, indeed, imagine that any such evils will immediately arise from the proposal in question ; but he does not perceive how, if the principle be once admitted, any future proposal, having the same object in view, can be consistently resisted. Where the Legislative Body is provided with the services of a Chaplain, the head of the Government has at least an equal claim to a similar privilege, and the Council could not consistently refuse to provide for a Chaplain to the Government, should any future Superintendent require such an appointment to be made.

“The appointment of a Chaplain to the Provincial Council is provided for by the Standing Orders. Whatever might be his own views on the subject, the Superintendent abstained from raising any objection in a matter which concerned the internal regulation of the meetings of the Council, and the convenience and wishes of its present Members.

“But when it is proposed to expend the public moneys by voting a salary, the aspect of the question is wholly changed, and the Superintendent feels it incumbent on him to pause before assenting to the request of the Council, or sanctioning the introduction of a principle of which he entertains great doubts whether the Provincial Council itself would, upon fuller consideration, approve.

“Upon distinct grounds the Superintendent would be very reluctant to increase the staff of paid Officers of the Government more than is absolutely necessary for the Public Service, especially at a time when the absolutely necessary demands of the Public Service exceed the Estimated Revenues.

“JAMES EDWARD FITZGERALD,  
“Superintendent.”

June 6, 1855.

“The Superintendent has received a copy of a Resolution of the Provincial Council, relating to the time at which it is most convenient that the meetings of the Council should be held.

“The Superintendent is glad to find that the time of year he originally fixed on for summoning the Council to its annual meeting, is found to be the most convenient.

“The Superintendent also entirely agrees with the Council that the Session ought to commence before the expiration of the “Appropriation Bill.”

“JAMES EDWARD FITZGERALD,  
“Superintendent.”

Motion was granted "That a Select Committee be appointed to consider the present 'Raupo Ordinance,' with a view to its repeal, and for making better provision for the protection of property from fire in towns and rural districts; with power to call for Persons, Papers, and Reports; to report this day month. Such Committee to consist of Messrs. Brittan, Hall, Thomson, Sewell, Fooks."

The Council in Committee to consider the subject of the Correspondence with the General Government relative to the distribution of the Land Fund.

Debate was resumed on clause 1.

The following Resolutions passed, and were ordered to be reported:—

1. "That this Council is of opinion that the Province of Canterbury is of right entitled to the moneys claimed by the General Government to be refunded as an alleged over-payment on account of the Land Fund."

2. "That this Council undertakes to sanction such Measures as his Honor the Superintendent may be legally advised to adopt for recovering any sums wrongfully paid to or retained by the General Government in respect of such alleged over-payment."

3. "That this Council fully relies upon the General Assembly for seeing right done in the above matter of difference between the Province and the General Government."

4. "That the Speaker be requested to transmit to the respective Speakers of the Legislative Council and the House of Representatives, copies of the above Resolutions, together with all Documents relating to the question, and with a request that they will lay the same before their respective Chambers of the Legislature."

The Speaker in the chair.

The Resolutions were reported and adopted.

The Council in Committee to consider the subject of the Adjustment of the Public Burthens.

The following Resolutions passed, and were ordered to be reported:—

1. "That it is indispensably necessary for the proper conduct of Provincial affairs, that the respective Provinces should obtain by Law immediate and direct control over some specific and adequate portion or quota of the Public Revenue. That in order to settle such portion or quota, an equitable Adjustment of the Public Burthens ought to take place between the Provinces, and that subject to such adjustment, such portion or quota ought to be fixed with reference to the rights of the respective Provinces under the Constitution Act."

2. "That this Council relies on the General Assembly taking the above matter into their consideration at the earliest possible moment."

3. "That the Speaker be requested to transmit to the respective Speakers of the Legislative Council and the House of Representatives, copies of the above Resolutions, with a request to lay the same before their respective Chambers of the Legislature."

The Speaker in the chair.

The Resolutions were reported and adopted.

The "Census Bill" was read a third time, passed, and numbered No. 2.

The "Sumner Road Bill" was read a second time.

The Council in Committee of Supply.

Vote was proposed, Streets, Roads, &c., at Lyttelton	...	£200	} £400.
"                  Streets, Roads, &c., at Christchurch	...	£200	

Division was called for. Ayes, 4: Messrs. J. Bealey, Sewell, Thomson, Ward.  
Noes, 7: Messrs. S. Bealey, Bowen, Bray, Brittan, Hall, Ollivier, Westenra.

Vote was proposed, Contribution towards Patriotic Fund ... £200

Division was called for. Ayes, 5: Messrs. Bowen, Bray, Sewell, Thomson, Ward.  
Noes, 6: Messrs. J. Bealey, S. Bealey, Brittan, Hall, Ollivier, Westenra.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 10.30 p.m., until Wednesday next.

WEDNESDAY, 13TH JUNE, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Brittan, Bray, Sewell, Rhodes, Ollivier, Ward, Bowen, Hall, S. Bealey, Barker, J. Bealey, Fooks, Thomson, Westenra.

The Speaker in the chair.

The Council in Committee on the Waste Lands Regulations.

Captain Westenra in the chair.

Clauses 4, 6, 9, 12, 26, 27 were considered, and passed with amendments.

Clause 36 considered.

Amendment was negatived upon division, "To substitute the words 'one-third of a mile' for the words 'one-half of a mile,' and expunge the words 'or forty chains.'"

Ayes, 5: Messrs. J. Bealey, S. Bealey, Hall, Rhodes, Westenra (?). Noes, 6: Messrs. Bowen, Brittan, Ollivier, Sewell, Thomson, Ward.

The Council resumed, and adjourned at 2.10 p.m., until 4 p.m.

The Council re-assembled, and went into Committee on the Waste Lands Regulations.

Clause 37 was amended.

Four clauses on Compensation for Public Works were ordered to be inserted after clause 41.

A new clause on Immigration was inserted after clause 45.

Upon division: Ayes, 6: Messrs. Bray, S. Bealey, Barker, Hall, Rhodes, Westenra. Noes, 5: Messrs. Blakiston, Bowen, Ollivier, Sewell, Thomson.

Clause 44 considered.

Amendment was negatived upon division, "After the word 'board' to insert the words 'that he is possessed of Stock in the Province sufficient in number, according to the requirements of these Regulations, for the stocking of his Run, which Stock shall not be reckoned as Stock for any other Run; he shall not be required to place it upon his own Run within the time required by these Regulations.'"

Ayes, 5: Messrs. Barker, S. Bealey, Hall, Rhodes, Westenra. Noes, 6: Messrs. Bowen, Bray, Brittan, Ollivier, Sewell, Thomson.

Clauses 45, 46, 47, 48, 52 were considered, and passed with amendments.

The Speaker in the chair.

The Chairman reported progress.

The Report of the Committee on the Supplementary Account of the Canterbury Association was brought up.

The Council adjourned at 10 p.m., until Thursday next.

THURSDAY, 14TH JUNE, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, Sewell, Hall, Fooks, Ollivier, Ward, Thomson, J. Bealey, Brittan, Packer, Bowen, Rhodes, Bray, Westenra.

The Speaker in the chair.

The Report of the Committee on the "Christ's College Bill" and Petition was brought up.

Motion was granted "That this Council having taken into its careful consideration the Message from his Honor the Superintendent relating to the Chaplain of the Council, resolves, that the Council feels called upon to record its dissent from the opinion expressed in his Honor's Message, that a pecuniary acknowledgment for the services of the Chaplain would involve the recognition of a State Religion. In adopting the Resolution to which his Honor refers, the Council had no intention of asserting such a principle, nor can it admit that it is one which the Resolution will fairly bear.

"That the desirability of appointing a Chaplain to the Council with a view to opening its proceedings with Prayer, was, after ample discussion admitted by the Council in its first Session, and has been acted upon ever since. That the Council see no reason why the Chaplain, any more than the other Officers, should be called upon to render his services gratuitously.

"That an acknowledgment for the services of the present Chaplain is eminently due to the regularity and the zeal with which, under every circumstance, those services have been rendered. That this Council feels itself unable to agree in the opinion of his Honor that the appointment of a Chaplain to the Council, for the purpose of inaugurating its proceedings in a fitting manner with Prayer, involves the appointment of a Chaplain to the Superintendent. The Council sees no analogy between the circumstances of the two cases. That this Council after careful consideration feels itself called upon to adhere to the respectful request contained in the Address of the 5th instant, that his Honor be requested to place upon the Estimates a vote of money as an acknowledgement for the services of the Chaplain to the Council."

The Council in Committee on the Waste Lands Regulations.

Clause 49 was considered and amended.

A further Amendment was carried upon division, "To omit in the 14th line the words 'a portion of' and in the 15th and 16th lines the words 'proportioned to the deficiency of the Stock.'"

Ayes 7: Messrs. Bowen, Bray, Brittan, Ollivier, Rhodes, Sewell, Thomson.  
Noes 5: Messrs. Packer, J. Bealey, Hall, Ward, Westenra.

Clauses 50, 51, 53, 54 were considered and amended.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 10.30 p.m., until Friday next.

FRIDAY, 15TH JUNE, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Bowen, Fooks, Sewell, Barker, Bray, Hall, Ollivier, Ward, Rhodes, Thomson, Brittan, Packer, J. Bealey, Westenra.

The Speaker in the chair.

Motion was granted "That his Honor the Superintendent be respectfully requested to place a sum of £25 on the Estimates, as an acknowledgement for the services of the Chaplain."

The "Christ's College Bill" was read a second time.

The Council in Committee of Supply.

Captain Westenra in the chair.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee on the "Provincial Council Extension Amendment Bill."

Clause 1, the Preamble and Title passed as read.

The Speaker in the chair.

The Chairman reported the Bill.

The Council in Committee on the Waste Lands Regulations.

Clauses 54, 55, 56 were considered and amended.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 2.20 p.m., until Tuesday next.

TUESDAY, 19TH JUNE, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Bowen, Ward, Fooks, Sewell, Hall, Ollivier, Cookson, Barker, Thomson, Hamilton, Brittan, Packer, J. Bealey, S. Bealey, Blakiston, Bray, Tancred, Simeon, Westenra.

The Speaker in the chair.

Messages Nos. 7, 8, 9, from his Honor the Superintendent, were received and read.

“The Superintendent transmits to the Provincial Council an impression of the Seal which he has caused to be made for the Seal of the Province, in pursuance of the Provisions of the ‘Public Seal Ordinance, Session I, No. 6.’

“ JAMES EDWARD FITZGERALD,

“ Superintendent.”

“The Superintendent has received from the Provincial Council the Resolutions passed on the 15th instant, in reference to the Superintendent’s Message No. 5, on the subject of the vote to the Chaplain of the Provincial Council.

“The Superintendent regrets that any difference of opinion should exist between himself and the Council on this question; but whilst entertaining the objections which he expressed in his former Message to the course adopted by the Council, and anticipating that the future will fully justify the correctness of his views, the Superintendent does not feel it his duty, in a matter relating to the Public Expenditure, to oppose the wishes of the Council; he therefore encloses a Supplementary Estimate for the vote the Council are anxious to pass.

“ JAMES EDWARD FITZGERALD,

“ Superintendent.”

“The Superintendent lays before the Provincial Council a Letter, with its Enclosures, which he has received from Mr. Watson, requesting the payment of his expenses incurred in the defence of an action in which that gentleman has been involved in his character of Returning Officer, arising from the erasure, by the Magistrates of the Akaroa district, of the name of Lieutenant-Colonel Campbell from the Electoral Roll in the year 1853.

“The Superintendent has laid the Papers before the Executive Council, who agree with him in thinking that Mr. Watson is responsible for any error which he may have committed, and has no claim on the Government for any compensation for any loss arising from such error. But if he shall have been put to any unavoidable expenses in defending an action, in which it shall appear that he has acted in accordance with his duty, the Provincial Government ought to bear him harmless in any expenses attending such action.

“In a case which involves an expenditure of public money in an unusual manner, the Superintendent hesitates to pledge the Government to any final course without the sanction of the Provincial Council. He therefore begs that he may be acquainted with their view on the subject.

“ JAMES EDWARD FITZGERALD,

“ Superintendent.”

The Council in Committee on the "Christ's College Bill."

Clause 1 was amended.

The Speaker in the chair.

The Chairman reported progress.

Leave was given to bring in a Bill "to Amend the Fencing Ordinance."

The "Provincial Council Extension Ordinance Amendment Bill" was read a third time, passed, and numbered No. 3.

The Second Report of the Committee on the "Affairs of the Canterbury Association" was brought up.

Motion was granted "That it is expedient that an arrangement be made for settling the affairs of the Canterbury Association in the following terms:—

'That the powers now vested in the Canterbury Association be transferred to the Province.

'That all the property, real and personal, of the Association, be transferred to the Provincial Government.

'That provision be made for the debts incurred by the Canterbury Association in founding the Canterbury Settlement to an amount not exceeding £——.

'That the sum necessary for liquidating such debts be raised by Debentures, charged on the General Revenues of the Province; such Debentures to bear interest at a rate not exceeding 6 per centum per annum.

'That the above Resolutions be transmitted to his Honor the Superintendent, and that he be respectfully requested to send down a Bill forthwith to carry the above recited objects into effect.'"

Message No. 10, from his Honor the Superintendent, was received and read.

"The Superintendent acquaints the Provincial Council that he has this day assented, in the name of his Excellency the Governor, to the following Bills, which have been transmitted to him by the Provincial Council:—

The 'Empowering Extension Ordinance, Session IV., No. 1.'

The 'Census Ordinance, Session IV., No. 2.'

"JAMES EDWARD FITZGERALD,

"Superintendent."

The Council in Committee of Supply.

Vote was taken, Chaplain to Provincial Council, £25.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee on the Waste Lands Regulations.

Clauses 57, 58 were considered and amended.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 10.30, until Wednesday next.

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WEDNESDAY, 20TH JUNE, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, Hall, Thomson, Bray, J. Bealey, Ollivier, Hamilton, Cookson, Ward, Brittan, Bowen, Blakiston, Fooks, S. Bealey, Tancred, Simeon, Westenra.

The Speaker in the chair.

The Council in Committee of Supply.

The Chairman was ordered to report the following Resolutions:—

Vote was taken,	Superintendent's Office	...	...	£550	0	0
"	Provincial Council Department	...	...	600	0	0
"	Provincial Secretary's	"	...	510	0	0
"	Provincial Solicitor's Office	...	...	300	0	0
"	Registration Department	...	...	370	0	0
"	Supreme Court	"	...	100	0	0
"	Sheriff and Gaol	"	...	304	16	0
"	Police	"	...	887	6	0
"	Medical	"	...	473	0	0
"	Coroner's	"	...	30	0	0
"	Harbour	"	...	327	10	0
"	Inspector of Sheep	"	...	400	0	0
"	Printing and Stationery	...	...	300	0	0
"	Akaroa	...	...	293	4	0
"	Miscellaneous	...	...	175	0	0
"	Immigration	...	...	2100	0	0
"	Education (to be expended under the provisions of the "Education Ordinance, Session VIII., No. 10")	...	...	1000	0	0
"	Provincial Engineer's Department	...	...	570	0	0
"	Lock-up at Kaiapoi	...	...	40	0	0
"	Rakaia Ferry	...	...	300	0	0
"	Akaroa Bridle Path	...	...	300	0	0
"	Bridle Path to Head of Port Victoria	...	...	300	0	0
"	Road Under the Hills	...	...	150	0	0
"	Road South of Christchurch	...	...	20	0	0
"	Sumner Road	...	...	6000	0	0
"	Lower Lincoln Road	...	...	300	0	0
"	Avon Bridges	...	...	100	0	0
"	North Road	...	...	400	0	0
"	Papanui and Harewood Road	...	...	100	0	0
"	Great South Road	...	...	100	0	0
"	Sumner Beacon	...	...	50	0	0
"	Fittings and Furniture for Council Chamber and Public Offices	...	...	200	0	0
"	Current Repairs of Roads	...	...	200	0	0
"	Standard Weights and Measures	...	...	100	0	0
"	Opening the route between Canterbury and Nelson	...	...	100	0	0
"	Encouraging Steam Navigation in the Province	...	...	1000	0	0
"	Purchase of Heathcote Ferry Punt	...	...	80	0	0
"	Contribution towards subsidy of the Zingari	...	...	680	0	0

The Items of Unvoted Expenditure to 31st March, 1855, were considered.

Vote was taken,	Provincial Council Department	...	...	£ 14	9	5
"	Provincial Secretary's	"	...	238	19	3
"	Resident Magistrate's	"	...	4	2	0
"	Police	"	...	3	12	4
"	Provincial Surgeon's	"	...	29	2	1
"	Charitable Aid	"	...	128	6	7
"	Immigration	"	...	100	0	0
"	Printing	"	...	95	11	0
"	Census	"	...	5	7	10
"	Public Records	"	...	0	1	10
"	Provincial Engineers'	"	...	109	16	4
"	Steam Navigation	...	...	3	15	0
"	Repairs of the Bridle Path	...	...	17	10	5

Vote was taken, Harewood Road	... ..	£97 14 7
„ Approaches to Ferry over the Courtenay	... ..	15 9 8
„ Sunner Bar	... ..	4 0 0
„ Miscellaneous Expenses	... ..	23 0 0

The Speaker in the chair.

The Chairman reported the Resolution of the Committee of Supply.

Leave was given to bring in an "Appropriation Bill."

The Council in Committee on the Waste Lands Regulations.

Clauses 7, 40, 14, 36, 37, 41, 52 were considered and amended.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 2 p.m., until 4 p.m.

The Council re-assembled.

The Speaker in the chair.

Message No. 11, from His Honor the Superintendent, was received and read.

"The Superintendent has received from the Provincial Council a copy of an 'Ordinance to Amend the Provincial Council Extension Ordinance, Session 4, No. 3,' and, in accordance with the provisions of the 'Constitution Act,' has reserved the same for the assent of his Excellency the Governor.

" JAMES EDWARD FITZGERALD,

" Superintendent."

The Council in Committee on the Waste Land Regulations.

Clause 34 was considered.

Amendment carried upon division, "To substitute for clause 34 the following words, 'all lands not included in the foregoing Regulations shall be open for sale as rural lands, at a uniform price of ten shillings per acre, to all persons who shall have complied with the Regulations hereinafter contained respecting the 'Local Improvement Fund' and to none others.'"

Ayes, 9: Messrs. Barker, Bowen, Brittan, Cookson, Hamilton, Ollivier, Sewell, Thomson, Ward. Noes, 7: Messrs. J. Bealey, S. Bealey, Blakiston, Bray, Hall, Tancred, Westenra.

A further Amendment was negatived upon division, "That the words 'until further provision be made on that behalf, rural land shall be sold on the following terms.'"

Ayes, 4: Messrs. Bray, Hall, Tancred, Westenra. Noes, 11: Messrs. Barker, J. Bealey, S. Bealey, Blakiston, Bowen, Brittan, Cookson, Ollivier, Sewell, Thomson, Ward.

Clauses relating to the "Improvement Fund" were inserted, and clauses 46, 48, 55, 54 were considered and amended.

Clause 57 considered.

Amendment was negatived upon division, "To add the words 'from and after the day on which these Regulations shall come into force, no Pre-emptive Right as yet unexercised shall be permitted to be laid down, except in accordance with the requirements of clause \_\_\_\_\_.'"

Ayes, 4: Messrs. Bray, Hall, Ollivier, Sewell. Noes, 5: Messrs. Barker, J. Bealey, S. Bealey, Bowen, Brittan.

Motion was negatived upon division, "That the Immigration Clauses be expunged."

Ayes, 5: Messrs. Bowen, Brittan, Ollivier, Sewell, Thomson. Noes, 6: Messrs. Barker, J. Bealey, S. Bealey, Bray, Hall, Westenra.

The Speaker in the chair.

The Chairman reported progress.



The Report of the Committee on the "Christ's College Petition and Bill" was brought up.

The Land Regulations were ordered to be printed.

The Council adjourned at 10.30 p.m., until Friday next.

FRIDAY, 22ND JUNE, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Brittan, Ward, Ollivier, Tancred, Sewell, Bowen.

There not being a quorum of Members present, the Speaker adjourned the Council until the next sitting day.

TUESDAY, 26TH JUNE, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Fooks, Barker, Sewell, Ollivier, Thomson, Brittan, Packer, Bowen, Westenra.

The Speaker in the chair.

Notices of Motion were given.

The Council adjourned at 5.30 p.m., until Wednesday next.

WEDNESDAY, 27TH JUNE, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Fooks, Sewell, Ollivier, Hall, Packer, Bowen, Brittan, Thomson, Cookson, Barker, Dampier, Bray, Rhodes, J. Bealey, Simeon, Westenra.

The Speaker in the chair.

The "Christ's College Bill" was read a third time, passed, and numbered No. 4.

The Council in Committee of Supply.

Vote was taken, Part of Canterbury Association's Claim...	£17,905	13	5
"                    "                    "                    "                    "	...	825	4    8
"                    "                    "                    "                    "	...	10,000	0    0
"                    "                    "                    "                    "	...	2,228	12    6

Vote was proposed, Part of Canterbury Association's Claim... £939 0 6

Amendment was carried upon division "That the Committee adopt the sum of £28,939 10s. 7d., as the amount of the Canterbury Association's Claim."

Ayes, 10: Messrs. Barker, Bowen, Bray, Cookson, Ollivier, Packer, Rhodes, Thomson, Simeon, Westenra. Noes, 3: Messrs. Brittan, Dampier, Hall.

The Speaker in the chair.

The Chairman reported progress.

Motion was granted "That provision be made for the debts incurred by the Canterbury Association in founding the Canterbury Settlement, to an amount not exceeding £28,939 10s. 7d."

The Council adjourned at 2.40 p.m., until 4 p.m.

The Council re-assembled and went into Committee on the Waste Lands Regulations.

Clauses 42, 45, 46, 47, 48, 53, 54, were re-considered.

Clause 55 considered.

Amendment was negatived "To expunge the words 'a license granted after forfeiture shall be deemed to be an original license.'"

Several clauses were amended and re-numbered.

Motion was carried upon division, "To expunge clause 85."

Ayes, 7: Messrs. Bowen, Bray, Brittan, Dampier, Ollivier, Sewell, Thomson.  
Noes, 5: Messrs. Barker, Bealey, Hall, Rhodes, Westenra.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 11 p.m., until Thursday next.

THURSDAY, 28TH JUNE, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Brittan, Sewell, Bowen, Fooks, Barker, Ollivier, Bray, Dampier, Hall, Simeon, Westenra.

The Speaker in the chair.

Messages Nos. 12 and 13, from his Honor the Superintendent, were received and read.

"The Superintendent begs to acquaint the Provincial Council that he has this day received, and in the name and on behalf of his Excellency the Governor has assented to the 'Christ's College Ordinance, Session IV., No. 4,' which has been passed by the Provincial Council.

" JAMES EDWARD FITZGERALD,

" Superintendent."

"In compliance with the wish of the Provincial Council the Superintendent sends down a Bill embodying the Resolutions adopted by the Council, in reference to the affairs of the Canterbury Association. The Superintendent is advised, and the Agent of the Association agrees, that the most convenient course will be to append the Originals of the several Deeds referred to in the Bill as Schedules thereto. The Schedules are therefore not printed, as the Originals will be laid before the Council in the course of a few days.

" JAMES EDWARD FITZGERALD,

" Superintendent."

The "Fencing Bill" was read a first time.

Motion was granted upon division, "That his Honor the Superintendent be respectfully requested to lay before the Council a Supplementary Estimate of £100, to defray the expenses of a Survey to the West Coast."

Ayes 6: Messrs. Barker, Bray, Fooks, Hall, Sewell, Westenra. Noes 4: Messrs. Brittan, Dampier, Ollivier, Simeon.

Motion was granted "That in the opinion of this Council such sum ought to be defrayed out of the Land Fund. That his Honor the Superintendent be respectfully requested to take such steps as he may think fit for effecting the above object."

Leave was given to bring in a Bill "To Settle the Affairs of the Canterbury Association."

The "Appropriation Bill" was read a first time.

The Council in Committee on Resolutions on the "Roading of the Province."

The following Resolutions passed, and were ordered to be reported:—

1. "That it is of the greatest importance to the progress and welfare of the Settlement, that the main trunk lines of road should be determined on without delay. That in selecting the main trunk lines of road, it is desirable that in all cases the most direct practicable line should be adopted and reserved; but that in cases where the natural features of the country, or other circumstances render the present use of such direct lines impracticable or difficult, deviations therefrom, better adapted to the existing state of the country, should be reserved for present use; such deviating lines to serve the purposes of traffic until the progress of

drainage, and other alterations in the circumstances of the country, have paved the way for the use of the more direct lines."

2. "That with reference to the approaching change in the Regulations for the Sale of Crown Lands, it is more especially desirable that such roads should be forthwith laid out and marked on the ground as well as on the map, in those districts which, from their position, fertility of soil, and other circumstances appear eligible for agricultural settlement."

3. "That with a view of facilitating the progress of the Settlement and the selection of land, it is desirable that in the above districts, the inferior or connecting road lines should be laid out as soon as practicable, both on the ground and on the map."

4. "That with a view of carrying into effect the above objects without delay, a Commission, consisting of the Chief Surveyor, the Provincial Engineer, and other persons as the Superintendent may select, should be appointed, for the purpose of selecting and laying out the main trunk lines of road. That as the above works may be considered as undertaken with a view of facilitating the selection of land, the expense attending the same should be borne by the Land Fund."

5. "That this subject is one of the greatest importance to the welfare and progress of the Province, and deserves the earliest attention of the Provincial Government."

The Speaker in the chair.

The Chairman reported the Resolutions. They were adopted and ordered to be transmitted to his Honor the Superintendent.

The "Fencing Bill" was ordered to be printed.

The Council adjourned at 8.30 p.m., until Friday next.

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FRIDAY, 29TH JUNE, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Bowen, Bray, Sewell, Dampier, Ollivier, Thomson, Packer, Hall, Barker, Fooks, Simeon, Westenra.

The Speaker in the chair.

The "Canterbury Association Bill" was read a second time.

The Council adjourned at 11.30 a.m., until Tuesday next.

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TUESDAY, 3RD JULY, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Bowen, Fooks, Sewell, J. Bealey, Hamilton, Hall, Ollivier, S. Bealey, Cookson, Thomson, Brittan, Packer, Barker, Westenra.

The Speaker in the chair.

Motion was proposed "That the Council do now take into consideration the question of Responsible Government as applicable to this Settlement."

Amendment was granted "That the debate be adjourned until Thursday next."

A Motion for leave to bring in a Bill "To Amend the Church Property Trust Ordinance" was not allowed on point of order.

The "Fencing Bill" was withdrawn.

The "Appropriation Bill" was read a second time.

The Council adjourned at 7.30 p.m., until Wednesday next.

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WEDNESDAY, 4th JULY, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Thomson, Hamilton, Hall, Sewell, Ollivier, Brittan, Bowen, Packer, Bray, Donald, Barker, Westenra.

The Speaker in the chair.

Motion was granted "That this Council concurs in the view taken by his Honor, as conveyed in his Message No. 9, referring to the payment of the expenses incurred by Mr. Watson, as Returning Officer of Akaroa, in defending himself against an action brought against him by Lieutenant-Colonel Campbell."

The Council in Committee of Supply.

Captain Westenra in the chair.

Vote was negatived, Exploration of the West Coast ... .. £100

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee on the Sumner Road Bill.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned until 4 p.m.

The Council reassembled and went into Committee on the "Sumner Road Bill."

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee on the "Appropriation Bill."

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee on the "Canterbury Association Bill."

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee on Resolutions on the Report of the Committee on Expenses of Members.

The following Resolutions passed and were ordered to be reported:—

1. "That this Committee adopt the recommendations contained in the Report brought up 1st June, by the Select Committee appointed 24th April, to enquire into and report upon the expediency of paying from the Public Revenue the travelling expenses of Members residing at a distance from Christchurch."

2. "That the Council, for the purpose of applying the sum voted towards expenses of Members, should be considered as a Department of the Executive Government, and Mr. Speaker as the head of it."

3. "That at the close of each Session, an Abstract, according to the usual form of the Provincial Government, should be drawn up under Mr. Speaker's instructions, and certified by him, to be passed in ordinary course."

4. "That such Abstract should show the names of Members, the class, according to the Report of the Select Committee, and other necessary matter."

5. "That at some convenient time before the close of the Session, Mr. Speaker do cause to be posted up a list of names of Members shewing the class, according to the Report of the Select Committee, in which he places them."

6. "That Mr. Speaker decide upon all questions of attendance or non-attendance."

7. "That the fixed allowance of £50 per annum should be continued to Mr. Speaker as heretofore."

The Speaker in the chair.

The Resolutions were reported, adopted, and ordered to be forwarded to his Honor the Superintendent, together with a copy of the Report of the Select Committee, with Appendix, and a request that his Honor will give effect thereto.

The Council adjourned at 9.45 p.m., until Thursday next.

THURSDAY, 5TH JULY, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Thomson, Cookson, Fooks, Sewell, Ollivier, Hamilton, J. Bealey, Brittan, Packer, Ward, Bray, Hall, Bowen, Westenra.

The Speaker in the chair.

The "Appropriation Bill" was read a third time, passed, and numbered No. 5.

The "Canterbury Association Bill" was read a third time, assed, and numbered No. 6.

The Council in Committee on the "Sumner Road Bill."

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee on the Waste Lands Regulations.

Motion to insert an Immigration Clause was negatived upon division.

Ayes, 4: Messrs. Barker, Bealey, Hall, Westenra. Noes 11: Messrs. Bowen, Blakiston, Bray, Brittan, Cookson, Hamilton, Ollivier, Packer, Sewell, Thomson, Ward.

Motion was negatived upon division, "To add to clause 84 the words 'provided that the said fund shall be divided into three equal parts: one to be called the Religious and Educational Fund, to be distributed amongst the different Christian Sects in the Province in proportion to the numbers as ascertained by the Census, to be applied by them to the purposes of Religion and Education; the remaining two parts to be expended &c., &c.'"

Ayes 5: Messrs. Barker, Bowen, Bray, Ollivier, Westenra. Noes 9: Messrs. Blakiston, Brittan, Cookson, Hall, Hamilton, Packer, Sewell, Thomson, Ward.

The Speaker in the chair.

The Regulations for the Disposal of the Waste Lands were reported.

Motion was granted "That the Jetty at Lyttelton is a public work of great importance to the Settlers of this Province, in the maintenance of which they are directly interested.

"That it is therefore incumbent on the Provincial Government, failing the ability of the Canterbury Association, or present Occupiers of the Jetty, to provide the necessary funds for its repair. That it is, moreover, desirable that an inspection of the Jetty, and the adjoining portion of the Harbor be made by some person on behalf of the Government, to report upon what improvements can be effected in the chief landing place of the Province, whereby Shipping and Commerce may be encouraged."

Motion was carried upon division, "That this Council being informed that there is an intention of erecting a Mill Dam on the River Avon, are of opinion that any obstructions in the river in the neighbourhood of the town may be attended with great public inconvenience, and ought to be prevented. That a copy of this Resolution be transmitted to His Honor the Superintendent, with a request that he would forward it to His Excellency the Officer administering the Government."

Ayes, 8: Messrs. Barker, Blakiston, Bray, Hamilton, Packer, Sewell, Thomson, Westenra. Noes, 6: Messrs. Brittan, Cookson, Fooks, Hall, Ollivier, Ward.

Motion was negatived "That Message No. 14, from his Honor the Superintendent, be re-considered, in order that a sum of £100 may be placed upon the Estimates for the purpose of exploring the West Coast."

Motion was granted "That this Council desire to convey to his Honor the Superintendent their opinion that the sum of £100, purposed for the exploration of the West Coast, should be defrayed from the proceeds of the Land Fund, and respectfully request that his Honor will transmit the Resolution to the General Government, with an application that a sum of money, not exceeding £100, may be granted from such fund for the purpose of such exploration."

Motion was negatived "That this Council do resolve itself into a Committee on the subject of Responsible Government."

The debate was resumed on the question "That in the opinion of this Council it is expedient that the Government of the Province should be continued on the system of Ministerial Responsibility, and that the Government should be represented in the Provincial Council by not more than three Members of the Executive Council, two of whom should be Heads of Departments, and whose tenure of Office should depend on their possession of the confidence of the Council."

Amendment was carried upon division, "To substitute the words 'at least three' for the words 'not more than three.'"

Ayes, 6: Messrs. Blakiston, Bray, Hall, Hamilton, Ollivier, Ward. Noes, 6: Messrs. Barker, Brittan, Fooks, Packer, Sewell, Westenra.

The Speaker decided in favor of the Ayes.

Further amendment was carried upon division, "To strike out the words 'two of whom shall be Heads of Departments, and.'"

Ayes, 6: Messrs. Blakiston, Bray, Hall, Hamilton, Ward, Sewell. Noes, 5: Messrs. Brittan, Fooks, Ollivier, Packer, Westenra.

The Resolution passed as amended.

Motion was granted "That in consequence of the elective and responsible character of the Office of Superintendent, the Head of the Executive, and the restraint thereby consequent on the complete free action of the other Members of the Executive, it is the opinion of this Council that the Members of the Government in this Council should not be expected to resign their offices, except after a distinct Vote of Want of Confidence by a majority of the whole Council."

The Resolutions were ordered to be forwarded to his Honor the Superintendent.

The "Sumner Road Bill" was reported.

The Council adjourned until Tuesday next.

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TUESDAY, 10TH JULY, 1855.

The Council met pursuant to adjournment.

The Speaker in the chair.

The "Sumner Road Bill" was read a third time, passed, and numbered No. 7.

The Waste Lands Regulations were adopted by the Council, and ordered to be forwarded to his Honor the Superintendent, with a respectful request that he will transmit them to his Excellency the Officer Administering the Government for his approval, and recommend them to him for adoption, according to the "Waste Lands Act."

Message No. 15, from his Honor the Superintendent, was received and read.

"The Superintendent has received a copy of the Resolutions passed by the Provincial Council, on the subject of laying out the roads.

"In the object of the Resolutions and with the general opinions they express, the Superintendent concurs; but he doubts whether it will be in his power to carry that object into effect in the manner proposed by the Council.

"The Superintendent doubts whether he has the power to appoint any Commissioners without the authority of an Ordinance. In this and the other Provinces, Commissions have hitherto issued on such authority only.

"The Superintendent has no funds at his disposal to meet the expenses of such a Commission, which, to be of any service whatever, would be very great; nor does the Superintendent think that such expenses would be, or ought to be paid out of the Land Fund without the sanction of the General Assembly.

"But, besides these considerations, the Superintendent considers that the preliminary roading of the country is one of the most important duties attaching to the disposal of the Waste Lands. The Provincial Council has sanctioned the establishment of a Waste Lands Board, having the direction and control of the surveys. If the Commissioners now proposed be also appointed, there will be two Boards and two Staffs of Surveyors engaged on the same work, producing inevitable

confusion, and possibly conflict; besides, the Chief Surveyor, who is to be a Member of the Commission, is to be under the orders of the Waste Lands Board.

“The Superintendent therefore conceives that the only course open to him to meet the wishes of the Council, will be to transmit the Resolutions to the Waste Lands Board as soon as constituted, with directions that they may be attended to.

“JAMES EDWARD FITZGERALD,  
“Superintendent.”

His Honor the Superintendent entered the Council Chamber, and declared his assent, on behalf of his Excellency the Governor, to the following Bills:—

“The Provincial Council Extension Ordinance, Session IV., No. 3.”

“The Christ’s College Ordinance, Session IV., No. 4.”

“The Appropriation Ordinance, Session IV., No. 5.”

“The Canterbury Association’s Ordinance, Session IV., No. 6.”

“The Sumner Road Ordinance, Session IV., No. 7.”

His Honor then delivered the following Address:—

“MR. SPEAKER AND GENTLEMEN OF THE PROVINCIAL COUNCIL,

“Whatever disappointment I may have felt that this Session should have come to a close, and that several questions of importance should still remain unsettled, still, when I consider that two of the most difficult and embarrassing subjects which could have been presented for your solution,—the management of the Waste Lands and the settlement of the affairs of the Canterbury Association—have been disposed of in a manner which cannot but prove satisfactory to the people and beneficial to the Province, and that enquiry and deliberation on these matters has occupied a much longer time than any other subjects would have required, I cannot but acquiesce in the necessity of postponing to a future Session the consideration of other questions upon which legislation is urgently needed.

“You have requested me to unite with you in recommending to his Excellency the Governor an elaborate scheme for the disposal and management of the Waste Lands of the Crown within the Province. Without committing myself to an unqualified approval, in all their details, of the Regulations which you have adopted, still, believing that they are based on the principles I ventured to express at the opening of the Session, that they are generally acceptable to the people, and that they are eminently calculated to advance the prosperity of the Province, I need not say I will cordially concur in your recommendation to His Excellency for their publication according to Law, and that I will do all that lies in my power to secure their being brought into immediate and efficient operation.

“Considering that the Waste Lands of the Crown in New Zealand are charged with certain general liabilities, in the form of a per-centage on the price for which they are sold, I entirely agree in the conclusion at which you have arrived, to fix that price at the same amount which is paid throughout the rest of the Colony, namely, ten shillings per acre. The impolicy and injustice of compelling a Purchaser of land to pay a larger share of those burdens in one part of the Colony than in another, is apparent beyond the need of argument; and I cannot but hope that the General Assembly will, at its next meeting, pass some general Law, by which this principle, which seems to have been recognised in all the Provinces, will be finally adopted, and that a uniform fixed price will be imposed upon all the Waste Lands of the Colony.

“I am aware that in expressing this view I may be charged with a modification of opinions I have frequently asserted as to the expediency of handing over the Waste Lands entirely to the Provincial Governments. Gentlemen, I still entertain those opinions; nor, considering the question of the Waste Lands by itself, do I see any reason for changing them. But experience has shewn me that this question unfortunately cannot be considered by itself, but is mixed up with a financial question of the greatest importance, namely, how the general burdens imposed on the Revenues of the Colony are to be borne by the several Provinces. The General Assembly has determined that it will not relieve the Land Fund from

its share of those burdens; and much as I regret that decision, it is impossible but that my views as to the disposal of the Waste Lands should be affected by it. I have therefore come to the conclusion that the best solution of the question, as it is now presented to us, and that which will be most acceptable to the Colony generally, will be found in the hope I have ventured to express, namely, that a uniform fixed price may be charged by the General Assembly on all the lands of the colony, out of which the general burdens shall be paid, leaving the Provinces their present power of imposing upon the occupation of the lands any additional conditions or restrictions which the peculiar circumstances of each Province may require.

“I therefore agree with you, not only in the price you have named, but also in the necessity of imposing certain restrictions on the occupation of the Waste Lands, which shall prevent their falling into the hands of Speculators, and shall, as far as possible, secure their possession to those who will use them for purposes of actual settlement.

“This principle has been adopted in the Province of Auckland, and has been sanctioned by his Excellency. In Otago, a similar plan has been proposed. In both these Provinces, the expenditure, by the Purchaser, of a certain sum of money on the land, over and above its price, is made a condition necessary to the completion of the contract. But the creation of these incomplete contracts, involving subsequent enquiry as to the fulfilment of the conditions, and endless disappointment and discontent in the event of forfeiture through non-fulfilment, appears to me a very unsatisfactory mode of obtaining the desired end. The plan recommended by you of requiring the Purchaser, prior to the sale, to lodge a sum of money in trust, to be practically returned to him again in the form of an improved value of his property, by the construction of roads and the importation of labor, although similar in principle, will be far more beneficial in its operation, whilst it is free from the serious practical objections to which the schemes to which I have adverted appear to be liable.

“But the Regulations you have now proposed may claim their adoption upon other and very weighty considerations. I mean that they amount to a continuance of the same principle in the disposal of the Waste Lands in this Province, which was established at the foundation of the Settlement, and which obtained the sanction of the Crown by Royal Charter, and of the Imperial Parliament by repeated enactments. Deprived of the one feature peculiar to this Settlement, by which Purchasers of land were compelled to contribute a certain sum towards the endowment of the Church of England,—a condition fair and reasonable, as applied to an unoccupied territory in which no one was compelled to settle who objected to contributing to such an object, but which could hardly be consistently maintained by the representatives of a community comprising Members of various Religious Denominations, all possessing equal civil rights,—deprived, I say, of that one feature, the plan now proposed is substantially the same as that under which this Settlement has achieved an amount of prosperity which has but few examples in the history of colonization.

“A system constituted under such high sanction, attended with such successful results, and now declared by the people, through their Representatives, to be adapted to the circumstances of the Province, ought not, I think, to be lightly disturbed, and I cannot doubt will readily receive the assent of his Excellency.

“With regard to the affairs of the Canterbury Association, having abstained from the first from urging any particular course upon your attention, I am the more anxious to assure you how heartily I concur in the Measure to which I have this day given his Excellency’s assent. The course you have adopted in accepting the liabilities incurred by the Association in founding the Settlement, is one befitting the character of the Province, and one which will surely tend to establish its credit, and in the end to promote its best interests.

“I ought not to allow this occasion to pass, upon which the ties between the Settlement and its Founders are formally dissolved, without expressing what I am sure are not only your sentiments and my own, but those of the community



generally which we represent,—the grateful sense which will ever be entertained of the entirely unselfish and disinterested labors of those who allotted to themselves the arduous task of adding a new Colony to the Empire.

“That complaints sometimes of real, sometimes of imaginary or unavoidable mismanagement have found expression amongst us, in language not unfrequently embittered by individual disappointment, is not to be denied. It may be readily admitted that such complaints have not been wholly groundless. It may well be doubted whether, in such an undertaking, it would have been within human possibility to have avoided eliciting some, and sometimes even just complaints. But the conclusion of our relations with the Canterbury Association will always prove that the Colonists, as a body, have risen above the narrow feelings of temporary disappointment and partial dissatisfaction, to take a wider and juster view of the great work, as a whole, which has been done by the Association, and to give them the honor which is their due.

“At the same time it becomes my duty to point out to you that it will not be wise in us to underrate the magnitude of the liability which the Province has undertaken, especially at a time when it is engaged in an unusual effort to restore a regular and steady immigration from the mother country, when it is prosecuting costly public works, and when its resources are temporarily curtailed by the demands made on the Land Fund by the General Government. The estates transferred to the Province are, indeed, of considerable and of increasing value, and form a substantial security for the capital of the debt; but it will be only by careful and prudent management that they will be made to provide for the charge which the Province has engaged periodically to meet. Much, therefore, as I regret making so large a demand on your time, it will be absolutely necessary for me to call you together at the earliest possible period after the Deeds of Transfer shall have been confirmed by his Excellency, on the part of the Crown, in order that I may submit to you a plan for the management of these estates, and may obtain from you, under the provisions of the Public Reserves Act, the powers which it will be necessary to confide in the Government, in order to secure the full productiveness of the property.

“Gentlemen, I do not doubt the full ability of the Province to bear the burden which it has undertaken, and I am quite certain that the liability having been once assumed, will be punctually and honorably discharged.

“Amongst other acts of the Session, I notice with great pleasure the incorporation of the Warden and Fellows of the College. The promise of such an Institution was not one of the least advantages which we were led to expect in emigrating to this Settlement. Though delay and some disappointment have been experienced in the fulfilment of our hopes, it is a great pleasure to learn that such an Institution is now actually established, and that it is in possession of such a portion of the lands purchased out of the Ecclesiastical and Educational Fund, as cannot but constitute, in the course of a few years, a very valuable permanent endowment.

“The sums you have voted for Public Works shall be expended in the prosecution of the several purposes indicated, with all expedition. I am glad to be able to inform you that the contracts already entered into on the Sumner Road are within the estimates of the Engineer. Upon the other roads several road parties are organized, and the Contractors have in employment on the Government works very nearly all the labor which it would be at all desirable to abstract from the ordinary occupation of the land. But I think we may now expect the arrival of at least four ships, with Immigrants from England, before the end of the year, which will, to a certain extent, relieve the present pressure arising from want of labor.

“In looking over the Estimates as they have passed the Council, I observe that the proposed Expenditure for the current year somewhat exceeds the estimated Revenue. I cannot however but think that the Council has under-estimated the anticipated Revenues. I cannot believe that the General Government will continue to insist, or that the General Assembly will for a moment sanction their insisting upon taking advantage of a mistake made by the General Government itself and its Officers, to deprive this Province of the sum of upwards of ten thousand pounds,

which it has called upon us to refund. I cannot believe that his Excellency, when fully informed of the circumstances, will sanction such a wrong. But the bare possibility of such an act of spoliation being committed, contrary, as I am bound to conceive, not only to justice but to positive Law, proves the necessity of that, of which the want is being felt in every Province of the Colony,—I mean a settlement of the share of the Revenues which is to be allotted to the Province, by positive statute, instead of as now, by the caprice of the Financial Adviser for the time being of his Excellency.

“And this necessity seems to me the greater, because a careful examination of the Accounts of the General Government, which have been published in detail by the Auditor-General up to the 30th of June last year, proves, so far as I can comprehend those statements, that there are, or ought to be, large balances in the general chest, which have not been brought to account, and that the portion of the current Revenues of the Colony now claimed and received by the General Treasury, is very much greater than is necessary to meet the general charges.

“It seems therefore to me unavoidable that the balance should turn in favour of the Provinces after the next meeting of the General Assembly, and therefore that the Provincial Revenue for the current year should exceed the sum at which it has been estimated.

“I have received from Mr. Speaker the Resolutions which you passed on the subject of continuing the Government of the Province on the system of Ministerial Responsibility, and the resignation of Members of the Executive Council. It will probably be my duty to advert to this subject more fully at the opening of the next Session of your Council. I shall therefore abstain from occupying your time on the present occasion. I cannot however but remark, that whatever difference of opinion there may be as to the mode of carrying the principle of responsibility into effect, in no part of the Colony has that principle been more practically recognised, or more beneficially felt than amongst ourselves. The Provincial Council has effectually modified the policy and controlled the action of the Executive Government, without the shadow of any collision between the Council and the Superintendent. No other system could have more effectually attained the end proposed, and yet the time has been far from favorable to the result. The Council suddenly enlarged, parties unformed, men untried, leaders unproved, subjects under discussion which were not unlikely to have excited angry dissension,—these have been the elements amidst which the business of the Government has been smoothly and successfully conducted in the Council, and the harmonious action of the Executive and the Legislature been preserved. In any changes which it may be desirable to make, I trust we shall not throw away the experience of four Sessions—that we shall look rather to the real end to be gained, than to the fashion of the machinery, or the phrases by which it is described.

“Gentlemen, I will conclude by congratulating you upon the complete success of the experiment of enlarging the Provincial Council.

“The regularity of attendance, and the active interest of the Members in all the questions which have been before you, proves how idle was the fear expressed by some,—that if the Council were enlarged, men would be wanting. The extension of political privileges creates at once the taste and the capacity to enjoy them.

“Gentlemen, I have named the earliest day, for your re-assembling for the purpose which I mentioned, upon which I can expect the requisite Documents from the seat of Government.

“I therefore declare this Council to stand prorogued to Tuesday, the 18th day of September next.

“Given under my hand at Christchurch this Tenth day of July, in the year of Lord one thousand eight hundred and fifty-five.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

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**SESSION V.**

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JOURNAL OF PROCEEDINGS  
OF THE  
PROVINCIAL COUNCIL.

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PROVINCE OF CANTERBURY, NEW ZEALAND.

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SESSION V.

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TUESDAY, 9TH OCTOBER, 1855.

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The Council met pursuant to proclamation of his Honor the Superintendent, bearing date 10th day of September, 1855.

Members present: Messrs. Fooks, Sewell, Ollivier, J. Bealey, Hall, Brittan, S. Bealey, Tancred, Barker, Bowen, Hamilton, Westenra.

The Speaker in the chair.

Message No. 1, from his Honor the Superintendent, was received and read.

“The Superintendent regrets that he is unable, from indisposition, to address the Provincial Council on the present occasion in person. It has been indispensably necessary for him to call the Council together, that an Ordinance might be passed without delay, enabling the Government to administer the property acquired by the Province from the Canterbury Association, and to provide the interest for the Debentures which are about to be issued. A Bill for that purpose has been prepared which will be submitted to the Council for its deliberation.

“Since the Superintendent issued the Proclamation calling the Council together, he has received Dispatches from the Colonial Secretary, announcing that his Excellency has been advised to disallow the “Land Regulations” and the “Census Ordinance” passed by the Council in the last Session. Copies of those Dispatches will be laid on the table of the House. As those Measures have already received the careful deliberation of the Council, the Superintendent conceives that if the clauses objected to are omitted, and altered in accordance with His Excellency’s suggestions, they may again be adopted by the Council, without materially adding to the business of or protracting the Session, and be again submitted to the Governor for his approval.

“The Superintendent has received information that his Excellency may shortly be expected to visit this Province; he suggests therefore to the Council the propriety of considering whether a sum of money should not be voted, to enable the authorities here to receive him with the respect and ceremony due to his high station.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

“Signed, with the left hand, in the presence of

B. KEELE,

Clerk in Provincial Secretary’s Office.

The following Papers were laid upon the table:—

No. 1, Waste Lands Regulations, disallowance of.

No. 2, Census Ordinance.

No. 3, relating to the Land Fund.

No. 4, statement of Receipts and Payments for quarter ended 30th September, 1855.

No. 5, relating to the Establishment of Steam Communication between the Port and other parts of the Province.

The Council adjourned at 4.30 p.m., until Wednesday next.

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WEDNESDAY, 10TH OCTOBER, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Dampier, Sewell, Hall, Fooks, Ollivier, Packer, Blakiston, Brittan, Tancred, Bowen, Hamilton, Ward, Barker, Thomson, J. Bealey, S. Bealey, Westenra.

The Speaker in the chair.

Leave was given to bring in a "Canterbury Association's Reserves Bill."

The Bill was read a first time.

The Council in Committee to consider an Address to his Honor the Superintendent.

The following Address passed, and was ordered to be reported:—

"SIR,—

"The Provincial Council take an early opportunity of expressing to your Honor the regret with which they learnt that illness prevented your meeting them for the purpose of opening the present Session.

"They concur in the opinion expressed in your Honor's Address, on the necessity, arising from the assent of his Excellency the Governor to the "Canterbury Association Ordinance," for immediately providing for the management of the property which has thus passed into the hands of the Province.

"They are deeply concerned that the Land Regulations agreed to by them last Session, as those best adapted to the wants of this Province, have not met with the approval of the Governor. They consider, however, that in having placed on record by those Regulations, the general wishes of the Canterbury Settlers, they have performed a duty which was urgently required of them. The Council will give all due consideration to the Measures to be submitted to them by your Honor, hoping, however, that no questions may arise thereon to cause a protracted Session at this season of the year."

The Speaker in the chair.

The Address was reported, adopted, and ordered to be presented to his Honor the Superintendent by a Deputation, consisting of Mr. Speaker, Messrs. Dampier, Fooks, and the Provincial Secretary.

Leave was given to bring in a "Census Bill."

The Bill was read a first time.

Motion was proposed "That this Council, having before them the Letter of the Colonial Secretary, dated 15th September, to the Superintendent, stating that His Excellency the Governor is advised that the Land Regulations recommended by the Superintendent and the Provincial Council cannot be put in force consistently with the Law, and further stating the particular clauses which appear objectionable, resolved, That the Land Regulations be amended by the omission and alteration of the clauses objected to, and be again recommended to be issued by the Governor."

Amendment was negatived upon division, "That the discussion of the Waste Lands Regulations be deferred till this day three months."

Ayes, 5: Messrs. Barker, Fooks, Ollivier, Packer, Thomson. Noes, 11: Messrs. J. Bealey, S. Bealey, Brittan, Dampier, Hall, Hamilton, Sewell, Tancred, Ward, Blakiston, Westenra.

The original question was granted.

The Regulations were amended in Committee, and reported as amended to the Council.

The Council adjourned at 1.55 p.m., until Friday next.

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FRIDAY, 12TH OCTOBER, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Dampier, Hall, Packer, Barker, Moore, Ollivier, Ward, Brittan, Tancred, Hamilton, Blakiston, Bowen, J. Bealey, S. Bealey, Bray, Westenra.

The Speaker in the chair.

The following Papers were laid upon the table:—

No. 6, Application from Christchurch Cricket Club.

No. 7, relating to Immigration.

No. 8, relating to Land Office, Stock, &c.

The Council in Committee of Supply for the purpose of considering the propriety of placing a sum of money at the disposal of his Honor the Superintendent, to defray the expenses attendant on the reception of his Excellency the Governor on his anticipated arrival in this Province.

Vote was taken, Entertainment of his Excellency the Governor, £200.

The Speaker in the chair.

The Chairman reported progress.

The "Census Bill" was read a second time.

The Council in Committee on that Bill.

Captain Westenra in the chair.

The clauses were considered and passed.

The Speaker in the chair.

The Bill was reported.

Motion was granted "That the Regulations for the Disposal, Sale, Letting, and Occupation of the Waste Lands of the Crown in the Province of Canterbury, as amended, be adopted, and that his Honor the Superintendent be requested to forward them to his Excellency the Governor, with a strong recommendation that they be issued without delay under the provisions of the 'Waste Lands Act.'"

The "Canterbury Association's Reserves Bill" was read a second time.

The Council in Committee on that Bill.

Captain Westenra in the chair.

Clause 1 was considered.

Amendment was negatived upon division, "From the words 'by way of lease or sale' to omit the remainder of the clause, and substitute in lieu thereof the words, 'provided that any such sale shall be made subject to the Regulations at the time being in force within the Province of Canterbury for the sale of town land, and that no such lease shall be for a longer period than ten years.'"

Ayes, 6: Messrs. Barker, J. Bealey, S. Bealey, Dampier, Hall, Moore. Noes, 9: Messrs. Blakiston, Bowen, Bray, Brittan, Hamilton, Ollivier, Packer, Tancred, Ward.

The Council resumed and adjourned until 4 p.m.

The Council re-assembled and went into Committee on the "Canterbury Association's Reserves Bill."

Clause 1 passed as read.

Clause 2 was deferred.

Clauses 3, 4, 5, 6, 7, 8, 9 passed as amended.

The following clause, proposed to be inserted in the Bill, was negatived upon division, "It shall be lawful for the Superintendent, out of the land herein described as the Town Reserve, to reserve any portion or portions thereof not exceeding in the whole five acres in extent, to be set apart for ever as public Abattoirs for the town of Christchurch."

Ayes, 5: Messrs. Blakiston, Brittan, Hamilton, Tancred, Ward. Noes, 8: Messrs. Barker, J. Bealey, S. Bealey, Bowen, Dampier, Hall, Moore, Ollivier.

Clause 10 passed as read.

Clause 11 considered.

Amendment was negatived, "After the word 'consent' to expunge 'if the Executive Council direct,' and substitute the words 'if five Trustees, appointed for that purpose direct, all of whom shall be Members of this Council; such Trustees to consist of two Members of the Executive Council for the time being, and three Members of the Provincial Council, who shall be elected by the Council.'"

Clauses 11, 12, 13, 14, 15 passed as read.

The Schedule was deferred.

The Preamble passed as read.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 8.45 p.m., until Tuesday next, at 1 p.m.

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TUESDAY, 16TH OCTOBER, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Dampier, Hall, Sewell, Hamilton, Moore, Ollivier, Blakiston, Ward, Fooks, Thomson, Brittan, Tancred, Bowen, Donald, Packer, J. Bealey, S. Bealey, Bray, Westenra.

The Speaker in the chair.

A Petition from certain Inhabitants of Lyttelton and others, praying the Council not to sanction the diverting of any of the funds appropriated to the completion of the cart road between the Port and the Plains, was presented, read, and received.

A Petition from certain Inhabitants of the Province of Canterbury, praying the Council to request the Superintendent to devote the sums at present at his disposal towards laying down a wooden tramway between Christchurch and the Shag Rock, and to send down a Bill for raising a Loan by Public Debentures, in aid of the funds in the hands of Government, for the construction of the Sumner Road, was presented, read, and received.

Motion was proposed, "That this Council, taking into consideration the great increase in the amount of the agricultural produce of the Plains, and the necessity which exists for immediately securing a more expeditious communication with the Shipping Port of the Province, and having in view the difficulties attendant upon the completion of the Sumner Road according to the plans at present in operation, is of opinion that a Tramway should be laid down from Christchurch to Sumner, and respectfully prays that his Honor will take such measures as may appear desirable in order to raise the funds required for such purpose by Loan, to be secured by Government Debentures, in aid of the unappropriated balance of the vote of the Council for the works on the Sumner Road, at present in the hands of the Provincial Treasurer."

Amendment was carried upon division, "That, with the view of providing for the transmission to the Port of Shipment of the agricultural and other produce of the ensuing season, it is desirable that a metalled cart road between Christchurch and Sumner, should be completed with as little delay as possible."

Ayes, 15: Messrs. J. Bealey, S. Bealey, Blakiston, Brittan, Dampier, Donald, Fooks, Hall, Hamilton, Moore, Sewell, Tancred, Ward, Thomson, Westenra. Noes, 3: Messrs. Barker, Ollivier, Packer.

The Council in Committee on the "Reserves Bill."

The Schedule considered.

A Schedule A was proposed to be inserted.

Debate ensued.

Clause 1 re-considered.

Amendment was negatived upon division, "To leave out the word 'the' before Schedule, and after Schedule insert 'a'; and at the end of the clause add the words 'and such of the said buildings, lands, tenements, and hereditaments, as are described in the Schedule B to this Ordinance annexed, may be let upon lease for any term not exceeding ( ) years.'"

Ayes, 8 : Messrs. Barker, J. Bealey, S. Bealey, Bowen, Dampier, Donald, Hall, Westenra. Noes, 10 : Messrs. Blakiston, Brittan, Hamilton, Moore, Ollivier, Sewell, Packer, Tancred, Thomson, Ward.

A further Amendment was negatived upon division, to substitute the following : "That from and after the passing of this Ordinance, it shall and may be lawful for the Superintendent of the Province for the time being, by and with the advice and consent of the Executive Council thereof, and he is hereby authorized and empowered by Deed, under the Seal of the Province, by way of sale, mortgage, demise, lease, charge, or other disposition of such of the lands, buildings, and hereditaments as are comprised in the Schedule to this Ordinance mentioned, and every or any of them, or any part or portion thereof, or of any of them as may be needful to raise and levy all and every or any such sum or sums of money as shall be sufficient from time to time to pay and satisfy, or to provide for paying and satisfying the Debentures in the Preamble to this Ordinance mentioned, and every or any of them, and all interest, claims, and demands in respect thereof, and to give effectual receipts and discharges for the moneys to be raised or received, and to pay, appropriate, and apply the same in liquidation and satisfaction of such Debentures accordingly, so as all such sales be made to the highest Bidder by public auction, of which at least one calendar month's notice shall be given in the 'Government Gazette,' and so as no such lease be made for any longer period than thirty-two years in possession, and at the best rent that can reasonably be obtained for the same."

Ayes, 6 : Messrs. Barker, Dampier, Donald, Hall, Moore, Westenra. Noes, 12 : Messrs. J. Bealey, S. Bealey, Blakiston, Bowen, Brittan, Hamilton, Ollivier, Packer, Sewell, Tancred, Thomson, Ward.

After an adjournment for one hour, the Committee resumed.

Clause 1 considered.

Amendment was carried upon division, "After the words 'per acre' to insert the words, 'nor until such buildings, lands, tenements and hereditaments (or leases of such buildings, lands, tenements, and hereditaments), with or without covenants for purchase, shall have been first submitted to public auction at such upset price (not less in the case of sale or covenant for purchase than the rate aforesaid), and subject to such conditions as shall be determined on by the Superintendent; provided that if no advance be made on the upset price at such auction, the Superintendent shall have power at any time thereafter, and from time to time to let, sell, or alienate, at such upset price as aforesaid.'"

Ayes, 11 : Messrs. Barker, J. Bealey, S. Bealey, Blakiston, Bray, Dampier, Hall, Moore, Packer, Sewell, Westenra. Noes, 7 : Messrs. Bowen, Brittan, Hamilton, Ollivier, Tancred, Thomson, Ward.

The clause as amended was put.

Amendment was negatived upon division, "After the word 'Superintendent' to omit the words 'provided that' to the words 'and provided also.'"

Ayes, 6 : Messrs. Barker, Blakiston, Bray, Hall, Moore, Westenra. Noes, 12 : Messrs. J. Bealey, S. Bealey, Bowen, Brittan, Dampier, Hamilton, Ollivier, Packer, Sewell, Tancred, Thomson, Ward.

The clause as amended was put.



Amendment was carried upon division, "After the word 'lease' to insert the words 'not exceeding thirty-two years in possession, at rack rent,' and after the words 'no such lease to,' and the words 'with such purchasing clauses.'"

Ayes, 10: Messrs. Barker, Blakiston, Bowen, Bray, Brittan, Dampier, Hamilton, Moore, Packer, Sewell. Noes, 8: Messrs. J. Bealey, S. Bealey, Hall, Ollivier, Tancred, Thomson, Ward, Westenra.

The clause passed as amended.

The Schedule considered.

Section No. 5, passed as read upon division.

Ayes, 9: Messrs. Blakiston, Brittan, Hamilton, Moore, Ollivier, Sewell, Tancred, Thomson, Ward. Noes, 7: Messrs. Barker, S. Bealey, Bowen, Bray, Dampier, Hall, Westenra.

No. 21 passed as read upon division.

Ayes, 10: Messrs. Blakiston, Brittan, Dampier, Hamilton, Moore, Ollivier, Sewell, Thomson, Ward, Westenra. Noes, 4: Messrs. Barker, S. Bealey, Bowen, Hall.

No. 22 of the Schedule was negatived upon division.

Ayes, 6: Messrs. Blakiston, Brittan, Hamilton, Ollivier, Ward, Westenra. Noes, 7: Messrs. Barker, S. Bealey, Bowen, Dampier, Hall, Moore, Sewell.

No. 23 of the Schedule was negatived upon division.

Ayes, 5: Messrs. Blakiston, Brittan, Hamilton, Ward, Westenra. Noes, 8: Messrs. Barker, S. Bealey, Bowen, Dampier, Hall, Moore, Ollivier, Sewell.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 11.30 p.m., until Wednesday next.

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WEDNESDAY, 17TH NOVEMBER, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Fooks, Bray, Thomson, Sewell, Ollivier, J. Bealey, Moore, Blakiston, Packer, Barker, Hamilton, Tancred, Dampier, Bowen, Brittan, Ward, Hall, Westenra.

The Speaker in the chair.

The "Census Bill" was read a third time, passed, and numbered No. 1.

The Council in Committee for the consideration of an Address to his Excellency the Governor on his arrival.

Motion was granted for the appointment of a Select Committee to prepare an Address, such Committee to consist of Mr. Speaker, Messrs. Sewell, Hall, Hamilton, Brittan, Tancred; to report this day.

The Speaker in the chair.

Motion was granted "That this Council re-affirms the following Resolutions passed in the last Session."

1. "That the Council is of opinion that the Province of Canterbury is of right entitled to the money claimed by the General Government to be refunded as an alleged overpayment on account of the Land Fund."

2. "That this Council undertakes to sanction such Measures as his Honor the Superintendent may be legally advised to adopt for recovering any sum wrongfully paid to or retained by the General Government in respect of such alleged overpayment."

3. "That this Council fully relies upon the General Assembly for seeing right done in the above matter of difference between the Province and the General Government."

4. "That it is indispensably necessary for the proper conduct of Provincial affairs, that the respective Provinces should obtain by Law immediate and direct

control over some specific and adequate portion or quota of the Public Revenue. That in order to settle such portion or quota, an equitable adjustment ought to take place between the Provinces of the public burthens, and that, subject to such adjustments, such portion or quota ought to be fixed with reference to the rights of the respective Provinces under the 'Constitution Act.' That this Council relies upon the General Assembly taking the above matter into their consideration at the earliest possible moment."

5. "That this Council has observed with satisfaction the Resolution passed by the House of Representatives on the 13th day of September, in the Session just closed, 'That pending a final adjustment of the Public Accounts of the Colony, it is just and expedient that the proportion of the Land Fund now in course of being retained by the General Government in repayment of alleged overpayments to the Provinces of Canterbury and Nelson, shall again be paid over to the Provincial Treasurers of those Provinces for the public uses thereof, according to the present system of advances to Provinces, and that the question of the repayment of such alleged overpayments shall remain open until such final adjustment, and be subject to such arrangements for liquidation as may then be deemed necessary."

6. "That although the Instructions, which have recently reached the Commissioner of Crown Lands, bearing date the 15th day of September, and now before the Council, are in opposition to such Resolution of the Representatives of the Colony, the Council still confidently relies upon the Central Executive Government for adopting and giving effect to it without a delay which will be seriously prejudicial to the progress of Canterbury."

7. "That in the opinion of this Council, the Accounts between the General and Provincial Government ought to be adjusted at the earliest period by an independent Board of Audit."

8. "That such Accounts ought to be placed before the Provincial Authorities immediately on the close of each financial year, in order that they may at once be assured of the unappropriated surplus which by Law belongs to them."

9. "That his Honor the Superintendent be requested to forward the above Resolutions to his Excellency the Governor, praying him to give effect thereto, and that they further be forwarded by Mr. Speaker to the Speaker of the House of Representatives, respectfully requesting that he will cause them to be laid on the table of the House."

The Council in Committee to reconsider the Reserves Bill.

Clause 1 was reconsidered and amended.

Motion was negatived upon division, "That Nos. 22 and 23 be restored to the Schedule."

Ayes, 6: Messrs. Barker, Blakiston, Bray, Brittan, Ward, Westenra. Noes, 10: Messrs J. Bealey, Bowen, Dampier, Hall, Hamilton, Moorhouse, Ollivier, Sewell, Tancred, Thomson.

The Speaker in the chair.

The Bill was reported as amended.

Standing Order No. 117 was suspended.

The "Reserves Bill" was read a third time, passed, and numbered No. 2.

The Council adjourned until 4 p.m.

The Council re-assembled.

Motion was granted "That his Honor the Superintendent be respectfully requested to cause to be laid before the Council a Return, showing what portion of the sum of £400 voted in the last Session for the North Road has already been expended, as well as the particular works on account of which such expenditure has been incurred, and the amount in each case. Also, an Estimate of the sum required to complete the new line of road across the Island at Kaiapoi, (including the removal of the Ferry), and of the time within which this line will be made practicable for public traffic."

Motion was granted "That his Honor the Superintendent be respectfully requested to cause to be laid before the Council particulars relating to the arrangements entered into between the Government and certain parties in Christchurch, for the introduction of steam communication between the Port and other parts of of the Province."

Motion was withdrawn upon debate, "That the Government be called upon to state what definite Measures they propose to adopt with reference to the communication between the Port and the Plains."

Motion was proposed "That an extension of time be granted to the Select Committee on an Address to his Excellency the Governor."

Amendment was granted by way of addition, "That it be an Instruction to the Committee to embody in the Address to be presented to his Excellency the Governor, an expression of the dissatisfaction of this Council at the present financial relations between the General and Provincial Governments, and also the inconveniences of which this Province is sensible, arising from its great distance from the present seat of Government."

The amended Resolution was put.

Amendment was negatived, upon division, "To expunge the words 'and also' to the end of the sentence."

Ayes, 3: Messrs. J. Bealey, Hall, Tancred. Noes, 10: Messrs. Brittan, Dampier, Fooks, Hamilton, Moorhouse, Ollivier, Packer, Sewell, Thomson, Ward.

The Resolution passed as amended.

The Council adjourned until Tuesday next.

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TUESDAY, 23RD OCTOBER, 1855.

The Council met pursuant to adjournment.

Members present: Messrs. Bowen, Blakiston, Sewell, Tancred, Hamilton, Ollivier, Brittan, Fooks, Rhodes, Packer, Westenra.

The Speaker in the chair.

A Petition from the Inhabitants of Akaroa, praying the Council not to divert the funds appropriated to the completion of a cart road between the Port and Plains to the construction of a tramway, was presented, read, and received.

The Report of the Committee on an Address to his Excellency the Governor was brought up.

The Council in Committee on the Address.

The following Address passed, and was ordered to be reported.

"TO HIS EXCELLENCY COLONEL THOMAS GORE BROWNE, COMPANION OF THE MOST HONORABLE ORDER OF THE BATH, GOVERNOR AND COMMANDER-IN-CHIEF IN AND OVER THE COLONY OF NEW ZEALAND, &C., &C., &C.

"We, the Provincial Council of Canterbury, beg to express to your Excellency our sincere gratification at the arrival among us of her Majesty's Representative, and to assure your Excellency of our loyalty and attachment towards her Majesty's throne and person. Personal observation will prove better than we can proclaim the capabilities of this Province, and the progress which it has made in the short space of five years since its foundation.

"Your Excellency will, we feel assured, take pleasure in remarking the degree of prosperity which now surrounds our population.

"We avail ourselves of this opportunity of submitting to your Excellency, that although individual progress may have been great, this young community is still struggling with financial difficulties which have perplexed its relations with the Central Government from the first introduction of the 'Constitution Act.'

"Owing to a sudden suspension of Revenue, which we were led to believe and still believe to belong to this Province, public works, essential to our commercial

progress, remain unexecuted. We feel it our duty to declare to your Excellency, that so long as our Provincial Revenue is derived under no security of Law, the Government of this Province cannot be conducted without extreme risk and embarrassment.

“The fact incessantly forces itself upon our attention, that one source of our difficulties exists in the great distance of the seat of Government, and in the consequent delay in the interchange of communication.

“We look earnestly and hopefully for the decision your Excellency shall give upon the claims this Province advances, after having had the opportunity and leisure to weigh their merits.

“Believing that your Excellency’s desire is to have subjects of importance to the Province brought to your notice, we hope we may be considered not to have trespassed beyond the limits which the courtesy of an ordinary Address of congratulation and welcome prescribes in thus mentioning them.

“Congratulating you on your safe arrival in the Colony, we offer our sincere and heartfelt wishes that your Excellency’s efforts in administering its affairs may be marked by the same success which attended you in another Government which her Majesty committed to your charge.”

The Speaker in the chair.

The Address was reported, adopted, and ordered to be presented to his Excellency by a Deputation;—to consist of Mr. Speaker, the Chairman of Committees, the Provincial Secretary, Messrs. Sewell, Ollivier, and such other Members as may desire to accompany them.

Motion was granted “That the use of the Chamber be afforded to his Honor the Superintendent during his Excellency the Governor’s sojourn in this Province.”

Message No. 2, from his Honor the Superintendent, was received and read.

“The Superintendent regrets that he is still unable to address the Provincial Council in person. He is gratified to find that the progress the Council have made in the dispatch of business, enables him to relieve them from further attendance on their public duties.

“The Superintendent fully concurs in the propriety of the vote which the Council have passed for the reception and entertainment of his Excellency the Governor on his expected arrival in this Province. He also agrees most cordially with them in the Resolutions they have passed with reference to the financial arrangements at present subsisting between the General and Provincial Governments, and the pressing necessity there is for some final adjustment by the General Assembly by which the Provinces may know the precise amount of funds at their control, and be no longer dependent on the will of an irresponsible Executive.

“The Superintendent assents to the alterations which the Council have made in the Land Regulations, and in accordance with the Resolution they have passed, he will transmit them without delay to his Excellency the Governor, with an urgent recommendation to him to issue them as early as possible under the provisions of the ‘Waste Lands Act.’ He approves also of the ‘Census Ordinance,’ and the ‘Canterbury Association’s Reserves Ordinance,’ and hereby declares his assent to them on behalf of his Excellency the Governor.

“It only remains for the Superintendent to prorogue the Council, and he hereby declares it to be prorogued till Tuesday, the Fourth day of March, 1856, and it stands prorogued to that day accordingly.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

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SESSION VI.

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JOURNAL OF PROCEEDINGS  
OF THE  
PROVINCIAL COUNCIL.

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PROVINCE OF CANTERBURY, NEW ZEALAND.

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SESSION VI.

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THURSDAY, 28<sup>TH</sup> FEBRUARY, 1856.

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The Council met pursuant to Proclamation of his Honor the Superintendent, bearing date 18th day of January, 1856.

Members present: Messrs. Barker, S. Bealey, Blakiston, Bowen, Brittan, Dampier, Davis, Fooks, Hall, Packer, Rhodes, Sewell, Tancred, Thomson, Ward, Westenra.

The Speaker in the chair.

The following Address, from his Honor the Superintendent, was presented, and read:—

“The Superintendent regrets that he is prevented by illness from addressing the Provincial Council in person on the present occasion.

“The Superintendent has called the Council together earlier than was previously arranged, in consequence of the near approach of the period at which the General Assembly is convened, and in order that the business of the Session might be disposed of, so as to enable those Gentlemen who are Members of it to proceed to Auckland, without being interrupted in the discharge of their duties in this Council. The same consideration has guided the Government in the amount of business they intend to bring forward this Session. The time at their disposal being so limited, they have confined their Measures to those which are of pressing importance, so that they may receive mature deliberation, postponing for a time others of less pressing necessity.

“The Superintendent has directed two Bills to be laid before the Council, referring to Public Roads. One to provide for the ‘Construction and Repair of Roads and Drains throughout the Province,’ the other for the ‘Prevention of Offences on Roads.’ These Bills appear to the Superintendent to be imperatively called for. In framing them, the objects sought to be accomplished are, to divide the Province into districts; to enable the Inhabitants of those districts to elect Way Wardens, who will act generally under the supervision of the Provincial Engineer, and to enable them, by voluntary self-rating, to obtain the means for making and repairing roads, when the Government may not be in a position, from want of funds, to perform the required work. The Superintendent hopes these Measures will meet with the approval of the Council, and invites their careful deliberation on their details, to render them as complete as possible.

“The Superintendent has also thought another Bill, imperatively called for, a Bill to place the Law regulating the Licensing of Public Houses and the Sale of Intoxicating Drinks on a better footing than at present. Not only are there great anomalies in the present Law, which, for the convenience of the Licensees, it is desirable should be amended; but it is also highly expedient that some restraint should be placed on the facilities at present existing for the indulgence of habits of

drunkenness. To repress the progress of this vice is now the aim of almost every Legislature in every country, and the Superintendent calculates with confidence on the co-operation of the Provincial Council with his Government, in the endeavour to accomplish the same laudable object in this Province; and he trusts they will concur with him in thinking that the Bill which has been prepared will tend to that end, whilst at the same time it will not interfere with the operations of commerce, or the course of trade, nor impose any unjust or vexatious restraint on the rational freedom of the individual.

“It has become necessary to provide an ‘English Agent’s Bill,’ in order that an Agent may be appointed in the place of Mr. Godley, who has been compelled to resign that appointment in consequence of his having accepted an Office under the Crown, the duties of which render the discharge of those attendant on the Agency for this Province, inconvenient to him. The Superintendent feels that in now terminating the political connection which has so long existed between that Gentleman and this Province, he should fall short of the expectations of the Council, if he did not give expression to the deep sense of obligation felt by himself and them for Mr. Godley’s long continued and valuable services, and the regret they feel at the separation which is about to take place. That regret is, however, greatly mitigated by the opportunity which is afforded the Council of appointing as his successor, Mr. Selve, a gentleman in every way qualified, and who, from the earliest history of this Settlement, has manifested the warmest sympathy and interest in its success, and has at various times contributed substantial aid towards its attainment.

“The Superintendent anticipates that the Financial Statement of the Government will be made at an early period of the Session. The points in reference to this branch of the Public Service to which it may be necessary for him to allude are few, and may be briefly stated. The strictest economy consistent with the efficient working of the several Departments has been observed. Nevertheless, the Ordinary Revenue can only be regarded as about equal to the Ordinary Expenditure of the Government, leaving the Land Fund as the only source of supply wherewith to promote Immigration, support the present arrangements for Education, and carry on the Public Works of the Province. That supply is obviously uncertain. During the past eight months, the Provincial portion of that Revenue amounted to £3,424; but the Waste Lands Regulations having received the sanction of his Excellency the Governor, and coming into operation on the 1st April next, a new order of things will arise, from which it is impossible to calculate with precision on the amount of funds which may be derived. Under these circumstances it will be for the Council to determine what Measures they will adopt for obtaining the necessary means for carrying on the Public Works in case the supply from the sales of land should not equal the votes passed by them for different purposes.

“Whilst referring to the financial affairs of the Province, the Superintendent desires briefly to direct the attention of the Council to the present state of the Canterbury Association’s Debentures Account. The Superintendent has directed a Balance Sheet to be prepared and laid before the Council. He is happy in being able to state that considerable sales of the property acquired by the Province have already taken place, and thus far have more than realised the expectations formed by the Government at the time the debt was undertaken. Those sales are not more satisfactory, as showing the correct estimate formed of the value of that property and its sufficiency to provide for the liabilities incurred, than as showing the great increase in the value of land which has taken place in the Province.

“The Superintendent regrets that it is not in his power to place before the Council the Abstract of the Census which has recently been taken. Every effort has been made to prepare that Document, but some time must yet elapse before the classification can be completed. So soon as it is ready, it shall be laid on the table of the House. But whatever may be the exact increase in the population, the amount of stock, and the land brought into cultivation during the last two years which the present Census may show, there can be no doubt but that the Province has, under the Divine blessing, made great and healthful progress. On

every side, in every district—whether in or around the busy marts of commerce, or in the remoter districts—the evidences are alike conclusive and satisfactory of the occupation of the country by a prosperous and happy people.

“JAMES EDWARD FITZGERALD,  
“Superintendent.”

The Address was ordered to be printed.

The following Papers were laid upon the table :—

No. 1, Relating to the Waste Lands.

No. 2, relating to the Waste Lands.

No. 3, relating to the Land Fund.

No. 4, relating to the Land Office Stock.

No. 5, relating to the Steamer Alma.

No. 6, relating to an Advance in Aid of Immigration.

No. 7, relating to the English Agent.

No. 8, Return of Sheep inspected.

The Council adjourned at 4.40 p.m., until Friday next.

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FRIDAY, 29TH FEBRUARY, 1856.

The Council met pursuant to adjournment.

Members present : Messrs. Barker, Bealey, Blakiston, Bowen, Bray, Brittan, Dampier, Davis, Fooks, Hall, Moorhouse, Ollivier, Packer, Rhodes, Sewell, Tancred, Thomson, Ward, Westenra.

The Speaker in the chair.

The petition of Charles Sidey was presented, read, and received.

The following Address to his Honor the Superintendent was adopted :—

“SIR,—

“The Provincial Council thank your Honor for the Address with which the present Session has been opened.

“They take the earliest opportunity of conveying to your Honor the expression of their sincere sorrow for the illness which has prevented your Honor from meeting the Council in person, and they earnestly hope that it may be the will of Providence to grant you a speedy restoration to health.

“The Council concur with your Honor in the regret expressed by you at the retirement of Mr. Godley from the Agency of this Province, and they gladly avail themselves of this opportunity of acknowledging, with your Honor, the deep sense of obligation they entertain for his long-continued and valuable services.

“The Council recognize the circumstances referred to by your Honor as rendering it expedient to convene the Council at this time, and they assure your Honor that they will give their best deliberation and judgment to whatever Measures may be submitted to them.”

Mr. Speaker, the Chairman of Committees, and the Provincial Secretary were appointed a Deputation to convey the Reply to his Honor.

A Select Committee was appointed to consider the state and progress of Public Works, and the means likely to be at the disposal of the Government for carrying on the same. Such Committee to consist of Messrs. Sewell, Bray, Thomson, Hall, and Brittan. To report on Friday next.

Motion was granted that a Select Committee be appointed to inquire into the Administration of Justice in the Province of Canterbury, such Committee to consist of the Resident Magistrate, Messrs. Packer, Blakiston, Hall, and Thomson. To report on this day fortnight.

The addition was granted of the following names :—Messrs. Hamilton, Sewell, Dampier, and Ollivier.



A Motion for the reappointment of the Cattle Trespass Committee of last Session was withdrawn by leave.

A Standing Committee was appointed to make arrangements for the transaction of business and the accommodation of Members, such Committee to consist of Messrs. J. Bealey, Fooks, Tancred, Ollivier, Hamilton, Hall, Thomson, Sewell, Westenra.

Leave was given to bring in a "Bill to Regulate the Public Beach Roads and River Road Reserves of the Province."

The Council adjourned at 1.35 p.m., until Tuesday next.

TUESDAY, 4TH MARCH, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. S. Bealey, Bowen, Bray, Brittan, Cookson, Dampier, Davis, Donald, Fooks, Hall, Hamilton, Moorhouse, Ollivier, Packer, Tancred, Thomson, Ward, Westenra.

A Petition of Mr. Grub was not received, as being contrary to Standing Orders Nos. 150, 152.

A "Public House Bill" was laid on the table.

Leave was given to bring in a Bill "to Provide for the Making and Repairing of Roads and Drains within the Province of Canterbury."

The Bill was read a first time.

Leave was given to bring in a Bill for "Regulating the use of Public Roads and the Prevention of certain Offences thereon."

The Bill was read a first time.

The Notice of Motion for Returns relating to Public Works lapsed.

The Notice of Motion for leave to bring in a "Sidey's Improvement Bill" was renewed for Thursday next.

The following Papers were laid upon the table:—

No. 9, relating to Immigration.

Nos. 10 and 11, relating to Finance.

The Council adjourned at 6.50 p.m., until Thursday next.

THURSDAY, 6TH MARCH, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, Hall, Dampier, Donald, Ward, Blakiston, Moorhouse, Ollivier, Davis, Bray, J. Bealey, Sewell, Packer, Thomson, Fooks, Brittan, Hamilton, Tancred, Bowen, S. Bealey, Rhodes, Westenra.

The Speaker in the chair.

Motion was negatived "For a Return of the amount expended according to the vote of the Council for the Entertainment of his Excellency the Governor, setting forth what portion of the sum of £200 voted for such purpose has been expended upon the private entertainments of his Honor the Superintendent, upon the Public Receptions at the Council Chamber, at the Dinner at Lyttelton, and at the Ball at Christchurch."

Motion was withdrawn, by leave, upon debate, "For a copy of any Medical Certificate as to the state of health of Mackenzie, which was furnished previous to his release; and for copies of any other Official Documents showing the grounds upon which his Excellency the Governor has been advised to extend to Mackenzie the Royal Prerogative of Mercy."

Motion was granted "That all Correspondence between the Provincial Government and the Contractors, for raising the steamer Alma, be laid upon the table."

Leave was given to bring in a "Public House Bill."

The Bill was read a first time.

The "Public Beach and River Road Reserves Bill" was read a first time and ordered to be printed.

Leave was given to bring in an "English Agents' Bill."

The Bill was read a first time.

Leave was given to bring in a "Sidey's Improvement Bill."

The Council adjourned at 7.25 p.m., until Friday next.

FRIDAY, 7TH MARCH, 1856.

The Council met pursuant to adjournment.

Members present—Messrs. Dampier, Cookson, Hall, Rhodes, Ward, Ollivier, Sewell, Davis, Packer, Thomson, Brittan, Hamilton, Bowen, Moorhouse, Tancred, Blakiston, Barker, Fooks, J. Bealey, Bray, Westenra.

A Petition of John Thacker was presented, read and received.

Motion was proposed "That the Road Bill be read a second time."

Amendment was negatived upon division, "That that Bill be read a second time on the 14th day of March."

Ayes, 4: Messrs. Davis, Ollivier, Packer, Westenra. Noes, 14: Messrs. Barker, Blakiston, Bray, Brittan, Cookson, Dampier, Hall, Hamilton, Moorhouse, Rhodes, Sewell, Tancred, Thomson, Ward.

The original question was granted.

The Bill was read a second time.

The Council in Committee to consider Resolutions on Planting.

Motion was proposed "The Council having taken into consideration the desirability of affording encouragement to the growth of timber within the Province of Canterbury, approves of the following Resolutions as the basis of a Legislative Enactment having this object in view."

A motion "To report progress" was withdrawn by leave.

Amendment was granted "The Council having taken into consideration the subject of encouraging the growth of timber within the Province of Canterbury, considers it to be a Measure to which the attention of the Government should be directed, and form the basis of some Legislative Enactment."

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 2.10 p.m., until Tuesday next.

TUESDAY, 11TH MARCH, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, J. Bealey, S. Bealey, Bowen, Bray, Brittan, Cookson, Dampier, Donald, Fooks, Hall, Hamilton, Ollivier, Packer, Sewell, Tancred, Thomson, Westenra.

The Speaker in the chair.

The Chairman of Committees brought up the Report of a Committee of the whole Council.

The Report was read.

"The Council having taken into consideration the subject of encouraging the growth of timber within the Province of Canterbury, consider it to be a Measure to which the attention of the Government should be directed, and form the basis of some Legislative Enactment."

A Memorial from Thomas Hichens was presented, read and received.

“Motion was granted “That the Claims of the Contractors for raising the steamer Alma, be referred to a Select Committee, such Committee to consist of Messrs. Ollivier, Thomson, Brittan, Davis, Donald. To report this day week.”

The “Sidey’s Improvement Bill ” was read a first time.

The Council in Committee to consider “ The English Agent’s Bill.”

The clauses passed as read.

The Speaker in the chair.

The Chairman reported the Bill.

Leave was given to the Chairman of the Committee on Public Works to bring up the Report of the Committee.

The Report was brought up, read, and adopted.

The “ Public House Bill ” was read a second time.

The Council in Committee on the “ Roads Bill.”

Clause 1 considered.

An Amendment was proposed and withdrawn by leave.

Consideration of the clause was postponed.

Clause 2 considered.

Amendment was negatived upon division “ To leave out the words ‘ during his pleasure,’ and substitute the words ‘ until removal by Warrant, under the hand of his Honor the Superintendent, with the advice and consent of the Executive Council.’ ”

Ayes, 8 : Messrs. Cookson, Donald, Hall, Ollivier, Packer, Sewell, Thomson, Westenra. Noes, 9 : Messrs. Barker, J. Bealey, S. Bealey, Bowen, Bray, Brittan, Dampier, Hamilton, Tancred.

The clause was ordered to be expunged.

Clause 3 considered.

Amendment was carried upon division “ To omit in line eight the words ‘ and instructions.’ ”

Ayes, 9 : Messrs. J. Bealey, Bowen, Bray, Donald, Hall, Ollivier, Packer, Thomson, Westenra. Noes, 8 : Messrs. Barker, S. Bealey, Brittan, Cookson, Dampier, Hamilton, Sewell, Tancred.

The clause passed as amended, the words ‘ for such purpose ’ being omitted.

Clauses 4, 5 passed as read.

Clause 6 considered.

Amendment was negatived upon division, “ To omit the sentence from the words ‘ subject nevertheless,’ to the word ‘ Engineer.’ ”

Ayes, 8 : Messrs. J. Bealey, Bowen, Bray, Donald, Hall, Ollivier, Packer, Westenra. Noes, 8 : Messrs. Barker, S. Bealey, Brittan, Cookson, Dampier, Hamilton, Sewell, Tancred.

The Chairman decided in favour of the Noes.

A Motion to report progress was negatived.

The clause as amended was put.

Amendment was carried upon division “ After the word ‘ roads ’ to insert the words ‘ not being main roads ; ’ and after the word ‘ drains,’ insert the words ‘ not being main drains.’ ”

Ayes, 8 : Messrs. Barker, S. Bealey, Bray, Dampier, Hall, Ollivier, Packer, Westenra. Noes, 6 : Messrs. Bowen, Brittan, Cookson, Hamilton, Sewell, Tancred.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 9.30 p.m., until Thursday next.

THURSDAY, 13TH MARCH, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Hall, Packer, Bray, Brittan, Westenra.

There not being a quorum of Members present, the Clerk declared the Council adjourned until Friday next.

FRIDAY, 14TH MARCH, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, Blakiston, Bowen, Brittan, Cookson, Dampier, Davis, Fooks, Hall, Ollivier, Rhodes, Tancred, Thomson, Westenra.

Leave of absence was given to Mr. Rhodes to the end of the Session.

The Council adjourned at 11.30 a.m., until Tuesday next.

TUESDAY, 18TH MARCH, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, Bray, Hall, Davis, Sewell, Thomson, Fooks, Brittan, Tancred, Bowen, Dampier, Ollivier, Packer, Hamilton, S. Bealey, Cookson, Blakiston, Donald, J. Bealey, Westenra.

The following Papers were laid upon the table:—

No. 12, relating to the steamer Alma.

No. 13, relating to Finance.

A Petition of certain Owners and Occupiers of land in the vicinity of the South Christchurch Road was presented, read, and received.

The "English Agent's Bill" was read a third time, passed, and numbered No. 1.

The following Reply of his Excellency the Governor to the Address of the Provincial Council, was ordered to be entered in the Journal of the Council:—

"TO THE PROVINCIAL COUNCIL OF THE PROVINCE OF CANTERBURY,  
"MR. SPEAKER AND GENTLEMEN,

"I thank you much for the gratifying Address which you have presented to me on the present occasion, and I accept, on behalf of her Majesty, your assurances of loyalty and attachment to her throne and person.

"The capabilities of this Province, and the progress it has made in so short a period, have exceeded my expectations, though I was prepared to see a most flourishing Settlement, and the evident prosperity of your population is the more gratifying from the contrast it affords to the poverty which prevails to so great an extent in our native land.

"I very much regret the financial difficulties which have perplexed your relations with the central Government, but trust that the next Assembly will devise some plan to obviate them in future.

"I also regret the sudden suspension of Revenues which had been calculated on for the execution of Public Works. I trust, however, this was but of short duration, as I lost no time, after my arrival, in giving effect to the Resolutions of the House of Representatives on that subject.

"I am aware of the great inconvenience and the difficulties attendant on the distance of the Seat of Government from this Province, and am now engaged in making arrangements by which postal communication will be considerably hastened.

"The removal of the Seat of Government; the adjustment of claims to Revenue; the legal security for that Revenue, are subjects which I could not entertain satisfactorily to you or to myself until I am enabled to call to my Council Advisers possessing the confidence of the Assembly.

"You do but judge me rightly in believing that I am actuated by no idle curiosity in visiting your Province, but I do so from a desire to see and become acquainted with all that affects the welfare and happiness of its Inhabitants.

"I beg again to thank you most sincerely for your kind congratulations, for your flattering allusions to the past, and, above all, for the liberal hospitality I am receiving at your hands, and to assure you that to aid in the advancement and prosperity of this important Colony, is the object of my ambition and the earnest desire of my heart.

"T. GORE BROWNE."

The Council in Committee on the "Road Bill."

Clause 6 as amended was put.

Amendment was carried upon division, to substitute in lieu of clause 6, the following: "It shall be the duty of the Way Warden, so far as the moneys in his hands, from time to time, applicable to the purpose may admit, to provide for the making and keeping in repair of any roads and drains within his district, and of any works necessary to the maintenance and construction thereof, for which a Rate or Rates have been made by the Ratepayers of the district. Provided always, that in the construction or repair of any main road or main drain, or in anything affecting the general arterial drainage of the Province, the Way Warden shall conform to such advice and instructions as he may from time to time receive from the Provincial Engineer."

Ayes 14: Messrs. J. Bealey, Bowen, Bray, Brittan, Cookson, Dampier, Davis, Donald, Hall, Hamilton, Ollivier, Packer, Tancred, Westenra. Noes 4: Messrs. Barker, S. Bealey, Blakiston, Sewell.

The clause as amended was put.

Amendment was carried upon division, "To insert the words 'subject nevertheless to such advice and instructions as he may from time to time receive from the Provincial Engineer,' and omit from 'provided always,' to the end of the clause."

Ayes 12: Messrs. Barker, S. Bealey, Blakiston, Brittan, Cookson, Davis, Dampier, Donald, Hamilton, Sewell, Tancred, Thomson. Noes 7: Messrs. J. Bealey, Bowen, Bray, Hall, Ollivier, Packer, Westenra.

The Clause passed as amended.

Clause 7 was deferred.

Clauses 8, 9, 10, 11, 12, 13, 14, 15 passed as read.

Clause 16 was amended.

The Chairman was ordered to report progress.

Upon division: Ayes 7: Messrs. Barker, J. Bealey, Blakiston, Bray, Dampier, Davis, Sewell. Noes 6: Messrs. Brittan, Cookson, Hall, Hamilton, Ollivier, Tancred.

The Speaker in the chair.

The further Notices on the Order of the Day were discharged.

The Council adjourned at 10 p.m., until Wednesday next.

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WEDNESDAY, 19TH MARCH, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Dampier, Barker, Hall, Cookson, Ollivier, Davis, Sewell, Thomson, Brittan, Tancred, Hamilton, Blakiston, Fooks, Bray, Westenra.

The Speaker in the chair.

The Council in Committee on the "Public House Bill."

Clauses 1, 2, 3, 4, 5 passed as read.

Clause 6 was deferred.

A new clause, proposed to be inserted, was negatived upon division, "There shall be within the Province of Canterbury certain Licensing Districts, to be from time to time constituted for the purposes of this Ordinance, by Ordinance of the Superintendent and Provincial Council; and the several districts set forth and described in Schedule — to this Ordinance shall be, and the same are hereby declared to be Licensing Districts, within the meaning of this Ordinance."

Ayes, 7: Messrs. Barker, Blakiston, Davis, Hall, Ollivier, Packer, Westenra. Noes, 9: Messrs. Bowen, Bray, Brittan, Cookson, Dampier, Hamilton, Sewell, Tancred, Thomson.

The Council resumed at 2 p.m., and adjourned until 4 p.m.

The Council reassembled and went into Committee on the "Public House Bill."

Clauses 7, 8, 9, 10, 11, 12 passed as read.

Clause 6 considered.

Amendment was carried upon division, "To insert 'fourth Wholesale Licenses in the form in Schedule D hereto annexed.'"

Ayes, 8: Messrs. Blakiston, Bowen, Brittan, Dampier, Hamilton, Packer, Tancred, Thomson. Noes, 5: Messrs. Barker, Davis, Hall, Ollivier, Westenra.

Clause 6 passed as amended.

Clauses 13, 14, 15, 16 passed as read.

Clause 17 considered.

Amendment was negatived upon division, "To expunge the words 'Superintendent, with the advice of the Executive Council,' and substitute the words 'Resident Magistrate or any two Justices of the Peace.'"

Ayes, 6: Messrs. Blakiston, Davis, Ollivier, Packer, Thomson, Westenra. Noes, 7: Messrs. Barker, Bowen, Bray, Brittan, Hamilton, Tancred, Dampier.

Clause 18 passed as read.

A new clause was inserted as clause 19.

Clause 19 passed as read.

Clause 20 considered.

Amendment was negatived upon division, "After the words 'Good Friday' to add the words 'except between the hours of one and five in the afternoon.'"

Ayes, 4: Messrs. Blakiston, Hall, Ollivier, Thomson. Noes, 10: Messrs. Barker, Bowen, Bray, Brittan, Dampier, Davis, Hamilton, Packer, Tancred, Westenra.

Amendment was carried upon division, "After the word 'any' in the seventh line to add the word 'other,' and substitute 'eleven' for ten."

Ayes, 8: Messrs. Blakiston, Bray, Davis, Hall, Ollivier, Packer, Thomson, Westenra. Noes, 6: Messrs. Barker, Bowen, Brittan, Dampier, Hamilton, Tancred.

Amendment was negatived "In the fourteenth line to strike out the words 'five pounds nor more than twenty pounds,' and substitute 'two pounds nor more than five pounds for the first offence, or less than five pounds or more than ten pounds for the second or any subsequent offence.'"

Amendment was negatived "To strike out the words 'twenty pounds' in the fifteenth line and substitute 'ten pounds.'"

Amendment was negatived upon division, "To strike out the word 'seven' and substitute the word 'three.'"

Ayes, 3: Messrs. Dampier, Ollivier, Thomson. Noes, 11: Messrs. Barker, Blakiston, Bowen, Bray, Brittan, Davis, Hall, Hamilton, Packer, Tancred, Westenra.

Amendment was granted "In line twenty-seven to add the words 'outer or street door leading to the.'"

Amendment was negatived upon division, "In line twenty-two to omit the words 'and shall' to the end of the sentence."

Ayes, 3: Messrs. Dampier, Ollivier, Thomson. Noes, 11: Messrs. Barker, Blakiston, Bowen, Bray, Brittan, Davis, Hall, Hamilton, Packer, Tancred, Westenra.

Amendment was granted "To substitute 'five' for 'seven.'"

Clause 20 passed as amended.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 8 p.m., until Thursday next.

THURSDAY, 20TH MARCH, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Hall, Bray, Bowen, Donald, Ollivier, Davis, Blakiston, Packer, Thomson, Brittan, Tancred, Hamilton, Fooks, J. Bealey, Barker, Westenra.

The Speaker in the chair.

The Council in Committee of Supply.

The Speaker in the chair.

The Chairman reported progress.

Motion was granted "That a Select Committee, to be called the 'Standing Orders Committee,' be appointed at the commencement of each Session of this Council. That such Committee for the present Session do consist of Mr. Speaker, Messrs. Brittan, Blakiston, Dampier, Fooks ;

"Also, That any Member of this Council acting as the Professional Agent of a Bill about to be introduced into it, is calculated to interfere with that independence which should characterize its proceedings.

"That the Resolution be referred to the Standing Orders Committee, to draw up an Order to prevent such proceeding. The Committee to report on Wednesday next."

The Council adjourned until Wednesday next.

WEDNESDAY, 26TH MARCH, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, Bowen, Bray, Brittan, Dampier, Davis, Fooks, Hamilton, Ollivier, Packer, Thomson, Westenra.

The Speaker in the chair.

Motion was negatived "That the Council do resolve into Committee on the 'Public House Bill.'"

The Council adjourned until 3 p.m.; at which hour the Council re-assembled and went into Committee on the "Public House Bill."

Clause 21 passed as read.

Clauses 22, 23, 24 passed as amended.

Clause 25 passed as read.

Clause 26 considered, and proposed to stand part of the Bill.

Ayes, 6: Messrs. Barker, Bowen, Bray, Brittan, Hamilton, Tancred. Noes, 6: Messrs. Davis, Dampier, Ollivier, Packer, Thomson, Westenra.

The Chairman decided in favour of the Noes.

The clause was ordered to be struck out.

Clause 27 considered and proposed to stand part of the Bill.

Ayes, 6: Messrs. Barker, Bowen, Bray, Brittan, Hamilton, Tancred. Noes, 6: Messrs. Dampier, Davis, Ollivier, Packer, Thomson, Westenra.

The Chairman decided in favour of the Ayes.

Clauses 28, 29, 30 passed as amended.

Clauses 31, 32. The Preamble and Title passed as read.

The Speaker in the chair.

The Chairman reported progress.

The further Orders of the Day were discharged.

The Council adjourned until Thursday next.

THURSDAY, 27TH MARCH, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, Blakiston, Bowen, Brittan Dampier, Davis, Fooks, Hall, Hamilton, Ollivier, Tancred, Ward, Westenra.

The Speaker in the chair.

The Council in Committee to consider the Schedules of the "Public House Bill."

The Schedules passed as read.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee of Supply.

The Estimates for Education and Public Works were considered.

Vote was proposed, For making the Prison Labour	} £200	0	0
available on Works on Gollan's Bay Road... ..			

Amendment was negatived upon division:

For Improvements of the Public Roads of the town of	} £200	0	0
Lyttelton, in conjunction with the Prison Labour...			

Ayes, 4: Messrs. Blakiston, Dampier, Davis, Ollivier. Noes, 7: Messrs. Bowen, Brittan, Hall, Hamilton, Tancred, Ward, Westenra.

Vote was taken, for making the Prison Labour available	} £200	0	0
on Works on Gollan's Bay Road ... ..			

At 9.5. p.m., Motion to report progress was negatived upon division. Ayes, 4: Messrs. Blakiston, Dampier, Davis, Ollivier. Noes, 7: Messrs. Bowen, Brittan, Hall, Hamilton, Tancred, Ward, Westenra.

The Speaker in the chair.

The Chairman reported progress.

The Notices of Motion in the name of Mr. Brittan were discharged.

The "Sidey's Improvement Bill" was referred to a Select Committee, to consist of Messrs. Blakiston, Ollivier, Brittan, Thomson, Dampier; with power to call for Papers, Persons, and Reports. To report on Thursday next.

The name of Mr. Fooks was substituted for that of Mr. Dampier.

Motion was withdrawn, by leave, "That extension of time be granted to the Committee on the Administration of Justice, to the 9th April."

Amendment was withdrawn "That the names of Messrs. Tancred and Hall be discharged from the Committee."

The Council adjourned at 10.5. p.m., until Friday next.

FRIDAY, 28TH MARCH, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Blakiston, Brittan, Bowen, Dampier, Davis, Hall, Hamilton, Ollivier, Tancred, Thomson, Ward, Westenra.



The Speaker in the chair.

The Memorial of J. L. Thacker was read.

Motion was granted "That this Council, having taken into its consideration the Memorial of John Edward Thacker, praying to be relieved from his debt to the Provincial Government on account of the Alma steamer, is of opinion that the same should be complied with."

Motion was negatived upon division, "That his Honor the Superintendent be requested to place upon the Estimates a vote of £24, for the payment of wages due to the Captain of the Alma, and for which he claims to have a lien upon the vessel."

Ayes, 2: Messrs. Davis, Ollivier. Noes, 8: Messrs. Blakiston, Brittan, Dampier, Hall, Hamilton, Tancred, Ward, Westenra.

The Council in Committee on the "Road Offences Bill."

Mr. Ward in the chair.

The first section of clause 1 passed as read.

At 12.45 p.m., the Committee was counted. Present: Messrs. Dampier, Bowen, Westenra, Ollivier, Hamilton, Ward.

The Speaker in the chair.

The Chairman reported that a quorum was not present.

The Council adjourned at 12.50 p.m., until Tuesday next.

TUESDAY, 1ST APRIL, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, S. Bealey, Blakiston, Bowen, Brittan, Dampier, Davis, Donald, Hamilton, Ollivier, Thomson, Ward, Westenra.

The Speaker in the chair.

Leave was given to bring in an "Appropriation Bill."

The Council in Committee on the "Road Bill."

Mr. Dampier in the chair.

Clause 16 passed as amended.

Clause 17 considered.

Amendment was negatived upon division, "To strike out the words 'from time to time appointed by the Superintendent, and shall hold Office during his pleasure,' and insert the words 'at the first election be appointed by the Superintendent.'"

Ayes, 4: Messrs. Blakiston, Donald, Ollivier, Westenra. Noes, 7: Messrs. Barker, S. Bealey, Bowen, Brittan, Hamilton, Thomson, Ward.

Clauses 17 and 18 passed as read.

Clauses 19 and 20 passed as amended.

Clauses 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 passed as read.

Clause 38 considered.

Amendment was carried upon division, "To strike out the words 'within one year,' and the rest of the clause from the words 'may be due.'"

Ayes, 7: Messrs. Barker, Blakiston, Bowen, Donald, Ollivier, Ward, Westenra. Noes, 5: Messrs. S. Bealey, Brittan, Davis, Hamilton, Thomson.

The word "six" was substituted for the word "one."

Clause 38 passed as amended.

Clause 39 was struck out.

Clauses 40, 41 passed as read.

The consideration of clause 42 was postponed.

Upon division, Ayes, 7: Messrs. Barker, Blakiston, Davis, Donald, Ollivier, Thomson, Westenra. Noes, 4: Messrs. Bowen, Brittan, Hamilton, Ward.

Clause 41 was re-considered.

Amendment was negatived upon division, "To insert the words 'other than a roadside ditch.'"

Ayes, 5: Messrs. Barker, Blakiston, Davis, Ollivier, Westenra. Noes, 6: Messrs. Bowen, Brittan, Donald, Hamilton, Thomson, Ward.

Clause 42 passed as read.

The Speaker in the chair.

The Chairman reported progress.

Motion was withdrawn, by leave, "That his Honor the Superintendent be respectfully requested to place on the Estimates a sum of money, for enabling the Inhabitants of Akaroa to re-build the bridges, and make passable the only thoroughfare in the town of Akaroa. Also, to enable the Inhabitants of the principal Bays around the Peninsula to form bridle-paths to Akaroa, not only for their benefit, but for the benefit of the whole Province, in opening for selection and sale some of the finest land and timber districts in the Peninsula."

Motion was withdrawn, by leave, "That proper steps be taken by the Government to form a Pilot Station in Little Port Cooper, and a Beacon on Adderley Head."

Motion was granted "That an Address be presented to his Honor the Superintendent, praying him to place upon the Estimates a sum of £40, for bridges upon the Kaiapoi and Harewood Road."

The Council adjourned at 9.55 until Wednesday next.

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WEDNESDAY, 2ND APRIL, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Dampier, Cookson, Ward, Ollivier, Blakiston, Davis, Fooks, Brittan, Hamilton, Bowen, Thomson, Barker, Westenra.

The Speaker in the chair.

The Report of the Alma Committee was brought up and adopted.

The Council in Committee of Supply.

The following Resolution passed, and was ordered to be reported:—"That a sum not exceeding £1,687 14s. 11d. be transferred from the Capital Account to the Interest Account of the Canterbury Association's Debentures Account, for the purpose of repaying the Advance made from the Provincial Chest, for the first year's interest on the Debentures."

The Speaker in the chair.

The Resolution was reported, adopted, and ordered to be forwarded to his Honor the Superintendent.

The Council in Committee to re-consider the "Public House Bill."

Clause 1 re-considered.

Amendment was proposed and withdrawn.

Amendment was negatived "That 'four gallons' be substituted for 'two gallons,' in this clause."

Clause 6 was re-considered, and all the words relating to Wholesale Licences were struck out.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned until Friday next.

FRIDAY, 4TH APRIL, 1856.

The Council met pursuant to adjournment.

Members present : Messrs. Barker, S. Bealey, Blakiston, Bowen, Brittan, Dampier, Fooks, Hamilton, Ollivier, Ward, Westenra.

The Speaker in the chair.

The Petition of certain Occupiers of Land adjoining and in the neighborhood of the Ferry Road, praying for the Improvement of the Drainage of their district, was presented, read, and received.

The "Sidey's Improvement Bill" was withdrawn, and the Committee on that Bill discharged.

The "Beach Road Reserves Bill" was withdrawn.

Motion was granted "That an Address be presented to his Honor the Superintendent, praying him to place upon the Estimates a sum of money sufficient for cutting a drain to release the immense surplus of water which, under the present system of drainage, falls into the ditches on both sides of the Ferry Road, from large districts on the South-east and North-east of Christchurch, to the serious detriment of crops grown in those districts which adjoin the Ferry Road."

Motion was granted "That his Honor the Superintendent be respectfully requested to place on the Estimates the sum of £9, for the payment of the carriage of the spars from Riccarton to raise the Alma."

The "Appropriation Bill" was read a first time.

The Council in Committee on the "Road Bill."

Clause 7 considered.

Amendment was negatived upon division, "To substitute the word 'Rate-payers' for the word 'Waywarden.'"

Ayes, 3 : Messrs. Dampier, Ollivier, Westenra. Noes, 7 : Messrs. Barker, S. Bealey, Blakiston, Bowen, Brittan, Hamilton, Ward.

The Speaker in the chair.

The Chairman reported the Bill.

The "Offences on Roads Bill" was withdrawn.

The Council in Committee on the "Public House Bill."

Clause 1 was amended.

The Speaker in the chair.

The Chairman reported the Bill.

The Council adjourned at 8 p.m., until Thursday next.

THURSDAY, 10TH APRIL, 1856.

The Council met pursuant to adjournment.

Members present : Messrs. Barker, S. Bealey, Bowen, Bray, Brittan, Davis, Fooks, Hamilton, Moorhouse, Ollivier, Thomson, Ward, Westenra.

The Speaker in the chair.

The Memorial of certain undersigned Owners and Occupiers of land in the Riccarton District, praying for the improvement of the Upper Lincoln Road, was presented, read, and received.

A Petition of certain Owners and Occupiers of land praying the Council not to persevere in the attempt to pass the "Road Bill" was presented, read, and received.

Motion was granted "That the following Rule be adopted and inserted in the Standing Rules as 122a: 'No Petition for any Private Bill shall be received for which any Member of the Council shall have been employed professionally as Agent.'"

## The Council in Committee of Supply.

The items in excess of Expenditure, to 15th March, were considered.

		£	s.	D.
Vote was taken,	Superintendent's Department ...	4	19	0
"	Provincial Secretary's Department ...	58	14	8
"	Provincial Treasurer's Department ...	21	6	6
"	Provincial Auditor's Department ...	2	3	6
"	Registration Department ...	75	16	6
"	Sheriff's Department ...	320	10	3
"	Police Department ...	40	2	0
"	Medical Department ...	124	0	0
"	Charitable Aid ...	58	19	5
"	Harbour ...	3	12	8
"	Printing ...	112	2	1
"	Education ...	205	8	9
"	Akaroa Bridle Path ...	106	10	0
"	Road South of Christchurch ...	92	5	3
"	Avon Bridges ...	20	4	5
"	North Road ...	157	1	1
"	Sumner Beacon ...	50	13	6
"	Furniture for Offices ...	2	8	11
"	Current Repairs of Roads ...	42	9	11
"	Lock-up, Christchurch ...	9	11	8
"	Timber Stores ...	157	2	0
"	Market-place Bridge ...	254	5	0
"	Bridge over the Heathcote ...	50	16	8
"	Miscellaneous Works ...	69	2	1
"	New Council Chamber ...	35	0	0
"	Miscellaneous ...	165	5	11
"	Census ...	54	7	6
"	Canterbury Association, Capital Account	139	10	7
"	Canterbury Association, Interest Account	1687	14	11

The items on the Estimates of Expenditure were considered.

Vote was taken,	Superintendent's Office ...	550	0	0
"	Provincial Council ...	485	0	0
"	Provincial Secretary's Department ...	520	0	0
"	Provincial Treasurer's Department ...	200	0	0
"	Provincial Auditor's Department ...	100	0	0
"	Provincial Solicitor's Department ...	300	0	0
"	Registration Department ...	440	0	0
"	Supreme Court Department ...	50	0	0
"	Resident Magistrate's Department ...	344	5	0
"	Sheriff's Department ...	687	15	0
"	Police Department ...	1019	5	0
"	Medical Department ...	540	0	0
"	Coroner's Department ...	40	0	0
"	Harbour Department ...	327	10	0
"	Inspector of Sheep ...	400	0	0
"	Printing, Stationery, &c. ...	400	0	0
"	Miscellaneous Charges ...	175	0	0
"	Akaroa ...	293	0	0
"	Immigration ...	360	0	0
"	To meet the credit at the Union Bank, on the personal guarantees of the Members of the Government	1500	0	0
"	Immigration—To be remitted to England	1500	0	0
"	Education—To be expended under the provisions of the "Education Ordinance."	1300	0	0

	£	s.	d.
Vote was taken, Provincial Engineer's Department ...	450	0	0
"    North Road, between Papanui and the	500	0	0
Ferry ... ..			
"    Ferry Road ... ..	2100	0	0
"    Governor's Bay Road—To make Prison	300	0	0
Labor available ... ..			
"    Gollan's Bay Road—To make Prison	200	0	0
Labor available ... ..			
"    Current Repairs of Roads ... ..	350	0	0
"    Road South of Christchurch ... ..	50	0	0
"    Rakaia Ferry ... ..	300	0	0
"    Metalling Sumner Road ... ..	2000	0	0
"    Avon Cutting ... ..	450	0	0
"    Buoy and Ball, Sumner ... ..	30	0	0
"    Staking out the Heathcote ... ..	50	0	0

Further items of Expenditure in excess, to 31st March, were considered.

Vote was taken, Registration Department ... ..	16	13	4
"    Medical Department ... ..	3	0	0
"    Charitable Aid Department ... ..	1	0	8
"    Harbour Department ... ..	1	5	0
"    Blasting Powder—Public Works ... ..	560	9	9
"    Freight of Timber ... ..	21	5	0
"    Lyttelton Jetty—Repairs ... ..	56	5	0

The Speaker in the chair.

The Resolutions passed in Committee were reported and adopted.

The Council in Committee on the "Road Bill."

Clause 20 passed as amended.

Upon division, Ayes, 6: Messrs. S. Bealey, Bowen, Bray, Brittan, Hamilton, Ward. Noes, 5: Messrs. Barker, Davis, Ollivier, Thomson, Westenra.

The Speaker in the chair.

The Chairman reported the Bill as amended.

Motion was proposed "That the Bill be read a third time."

Amendment was negatived upon division, "That the Bill be read a third time this day three months."

Ayes, 6: Messrs. Barker, Bray, Davis, Moorhouse, Ollivier, Westenra. Noes, 6: Messrs. Bealey, Brittan, Fooks, Hamilton, Thomson, Ward.

The Speaker decided in favor of the Noes.

The Bill was read a third time, passed, and numbered No. 2.

The Council in Committee on the "Public House Bill."

Clause 1 was ordered to be reconsidered.

Upon division, Ayes 9: Messrs. Barker, S. Bealey, Bowen, Bray, Brittan, Hamilton, Moorhouse, Thomson, Ward. Noes 3: Messrs. Davis, Ollivier, Westenra.

Amendment was carried upon division, "In line fourteen to strike out the words 'provided always' to the end of the clause, and to substitute other words."

Ayes 9: Messrs. Barker, S. Bealey, Bowen, Bray, Brittan, Hamilton, Moorhouse, Thomson, Ward. Noes 3: Messrs. Davis, Ollivier, Westenra.

The Speaker in the chair.

The Bill was reported as amended.

The "Appropriation Bill" was read a second time.

Motion was granted "That Mr. Speaker be requested to direct to be laid before the Council a Report, shewing the names of the Members who have absented

themselves during the present Session beyond the period named in the Standing Orders; shewing the number of days each such Members may have been absent beyond the authorized period."

The Council adjourned at 9.50 p.m., until Thursday next.

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THURSDAY, 17TH APRIL, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Bowen, Bray, Ward, Ollivier, Barker, Fooks, Brittan, Dampier, Moorhouse, Westenra.

The Speaker in the chair.

Motion was granted "That an Address be presented to his Honor the Superintendent, praying that he will place upon the Estimates a sum not exceeding £120, for the purpose of effectually draining the Riccarton Road."

Motion was granted "That his Honor the Superintendent be recommended to reserve certain lands for the sites of the towns of Akaroa and Timaru, with the reserves for public purposes therein, so far as the sections are laid out.

"That the sections in the town of Akaroa be laid out from one eighth of an acre to an acre each in size, and that the upset price be after the rate of £48 per acre.

"That the sections in the town of Timaru be laid out in quarter-acre sections, more or less, according to the ground, the upset price to be after the rate of £48 per acre."

The "Public House Bill" was read a third time, passed, and numbered No. 3.

The Council in Committee on the "Appropriation Bill."

The Bill passed as read.

The Speaker in the chair.

The Chairman reported the Bill.

The Standing Orders relating to the passing of Bills were suspended.

The "Appropriation Bill" was read a third time, passed, and numbered No. 4.

The Council adjourned at 7.4 p.m., until Wednesday, 21st May.

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WEDNESDAY, 21ST MAY, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Dampier, Barker, Moorhouse, Ollivier, Fooks, Brittan, Bowen, Westenra.

The Speaker in the chair.

Notices of Motion were given.

The Council adjourned at 11.35 a.m., until Thursday next.

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THURSDAY, 22ND MAY, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Dampier, Barker, Bray, Blakiston, Rhodes, Ollivier, Cookson, Davis, Fooks, Packer, Donald, Brittan, Hamilton, Bowen, J. Bealey, S. Bealey, Brittan, Thomson, Westenra.

The Speaker in the chair.

A Petition from certain Inhabitants of Christchurch against the claims of Holders of Pre-emptive Rights was presented, read and received.

A Petition from certain Inhabitants and Occupiers of land in the town of Lyttelton and its vicinity, against the claims of Holders of Pre-emptive Rights, was presented, read and received.

Motion was proposed "That the Council do resolve itself into Committee on the Waste Lands Regulations."

Amendment was negatived upon division, "That the consideration of this question be deferred till this day three months."

Ayes, 6 : Messrs. Barker, Bray, Dampier, Fooks, Moorhouse, Westenra. Noes, 9 : Messrs. Blakiston, Brittan, Cookson, Davis, Donald, Hamilton, Ollivier, Packer, Rhodes.

The original Motion was carried upon division.

Ayes, 11 : Messrs. Blakiston, Bray, Brittan, Cookson, Davis, Donald, Hamilton, Ollivier, Packer, Rhodes, Westenra. Noes, 4 : Messrs. Barker, Dampier, Fooks, Moorhouse.

The Council in Committee on the "Waste Lands Regulations."

Motion was proposed "That clause 67 be expunged and a fresh clause substituted."

Amendment was negatived upon division, "That the consideration of clause 67 be deferred until the opinion of the Provincial Solicitor upon the question be laid before the Council."

Ayes 7 : Messrs. Barker, J. Bealey, S. Bealey, Bray, Dampier, Moorhouse, Westenra. Noes 11 : Messrs. Blakiston, Bowen, Brittan, Cookson, Davis, Donald, Hamilton, Ollivier, Packer, Rhodes, Thomson.

The original question proposed.

Motion to report progress was negatived upon division.

Ayes 6 : Messrs. Barker, Bray, Dampier, Moorhouse, Rhodes, Westenra. Noes, 12 : Messrs. J. Bealey, S. Bealey, Blakiston, Bowen, Brittan, Cookson, Davis, Donald, Hamilton, Ollivier, Packer, Thomson.

The original question proposed.

Motion to report progress was negatived upon division.

Ayes, 6 : Messrs. Barker, J. Bealey, Bray, Dampier, Moorhouse, Westenra. Noes, 12 : Messrs. S. Bealey, Blakiston, Bowen, Brittan, Cookson, Davis, Donald, Hamilton, Ollivier, Packer, Rhodes, Thomson.

The original question was carried upon division. Ayes, 11 : Messrs. Blakiston, Bowen, Cookson, Brittan, Davis, Donald, Hamilton, Ollivier, Packer, Rhodes, Thomson. Noes, 7 : Messrs. Barker, J. Bealey, S. Bealey, Bray, Dampier, Moorhouse, Westenra.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 12 p.m., until Friday next.

#### FRIDAY, 23RD MAY 1856.

The Council met pursuant to adjournment.

Members present : Messrs. Dampier, J. Bealey, Bowen, Bray, Brittan, Davis, S. Bealey, Hamilton, Moorhouse, Ollivier, Packer, Rhodes, Thomson, Blakiston, Ward, Donald, Westenra.

The Speaker in the chair.

A Petition from the Inhabitants of Papanui against the claims of Holders of Pre-emptive Rights, was presented, read, and received.

The Council in Committee on the Waste Lands Regulations.

Mr. Blakiston in the chair.

Motion was proposed "That clause 68 be expunged from the Waste Lands Regulations, and a new clause be substituted."

Amendment was negatived upon division, "That the first paragraph of clause 68 be retained."

Ayes, 2: Messrs. Bray, Dampier. Noes, 9: Messrs. J. Bealey, Bowen, Brittan, Hamilton, Moorhouse, Ollivier, Packer, Rhodes, Thomson.

The original question was put and agreed to.

An Amendment to clause 43 was negatived.

The Speaker in the chair.

The Chairman reported the Amendments to the Land Regulations. They were adopted and ordered to be transmitted to his Honor the Superintendent, with a respectful request that he will forward the same to his Excellency the Governor for his approval, and recommend them to him for adoption, in accordance with the "Waste Lands Act."

Motion was withdrawn, by leave, "For a Return of any Correspondence between the Executive Government and the Messrs. Lingard, or the terms of any Contract entered into with those persons in reference to the proposed works upon the Sumner Road, between the Ferry and Sumner."

Motion was granted "That in the opinion of this Council, the unavoidable uncertainty as to the times of Session of the Supreme Court, imposes very serious expense and inconvenience on Jurors, Witnesses and Suitors, in the Province of Canterbury.

"That as all ordinary business in the Supreme Court has now to be transacted at a place so distant and inaccessible as Wellington, delays, difficulties, and grievous additional expenses are occasioned to all persons concerned.

"That from these causes, the effective administration of civil as well as of criminal justice in the Province of Canterbury is most seriously impaired.

"That the necessities of the Province urgently require the appointment of a Resident Judge of the Supreme Court.

"That his Honor the Superintendent be respectfully requested to transmit the foregoing Resolutions to his Excellency the Governor, with such explanations as may be required, praying his Excellency to adopt Measures to secure to the Inhabitants of Canterbury a more perfect administration of the Law by the Superior Court.

"That Mr. Speaker be requested to forward copies of these Resolutions to the Honorable the Speakers of the Legislative Council, and of the House of Representatives."

Motion was withdrawn, by leave, "For a Return of any Report from the Provincial Engineer in reference to the contemplated works upon the Rakaia."

The following Address from his Honor the Superintendent was received and read:—

"The Superintendent, though rapidly recovering from a long and severe illness, regrets that he is still unable to attend the Provincial Council for the purpose of proroguing it in person.

"The Superintendent has assented, in the name and on behalf of the Governor, to the following Ordinances:—

"1. The 'English Agent's Ordinance,' Session VI.

"2. The 'Roads Ordinance,' Session VI.

"3. The 'Public House Ordinance,' Session VI.

"4. The 'Appropriation Ordinance,' Session VI.

"And will also recommend to his Excellency to issue the Additional Regulations for the Sale of Land, which have been passed by the Council.

"The Superintendent cannot but express his great regret that the Council should have been compelled to separate without settling other questions of great importance, especially without providing some immediate remedy for the great injury done to the roads by trailing timber upon them. The absence of some such remedy will cost the Province a considerable sum of money in repairs which might have been rendered needless.



“The Superintendent also regrets that his illness should have prevented his again urging on the Council the need of providing for the Education of the people. He had hoped that Canterbury would have taken the lead in a question of this nature, but he regrets to find that it will now be one of the last of the Provinces to provide for the civilisation of its Inhabitants.

“The Superintendent will take care that the sums voted by the Council shall be expended with care and economy so far as the funds in his hands will admit, but he desires that in order to avoid disappointment, it should be borne in mind that the Council has voted a much larger expenditure than the estimated Revenue of the year will cover. Should the Revenues, therefore, not exceed the estimate, much of the work contemplated by the Council must remain undone.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

The following Message, from his Honor the Superintendent, was then read:—

“I, James Edward FitzGerald, Superintendent of the Province of Canterbury, in the exercise of the powers vested in me in that behalf, do hereby this day prorogue the Provincial Council of the said Province until the Third day of March next, and the said Provincial Council is hereby prorogued accordingly.

“Given under my hand, at Christchurch, this Twenty-third day of May, in the year of our Lord, one thousand eight hundred and fifty-six.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

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**SESSION VII.**

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JOURNAL OF PROCEEDINGS  
OF THE  
PROVINCIAL COUNCIL.

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PROVINCE OF CANTERBURY, NEW ZEALAND.

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SESSION VII.

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THURSDAY, 16TH OCTOBER, 1856.

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The Council met pursuant to Proclamation of his Honor the Superintendent, bearing date 18th day of January, 1856.

Members present: Messrs. Barker, J. Bealey, S. Bealey, Blakiston, Bowen, Brittan, Cookson, Dampier, Davis, Donald, Fooks, Hall, Hamilton, Moorhouse, Morgan, Ollivier, Packer, Rhodes, Tancred, Ward, Thomson, Westenra.

His Honor the Superintendent entered the Council Chamber and delivered the following address :—

“ MR. SPEAKER AND GENTLEMEN OF THE PROVINCIAL COUNCIL,

“ Whatever inconvenience you may experience from the occurrence of another Session so shortly after your prorogation, I am sure you will admit that the occasion justifies me in requesting your attendance.

“ The subjects which will be referred to you are those only upon which immediate action has become necessary, arising out of the recent legislation of the General Assembly, and you will probably think it inexpedient to enter upon other subjects in a special and exceptional Session such as the present.

“ A copy of the Acts of the General Assembly will be laid on your table. You will see by the “ Waste Lands Act ” that full legislative power over the Waste Lands, together with the administration of the Land and Survey Departments, is transferred to the Provincial Government. Owing to certain legal and formal obstacles, the Land Fund is to remain for the present year General Revenue ; but with the exception of a fixed charge of £4,000 a-year, it is to be treated practically as any other Provincial Revenue. The costs of collection and management are to be paid as heretofore under the Governor’s Warrant, but the amounts are to be fixed by the Provincial Governments. It therefore becomes my duty to ask you to fix those amounts in the same form as the ordinary Provincial Estimates, and your votes will be carried into effect by his Excellency’s Warrants.

“ The “ Local Posts Act ” requires that you shall, by Resolution, fix the maximum amount of Postage to be charged for the conveyance of letters by local posts, and that you shall guarantee, out of Provincial Revenues, any deficiency which may arise in their maintenance. The General Government does not propose to maintain any local posts beyond Christmas next, consequently they must be re-established under the new Act after that date.

“ These two subjects alone would have rendered your attendance in Session imperative for a few days. But there is one other of more immediate importance which will demand your attention. I mean the state of the roads and Public Works, and of Immigration.

“ The settlement of the Pre-emptive Right question has been followed by the revival of a Land Revenue and the resumption of Public Works ; but the funds

likely to be at our immediate disposal will be far from sufficient to satisfy all the pressing demands which the greatly increasing traffic on the public roads is daily making on the Government. On the other hand, the final adjustment of the public burdens of the General Assembly places it in our power to offer such a security as will justify us in borrowing money for the purpose of promoting Immigration and executing the necessary Public Works. You will therefore be asked to authorize the Government to raise the sum of twenty-five thousand pounds, half to be spent in Public Works and half in Immigration. It is proposed to limit the sum to be spent on the Public Works to twelve thousand five hundred pounds, because it would not be possible efficiently to expend more than that sum in one year with the labour at our command; but the prospects of the Land Fund are such that I do not anticipate having to raise so much by way of loan. The Union Bank has undertaken to advance the sum of four thousand pounds, should the Government require it, to enable us to carry on our Public Works for the present summer, but it is proposed that the loan of twelve thousand five hundred pounds should include this advance from the Bank.

“ Estimates will be submitted to you for the expenditure of this money on the various roads, thereby opening up fresh land for sale.

“ Amongst the Public Works to be completed, the communication between the Port and the inland country stands as the most important. I am well aware that there is much dissatisfaction in the Province on this matter, a dissatisfaction in which I fully share. I am sure all thinking men are equally agreed with professional men as to the necessity of land carriage, and that the line which has been adopted is the only one available; but most persons are disappointed at the expenditure of large sums of money with no present result. I am willing to admit that it might have been wiser to have done nothing unless you were prepared to vote such sums as would have completed the whole work at once. But it is a proposition not to be questioned or gainsaid that nothing which you can do will secure anything like a rapid progress for this Province until you have provided a safe and expeditious mode for the conveyance of merchandise and agricultural produce between the inland country and the Port town.

“ It will be proposed to you to construct a railway to be worked by horse power, a plan which, if completed, will save to the farmer from twenty to thirty shillings on every ton of his produce exported. I am quite aware that in the multitude of other pressing demands it would be unacceptable to the Province generally now to vote money for this purpose. But I think the public will fully concur in the expediency of following the same course which has been successfully pursued in other countries, that is, to specially set aside a portion of the public lands, to be sold or otherwise disposed of, for the purpose of constructing a railway. A Bill will be laid before you for this purpose. The sacrifice of the required tract of land will be a very small price at which to obtain so great a benefit. And if the Council will entertain such a proposal, I have no doubt but that in about two years the railway may be in full operation, without making any further demands whatever on the ordinary Public Revenues, or delaying any of those other Public Works which are so greatly called for.

“ A very short Bill will be laid before you for making some trifling alterations in the Land Regulations, to obviate some slight practical difficulties which have arisen in their working.

“ On the subject of the Waste Lands Regulations generally, I speak the unanimous mind of the Provincial Government when I say that it is their intention, so far as their influence may prevail, to maintain those regulations in their present form. Whatever differences of opinion you may individually entertain of the expediency of particular clauses, it must be admitted that those Regulations were passed after much consideration, and that the system ought not to be altered until it has had a fair trial. Until within the last few weeks, owing to a variety of obstructions, it may be said they have not been tried at all. Nothing so surely frustrates the land sales and destroys the land revenues as the prospect of changes in the price of land and in the system of management; and it would be most unwise to disturb the settlement which has at length been effected until full

time has been allowed for the emigrating population of Great Britain and the neighbouring Colonies to become acquainted with the terms on which land in this Province can be obtained. I cannot but record my strong opinion that the maintenance of the present price of the land will, in two or three years, place this Province in a position of prosperity which it never could have attained had the land been sacrificed into the hands of speculative Purchasers and large Monopolists at low rates.

“ A short Bill, to bring the last clause of the “ Canterbury Association’s Ordinance ” into operation, by making the Debentures receivable at Land Sales, will complete the subjects to be now laid before you.

“ Although of importance, these subjects are so simple in their nature, that their consideration will not demand your prolonged attendance. Should you differ from the views which have suggested them, you will, I hope, at all events, admit that they have been proposed with a sincere desire for the welfare and progress of the Province.”

His Honor then left the Council Chamber.

The following Papers were laid upon the table :—

No. 1, Comparative Statement of Sums Voted for the Service of the Years 1856-7, and of the Expenditure Incurred in the Half-year ending 30th September, 1856.

No. 2, Estimates for the Half-year ending 31st March, 1857.

No. 3, Canterbury Association’s Estate Accounts to September 30, 1856.

No. 4, Returns relating to the Properties (late) of the Canterbury Association.

No. 5, Returns relating to Immigration from England.

The Council adjourned at 5.35 p.m., until Friday next.

FRIDAY 17TH OCTOBER, 1856.

The Council met pursuant to adjournment.

Members present : Messrs Barker, J. Bealey, S. Bealey, Blakiston, Bowen, Bray, Brittan, Dampier, Davis, Donald, Fooks, Hall, Hamilton, Moorhouse, Morgan, Ollivier, Packer, Rhodes, Tancred, Thomson, Westenra.

The Speaker in the chair.

C. B. Fooks, Esq., was elected Chairman of Committees.

The thanks of the Council were voted to Mr Hall for his present of a Chart.

The Speaker was requested to communicate this Resolution to Mr Hall.

Leave was given to bring in a “ Waste Lands Regulations Amendment Bill.”

The Bill was read a first time.

Leave was given to bring in a “ Loan Bill.”

The Bill was read a first time.

Leave was given to bring in a “ Canterbury Association’s Debenture’s Bill.”

The Bill was read a first time.

Leave was given to bring in a “ Railway Reserves Bill.”

The Bill was read a first time.

A Select Committee was appointed to consider the expediency of establishing a Lunatic Asylum in this Province, or otherwise providing for the treatment of Lunatics. Such Committee to consist of Dr. Moore, Dr. Donald, Messrs Ollivier, Hall, Hamilton, with instructions to take into consideration any special case that may be brought before them, and authority, under Warrant of Mr. Speaker, to call for Persons, Papers and Evidence. To report this day fortnight, or so soon after as this Council may be sitting.

Motion was granted "For a Return of the number of Sheep within the Province of Canterbury, showing the number which are infected with the scab, and the number which are free from infection."

Motion was withdrawn by leave, "That this Council do, at its rising, adjourn until Tuesday 4th, November, in order that the Government propositions may be maturely considered."

Motion was negatived upon division, "That this Council do, at its rising, adjourn until Tuesday, the 28th October."

Ayes, 7: Messrs. Blakiston, Davis, Donald, Moorhouse, Morgan, Ollivier, Westenra. Noes, 12: Messrs. J. Bealey, S. Bealey, Bray, Brittan, Dampier, Fooks, Hall, Hamilton, Packer, Rhodes, Tancred, Thomson.

The Council adjourned until Thursday next.

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THURSDAY 23RD OCTOBER, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, J. Bealey, S. Bealey, Blakiston, Bray, Bowen, Brittan, Cookson, Dampier, Davis, Donald, Fooks, Hall, Hamilton, Moore, Moorhouse, Morgan, Ollivier, Packer, Tancred, Thomson, Ward, Westenra.

The Speaker in the chair.

Message No. 1, from his Honor the Superintendent, was received and read.

"The Superintendent requests the attention of the Provincial Council to the following circumstances:—

"An Action at Law was brought against the Superintendent by Lieutenant-Colonel Campbell, for certain expressions used in a Dispatch, written by the Superintendent to the Governor, enclosing to his Excellency certain Resolutions passed by the Provincial Council, and which expressions were supposed to be of a libellous character. The Supreme Court has held those expressions to have been written under privilege, and the Plaintiff was consequently non-suited.

"The Superintendent's costs in this action amount to nearly one hundred pounds, for which the Plaintiff is of course liable. But, before proceeding to recover those costs from the Plaintiff, the Superintendent thinks it right to lay the case before the Provincial Council, for their consideration,—in the first place whether it is desirable that such costs should be recovered from the Plaintiff, Colonel Campbell; and, should there be any difficulty in such recovery, whether the Superintendent ought to be personally a sufferer in a matter in which he had no interest but that of the public at heart.

"The Superintendent begs to acquaint the Council further, that desiring this question to be considered wholly apart from any party or personal considerations, he has not communicated with the Members of the Executive Council on the subject, leaving them wholly free to take any view which may seem most consistent with the public interests.

"JAMES EDWARD FITZGERALD,

"Superintendent."

A Petition of C. H. Brown, and others, praying for protection from injuries sustained by the practice of pig-hunting on sheep runs, was presented, read and received.

Motion was negatived "That his Honor the Superintendent be requested to lay before this Council a Return from the Board of Commissioners of Waste Lands, showing the applications made for land by Messrs. Burgess, Hubbard and Barnes, or Barney, setting forth in each case the date at which such applications were made, the amounts of money and when paid by each party respectively, whether as deposits or as the balance of the principal sum."

Motion was granted "That his Honor the Superintendent be respectfully requested to cause to be laid before the Council copies of the Correspondence

between Mr. Compton, Waywarden of the Papanui Road District and the Provincial Engineer, relative to repairs on the Harewood Road."

The "Waste Lands Regulations Amendment Bill" was read a second time.

The "Canterbury Association's Debentures Bill" was read a second time.

The following reply to the Address of his Honor the Superintendent, was read and adopted:—

"SIR,—

"The Provincial Council thank your Honor for the Address with which you have opened the present Session.

"They gladly avail themselves of the opportunity of conveying to you their sincere congratulations on your recovery from your protracted illness, and they earnestly hope your restoration to health may be complete and permanent.

"The Council fully recognise the necessity of this Session, and they assure your Honor that they will give the measures laid before them the utmost careful consideration."

The Report was ordered to be presented to his Honor by Mr. Speaker, Messrs. Brittan and Hall.

The Council adjourned until Tuesday next.

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TUESDAY, 28TH OCTOBER, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Packer, J. Bealey, Barker, Bray, Ollivier, Brittan, Bowen, Thomson, Westenra.

The Speaker in the chair.

The Notices on the Order of the Day were renewed for Tuesday next.

The Council adjourned at 5.30 p.m., until Tuesday next.

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TUESDAY, 4TH NOVEMBER, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, J. Bealey, S. Bealey, Blakiston, Bowen, Bray, Brittan, Cookson, Dampier, Davis, Fooks, Hall, Hamilton, Moore, Moorhouse, Morgan, Ollivier, Packer, Rhodes, Tancred, Thomson, Ward, Westenra.

The Speaker in the chair.

The following Papers were laid upon the table:—

No. 6, Correspondence between the Waywarden of the Papanui District and the Provincial Engineer.

7, Returns relating to the Post Office.

8, Return of the number of sheep in the Province of Canterbury, showing the number infected with scab.

The Petition of James Meldrum and other Settlers resident in the northern portion of the Province praying for repairs of a portion of the main line of road between Christchurch and Nelson, was presented, read, and received.

Motion was withdrawn, by leave, "That his Honor the Superintendent be requested to sanction a sum of money being placed upon the Estimates to establish a proper Pilot Station on the Crown Reserves in Little Port Cooper, and a Flagstaff on Adderley Head; also, the production of any evidence that may be taken on the subject."

Motion was proposed "That the Railway Reserves Bill be read a second time."

Amendment proposed "That the Bill be read again this day six months."

The Council adjourned at 8 p.m., for half-an-hour.

The Council reassembled.

The Amendment was carried upon division.

Ayes, 14: Messrs. Barker, J. Bealey, S. Bealey, Blakiston, Brittan, Davis, Moore, Moorhouse, Morgan, Ollivier, Packer, Rhodes, Thomson, Westenra. Noes, 6: Messrs. Cookson, Dampier, Brittan, Hamilton, Tancred, Ward.

The "Loan Bill" was read a second time upon division.

Ayes, 16: Messrs. J. Bealey, S. Bealey, Blakiston, Brittan, Cookson, Dampier, Davis, Fooks, Hall Hamilton, Moore, Packer, Rhodes, Tancred, Thomson, Ward. Noes, 6: Messrs. Barker, Bray, Moorhouse, Morgan, Ollivier, Westenra.

The Council adjourned at 11.20 p.m., until Wednesday next.

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WEDNESDAY, 5TH NOVEMBER, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, J. Bealey, Blakiston, Bowen, Bray, Brittan, Cookson, Dampier, Davis, Fooks, Hall, Hamilton, Moore, Moorhouse, Morgan, Ollivier, Packer, Rhodes, Tancred, Thomson, Westenra.

The Speaker left the chair, and the Council went into Committee on the "Canterbury Association's Debentures Bill."

Clause 1 passed as amended.

Upon division: Ayes, 11. Noes, 4.

Clause 2 passed as inserted.

The Preamble passed as amended.

The Speaker in the chair.

The Chairman reported the Bill as amended.

Motion was negatived upon division, "That his Honor the Superintendent be respectfully requested to place on the Estimates a sum of money, to establish a Pilot Station at Little Port Cooper; also, to erect a Flag Staff on Adderly Head."

Ayes, 3: Messrs. Dampier, Davis, Packer. Noes, 13: Messrs. Barker, Blakiston, Bray, Brittan, Cookson, Fooks, Hamilton, Moorhouse, Morgan, Ollivier, Rhodes, Tancred, Westenra.

The Council in Committee on the "Waste Lands Regulations Amendment Bill."

Clause 1, passed as read.

A clause, proposed as clause 43, was withdrawn by leave.

The Schedule was considered.

Amendment was granted "To insert after the word 'district,' the words, 'every such reservation of land from public sale, shall be published in the *Government Gazette* of the Province, as directed in clause 19 of these Regulations. No such reservation shall continue in force for a longer period than twelve calendar months from the date on which it shall have been made. No land included in a Pasturage License with Pre-emptive Right shall be so reserved or granted until the Holder of such License shall have had the option of purchasing such land in the manner prescribed in clauses 64, 65, 66 of these Regulations. No greater amount of land than — acres shall, under the provisions of this clause, be reserved or granted to any one person under any such contract, unless in payment of work for which a vote has been passed by the Provincial Council. Without the special sanction of the Provincial Council, no greater amount of land than — acres in the aggregate, shall be reserved or granted under the provisions of this clause.'"

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned until 5 p.m., at which hour the Council re-assembled and the Committee on the "Waste Lands Regulations Amendment Bill," resumed.

The amended Schedule considered.



It was proposed "That the first blank should be filled up with the words 'one hundred.'"

An amendment was carried upon division, "To substitute 'two hundred and fifty.'"

Ayes, 16: Messrs. Barker, J. Bealey, Blakiston, Bowen, Bray, Brittan, Dampier, Hall, Hamilton, Moorhouse, Morgan, Packer, Rhodes, Tancred, Thomson, Westenra. Noes, 2: Messrs. Davis, Ollivier.

Motion was proposed "To fill up the second blank with the words 'two thousand five hundred.'"

Amendment was carried upon division, "To substitute 'one thousand.'"

Ayes, 13: Messrs. Barker, Bealey, Bowen, Bray, Davis, Hall, Moore, Morgan, Ollivier, Packer, Rhodes, Thomson, Westenra. Noes, 6: Messrs. Blakiston, Brittan, Dampier, Hamilton, Moorhouse, Tancred.

Motion was negatived upon division, "That the following clause be inserted after clause 44:—'Provided also, that in case it shall be proved to the satisfaction of the Waste Lands Board, that a person has emigrated to this Province subsequent to the passing of this Regulation, at other than the public expense, and that he has not absented himself therefrom for the space of twelve consecutive months, and that he has not during that time been convicted before any legal tribunal of any crime or misdemeanour, he shall be entitled to receive a free grant of rural land, to be selected by him from the Waste Lands of the Crown, subject to the same conditions as to selection, form, and frontage, as if the same had been sold to an ordinary Purchaser, to the amount of ten acres of land for each adult, and five acres for each person under age. In the case of an Applicant who has received an assisted passage at the expense of the Province, the amount of such assistance, when such shall remain unpaid, at the period of his application, shall be deducted from his grant, in the proportion of one acre of land for every £2 so advanced by the Provincial Government. Provided, also, that if the quantity of land so granted be less than twenty acres, the Applicant shall purchase at the current price such quantity of land as the section shall be deficient of twenty acres. The right to receive such grant shall be transferable from the period of emigration.'"

Ayes, 6: Messrs. Barker, J. Bealey, Bray, Hall, Ollivier, Westenra. Noes, 11: Messrs. Blakiston, Bowen, Brittan, Dampier, Davis, Hamilton, Moore, Moorhouse, Packer, Tancred, Thomson.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 9.35 p.m., until Thursday next.

THURSDAY, 6TH NOVEMBER, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, J. Bealey, Bowen, Bray, Brittan, Cookson, Dampier, Davis, Donald, Fooks, Hall, Hamilton, Moore, Moorhouse, Morgan, Ollivier, Packer, Tancred, Thomson, Westenra.

The Speaker in the chair.

Motion was proposed "That it is essential to the progress and prosperity of the Province, that increased facilities should be provided for the conveyance to the Port Town of the agricultural and other exportable produce of the Settlement.

Amendment was negatived upon division, "That the consideration of this question be postponed until the Council should proceed to consider the General Estimates."

Ayes, 6: Messrs. Brittan, Davis, Donald, Hamilton, Moorhouse, Tancred. Noes, 11: Messrs. Barker, J. Bealey, Bray, Cookson, Dampier, Fooks, Hall, Moore, Ollivier, Packer, Westenra.

The original question was put and agreed to.

Motion was granted "That with this view, it is, under existing circumstances, desirable to afford public encouragement to the establishment and maintenance of Steam Communication between the Port Town and those points on the Plains from which produce of the above description is usually shipped. That his Honor the Superintendent be respectfully requested to take the necessary steps for effecting the above object, and that this Council will guarantee the payment of any sum of money not exceeding three thousand pounds, which his Honor may find it necessary to expend for this purpose."

Motion was negatived upon division, "That a Select Committee be appointed to investigate the treatment of the Prisoners in Lyttelton Gaol."

Ayes, 2: Messrs. Davis, Donald. Noes, 15: Messrs. J. Bealey, Bray, Brittan, Cookson, Dampier, Fooks, Hall, Hamilton, Moorhouse, Morgan, Ollivier, Packer, Tancred, Thomson, Westenra.

Paper No. 9, a Return, shewing the sum paid for laying down the Culverts between the 4th and 5th mile pegs on the Lower Lincoln Road, specifying the amount paid in each case, the number of days, and the number of persons employed, was laid on the table.

The "Canterbury Association's Debentures Bill" was read a third time, passed, and numbered No. 1.

The Council in Committee on the "Loan Bill."

Clause 1 considered.

Amendment was carried upon division, "That the words 'twenty-five thousand pounds sterling' be omitted."

Ayes, 10: Messrs. Barker, Bealey, Bowen, Bray, Donald, Hall, Moorhouse, Morgan, Ollivier, Westenra. Noes, 9: Messrs. Brittan, Cookson, Dampier, Davis, Hamilton, Moore, Packer, Tancred, Thomson.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 11.30 p.m., until Friday next.

FRIDAY, 7TH NOVEMBER, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, Bray, Blakiston, Bowen, Brittan, Cookson, Dampier, Davis, Donald, Hall, Hamilton, Moore, Moorhouse, Morgan, Ollivier, Packer, Tancred, Thomson, Westenra.

The Speaker in the chair.

Message No. 2, from his Honor the Superintendent, was received and read.

"The Superintendent has much pleasure in transmitting to the Provincial Council a Letter which he has received from the Members of the Canterbury Association in reference to the settlement of the affairs of that Body, and congratulates the Council upon the satisfaction which the Act of 1855 appears to have afforded to the Noblemen and Gentlemen who were engaged in founding the Colony.

"The Superintendent proposes to place this Letter amongst the Records of the Province.

"JAMES EDWARD FITZGERALD,  
"Superintendent."

Motion was proposed "That a respectful Address be presented to his Honor the Superintendent, praying him to request the Post Master at Lyttelton to establish, under the "Local Posts Act," a Daily Post between the towns of Christchurch and Lyttelton, with a daily delivery in each town and on the route; and also a Post between Christchurch and Kaiapoi twice a week; and to charge a postage not exceeding one penny on every newspaper, and one-half of the present

postage within the Colony on every letter, to be applied to the maintenance of such Posts. That this Council guarantees the re-payment to the Post Office of any deficiency which may arise by the maintenance of such Posts."

Amendment was negatived upon division, "That the words 'one-half' be struck out, and the words 'a sum not exceeding' be substituted.

Ayes, 5: Messrs. Davis, Hall, Moore, Ollivier, Westenra. Noes, 10: Messrs. Blakiston, Bray, Brittan, Cookson, Dampier, Hamilton, Morgan, Moorhouse, Tancred, Thomson.

The original question was agreed to.

Motion was granted "That this Council approves of the following Reserves of Waste Lands made by his Honor the Superintendent, viz:—

"A Reserve for Church and School, Little Akaloa, gazetted June 21st, 1856.

"A Reserve at the Salt Water Creek, gazetted June 21st, 1856."

Motion was granted "That his Honor the Superintendent be recommended to reserve the standing timber in the river beds, and on the islands of the Wai-makariri, Rakaia, Ashburton, and Rangitata."

Motion was granted "That his Honor the Superintendent be recommended to make the following Reserves:—

"Two hundred acres, more or less, situated in the Christchurch district, above Riccarton, commencing at the north-west corner of section No. 346, to the north-east corner thereof, on the water-course running into the Heathcote, following up the said water-course (north-westerly), and on in a straight line, altogether a distance of about 50 chains, then south-westerly in a line parallel to the aforesaid north-west boundary line of section No. 346, to the high bank of the Heathcote, and returning along the said high bank to the commencing point, subject to a road one chain wide from the north-west corner of section No. 156, to the north-east corner of section No. 327, and numbered No. 92, in red, subject to a Pre-emptive Right No. 128, for a Lunatic Asylum.

"Twenty acres, more or less, situated in the Christchurch district, bounded on the north and west by the Wairerapa stream, on the south-west by section No. 117, about 21 chains, and on the south-east by a line from the north-east boundary of section No. 117, to the Wairerapa, and numbered 93 in red, subject to Pre-emptive Right No. 168, for a Gravel Pit.

"Twenty acres, more or less, situated near Kaiapoi, in the fork between the North Road and the road along the north boundary of the Native Reserve, and numbered No. 94, in red, subject to Pre-emptive Right No. 153, for a Gravel Pit."

Motion was granted "That his Honor the Superintendent be respectfully requested to take the necessary steps to have the Seal of the Canterbury Association converted into the Public Seal of the Province, by changing the word 'Societatis' into 'Provinciae,' the impression to carry the words 'Sigillum Provinciae Cantuariensis,' or, in case the alteration cannot be made, to provide a new Seal after the same design."

Motion was granted "That a respectful Address be presented to his Honor the Superintendent requesting him to take the necessary steps for the payment of one thousand pounds worth of the Canterbury Association's Debentures, with the interest due thereon, out of the balance in the hands of the Provincial Treasurer belonging to the Capital Account of the Canterbury Association's Estate."

The Council adjourned at 1.35 p.m., until Tuesday next.

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TUESDAY, 11TH NOVEMBER, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, Bealey, Blakiston, Bowen, Bray, Brittan, Cookson, Dampier, Donald, Fooks, Hall, Hamilton, Moorhouse, Morgan, Ollivier, Packer, Rhodes, Tancred, Thomson, Westenra.

**The Speaker in the chair.**

Motion was granted "That this Council, having taken into consideration the Message No. 1, of his Honor the Superintendent, dated 22nd October, and the circumstances to which that Message refers, resolves:—

"That the Supreme Court having decided that the Superintendent, in the proceeding which formed the ground of the Action at Law referred to in the Message from his Honor, did not exceed his public duty, his Honor ought not to be subject to pecuniary loss as the result of such Action. That this Council can see no reason why the legal expenses, adverted to by his Honor, should not be paid by the Plaintiff, in the ordinary course. That in the event, however, of its being found impracticable to recover the whole or any portion of such expenses from the Plaintiff, this Council undertakes to guarantee the payment of the same."

Message No. 3, from his Honor the Superintendent, was received and read.

"The Superintendent has been informed by the Members of the Executive Council, that the "Railway Reserve Bill" has been rejected, on its second reading, by a large majority of the Provincial Council.

"From the first settlement of the country, the Superintendent has been impressed with a sense of the serious and protracted injury to which the Province must be subjected from the want of cheap and easy mercantile intercourse between Lyttelton and the inland country; from the sacrifice of capital in the extravagant rates of carriage, and the still greater sacrifice of time by the delay and uncertainty attending that carriage.

"Since he has been entrusted with the administration of the Government of the country, and has had fuller means of watching its necessities and the obstacles to its development, that feeling has impressed itself far more deeply on the mind of the Superintendent, and he has lost no opportunity of urging the subject on the attention of the Provincial Council, and, so far as lay in his power, and was consistent with his duty, of suggesting means for overcoming the difficulty.

"The Superintendent entirely disclaims any desire to force on any particular work, whether or not acceptable to the public. He is, and always has been, anxious to unite with the Council in carrying into effect any scheme which may efficiently accomplish the desired end.

"The Superintendent would remind the Council, that it was after full and prolonged discussion,—after the Report of a Board of Engineers, appointed in compliance with the wishes of the Council and, as the Superintendent believes, with the full assent of the Council and of the public generally, that the works on the Sumner Road, which had been discontinued in 1850, were again undertaken by the Provincial Government in 1854. Every line of road which had been suggested, was then considered formally and rejected as unsuitable, and the Sumner line was, notwithstanding the magnitude of the work, adopted as the only available expedient. The Superintendent has proceeded with that work, amidst considerable difficulty, to the extent, but not in excess of the votes placed at his disposal by the Council for that purpose. The works already accomplished, in cost, have not exceeded the Estimates, and in execution, have fully justified the Reports of the Provincial Engineer, laid before and fully approved by the Council. There is therefore reason to suppose that those Reports and Estimates may be relied on for the remainder of the work.

"But the Superintendent cannot disguise from himself the fact, that the continuance of this work is now viewed by a large part of the Province with growing dissatisfaction, mainly arising from a want of confidence in the final completion of the work. He therefore feels it his duty, in the present state of the public mind, and in the absence of any clear information as to the settled views of the Provincial Council, to decline the responsibility of proceeding further with this work.

"The Superintendent therefore requests the Council once more to take the whole subject of the communication between the Port and the Plains into its serious consideration, with a view to the final and complete settlement of that question. And he would urge this course on the Council the more strongly because

it is obvious that the existing doubts as to the ultimate line of traffic, must be very injurious, not only by keeping up a state of uncertainty as to the value of property and the security of investments, but by preventing the public mind from being turned to, and the public energies from being concentrated upon some other means for facilitating the communication between the Port and the Plains.

“It was in the hope, and, from what had previously occurred, the natural belief that there would have been unanimity on the subject, not only from a general acquiescence in the plan itself, but from the certain prospect of its being carried into operation without delay, that the plan recently rejected was proposed to the Council.

“The Superintendent, being disappointed in this hope, turns again to the question of completing the cart road; and he does so because no other plan has been suggested to him which can so cheaply or expeditiously satisfy the acknowledged want.

“The Superintendent fully recognises the advantages which would be gained by a water communication by means of steam lighters. But he cannot forbear taking this opportunity of recording his settled conviction, that the establishment of any really efficient communication between the shipping in Port Victoria, and any point of the coast on this side of the hills, will speedily result in the abandonment of Lyttelton, as the principal shipping port of the Province, and the sacrifice of the majority of the investments in that place. In saying this, he is only anxious that the Provincial Council, before adopting any final course, should fully recognize all the possible consequences. The main reason why the plan of the proposed railway recommended itself so strongly to the Superintendent, was, that it would, if carried out at once, have fully satisfied all the wants of the Plains, whilst it secured for ever the existing investments in Lyttelton. But if Lyttelton is to be reached by the traffic from the Plains *only by water*, it seems idle to suppose that it can long be maintained against the inevitable rivalry of other places more directly in the line of, and offering equal or greater facilities for carrying on such traffic. If, therefore, a steam communication by water be established, the Superintendent suggests whether it would not be right, at the same time, to open a land communication which will serve for light traffic, as speedily as possible. For he assumes that the Council will coincide with him in opinion, that it would not be desirable to take any steps which might lead to the abandonment of Lyttelton.

“But whatever may be the view of the Provincial Council, the Superintendent earnestly hopes that the question may be now finally disposed of, and the present uncertainty set at rest for ever. He hopes the time has arrived when the public at large will consent, each laying aside his own peculiar views, to support the Government in endeavouring to remove this great grievance, it might almost be said, this great disgrace, from our Province; for it is worse than idle to hope, that, without unanimity, and without some sacrifices, so great a work can be done by so small a community.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

Motion was carried upon division, “That in the opinion of this Council the main lines of road ought to be maintained by the Provincial Government out of the Provincial Revenue, and not by the Inhabitants of the Road Districts.”

Ayes, 10: Messrs. Blakiston, Bray, Donald, Hall, Morgan, Ollivier, Packer, Rhodes, Thomson, Westenra. Noes, 7: Messrs. Barker, Brittan, Cookson, Fooks, Hamilton, Moorhouse, Tancred.

Motion was granted “That his Honor the Superintendent be recommended to make the following Reserves for the purposes of Ferries —:

“No. 95, in red: One quarter of an acre on the north bank of the Waimakariri, opposite the new ferry house, being bounded on the east by the reserve of 66 feet along the river bank; on the south by the road to the westward from the new ferry; on the west by the North Road; and north, between the said road and the reserve along the river to the extent of a quarter of an acre.

“ No. 96, in red : One hundred acres on the north bank of the Rakaia, commencing at the fourteenth mile peg, extending up the river half a mile, and back to the extent of 100 acres, subject to the South Road, and a reserve of sixty-six feet along the bank of the river, subject to Pre-emptive Right No. 288.”

The Council in Committee on the Loan Bill.

Clause 8 considered.

Amendment was negatived upon division, “ To strike out the words ‘ from Great Britain and Ireland.’ ”

Ayes, 2 : Messrs. J. Bealey, Blakiston. Noes, 11 : Messrs. Bowen, Bray, Brittan, Dampier, Donald, Hall, Hamilton, Ollivier, Packer, Tancred, Thomson.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 10.20 p.m., until Wednesday next.

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WEDNESDAY, 12TH NOVEMBER, 1856.

The Council met pursuant to adjournment.

Members present : Messrs. Dampier, Bray, J. Bealey, Barker, Rhodes, Moorhouse, Ollivier, Cookson, Packer, Thomson, Brittan, Hamilton, Tancred, Fooks, Hall, Morgan, Blakiston, Westenra.

In the absence of the Speaker, Mr. Fooks was elected Chairman for the day.

Motion was negatived upon division, “ That his Honor the Superintendent be requested to cause to be laid before the Council a Return, shewing the particulars of an application to purchase Section No. 453, being forty acres of land included in Pre-emptive Rights No. 194 or No. 25, and shewing the date on which such application was made, the amount of deposit paid by the Applicant, and the decision of the Waste Lands Board upon the application.

“ A Return, shewing the date on which notice of the above application was forwarded to the Pre-emptive Right Holder, the date on which such Holder applied thereto, and on which he paid a deposit, if any, for a portion of the land applied for ; also, whether the remainder of the money has been paid by the Pre-emptive Right Holder, and if so, at what date.

“ A Return, shewing whether the original Applicant has made or been called upon to make any further payment on account of such application, if so, on what date, to what amount, and for what reason.

“ A Return, shewing whether any of the above deposits have been returned to the persons by whom they have been paid, and if so, the dates on which repayments have been made ; also, whether any of those deposits are still retained by the Waste Lands Board, and if so, for what reason.”

Ayes, 7 : Messrs. J. Bealey, Brittan, Hall, Hamilton, Ollivier, Tancred, Westenra. Noes, 10 : Messrs. Barker, Blakiston, Bray, Cookson, Dampier, Moorhouse, Morgan, Packer, Rhodes, Thomson.

The Council in Committee of Supply.

Vote was taken, Treasurer's Department	...	...	£125	0	0
” Printing, &c.	...	...	250	0	0
” Waste Lands Board Chief Commissioner and Resident Magistrate	...	...}	175	0	0
” Other Commissioner	...	...	50	0	0
” Secretary	...	...	125	0	0
Vote was proposed, Temporary additional assistance	...	...	£25	0	0

Amendment was carried upon division, “ That ‘ £75 ’ be substituted for ‘ £25.’ ”

Ayes, 9 : Messrs. Blakiston, Bray, Cookson, Dampier, Moorhouse, Morgan, Ollivier, Packer, Westenra. Noes, 5 : Messrs. Brittan, Hall, Hamilton, Tancred, Thomson.

Vote was taken, Temporary additional assistance ...	£75	0	0
„ Messenger ...	50	0	0
„ Contingencies, Rent, &c. ...	50	0	0

The Votes proposed under the head “Surveys,” passed without amendment.

The Votes proposed under the head “Public Works,” were amended as follows:—

Vote was taken, Ferry to Quay—forming and metalling	£1900	0	0
„ Main Roads through Christchurch ...	500	0	0
„ Lower Lincoln Road, including bridge over the Halsewell, to form and metal as far as the Heathcote ...	1000	0	0
„ Riccarton Road ...	300	0	0
„ North Road to Kaiapoi, including Harewood Road and incidental drainage ...	4500	0	0
„ Current repairs of roads and contingencies	500	0	0
„ Bridge between Riccarton and Papanui	130	0	0

The Council resumed.

The Chairman reported progress.

The Council adjourned at 9.20 p.m., until Tuesday next.

TUESDAY, 18TH NOVEMBER, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, Blakiston, Bray, Brittan, Cookson, Dampier, Davis, Donald, Fooks, Hall, Hamilton, Moorhouse, Morgan, Ollivier, Packer, Tancred, Thomson, Ward, Westenra.

In the absence of the Speaker, Mr. Fooks was elected Chairman for the day.

The following Messages, from his Honor the Superintendent, were received and read.

“The Superintendent transmits to the Provincial Council a copy of a Correspondence between the Government of Victoria and the General Government of New Zealand (the *Gazette* containing such correspondence not having yet reached him), by which it appears that the English Mails arriving by steamers at Melbourne are to be forwarded to Auckland.

“The Superintendent also transmits a copy of a Letter which he has received from the Superintendent of Wellington on the same subject, being under the impression that the Provincial Council may be desirous of expressing its views on the question.

“JAMES EDWARD FITZGERALD,  
“Superintendent.”

“The Superintendent returns the “Canterbury Association’s Debentures Bill,” and requests the Council to erase therefrom the words erased in red ink.

“The Bill being passed under the authority of the “Waste Lands Act, 1856,” must be reserved for his Excellency’s assent, and therefore the words referred to are unnecessary.

“JAMES EDWARD FITZGERALD,  
“Superintendent.”

Motion was proposed “That his Honor the Superintendent be respectfully requested to place on the Estimates a sum of money not exceeding the sum of £300, to be advanced in aid of a building as a Town Hall, where the Government might have the privilege of holding Courts of Justice, &c.”

The terms of the Resolution were altered in debate, and Motion was granted, “That his Honor the Superintendent be respectfully requested to place on the

Estimates a sum not exceeding the sum of £300, to be advanced in aid of a building as a Town Hall, at Christchurch, subject to arrangements to be entered into by the Trustees, that the building shall be available to the Government for Elections, Public Meetings, and for the Sittings of the Courts of Justice."

Motion was granted "That his Honor the Superintendent be empowered to appropriate two hundred and fifty acres of the Waste Lands of the Province to be applied in addition to the vote of money for the extension of the Lincoln Road."

The Council in Committee to consider certain Resolutions in answer to his Honor's Message No. 3, on the subject of the communication between the Port and the Plains.

Motion was granted "That the Provincial Council having taken into consideration his Honor's Message No. 3, relating to the communication between the Port and the Plains, resolves as follows:—

'That it is essential to the progress and prosperity of the Province that increased facilities should be provided for the conveyance to the Port Town of the agricultural and other exportable produce of the Settlement.

'That with this view, it is, under existing circumstances, desirable to afford public encouragement to the establishment and maintenance of steam communication between the Port Town and those points on the Plains from which produce of the above descriptions is usually shipped.

'That this Council, regarding the interests of Lyttelton as well as those of the rest of the Province, considers it essential to maintain an uninterrupted Land communication between this town and the inland country, by means of a cart road from Lyttelton to Christchurch.'

Motion was proposed "That this Council, having taken into consideration the various plans which have been proposed for opening such land communication, thinks it inexpedient to depart from Resolutions repeatedly adopted in former Sessions, in favour of the line of road now in course of construction by Sumner."

Amendment was carried upon division, "That this Council, taking into consideration the various plans which have been proposed for opening such land communication, is of opinion that a sum not exceeding three thousand pounds should be placed upon the Estimates, with a view to improve the line of road over the Bridle-path."

Ayes, 10 : Messrs. Blakiston, Cookson, Dampier, Davis, Moorhouse, Morgan, Ollivier, Thomson, Ward, Westenra. Noes, 8 : Messrs. Barker, Bray, Brittan, Donald, Hall, Hamilton, Packer, Tancred.

The Council resumed.

The Chairman reported progress.

The Council adjourned at 11.5 p.m., until Wednesday next.

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#### WEDNESDAY, 19TH NOVEMBER, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Fooks, Hall, Bray, Barker, Moorhouse, Ollivier, Davis, Ward, Morgan, Packer, Thomson, Brittan, Hamilton, Tancred, Bowen, Dampier, Rhodes, Westenra.

The Speaker in the chair.

The "Waste Lands Regulations Amendment Bill" was read a third time, passed, and numbered No. 2.

The Council adjourned at 11.35 until 4 p.m.

The Council re-assembled.

The Speaker in the chair.

The Council in Committee on the "Loan Bill."

Motion was proposed "That the blank be filled up with the words 'twenty-five thousand pounds.'"



Amendment was carried upon division, "That the blank be filled up with the words 'thirty thousand pounds.'"

Ayes, 12: Messrs. Blakiston, Bowen, Brittan, Dampier, Davis, Moorhouse, Packer, Rhodes, Tancred, Thomson, Ward, Westenra. Noes, 4: Messrs. Bray, Hall, Morgan, Ollivier.

The Speaker in the chair.

The Chairman reported the Bill as amended.

The Council in Committee of Supply.

Vote was proposed "Immigration, £10,000."

Amendment was negatived upon division, "To substitute '£6,000' for '£10,000.'"

Ayes, 4: Messrs. Bray, Hall, Morgan, Ollivier. Noes, 13: Messrs. Barker, Blakiston, Bowen, Brittan, Dampier, Davis, Moorhouse, Packer, Rhodes, Tancred, Thomson, Ward, Westenra.

Vote was taken, "Immigration, £10,000."

The Speaker in the chair.

The Chairman reported progress.

A Motion "To forward Resolutions on Steam Communication to his Honor the Superintendent, was postponed."

The Council adjourned at 5.45 p.m., until Thursday next.

#### THURSDAY, 20TH NOVEMBER, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Fooks, Hall, Barker, Rhodes, Donald, Ward, Cookson, Moorhouse, Ollivier, Davis, Morgan, Packer, Thomson, Brittan, Hamilton, Tancred, Bowen, Blakiston, Dampier, Bray, Moore, Westenra.

The Speaker in the chair.

Message No. 6, from his Honor the Superintendent, was received and read.

"The Superintendent has much pleasure in acceding to the request of the Provincial Council relating to an advance of £300 in aid of a Town Hall at Christchurch, and has directed the sum to be placed on the Estimates.

"JAMES EDWARD FITZGERALD,

"Superintendent."

The Council in Committee on Resolutions in answer to Message No. 3, of his Honor the Superintendent.

The adjourned debate was resumed.

The Amendment adopted 18th November was read.

Motion was proposed "That this Amendment do stand as Resolution No. 4."

Amendment was carried upon division, "That the following Resolution be substituted:—'That this Council, taking into consideration the various plans which have been proposed for opening such land communication, and regarding the Resolutions repeatedly adopted in former Sessions in favour of the line of road now in course of construction by way of Sumner, is of opinion that that road ought not to be abandoned as the permanent line of land communication between Lyttelton and Christchurch, and that the works thereon should be carried on with as much expedition as possible by means of prison labour.'"

Ayes, 13: Messrs. Barker, Blakiston, Bowen, Bray, Brittan, Dampier, Donald, Hall, Hamilton, Ollivier, Packer, Tancred, Thomson. Noes, 8: Messrs. Cookson, Davis, Moore, Moorhouse, Morgan, Rhodes, Ward, Westenra.

Upon the Amendment being put, a further Amendment was negatived upon division, "To substitute the following: 'That this Council, taking into consideration

the present state of the works on the line of the Sumner road, is of opinion that such road should not now be abandoned as the permanent line, but that all further outlay upon it should for the present be suspended, except so far as shall be necessary to make it applicable as an open cart road, by prison labour.' ”

Ayes, 9: Messrs. Blakiston, Bowen, Brittan, Dampier, Hall, Hamilton, Packer, Rhodes, Tancred. Noes, 11: Messrs. Bray, Cookson, Davis, Donald, Moore, Moorhouse, Morgan, Ollivier, Thomson, Ward, Westenra.

Motion was proposed, “That the Resolution as amended do stand.”

Amendment was negatived upon division, “To substitute the following: ‘That this Council considers that the present circumstances of the Province do not demand a fresh decision upon the advisability of proceeding with the Sumner Road.’ ”

Ayes, 10: Messrs. Cookson, Dampier, Davis, Moore, Moorhouse, Morgan, Ollivier, Thomson, Ward, Westenra. Noes, 10: Messrs. Barker, Blakiston, Bowen, Bray, Brittan, Donald, Hall, Hamilton, Packer, Tancred.

The Chairman decided in favour of the Noes.

Motion was carried upon division, “That the Resolution, as amended, do stand.”

Ayes, 11: Messrs. Barker, Blakiston, Bowen, Bray, Brittan, Donald, Hall, Hamilton, Ollivier, Packer, Tancred. Noes, 9: Messrs. Cookson, Dampier, Davis, Moore, Moorhouse, Morgan, Thomson, Ward, Westenra.

Resolution No. 5 was proposed, “That in the opinion of this Council a special survey ought to be immediately made, with a view to ascertain whether any temporary cart road can be constructed on any other part of the hills, which may serve for the passage of light traffic, pending the opening of the Sumner road, and that careful Estimates ought to be prepared of the cost of such work.”

Amendment was negatived upon division, “That the funds which are at the disposal of the Government, being only sufficient to provide a temporary means of carriage for light goods, in connection with the establishment of steam communication, this Council is of opinion that the present temporary road over the Bridle-path should receive the attention of the Government in preference to any other.”

Ayes, 9: Messrs. Cookson, Davis, Donald, Moore, Moorhouse, Morgan, Ollivier, Ward, Westenra. Noes, 10: Messrs. Barker, Blakiston, Bowen, Brittan, Dampier, Hall, Hamilton, Packer, Tancred, Thomson.

The original Motion was agreed to.

Motion was proposed, “That in accordance with these Resolutions, his Honor the Superintendent be authorised to expend the necessary sum in making the proposed survey, and be respectfully requested to place on the Estimates the sum of £3000 for the establishment of steamers.”

Amendment was carried upon division, “To substitute the words ‘£5000’ for ‘£3000.’ ”

Ayes, 14: Messrs. Barker, Blakiston, Bray, Brittan, Cookson, Dampier, Hamilton, Moorhouse, Morgan, Packer, Tancred, Thomson, Ward, Westenra. Noes, 5: Messrs. Davis, Donald, Hall, Moore, Ollivier.

The Resolution, as amended, was agreed to, and addition ordered to be made of the words “Taking such security, real or otherwise, as by the Government may be deemed sufficient to secure the same.”

The Speaker in the chair.

The Resolutions were reported and adopted.

The Council in Committee on the “Canterbury Association’s Debentures Bill,” to consider the Amendment proposed by his Honor’s Message No. 5.

The Amendment was adopted.

The Speaker in the chair.

The Chairman reported the Bill as amended.

The Standing Orders relating to the passing of Bills were suspended.

The "Canterbury Association's Debentures Bill" was read a third time and passed.

The "Loan Bill" was read a third time, passed, and numbered No. 3.

The Council adjourned at 11.5 p.m., until Tuesday next, at 2 p.m.

TUESDAY, 25TH NOVEMBER, 1856.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, Bowen, Bray, Brittan, Cookson, Dampier, Donald, Fooks, Hall, Morgan, Ollivier, Packer, Tancred, Thomson, Westenra.

The Speaker in the chair.

The Council resolved itself into Committee of Supply.

Vote was taken, Bridle Path...	...	...	...	...	£ 500	0	0
„ Establishment of Steamers	...	...	...	...	5,000	0	0

The Speaker in the chair.

The Resolutions were reported and adopted.

Messages Nos. 7 and 8, from his Honor the Superintendent, were received and read.

"The Superintendent has much pleasure in acceding to the request of the Provincial Council relating to the establishment of steam communication within the Province, and has directed the sum of £5000 to be placed on the Estimates for that purpose.

"JAMES EDWARD FITZGERALD,

"Superintendent."

"The Superintendent returns the 'Waste Lands Regulations Amendment Bill' to the Provincial Council, with the request that they will state the meaning they attach to the sixth sentence of the 43rd Regulation. That sentence appears to the Superintendent to limit the operation of the power of reservation to 1000 acres for all time. If, as the Superintendent has reason to believe, it was meant to be a limitation only for the space of one year, he suggests the insertion of the words 'in any one year' after the word 'shall' in the first line.

"JAMES EDWARD FITZGERALD,

"Superintendent."

Motion was granted "That this Council learns, with the greatest concern, that the General Government have determined that the New Zealand Mail brought by the steamers from England to Melbourne shall be forwarded thence to Auckland, as such an arrangement will entirely deprive the Southern Provinces of the advantages which they ought to derive from the Steam Service for which they will have to pay the largest share of the required bonus.

"That in the opinion of this Council, any Steam Service from Australia which is supported out of the general Public Revenues, ought to provide for the conveyance of the English Mail to the most central part of the Colony, so that all the Provinces may share in the benefit of this arrangement.

"That a copy of these Resolutions be transmitted to his Honor the Superintendent, with a respectful request that his Honor will cause them to be laid before his Excellency the Governor and the Government; that Mr. Speaker do also transmit a copy of these Resolutions to the Honorable the Speaker of each House of the General Assembly."

The Council adjourned until Wednesday next, at 10 a.m.

WEDNESDAY, 26TH NOVEMBER, 1856.

The Council met pursuant to adjournment.

Members present : Messrs. Fooks, Dampier, Hall, Ollivier, Morgan, Packer, Barker, Brittan, Bowen, Tancred, Westenra.

The Speaker in the chair.

The Council resolved itself into Committee on the "Waste Lands Regulations Amendment Bill."

The Bill passed with amendments.

The Speaker in the chair.

The Chairman reported the Bill as amended.

Standing Order, No. 107, was suspended.

The Bill was read a third time, passed, and numbered No. 2.

Motion was granted "That Mr. Speaker be requested to convey to his Honor the Superintendent the thanks of the Council for his Message No. 2, and to state that the Council concurs with his Honor in thinking that the Letter of Lord Lyttelton, the Noblemen, Bishops, and Gentlemen signing it, should be deposited with the Records of the Province, and that Mr. Speaker do return it to his Honor for that purpose."

His Honor the Superintendent entered the Council Chamber, and delivered the following Address :—

"MR. SPEAKER AND GENTLEMEN OF THE PROVINCIAL COUNCIL,

"I have assented to the Loan Bill, and, as required by the 'Waste Lands Act,' have reserved, for his Excellency's assent, the 'Land Regulations Amendment Bill,' and the 'Canterbury Association's Debentures Bill.'"

"Although the present Session has failed to produce those results which I anticipated, it has not been without benefit to the Province. I have not lost an hour in putting in hand many works which were stopped for want of funds, and I have no doubt that by commencing those works before harvest, a very favourable result will be experienced next winter. The Ferry Road will be metalled. The North Road will be thoroughly passable to Kaiapoi, and, I hope, sufficiently so for the wool to be brought down even from the Hurunui. All these and several minor works are actually in hand; so that the Council will perceive that no time has been lost by the Government in availing itself of the votes of money which you have granted.

"I am sorry that the Council were unable to agree with me on the subject of the Railway Bill. Whatever objections there may have been to the Measure, those objections weighed as nothing in my mind as compared with the evils of prolonging the existing imperfect state of communication between the Port and the inland country, and I rest in the conviction that the time will arrive when the Province generally will admit the soundness of the views which were embodied in that Measure.

"In submission to your wishes, I will cause a survey to be made of the country between Lyttelton and the Plains, in order to ascertain whether any road can be found as a temporary track, pending the completion of the Sumner Road. But considering that the Sumner Road could have been opened for light traffic in half the time and for half the cost of any such track, I am sorry the public mind should have been diverted from a work comparatively almost complete, and of which the estimates are thoroughly reliable, to engage on a new work, the difficulty, cost, labour, and time involved in which are wholly unknown.

"I am in consultation with the mercantile portion of the community to ascertain in what mode the vote for the establishment of steamers can best be devoted to the proposed object. If it can be avoided, the duty of purchasing steamers is one which ought not to be imposed on the Government, but after the Resolution at which the Council has arrived, I shall be prepared to take any step

which I may be advised will have the effect of placing steamers on the coast with the least delay.

“ I fully concur in the Resolution at which you have arrived on the subject of the steam communication with Australia, and I will lose no time in laying your views before his Excellency the Governor. I now declare this Council prorogued to Thursday, the 5th March next, and this Council is prorogued accordingly.

“ JAMES EDWARD FITZGERALD,  
“ Superintendent.”

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SESSION VIII.

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JOURNAL OF PROCEEDINGS  
OF THE  
PROVINCIAL COUNCIL.

PROVINCE OF CANTERBURY, NEW ZEALAND.

SESSION VIII.

THURSDAY, 2ND APRIL, 1857.

The Council met pursuant to Proclamation of his Honor the Superintendent, bearing date 20th February, 1857.

Members present: Messrs. Barker, Bowen, Bray, Brittan, Cookson, Dampier, Davis, Fooks, Hall, Moorhouse, Morgan, Ollivier, Packer, Tancred, Thomson, Ward, S. Bealey, Westenra.

His Honor the Superintendent entered the Council Chamber.

Prayers were read by the Chaplain.

His Honor the Superintendent delivered the following Address:—

“MR. SPEAKER AND GENTLEMEN OF THE PROVINCIAL COUNCIL,

“In opening your Council for the last time, I cannot forbear asking you to survey the four years which have elapsed since your duties commenced, and to examine what has been done during that time.

“You will remember that although almost unprecedented success had attended the Settlement, which had then been formed less than three years, yet we commenced our duties in a community in which there were no existing establishments, or even traditions of Government; in which everything had to be created and organized from the beginning, and with an exchequer so absolutely empty, that we had to borrow a small sum in order to make the first payments of salaries. The Settlement was then at a stand. The operations of the Canterbury Association were at an end—Immigration had ceased—Public Works had been abandoned—and there were looming in the distance, questions, such as the settlement of our relations with the Canterbury Association, and the adjustment of the Land question, to which no one could look without some anxiety.

“I may indeed congratulate you on the change which has taken place since that time. Our population, our trade and our Revenues are steadily increasing; our exports have increased so largely as to promise, and at no distant date, to balance the imports; whilst in the formation of new homesteads, in the cultivation of the land, in the increase of stock, in the accumulation of wealth and the advancement of civilization and comfort of every description, the same remarkable progress exhibits itself in every direction. You may, without vanity, Gentlemen, claim a share of the credit due to the prosperity of the Province for which you have legislated; for, however difficult it may be sometimes to trace the immediate influence of good or bad government upon the social condition of a community, in some respects, at all events, that influence makes itself directly felt, especially in everything which affects the public credit. It is due to you, Gentlemen, that whereas when your Immigration Agent went to England three years ago, the Provincial Government was absolutely without any credit whatever, you are now in

a position to raise, without difficulty, any sums that you may require to carry on Immigration and Public Works at the ordinary Colonial interest.

“In opening the first Council, in 1853, I ventured to point out a line of policy for your adoption, and I enlarged especially upon the nature and extent of the establishments of government which would become necessary. You concurred in the opinions I then laid down, and the experience of four years has but confirmed me in those views.

“The best mode of conducting the Provincial Governments has naturally been a matter of constant enquiry and discussion in the several Provinces of the Colony; but it is obvious that all our opinions on this subject must be modified by the policy of the General Government, and by the attitude which it is to assume towards the several Provincial Governments.

“If the whole of what are properly called the powers of government are to be assumed and administered by the General Government, then the Provincial Governments will descend into mere Parish Boards, for managing local Public Works. But that is not the case at present. It is undeniable that at present, almost the whole real government of the country is administered by the Superintendents of the Provinces; and when I look on the past four years, or look around me to what is going on at the present moment, I confess I see no reason to wish that this state of things should be altered.

“I am sorry to be compelled to say, that since I addressed this Council in September, 1853, scarcely a step has been made in solving any one of the political difficulties in which this Colony is involved; and I do not hesitate to say, that since the introduction of ministerial responsibility into the General Government, those difficulties have been even greater than before. For you well know that there were certain great questions with which the General Government alone could deal, and in respect of which the complaints of the Provinces have been loud, constant and increasing. I will name of these: the confusion in the finances of the Colony; the deficient administration of justice by the Supreme Court; the mismanagement of the Native Land Purchase Department; the conflicting jurisdiction between the General and Provincial Governments; the inconvenience of the steam and postal arrangements. Now, what has been done by the General Government towards the settlement of any one of these great questions? The finances are conducted on a scheme which is still awaiting settlement by the Parliament of England; the deficiency of the administration of justice by the Supreme Court has never been greater or more oppressive than now; the complaints of the Native Land Purchase Department are louder than ever; not even an attempt has been made to put an end, by Law, to the mischievous conflict of authority between the General and Provincial Governments, whilst the mode in which the Government is administered at present has tended to stimulate to the utmost that most unseemly conflict; and lastly, the Steam Postal Service is about to be arranged in a manner both inconvenient and unjust towards the greatest part of the Colony.

“Now, when I regard these things, and watch the progress of the Colony during the past four years, I am bound to confess, and I believe that there cannot be two opinions on this matter, that the whole of that progress has been due to local enterprise, to Provincial action, and to the Provincial Governments, and that the General Government has either been absolutely inert in guiding or advancing the prosperity of the Colony, or has been positively mischievous in its action. In those Departments which fall peculiarly to the charge of the General Government, there is either no improvement or an absolute retrogression; whilst the action of the Provincial Governments generally has been to keep pace with the increasing requirements and the expanding energies of the country. Gentlemen, I see no prospect of any alteration in this state of things for many years to come; and therefore I do not wish to see the action of the Provincial Councils in any way curtailed, or their present powers contracted.

“It was in the anticipation that this might be the case, that I counselled you to establish your Provincial Government not like a mere Corporation or a Vestry or Parish Board—forms of local government indeed well adapted to the limited powers



and petty interests with which they are invariably entrusted—but to regard it as a Government, in the usual acceptation of that word, charged with great powers, responsible, in truth almost solely responsible for the happiness and well-being of the community, and therefore to be surrounded with so much of State, and so much only, as to secure its dignity, and encumbered with so much of form, and so much only, as should secure the patient and considerate use of those powers. You began by considering your Superintendent to be, although under another name (as the late Sir W. Molesworth pointed out in the House of Commons he must of necessity be), the Lieutenant Governor of the Province, having ten times more real power for good or for mischief to the people under his rule than the Governor of the Colony himself. You therefore adopted the form of government in your Province which has been sanctioned by immemorial usage in the British Colonies;—you constituted an Executive Council to advise the Superintendent in the execution of his duties.

“But we did not think it desirable to pledge ourselves, as an invariable rule of government, to the full usage of what is termed ministerial responsibility. Indeed, it must be sufficiently apparent to thinking men, that it is impossible in the Provincial Governments, to insist upon having a Ministry formed of the Heads of Departments, resigning Office with every adverse vote of the Legislature. Such an attempt, in a small community, in which there are often no clearly defined political parties, and where the matters under discussion are for the most part of a social and local character upon which individuals may agree or differ without respect to party principle,—such an attempt is not only impossible in itself, but is invested with an appearance of absurdity to lookers-on. But, without going to the length of adopting all the forms and fashions of party government, I maintain that you have enjoyed in this Province, even in a greater measure than most other parts of New Zealand, all the benefits of a real and practical responsibility of the Executive to the Legislature, and through the Legislature to the people. I earnestly hope you will never consent to any alteration in a form of government which has secured this responsibility. You cannot overlook the fact that in that Province where the doctrine of responsible government has been completely set aside, there party has been most violent, and government more unpopular and inefficient than in any other.

“So far as the Executive Government of the Provinces is created by the Provincial Legislature, the object to be gained is very simple. The ‘Constitution Act,’ by giving to the Superintendent alone the right of issuing any public money, virtually places the whole Executive power of the Province in his hands. Your object then must be to secure a harmony of action between the Superintendent and the Provincial Council, and to secure a responsibility to the Council for his acts. I know of no practical way by which this can be accomplished, except by requiring him always to act by the advice of a Committee of the Provincial Council, which must necessarily, if harmony between the Superintendent and the Provincial Council be attained, consist of the Members of that Body, generally looked up to as its Leaders, and enjoying the confidence and esteem of the community. That seems to me the best practical government which you can adopt in these communities. It is the least formal and expensive form of government which can be trusted with the exercise of so great powers, and which offers sufficient guarantee for their moderate and prudent exercise.

“I am aware it has been thought by some few persons that this form of government is costly. Those only can hold such an opinion who have neglected to study the Public Accounts. So essential do I think it that there should be no mistake on the minds of the people in this matter, that I have placed the Accounts for the past year, and the Estimates for the present year before you in a form which shows the public expenditure on account of the Executive Government, the Legislative, the Administration of Justice, and so on, under separate heads. I find that the cost of the Executive Government during the first half-year ending in March, 1854, was 25 per cent. of the whole expenditure of the Province. In the three subsequent years, the cost of the Executive Government varied from  $7\frac{1}{2}$  to  $8\frac{1}{2}$  per cent. of that expenditure; and on the expenditure of the current year, if the Estimates before you are adhered to, it will be less than 4 per cent. So that out of

the whole expenditure during the ensuing year, 96 per cent. will consist of expenditure which may be incurred or not, as you please, but which has nothing whatever to do with the form of government, and will equally be incurred under one form of government or another. I think then you will perceive, Gentlemen, that nothing can be more fallacious than the idea that the form of government you have maintained during the past four years is an expensive one.

“Amongst the various subjects with which you have dealt, there are two to which I will specially allude, and upon which I am able to congratulate you on the result of your legislation. The first is the Waste Lands.

“You have had to make Laws for the management of the Waste Lands, which should at once open the country to the small Farmer and working Settler, and at the same time afford such security to the Squatter as would induce him to pursue his lucrative though speculative trade. You had to satisfy claims and to protect interests often supposed to be hostile or incompatible. It must be admitted your policy has been most successful. Not only have none of the squatting Settlers abandoned their pursuits, but every acre of new country is applied for for pastoral purposes as soon as discovered; whilst, at the same time, land is being sold in small lots for agricultural purposes, quite as quickly as the utmost wants of the Province demand; more quickly even than it can be profitably occupied by the Purchasers. I think I may say there is such a general sense of stability and security in the present arrangements, a feeling that the interests of the pastoral Settlers are protected, whilst those of the Agriculturist are not in the slightest degree interfered with,—a feeling that justice has been done to all parties and interests, that we may anticipate the maintenance of the present Laws in all their main features for many years to come.

“Whilst adverting to the Waste Lands, I desire to draw your attention to a Correspondence between the Superintendent and the Waste Lands Board, which will be laid before you.

“My chief object in this Correspondence has been that there should be a clear understanding as to the duties and position of the Waste Lands Board, and as to the rights of the public. The Waste Lands now practically belong to the people. An Applicant for Waste Land does not go to the Board asking as a favor to be allowed to purchase land, but demanding, as a right, to be put in possession of land which the Law makes his own upon certain conditions. The Board sit there judicially, simply to decide whether the requisite conditions are fulfilled, and to record the sale; and there can be no doubt that any person who is wrongfully prevented from occupying land as a pastoral Settler or as a freehold Purchaser, has an Action against the Board for depriving him of his rights. I believe this state of the Law to be immeasurably the greatest boon which has been conferred upon a Colonial community; it places at once the most absolute bar to all unfairness or land jobbing, because no man can be deprived of his right to land not already sold or reserved, and which he has once applied for. I feel assured that you, Gentlemen, will preserve for the people this great right which they have now acquired, and that you will agree with me in thinking that this principle cannot be too clearly enunciated.

“In case an action is brought against the Board, I have been asked to give a general guarantee of indemnity. I have, of course, declined to do so. The only funds out of which I could give such an indemnity are at your disposal, not at mine; and I could not take on myself to depart from a rule you have already laid down, and the wisdom of which seems to me indisputable, namely, that Officers of Government who incur legal expenses through their own faults, must bear the loss themselves.

“But I do not mean to say that the Board should be compelled to pay all the costs of Actions in which they may become involved by mistakes honestly made, after all due care on their part to do what is right, I simply assert that the Superintendent can give them no general guarantee, but that in every case of the kind it will become your duty to decide whether you will depart from the general rule you have laid down for the guidance of myself and my successors, and will

order such costs to be paid. I shall leave it to your decision whether you think the case to be brought before you is one which ought to be treated as an exception to the rule.

“The second subject to which I referred is the settlement of the affairs of the Canterbury Association. It rarely falls to the lot of any Legislative Body to deal with a question so full of difficulty and delicacy as that I am alluding to. Still more rarely does it follow that such matters can be arranged with perfect satisfaction to all parties concerned. The termination of our relations with the Canterbury Association may be looked back upon by all concerned with unalloyed satisfaction; and, as frequently happens with actions performed in an honorable and generous spirit, the burden which the Province assumed in undertaking the debt of the Association has proved to be far less onerous than might have been anticipated, whilst the conduct of the Province in the matter has tended more than anything else to establish its credit in England. I desire to warn you, however, that this result will still depend solely on the manner in which the Association's Estate is managed, and on the punctuality with which the rents are collected in the Colony. If this be not attended to you will be called on for heavy advances from the Revenues to pay the Dividends on the Loan, which must of course be punctually paid in London at all sacrifices.

“I would further strongly counsel you to expend all the moneys arising from the sale of portions of the Estate to pay off these Debentures. As a matter of honour and credit, I think the proceeds of this Estate ought to be devoted to the same purpose which it would have been had it remained in the hands of the Association. I shall therefore ask for a vote, this Session, to enable me to discharge five hundred pounds of the debt, for which moneys are already, or will be shortly in hand.

“Full Accounts of the management of the Estates will, of course, be laid before you.

“Whilst referring to our relations with the Association, I cannot but again remind you how much we owe to the continued attachment of its Members, especially Mr. Godley and Mr. Selfe, to the interests of this Province. The Council are aware that these gentlemen have again advanced considerable sums to induce Messrs. Willis to continue the Immigration, and that these debts have not yet been all discharged. The Papers on your table will inform you that they were prepared to guarantee the interest, due in July last, had not the funds arrived in time. Although the necessity did not occur, still the Province is under no small obligation to gentlemen, who, without any hope of pecuniary reward, have been so generously ready to afford pecuniary assistance rather than that the interests or credit of the Province should suffer.

“I think some special acknowledgment of the services of Mr. Selfe and Mr. Godley is due from the Government of the Province.

“I may further congratulate you upon the completion of the purchase of all the Native Land within the Province, and I cannot but advert to the agency by which this has been accomplished. It was one of the objects of my journey to Auckland last year, and I cannot too highly acknowledge the immediate and kind attention with which his Excellency the Governor met my application on the subject. Still you must observe that it was not through the Land Purchase Department that these troublesome questions were settled. A Commissioner was sent down here last summer, who, after remaining some time, was compelled to return to Auckland, having no sufficient instructions to enable him to act. But when at Auckland, I begged that Mr. Hamilton might be appointed to act as a Commissioner, and I offered to advance all the cost of the Service, although I was aware the charge ought not to come, and will not ultimately come on the Province. The result has been, that these questions, which have not been settled by the General Government in four years, and would not have been settled, in all probability, in as many more, were settled in a few weeks by local agency. It is one instance in the many which occur all over New Zealand, proving the necessity of leaving to the Provincial Authorities the duty of purchasing Native Lands.

“But, I turn from matters of congratulation to those of a contrary character. You may not have forgotten that at the first opening of the Council I urged upon you most strongly the necessity of some permanent provision for the Education of the people. It is with the deepest regret that I shall be compelled to resign the government, leaving nothing of a permanent nature done in this matter. The system at present in operation is the very worst which can be adopted. It is a system of giving just enough assistance to paralyse all independent exertion, without giving enough to establish a thoroughly efficient system of Education; and its worst feature is, that it offers no prospect of permanence, the salaries of the Masters being dependent from year to year on the political views and sympathies of the party in power.

“I have abandoned the hope that any general system will be adopted by this Council, and I am compelled to confess, with much disappointment, that on this subject, which has always seemed to me of infinitely greater moment to the future welfare of the country than any other which you can consider, there is a feeling of lukewarmness and indifference, not so much in your Council as amongst the people generally. Unsatisfactory as are the Schools in many respects, the people have not availed themselves of them as they might have done; for in no respect are they more unsatisfactory than in the smallness of the number of Children in attendance in proportion to the sums expended by the Government.

“A Correspondence will be laid before you with the Bishop of Christchurch and the Presbyterian and Wesleyan Ministers, and the Report of the Inspector of Schools will be in your hands.

“There are however some things, Gentlemen, which, in the absence of a general Law for providing Schools, I think we might effect in the present Session. The first is to set aside a reserve of land for every district sufficient to support a good School so soon as the land shall obtain its normal value. I do not think 500 acres of land for Lyttelton, a similar reserve for Christchurch, 300 for Kaiapoi, and 200 for every other district, would be too large a quantity. If you should approve of such a plan, I would proceed to make such reserves without delay, leaving the question as to how the proceeds of the lands were to be dealt with to a future occasion.

“The next thing I would ask you to do, is to make your vote for Educational purposes for five years instead of for one year. This will give a certain degree of permanence to the system which will have the best effect on the Schools generally; and I think you might look to the Revenues being in a great measure relieved from the charge of Education by the increase in value of the land endowments at the end of that time. And the third thing is to sanction the payment of a fixed salary for that time to an Inspector of Schools. Without such an Officer, I am quite persuaded that the money you vote will be, comparatively speaking, wasted.

“You will perceive that the Bishop of Christchurch would prefer the grant for Church Schools to be made in one sum, leaving it to his discretion to apportion it. I think this would be a good plan, but I would suggest, at the same time, whether it would not be wise to affix a condition to all grants for Schools, that they should be made to depend on the sum raised by the Inhabitants of the district. I do not know how else you can thoroughly enlist the co-operation of the Inhabitants in the maintenance of the Schools, and without that co-operation I am persuaded the money will be wasted.

“Without adopting any general system of Education, I should be very glad if one General School could be established in Christchurch, to which Parents of all Denominations could send their Children, and another of the same kind in Lyttelton: the Clergy of the several Denominations giving religious instruction to the Children of their own Congregations at specified times, either in a class-room, or, what would be still better, in their Churches. You will see by the correspondence that all Denominations would gladly agree to such a plan. To carry it out it will be necessary to build and furnish a School-room in Christchurch, a thing greatly needed, for one great drawback to both the Schools here is the want of a sufficient School-room, and of proper School-room furniture. I think such a School, properly

conducted, would do much towards preparing the public mind for some general system of Education in a future year.

“I now turn to the immediate business of the present Session, and I am happy to inform you that your duties will be very light. The only Bills to be laid before you on the part of the Government are two Bills of a local nature, involving no matters of principle. The one is for making Kaiapoi a town for certain purposes, the other is for making a road through Cathedral Square, and enabling the Government to recover possession of the centre plot of land by exchanging Waste Lands for it.

“The principal items of discussion will be the Estimates for the year, and those especially showing the extraordinary expenditure. I am glad to be able to state that your Revenues this year may be estimated at £28,000, which, with the Loan of £30,000, will enable you to spend £58,000 in the course of the ensuing year.

“I lost no time, at the close of the extraordinary Session of last spring, in putting in hand the various Public Works for which you had voted supplies, and in negotiating for the Loan which you had authorised me to raise. But the increase in the Revenues through sales of land, and the necessity of suspending the works during harvest, rendered it unnecessary for me to borrow money, the balances in the chest more than providing for all the works which I could execute in the time with all the labour available. The whole of the Loan will therefore be at your disposal for the present year. And I would urge upon you to devote an increased portion of it for Immigration. The neighbouring Provinces of Wellington and Otago are voting large supplies for Immigration purposes, and I think it would be a wise policy to work in harmony with them in this matter.

“I do not think it would be right to incur any larger debt at present. I entirely agree in the policy of borrowing for purposes of Immigration and Public Works, but I do not think it wise to incur so large a debt that the annual interest should bear more than a certain relation to the annual resources of the country. If the experiment of borrowing succeeds this year, it may, and probably will be quite wise to borrow again next and every succeeding year; because the interest on one or two hundred thousand pounds a few years hence may bear a smaller proportion to the then Revenues than the interest on £30,000 does to our present Revenues. The only thing to be guarded against is borrowing to such an extent as to cripple the credit of the country in any temporary depression which may occur, and to which all countries, and especially young countries, are periodically liable.

“But in discussing the Estimates, Gentlemen, a subject will come before you of the greatest importance. Referring to the expenditure on behalf of the Resident Magistrates' Courts, a Correspondence between the General and Provincial Governments will be laid before you, and you will be called on to say what course the Province should take in reference to the present state of affairs.

“As this is the time and place for me to justify what has been done by the Provincial Government, I will ask your attention to this matter for a few moments. I entertain no doubt as to the full right of the Superintendent to appoint Resident Magistrates for the following reasons:—

“The Office is one created by a Colonial Ordinance, and the person selected to fill it must be already one of her Majesty's Justices of the Peace, and the Governor is empowered to appoint to it ‘provisionally, until her Majesty's pleasure be known.’ This power of provisional appointment is not delegated by the Crown, but is given by a Local Ordinance, one which may be altered or repealed by a Provincial Ordinance. The ‘Constitution Act’ alone limits the powers of the Provincial Councils; but the ‘Constitution Act’ only debars the Provincial Councils from interfering with the Superior Courts. No one can read the second matter excluded from the Provincial powers,—‘the establishment or abolition of any Court of Judicature of civil or criminal jurisdiction, except Courts for trying and punishing such offences as by the Law of New Zealand are or may be made punishable in a summary way, or altering the constitution, jurisdiction, or practice of any such Court, except as aforesaid,’—without inferring that the Provincial

Councils are specially empowered to alter the constitution of any Court of summary criminal jurisdiction : that is the plain meaning of the words. Now the Resident Magistrates' Courts are Courts of summary criminal jurisdiction. Their constitution may therefore be altered by the Provincial Laws. I am quite at a loss to conceive what argument can be set up against the plain and manifest intention of the ' Constitution Act ' to place the Courts of summary jurisdiction under the Provincial Legislatures.

" Under your first ' Empowering Ordinance,' the right of appointment of Resident Magistrates was vested in the Superintendent. That Ordinance was disallowed by the Governor, under the advice of the Attorney-General, but it was re-enacted with the alterations suggested by the Governor. We are at liberty then to conclude that an Ordinance which was disallowed by the General Government had been carefully considered, and yet this power, now in question, was not objected to by her Majesty's then Attorney-General. We have then almost the highest legal authority in this Colony for saying that the power of the Superintendent to appoint is not to be questioned. Not only so, but the same power was exercised by me, and the right so to exercise it fully recognised by Mr. Whittaker, the present Attorney-General, when the acting Attorney-General, in 1855.

" But I am prepared to say that, without any ' Empowering Ordinance' at all, the power of appointing Resident Magistrates, and performing all other functions of Government, is fully and entirely vested in the Superintendent by the ' Interpretation Ordinance ' of the late Legislative Council, Session XI., No. 3,—and which has not been objected to by the Law Officers of the Crown in England.

" The doubts which have arisen upon this question are not derived from legal opinions by competent Lawyers, but from vague expressions arising on the debates in the General Assembly, and dictated more by a regard to the policy than to the right of such appointments. But in such grave questions as the jurisdiction of the Courts, there ought to be no doubt whatever ; and I confess I never was more astonished than when, upon applying to the General Government to give its aid in the support of the authority of the Courts of Law, I heard that the vague doubts to which I have referred, were adopted for the first time by his Excellency's Advisers, and thrown into the scale to bring the administration of justice into disrepute.

" You will perceive that I have stated in the Correspondence that no expenses would be paid after last month on behalf of the Resident Magistrates' Courts. I thought it my duty to state this, because this Council laid it down as a general principle at starting, that no Departments should be maintained out of Provincial Revenues which were not placed under Provincial jurisdiction. I have always scrupulously adhered to the Resolutions which have been passed by the Provincial Council for the guidance of the Government, especially in matters of important principle.

" I have, however, placed the Departments on the Estimates, and I shall be ready to concur with you in any course you may finally adopt.

" It now becomes your duty, Gentlemen, to act promptly for the well-being of the Province in this emergency, and it seems to me that the proper and dignified course for the Province to assume, is to assert the validity of its own acts, until there is valid ground for believing them to be illegal. The present state of affairs ought not to continue an hour ; and although I could not guarantee the Resident Magistrates against legal consequences without your sanction, yet I will readily concur with you in such a guarantee. If you will give me the necessary authority I will issue fresh Commissions, and I have not the smallest doubt but that I am correctly advised, that those Commissions could not be successfully attached in Law.

" It will then be left for the General Government to pursue its own course, or to the Province to re-consider its course at any future time. But the existing embarrassment, which is immeasurably greater at this time of the year than at any other, will be removed at once.

" I will not occupy your time, Gentlemen, by alluding to any particular items in the proposed expenditure on Public Works, except to two : one is that proposed

for Timaru. Next year there will be more than £30,000 worth of produce exported thence. If there were heavy moorings laid down there, a large ship could load, and the Exporters would save a very considerable sum in the way of freight. If there be a Government Agent on the spot, a town will soon spring up, and town land will be sold, and probably much of the rural land in the neighbourhood also. With some preparations, it may be quite worth while to land a body of Immigrants direct from England at that place next year. I would strongly urge upon you the expediency of opening that country for agricultural settlement, for which it is peculiarly adapted. The large squatting population of the district (a district which is daily extending by fresh discoveries of country further inland), will afford a good market to a considerable agricultural population, so that the community might become, in a great measure, self-supporting; whilst wood, of which there is a scarcity, could be supplied from Akaroa with equal, if not greater facility than it is now supplied to Christchurch.

“The only other item to which I will allude, is that for building Government Offices. This is a work which you cannot longer delay in common justice to the gentlemen you employ in the Government. I have forborne, whilst I continued to hold the Office of Superintendent, to remind you that I have never been provided with an office or office conveniences of any kind whatever. In justice to my Successor, I must press upon you that such a state of things is not right. The present offices for the Clerks cannot be occupied without danger to the health. Now that funds are to be obtained, these evils ought to be at once remedied. The Government Offices alone would not cost above £1,500,—£3,000 will build the Offices and Council Chamber in addition, and if you vote the money this Session, the Council Chamber will only then be completed by the time the lease of your present Chamber is expired.

“The last subject to which I will refer is one which I can also press upon you without reserve, as I am shortly about to vacate the Office of Superintendent. It has always appeared to me a very unseemly and dangerous proceeding that those charged with the expenditure of the public Revenues should vote money to themselves. The salary of the Superintendent and the expenses of Members of the Council ought to be settled by a permanent act instead of by annual vote. I would suggest to you that the present is the best time for passing such an Act, and if you will acquaint me, by a Resolution, that you coincide in this view, I will send down a Bill for the purpose.

“The main business of the Session, however, will consist in appropriating the Revenues to the public works and undertakings. If the Colony continues as prosperous as at present, this will always occupy the most prominent place in your debates. I have no doubt but that the present proposals of the Government will meet your best attention.

“I have now to declare this Council opened for the dispatch of business.”

His Honor left the Council Chamber.

Notices of Motion were given.

The Council adjourned until Friday next.

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FRIDAY, 3RD APRIL, 1857.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, S. Bealey, Bowen, Bray, Brittan, Dampier, Davis, Fooks, Hall, Moorhouse, Morgan, Ollivier, Packer, Rhodes, Tancred, Donald, Westenra.

The Speaker in the chair.

A Petition of Daniel Inwood, praying for leave to introduce a Bill to enable him to construct a dam across the river Avon, was presented, read, and received.

A Petition of certain Inhabitants of Christchurch, in favour of the “Inwood Mill Bill,” was presented, read, and received.

A Petition of Francis Fuller, of Beaconsfield, in the Province of Canterbury, late a Captain in her Majesty's 59th Regiment of Foot, praying for leave to introduce a Bill to enable the Petitioner to obtain the remission of the purchase money in the purchase of Waste Lands of the Crown, was presented, read, and received.

A Petition of J. T. Peacock, praying for leave to introduce a Bill to enable his Honor the Superintendent to lease to the Petitioner a certain piece or parcel of land in Erskine Bay, with the view to enabling the Petitioner to erect a wharf or jetty thereon, was presented, read, and received.

A Petition of W. White, publican, of Kaiapoi, praying that the Council would be pleased to suspend the Standing Orders, or in some other way to enable the Petitioner to introduce a Bill to empower the Petitioner to erect a bridge across the river Waimakariri, was presented, read, and received.

Messages Nos. 1 and 2, from his Honor the Superintendent, were received and read.

"The Superintendent lays before the Provincial Council a copy of the Correspondence with the General Government referred to in his Address this day on the subject of the appointment of Resident Magistrates.

"JAMES EDWARD FITZGERALD,

"Superintendent."

"The Superintendent refers to the Provincial Council a Petition, which he has received against the return of William Bayley Bray, Esquire, for the Christchurch Country District.

"JAMES EDWARD FITZGERALD,

"Superintendent."

Motion was proposed "That this Council, having before it the Correspondence which has recently taken place between his Honor the Superintendent and the General Government, respecting the Appointment of Resident Magistrates, and having regard to the great inconvenience which must arise from the suppression of the Resident Magistrate's Court, especially at this season of the year, resolves that a respectful Address be presented to his Honor, praying that his Honor will issue Commissions to Resident Magistrates at Lyttelton and Christchurch, and assuring his Honor that this House will guarantee the expenditure of such sums as may be necessary to support the authority of the Magistrates so appointed."

Amendment was proposed "To add the words 'until a proper Commission can be obtained from his Excellency the Governor.'"

Debate ensued.

The Amendment was altered and carried upon division, "To add the words 'until a Commission can be obtained from his Excellency the Governor removing doubts as to the validity of existing Appointments.'"

Ayes, 9: Messrs. S. Bealey, Dampier, Donald, Moorhouse, Morgan, Ollivier, Rhodes, Tancred, Westenra. Noes, 4: Messrs. Barker, Bray, Brittan, Packer,

The Resolution as amended was put.

Amendment was proposed "To strike out the words after 'Governor' and insert the words 'confirming the Appointment, if necessary.'"

Debate ensued.

The Amendment was altered and negatived, "To strike out the words after 'Governor.'"

The Resolution then passed as amended.

The "Kaiapoi Town Bill" was read a first time.

The "Cathedral Square Bill" was read a first time.

Motion was granted "That his Honor the Superintendent be respectfully requested to cause to be laid before the Council a copy of any Report furnished by Messrs. Marshman and Ligar, as Commissioners for investigating the claims of this Province to compensation on account of the maps and stock of the Land Office transferred to the General Government."



Motion was proposed "That leave be given to bring in a Bill to repeal an Ordinance passed in the second Session of the Provincial Council, entitled the 'Empowering Ordinance, Session II., No. 2.'"

Debate ensued.

The Council adjourned at 2.15 p.m., until 3.30 p.m.

The Council re-assembled.

The debate was resumed.

Amendment was granted "That it be referred to a Committee of the whole House to consider the 'Empowering Ordinances,' with the Schedules annexed, to report to the House whether any and what alterations are desirable in the said Ordinances."

Message No. 3, from his Honor the Superintendent, was received and read.

"The Superintendent has received a Resolution from the Provincial Council, praying that he will issue Commissions to Resident Magistrates at Lyttelton and Christchurch, and assuring him that the House will guarantee the expenditure of such sums as may be necessary to support the authority of the Magistrates so appointed, until a Commission can be obtained from his Excellency the Governor removing the doubts as to the validity of existing Appointments.

"The Superintendent greatly regrets that he cannot comply with the wishes of the Council.

"The Resolution of the Council expresses that it entertains some doubts as to the validity of the Commissions issued by the Superintendent. The Superintendent is somewhat surprised that the Council, entertaining such doubts, should request him to do what would, had these doubts any weight, amount to the gravest possible offence a Government can commit,—that of endeavouring to establish an arbitrary and illegal tribunal.

"The Superintendent has repeatedly said that he entertains no doubt on the matter; in this he is supported by almost every legal authority of any weight in the Colony. If the Provincial Council share in this confidence, the Superintendent will act on its opinion, but he will only do so as a matter of right, not as a matter of expediency as virtually recommended by the Resolution of the Council.

"JAMES EDWARD FITZGERALD,

"Superintendent."

Motion was granted "That his Honor the Superintendent be respectfully requested to cause to be laid before the Council a copy of the Notice issued by the Returning Officer for the election of a Member of this Council in the room of W. B. Bray, Esquire, who had resigned his seat during the recess, and also a copy of any Return made by the Returning Officer in consequence thereof."

The Council adjourned at 5.50 p.m., until Tuesday, 14th April.

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TUESDAY, 14TH APRIL, 1857.

The Council met pursuant to adjournment.

Members present: Messrs. Dampier, Bray, S. Bealey, Fooks, Tancred, Moorhouse, Ollivier, Rhodes, Brittan, Morgan, Barker, J. Bealey, Cookson, Packer, Bowen, Ward, Westenra.

The Speaker in the chair.

A Petition of William Francis Chaney, of Lyttelton, was presented, read, and received.

Leave was given to bring in a Bill to amend the "Canterbury Association's Reserves Bill."

The Bill was read a first time.

Leave was given to bring in the "Inwood Mill Bill."

The Bill was read a first time.

Leave was given to bring in a "Fuller's Remission of Purchase Money Bill."

The Bill was read a first time.

Leave was given to bring in a "Kaiapoi Bridge Bill."

Leave was given to bring in a "Peacock's Wharf Bill."

A Motion to be proposed was considered, "That the Petition presented to this Council by J. Shand, Esquire, against the return of W. B. Bray, Esquire, be referred to the Council on Tuesday, 28th instant."

Mr. Speaker having been referred to on the point of Order, decided that the Petition could not be considered, as Standing Order No. 155 had not been complied with.

Leave was given to bring in a "River Roads Reserve Bill."

The Bill was read a first time and ordered to be printed.

The Council in Committee to consider the "Empowering Ordinance."

Motion was proposed "That the first Ordinance in the Schedule be struck out."

Amendment was negatived upon division, "That it is desirable that the appointment to Offices, under the 'Registration Ordinance' in the Schedule annexed, be vested in the Governor, on the recommendation of the Superintendent."

Ayes, 6: Messrs. Dampier, Morgan, Ollivier, Rhodes, Tancred, Westenra.  
Noes, 10: Messrs. Barker, J. Bealey, S. Bealey, Bowen, Cookson, Hall, Moorhouse, Packer, Thomson, Ward.

The original Motion was negatived upon division.

Ayes, 6: Messrs. Dampier, Moorhouse, Morgan, Ollivier, Tancred, Westenra.  
Noes, 11: Messrs. Barker, J. Bealey, S. Bealey, Bowen, Bray, Cookson, Hall, Packer, Rhodes, Thomson, Ward.

The Speaker in the chair.

The Chairman reported progress.

Motion was granted "That a Select Committee on the Public Works be appointed, with power to call for Persons, Papers, and Reports; to consist of Messrs. Bray, Ollivier, Hall, Brittan, Thomson, Morgan, Packer. To report 22nd April."

Motion was granted "That a Select Committee on Watercresses be appointed, with power to call for Persons, Papers, and Reports to consist of Messrs. S. Bealey, Brittan, Fooks, Barker, Packer. To report 24th April.

Motion was granted "That his Honor the Superintendent be respectfully requested to cause to be laid before the Council a Return, in the tabular form annexed, shewing the result of the public expenditure on account of Education during the first nine months of the past financial year."

The Council adjourned at 10.45 p.m., until Wednesday next.

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### WEDNESDAY, 15TH APRIL, 1857.

The Council met pursuant to adjournment.

Members present: Messrs. Dampier, Barker, Bray, Hall, Tancred, Moorhouse, Ollivier, Bowen, Brittan, Ward, Morgan, Rhodes, Thomson, Packer, Fooks, J. Bealey, S. Bealey.

The Speaker in the chair.

A Petition of J. S. Caverhill and others on the matter of the 13th clause of the "Scab and Catarrh Ordinance" was presented, read, and received.

A Petition of the Inhabitants of Kaiapoi, praying for the consideration of their just claims in the matter of Representation, was presented, read, and received.

A Petition of R. Latter and others, in favour of "Peacock's Wharf Bill," was presented, read, and received.

The Council in Committee of Supply.

The Speaker in the chair.

The Chairman reported progress.

Motion was negatived upon division "That the Council do now adjourn until 4 p.m."

Ayes, 5 : Messrs. J. Bealey, Brittan, Fooks, Ollivier, Rhodes. Noes, 8 : Messrs. S. Bealey, Dampier, Morgan, Packer, Tancred, Thomson, Ward, Westenra.

"Motion was granted "that the Council do now take into consideration his Honor the Superintendent's Message No. 3."

The following Resolutions were proposed in answer :—

"This Council having taken into its consideration his Honor's Message No. 3, resolves as follows :—

"That having regard to the great injury and inconvenience to individuals caused by the suspension in the Administration of Justice in this Province, owing to the doubts which have recently been thrown on the validity of Appointments made by the Provincial Authorities, it is the opinion of this Council that no unnecessary delay ought to be allowed in procuring the Appointment of a sufficient number of Resident Magistrates by some authority, whose competency cannot be called in question on any side.

"That with a view of meeting the present urgent and pressing requirements of this Province, this Council agrees with his Honor in thinking it desirable that his Honor should issue Commissions appointing such Resident Magistrates as may be necessary, and this Council further agrees with the opinion expressed by the Provincial Government, that the Officers so appointed ought to be guaranteed against all loss which might arise from acting on such Commission.

"That inasmuch as such guarantee is only intended to meet an immediate and pressing emergency, and to obviate a serious practical difficulty, this Council does not think it necessary to discuss or to decide the theoretical point as to whether Appointments to the Office of Resident Magistrates made by a Superintendent are valid or not, but is content to take his Honor's assurance that they are so.

"But however, as doubts have been expressed in some quarters as to the validity of such Appointments, and as gentlemen cannot be found to undertake the duties of Resident Magistrates without a guarantee which of itself implies a doubt, this Council is of opinion that these doubts, however unfounded they may be, are, from the very fact of their being raised, injurious to the efficient Administration of Justice, and therefore that they ought, as soon as possible, to be put an end to.

"That this opinion is confirmed by the consideration that should such doubts be entertained by any considerable part of the population, a guarantee, such as is proposed, might entail a very heavy expenditure of public money in defending Actions at Law.

"That the expenditure, under guarantee, of an unlimited sum of public money, appears to this Council to be an irregular and dangerous precedent, and moreover a proceeding not contemplated by the 'Constitution Act.'

"This Council therefore is of opinion that an issue of public money for such purposes is only to be justified by the peculiar circumstances of the present case."

The debate was adjourned until to-morrow, to be taken in Committee.

Motion was granted "That a Select Committee be appointed on the 'Fuller's Remission of Purchase Money Bill,' to consist of Messrs. Westenra, Moorhouse, Morgan, Barker, and Brittan; with power to call for Papers, Persons, and Reports. To Report Tuesday, 28th April."

Motion was granted "That a Select Committee be appointed on the 'Peacock's Wharf Bill,' to consist of Messrs. Packer, Morgan, Rhodes, Cookson, Bray; with power to call for Persons, Papers, and Reports. To report 28th April."

"Motion was granted "That his Honor the Superintendent be respectfully requested to place a sum not exceeding £500 on the Estimates, to be given in whole or in part, for the discovery of a metallic vein or deposit which may be wrought with profit to the Province; such sum, or any portion thereof, to be awarded by the Superintendent and Executive Council."

"Motion was granted "That a Select Committee be appointed on the 'Inwood's Mill Bill,' to consist of Messrs. Westenra, Hall, Brittan, Thomson, Ollivier—Mr. Bray's name was added to the Committee. To report 29th April.

The "Kaiapoi Bridge Bill" was read a first time.

The Council adjourned until Thursday next.

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THURSDAY, 16TH APRIL, 1857.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, Dampier, Moorhouse, J. Bealey, Hall, Thomson, Tancred, Rhodes, Ollivier, Davis, Moore, Ward, Morgan, Fooks, S. Bealey, Bray, Packer, Bowen, J. Brittan, Cookson, Westenra.

The Speaker in the chair.

The following Papers were laid upon the table:—

No. 1, relating to the Canterbury Debenture's Account.

No. 2, Report of the Provincial Engineer.

No. 3, Petition of the Warden, Sub-Warden, and Fellows of Christ's College, Canterbury.

A Petition of Henry John Cridland, praying for redress of an injury inflicted by Mr. Brittan, Commissioner of Crown Lands, was presented, read and received.

Motion was granted "That his Honor the Superintendent be respectfully requested to cause to be laid before the Council the Terms of Agreement entered into between the Provincial Government or the Immigration Agent, and the Members of the Metropolitan Police Force recently sent to this Province."

Motion was granted "That his Honor the Superintendent be respectfully requested to cause to be placed upon the Estimates such a sum of money as will be sufficient to meet the claims of the Licensed Victuallers by reason of the overpayments made upon the Licenses granted to them in July last."

Motion was proposed "That the 'Canterbury Association's Reserves Amendment Bill' be read a second time."

Amendment was carried upon division "That the second reading of that Bill be deferred until the Superintendent and Executive Council have reserved a new site."

Ayes, 11: Messrs. Barker, J. Bealey, S. Bealey, Bray, Davis, Hall, Moore, Moorhouse, Morgan, Ollivier, Rhodes. Noes, 9: Messrs. Brittan, Cookson, Dampier, Fooks, Packer, Tancred, Thomson, Ward, Westenra.

The "Kaiapoi Town Bill" was read a second time.

The "Cathedral Square Bill" was read a second time.

The Council in Committee on the Resolutions in reply to Message No. 3, of his Honor the Superintendent.

The debate, adjourned Wednesday, 15th April, was resumed.

A Message from his Honor the Superintendent was announced.

The Speaker in the chair.

Messages Nos. 4, 5, 6, were received and read.

"The Superintendent transmits to the Provincial Council an offer made by Mr. Fred. Banks, on the part of the house of Miles, Kington & Co., of Melbourne,

to open an Agency in Australia and England for the sale of land, and for general mercantile purposes. The Superintendent thinks it would be very desirable to accept Mr. Banks' offer.

"It would not be necessary for this purpose to alter the Land Regulations, but simply to place such sums at the disposal of the Government as would enable them to fulfil any agreement entered into with Mr. Banks.

"JAMES EDWARD FITZGERALD,  
"Superintendent."

"The Superintendent transmits to the Provincial Council a copy of a Dispatch, which has been written by the Colonial Secretary on the subject of Military Settlers, and begs that the Council will take the matter into its consideration, in order to enable the Government to reply to the proposal it contains.

"JAMES EDWARD FITZGERALD,  
"Superintendent."

"Referring to his Message No. 3, on the subject of Resident Magistrates, the Superintendent desires to draw the attention of the Council to certain Acts of the General Assembly, entitled 'The Provincial Council Powers Act, 1856,' and 'The Provincial Laws Act, 1856.'

"The former of these Acts, which has been reserved for her Majesty's pleasure, specially empowers the Superintendent to alter 'the Civil Jurisdiction of any Court of Summary Procedure, having jurisdiction to the amount of £20.'

"The latter Act validates all Ordinances theretofore passed which would have been valid had the former Act been in existence when they were passed.

"The 'Canterbury Empowering Ordinance' is therefore, in fact, specially validated by an Act of the General Assembly, and the doubts which have been raised are at an end.

"The Superintendent regrets that these Acts should have escaped his notice before, and that he should have been led into error by the tone of the Dispatches from his Excellency's Ministers who appear to have been equally unmindful of the legislation of last Session.

"The Superintendent will therefore issue Commissions to the Resident Magistrates so soon as he shall learn that the Provincial Council intend to vote the necessary expenses of the Department.

"JAMES EDWARD FITZGERALD,  
"Superintendent."

The Council adjourned until Friday next.

FRIDAY, 17TH APRIL, 1857.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, J. Bealey, S. Bealey, Bowen, Bray, Brittan, Dampier, Davis, Donald, Fooks, Hall, Moore, Moorhouse, Morgan, Ollivier, Packer, Tancred, Thomson, Westenra.

The Speaker in the chair.

The Council resolved itself into Committee of Supply.

Vote was proposed, Draughtsman, Survey Department, £200.

Amendment was negatived upon division, "That the words be added 'for additional services as Surveyor, £50.'"

Ayes, 8: Messrs. J. Bealey, S. Bealey, Bowen, Bray, Hall, Morgan, Packer, Tancred. Noes, 9: Messrs. Brittan, Davis, Dampier, Donald, Moore, Moorhouse, Ollivier, Thomson, Westenra.

The vote was proposed.

Amendment was negatived upon division, "That the words be added 'and Occasional Surveyor.'"

Ayes, 6: Messrs. J. Bealey, Bowen, Bray, Brittan, Dampier, Morgan. Noes, 11: Messrs. S. Bealey, Davis, Donald, Hall, Moore, Moorhouse, Ollivier, Packer, Tancred, Thomson, Westenra.

Vote was proposed, Harbour Department, two Boatmen, each at 5s. per diem, £182 10s.

Amendment was carried upon division, "That there be a Coxswain of the Harbour Master's Boat, at 7s. per diem, and one Boatman, at 5s. per diem in lieu of two Boatmen at 5s. per diem each."

Ayes, 12: Messrs. Barker, J. Bealey, S. Bealey, Davis, Dampier, Hall, Moore, Moorhouse, Ollivier, Tancred, Thomson, Westenra. Noes, 4: Messrs. Bowen, Bray, Brittan, Packer.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee on "The Cathedral Square Bill."

The Speaker in the chair.

The Chairman reported progress.

Message No. 6, from his Honor the Superintendent, was read.

A Resolution was proposed in reply, "That the Members of this House have made provision for the maintenance of the Courts of Summary Procedure within the Province, until some provision shall have been made by the General Assembly.

The Resolution was amended in debate, and passed, "The Council desires to inform his Honor that they have placed upon the Estimates a vote of a sum of money which they consider will make adequate provision for the Maintenance of the Courts of Summary Procedure within this Province."

Motion was granted "That this Council, having taken into consideration the Petition of William White, presented to this Council on the 3rd instant, resolves, that Standing Orders Nos. 121, 122, 123, 124, be suspended, in the case of William White, so as to enable him to introduce the Bill referred to in such Petition, in the present Session of this Council, on condition that for fourteen days prior to its introduction, a copy of such Bill shall have been deposited for public inspection in some convenient place in Christchurch and Kaiapoi."

Motion was granted "That a Committee be appointed to enquire into the adjustment of the Representation in this Council decided on by the 'Provincial Council Extension Ordinance.' That the Petition presented to this Council by the Inhabitants of Kaiapoi be referred to such Committee. That such Committee be instructed to report upon the practicability of dispensing with the formation of a separate Electoral Roll for Provincial Elections. The Committee to consist of Messrs. Packer, Ollivier, Rhodes, Ward, Hall, with power to call for Papers, Persons, and Reports. To report 28th April."

The Petition of the Inhabitants of Lyttelton, in favour of "Peacock's Wharf Bill," was referred to the Committee on that Bill.

Leave was given to introduce a "Scab and Catarrh Amendment Bill."

Leave of absence for three weeks was granted to Mr. Hamilton.

Motion was granted "That a Select Committee be appointed to enquire into the allegations contained in the Petition of H. J. Cridland. To consist of Messrs. Hall, Thomson, S. Bealey, Moorhouse, Westenra, with power to call for Papers, Persons, and Reports. To report this day fortnight."

The Council adjourned at 7.20 p.m., until Tuesday next.

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TUESDAY, 21ST APRIL, 1857.

Members present: Messrs. J. Bealey, S. Bealey, Bray, Bowen, Barker, Packer, Westenra.

There not being a quorum of Members present, the Council stood adjourned until Wednesday, 22nd April.

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WEDNESDAY, 22ND APRIL, 1857.

There not being a quorum of Members present, the Council stood adjourned until Thursday, the 23rd instant.

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THURSDAY, 23RD APRIL, 1857.

There not being a quorum of Members present, the Council stood adjourned until Friday, 24th April.

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FRIDAY, 24TH APRIL, 1857.

The Council met pursuant to adjournment.

Members present: Messrs. J. Bealey, S. Bealey, Packer, Ollivier, Bray, Thomson, Bowen, Barker, Westenra.

The Speaker in the chair.

The Notices of Motion standing for Tuesday 21st, were renewed for Tuesday, 28th April.

The Council adjourned until Tuesday next.

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TUESDAY, 28TH APRIL, 1857.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, J. Bealey, S. Bealey, Blakiston, Bowen, Bray, Brittan, Dampier, Donald, Fooks, Hall, Moorhouse, Morgan, Ollivier, Packer, Rhodes, Thomson, Cookson, Westenra.

The Speaker in the chair.

The "Scab and Catarrh Amendment Bill" was read a first time, and ordered to be printed.

Extension of time, to this day fortnight, was granted to the Committees on Public Works, Watercresses, and Adjustment of Representation.

Extension of time, to this day week, was granted to the Committee on "Peacock's Wharf Bill."

The Council in Committee to consider an Answer to the Address of his Honor the Superintendent.

The following Answer passed, and was ordered to be reported:—

"The Provincial Council thank your Honor for the Address with which this Council has been opened.

"They fully concur with your Honor that there is great cause for congratulation in the progress of the Settlement during the last four years. The stability of its trade and commerce, the progress of cultivation, the increase of stock, and the rapid accumulation of wealth, are indeed most satisfactory indications of its growing prosperity.

"The Council cannot but attribute much of the advancement of the Province to the firmness and ability with which the Government has been administered.

"The Council concur with your Honor in your estimate of the benefits which have resulted to this Province from the adoption of the principle of Local Self-Government; and they are of opinion that the well-founded complaints which the proceedings of the General Government have afforded to this Province, will never cease until the Seat of Government is removed to a more central position.

"The Council fully concur with your Honor that a special acknowledgment of the services of Mr. Godley and Mr. Selge is due from the Government. The

Province has been placed under a very great obligation to those Gentlemen for their disinterested assistance in repeated cases of emergency and difficulty.

“The Council are sensible of the great importance to be attached to an efficient system of Education, and they regret exceedingly that so long a period has elapsed before any well matured Measure upon the subject has become Law. They assure your Honor that the delay which has occurred has not arisen from lukewarmness or indifference, but rather from a sense of the difficulty attached to making any permanent provision for Education at a period when affairs are generally so unsettled.

“The Council assure your Honor that they will at all times co-operate with you in the maintenance of your privileges and powers, and in justification of your Appointments made under due authority of Law.

“The Council recognize the unseemliness of placing on the Estimates, year by year, votes of money for the outlay of the Superintendent, and for the expenditure of the Members of the Council, and they agree with your Honor in the opinion that permanent provision should be made for these expenses by an Act of the Council.”

The Speaker in the chair.

The Answer to the Address was reported, adopted, and ordered to be presented to his Honor the Superintendent by a Deputation, to consist of Mr. Speaker, Messrs. Packer, Moorhouse, Hall.

The Council in Committee of Supply.

Vote was taken, Charitable Aid ... ..	£550	0	0
”    Timaru Resident Magistrate, &c. ...	200	0	0
”    Akaroa Resident Magistrate, &c. ...	293	0	0
”    Immigration ... ..	260	0	0

The Speaker in the chair.

The Chairman reported progress.

Motion was proposed “That the Council resolve itself into Committee on the “Cathedral Square Bill.”

Amendment was carried upon division, “That that Bill be committed this day six months.”

Ayes, 9: Messrs. Barker, S. Bealey, Bray, Cookson, Dampier, Donald, Hall, Ollivier, Westenra. Noes, 6: Messrs. J. Bealey, Blakiston, Moorhouse, Packer, Rhodes, Thomson.

The Council adjourned until Wednesday, 29th April.

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WEDNESDAY, 29TH APRIL, 1857.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, J. Bealey, S. Bealey, Blakiston, Bowen, Bray, Cookson, Dampier, Hall, Moorhouse, Morgan, Ollivier, Packer, Rhodes, Thomson, Ward, Westenra.

The Speaker in the chair.

The Select Committee on the “Inwood Mill Bill” was ordered to report this day week.

Messages Nos. 7, 8, 9, from his Honor the Superintendent, were received and read.

“The Superintendent lays before the Provincial Council a Correspondence between the Superintendent and the Waste Lands Board, on the subject of an Action brought against the Board.

“If the Provincial Council is satisfied that the Board has acted to the best of its judgment, the Superintendent will be happy to join in guaranteeing the Board against all personal risks in the Action.

“JAMES EDWARD FITZGERALD,

“Superintendent.”



“The Superintendent acquaints the Provincial Council that several thousand acres were reserved at Talbot Forest, for town and suburban sections, against sale at ten shillings an acre, under Sir George Grey’s Regulations of 4th March. This land is, properly speaking, now open for sale as rural land at two pounds. The Superintendent, however, thinks it very desirable that a town should be reserved, and therefore suggests to the Council to recommend the site, of which a description and tracing is enclosed, to be reserved as a town. The Superintendent would be glad if the Council would, at the same time, fix a name to be given to the town.

“JAMES EDWARD FITZGERALD,  
“Superintendent.”

“The Superintendent suggests to the Provincial Council to recommend the reserve, of which a description is annexed.

“The land was, the Superintendent believes, originally reserved by Mr. Godley for an hospital site, and has always been treated as a reserve, but there seems to be no sufficient reserve of it, and the Superintendent suggests that the land should be now formally reserved.

“JAMES EDWARD FITZGERALD,  
“Superintendent.”

The Council in Committee on the “Kaiapoi Town Bill.”

Amendments were made in the Preamble and clauses of the Bill, and adopted pro formâ.

The Speaker in the chair.

The Chairman reported progress.

Motion was proposed “That the Bill for Regulating certain Public Road Reserves of the Province be read a second time.”

Debate ensued.

The debate was adjourned until this day week.

Motion was granted “That it is desirable that the necessary steps should be taken by the Provincial Government for placing in the hands of Members of this Council, copies of the Acts of the General Assembly.”

Motion was granted “That it is desirable that the ‘Constabulary Force Ordinance’ should be reprinted, and copies thereof furnished to all Justices of the Peace throughout the Province.”

Motion was granted “That the name of Mr. Hall be withdrawn from the Committee to investigate the allegation contained in the Petition of H. J. Cridland, and the name of Mr. Blakiston be substituted. That extension of time be granted to the said Committee to the 7th May.”

The Council adjourned at 1.25 p.m., until Thursday next.

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THURSDAY, 30TH APRIL, 1857.

The Council met pursuant to adjournment.

Members present: Messrs. Dampier, Bray, Barker, Hall, Moorhouse, Davis, Ollivier, Cookson, Blakiston, Ward, Fooks, Morgan, Rhodes, Brittan, Donald, Packer, Bowen, J. Bealey, S. Bealey, Thomson.

The Speaker in the chair.

The Report of the Committee on the “Inwood Mill Bill” was brought up.

Motion was negatived upon division, “That his Honor the Superintendent be respectfully requested to place on the Estimates the sum of £300, to be appropriated towards the improvement of the Port town of Akaroa.”

Ayes, 6: Messrs. Dampier, Davis, Donald, Moorhouse, Ollivier, Rhodes.  
Noes, 9: Messrs. Barker, S. Bealey, Blakiston, Bray, Cookson, Fooks, Hall, Morgan, Packer.

Motion was proposed "That his Honor the Superintendent be respectfully requested to place upon the Estimates the sum of £400, in aid of the Kaiapoi and Rangiora Road."

Amendment was granted "That it be referred to the Committee on Public Works to consider the propriety of appropriating a sum of £400 towards the construction of the Kaiapoi and Rangiora Direct Road."

Messages Nos. 10, 11, 12, 13, from his Honor the Superintendent, were received and read.

"The Superintendent transmits to the Provincial Council a copy of a Presentment made by the Grand Jury at the last Assizes, and communicated to the Superintendent by order of the Chief Justice.

"The Superintendent thinks it right to observe that the present Gaol was built for the purposes of a temporary Lock-up, and was not intended for, and is not adapted to the purposes of a permanent Gaol.

"At the same time the Superintendent has not received, either from the Gaoler, Sheriff, Medical Attendant, or Visiting Justices, any complaints of the ventilation since the ventilator was put into the roof.

"The Superintendent thinks it quite out of the question to build a proper Gaol for Prisoners under long sentences, and adapted to a proper classification, out of the resources of a population little larger than an English village. And the Superintendent will cordially unite with the Provincial Council in making a strong representation to the General Government of the necessity of having a Common Gaol for the Colony, to which Offenders of a higher class may be sent.

"During the time however that such Prisoners are in the Lyttelton Gaol, the Superintendent will do what lies in his power to meet the views of the Grand Jury, and he thinks that one of the first steps would be to appoint a Chaplain to the Gaol, who shall visit it at stated periods, and shall be entrusted with a small sum to expend in books for the Prisoners. The Superintendent thinks that all books admitted into the Gaol should be under the Chaplain's sanction.

"The Superintendent therefore suggests to the Council to place the sum of thirty pounds a year on the Estimates as a salary for the Chaplain to the Gaol, and a sum of twenty pounds to be spent in books for the use of the prisoners.

" JAMES EDWARD FITZGERALD,

" Superintendent."

"The Superintendent transmits to the Provincial Council the heads of an Agreement which has been made between the Government and Mr. Banks, on behalf of Messrs. Miles, Kington, and Co., of Melbourne, for establishing a line of steam communication on the coasts of the Province. The Government received but one other Tender which proposed to supply the boats from Australia.

"Neither of the Tenders received proposed strictly to meet the terms of the Government advertisement, and with regard to the latter, the Government had reason for concluding that the description of boats required for the service of the Province could not be obtained from the Australian Colonies, and that it would be far better to obtain them at once from England.

"The Government therefore entered into communication with Mr. Banks, which have resulted in the agreement of which the heads are now transmitted.

"The Superintendent requests the Provincial Council to give their sanction to this arrangement.

" JAMES EDWARD FITZGERALD,

" Superintendent."

"The Superintendent has received a Resolution from the Provincial Council requesting him to place on the Estimates 'such a sum as will be sufficient to meet the claims of the Licensed Victuallers, by reason of the overpayments made upon the Licenses granted to them in July last.'"

“The Superintendent is unable to comply with the Resolution of the Provincial Council, because no information of any kind has been laid before him as to any claims which have been advanced by the Licensed Victuallers.

“The Superintendent is informed that the intention of the Council was to refund to the Licensed Victuallers the difference between the fee paid for the License last year and that to be paid this year. But the Superintendent is at a loss to understand how any such claim can be urged by the Publicans. The position of the Publicans was fully considered last year when the Law was passed, and if they had had any claim to a refund of the License Fee, it could have been provided for by the Bill.

“The Council would have had a perfect right to raise the License Fee as they had a right to lower it. The Publicans took their licenses in the full knowledge that the new Law was then about to come into operation, and that the hours of keeping the houses open was about to be altered, and the present Law is, on the whole, far more favorable to the Publicans than the old Law.

“The Superintendent does not think it would be right to sanction any payment of public money, unless for specific public service performed, or for loss proved to have been incurred in the public service, and he does not think that such loss can be proved in the present instance.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

“The Superintendent transmits to the Provincial Council a Correspondence between the Government and the Union Bank of Australia, respecting the Loan.

“The Superintendent thinks the best plan will be to empower the English Agent to raise the Loan in England, and for that purpose he has directed the Debentures to be prepared, to be sent to England immediately. The Superintendent, moreover, thinks that the proceeds of the land sales will suffice for nearly all the works which can be carried on in the Province during the year, and that the English Agent should therefore be directed to raise the Loan in small sums, as may be required to pay for Immigration, and not to transmit any of the proceeds to the Colony unless instructed to do so hereafter.

“The Superintendent fully anticipates that the whole of the proceeds of the Loan may be devoted to Immigration purposes during the next two years, and that by devoting the re-payments of Immigrants' bills to general purposes in the Colony all cost of transmitting money either way may be avoided.

“The Superintendent further thinks that there will be no difficulty in obtaining the Loan on very moderate terms in England.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

The consideration of Message No. 7 was deferred until Thursday next.

The Council in Committee of Supply.

Vote was taken, Public Works—Office Expenses ... £1288 0 0

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned until Tuesday next.

TUESDAY, 5TH MAY, 1857.

The Council met pursuant to adjournment.

Members present: all except Messrs. Hamilton, Tancred, Moore, Rhodes.

The Speaker in the chair.

The Report of the Select Committee on the “Peacock's Wharf Bill” was brought up.

A Petition of certain Inhabitants of Colombo street, Christchurch, and others, praying for assistance in making a bridge over the river Avon, was presented, read, and received.

Messages Nos. 14, 15, 16, 17, from his Honor the Superintendent, were received and read.

“ In reference to a Resolution of the Provincial Council of the 14th April, requesting the Superintendent to furnish certain Returns respecting the Schools supported by Government Aid, the Superintendent regrets that he is unable to furnish a Return exactly in the form required by the Council, not having the information requisite in any official form.

“ But the Superintendent transmits :—

1. “ A Financial Return, shewing the cost of the several Schools.
2. “ The Report of the Inspector of Schools.
3. “ A Correspondence referring to that Report.
4. “ And a copy of a Correspondence with the heads of the several Religious Bodies, on the subject of the distribution of the Educational Vote in future years.

“ JAMES EDWARD FITZGERALD,  
“ Superintendent.”

“ The Superintendent transmits to the Provincial Council an Account of the Receipts and Payments of the General and Local Posts for the first Three Months. There appears a deficiency in the Local Post Revenue of fifty-three pounds nineteen shillings; but being diminished by the balance of the General Post Revenue, which is applicable to defray the Cost of the Local Posts in accordance with a Resolution of the House of Representatives, dated 7th August, 1856, the total deficiency will be only thirty-five pounds seventeen shillings and seven pence. The Local Posts Revenues may be expected to increase.

“ The Superintendent therefore asks for a vote of one hundred and twenty pounds, for the Postal Service of the year.

“ JAMES EDWARD FITZGERALD,  
“ Superintendent.”

“ The Superintendent transmits to the Provincial Council a copy of the Report and Map made by Mr. Bray, the Engineer employed by the Government to make the special survey referred to in the Resolution of the Provincial Council of the 20th November, 1856, to ascertain whether any temporary cart road can be constructed on any other part of the hills which might serve for the passage of light traffic pending the opening of the Sumner Road.

“ The result of this survey being that no such cart road could be formed, the Superintendent proceeded at once to widen the Bridle Path and to put it into a state of proper repair.

“ The Sumner Road line can be made passable for carts, with the prison labour and by grants of land, from the foot of the Zig-zag, on the Lyttelton side, to Sumner. That work is in progress, and will be complete in about two months. That part of the road will then be passable for carts from Christchurch to the foot of the Zig-zag on the Lyttelton side. The part from the foot of the Zig-zag to the Powder Magazine, one mile and a-quarter, will be the only part of the line not passable for carts.

“ The Superintendent hopes the Council will place means at the disposal of the Government to open that last mile and a-quarter during the present winter, which may be done by means of Maori labour, without stopping any other public works, or pressing on the labour market.

“ The Superintendent is assured that the moment this road is made passable for carts, which may now be effected in three months from the present time, a Conveyance will be placed on the line to carry passengers daily between Lyttelton and Christchurch.

“ JAMES EDWARD FITZGERALD,  
“ Superintendent.”

“ The Superintendent, in transmitting to the Provincial Council the Accounts of the past year, desires their attention to the Comparative Statement, by which it appears that the surplus expenditure over the Estimates amounts to five thousand four hundred and fifty-nine pounds fourteen shillings and fourpence. The Superintendent thinks it right to explain that this excess is merely nominal. The sums appropriated by the Provincial Council in the Session of October, last year, were not brought into any ‘ Appropriation Bill.’ The Expenditure under those votes must therefore be brought into the ‘ Appropriation Bill ’ of the present year.

“ The Comparative Statement is made up with a view to the construction of the ‘ Appropriation Bill ;’ hence the amount that appears in it as an excess of expenditure over Estimates is not altogether an expenditure over votes of the Council. Of the excess there shewn of five thousand four hundred and fifty-nine pounds fourteen shillings and fourpence, four thousand and thirty-three pounds eighteen shillings and elevenpence is covered by the votes of last Session, leaving a balance of one thousand four hundred and twenty-five pounds fifteen shillings and fivepence. But of this sum, fifty-four pounds sixteen shillings and sixpence was expended in accordance with a Resolution of the Council, though not put into Estimate, and one thousand and seventy-four pounds four shillings was expended in payments due on outstanding Contracts of the year 1855-6, which were omitted by mistake in the ‘ Appropriation Bill ’ of the former year. And lastly, twelve pounds ten shillings has been refunded by private persons paying for the work done.

“ The total amount therefore of the expenditure in the course of the year which has not received the sanction of the Provincial Council, is two hundred and eighty-four pounds four shillings and elevenpence.

“ JAMES EDWARD FITZGERALD,

“ Superintendent.”

The Council in Committee on the “ Kaiapoi Town Bill.”

The Bill passed as read.

The Speaker in the chair.

The Chairman reported the Bill.

The “ Fuller’s Remission of Purchase Money Bill ” was read a second time.

The “ Peacock’s Wharf Bill ” was read a second time.

The Council adjourned at 7.40 p.m., until Wednesday next.

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WEDNESDAY, 6TH MAY, 1857.

The Council met pursuant to adjournment.

Members present : Messrs. Dampier, S. Bealey, Davis, Moorhouse, Ollivier, Brittan, Ward, Morgan, Bowen, Packer, Blakiston, Bray, Thomson, J. Bealey, Cookson, Barker, Westenra.

The Speaker in the chair.

The Council in Committee to consider Message No. 4, of his Honor the Superintendent.

In the absence of Mr. Fooks, Mr. Blakiston was elected Chairman.

The Message was read by the Clerk.

Motion was proposed “ That it is the opinion of this Council that an Agent for this Settlement be appointed in Melbourne for the sale of land.”

The Resolution was amended in Debate, and Motion was carried upon division, “ That it is the opinion of this Council that it is expedient to appoint an Agent in Melbourne to facilitate the sale of lands in this Province.”

Ayes, 11 : Messrs. J. Bealey, S. Bealey, Bowen, Bray, Brittan, Cookson, Dampier, Morgan, Packer, Thomson, Ward. Noes, 5 : Messrs. Barker, Davis, Moorhouse, Ollivier, Westenra.

The Speaker in the chair.

The Resolution was reported by the Chairman.

The Council in Committee to consider Message No. 8, of his Honor the Superintendent.

Mr. Blakiston in the chair.

Motion was proposed "That his Honor the Superintendent be respectfully requested to make the following Reserve, viz., 320 acres of land, for a town to be called \_\_\_\_\_."

Motion was negatived upon division, "That the blank be filled up with the words Godley Town."

Ayes, 3: Messrs. Brittan, Davis, Packer. Noes, 12: Messrs. Barker, Bealey, Bowen, Bray, Cookson, Dampier, Moorhouse, Morgan, Ollivier, Thomson, Ward, Westenra.

Motion was negatived upon division, "That the blank be filled up with the word Killigar."

Ayes, 5: Messrs. Bowen, Cookson, Ollivier, Ward, Westenra. Noes, 11: Messrs. Barker, J. Bealey, S. Bealey, Bray, Brittan, Dampier, Davis, Moorhouse, Morgan, Packer, Thomson.

Motion was carried upon division, "That the blank be filled up with the word, FitzGerald."

Ayes, 14: Messrs. Barker, J. Bealey, S. Bealey, Bowen, Bray, Brittan, Cookson, Dampier, Davis, Moorhouse, Morgan, Packer, Thomson, Ward. Noes, 2: Messrs. Ollivier, Westenra.

Motion was proposed "That his Honor the Superintendent be respectfully requested to make the following Reserve, viz., 320 acres of land for a town to be called FitzGerald."

An Amendment was negatived upon division, "That FitzGerald be struck out and Leinster substituted."

Ayes, 4: Messrs. Bowen, Ward, Ollivier, Westenra. Noes, 12: Messrs. Barker, J. Bealey, S. Bealey, Bray, Brittan, Cookson, Dampier, Davis, Moorhouse, Morgan, Packer, Thomson.

The original Motion having been put, Amendment was negatived upon division, "That the question of the name be reconsidered."

Ayes, 5: Messrs. Bowen, Cookson, Dampier, Ollivier, Westenra. Noes, 11: Messrs. Barker, J. Bealey, S. Bealey, Bray, Brittan, Davis, Moorhouse, Morgan, Packer, Thomson, Ward.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee for the consideration of Message No. 9, of his Honor the Superintendent.

Mr. Blakiston in the chair.

The Speaker in the chair.

The Chairman reported progress.

Extension of time, to the 14th May, was granted to the Committee on the Petition of H. J. Cridland.

The Council adjourned until Thursday next.

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THURSDAY, 7TH MAY, 1857.

The Council met pursuant to adjournment.

Members present: Messrs. Packer, Ward, Fooks, Thomson, J. Bealey, Morgan, Blakiston, Ollivier, Davis, Bray, Barker, S. Bealey, Donald, Dampier, Westenra.

The Speaker in the chair.

Messages, Nos. 18, 19, from his Honor the Superintendent, were received and read.

“The Superintendent transmits to the Provincial Council copies of Letters which he has received from the Captain of the steamer ‘Zingari,’ and from the Captain of the ‘Highlander,’ on the subject of the Roadstead of Timaru, and also a Report from Mr. Hewlings on the surrounding country. All these Reports are of importance, as showing the use which may be made of Timaru, as a shipping port for all the country cut off from Christchurch and Lyttelton by the Rangitata and Rakaia Rivers, and as a new district for agricultural settlement.

“JAMES EDWARD FITZGERALD,  
“Superintendent.”

“The Superintendent transmits to the Provincial Council a copy of a Letter which he has received from the Sub-Warden of the College, stating the reasons which render the Governing Body very anxious for a grant, enabling it to complete the building, a portion of which is in the course of erection on the new College site.

“JAMES EDWARD FITZGERALD,  
“Superintendent.”

The Council in Committee for the consideration of Message No. 7, of his Honor the Superintendent.

Mr. Hall in the chair.

Motion was carried upon division, “That the enclosure to Message No. 7, be read.”

Ayes, 8. Noes, 8.

The Chairman decided in favor of the Ayes.

The Enclosure was read.

Motion was proposed “That this House, having taken into consideration his Honor’s Message, No. 7, referring to the relations which should subsist between the Government and the Waste Lands Board, is of opinion—

1. “That the Waste Lands Board is a Department of the Government.

2. “That the duties of the Commissioners of the Waste Lands Board, being in part judicial, it is expedient that in all cases of a judicial character which may come before the Board, it shall, if it should so require, be furnished with legal advice by the Government, and that in all cases in which the Commissioners may act in accordance with such advice, all legal costs incurred in consequence thereof should be defrayed by the Government.”

Debate ensued

The first resolution was withdrawn by leave.

The second was agreed to.

Motion was granted “That under the circumstances of the case of Hall v. McLean, which has been brought under the notice of the Council, as there appears every reason to believe that the Commissioners of the Waste Lands Board acted to the best of their judgment, and with perfect honesty of purpose, the Council is of opinion that the Board should be relieved from any expenses already incurred in support of their decision.”

The Speaker in the chair.

The Resolutions were reported and adopted.

The Council in Committee for the consideration of Resolutions on Education.

Motion was negatived upon division, “That a sum not exceeding £2,000 should be expended during the current year, out of the General Revenues of the Province, in promoting Education throughout the Province, according to the Denominational System hitherto pursued.”

Ayes, 7 : Messrs. Bray, Davis, Donald, Ollivier, Thomson, Ward, Westenra.  
 Noes, 9 : Messrs. Barker, J. Bealey, S. Bealey, Blakiston, Bowen, Brittan, Dampier,  
 Morgan, Packer.

Motion was carried upon division, "That Mr. Bowen's Resolutions be adopted."

Ayes, 9 : Messrs. Barker, Blakiston, Bowen, Bray, Brittan, Dampier, Morgan, Packer, Thomson. Noes, 7 : Messrs. J. Bealey, S. Bealey, Davis, Donald, Ollivier, Ward, Westenra.

Motion was granted "That the sum of £500 be granted to Christ's College for the purpose of building."

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 10.45 p.m., until Friday next.

FRIDAY, 8TH MAY, 1857.

The Council met pursuant to adjournment.

Members present : Messrs. Packer, Thomson, Bray, Morgan, Brittan, Ollivier, Davis, Barker, Bowen, Dampier, Hall, Moorhouse, Westenra.

The Speaker in the chair.

The Council in Committee for the reconsideration of the Resolutions respecting a Reserve at Talbot Forest.

Mr. Hall in the chair.

The following Resolution passed and was ordered to be reported, "That his Honor the Superintendent be respectfully requested to make the following Reserve, viz., 320 acres of land for a Town at Talbot Forest, as described in his Honor's Message No. 8, and the plan thereto annexed; such town to be called Geraldine."

The Speaker in the chair.

The Resolution was reported and adopted.

The Council in Committee for the consideration of Message No. 9.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee for the consideration of Message No. 11.

Message No. 11 was read.

The clauses of an Agreement entered into with Mr. Banks, on behalf of Messrs. Miles, Kington & Co., were agreed to seriatim; a clause being added empowering the Government to determine the Contract if the service be not duly performed.

The Speaker in the chair.

Resolutions approving of the Agreement were reported and adopted.

A clause was added "That no premium on any insurance should exceed 10 per cent. per annum.

The Council in Committee on "Fuller's Remission of Purchase Money Bill."

The clauses and Preamble passed as recommended in the Report of the Select Committee.

The Speaker in the chair.

The Bill was reported.

The second reading of the "Road Reserves Bill" was deferred until Thursday next.

The Council adjourned at 2.15 p.m., until Tuesday next.



TUESDAY, 12TH MAY, 1857.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, Blakiston, Bray, J. Bealey, S. Bealey, Dampier, Donald, Cookson, J. Brittan, Morgan, Hall, Ollivier, Packer, Rhodes, Thomson, Moorhouse, Fooks, Westenra.

The Speaker in the chair.

A Petition of William White and others, praying for the "Kaiapoi Bridge Bill" was presented, read and received.

A Petition of the Venerable the Archdeacon of Akaroa and others, praying for a sum of money, was withdrawn.

The "Inwood's Mill Bill" was read a second time.

The "Scab and Catarrh Amendment Bill" was read a second time.

The Council in Committee on the Peacock's Wharf Bill."

Clause 1 passed as read.

Clause 2 passed as amended; after the words "Second Harbor Master" the words "and other Officer acting in that capacity," being added.

Clause 3 passed as amended, after the word "charge" the words "and to recover" being added.

The Speaker in the chair.

The Chairman reported progress.

Message No. 20, from his Honor the Superintendent, was received and read.

"The Superintendent transmits to the Provincial Council a Letter which he has received from Archdeacon Mathias, enclosing some Resolutions which have been signed by the several Heads of the Religious Bodies at present in the Province.

"In taking into consideration the subject of Education, the Superintendent thinks it right that the Council should have these Resolutions before them. He therefore transmits them without delay to the Council.

"JAMES EDWARD FITZGERALD,

"Superintendent."

The Committee on the "Peacock's Wharf Bill" resumed.

Schedule B passed as amended, upon division, the following words being added, "Passengers' luggage and parcels free."

Ayes, 15: Messrs. Barker, J. Bealey, S. Bealey, Bray, Blakiston, Brittan, Cookson, Dampier, Donald, Hall, Morgan, Packer, Rhodes, Thomson, Westenra. Noes, 2: Messrs. Moorhouse, Ollivier.

The Speaker in the chair.

The Chairman reported the Bill as amended.

Leave was given to introduce "White's Kaiapoi Bridge Bill."

The Council in Committee on Message No. 9, of his Honor the Superintendent.

Motion was granted "That his Honor the Superintendent be respectfully requested to reserve the piece of land as described in his Honor's Message No. 9, situate in Akaroa, to the uses of the Provincial Government."

The Speaker in the chair.

The Chairman reported progress.

"Fuller's Remission of Purchase Money Bill" was read a third time, passed, and numbered No. 1.

The Council adjourned at 9.30 p.m., until Thursday next.

THURSDAY, 14TH MAY, 1857.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, Bray, Blakiston, J. Bealey, S. Bealey, Brittan, Donald, Davis, Dampier, Cookson, Hall, Fooks, Ollivier, Packer, Rhodes, Thomson, Ward, Westenra.

The Speaker in the chair.

The Report of the Committee on the Petition of H. J. Cridland was called for.

Extension of time was granted to Tuesday, 19th May.

The "Road's Reserve Regulations Bill" was read a second time.

Upon division, Ayes, 10: Messrs. Blakiston, Bray, Dampier, Davis, Fooks, Hall, Ollivier, Thomson, Ward, Westenra. Noes, 6: Messrs. Packer, J. Bealey, S. Bealey, Donald, Barker, Rhodes.

The Council in Committee on Resolutions on Education.

The Chairman was ordered to report progress.

Upon division, Ayes, 9: Messrs. J. Bealey, S. Bealey, Cookson, Dampier, Davis, Donald, Rhodes, Ward, Westenra. Noes, 8: Messrs. Barker, Blakiston, Bowen, Bray, Hall, Ollivier, Packer, Thomson.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee on the "Inwood's Mill Bill."

Clause 2 was considered.

Motion was carried upon division, "That after the words 'at all times,' the following words be inserted, 'within the period of fifty years from the date of passing of this Ordinance.'"

Ayes, 17: Messrs. Barker, J. Bealey, S. Bealey, Blakiston, Bowen, Bray, Brittan, Cookson, Dampier, Davis, Donald, Hall, Ollivier, Packer, Rhodes, Thomson, Ward. No, 1: Captain Westenra.

Amendment was carried upon division, "That the words 'thirty years' be substituted for the words 'fifty years.'"

Ayes, 10: Messrs. Barker, J. Bealey, S. Bealey, Bowen, Bray, Cookson, Packer, Thomson, Dampier, Westenra. Noes, 6: Messrs. Davis, Donald, Hall, Ollivier, Rhodes, Ward.

The Chairman was ordered to report progress.

Upon division, Ayes, 16: Messrs. Barker, J. Bealey, S. Bealey, Bowen, Bray, Cookson, Dampier, Davis, Donald, Hall, Ollivier, Packer, Rhodes, Thomson, Ward, Westenra. Noes, 0.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 8 p.m., until Tuesday, 19th.

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TUESDAY, 19TH MAY, 1857.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, J. Bealey, S. Bealey, Blakiston, Bray, Brittan, Dampier, Davis, Donald, Fooks, Hall, Moorhouse, Morgan, Ollivier, Packer, Thomson, Westenra.

The Speaker in the chair.

The Report of the Committee on Public Works was brought up, read, and received.

Extension of time, to this day week, was granted to the Committees on Water-cesses, Cridland's Petition, and Representation in this Council.

Messages Nos. 21, 22, 23, 24, from his Honor the Superintendent, were received and read.

“The Superintendent begs to acquaint the Provincial Council that, judging from the Resolution conveyed to the Superintendent on the subject of the Agreement with Mr. Banks, the Council appear to have misunderstood one clause of that document. In the 7th clause the word ‘interest’ has been inadvertently made use of instead of ‘premium.’ It is intended that the Government is to pay one thousand pounds a year to Mr. Banks, and one hundred and twenty-five pounds to the Underwriters, Mr. Banks paying the other moiety of the premium. The rate to be five per cent., and the capital insured not to exceed five thousand pounds.

“The whole cost to Government is £1,125 a year, for five years.

“The Superintendent begs to acquaint the Council that Mr. Banks accepts the alterations proposed by the Council.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

“In compliance with the Resolution of the Provincial Council conveyed to the Superintendent in the last paragraph of the Address which the Superintendent received from the Provincial Council on the 28th April, the Superintendent now transmits to the Council the draft of a Bill for rendering permanent the payments to persons holding the Office of Superintendent or holding Seats in the Provincial Council.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

“The Superintendent transmits to the Provincial Council Extracts from a Correspondence on the subject of the French Magazine at Akaroa. It consists of a very large building, rapidly going into disrepair, of which only two small rooms are used, one by the Customs, the other by the Resident Magistrate; both rooms being extremely inconvenient for the purposes for which they are used. The Superintendent agreed with the General Government, that if the building were sold, the funds should be divided for building a Resident Magistrate’s Office and Custom House, and it is with this understanding that the building has been conveyed to the Province. The Gaol is also so insecure that it is dangerous to put a Prisoner into it in a high wind. It must therefore be re-built. The Superintendent therefore sends down a Bill for enabling him to sell the French Magazine, and to appropriate the proceeds to the purposes in question.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

“The Superintendent transmits to the Provincial Council a copy of a Communication which he has received from the Superintendent of Wellington, on the subject of a Contract entered into by the Government of that Province for bringing on the English Mails from Melbourne immediately on their arrival there, and offering to assist the Government of Canterbury in forwarding the English Mails from Wellington. In this there is an Enclosure from Mr. Varnham, offering to forward the Canterbury Mails from Wellington for a bonus of £40 a month. The Superintendent is able to state that the service could be performed at a much lower rate by vessels now in the Wellington and Lyttelton trade, and if the Council should be of opinion that it is desirable to have the Mails forwarded viâ Wellington, the Superintendent considers it would be the best course to advertise for Tenders for performing such service.

“But in connection with this subject, the Superintendent also transmits a copy of a Letter from Mr. Banks, stating that he has laid on two fast schooners as regular traders between Melbourne and Lyttelton, and asking if the Government will offer any bonus for the carriage of the Mails.

“After consideration and consultation with others, the Superintendent is of opinion and is advised that the best course would be to abandon the idea of receiving the English Mails viâ Wellington, and to endeavour to obtain as direct a communication as possible with England by way of Melbourne, and there is every

reason to believe that such a communication would be a great means of increasing the Immigration and stimulating the sales of land, so as more than to repay the outlay of any bonus which might be offered.

“The best form of offering such a bonus would be, as the Superintendent is advised, to offer, by public advertisement, a sum of money to any vessel bringing the Mails to Lyttelton within a fixed number of days after they had been received in Melbourne, and to make this bonus on a sliding scale, being very large for a very short passage, and less for a longer passage. The Postmaster at Melbourne should be requested, at the same time, to put the Mails on board the first vessel applying for them, but in case of simultaneous applications, to put them on board the regular traders. The Superintendent believes that such a bonus, on the annexed scale, would be a sufficient inducement to fast vessels to continue in the regular trade.

“The Superintendent would be glad to be made acquainted with the views of the Provincial Council on this subject.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

SCALE REFERRED TO :—

It is assumed that the English Mail could be put on board about thirty-six hours after its reception in Melbourne.

For every English Mail landed in Lyttelton within ten days after its reception in Melbourne						£200	0	0
Twelve days	”	”	...	...	...	180	0	0
Thirteen days	”	”	...	...	...	150	0	0
Fourteen days	”	”	...	...	...	100	0	0
Fifteen days	”	”	...	...	...	70	0	0
Eighteen days	”	”	...	...	...	40	0	0
Twenty days	”	”	...	...	...	20	0	0
Twenty-one days	”	”	...	...	...	10	0	0

“JAMES EDWARD FITZGERALD,

“Superintendent.”

The “White’s Kaiapoi Bridge Bill” was read a first time.

Motion was granted “That his Honor the Superintendent be respectfully requested to cause to be laid before the Council a Report, from the Inspector of Sheep, upon the state of the flocks within the Province.”

Motion was negatived upon division, “That in the opinion of this Council the drainage of the Ferry Road district is a work of urgent necessity. That the sum of £220 was voted by the Council in consideration of the fact. That it has been found that the work is not likely to be tendered for at the price fixed by the Provincial Engineer. That the Superintendent be requested to expend on the work an additional sum not exceeding £100.”

Ayes, 6: Messrs. S. Bealey, Blakiston, Fooks, Ollivier, Dampier, Westenra. Noes, 7: Messrs. Barker, Bray, Brittan, Donald, Packer, Thomson, Morgan.

A Notice of the resignation of Mr. Ross was read.

Motion was withdrawn by consent, “That a respectful Address be presented to his Honor the Superintendent to this effect, ‘That in any future Appointments of Resident Magistrates, the opinion of this Council is, that such Appointments be only conferred on gentlemen of the legal profession.’”

Extension of time was granted to the Committee on the state of the River Avon, to the 21st instant. The names of Messrs. Ollivier, Bray and Thomson were added to the Committee.

The Council in Committee for the consideration of Resolutions on Education.

Clause 1 was considered.

Amendment was carried on division, “That after the word ‘management’ there be inserted the words ‘of one of the Acting Heads of such Christian Bodies as are at present, or may from time to time be organized in this Province.’”

Ayes, 11 : Messrs. Barker, Blakiston, Bowen, Bray, Brittan, Dampier, Hall, Morgan, Ollivier, Packer, Thomson. Noes, 5 : Messrs. J. Bealey, S. Bealey, Davis, Donald, Westenra.

Clause 2 was considered.

Amendment was carried upon division, "That the last two lines be erased, and the words substituted, 'To attend at such times as are peculiarly set apart for instruction in the doctrines of religion.'"

Ayes, 8 : Messrs. Barker, Blakiston, Bray, Bowen, Brittan, Morgan, Hall, Thomson. Noes, 8 : Messrs. J. Bealey, S. Bealey, Dampier, Davis, Donald, Ollivier, Packer, Westenra.

The Chairman decided in favor of the Ayes.

Clause 3 was considered.

Amendment was granted that after the word 'schools' in the second line, the words 'of a similar class' be added."

Clause 4 passed as read.

Clause 5 was considered.

Amendment was carried upon division, "That after the word 'assent,' there be inserted the words 'of the Bishop of Christchurch, and if.'"

Ayes, 11 : Messrs. Barker, J. Bealey, Blakiston, Bowen, Bray, Brittan, Dampier, Morgan, Ollivier, Packer, Thomson. Noes, 4 : Messrs. S. Bealey, Davis, Hall, Westenra.

Amendment was negatived upon division, "That after the word 'Inspector,' in the first line, the words 'or Inspectors' be added."

Ayes, 4 : Messrs. Dampier, Bowen, Barker, Ollivier. Noes, 11 : Messrs. J. Bealey, S. Bealey, Blakiston, Bray, Brittan, Davis, Donald, Hall, Morgan, Packer, Westenra.

Clause 3 passed as amended.

Upon division, Ayes, 13 : Messrs. Barker, J. Bealey, S. Bealey, Blakiston, Bowen, Brittan, Dampier, Hall, Morgan, Ollivier, Packer, Thomson, Westenra. Noes, 2 : Messrs. Davis, Donald.

Resolutions were ordered to be inserted between clause 4 and clause 5.

The Speaker in the chair.

The Chairman reported progress.

The debate on Education was adjourned until Thursday next.

The Council adjourned at 10.55 p.m., until Wednesday next.

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#### WEDNESDAY, 20TH MAY, 1857.

The Council met pursuant to adjournment.

Members present : Messrs. Barker, J. Bealey, S. Bealey, Bray, Brittan, Dampier, Hall, Morgan, Ollivier, Packer, Thomson, Ward, Davis, Westenra.

The Speaker in the chair.

A Petition from the Inhabitants of Lyttelton, on the question of Education, was presented, read, and received.

A Petition from C. E. Dampier was presented, read, and received.

The Report of the Committee on Public Works was brought up, read, and received.

Motion was granted "That a Select Committee on 'White's Kaiapoi Bridge Bill' be appointed; such Committee to consist of Messrs. Brittan, Ollivier, Bray, Blakiston, Thomson. To report Monday, 25th May."

Motion was proposed "That his Honor the Superintendent be respectfully requested to place a sum, not exceeding £ ———, on the Estimates, to extend

the Public Wharf at Lyttelton into ——— feet low water spring tides; also, for erecting suitable cranes and tramways on the same, under the direction of the Provincial Engineer.”

Debate ensued.

The Motion was withdrawn by consent.

Motion was granted “That his Honor the Superintendent be respectfully requested to reserve the piece of land as described in Message No. 9, situate in Akaroa, for the uses of the Provincial Government.”

Leave was given to bring in a Bill “to Provide for the Salary of the Superintendent, and for the Travelling Expenses of Members of the Council.”

The Bill was read a first time.

Leave was given to bring in a Bill “to Enable the Superintendent to Sell the French Magazine Reserve at Akaroa.”

The Bill was read a first time.

Leave was given to bring in a Bill “to Enable the Superintendent to Build a Jetty at Akaroa, and to Collect Tolls on the same.”

The Bill was read a first time.

The Council adjourned at 12.37 p.m., until Thursday next.

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THURSDAY, 21ST MAY, 1857.

Being Ascension Day, there was not a House.

All Motions on the Notice Paper for this day lapsed.

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FRIDAY, 22ND MAY, 1857.

The Council met pursuant to adjournment.

Members present: Messrs. J. Bealey, Bray, Dampier, Fooks, Hall, Packer, Westenra.

The Speaker in the chair.

The Report of the Committee on the Representation in this Council was brought up, read, and received.

Motion was granted “For a Return of the Appropriation of the 1000 acres of Land placed at the disposition of the Superintendent and Executive Government by the ‘Waste Lands Regulations Amendment Ordinance, Session VII., No. 2,’ for the service of the past financial year.”

The “French Magazine Reserve Bill” was read a second time.

The “Superintendent and Council Payment Bill” was read a second time.

The “Akaroa Jetty Bill” was read a second time.

The Council adjourned at 11.47 a.m., until Tuesday next.

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TUESDAY, 26TH MAY, 1857.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, S. Bealey, Blakiston, Bray, Cookson, Dampier, Davis, Fooks, Hall, Moorhouse, Morgan, Ollivier, Packer, Rhodes, Thomson, J. Bealey, Westenra.

The Speaker in the chair.

The Report of the Committee on “White’s Kaiapoi Bridge Bill” was brought up, read, and received.

The Report of the Committee on Cridland’s Petition was brought up, read, and received.

## The Council in Committee of Supply.

Vote was taken, North Road	...	...	...	...	£2540	0	0
„ North Road—Branches	...	...	...	...	1050	0	0
„ Riccarton Road	...	...	...	...	550	0	0
„ Lincoln Road	...	...	...	...	1750	0	0
„ Hill's Road	...	...	...	...	550	0	0
„ Ferry Road	...	...	...	...	620	0	0
Vote was proposed, Sumner Road	...	...	...	...	2000	0	0

Division was called for. Ayes, 8: Messrs. Barker, S. Bealey, Bowen, Bray, Thomson, Hall, Packer, Rhodes. Noes, 8: Messrs. Blakiston, Cookson, Dampier, Davis, Morgan, Moorhouse, Ollivier, Westenra.

The Chairman decided in favour of the Ayes.

Vote was taken, Sumner Road	...	...	...	...	£2000	0	0
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The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 7.35 p.m., until Wednesday next.

## WEDNESDAY, 27TH MAY, 1857.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, S. Bealey, Blakiston, Bray, Brittan, Cookson, Dampier, Davis, Hall, Moorhouse, Morgan, Ollivier, Packer, Rhodes, Thomson, Ward, Westenra.

The Speaker in the chair.

A Petition from certain Roman Catholics within this Province was presented, read, and received.

The Council in Committee of Supply.

In the absence of Mr. Fooks, Mr. Blakiston was elected Chairman.

Vote was taken for Roads and Public Works.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee on the "French Magazine Reserve Bill."

Mr. Blakiston in the chair.

The Bill passed, and was ordered to be reported.

The Speaker in the chair.

The Chairman reported the Bill as passed.

The Council in Committee on the "Superintendent and Provincial Council Payment Bill."

Mr. Blakiston in the chair.

Amendment was negatived on division, "That £600 be substituted for £550."

Ayes, 5: Messrs. Cookson, Davis, Rhodes, Ward, Westenra. Noes, 7: Messrs. S. Bealey, Bowen, Bray, Dampier, Hall, Packer, Thomson.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee on the "Akaroa Jetty Bill."

Mr. Blakiston in the chair.

The Bill passed, and was ordered to be reported.

The Speaker in the chair.

The Chairman reported the Bill to the House.

The "White's Kaiapoi Bridge Bill" was read a second time.

Motion was granted "That a respectful Address be presented to his Honor the Superintendent, soliciting that a Plot of Land be set apart for the erection of a Roman Catholic Chapel and Schools for the Roman Catholics of this Province."

The Council adjourned at 2.7 p.m., until Thursday next.

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THURSDAY, 28TH MAY, 1857.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, S. Bealey, Blakiston, Bray, Brittan, Dampier, Davis, Donald, Fooks, Hall, Moorhouse, Ollivier, Packer, Ward, Westenra.

The Speaker in the chair.

A Petition from certain persons on behalf of the "Roads Reserves Bill" was presented, read, and received.

Messages Nos. 25, 26, 27, 28, from his Honor the Superintendent, were received and read.

"The Superintendent transmits to the Provincial Council the descriptions of two Reserves for Abattoirs. In the event of the present Abattoirs being removed, the two referred to are the best which can be substituted in fairness to all interests concerned.

"JAMES EDWARD FITZGERALD,

"Superintendent."

"Referring to Message No. 14 on the subject of Education, the Superintendent transmits to the Provincial Council a Copy of a Letter from the Rev. J. B. Petit Jean, soliciting a Grant in Aid of the Education of Children of the Roman Catholic Denomination.

"JAMES EDWARD FITZGERALD,

"Superintendent."

"Referring to Message No. 24, on the subject of Postal Communications with Melbourne, the Superintendent transmits to the Provincial Council a Copy of a Letter which he has received from Mr. Varnham, of Wellington, and which seems to the Superintendent to be deserving of consideration by the Council.

"JAMES EDWARD FITZGERALD,

"Superintendent."

"The Superintendent has received the Resolution of the Provincial Council on the subject of the Site to be set apart for the Roman Catholics. The Superintendent is not aware of any place in the neighbourhood of Christchurch, except on the Town Reserves, which can be reserved. If the Council is of opinion that such should be reserved, the Superintendent will send down a Bill for the purpose of setting aside a portion of the Town Reserves for that purpose.

"JAMES EDWARD FITZGERALD,

"Superintendent."

Motion was granted "That Mr. Leonard Harper be elected Clerk to this Council, in the room of Mr. Ross, resigned."

The Council in Committee on Resolutions on Education.

Motion was negatived upon division, "That the Resolutions proposed by Mr. Hall be inserted between clauses 4 and 5."

Ayes, 4: Messrs. S. Bealey, Donald, Hall, Brittan. Noes, 10: Messrs. Barker, Blakiston, Bowen, Bray, Dampier, Davis, Ollivier, Packer, Ward, Westenra.

Fresh Resolutions were proposed and passed.

The Speaker in the chair.

The Chairman reported the Resolutions as amended, and passed.



Motion was negatived "That the Resolutions, as reported, be adopted."

The Council in Committee on the "Roads Reserves Bill."

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee on the "Scab and Catarrh Amendment Bill."

The Bill passed with amendment.

The Speaker in the chair.

The Chairman reported the Bill as amended.

The following Resolutions passed, and were ordered to be forwarded to his Honor the Superintendent:—

"This Council having taken into consideration the Report of the Committee on the Re-adjustment of the Representation, resolves—

"That it is expedient that the 'Provincial Council Extension Ordinance' should be amended during the present Session, with a view to the adjustment of the Representation in this Council, on the following basis :

Town of Christchurch	...	...	...	...	4	Members.
Town of Lyttelton	...	...	...	...	4	"
North Christchurch District	...	...	...	...	4	"
South Christchurch District	...	...	...	...	4	"
Kaiapoi District	...	...	...	...	2	"
Lyttelton Country District	...	...	...	...	2	"
Mandeville District, to include the country	West of Rangiora, North of the Ashley,				2	"
Timaru District, to include the country South					of the Ashburton,	
Akaroa District	...	...	...	...	3	"

Motion was granted "That the following Resolution be transmitted to Mr. Ross, late Clerk to the Council :—

'This Council desires to record its acknowledgment of the services of Mr. G. A. E. Ross, and of the correct and efficient manner in which he has conducted the duties of Clerk to the Council, from its formation up to the present time.' "

The Memorial of C. E. Dampier was referred to a Select Committee, to consist of Messrs. Ollivier, Bray, Thomson, Blakiston, Brittan, with power to call for Persons, Books, and Papers. To report 9th June.

Motion was granted "That the Petition of H. J. Cridland, together with the Report of the Select Committee thereon, and the Papers appended to such Report, be printed."

The Council in Committee on the "Inwood's Mill Bill."

The Bill passed with amendments.

The Speaker in the chair.

The Chairman reported the Bill as amended.

The "French Magazine Reserve Bill" was read a third time, passed, and numbered No. 2.

The "Akaroa Jetty Bill" was read a third time, passed, and numbered No. 3.

The Council adjourned at 11.40 p.m., until Friday next.

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FRIDAY, 29TH MAY, 1857.

The Council met pursuant to adjournment.

Members present : Messrs. Barker, Blakiston, Bray, Dampier, Davis, Hall, Moorhouse, Ollivier, Packer, Thomson, Westenra.

The Speaker in the chair.

Extension of time to Friday next was granted to the Committee on Water-cresses.

The Council in Committee on Message No. 25.

The Message was read by the Clerk.

Consideration was adjourned.

The Speaker in the chair.

The Chairman reported progress.

Consideration of Messages Nos. 26, 27 was adjourned.

The Council in Committee on Message No. 28.

Motion was granted "That his Honor the Superintendent be respectfully requested to reserve, for the purpose of a Roman Catholic Chapel and Schools, a Section of Land containing three acres."

The Speaker in the chair.

The Chairman reported the Resolution.

Message No. 29, from his Honor the Superintendent, was received and read.

"The Superintendent transmits to the Provincial Council a Letter, from William White, of Kaiapoi, offering to construct a Bridge across the Waimakariri, at the ford at the seventh mile on the North Road.

"The Superintendent recommends the Council to close with this offer. The sum asked is reasonable, and quite within the means of the Province. The present Ferry is about to be abandoned, and the present is the time for the Government to decide how the traffic across the river shall be continued in future. The population and traffic is increasing so rapidly in the Kaiapoi district as to render it very probable that any arrangement for a new Ferry will soon become insufficient. The Superintendent would strongly urge the attempt to bridge the river at once in the manner proposed. The work can be completed within the year, and the Superintendent will, in such case, provide for the present Ferry being carried on until the Bridge is open.

"The Bridge is designed by the Provincial Engineer, and is to be free of Tolls.

"JAMES EDWARD FITZGERALD,

"Superintendent."

The Council in Committee on "White's Kaiapoi Bridge Bill."

Mr. Blakiston in the chair.

The Bill passed with amendments.

The Speaker in the chair.

The Chairman reported the Bill as amended.

Motion was negatived upon division, "That leave be given to introduce a Bill enabling the Superintendent to set apart a Mill Site in Hagley Park, and to dispose of the same."

Ayes, 2: Messrs. Bray, Packer. Noes, 8: Messrs. Barker, Blakiston, Dampier, Davis, Hall, Moorhouse, Ollivier, Westenra.

The "Diversion of Roads Bill" was read a first time.

Message No. 30, from his Honor the Superintendent, was received and read.

"The Superintendent transmits to the Provincial Council a Copy of a Letter from the Chief Surveyor, from which the Council will perceive that the salary at present offered to the Assistant Surveyors is not sufficient to secure the services of the Surveyors in the Province, who would be otherwise willing to accept employment under this Government.

"The Superintendent quite agrees with Mr. Cass that no line can be drawn in favour of any one district as to the expenses of the Surveyors, and does not think that it would be fair to raise the salary or allowances of a new Assistant Surveyorship, without raising those of all the other Surveyors.

“The Superintendent therefore considers that it would be sound policy to place the salaries of all the Assistant Surveyors at £350 a-year.

“JAMES EDWARD FITZGERALD,  
“Superintendent.”

The Council in Committee of Supply.

Mr. Blakiston in the chair.

Vote was taken, Immigration ... .. £20,000 0 0

Motion was carried upon division, “That in accordance with the 43rd clause of the Amended Land Regulations, this Council especially sanctions the reservation of the amounts of land, hereinafter named, to be granted in whole, or in part, for the construction of the works severally set opposite to each amount named, in addition to ordinary reserves, to the extent of one thousand acres, which may be made by the Superintendent under the authority of the said clause :

North Road ... ..	400 acres.
Ashely and Rangiora Road ... ..	125 ”
Kaiapoi and Rangiora direct Road ... ..	1000 ”
Fendal Town Road ... ..	100 ”
Lower Lincoln Road ... ..	500 ”
Hill’s Road ... ..	150 ”
Akaroa District ... ..	400 ”
Sumner Road ... ..	1000 ” ”

Ayes, 6 : Messrs. Barker, Bowen, Bray, Brittan, Packer, Thomson. Noes, 5 : Messrs. Dampier, Davis, Moorhouse, Ollivier, Westenra.

The Speaker in the chair.

The Resolutions were reported and adopted.

The Council adjourned at 3.30 p.m., until Tuesday next.

TUESDAY, 2ND JUNE, 1857.

The Council met pursuant to adjournment.

Members present : Messrs. S. Bealey, Bray, Dampier, Fooks, Hall, Morgan, Ollivier, Packer, Thomson, Westenra.

The Speaker in the chair.

The “Inwood’s Mill Bill” was read a third time, passed, and numbered No. 4.

The “Scab and Catarrh Amendment Bill” was read a third time, passed, and numbered No. 5.

Motion was granted “For a Return of the Expenditure of the Provincial Government on the Sumner Road to the present date, distinguishing the expenditure in money, land, and prison labour ; and the estimated value, if the cost cannot be given, of that part of Captain Thomas’ road included in the present line. Also, to specify the amount expended in repairs of the road to the present date.”

The Council in Committee for the re-consideration of “White’s Kaiapoi Bridge Bill.”

The Bill was amended and passed.

The Speaker in the chair.

The Chairman reported the Bill as amended.

Message No. 31, from his Honor the Superintendent, was received and read.

“The Superintendent requests the best attention of the Council to the following circumstances :—

“An application was made to the Superintendent some time ago by Mr. Wood, for leave to erect a mill in the Government Domain, at the corner of Antigua-street, obtaining the water from the Avon, at the north end of Antigua-street, and carrying the mill-race along the edge of the Government Domain parallel to that

street. Owing to this application, the Superintendent, in laying out the College Reserve, placed it back from the street so as to reserve room for a mill-race, and undertook that the case should be brought before the Provincial Council.

“ At the same time Mr. Inwood applied for a private Bill, enabling him to dam up the river abreast of a section he had purchased on an island in the middle of the town, and the Superintendent believes that that Bill is still before the Council. It was found, on a careful examination of the levels by the Provincial Engineer, that the construction of the mill-dam at Inwood’s Island would raise the water so as to destroy the mill-site at the end of Antigua-street, and the Provincial Engineer, by order of the Superintendent, spent several days in endeavouring to ascertain whether any other mill-site could be found which could be used in the place of the one destroyed at the end of Antigua-street, for which a valuable consideration had been offered. Only one such site could be found in the Government Domain, namely, at the south-west corner; but there the fall to be obtained by damming the river is limited on the one side by Woodford’s mill, and on the other by Inwood’s proposed mill, rendering the speculation of constructing a mill very hazardous. The Provincial Engineer, however, was so fortunate as to discover another site admirably suited for a mill, namely, in Hagley Park, procuring the water from the neighborhood of Cass’ Bridge, and discharging it into the river at the north-west corner of the Government Domain. The fall procured is six feet; the neighbouring mills are not in any way affected. The mill-race is proposed to run through Hagley Park, forming a feature of great beauty, and capable of being made peculiarly so by plantations. The mill-race would fence in a large part of the park, and thereby enable it to be broken up and laid down in grass—an object which the cost of fencing has hitherto delayed. The erection of the mill would therefore enhance the value of the property, and at the same time further the object for which the Park was reserved.

“ The Superintendent was under the impression that it was fully intended by the Council that a second site was to be provided in the place of that destroyed by the dam at Inwood’s Mill, and the Superintendent delayed taking any steps to reserve and dispose of a second site until the Council had resolved whether Inwood’s Mill should be built or not; as soon as that was settled, a Bill was proposed to the Council, with the object of disposing of the second site, and the site selected was the best which, after long search, could be found.

“ The Superintendent has learned with the greatest concern that that Bill was thrown out by the Council.

“ The Superintendent has called to mind that a great part of the population, and a large proportion of the capital of this Province are engaged in agricultural pursuits, and that to this interest the construction of mills is a matter of the most vital importance. The Superintendent is aware that at one mill alone not one-fifth part of the corn offered has been ground arising from the last crop, whilst other mills have been fully employed. It is quite apparent that the increase of mill power at once tends to diminish the cost of grinding, and to increase the price of corn, and that any encouragement to the investment of capital in mills will have a direct influence on the prosperity of the Province, whilst an opposite policy must inflict a severe blow on the agricultural interest, and therefore mainly on the laboring classes.

“ The Superintendent would further remind the Council that in the agricultural districts, though well supplied with water, the sites for mills are very rare, owing to the level nature of the country. It would seem, therefore, to be wise to take every possible advantage of those sites which are offered by nature. Such a site is that presented in Hagley Park, and with an offer before the Government to erect a powerful mill on that site before next harvest, the Superintendent cannot but entirely repudiate the responsibility of inflicting so severe a blow on the agricultural interest as that of refusing to allow the site to be occupied for that purpose.

“ The Superintendent submits to the Council that it is the duty of a Legislature to foster, by any means in its power, especially in a new country, every sort

of enterprise which may tend to advance the wealth and prosperity of the people, but especially is it a bounden duty to encourage the cultivation of the soil; and the Superintendent therefore submits that nothing short of very grave and weighty reasons could justify the Government in locking up a mill site standing on its own private estate, instead of at once encouraging its occupation for profitable purposes.

“The Superintendent would suggest to the Council the appointment of a Committee to consider and ascertain what is the best site in the possession of the Government which can be substituted for the site about to be destroyed at the end of Antigua-street, and that the Council will then unite with the Superintendent in taking such steps as may be necessary to make such a site, when found, immediately available for occupation.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

The Council in Committee for the consideration of the question of Education.

Motion was granted “That the debate be adjourned.”

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 7.53 p.m., until Thursday next.

THURSDAY, 4TH JUNE, 1857.

The Council met pursuant to adjournment.

Members present: Messrs. J. Bealey, S. Bealey, Blakiston, Bray, Brittan, Dampier, Fooks, Hall, Morgan, Ollivier, Packer, Rhodes, Thomson, Ward, Westenra.

The Speaker in the chair.

A Petition from certain Inhabitants of Riccarton, praying for protection against cattle, &c., was presented, read, and received.

“White’s Kaiapoi Bridge Bill” was read a third time, passed, and numbered No. 6.

The Council in Committee for the consideration of Message No. 25.

Motion was granted “That the two Reserves as transmitted and described in his Honor’s Message No. 25, be made.”

The Speaker in the chair.

The Chairman reported the Resolution. It was adopted.

Mr. Packer, the Provincial Secretary, made a Financial Statement.

The Council in Committee for the consideration of Message No. 26.

Motion was granted “That this Council will be prepared to entertain an Application from Roman Catholics for Assistance for Educational Purposes, when they shall be organized as a Religious Denomination with a recognized Head, residing within the Province.”

The Speaker in the chair.

The Resolution was reported and adopted.

The Council in Committee for the consideration of Message No. 27.

Motion was proposed “That in the opinion of this Committee a Direct Postal Communication with Melbourne would be of greater advantage to this Province than one by way of Wellington.”

An Amendment was negatived upon division.

Ayes, 7: Messrs. J. Bealey, S. Bealey, Blakiston, Dampier, Thomson, Ward, Westenra. Noes, 7: Messrs. Bowen, Brittan, Hall, Morgan, Ollivier, Packer, Rhodes.

The Chairman decided in favour of the Noes.

The original Resolution was carried.  
 The Speaker in the chair.  
 The Resolution was reported and adopted.  
 The Council in Committee for the consideration of Message No. 30.  
 Resolutions proposed for an Increase of Salary to Assistant Surveyors were negatived.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee for consideration of Message No. 10.

The Message was read by the Clerk.

Vote was taken, Salary, Chaplain to Gaol to 31st March, 1858,	...	£30
"    "    Books for Prisoners,	... ..	£20

Motion was granted "That this Council having had under its consideration the Message of his Honor the Superintendent, transmitting a Copy of the Presentment of the Grand Jury, resolves :—

'That in the opinion of this Council it is absolutely necessary that immediate measures should be taken to provide means for the better custody of persons sentenced for lengthened terms of imprisonment, as well as for their separation and classification, when necessary.

'That with a view to the enactment of some regulations which shall enable such a system to be effectually carried out, this Council is of opinion that a central House of Correction should be established, to which criminals under sentence for lengthened periods of imprisonment might be removed.

'That inasmuch as the pecuniary resources of the Province are insufficient for giving effect to a scheme necessarily of so extended a character, this Council is of opinion that such an establishment should be created, and maintained by the General Government of the Colony, from the Public Revenue.

'That these Resolutions be forwarded to his Honor the Superintendent, and that he be requested to transmit them to his Excellency the Governor.'

The Speaker in the chair.

The Resolutions were reported and adopted.

The Council in Committee for the consideration of Message No. 29.

The Message having been read by the Clerk,

Vote was negatived, Courtenay bridge,	... ..	£2000
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The Speaker in the chair.

The Chairman reported progress.

The consideration of the Estimates and Education Question were deferred.

The "Roads Diversion Bill" was read a second time.

Leave was given to introduce a Bill to repeal the "Provincial Council Extension Ordinance," and to make other provision in lieu thereof.

The Bill was read a first time.

The Council adjourned at 11.40 p.m., until Tuesday next.

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TUESDAY, 9TH JUNE, 1857.

The Council met pursuant to adjournment.

Members present : Messrs. Packer, Barker, J. Bealey, Blackiston, Dampier, Bray, Fooks, Hall, Ollivier, Thomson, Westenra.

The Report of the Committee on Watercresses was called for.

Extension of time was granted to this day week.

The Report of the Committee on Dampier's Petition was called for.

Extension of time was granted to this day week.

A Select Committee was appointed to enquire into the available Mill Sites within the property acquired by the Province from the Canterbury Association. To consist of Messrs. Ollivier, Hall, Brittan, Bray, S. Bealey. To report this day week.

Message No. 32, from his Honor the Superintendent, was received and read.

“The Superintendent has received the Resolution of the Council of the 16th May, on the subject of the Refund of Revenue to the Publicans, and greatly regrets that, after full and long consideration of the case, and after taking the advice of the Executive Council on the subject, he is compelled to record the decision of the Government in opposition to that of the Council.

“The simple question for the Superintendent to decide is, what is the true intent and meaning of the Law as it now stands ?

“Was it the intent and meaning of the ‘ Public House Act ’ that the Publicans should pay the money which they did pay, and should, notwithstanding, come under the new Law ?

“The Superintendent is unable to see how this can be submitted to a moment's doubt. The Act was passed on the 17th of April. It had been under discussion for several weeks, and the Publicans were fully aware of its provisions before applying for their Licenses.

“It came into operation on the 1st July, so that no Publican need have taken out his License, or paid his money at all, who was not content to abide by the Law, which he knew at the time was to come into operation in a few days.

“The contract therefore of the Publican, at the time of taking out his License, was distinctly to take a License under and subject to the contingency of the new Law coming into operation.

“That such was the intention of the Legislature is clear, from two things : First, that there is no provision in the Law for preventing the contingency now objected to, which there might have been ; secondly, that no sum was placed upon the Estimates of last year to adjust the payment, which would clearly have been done had the Council at the time intended that the price of the License for that year should be lowered.

“According to the Law, then, and according to the contract with the Publicans, no claim can be supported, still less can such a claim be set up as a matter of abstract justice. It cannot be denied that the Legislature has full power to raise or lower the cost of the License, at its pleasure, or to impose any additional restrictions on the privileges bestowed under it ; and the Superintendent cannot understand how any claim to compensation could be set up, on the ground that such alterations had been made in the Law.

“The Superintendent can then only regard the payment proposed to be made as a voluntary gratuity paid to a number of individuals, and he feels bound to protect the Public Revenues against any demand of such a character.

“The Superintendent thinks it right further to remark that he has not even any official or other information that the Publicans themselves desire the payment, although such knowledge would not have made any change in his opinion of the justice of the case.

“In the case of a difference of opinion between the Superintendent and the Provincial Council the only resource is an appeal to the people by a new election ; and if the Council are resolved to insist upon its view of this matter, that would be the course which the Superintendent would be prepared to adopt. In the present case, however, the election which will shortly take place will obviate the necessity for such a step. The Superintendent greatly regrets that he should differ from the Council on this matter, but he cannot conscientiously act otherwise, and the matter must therefore remain open for a future Council. Should a future Council take

the same view as the present one, the opinions of the people will have been expressed, and their decision must be final.

“JAMES EDWARD FITZGERALD,  
“Superintendent.”

Leave was given to bring in a “Governor’s Bay Road Bill.”

The Bill was read a first time.

The Council in Committee for the consideration of the Amended Resolutions on Education.

Amendment was negatived upon division, “To add to clause 4 the words ‘That no portion of such grants be applied to Buildings or Sites for Schools, but with the assent of the Superintendent, and Executive Council.’”

Ayes, 5: Messrs. Blakiston, Bowen, Bray, Hall, Packer. Noes, 5: Messrs. J. Bealey, Dampier, Ollivier, Thomson, Westenra.

The Chairman decided in favour of the Noes.

An Amendment to clause 5 was negatived upon division, “That the words ‘at least one’ be substituted for the word ‘majority.’”

Ayes, 4: Messrs. Bowen, Dampier, Packer, Thomson. Noes, 6: Messrs. J. Bealey, Blakiston, Bray, Hall, Ollivier, Westenra.

The Speaker in the chair.

The Resolutions as amended were reported and adopted.

A Return of the Cost of the Sumner Road was laid upon the table.

Message No. 31, from his Honor the Superintendent, was referred to the Committee on Mill Sites.

The Council in Committee on the “Roads Diversion Bill.”

The first eight clauses passed as amended.

The Speaker in the chair.

The Chairman reported progress.

Messages Nos. 33 and 34, from his Honor the Superintendent, were received and read.

“The Superintendent feels bound, in justice to other Officers in the service of the Government, to represent to the Provincial Council that the salary of the Clerk to the Council is excessive, being the highest salary paid to any person in the Province, in proportion to the services performed, even including the Superintendent.

“The Superintendent requests the consideration of the Council to the following suggestion:—Occasional Clerk’s assistance is required in the Secretary’s Department, the Treasurer’s, the Survey Office, and the Public Works, and between all these Departments and the Clerkship of the Provincial Council the time of an additional Clerk would be fully employed, to which a salary of £200 a-year might be attached. The Superintendent thinks that the best arrangement of Offices would be for the Chief Clerkship under Government, an Office daily becoming of increasing importance, to be combined with the Clerkship of the Council, and changes may shortly occur which will render it possible to carry out that arrangement.

“The Superintendent therefore proposes that the Clerkship to the Council be combined for the present with an Assistant Clerkship in the Secretary’s Office, on the understanding that when the Office of Chief Clerk shall become vacant, it shall be added to the Clerkship to the Council, and an Assistant Clerk be appointed, and that the salaries shall then be placed at £250 and £150 respectively. The present cost is £250 for the Chief Clerk, £150 for the Clerk to the Council, and occasional assistance amounting to the salary of another Clerk besides.

“JAMES EDWARD FITZGERALD,  
“Superintendent.”



“The Superintendent returns the ‘Kaiapoi Bridge Bill’ to the Provincial Council, with certain amendments, which are made in red ink on the annexed copy.

“In proposing to erase the charge for sledges or carriages without wheels, the Superintendent would remind the Council that it is contrary to Law in England, and, the Superintendent believes, in the Colonies also, to draw any carriage without wheels on any public road; and although there may be a difficulty at present in enforcing the Law, yet to recognize in an enactment of the Legislature what is actually illegal does not appear right.

“It must also be remembered that the proposed Bridge is in the neighbourhood of a bush, and that if this permission is given by the Bill, logs of any weight may be, and possibly will be dragged across the Bridge, and the Bridge will soon be destroyed.

“The Superintendent therefore suggests that the item be erased from the Tolls, so as to allow the Bridge-keeper to refuse to admit sledges or carriages without wheels to pass the Bridge at all.

“JAMES EDWARD FITZGERALD,  
“Superintendent.”

The “Provincial Council Extension Bill” was read a second time.

The Council adjourned at 10.40 p.m., until Wednesday next.

WEDNESDAY, 10TH JUNE, 1857.

The Council met pursuant to adjournment.

Members present: Messrs. Blakiston, Bray, Brittan, Dampier, Fooks, Hall, Ollivier, Packer, Thomson, Westenra.

The Speaker in the chair.

The “Canterbury Association’s Reserves Bill” was read a second time.

The “Governor’s Bay Road Bill” was read a second time.

The “Kaiapoi Town Bill” was read a third time, passed, and numbered No. 7.

The Council adjourned at 11.45 a.m., until Thursday next.

THURSDAY, 11TH JUNE, 1857.

The Council met pursuant to adjournment.

Members present: all except Messrs. Cookson, Hamilton, Moore, Donald, Tancred.

The Speaker in the chair.

The Council in Committee for the consideration of Resolutions on Immigration.

Motion was negatived upon division, “That the introduction of Labourers, under the vote of this Council, should be gradual and regular, and should, so far as may be practicable, be after the rate of the arrival of one ship every three months, bringing about 150 statute adults.”

Ayes, 8: Messrs. Brittan, Dampier, Davis, Hall, Morgan, Packer, Rhodes, Thomson. Noes, 10: Messrs. Barker, J. Bealey, S. Bealey, Blakiston, Bowen, Bray, Moorhouse, Ollivier, Ward, Westenra.

Resolutions proposed by Mr. Bealey passed, with amendments.

The Chairman was ordered to report the following Resolutions:—

“This Council, having taken into consideration the conditions on which the sum of money voted for the purposes of additional Immigration should be expended, resolves—

‘That the expenditure of this sum be distributed over a period of three years, at the rate of not more than £10,000 in the first year; not more than £6,000 in the second year; and the remainder in the third year.

‘That the numbers of the different sexes should, so far as may be practicable, be equal; and that married couples and families be preferred.

‘That assisted passages should not be granted to persons beyond sixty years of age, but that persons in the Colony should be allowed to have their friends or relations brought out at above that age, under the arrangements made by Government, giving bills for the full amount of the passage money, payable one month after their arrival.

‘That it is not expedient that assisted passages should be granted to single men and women, other than the natives of Great Britain and Ireland.

‘That the Immigrants assisted by the Government be required to repay, by instalments, at least two-thirds of their passage money.

‘That the attention of the Immigration Agent should be directed to the selection of a due proportion of Mechanics and Artisans; and that other Labourers should, so far as may be practicable, be obtained from the rural districts of Great Britain and Ireland.

‘That the Immigration Agent should leave Canterbury not later than the month of August next; his salary to be £400 per annum, with a suitable allowance to and from the Province.

‘That his Honor, James Edward FitzGerald, be requested to accept the Appointment of Immigration Agent.’”

The Speaker in the chair.

The Resolutions were reported, adopted, and ordered to be forwarded to his Honor the Superintendent.

The Council in Committee on the “Provincial Council Extension Bill.”

In clause 8, an Amendment proposed by Mr. Ollivier was negatived upon division.

Ayes, 8: Messrs. J. Bealey, S. Bealey, Bray, Brittan, Davis, Ollivier, Thomson, Ward. Noes, 10: Messrs. Barker, Blakiston, Bowen, Dampier, Hall, Moorhouse, Morgan, Packer, Rhodes, Westerra.

An Amendment, proposed by Mr. Hall, was granted.

The Speaker in the chair.

The Chairman reported the Bill as amended.

Message No. 32 was read by the Clerk.

A Resolution, proposed by Mr. Ollivier, was amended, by consent, and passed as follows:—

“That this Council having taken into consideration his Honor’s Message, No. 32, on the subject of the Refund of Revenue to the Publicans, still adheres to its opinion, already twice affirmed, that such refund is a mere act of justice, and therefore should be made; and expresses its hope that his Honor will take the necessary steps to carry its former Resolution into effect.”

The resolution was ordered to be forwarded to his Honor the Superintendent.

The Council in Committee for the consideration of Message No. 33.

Motion was proposed “That the sum of £50 be added to the Estimates for the purpose proposed in Message No. 33.”

Amendment was granted “That this Council having taken into consideration his Honor’s Message, No. 33, upon the subject of the salary and position of the Clerk to this Council, regrets that it cannot assent to his views therein expressed.

“That with the most anxious desire to promote every possible economy in the public expenditure, the Council cannot but consider the salary paid to the Clerk for the last three years is an exceedingly reasonable recompense for the discharge of duties of great importance, and of serious trust and responsibility.

“That it further appears to this Council that the position of their Clerk is, and should as far as possible, be one of independence of the Executive Government.

That the combination of Offices, suggested in his Honor's Message, would be objectionable, on principle, and could not be carried into effect without much practical confusion and inconvenience."

The Speaker in the chair.

The Resolutions were reported and adopted.

The Council in Committee for the consideration of Message No. 34.

The Amendments to "White's Kaiapoi Bridge Bill," proposed by his Honor, were agreed to.

The Schedule was deferred until the opinion of the Provincial Solicitor could be obtained upon the subject.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 11.43 p.m., until Friday next.

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FRIDAY, 12TH JUNE, 1857.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, J. Bealey, S. Bealey, Blakiston, Bray, Brittan, Dampier, Davis, Fooks, Hall, Ollivier, Packer, Westenra.

The Speaker in the chair.

The Council in Committee on the "Governor's Bay Road Bill."

Consideration was deferred for want of Maps.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee of Supply.

Vote was taken.

Discovery of gold (in accordance with Resolution, 15th April, 1857), £500.

The Speaker in the chair.

The Chairman reported progress.

Message No. 35, from his Honor the Superintendent, was received and read.

"The Superintendent has received a Copy of a Resolution passed by a Committee of the Provincial Council, stating that in the opinion of that Committee a direct Postal Communication with Melbourne would be of greater advantage for this Province than one by way of Wellington.

"The Superintendent, cordially concurring in the view of the Council, has placed on the Supplementary Estimates a sum sufficient to cover the expenses of such a service.

"The Superintendent has also placed on those Estimates a sum for providing Agencies in Melbourne and Sydney.

"Upon this point the Superintendent desires to suggest to the Council the extreme importance, at this part of the history of the Province, of maintaining the Land Sales. It is clear that upon that alone the prosperity of the next few years depends. If the Land Sales are not maintained, improvements and immigration must cease, and the discontent which will ensue may not improbably make a demand for some violent measures, such as those contemplated in neighbouring Provinces, to restore a prosperity which a wise policy would have maintained unimpaired. It seems to the Superintendent that there are only two things which will insure a continuance of the Land Sales. The first is such a rapidity in executing surveys as shall place Purchasers of land in possession of their estates without delay and consequent loss; the other is the steady influx of fresh capital and labor into the colony. The Superintendent is fully persuaded that if the Council do not provide for these two things, the moneys which they have already voted

cannot be expended with benefit to the Province. The contemplated expenditure for the year, although very moderate, if the prosperity of the Province be maintained by the steady influx of population, will prove excessive, should that prosperity be checked.

“It is with the view of carrying out a policy of maintaining steady Sales of Land, and steady increase to the population of the Province that the Superintendent proposes to establish Agencies in Sydney and Melbourne, and to provide for a rapid and regular communication with the latter, and so with England.

“The Superintendent therefore earnestly requests the Council to place the requisite sums at his disposal.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

The Council in Committee for the consideration of Message No. 35.

Vote was proposed.

Postal service with Melbourne, £1,000.

Debate ensued.

Amendment was negatived upon division, “That the consideration of this vote be deferred until there be a fuller House.”

Ayes, 4: Messrs. Blakiston, Bowen, Dampier, Packer. Noes, 6: Messrs. Bray, Brittan, Davis, Hall, Ollivier, Westenra.

The original Motion was negatived.

Vote was proposed to establish Agencies at Sydney and Melbourne, £500.

Amendment was granted “That this Committee is of opinion that the establishment of an Agency in Melbourne, as suggested in his Honor’s Message, No. 35, is desirable, but as the Government has laid no plan before the Committee, and no specific statement as to the way in which the money voted would be expended, they have no means of determining what sum it would be expedient to vote.”

The Speaker in the chair.

The Resolution was reported and adopted.

A Motion, in Mr. Packer’s name, was deferred until Tuesday next.

Leave was given to bring in an “Education Bill.”

The Bill was read a first time.

Leave was given to bring in an “Appropriation Bill.”

The Bill was read a first time.

Motion was granted “For the production of any Despatches from the Governor in reference to the dissolution of the Provincial Council, or to the election of a new Superintendent.”

(Message No. 36 was received after No. 42, *vide* Thursday, 18th June.)

Message No. 37, from his Honor the Superintendent, was received and read.

“The Superintendent transmits to the Provincial Council a Copy of a Correspondence with the General Government on the subject of the Harbor Department. The Superintendent feels sure that the Council will agree with him that this Department ought to be distinctly placed either under the control of the General Government, or under that of the Province, and that in a matter where so much both of life and property is at stake it ought to be distinctly understood who is to be responsible for the control of the Department, and the character of the Officers employed in it. The Department was, as the Council will recollect, not included in the ‘Empowering Ordinance,’ but it was placed under the control of the Superintendent, by Sir George Grey, in 1853. The General Government having entirely passed over the Provincial Authorities, and referred to the Collector of Customs, the Superintendent feels that the Provincial Government ought to decline to make any further payment in its support. With the sanction of the Council, therefore, the Superintendent will withhold any further payment after the first

August next, which will leave full time for notice of the change to be communicated to, and acted on, by the General Government.

“JAMES EDWARD FITZGERALD,  
“Superintendent.”

The Council in Committee on the “Canterbury Association’s Reserves Bill.”

The Bill passed with amendments.

The Speaker in the chair.

The Chairman reported the Bill as amended.

The “Provincial Council Extension Bill” was read a third time, passed, and numbered No. 8.

The Council adjourned at 2.20 p.m., until Tuesday next.

TUESDAY, 16TH JUNE, 1857.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, J. Bealey, S. Bealey, Blakiston, Bray, Brittan, Dampier, Fooks, Hall, Moorhouse, Ollivier, Packer, Thomson, Westenra.

The Speaker in the chair.

The Report of the Committee on Watercresses was brought up, read, and received.

Extension of time was granted, to this day week, to the Dampier’s Petition Committee.

Extension of time, to this day fortnight, was granted to the Mill Site Committee.

The Council in Committee for the consideration of the 2nd, and 3rd clauses of the “Peacock’s Wharf Bill.”

The clauses passed with amendments.

The Speaker in the chair.

The Chairman reported the Bill as amended.

Motion was granted “That in the opinion of this Council it is desirable that parties residing beyond the limits of the Christchurch postal delivery should be afforded greater facilities for receiving and posting letters than are allowed by the limited hours from 11 a.m. to 4 p.m.”

The second Resolution on the Notice Paper was withdrawn, by consent.

“Motion was granted “That his Honor the Superintendent be respectfully requested to make such arrangements as may be necessary to carry out this object.”

The third Motion on the Notice Paper, in Mr. Bray’s name, was withdrawn, by consent.

The third reading of the “Canterbury Association’s Reserves Amendment Bill” was postponed *sine die*.

The Committee of “The Governor’s Bay Road Bill” was postponed for want of Maps.”

The Council in Committee of Supply.

Vote was taken.

Additional Police Constable, Lyttelton, £109 10s.

Motion was proposed “That the sum voted for the expenses of the Harbor Department be reduced after the 1st August, in accordance with Message No. 37.”

Amendment was carried upon division, “That after the sum total on the Estimates the words be added ‘to provide for the Service until his Excellency the Governor has appointed a Successor to the present Harbor Master.’”

Ayes, 9 : Messrs. J. Bealey, S. Bealey, Blakiston, Bray, Brittan, Dampier, Ollivier, Thomson, Westenra. Noes, 5 : Messrs. Barker, Bowen, Hall, Moorhouse, Packer.

The Speaker in the chair.

The Chairman reported progress.

Message No. 38, from his Honor the Superintendent, was received and read.

“The Superintendent transmits to the Provincial Council a Correspondence with the General Government on the subject of the Census, and requests that a vote may be placed on the Estimates to cover the cost of that Service. The sum expended has amounted to £122 12s. (one hundred and twenty-two pounds, twelve shillings).

“JAMES EDWARD FITZGERALD,

“Superintendent.”

The Council in Committee of Supply.

Vote was taken.

Expenses of Census, £122 12s.

The Speaker in the chair.

The Chairman reported progress.

“The Education Bill” was read a second time.

The second reading of the “Appropriation Bill” was objected to on a point of order, and therefore deferred.

The Council in Committee on the “Roads Diversion Bill.”

Clauses 10, 11 were postponed.

Clauses 12, 13, 14, 15, 16, 17 passed as amended.

The Schedule passed.

The Speaker in the chair.

The Chairman reported progress.

Motion was granted “That this Council sanction the appropriation of the balance accruing on the capital account of the Canterbury Association’s Estate in the course of the current financial year to the discharge of Debentures to the extent of £1,000, according to the terms of the Ordinance.”

Messages Nos. 39, 40, 41 and 42, from his Honor the Superintendent, were received and read.

“The Superintendent has received the Resolution of the Provincial Council on the subject of the Publicans’ Licenses.

“The Superintendent regrets that after having, with the advice of his Executive Council, given a final decision in the matter, supported by reasons which appeared sufficient, the Council should have again requested the Superintendent to place a vote on the Estimates, and that without noticing in any way the arguments which induced the Superintendent to arrive at a decision.

“The Superintendent is very anxious to meet the views of the Council, but in the exercise of the prerogative which has been vested in him by the ‘Constitution Act’ he cannot consent to place any sum on the Estimates authorising the payment of public moneys to persons who, so far as he believes and is informed, have no right or title to receive them.

“The Superintendent would remind the Council that at the time when the ‘Public House Bill’ was passed last year, he was incapacitated from attending to any public business; he has therefore no personal knowledge of the matter, or personal interest in supporting any particular view. For this reason the Superintendent thought it right to apply to the gentleman who was at the head of the Government at that time, to know whether there was any assurance given, or understanding entered into at the time the Law was being passed, that the sum in question should be remitted to the Publicans. The Superintendent is clearly of opinion that if there were any such understanding on the part of the Government, or of the House, the money ought to be paid. But the Superintendent has been assured, by

Mr. Brittan, that he has no recollection of such an understanding, and by Mr. Hamilton, who had charge of the Bill, that no such undertaking was entered into. Indeed the Superintendent is informed by Mr. Hamilton, then the Resident Magistrate, that at the Licensing Meeting for 1856, the Publicans enquired into and were particularly informed of the pending operation of the Law, and that they took their Licenses with the most distinct understanding that the new Law would come into operation.

“The Superintendent is also informed that the closing of the houses at eleven o'clock, and on Sundays, was done at the request of some of the Publicans themselves, and was considered by them to be a boon, and not a loss; that their License Fee was diminished because ‘Wine and Beer Licenses’ were to come into use at a low rate of Fee; but there were, and could be no Wine and Beer Licenses issued in the course of last year.

“The Superintendent therefore feels that the result of the enquiries which he made with a view to enable him to accede to the wishes of the Council have but confirmed him in the course which he has felt it his duty to take.

“Under no circumstances would the Superintendent agree to a vote of such a nature being placed on the Estimates so long as the Law shows, as it clearly does, that no claim for the payment exists. But if the Council will pass a Bill amending the present Law, and reciting in the Preamble that, as a matter of fact, the present Ordinance was passed under an impression on the part of the Council that the License Fee was to be fixed at the new rate for the then current year, the Superintendent would not refuse his sanction to such an Ordinance.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

“The Superintendent has assented to the following Ordinances on behalf of his Excellency the Governor:—

“The ‘Scab and Catarrh Amendment Ordinance, Session VIII., No. 5.’

“The ‘Inwood Mill Ordinance, Session VIII., No. 4.’

“The ‘French Magazine Reserve Ordinance, Session VIII., No. 2.’”

And has reserved the following for his Excellency's assent:—

“The ‘Fuller Remission of Purchase Money Ordinance, Session VIII., No. 1.’

“The ‘Akaroa Jetty Ordinance, Session VIII., No. 3.’

“JAMES EDWARD FITZGERALD,

“Superintendent.”

“The Superintendent transmits to the Provincial Council a Copy of a Communication from the Waste Lands Board on the subject of a Reserve proposed to be made on the Orari River, and requests the sanction of the Council thereto.

“JAMES EDWARD FITZGERALD.

“Superintendent.”

“The Superintendent returns the ‘Provincial Council Extension Ordinance’ to the Council, with Amendments marked in red ink. The Amendments are purely verbal, to improve the wording of the descriptions of the districts, and have been revised in the Survey Office.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

A Motion on the Notice Paper, in the name of Captain Westenra, was withdrawn, by consent.

The Council adjourned at 8.55 p.m., until Thursday next.

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THURSDAY, 18TH JUNE, 1857.

The Council met pursuant to adjournment.

Members present: all except Messrs. Cookson, Hamilton, Tancred.

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The Speaker in the chair.

A Petition on Postal Communication with Australia was presented, read, and received.

The "Peacock's Wharf Bill" was read a third time, passed, and numbered No. 9.

The Council in Committee on the "Provincial Council Extension Bill."

The Amendments recommended by his Honor the Superintendent were proposed and agreed to.

The Speaker in the chair.

The Chairman reported the Bill as amended.

Motion was proposed "That the Petition of H. J. Cridland be considered."

Amendment was proposed "That in the opinion of this Council no cause has been made out by the Petitioner, H. J. Cridland, before the Select Committee, to justify any further proceedings on the part of this Council with the matter."

Debate ensued.

The Amendment was withdrawn, by consent, and

The following Amendment was carried upon division:—

"That this Council having taken into consideration the Report of the Committee appointed to enquire into the Petition of H. J. Cridland, do now proceed to the next Order of the Day."

Ayes, 16: Messrs. J. Bealey, Blakiston, Brittan, Dampier, Davis, Donald, Fooks, Hall, Moore, Morgan, Ollivier, Packer, Rhodes, Thomson, Ward, Westerra. Noes, 4: Messrs. J. Bealey, Barker, Bray, Moorhouse.

Message No. 36 (by mistake not presented in order) was received and read.

"The Superintendent transmits to the Council the 'Kaiapoi Town Bill,' with the Schedule annexed, which had been omitted in passing the Bill.

"JAMES EDWARD FITZGERALD,

"Superintendent."

The Council in Committee for the consideration of Message No. 37.

The following Resolutions were proposed and agreed to:—

"This Council having taken into consideration his Honor's Message, No. 37, together with the Correspondence forwarded therewith between his Honor and the General Government, on the subject of the Harbor Department, resolves—

"That the course of proceeding adopted by the General Government in the matter referred to in the Colonial Secretary's Letter, of 19th May last, is inconsistent with, and a departure from the arrangement made by Sir George Grey, in 1853, upon the strength of which arrangement, the expense of the Harbor Department has, up to the present time, been defrayed out of the Provincial Revenues.

"That no part of the expense of this Department is defrayed by the General Government. It is unjust to this Province that the recommendation of a person to fill the Office of the Harbor Master, in the event of such Office becoming vacant, should be removed from the hands of the Provincial Executive Government.

"That this Council reaffirms the principle laid down in the Resolutions of November, 1853, that Departments of the Government, removed from the control of the Provincial Authorities, ought not to be maintained from Provincial Revenues. That this Council has retained, conditionally, upon the Estimates for the present year, provision for the Harbor Department for a limited period, in the contingent expectation that on a reconsideration of the circumstances of the present case the General Government will either restore this Department to Provincial control, or make provision for its maintenance out of the general Revenues of the Colony."

The Speaker in the chair.

The Resolutions were reported, adopted, and ordered to be forwarded to his Honor the Superintendent.



The Council in Committee on the "Education Bill."

The Bill passed as read.

The Speaker in the chair.

The Chairman reported the Bill as passed.

The Council in Committee on the "Kaiapoi Town Bill."

The Bill passed as read.

The Schedule passed as sent down in Message No. 36.

The Speaker in the chair.

The Chairman reported the Bill as passed.

The Council adjourned at 11.20 p.m., until Friday next.

FRIDAY, 19TH JUNE, 1857.

The Council met pursuant to adjournment.

Members present: all except Messrs. Cookson, Hamilton, Tancred, Donald, Ward, Fooks.

The Speaker in the chair.

The "Kaiapoi Town Bill" was read a third time, passed, and numbered No. 7.

The "Education Bill" was read a third time, passed, and numbered No. 10.

The "Provincial Council Extension Bill" was read a third time, passed, and numbered No. 8.

The Council in Committee on the "Governor's Bay Road Bill."

In the absence of Mr. Fooks, Mr. Blakiston was elected Chairman.

Clauses 1, 2 passed as read.

Clause 3 was deferred.

The Speaker in the chair.

The Chairman reported progress.

The consideration of the Estimates was deferred until Tuesday.

The Council in Committee on the "Roads Diversion Bill."

Mr. Blakiston in the chair.

Clauses 9, 10, 11 were deferred for the Solicitor's opinion.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee for the consideration of Message No. 39.

Mr. Blakiston in the chair.

The Message having been read by the Clerk,

Motion was granted "That the Government be requested to introduce a Bill as suggested by his Honor in the latter part of Message No. 39."

The Speaker in the chair.

The Resolution was reported, adopted, and ordered to be forwarded to his Honor the Superintendent.

The consideration of Message No. 41 was deferred until Tuesday.

Motion was granted "That in the opinion of this Council, the Clearing of the rivers Avon and Heathcote from Watercresses and Weeds, with which they are becoming encumbered, is a work of urgent and pressing necessity. That his Honor the Superintendent be authorised and earnestly requested to take the necessary steps, without delay, for carrying the above object into effect, and that this Council will indemnify his Honor in any expenditure, not exceeding £1,500, which he may deem it necessary to incur for this purpose."

The Council adjourned at 2.57 p.m., until Tuesday next.

TUESDAY, 23RD JUNE, 1857.

The Council met pursuant to adjournment.

Members present : Messrs. Barker, J. Bealey, S. Bealey, Hall, Fooks, Morgan, Moorhouse, Thomson, Packer, Ollivier, Blakiston, Brittan, Westenra.

The Speaker in the chair.

Messages Nos. 43, 44, from his Honor the Superintendent, were received and read.

“The Superintendent has received the Resolutions passed by the Provincial Council on the subject of Immigration. The Superintendent regrets that these Resolutions point out a policy so entirely contrary to what he conceives it to be the interest of the Province and the duty of the Government to pursue, that he is unable to charge himself with its administration, as the Agent, in the manner pointed out by the Council.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

“The Superintendent has received the Resolution of the Provincial Council, passed on the 12th instant, on the subject of an Agency to be established in Melbourne, from which the Superintendent is led to infer that if the Council had before it any specific statement of the way in which the money voted would be spent, it would vote the necessary sums.

“The Superintendent conceives that to lay down any specific plan would be both difficult and unwise ; but the main things to be done are as follows :—

1. “To appoint one of the first mercantile houses in Melbourne and in Sydney to be the General Agents of the Provincial Government.

2. “To supply them with Maps of the Province, showing the land sold and unsold.

3. “To supply them with full information in the shape of a short Pamphlet, authorized by Government, setting forth the advantages of the Province, the state of the markets, the prices of labor, and the facilities for acquiring land.

4. “To authorize them to advertise these facts, in a condensed form, to a specified amount, say £50 each place.

5. To authorize them to give Letters to persons coming down intending to purchase land, stating that they were about to become Land Purchasers. The Agent to be paid a per-centage on all sales effected to persons having such Letters, and purchasing within one year.

6. “The Agent would be instructed to lay on vessels for Passengers whenever a sufficient number offered—the Government, however, not offering any assistance for Immigrants. The Superintendent conceives that such an Agency would be of very great value to the place, and would, at all events, be worth trying for one year, at a cost of, say £250 for each town—Melbourne and Sydney.

“JAMES EDWARD FITZGERALD,

“Superintendent.”

Extension, to this day week, was granted to the Dampier’s Petition Committee. The Motion on the Notice Board in Mr. Blakiston’s name was deferred, by consent, until Thursday next.

The Council in Committee on Message No. 34.

The Amendments to the Schedule proposed by his Honor were agreed to.

The Speaker in the chair.

The Chairman reported the Bill as amended.

The Council in Committee on Clauses 9, 10, 11 of the “Roads Diversion Bill.”

Clauses 9, 10, 11 passed with amendments.

Clause 14 was reconsidered.

Debate ensued.

The Speaker in the chair.

The Chairman reported progress.

The next Order of the Day was deferred until Thursday.

The consideration of Message No. 41 was withdrawn, by consent.

The consideration of the Estimates was deferred until Thursday.

The "Appropriation Bill" was read a second time.

The Council adjourned at 7.15 p.m., until Thursday next.

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THURSDAY 25TH JUNE, 1857.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, J. Bealey, S. Bealey, Blakiston, Brittan, Dampier, Moorhouse, Packer, Ollivier, Morgan, Hall, Davis, Donald, Ward, Thomson, Fooks, Westenra.

The Speaker in the chair.

A Petition in favor of White's Courtenay Bridge was presented, read, and received.

A Petition in favor of the Non-removal of the Slaughter Houses was presented, read, and received.

The "Canterbury Association's Reserves Bill" was read a third time, passed, and numbered No. 11.

"White's Kaiapoi Bridge Bill" was read a third time, passed, and numbered No. 6.

The Standing Orders were suspended, that the "Public House Bill" might pass through all its stages.

The "Public House Bill" was read a first and second time, passed through Committee as read, was read a third time, passed, and numbered No. 12.

Motion was granted "That his Honor the Superintendent be recommended to reserve the piece of land for a gravel pit on the Lincoln Road, as described.

Motion was granted "That his Honor the Superintendent be recommended to reserve the piece of land as marked on the tracing of the Abattoirs at Riccarton, as marked 106, and colored red, consisting of ten acres."

The Council in Committee on the "Superintendent and Provincial Council Payment Bill."

Two new clauses were inserted between clauses 1, 2 of the Schedule:—

"To the Speaker £50 per annum, payable monthly, for travelling expenses."

"To the Chaplain £25 per annum."

Amendment was carried upon division, "That in the last clause the words 'seven miles' be substituted for 'ten miles.'"

Ayes, 10: Messrs. Barker, Blakiston, Dampier, Davis, Donald, Moorhouse, Morgan, Ollivier, Thomson, Ward. Noes, 6: Messrs. J. Bealey, S. Bealey, Brittan, Hall, Packer, Westenra.

The Speaker in the chair.

The Chairman reported the Bill as amended.

The Standing Orders were suspended.

The Bill was read a third time, passed, and numbered No. 13.

The Council in Committee of Supply.

Vote was taken, Compensation to Police,	...	...	...	£50	0	0
"    "    Discovery of Gold,	...	...	...	500	0	0
"    "    Local Posts,	...	...	...	150	0	0

The Speaker in the chair.

The Chairman reported the Resolutions passed in Committee of Supply, as follows:—

Items of Unvoted Expenditure to 31st March, 1857.

Provincial Secretary's Department	...	...	...	...	£29	18	11
Provincial Treasurer's Department	...	...	...	...	22	11	8
Provincial Auditor's Department	...	...	...	...	3	15	10
Supreme Court	...	...	...	...	25	12	0
Resident Magistrate	...	...	...	...	11	6	
Police	...	...	...	...	40	2	10
Waste Lands Board	...	...	...	...	414	14	6
Surveys	...	...	...	...	790	3	4
Charitable Aid	...	...	...	...	43	17	8
Printing and Stationery	...	...	...	...	4	1	8
Census	...	...	...	...	50	0	0
Imprest Account, Land Purchases	...	...	...	...	55	0	0
Casual Expenses	...	...	...	...	13	0	0
Education, Christchurch School	...	...	...	...	2	9	0
„ Akaroa	...	...	...	...	11	0	0
„ Governor's Bay	...	...	...	...	5	0	0
Provincial Engineer	...	...	...	...	2	2	6
Public Works, North Road	...	...	...	...	1398	6	0
„ Governor's Bay Road	...	...	...	...	367	16	7
„ Current Repairs	...	...	...	...	186	8	3
„ Road South of Christchurch	...	...	...	...	5	0	0
„ Lower Lincoln Road	...	...	...	...	68	8	5
„ Riccarton Road	...	...	...	...	51	10	6
„ Akaroa Roads and Bridges	...	...	...	...	127	7	2
„ Improving Bridle Path	...	...	...	...	221	2	0
„ Land Office Safe	...	...	...	...	23	12	0
„ Enlargement of Gaol	...	...	...	...	311	17	6
„ Market Place Bridge	...	...	...	...	9	9	0
„ Sumner Road	...	...	...	...	937	0	0
„ Lyttelton Jetty	...	...	...	...	127	0	0
„ Hagley Lodge Bridge	...	...	...	...	12	10	0
„ Survey of Port Hills	...	...	...	...	54	16	6
„ Christchurch Lock-Up	...	...	...	...	1	13	6
„ Government Offices	...	...	...	...	6	16	6
„ Stores	...	...	...	...	14	4	0
„ Imprest on account of Surveys	...	...	...	...	20	0	0

For Services to 31st March, 1858.

Superintendent's Office	...	...	...	...	£550	0	0
Provincial Secretary's Office	...	...	...	...	580	0	0
Provincial Treasurer's Office	...	...	...	...	255	0	0
Provincial Auditor's Office	...	...	...	...	105	0	0
Provincial Solicitor's Office	...	...	...	...	200	0	0
Messenger	...	...	...	...	195	0	0
Provincial Council	...	...	...	...	620	0	0
Crown Prosecutor	...	...	...	...	150	0	0
Sheriff and Gaol	...	...	...	...	690	0	0
Coroner	...	...	...	...	50	0	0
Registration	...	...	...	...	400	0	0
Resident Magistrate	...	...	...	...	597	0	0
Police	...	...	...	...	1287	2	0
Inspector of Sheep	...	...	...	...	350	0	0
Waste Lands Board	...	...	...	...	740	0	0
Survey	...	...	...	...	3350	0	0
Harbor	...	...	...	...	364	0	0
Medical and Charitable Aid	...	...	...	...	550	0	0
Resident Magistrate and Sub-Treasurer at Akaroa	...	...	...	...	293	0	0

Resident Magistrate and Sub-Treasurer at Timaru	...	...	...	...	...	£200	0	0
Printing, Stationery, &c.	...	...	...	...	...	1372	12	0
Inspector of Schools, and Educational Grants	...	...	...	...	...	2500	0	0
Immigration: English Expenses	...	...	...	...	...	20,000	0	0
Immigration: Provincial Expenses	...	...	...	...	...	260	0	0
Provincial Engineer's Office	...	...	...	...	...	1488	0	0
Amounts due on outstanding Contracts	...	...	...	...	...	1053	18	7
Great North Road (800 acres)	...	...	...	...	...	2540	0	0
Branches, North Road (1125 acres)	...	...	...	...	...	1050	0	0
Riccarton Road (50 acres)	...	...	...	...	...	550	0	0
Fendall Town Road (1000 acres)	...	...	...	...	...	100	0	0
Lincoln Road (500 acres)	...	...	...	...	...	1750	0	0
Hills Road	...	...	...	...	...	550	0	0
Ferry Road	...	...	...	...	...	620	0	0
Sumner Road (1000 acres)	...	...	...	...	...	2000	0	0
Main Roads through Christchurch	...	...	...	...	...	500	0	0
Roads in Northern part of Christchurch, in aid of the local contribution,	...	...	...	...	...	60	0	0
Akaroa Bridle Path (400 acres)	...	...	...	...	...	200	0	0
Roads in Akaroa District	...	...	...	...	...	700	0	0
Current Repairs of Roads and Bridges	...	...	...	...	...	900	0	0
Store of Timber	...	...	...	...	...	100	0	0
Rakaia Ferry	...	...	...	...	...	50	0	0
Timaru Moorings	...	...	...	...	...	200	0	0
Miscellaneous Expenses	...	...	...	...	...	700	0	0
Buildings	...	...	...	...	...	5150	0	0

The Resolutions were adopted.

The Council in Committee on the "Appropriation Bill."

The Bill passed as read.

The Speaker in the chair.

The Chairman reported the Bill.

Motion proposed "That the following Resolutions on Postal Communication be adopted:—

'That the deficiency of the arrangement for bringing forward the European Mails from Australia is calculated to cause great detriment to trade, and to the prosperity of the Province.

'That until some satisfactory plan has been carried into operation by the General Government for extending a Mail Service to New Zealand, as originally contemplated by the Government of England and of the Australian Colonies, it is desirable that some Contract should be entered into with parties willing to undertake the Mail Service between this Province and Australia, by means of sailing vessels.

'That taking into consideration the importance of this question, this Council recommends his Honor the Superintendent to make arrangements for effecting the above-named object, and that this Council will indemnify the Government in an expenditure for this purpose of a sum not exceeding £1000.'

Amendment was negatived "That his Honor the Superintendent be authorized to pay a bonus of £50 to any Master of a Vessel who should deliver any regular Monthly English Mail from Melbourne within sixteen days after its arrival, from Melbourne."

The original Motion was put.

Amendment was negatived upon division, "That £500 be substituted for £1000."

Ayes, 5: Messrs. S. Bealey, Davis, Hall, Moorhouse, Fooks. Noes, 10: Messrs. Barker, J. Bealey, Blakiston, Donald, Dampier, Morgan, Ollivier, Thomson, Ward, Westenra.

The original Resolutions were agreed to, and ordered to be forwarded to his Honor the Superintendent.

The Council adjourned at 11.17 p.m., until Friday next.

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FRIDAY 26TH JUNE, 1857.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, J. Bealey, S. Bealey, Blakiston, Brittan, Dampier, Davis, Donald, Hall, Moorhouse, Packer, Thomson, Ollivier, Fooks, Westenra.

The Speaker in the chair.

A letter from the Collector of Customs was read, and a request for a loan of books was agreed to.

The Council in Committee to consider Message No. 44.

Motion was granted "That his Honor the Superintendent be authorized to expend a sum not exceeding £500 in establishing Agencies in Melbourne and Sydney to facilitate the sales of land, and to provide for the expense of printing, publishing, and disseminating the requisite information, and the general expenses of the Agency, in accordance with Message No. 44.

The Speaker in the chair.

The Chairman reported the Resolution. It was adopted, and ordered to be forwarded to his Honor the Superintendent.

The Council in Committee on the "Roads Diversion Bill."

Clause 9 was reconsidered.

Clause 14 was proposed as read.

Amendment was negatived upon division, "That the Chairman do report progress, and the Bill be re-committed this day six months."

Ayes, 5: Messrs. J. Bealey, S. Bealey, Dampier, Hall, Moorhouse. Noes, 9: Messrs. Barker, Blakiston, Bowen, Brittan, Davis, Donald, Ollivier, Packer, Westenra.

Clauses 15, 16, 17, 18, the Preamble and Title, passed.

The Speaker in the chair.

The Chairman reported the Bill as amended.

Motion was granted "That the Standing Orders be suspended."

Motion was carried upon division, "That the 'Roads Diversion Bill' be read a third time."

Ayes, 7: Messrs. Barker, Blakiston, Brittan, Ollivier, Packer, Donald, Westenra. Noes, 5: Messrs. J. Bealey, S. Bealey, Dampier, Hall, Moorhouse.

The Bill was read a third time, passed, and numbered No. 14.

The Council adjourned at 2.30 p.m., until 5 p.m.

The Council re-assembled.

The Council in Committee on the "Governor's Bay Road Bill."

Clause 3 passed as amended.

Upon division, Ayes, 9: Messrs. Barker, S. Bealey, Blakiston, Bowen, Brittan, Davis, Packer, Thomson, Westenra. Noes, 4: Messrs. Dampier, Hall, Moorhouse, Ollivier.

The Speaker in the chair.

The Chairman reported the Bill as amended.

The Standing Orders were suspended.

The Bill was read a third time, passed, and numbered No. 15.

The Council in Committee for the consideration of Message No. 43.

Motion was proposed "That this Council having considered the vital importance to the Province of taking immediate steps for furthering Immigration,

resolve, that the sum of £20,000, voted for this purpose by this Council, be placed at the disposal of the Executive Government in pursuance of the provisions of the Immigration Ordinance."

Amendment was negatived upon division, "That the Chairman do report progress."

Ayes, 6: Messrs. S. Bealey, Brittan, Hall, Ollivier, Thomson, Westenra. Noes, 8: Messrs. Barker, J. Bealey, Blakiston, Bowen, Dampier, Davis, Moorhouse, Packer.

The Resolution was carried.

Upon division, Ayes, 7: Messrs. Barker, J. Bealey, Blakiston, Bowen, Davis, Moorhouse, Packer. Noes, 7: Messrs. S. Bealey, Brittan, Dampier, Hall, Ollivier, Thomson, Westenra.

The Chairman decided in favour of the Ayes.

The Speaker in the chair.

The Resolution was reported, adopted, and ordered to be forwarded to his Honor the Superintendent.

Motion was granted "For the production of a Correspondence between his Honor and Mr. Fraser, respecting an application for a Grant of Money in Aid of Building Schools."

The Council adjourned at 11.57 p.m., until Tuesday next, at 2 p.m.

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TUESDAY, 30TH JUNE, 1857.

The Council met pursuant to adjournment.

Members present: Messrs. Barker, J. Bealey, S. Bealey, Hall, Dampier, Brittan, Fooks, Bray, Morgan, Packer, Thomson, Rhodes, Blakiston, Moorhouse, Westenra.

The Speaker in the chair.

The report of the Committee on Dampier's Petition was brought up, read, and received.

The next Order of the Day was discharged.

Motion was granted "That his Honor the Superintendent be recommended to reserve a portion of land for a gravel-pit on the Lower Lincoln Road, as described in Mr. Cass's Letter."

Motion was granted "That this Council desires to record its grateful sense of the many valuable services rendered to the Province of Canterbury by Mr. Godley and Mr. Selge.

"That this Council is of opinion that a fitting recognition of such services, would be the presentation of some Memorial, and for that purpose the Council undertakes to indemnify his Honor the Superintendent in the outlay of two hundred Pounds, for the purchase of such Memorials; and further resolves, that his Honor the Superintendent be respectfully requested to prepare a suitable inscription to be placed thereon, expressive of the object for which the Memorial in each case was presented."

Motion was granted "That the thanks of the Council are due to Charles Bowen, Esquire, for the zealous and efficient manner in which he has discharged the duties of Speaker of this Council during the last three years."

Motion was granted "That the thanks of this Council are due to C. B. Fooks, Esquire, for the efficient manner in which he has discharged the duties of Chairman of Committees to this Council during the last three years."

Messages Nos. 45, 46, from his Honor the Superintendent, were received and read.

“ MR. SPEAKER, AND GENTLEMEN OF THE PROVINCIAL COUNCIL,

“ Fifteen Bills have been presented to me for my assent, of which eleven are public, and four private Bills.

“ Of the former I have assented to eight, namely :—

“ The ‘ French Magazine Ordinance.’

“ The ‘ Scab and Catarrh Amendment Ordinance.’

“ The ‘ Education Ordinance.’

“ The ‘ Canterbury Association’s Reserves Amendment Ordinance.’

“ The ‘ Public House Amendment Ordinance.’

“ The ‘ Roads Diversion Ordinance.’

“ The ‘ Governor’s Bay Road Ordinance.’

“ The ‘ Appropriation Ordinance.’

“ Three I have reserved for the assent of his Excellency :

“ The ‘ Akaroa Jetty Ordinance.’

“ The ‘ Kaiapoi Town Ordinance.’

“ The ‘ Provincial Council Extension Amendment Ordinance.’

“ And one I have disallowed :

“ The ‘ Superintendent’s Payment Ordinance.’

“ Of the four private Bills I have assented to two :

“ The ‘ Inwood’s Mill Ordinance,’ and

“ The ‘ White’s Kaiapoi Bridge Ordinance.’

“ And the other two :

“ The ‘ Fuller Remission of Purchase Money Ordinance’ and

‘ Peacock’s Wharf Ordinance’

“ I have reserved for his Excellency’s assent.

“ I have disallowed the ‘ Superintendent’s Salary Ordinance,’ because I find it provides for the payment of the salary of a Chaplain. It is clear that this is contrary to the intent and design of the Bill, which was to provide for payments to be made to Members of the Legislature, in order to avoid the unseemliness of their having periodically to vote money to themselves. I can see no reason why the salary of any other Public Servant should be included in such a Bill. It may or may not be desirable on other grounds to have a Civil List created, but I think that question ought first to be fully considered by the public; at all events, the arguments in favour of permanently providing for any Public Servant are wholly different from those for providing for the payments of the Members of the Legislature, who are entrusted with the public purse. If the Session had not been so long protracted I would have returned the Bill to you for amendment; but considering that all the salaries to which it relates are provided for in the Estimates, and that no alteration will be made in the payments for the present year, I thought you would probably agree with me that the subject had better stand over for reconsideration to another Session.

“ It is a matter of very great congratulation to me, that the Measures which you have passed tend to complete and confirm the line of policy which I laid before you when we commenced our duties in 1853.

“ The ‘ Diversion of Roads Bill,’ read along with the ‘ Roads Bill ’ of last year, constitutes a Law for the Province respecting roads, which will be most valuable, and of which I believe, as time goes on, the public generally will gladly avail themselves. The plan of making the Justices of the Peace the sole Arbitrators of the damage done by taking new and necessary lines of road through private properties is strictly in accordance with English Law, in cases where the amounts in arbitration are small. Such will be the case with almost all alterations of roads in this Province. When interests of great magnitude are likely to be affected by the Law, it may be desirable at some future time to reconsider it. We shall then have had the



advantage of seeing how it has worked with the most simple machinery which can be provided.

“ I am especially gratified that an ‘ Education Bill ’ has been passed before the term of my office expires ; not that I wholly approve of that Measure, but that it is a very great improvement upon the former plan, and that it gives stability and permanency to a system of Education. For this reason alone it gave me great pleasure to assent to this Law.

“ I am greatly gratified that you finally decided to establish permanent Agencies in the Australian Colonies, and to establish a Postal Communication with Melbourne. I fully believe that you will find the Province amply repaid by this expenditure at the end of a year.

“ Equally glad I am, Gentlemen, that you have determined to adhere, in the appropriation of the sum voted for Immigration, to the terms of the Immigration Act. I entirely agree with those who think it is possible to spend that sum unwisely, and even that it may prove too large a sum to spend in one year. On the other hand, it is possible, and not at all unlikely, that three years hence the Province may determine to spend forty thousand, instead of four thousand pounds in the service of Immigration. The rapidity with which labor should be introduced depends solely on the rapidity with which capital is introduced or accumulates in the country, and so far as I know, upon nothing else ; and no one in a new country can foresee for three years, or even for one year, what the economical conditions of the Colony will be. For this reason I believe you will always do wisely to place at the disposal of the Government, every year, even a larger sum than you think is likely to be wanted, in the full confidence that a rash use will not be made of it. With regard to the sum you have voted for the present year, I have the most entire conviction that long before it can possibly be spent, the Province will call for the expenditure of still larger sums to provide for the demand for labor, merely to carry on the ordinary occupations of the Colony—to till the land which has been bought, to shear the flocks, and to make the indispensably necessary roads. And I say this, Gentlemen, from my own experience of the available labour in the Colony during the last four years, of which the Government contracts afford a very good index.

“ Gentlemen, you have done me the honor to reiterate a request made to me by a great number of the Electors of the Province, that I would myself undertake the Immigration Agency in England. I certainly did not think that it would be worth while sending home an Agent at so great a cost merely to spend the small sums specified in your Resolutions ; but, Gentlemen, if the Government of this Province be about to undertake the work of real colonization for the next three or four years, I shall be glad to resume again the labors which I underwent in 1850, as one of the most active Agents in the colonization of this country, and, I earnestly hope, with similar success.

“ The Council is aware that the Loan, which I was authorised to raise some months ago, has not yet been raised. The reason is, that the Union Bank of Australia offered to negotiate the Loan upon terms fair and reasonable in all respects but one—namely, to charge the same commission upon moneys raised in England and to be spent in England in Immigration, as upon moneys raised in England and sent out to the Colony. It is clear that the two transactions differ by the cost of transmitting money to the Colony. Subject to this deduction, I agreed with the Bank for the Loan ; but on being referred to Sydney, the Managers, to my great surprise, declined to ratify the Agreement. A good many months were thus lost. I sent immediately to Melbourne to have the Debentures prepared, and am now daily awaiting them. But so long as the land fund retains its present rate it will not be possible to borrow money with any advantage in this country. The Treasury is, in fact, more than supplied. I shall propose, therefore, to raise the whole Loan in England ; raising it as wanted to pay for ships, and providing that, if there should be any necessity for money in the Colony, the Local Government can draw upon the English Agent for what is required. But I believe that with sufficient Immigration, the Land Fund will more than supply all that can be spent in the country, and that the whole of the Loan will be available in England

for Immigration, to be expended as it is voted by the Provincial Council year by year.

“ I have transmitted the Bill for the Extension of the Provincial Council and the re-arrangement of the Electoral Districts to Auckland, with a request that the Writs for the new elections may be returned by the next steamer; and I will make every arrangement to facilitate the making up of the Electoral Rolls, so that the elections may take place as soon as possible.

“ The Public Works are being carried on as speedily as the supply of labour will admit. The Sumner Road will be open for the passage of carts by the temporary track over the head of the tunnel on the 1st of September. The Weka Pass will, I hope, be open at the same time; as soon as that is done, a cart will be able to travel from Lyttelton to the Hurunui River without obstruction. This, Gentlemen, is the line of road on which you may anticipate most of your future land sales will take place. The other line is the Lower Lincoln Road, and I am arranging for carrying on that work with the greatest expedition. I think within the year you will be able to ride from Christchurch to Lyttelton by that road, and even from Christchurch to Akaroa Harbor; both branches passing through a very fertile district, in which several thousands of acres of land will be open for sale in the neighbourhood of good wood and water.

“ With respect to the vote for a Bridge over the Waimakariri River, which you rejected, it is my duty to acquaint you that I have had a Report from the Provincial Engineer, from which it becomes apparent that the river is silting up so rapidly that no Ferry will much longer be possible anywhere near the line of the North Road, and a Bridge will become indispensable. The site for the proposed new Ferry, which was selected two years ago, is now destroyed. The present Ferry has been sold to a person who is willing to work it on the present fares, taking a lease from the Government for two years. I think it will not be desirable to go to any expense for an object so uncertain; I therefore propose to make such a lease, in the hope that you will determine in the mean time to build a substantial Bridge.

“ I am sorry that the Council has not re-considered the question of selling a site for a Mill in Hagley Park, or the Government Domain, as suggested by the Message which I addressed to it upon that subject. A severer blow to the prosperity of the Province cannot be inflicted than the creation or encouragement of monopoly, or the placing restrictions on mercantile or manufacturing enterprise. The refusal of the Council to allow the occupation of the best, I may say the only available site for the erection of a Mill in the neighbourhood of Christchurch, will be a great drawback to agricultural enterprise for the next year; not for more than a year, for I am satisfied that the next Council will reverse this decision.

“ The Government will consider what steps it will be most proper to take to get rid of the nuisance created by Watercresses in the Rivers in the neighbourhood of Christchurch. But the first thing to be done, is to collect information on the subject from all quarters. The Government has therefore determined first to offer a reward for the best plan which can be suggested before committing itself to any operations which may be at once costly and ineffectual.

“ Gentlemen, your duties are now at an end, and I cannot allow you to separate without thanking you most sincerely and cordially for the disposition you have ever shewn to view with consideration and candour the acts of the Government over which I have presided.

“ It will ever be deeply grateful to me to consider, that throughout the four years during which we have been connected in the Government of this Province, the utmost cordiality has prevailed between the Executive Government and the Provincial Council, and still more that that cordiality has prevailed amidst much difference of opinion upon many points of public importance; and I earnestly hope that the example which has been set by the first Provincial Council in this respect may long be remembered and imitated in the Province.

“ JAMES EDWARD FITZGERALD,

“ Superintendent.”

## PROCLAMATION.

“ I, James Edward FitzGerald, Superintendent of the Province of Canterbury, in exercise of the powers vested in me in that behalf, do hereby this day prorogue the Provincial Council of the said Province, and the said Provincial Council is hereby prorogued accordingly.

“ Given under my hand, at Christchurch, this Thirtieth day of June, in the year of our Lord one thousand eight hundred and fifty-seven.

“ JAMES EDWARD FITZGERALD,

“ Superintendent.

“ By command of his Honor,

“ RICHARD PACKER,

“ Provincial Secretary.”

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SESSION IX.

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**JOURNAL OF PROCEEDINGS**  
OF THE  
**PROVINCIAL COUNCIL.**

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PROVINCE OF CANTERBURY, NEW ZEALAND.

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SESSION IX.

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WEDNESDAY, 20<sup>TH</sup> JANUARY, 1858.

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The Council met pursuant to Proclamation of his Honor the Superintendent, bearing date 22<sup>nd</sup> December, 1857.

Members present: Messrs. Alport, Bishop, Blakiston, Bowen, Cass, Cookson, Davis, Dobbs, Duncan, Fooks, Fyfe, Hall, Haslewood, Higgins, Miln, Ollivier, Packer, Rhodes, Sprot, Studholme, Thomson, Waitt, White, Woodford, Wyatt.

The Clerk to the Council acted as temporary Chairman.

Motion was granted "That Charles Bowen, Esquire, be elected Speaker of this Council."

Messrs. Cookson, Hall, Ollivier were appointed a Deputation to accompany the Speaker to his Honor the Superintendent, to obtain his confirmation of the Appointment.

The Council adjourned for ten minutes.

The Council reassembled, and the Deputation notified the confirmation of his Honor of the Appointment of the Speaker.

The Speaker took the chair.

His Honor the Superintendent entered the Council Chamber, and delivered the following Address:—

"MR. SPEAKER AND GENTLEMEN OF THE PROVINCIAL COUNCIL,

"In meeting you for the first time, I am happily conscious that many of the difficulties which my distinguished Predecessor so anxiously struggled to overcome, have entirely disappeared. I may therefore congratulate you on the prospect of a brief Session, and exemption from the more laborious routine of duty that so heavily pressed upon the late Council.

"You are aware that the General Assembly will shortly meet, clothed with an accession of power that will enable them to effect very material alterations in the Constitution of New Zealand; alterations that might very considerably modify and restrict the Legislative functions of the Provincial Councils. Contemplating the possible exercise of this power during their approaching Session, and feeling, in such case, the great importance of this Province being fully represented, I am anxious that those Gentlemen who hold seats in both the General and Provincial Legislatures, should have an opportunity of serving the Colony in each capacity.

"The meeting of the Provincial Council, in order to secure this advantage, must be either prior or subsequent to the meeting of the General Assembly.

"For a variety of reasons, it has seemed to me expedient to call you together at this time, in order to the dispatch of routine business, the enactment of one or two very short Bills, and of some very simple, yet important and highly necessary

amendments of the Waste Lands Regulations. I shall also request your serious attention to a very imperative duty, namely, the making of some proper provision for the custody and careful medical treatment of Lunatics.

“It is my intention to lay before you Estimates of financial requirements for the half-year, ending 30th September next, and while regarding your present meeting as a Session of emergency, I propose to defer the consideration of certain defective Ordinances, among others the ‘Cattle Trespass Ordinance,’ until your next Session, when it will be my duty to send down, for your deliberate discussion, various Amendments of the Law, which the progress of the Province has rendered advisable.

“But as it is possible that the General Assembly may entertain a very important and extensive exercise of their powers, and in a manner calculated to excite a very material influence on the scope of your Legislative action, you will agree with me that it would be wise, so far as is practicable, to postpone to a future Session the enactment of new Laws, in the hope that the relative positions and respective functions of the General and Provincial Legislatures will, in the meanwhile, have been accurately and unmistakably defined.

“There are, however, several matters with which it is the business of your Body alone to deal, and to these I shall call your immediate notice.

“It has been found necessary that certain doubts, as to the interpretation of particular clauses in the Waste Lands Regulations, should be at once removed, to which end I shall submit to you a short Bill, having for its object a more effective declaration of the principles that are intended by the spirit of the Regulations to govern the administration of the Waste Lands; a vagueness in that clause which relates to the exercise of the Pre-emptive Rights, having led to inconveniences almost amounting to injustice in individual cases, that have come within my observation.

“I would also suggest to you the addition to the Regulations of a provision enabling Government to reserve a right to lay out public roads through all sections of land in unsurveyed districts, which may hereafter be bought of the Crown; the consideration for such reserved right being an additional acreage allowed to the Purchaser at the time of purchase. It will be for you to determine what per-centage of land shall be given in respect of such reserved right which I would suggest should be exercised by Government, or abandoned within a period of five years from the date of the purchase.

“I shall also lay before you a Bill to provide suitable reserves of lands, being part of the late Canterbury Association’s Estate, for the use of certain organized Religious Bodies within the Province.

“The extension of Secular Education and Religious Instruction being a matter seriously important to the social well-being of the Province, I shall ask you to sanction small reserves of land in the different settled districts which have been suggested as convenient sites for Churches and Schools.

“The rapidly increasing Imports of the Province having rendered the provision of extended accommodation in the Offices of her Majesty’s Customs a matter of urgent necessity, I shall therefore, in pursuance of arrangements entered into with the Representative of the General Government, ask your assent to a Bill, enabling me, under the provisions of the ‘Public Reserves Act,’ to convey to the General Government the site of the Custom-house, as reserved by the late Canterbury Association, upon which site it is proposed by the General Government to erect a Custom-house and other buildings necessary to the Public Service.

“In perusing the several Statistical Returns which will be laid before you, you will be gratified to observe the great increase of our Exports and Imports during the past year. On reference to the Returns of previous years, you will perceive that the extension of our Commerce grows in a greatly increasing ratio each succeeding year—a fact, affording the strongest presumptive evidence that the balance of trade must very shortly be materially in favour of the Province.

“At an early period of the Session you will be put in possession of your estimated Provincial Revenue for the ensuing year, from which you will gather that an increase in the Sales and Rentals of the Waste Lands of the Province, quite in proportion to the increase in the Customs Revenue, is reckoned upon. This Estimate is justified by the experience of the last Financial Year, at the commencement of which the late Government anticipated receiving an amount which was, at that time, generally considered large; yet, in fact, Government realised a sum very considerably in excess of their Estimate. This circumstance affords an additional pleasing illustration of the prosperity of the Province.

“The most important business to which I shall invite your attention during this short Session is the provision of means for the prosecution of Public Works now in progress, as also of those additional works which I shall recommend, as being immediately necessary to the extension of our Commerce, and the opening up of new districts for settlement. You will be gratified to learn that our financial condition is equal to the execution of Public Works to a much greater extent than could be advantageously entertained with the labour now available; and after a large expenditure on rapid Immigration, I calculate on such a balance remaining in the Treasury as will permit of the immediate employment of all Immigrants whose services, on their arrival, may not be required in the ordinary avocations of the Province.

“The Correspondence which has passed between the Provincial Government and the Inspector of the Union Bank of Australia, relative to the Loan, authorised by an Ordinance of the Provincial Council, Session VII., No. 3, will be laid before you, from which you will gather that it has been expedient to cancel the Debentures printed in Canterbury, and substitute another Form, prepared at the suggestion of the Inspector of the Union Bank of Australia, in conference with Mr. FitzGerald, the accredited Agent of the Province. The new Forms having arrived, are in course of completion. Arrangements have, as you will ascertain, been made to prevent any inconvenience or delay interfering with the operations of the Emigration Agent on his arrival in England. Meanwhile, it is a source of satisfaction to me to acquaint you that Mr. Selfe, a gentleman to whom we are much indebted for his many disinterested good offices, has provided for our immediate exigencies by the dispatch of the ‘Rockhampton,’ with a considerable number of useful Emigrants, whose arrival may be looked for during the ensuing month. On referring to the accounts of the Canterbury Association’s Estate, you will find that, in accordance with a Resolution in the Provincial Council, I have directed a further payment in liquidation of the capital sum due to the Members of the late Canterbury Association.

“The ordinary expenditure of the Province, so far as I can at present judge, will be only very slightly in excess of that of the present Financial Year, and only to such an extent as is absolutely necessary to maintain the enlarged operations of Government.

“On the Estimates for Public Works, you will perceive, among the larger items, a considerable sum suggested for expenditure on the improvements of our principal Port, improvements that are indispensable to the transaction of our very considerable Commerce. Another for the erection of a Bridge across the main branch of the River Waimakariri—a work of the greatest public utility. I also propose to ask your sanction for the employment of a considerable sum for providing access to the several large Pastoral Districts recently discovered—in laying out and improving the great Trunk Roads, North and South—the improvement of the River Heathcote—the establishment of a thorough system of Arterial Drainage—the extension of Inter-Provincial Postal Communication—and the encouragement of Steam Navigation. You will be diligently furnished with every information as to the nature and cost of, and the necessity for each of these undertakings, which I doubt not you will cordially assist me to effectively carry out.

“Before you enter on the business of this, your first Session, I would state that I am by no means insensible to the inconvenience that must result to many Gentlemen of your number, by reason of your being called at this season of the

year. During the progress of your duties, I believe you will discover the expediency of the step I have taken. I trust that during all the period of my association with you in the conduct of the Government of this Province, there may subsist the same good understanding and mutual self-respect that so happily characterized the intercourse of the late Superintendent and Council, and that like them we may, at the close of our public labours, leave lasting evidence of united earnestness and integrity in the discharge of our respective functions.

“It is now my duty to declare this Council duly opened for the dispatch of business.”

His Honor then left the Council Chamber.

Motion was granted, and ordered to be forwarded to his Honor the Superintendent for his sanction, “That the Standing Orders of the late Council be adopted until further provision be made in that behalf.”

Message No. 1, from his Honor the Superintendent, was received and read.

“The Superintendent assents to the Resolution of the Council, adopting the Standing Orders of the late Council until further provision be made in that behalf.

“WILLIAM SEFTON MOORHOUSE,

“Superintendent.”

A Petition from G. E. Dampier was presented, read, and received.

The Council adjourned until Thursday next.

THURSDAY, 21ST JANUARY, 1858.

The Council met pursuant to adjournment.

Members present: Messrs. Bishop, Blakiston, Cass, Duncan, Davis, Fooks, Hall, Haslewood, Higgins, Miln, Ollivier, Sprot, Studholme, Woodford.

The Speaker in the chair.

The following Papers were laid upon the table:—

No. 1, Correspondence relating to Loan.

No. 2, relating to “White’s Kaiapoi Bridge Ordinance.”

No. 3, relating to “Inwood’s Mill Ordinance.”

No. 4, Report of the State of the Public Works.

No. 5, Correspondence on Education Grant.

A Petition of Daniel Inwood was presented, read, and received.

Leave was given to bring in a “Canterbury Association’s Reserves Amendment Bill.”

The Bill was read a first time.

Leave was given to bring in a “Waste Lands Regulations Amendment Bill.”

The Bill was read a first time.

A Select Committee was appointed to enquire into the progress of Public Works ordered during the last Session of the Council, as well as the works which it may be desirable to undertake during the six months commencing 1st April next; such Committee to consist of Messrs. Alport, Dobbs, Blakiston, Hall, Packer, Thomson, Ollivier. To report Tuesday, 2nd February.

Charles Robert Blakiston, Esq., was elected Chairman of Committees.

Motion was granted “For a Return of the Sums of Money and the Number of Acres spent during the nine months, ended 31st December last, upon Public Works, for which no specific vote has been taken.”

A Select Committee was appointed to enquire into the Rules and Standing Orders of the Provincial Council, to consist of the Speaker, Messrs. Cass, Hall, Packer, Sprot. To report this day week.

The Council adjourned at 6 p.m., until Tuesday next.



TUESDAY, 26TH JANUARY, 1858.

The Council met pursuant to adjournment.

Members present: Messrs. Alport, Bishop, Blakiston, Cass, Davis, Dobbs, Fooks, Fyfe, Hall, Ollivier, Rhodes, Sprot, Thomson, Waitt, Woodford, Wyatt, Miln, Cookson, Studholme.

The Speaker in the chair.

The following Papers were laid upon the table.

No. 6, Return of Pre-emptive Rights challenged.

No. 7, Return of Expenditure on Local Posts.

No. 8, Return of Receipts and Expenditure of Land Fund.

No. 9, A continued Report of the progress of Public Works from 1st April, 1857, to 25th January, 1858.

No. 10, Report of the state of Public Works in the Peninsula, under Mr. Harman's supervision.

An Address in answer to his Honor's opening Speech was read.

Motion was proposed "That this Council do resolve itself into Committee for the consideration of the Address."

Amendment was granted "That the consideration of the Address be deferred."

The "Waste Lands Regulations Amendment Bill" was read a second time.

The "Canterbury Association's Reserves Amendment Bill" was read a second time.

Leave was given to bring in a "Slaughter-house Amendment Bill."

The Bill was read a first time.

Leave was given to bring in an "Inwood's Mill Bill."

The Bill was read a first time.

A Select Committee was appointed to enquire into the "Inwood's Mill Bill," such Committee to consist of Messrs. Cass, Duncan, Higgins, Packer, Hall. To report this day week.

The Council adjourned at 6.40 p.m., until Thursday next.

THURSDAY, 28TH JANUARY, 1858.

The Council met pursuant to adjournment.

Members present: Messrs. Bishop, Blakiston, Cass, Cookson, Dobbs, Duncan, Davis, Fooks, Fyfe, Hall, Haslewood, Miln, Ollivier, Packer, Rhodes, Sprot, Studholme, Thomson, Waitt, Woodford, Wyatt.

The Speaker in the chair.

The Report of the Committee on the "Inwood's Mill Bill" was brought up, read, and received.

The Report of the Committee on the Standing Orders was called for. Extension of time granted to this day fortnight.

The following Papers were laid on the table:—

No. 9, Return of Land Contracts up to 31st December, 1857.

No. 10, Comparative Statement of the Revenue from 1st January, 1854, to 31st December, 1857.

The Petition of Messrs. Lingard was not received on account of informality.

The Council in Committee to consider an answer to the Address of his Honor the Superintendent.

Mr. Blakiston in the chair.

The Answer passed as read:

“The Provincial Council thank your Honor for the Address with which the Session has been opened. In congratulating your Honor upon your accession to Office, the Council desires to express its perfect willingness to co-operate with you in securing an efficient discharge of the responsible duty devolving upon you in the Government of the Province.

“The Council is not insensible of the great importance that the Province should be fully represented in the approaching Session of the General Assembly, in Auckland; and although the period at which they have been called together may be inconvenient to some of their number, they agree with your Honor in opinion, that the course of Legislation in the General Assembly may not improbably render the presence there of the Representatives of this Province a matter of urgent necessity to our local interests.

“The steady advance of Commerce and the extension of the Pastoral Interests, coupled with the great increase which has taken place in the Sale of the Waste Lands of the Crown, are indications of a healthy financial condition, and afford a gratifying proof of the gradual accumulation of wealth within the Province.

“The Council concurs with your Honor that any indefiniteness in the clauses of the Waste Lands Regulations should be immediately removed; they will therefore apply themselves to the consideration of the proposed Amendments without delay, as also to all other Measures which may be transmitted by your Honor to the Council.

“It is a source of gratification to the Council to find that your Honor has recommended the extension of Public Works for the purpose of opening the country for further beneficial occupation, and developing its various resources. The large and important works to which you have invited the deliberation of the Council shall receive immediate and careful attention.”

The Speaker in the chair.

The Address was reported, and ordered to be forwarded to his Honor the Superintendent.

The Provincial Secretary made a Financial Statement.

The Council in Committee to consider the reservation of certain Blocks of Land for Sites of Towns, Churches, Schools, and Cemeteries, to be recommended to his Honor the Superintendent.

The following Reserves were proposed, and passed seriatim :—

Six hundred and forty acres, on both sides of the Saltwater Creek, about three miles from the Ford. For the Site of a Town.

The unsold portion of the Bush at the Head of Purau Bay, Port Lyttelton. For the Preservation and Sale of Timber thereon.

Fifteen hundred acres, more or less, bounded on the north and west by the River Hurunui; on the east by Taylor's Creek, running into Lake Sumner; and on the south by a line drawn parallel to the Hurunui, so as to include such quantity. For the Formation of a Town.

Fifteen hundred acres, more or less, bounded on the north by the River Grey to the first Gorge; on the west by the Sea Coast; on the south by a line from the Coast to the Gorge, so as to include such portion. For the Formation of a Town.

Five acres, more or less, Rickman's Corner, five miles from Christchurch, Waste Land south of and adjoining Gravel Pit Reserve, fronting the road. For a Church and School.

Five acres, near Prebble's, north-west of and adjoining section No. 552 (Burton's), fronting the road. Waste Land. For a Church and School.

Five acres, North Road, about six and a-half miles from Christchurch, fronting the road near the new Ford. Waste Land. For a Church and School.

Five acres, centre of Kaiapoi Island, fronting the road at the south-west corner of section No. 740, about ten miles from Christchurch. Waste Land. For a Church.

Five acres, more or less, at the junction of the Harewood Road, by Rangiora with the North Road, one mile and a-half south of Mr. Raven's. At present a Reserve of the Provincial Government for a Gravel Pit. For a Church and School.

Five acres, more or less, on the line of the Kaiapoi and Rangiora Direct Road, in the Fork, about two miles south of Rangiora. Waste Land. For a Church and School.

Five acres, more or less, on the Harewood Road by Papanui, fronting the road on the northern side of Coster's section, about two and a-half miles west of Papanui Church. Waste Land. For a Church and School.

Five acres, more or less, at Harewood Forest, in the fork formed by the junction of the roads from Riccarton and Rangiora. Waste Land. For a Church and School.

Five acres, more or less, at Rangiora, at the back of section No. 917, near Trig. Pole No. 29. For a Cemetery.

Ten acres, for Public Recreation, at Rangiora.

The Speaker in the chair.

The Reserves to be recommended to his Honor were reported to the Council. They were adopted, and ordered to be forwarded to his Honor the Superintendent.

The Council in Committee on the "Waste Lands Regulations Amendment Bill."

Clause 1 passed as read.

Clauses 33, 40 of the Schedule passed as amended.

The Speaker in the chair.

The Chairman reported progress.

The remaining Notices were deferred until to-morrow.

The Council adjourned at 8.45 p.m., until Friday next.

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FRIDAY, 29TH JANUARY, 1858.

The Council met pursuant to adjournment.

Members present: Messrs. Alport, Bishop, Blakiston, Cass, Davis, Dobbs, Duncan, Fyfe, Ollivier, Sprot, Studholme, Waitt, Woodford, Wyatt, Thomson, Fooks, Miln.

The Speaker in the chair.

The Council in Committee of Supply.

Vote was taken, Provincial Secretary's Department	...	£315	0	0
"    "    Treasurer's    "	...	150	0	0
"    "    Auditor's    "	...	50	0	0
"    "    Solicitor's    "	...	100	0	0
"    General Expenses	... ..	985	0	0
"    Legislative	... ..	332	10	0
"    Returning Officer, &c.	... ..	50	0	0
"    Supreme Court	... ..	100	0	0
"    Sheriff	... ..	252	10	0
"    Coroner	... ..	25	0	0
"    Registration	... ..	362	8	5
"    Resident Magistrate	... ..	415	0	0
"    Police	... ..	784	2	6
"    Inspection of Sheep	... ..	175	0	0
"    Waste Lands Board	... ..	430	0	0
"    Survey, Salaries	... ..	1500	0	0
"    "    Contingencies	... ..	1525	0	0
"    Harbour	... ..	282	6	0
"    Charitable Aid	... ..	458	0	0

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee on the "Canterbury Association's Reserves Amendment Bill."

Clause 1 passed as read.

Clause 2 consideration deferred.

The Speaker in the chair.

The Chairman reported progress.

The Petition of C. E. Dampier was referred to a Select Committee, to consist of Messrs. Ollivier, Sprot, Packer, Alport, Thomson. To report Tuesday week.

Motion was granted "For the production of Mr. Dobson's Letter to the Executive, dated 7th April, 1856, as to Contract for Work on the Sumner Road. Also, for the Draft of the original proposed Contract with Messrs. Lingard, 1st February, 1856."

A Motion, in the name of Mr. Fooks, lapsed on account of the absence of the Mover.

Motion was granted "That the Government be requested to take immediate steps for making an available approach to the Waimakariri for horses. Also, for providing a punt immediately."

The Council adjourned at 1.5 p.m., until Tuesday next.

TUESDAY, 2ND FEBRUARY, 1858.

The Council met pursuant to adjournment.

Members present: Messrs. Alport, Bishop, Davis, Dobbs, Fooks, Hall, Haslewood, Miln, Ollivier, Rhodes, Sprot, Studholme, Thomson, Waitt, Woodford, Wyatt, Blakiston, Cookson, Cass, Fyfe, Duncan, Higgins.

The Speaker in the chair.

The following Papers were laid upon the table:—

No. 11, Return of the Number and Condition of Sheep within the Province.

No. 12, the Canterbury Association's Estate Account.

A Petition from Messrs. Lingard was presented, read, and received.

Motion was granted "That it is desirable that this Council should be informed of what steps have been taken by the Provincial Government for the purpose of giving effect to the following Resolution, adopted by the Provincial Council 20th April last, viz. :—'That it is desirable that the necessary steps should be taken by the Provincial Government for placing in the hands of the Members of this Council Copies of the Acts of the General Assembly. That it is desirable that the 'Constabulary Force Ordinance' should be re-printed, and copies thereof furnished to all Justices of the Peace throughout the Province.'"

Motion was granted "For the production of Copies of the following Correspondence:—

"A Letter from the Colonial Treasurer to his Honor the Superintendent, dated 31st May, 1857, containing Instructions on the subject of the Local Posts, and Copies of any other Correspondence between the General and Provincial Governments on the same subject.

"Between the Provincial Government and the Collector of Customs or the General Government on the subject of the Custom House Reserve.

"Between the Provincial Government and the Registrar of Deeds upon the subject of Office Accommodation for the Registrar."

Motion was granted "For a Return of the Arbitrations that have taken place with reference to roads through surveyed and settled districts, and the sums paid in compensation for such roads."

The Council in Committee for the consideration of the "Waste Lands Regulations Amendment Bill."

In the absence of Mr. Blakiston, Mr. Fooks was elected Chairman.

Clause 66 of the Schedule was considered.

Amendment was granted "That after the words 'Pre-emptive Right' in the last part of the clause, there be inserted the words 'other than those created by clause 60 of the Waste Lands Regulations.'"

Clause 66 passed as amended.

Upon division, Ayes, 13 : Messrs. Bowen, Cass, Cookson, Davis, Dobbs, Hall, Haslewood, Ollivier, Rhodes, Sprot, Studholme, Thomson, Waitt. Noes, 6 : Messrs. Alport, Bishop, Fyfe, Miln, Woodford, Wyatt.

The remaining clauses of the Schedule passed with amendments.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee for the consideration of the "Canterbury Association's Reserves Amendment Bill."

Clause 2 was considered.

Amendment was negatived upon division, "To omit the words 'as by law established.'"

Ayes, 6 : Messrs. Bishop, Davis, Fyfe, Hall, Miln, Wyatt. Noes, 14 : Messrs. Alport, Bowen, Cass, Cookson, Dobbs, Fooks, Haslewood, Ollivier, Rhodes, Sprot, Studholme, Thomson, Waitt, Woodford.

The remaining clauses passed as read.

Consideration of the Schedule was deferred.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee of Supply.

Vote was taken, Timaru, ... ..	£ 115	0	0
„ proposed, Steam Navigation, ... ..	1000	0	0

Amendment was carried upon division, "That the consideration of this vote be deferred."

Ayes, 15 : Messrs. Bowen, Cass, Davis, Cookson, Fooks, Fyfe, Hall, Haslewood, Higgins, Miln, Ollivier, Studholme, Thomson, Woodford, Wyatt. Noes, 7 : Messrs. Alport, Bishop, Dobbs, Duncan, Rhodes, Sprot, Waitt.

Vote was taken, Immigration Expenses in the Colony ...	£650	0	0
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The Speaker in the chair.

The Chairman reported progress.

Motion was withdrawn, by consent, "That his Honor the Superintendent be respectfully requested to place the sum of £1,200 upon the Estimates to enlarge and improve the Public Wharf at Lyttelton, and for the erection of suitable Cranes."

The Motion in the name of Mr. Davis lapsed, not being seconded.

Motion was proposed "That his Honor the Superintendent be respectfully requested to place upon the Estimates the sum of £550, for the purpose of forming the Cart Road under the Hills, and a Bridge across the River Heathcote, in accordance with a Resolution of the late Provincial Council."

Amendment was carried upon division, "That pending the Report of the Committee on Public Works, this Council is of opinion that it is not expedient to place the sum of £550 upon the Estimates for forming the road in question."

Ayes, 11 : Messrs. Bishop, Blakiston, Cass, Dobbs, Duncan, Fooks, Higgins, Ollivier, Sprot, Studholme, Woodford. Noes, 10 : Messrs. Alport, Cookson, Davis, Fyfe, Hall, Miln, Rhodes, Thomson, Waitt, Wyatt.

The "Inwood's Mill Bill" was read a second time.

A Deputation was appointed to convey the Answer of the Council to his Honor the Superintendent's Opening Address. To consist of the Speaker, Messrs. Ollivier, Thomson, Wyatt.

The Council adjourned at 10.10 p.m., until Thursday next.

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THURSDAY, 4TH FEBRUARY, 1858.

Members present : Messrs. Bishop, Hall, Dobbs, Sprot, Studholme, Higgins.

There not being a quorum of Members present, the Council stood adjourned until Friday next.

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FRIDAY, 5TH FEBRUARY, 1858.

The Council met pursuant to adjournment.

Members present : Messrs. Packer, Cass, Ollivier, Sprot, Studholme, Bishop, Dobbs, Higgins, Thomson, Blakiston.

The Speaker in the chair.

Notices of Motion were renewed.

The Council adjourned at 11.20 a.m., until Tuesday next.

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TUESDAY, 9TH FEBRUARY, 1858.

The Council met pursuant to adjournment.

Members present : all except Mr. White.

The Speaker in the chair.

The Report of the Committee on Public Works was brought up, read, and received.

Extension of time, to 18th instant, was granted to the Committee on Dampier's Petition.

Paper No. 13, Correspondence with the Agent, Canterbury Steam Navigation Company, was laid on the table.

Message No. 2, from his Honor the Superintendent, was received and read.

“The Superintendent transmits to the Provincial Council a Copy of an Application from the Provincial Engineer for payment for extra work done in setting out the Town Reserves, and of the Correspondence relating thereto.

“WILLIAM SEFTON MOORHOUSE,

“Superintendent.”

The Council in Committee for the consideration of the “Waste Lands Regulations Amendment Bill.”

Clause 40 was expunged.

Clause 51 passed as amended.

Clause 66 was reconsidered.

Amendment was negatived upon division, “To omit the words ‘other than those created by clause 60 of the Waste Lands Regulations.’”

Ayes, 5 : Messrs. Alport, Bishop, Bowen, Davis, Fyfe. Noes, 18 : Messrs. Cass, Cookson, Dobbs, Fooks, Hall, Harman, Haslewood, Higgins, Miln, Ollivier, Packer, Rhodes, Sprot, Studholme, Thomson, Waitt, Woodford, Wyatt.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee of Supply.

Vote was taken, Grant in Aid of Steam Navigation, with following conditions :— Such sum to be paid, on due security being furnished, that an efficient Steam Vessel

be kept running (unless prevented by inevitable accident) under arrangements to be approved by the Provincial Government, for the benefit of the trade of the Province, for the period of twelve months, £1,000.

Vote was proposed, Grant in aid for the Erection of Schools—Free Church of Scotland, £150; Church of England, £600,—£750.

Amendment was proposed “To be divided equally according to the Educational Grant, £2,500.

Amendment was negatived upon division, “That the consideration of the question be adjourned.”

Ayes, 6: Messrs. Bowen, Fooks, Hall, Harman, Miln, Packer. Noes, 17: Messrs. Alport, Bishop, Cass, Cookson, Davis, Dobbs, Duncan, Fyfe, Haslewood, Higgins, Ollivier, Rhodes, Sprot, Studholme, Thomson, Woodford, Wyatt.

The original Amendment was withdrawn, on the understanding that it may be renewed at a future day, if the Revenue be adequate.

Vote was taken, Timaru Moorings	... ..	£ 200	0	0
„ Local Posts	... ..	400	0	0
„ New Government Buildings (in aid)	... ..	1000	0	0
„ Public Works—Office Expenses	... ..	965	0	0
Proposed Improvements, Lyttelton Wharf	... ..	1625	0	0

Amendment was withdrawn, by consent, “That previous to the granting of moneys by this Council for Public Works in the several Towns of the Province, it is desirable that some legally constituted Body should be formed in each Town, who shall be responsible for the expenditure of the same. That his Honor the Superintendent be respectfully requested to send down a Bill for incorporating the Towns of Christchurch, Lyttelton, Kaiapoi, and Akaroa.”

Amendment was negatived upon division, “That the Chairman do report progress.”

Ayes, 7: Messrs. Bowen, Cookson, Fyfe, Hall, Miln, Packer, Wyatt. Noes, 14: Messrs. Alport, Bishop, Cass, Davis, Dobbs, Duncan, Higgins, Ollivier, Rhodes, Sprot, Studholme, Thomson, Waitt, Woodford.

Vote was taken, Improvements—Lyttelton Wharf, £1,625.

The Speaker in the chair.

The Chairman reported progress.

The Notices of Motion in the names of Messrs. Hall and Blakiston were deferred until Thursday.

Motion was withdrawn, by consent, “That his Honor the Superintendent be respectfully requested to place upon the Estimates a sum of £125 towards erecting a Cart Bridge over the River Avon, to connect Colombo street, North and South.

Motion was granted “That a Return of the Expenses incurred in the Survey of the Waimakariri Bar be furnished to this Council.”

The Council adjourned at 10.20 p.m., until Thursday next.

#### THURSDAY, 11TH FEBRUARY, 1858.

The Council met pursuant to adjournment.

Members present: Messrs. Alport, Bishop, Blakiston, Cass, Davis, Dobbs, Fooks, Hall, Harman, Higgins, Ollivier, Rhodes, Sprot, Waitt, Wyatt, Studholme, Packer, Duncan, Thomson, Woodford, Miln.

The Speaker in the chair.

Extension of time, to this day week, was granted to the Committee on Standing Orders.

The “Slaughter-house Amendment Bill” was read a second time.

The Council in Committee on the “Inwood’s Mill Bill.”

The Bill passed as read.

The Speaker in the chair.

The Chairman reported the Bill as passed.

Motion was withdrawn, by consent, "That his Honor the Superintendent be respectfully requested to place on the Estimates a sum sufficient to construct a Bridge over the River Heathcote, at or near the present Ferry."

Motion was granted "That his Honor the Superintendent be authorised to pay out of the funds of the Canterbury Association's Estate the sum of £270, being the amount due to Mr. Alport in the case Alport v. Canterbury Association."

Motion was carried upon division, "That his Honor the Superintendent be authorised to pay out of the Funds of the same Estate the sum of £50 due to the Provincial Engineer for special services rendered in setting out for sale the property of the Canterbury Association."

Ayes, 10 : Messrs. Alport, Bishop, Blakiston, Cass, Dobbs, Duncan, Fooks, Ollivier, Sprot, Wyatt. Noes, 9 : Messrs. Davis, Hall, Harman, Higgins, Packer, Rhodes, Studholme, Thomson, Waitt.

The Council in Committee on the "Canterbury Association's Reserves Amendment Bill."

The Schedule was considered.

A description of No. 2 passed as inserted.

The Speaker in the chair.

The Chairman reported the Bill as amended.

Leave was given to bring in the "Lyttelton Custom House Reserve Bill."

The Bill was read a first time.

Motion was proposed "That the Waste Lands Regulations Amendment Bill" be read a third time.

Amendment was negatived upon division, "That the Bill be recommitted on Tuesday next."

Ayes, 3 : Messrs. Alport, Bishop, Davis. Noes, 13 : Messrs. Blakiston, Cass, Dobbs, Duncan, Fooks, Hall, Harman, Higgins, Ollivier, Packer, Sprot, Thomson, Wyatt.

The Bill was read a third time, passed, and numbered No. 1.

The Council in Committee of Supply.

Vote was taken, Heathcote Navigation ... .. £250 0 0

Vote was proposed, Forming and Metalling Tuam Street to meet Contribution of £200 from Messrs. Hawdon and Aitkin ... 400 0 0

Amendment was negatived upon division, for Forming and Metalling Tuam Street... .. 500 0 0

Ayes, 7 : Messrs. Duncan, Higgins, Miln, Rhodes, Thomson, Studholme, Woodford. Noes, 13 : Messrs. Alport, Bishop, Bowen, Cass, Davis, Dobbs, Fooks, Hall, Harman, Ollivier, Packer, Sprot, Wyatt.

Vote was taken, Tuam Street (to meet contribution) ... £400 0 0

„ Market Place, Levelling, &c. ... .. 200 0 0

„ „ Drainage... .. 100 0 0

„ Bridge in Colombo Street, to meet } Private contributions ... .. } 250 0 0

„ Kaiapoi Streets ... .. 250 0 0

„ Road from Christchurch to Papanui ... 700 0 0

„ „ Papanui to Seventh Mile Peg ... 1000 0 0

Vote was proposed, from Seventh Mile Peg and towards Building a Bridge over the Waimakariri. 1500 0 0

Amendment was negatived, "That the vote for Building a Bridge over the south branch of the Waimakariri be deferred until a Commission of Engineers



report upon the practicability of constructing a Bridge capable of resisting the floods occasionally prevailing in the river."

Vote was taken, Road from Seventh Mile Peg, and towards  
Building a Bridge over the Waimakariri £1500 0 0

The Speaker in the chair.

The Chairman reported progress.

Motion was withdrawn, by consent, "That the sum of £100 be placed upon the Estimates for Forming the Road from Christchurch to the Slaughter-houses, Kerr's Run."

Motion was withdrawn, by consent, "That the sum of £50 be placed upon the Estimates for establishing a Ferry across the Rangitata."

Motion was proposed "That a sum of £1,000 be placed upon the Estimates, to widen and improve the Bridle Path to Lyttelton."

Amendment was negatived "That the Motion be withdrawn."

Debate ensued.

The Motion was withdrawn by consent.

The Council adjourned at 10.56 p.m., until Tuesday next.

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TUESDAY, 16TH FEBRUARY, 1858.

The Council met pursuant to adjournment.

Members present: Messrs. Alport, Bishop, Blakiston, Cass, Davis, Dobbs, Duncan, Fooks, Fyfe, Hall, Harman, Haslewood, Ollivier, Packer, Rhodes, Sprot, Waitt, Woodford, Wyatt, Higgins, Studholme.

The Speaker in the chair.

Extension of time was granted to Lingard's Petition Committee."

The following Papers were laid upon the table.

No. 14, Copy of Correspondence between the Registrar and the Provincial Government.

No. 15, Copy of Correspondence between the Provincial Government and H. Selve Selve, Esq.

No. 16, Copy of Correspondence between the Provincial Engineer and the Sheriff, relating to prison labor.

The "Inwood's Mill Bill" was read a third time, passed, and numbered No. 2.

The Council in Committee on the "Slaughter-house Bill."

The Bill passed as read.

The Speaker in the chair.

The Chairman reported the Bill as passed.

Motion was carried upon division, "That his Honor the Superintendent be respectfully requested to place the sum of £250 on the Estimates towards the completion of the Town Hall, Christchurch.

Ayes, 13: Messrs. Blakiston, Cass, Dobbs, Duncan, Fooks, Hall, Harman, Ollivier, Packer, Rhodes, Waitt, Woodford, Wyatt. Noes, 6: Messrs. Alport, Bishop, Davis, Fyfe, Haslewood, Sprot.

The "Lyttelton Custom House Reserve Bill" was read a second time.

The "Canterbury Association's Reserves Bill" was read a third time, passed, and numbered No. 3.

The Council in Committee of Supply.

Votes were reconsidered, Superintendent	...	...	...	£250	0	0
„ Secretary	...	...	...	150	0	0
Vote was taken, Superintendent,	...	...	...	350	0	0
„ Provincial Secretary,	...	...	...	200	0	0

Votes were taken for various roads, current repairs, &c.

The Speaker in the chair.

The Chairman reported progress.

Motion was granted "For a Copy of any Correspondence between the Sheriff and the Provincial Government respecting the employment of prison labor on Public Works, and of any Instructions the Government may have issued to the Sheriff on the subject."

The Council adjourned at 9.50 p.m., until Wednesday next.

WEDNESDAY, 17TH FEBRUARY, 1858.

The Council met pursuant to adjournment.

Members present: Messrs. Alport, Blakiston, Cookson, Davis, Dobbs, Fooks, Fyfe, Harman, Higgins, Ollivier, Rhodes, Sprot, Studholme, Waite, Wyatt, Cass.

The Speaker in the chair.

The following Papers were laid upon the table:—

No. 17, relating to the Custom House Reserve.

No. 18, relating to Cathedral Square.

No. 19, relating to Akaroa Public Works.

The "Slaughter-house Amendment Bill" was read a third time, passed, and numbered No. 4.

The Council in Committee on the "Lyttelton Custom House Reserve Bill."

The Bill passed with amendment.

The Speaker in the chair.

The Chairman reported the Bill as amended.

The Council in Committee of Supply.

Votes were taken for Current Repairs and Miscellaneous Works.

The Speaker in the chair.

The Chairman reported progress.

Message No. 3, from his Honor the Superintendent, was received and read.

"The Superintendent hastens to thank the Provincial Council for the increase of his salary, voted last evening. The salary hitherto enjoyed by the Superintendent is quite equal to his necessary private expenditure; the increased amount voted, while totally inadequate to meet disbursements in connection with the establishment of the Political Head of the Province, which, on public grounds are probably desirable, is, however, more than sufficient for the decent maintenance of his own personal respectability. Should any marked public occasion arise for an extraordinary outlay, the Superintendent will not hesitate to ask the Provincial Council to sanction such expenditure. The Superintendent, while deeply sensible of the compliment intended, declines approving of the vote in question.

"W. S. MOORHOUSE,

"Superintendent."

The Council in Committee of Supply.

Votes were taken for Public Buildings.

Motion was granted "That his Honor the Superintendent be authorised to deal with 3,000 acres of land for the half-year ending 30th September next, to be considered as part of the expenditure on Public Works during the six months, commencing 1st April next, and already sanctioned by this Council."

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 2.10 p.m., until Tuesday next.

TUESDAY, 23RD FEBRUARY, 1858.

The Council met pursuant to adjournment.

Members present : Messrs. Alport, Bishop, Blakiston, Cass, Dobbs, Duncan, Hall, Harman, Fooks, Packer, Ollivier, Waitt, Wyatt, Sprot, Studholme, Woodford.

The Speaker in the chair.

The Report of the Committee on Lingard's Petition was brought up, read, and received.

The Report of the Committee on the Standing Orders was brought up, read, and received.

Extension of time was granted to the Committee on Dampier's Petition.

Paper No. 20, Letter from J. W. Hamilton, Esquire, relating to travelling expenses, was laid upon the table.

Motion was granted "That in the opinion of this Council the Plantation and growth of Timber within the Province is an object of the greatest importance, and that it is desirable to afford encouragement to the same by Legislative enactment. That the following should form the basis of such Legislative enactment:—'The Lessee of land for a longer period than seven years may register in an Office to be appointed for that purpose, any Planting of Timber Trees effected by him during the currency of his lease. Twelve months before the expiration of the lease the Owner of the land shall elect whether he will purchase, at a price to be determined by arbitration, the Trees so registered; if he shall neglect or refuse to give notice of his intention to purchase such Trees, or to give proper security for the payment of the amount to be awarded as the value of such Trees, it shall be lawful for the Lessee to cut and remove the same at any time before the expiration of the lease.'

"That his Honor the Superintendent be requested to cause a Bill to be prepared and transmitted to this Council in its next Session, for giving effect to the foregoing Resolutions."

A Letter from the Colonial Secretary, relating to the raising of a Loan, was read by the Speaker.

The "Lyttelton Custom House Reserve Bill" was read a third time, passed, and numbered No. 5.

The Council in Committee of Supply.

The vote taken in aid of the Town Hall, Christchurch (£250), was inserted in the "Appropriation Bill."

The following votes were then read by the Clerk, and passed by the Committee :—

FOR THE HALF-YEAR FROM 1ST APRIL TO 30TH SEPTEMBER, 1858.

	£	s.	d.
Permanent Charges ... ..	3850	0	0
Executive Department ... ..	350	0	0
Provincial Secretary's Department ... ..	365	0	0
" Treasurer's           " ... ..	150	0	0
" Auditor's           " ... ..	50	0	0
" Solicitor's         " ... ..	100	0	0
General Expenses ... ..	95	0	0
Provincial Council Department ... ..	332	10	0
Returning Officer, &c... ..	50	0	0
Supreme Court ... ..	100	0	0
Sheriff and Gaol Department ... ..	252	10	0
Coroner's                   " ... ..	25	0	0
Registrar's               " ... ..	362	8	5
Resident Magistrates'   " ... ..	415	0	0
Police                     " ... ..	784	2	6
Inspector of Sheep ... ..	175	0	0
Waste Lands Board ... ..	476	19	0
Survey Department ... ..	3250	0	0

Harbor	£282	6	0
Medical and Charitable Aid	458	0	0
Sub-Treasury, Akaroa	164	10	0
"    Timaru, and Moorings...	315	0	0
Miscellaneous Charges	1800	0	0
Immigration	20150	0	0
Public Works, Salaries	840	0	0
Public Works, Lyttelton	1620	0	0
Navigation of Heathcote	250	0	0
Public Works, Christchurch	550	0	0
Kaiapoi Streets	250	0	0
Main Roads	4430	0	0
South Road, by Lakes to Otago	1400	0	0
Lower Lincoln Road	500	0	0
District Roads	2550	0	0
Roads on Banks' Peninsula,	560	0	0
New Lines of Roads	700	0	0
Arterial Drainage	1580	0	0

Motion was granted "That his Honor the Superintendent be authorised to deal with 3,000 acres of land for the half-year ending 30th September next, to be considered as part of the expenditure on Public Works during the six months, commencing 1st April next, and already sanctioned by the Council."

The Speaker in the chair.

The Resolutions passed in Committee of Supply were reported and adopted.

Motion was granted "That an Address be presented to his Honor the Superintendent, praying that he will cause a Postal Communication to be established between Christchurch and Rangiora, for the transmission of Letters and Newspapers twice in each week. Also, for establishing a Weekly Communication between Lyttelton and Akaroa, with branches to Pigeon Bay and Okain's Bay; and also, for a Fortnightly Communication between Christchurch and Timaru, at the rate of ——— not exceeding 2d. for every Letter, and 1d. for every Newspaper."

The Standing Orders relating to the passing of Bills were suspended.

The Appropriation Bill was read a first time.

The Appropriation Bill was read a second time.

The Council in Committee on that Bill.

The Bill passed with clerical amendments.

The Speaker in the chair.

The Chairman reported the Bill as passed.

The Bill was read a third time, passed, and numbered No. 6, Session 9.

The Council adjourned at 7.30 p.m., until Wednesday next.

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#### WEDNESDAY, 24TH FEBRUARY, 1858.

The Council met pursuant to adjournment.

Members present: Messrs. Alport, Bishop, Blakiston, Cass, Dobbs, Duncan, Fooks, Hall, Ollivier, Packer, Sprot, Studholme, Thomson, Waitt, Wyatt.

The Speaker in the chair.

The Report of the Committee on Dampier's Petition was brought up, read, and received.

A Correspondence between the Provincial Government and J. W. Hamilton was read.

Motion was granted "That a respectful Address be presented to his Honor the Superintendent, praying that he will cause an enquiry to be made into the claims for travelling expenses incurred by J. W. Hamilton, Esq., while attending the

meetings of the Executive Government in Christchurch; and that in the event of that claim being satisfactorily proved, his Honor be authorised to appropriate a sum not exceeding £50 to meet the same."

Motion was granted "That the Report of the Committee on Messrs. Lingard's Petition, with the Minutes and the Evidence, be forwarded to his Honor the Superintendent, respectfully requesting him to take the same into consideration; and that the Council will indemnify him for any compensation he may award to them with the advice of the Executive Council, if after further enquiry he should feel justified in awarding any compensation to Messrs. Lingard."

The Council in Committee on the Standing Orders, as amended by the Select Committee.

The clauses, as amended by the Committee, passed.

Amendment was negatived upon division, "That in clause No. 155, the word 'Lyttelton' be struck out."

Ayes, 5: Messrs. Bishop, Bowen, Cass, Hall, Studholme. Noes, 6: Messrs. Dobbs, Duncan, Fooks, Miln, Rhodes, Thomson.

The remaining clauses were agreed to.

The Speaker in the chair.

The Chairman reported the Standing Orders as amended.

They were adopted, and ordered to be transmitted to his Honor the Superintendent for his approval.

Motion was granted "That his Honor the Superintendent be respectfully requested to take measures for keeping the Hills Road open during the winter, at an expense not exceeding £100."

The Council adjourned for ten minutes, and reassembled.

Message No. 4, from his Honor the Superintendent, was received and read.

"The Superintendent has much pleasure in approving of the Standing Orders adopted by the Provincial Council, transmitted to him this day.

"W. S. MOORHOUSE,

"Superintendent."

His Honor entered the Council Chamber and delivered the following Address:—

"MR. SPEAKER AND GENTLEMEN OF THE PROVINCIAL COUNCIL,

"Before formally closing this Session, I cannot refrain from expressing my deep sense of the frank and liberal spirit that has characterized your consideration of the various Measures placed before you.

"The large sums you have placed at my disposal for the prosecution of Public Works shall be expended with proper economy, and with a close regard to your wishes as conveyed to me during this Session; the Executive Government, while owning immediate responsibility to your Body, being alone answerable to you for the conduct of every Department of the Public Service.

"The Loan Debentures will be delivered to the Union Bank of Australia, at Lyttelton, on the 3rd day of March next, for immediate transmission to England, and in all probability will arrive in London in sufficient time to meet the requirements of our Emigration Agent.

"A sum of £1,500 will also be remitted to London by the first mail in further payment of our liability in respect of the late Canterbury Association's Estate.

"During the coming recess I purpose to devote a considerable portion of time to a personal inspection of all the Districts of the Province in which it has been thought desirable to extend Public Works, in order that the Government may be prepared at your next meeting to place before you the amplest information in reference to the just expenditure of the moneys you may be advised to appropriate,

and will avail myself of every means of ascertaining, for your guidance, all the political and social requirements of the Province.

“Finally, Gentlemen, I congratulate you on the expedition and general unanimity of your proceedings, and trust that this, your first Session, may be a precedent closely followed on future occasions.

“I now declare that this Council shall stand prorogued until Friday, the 3rd day of September next.

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SESSION X.

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JOURNAL OF PROCEEDINGS  
OF THE  
PROVINCIAL COUNCIL.

PROVINCE OF CANTERBURY, NEW ZEALAND.

SESSION X.

FRIDAY, 1ST OCTOBER, 1858.

The Council met pursuant to Proclamation of his Honor the Superintendent, bearing date 31st August, 1858.

Members present: Messrs. Alport, Cass, Cookson, Davis, Dobbs, Duncan, Fooks, Harman, Higgins, Miln, Ollivier, Packer, Rhodes, Sprot, Studholme, Thomson, Wyatt.

The Speaker in the chair.

His Honor the Superintendent entered the Council Chamber and delivered the following Address:—

“GENTLEMEN OF THE COUNCIL,

“On the opening of this the Tenth Session of the Provincial Legislature, I have to congratulate the Province on the highly satisfactory state of the finances, and on the favorable growth of its social and commercial prosperity.

“A reference to the Statistics that will be laid before you will shew that the material resources of Canterbury are steadily developing their value, and that the early promise of a yearly increasing rate of progression has, during your late recess, been amply realised.

“As an additional reason for congratulation, I may justly state that notwithstanding the very short experience of the power of Local Self Government enjoyed by Canterbury, the exercise of that power has resulted in the production of a system, the working of which in its entirety has been practically successful.

“The General Assembly of New Zealand in its last Session has effected certain alterations in the construction of the Provincial Government, some of which I anticipated when addressing you on the opening of your last Session.

“None of these alterations (as they now stand) directly prejudice the particular interests of Canterbury, although it is to be regretted that Measures have been enacted involving principles which, being thus already established, may possibly in future Parliaments be extended with very mischievous results.

“I here allude to the ‘Waste Lands Act,’ and the ‘New Provinces Act.’ The latter Statute in its immediate operation is not much calculated to affect Canterbury, and so far as this Province is concerned, is only to be regretted as disclosing an *animus* towards Provincial Institutions generally, foreshadowing the serious impairment of their Legislative functions, and a consequent destruction of their usefulness as Local Governing Powers.

“The ‘Waste Lands Act,’ however cogent may have been the alleged necessity for its enactment, seems to have been conceived in a similar spirit to that which originated the ‘New Provinces Bill.’ By the ‘Waste Lands Act of 1858,’ the Provinces are all but precluded from further legislation affecting the lands; thus, for the present, is annulled a power, which, if wisely exercised, might have wrought incalculable advantage to each individual Province, without in the remotest degree impairing the general integrity of the Colony.



“With the exception of the two Measures to which I have alluded, the tendency of the Legislation of the past Session of the General Assembly appears to be eminently beneficial to the Colony.

“Provincial powers have in some instances been taken over to the General Government with great propriety, it being evident that uniformity of Government throughout the Colony is desirable in all those affairs wherein one consistent system of Laws may be conveniently adapted for universal application.

“But, on the other hand, when local peculiarities and requirements of widely varying characters exist, it would seem equally desirable and rational that they should be provided for by substantive enactments in respect of each distinct case. And further, that in every instance *purely local requirements* would be best served by a Local Government. Undoubtedly the Imperial Parliament, when framing the ‘Constitution Act,’ acknowledged this position; hence grew the power of Local Self-Government for the Provinces.

“A combination of circumstances having for some years past rendered a general community of interest in the Waste Lands comprised within the limits of the several Provinces a condition impossible, it was consequently found impracticable to administer those lands under one uniform principle. A distinct system especially suited to the exigencies of each Province was found to be unavoidably necessary, and therefore adopting this conclusion, the General Assembly of New Zealand, by its ‘Waste Lands Act of 1854,’ virtually enlarged the powers of the ‘Constitution Act’ in favor of the Provinces by enabling them individually to suggest to the General Government the scheme of administration most in accordance with the particular condition of each.

“Provincial Legislation in the matter of the Waste Lands has been (in this Province) sufficiently tested to convince the Colony of its usefulness, and of the impossibility of displacing it by any other system with equal advantage to the country. In this view of the case I confidently anticipate that the difficulty out of which arose the ‘Waste Lands Act of 1858’ will, in the next Session of the General Assembly, be obviated by a new process, and that Canterbury, in common with the other Provinces, may have restored to her the full power to regulate the administration of her lands by Local Ordinance.

“I would here remark that although the ‘Waste Lands Act’ nominally transfers the lands to the General Government, yet by adopting the whole of the Provincial Legislation of Canterbury in reference thereto, it leaves the system of administration hitherto in operation within this Province substantially unaltered.

“The General Legislature having added to our Colonial Code a great number of Statutes calculated for general operation throughout the Colony, but little Law-making remains for the Provincial Parliaments, thus leaving to your nearly undivided consideration the method in which shall be employed the very considerable Revenue now at the disposal of the Province, a Revenue raised by a process which happily exempts the population of this favored country from the pressure of direct taxation.

“I have taken proper measures to secure for your guidance all necessary information on the various matters that will be submitted for your deliberation.

“You will perceive by the Estimates of probable Revenue and Expenditure for the present financial year that I calculate on resources perfectly equal to every undertaking that will be suggested for your adoption.

“The want of a more perfect means of communication between our principal Sea Port and the Plains has long been a source of great embarrassment in the conduct of the Commercial operations of the Province. Having the advantage of a safe and commodious Harbour, perfectly adapted to a very large Commerce, the germs of which Commerce are now starting into vigorous growth, it has become a matter of the very highest importance that you should at once consider and determine the best method of securing the safe and expeditious transit of our marketable productions to the place of export. To this end I shall transmit for your consideration a proposal to construct a Line of Railway from Lyttelton to Christchurch direct.

“This Line will involve a Tunnel through the heights behind Lyttelton, and would, from the expensive nature of such a work, require a very large outlay of money. It will therefore remain with you to consider whether the ultimate advantage to be realized to the Province by the completion of the undertaking in question would or would not justify the required disbursement.

“There will be laid before you all the information at present available having reference to the practicability of the undertaking, its cost, the probable lapse of time during its progress to completion. These, however, are enquiries which cannot be satisfactorily answered except by competent engineering authority.

“I may, however state, that I have a very high authority for believing that no formidable engineering difficulty stands in the way of this work.

“The ordinary Public Works are in an active state of progression, and will be prosecuted with continued vigour, in order to the opening up of new districts for purchase and useful occupation.

“You will be highly gratified to learn that our Emigration Agent in London, (Mr. FitzGerald) has made very favorable arrangements for the introduction of Immigrants into the Province, in numbers each year sufficient to supply the demand for labor.

“Among other matters that you will be asked to consider is the great necessity for a special provision for the construction and maintenance of Public Works within the limits of Towns. To meet this necessity I shall submit a Measure for your approval.

“Your attention will be drawn to provisions for various social wants, but I hope that these ends may be accomplished without the enactment of many new Ordinances.

“I shall have to recommend the establishment of an Institution very much required, viz.,—an Hospital at Christchurch for the reception and treatment of sick persons. Also, an additional Grant for Educational purposes, in order that the several Religious Denominations may be better enabled to provide for the numerous Children that are at present destitute of Education in consequence of insufficient school accommodation.

“You will receive a Bill to Amend the ‘Cattle Trespass Ordinance,’ ‘a Roads Diversion Bill,’ and a ‘Bill for the Regulation of the Goal and Armed Police.’

“The several subjects I have briefly noticed, together with a consideration of various proposals for the extension of the Public Works, enquiries into supplies necessary for carrying on the Government and defraying the current liabilities of the Province, will constitute the bulk of the business to which I shall invite your attention during this Session.

“Gentlemen, I am happy in the assurance that it is quite unnecessary for me to remind you of the very serious responsibility owing to the Province, the Government of which is committed to our charge. I have the greatest confidence that an earnest desire to secure solid public advantages will characterise your deliberations, and that all your proceedings, as heretofore, will furnish evidence to the world that Canterbury rightly understands the proper uses of Local Self-Government.

“Gentlemen, I have now to declare this Council duly open for the transaction of public business.”

His Honor left the Council Chamber.

The Chaplain read Prayers.

The following Papers were laid upon the table :—

No. 1, Tenders for Conveying Mails.

No. 2, Schedule of Contracts advertised for public competition, and Tenders received from 1st April to 30th September, 1856. The Provincial Engineer's estimate of the cost of the several works included therein.

No. 3, Stock Returns of the Pasturage Licenses under the Regulations of 1st April, 1856, to the Waste Lands Board, 1st May, 1858.

No. 4, Return of the Amount of Pasturage Let in the Province of Canterbury, up to 30th September, 1858.

No. 5, Correspondence with the Right Reverend the Bishop of Christchurch relating to School Accommodation.

No. 6, Correspondence relating to Immigration Agencies.

A Petition from the Inhabitants of Lyttelton, praying for the establishment of a Municipal Board, was presented, read, and received.

Motion was proposed "That the Council do now adjourn until Thursday, 14th October."

Amendment was proposed "That the Council do now adjourn until Tuesday, the 6th October.

Debate ensued.

The Amendment was withdrawn.

The original Motion was carried.

The Council adjourned at 2.57 p.m., until Thursday, 14th October.

THURSDAY, 14TH OCTOBER, 1858.

The Council met pursuant to adjournment.

Members present: Messrs. Bishop, Cass, Dobbs, Duncan, Fooks, Hall, Harman, Ross, Higgins, Miln, Ollivier, Packer, Rhodes, Thomson, Ward, White.

The Speaker in the chair.

The following Papers were laid upon the table:—

No. 7, Return of amount received for Local Postage from April to September, 1858; shewing, also, the number of Letters and Newspapers received and despatched from the Canterbury Post Office during nine months, ending 30th September, 1858.

No. 8, Return of amount of Pilotage received from 1st April to 30th September, 1858.

No. 9, Report of the state of Public Works.

No. 10, Return of new Pasturage Licenses issued from 1st April to 30th September, 1858.

No. 11, Return of Crown Lands sold and granted from 1st April to 30th September, 1858.

A Petition from C. E. Dampier was presented, read, and received.

Leave was given to bring in a "Canterbury Armed Police Force Bill."

The Bill was read a first time and ordered to be printed.

Leave was given to bring in a "Cattle Trespass Amendment Bill."

The Bill was read a first time and ordered to be printed.

Leave was given to bring in a "Public Boards Bill."

The Bill was read a first time, and ordered to be printed.

The consideration of the Motions on the Notice Board regarding Reserves for a Lunatic Asylum, and the Appointment of a Select Committee on Public Works was deferred.

Motion was granted "That the Monthly Journal of the Inspector of Sheep be furnished to this House, with the dates when presented to the Government; also, a Return, shewing the Number of Diseased Flocks in the Province, with dates of their inspection, and the amount of Penalties inflicted in each case."

The Council adjourned at 6.23 p.m., until Friday next.

FRIDAY, 15TH OCTOBER, 1858.

The Council met pursuant to adjournment.

Members present : Messrs. Bishop, Cass, Dobbs, Fooks, Hall, Harman, Ross, Higgins, Miln, Ollivier, Rhodes, Dampier, Thomson, Ward, White, Wyatt.

The Speaker in the chair.

Message No. 1, from his Honor the Superintendent, was received and read.

“The Superintendent transmits to the Provincial Council a Petition which he has received from Samuel Barwell, late a Corporal in the Rifle Brigade, who, having been severely wounded in the foot during the late war in the Crimea, has been discharged from her Majesty’s service as unfit for further duty. The Petitioner’s case is a peculiar one, and, taking all the circumstances surrounding it into consideration, and the character the Petitioner bears, the Superintendent recommends the Petition to the favourable consideration of the Provincial Council.

W. S. MOORHOUSE,  
Superintendent.

A Petition of Samuel Barwell was read and received.

Motion was granted “That a respectful Address be presented to his Honor the Superintendent, praying that he will cause to be reserved—

‘1 rood 30 perches, in the Town of Akaroa, bounded on the north by Brittan street, on the south by rural section No. 200, on the east by Pompalier street, on the west by Lavaud street, and numbered 128, in red, on the Map of the Town of Akaroa, for a Church and Schools in connexion with the Free Church of Scotland.

‘2 acres, situate in Akaroa, in the fork formed by South street, and the road on the north-west of rural section No. 776, and numbered No. 139, in red, on the Map of the Town of Akaroa, for a Cemetery in connexion with the Free Church of Scotland.

‘No. in red, 135—100 acres north bank of Rangitata	} For Ferries and Houses of Accommodation.
“ 136—100 „ south „ „	
“ 137—160 „ north „ Ashburton	
“ 133— 10 „ Springs Road, adjoining section 275, for a Gravel-pit.	
“ 134—640 „ north bank of Waitangi, for a Township.’ ”	

Leave was given to bring in an “Immigrants’ Barracks Bill.”

The Bill was read a first time, and ordered to be printed.

The “Canterbury Armed Police Force Bill” was read a second time.

The “Cattle Trespass Amendment Bill” was read a second time.

The Council adjourned at 5.55, p.m., until Tuesday next.

TUESDAY, 19TH OCTOBER, 1858.

The Council met pursuant to adjournment.

Members present: all except Messrs. Alport, Blakiston, Davis, Higgins, Studholme.

The Speaker in the chair.

Paper No. 12, a Return of the Sheep diseased and inspected within the Province, together with the Journal of the Inspector of Sheep for months of May, June, July, August, and September, was laid upon the table.

Motion was granted “That the four first Motions in the name of Mr. Ollivier be withdrawn.”

Leave was given to bring in the “Planting of Forest Trees Bill.” The Bill was read a first time, and ordered to be printed.

The “Immigration Barracks Bill” was read a second time.

The Council in Committee on the “Cattle Trespass Amendment Bill.”

In the absence of the Chairman of Committees, Mr. Ross took the chair.

Clauses 2, 3, 4 passed as amended.

Clause 3 was considered.

Amendment was carried upon division, "After the word 'Owner' in the second line, page 2, to insert the words 'or if he shall be unacquainted with the name of the Owner thereof.'"

Ayes, 13 : Messrs. Bowen, Cookson, Dobbs, Fyfe, Hall, Harman, Templer, Miln, Packer, Rhodes, Thomson, Ward, White. Noes, 6 : Messrs. Bishop, Cass, Duncan, Fooks, Ollivier, Wyatt.

The clause passed as amended.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee on the "Canterbury Armed Police Force Bill."

Mr. Ross in the chair.

Clauses 2, 3, 4, and sub-sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 passed as read.

The consideration of sub-sections 12, 18 was postponed.

The remaining sections passed as amended.

The Speaker in the chair.

The Chairman reported progress.

Message No. 1, from his Honor the Superintendent, was read by the Clerk.

Motion was granted "That a respectful Address be presented to his Honor the Superintendent, praying that he will cause to be placed upon the Estimates a sum not exceeding £60, to be disbursed by the Treasurer in the purchase of a section of land to meet the case of Samuel Barwell."

Leave was given to bring in the "Wharf Regulation Bill."

The Bill was read a first time, and ordered to be printed.

The Petition of C. E. Dampier was referred to a Select Committee, consisting of Messrs. Ollivier, Alport, Packer, Harman, Cass, Blakiston, and Hall. To report 5th November.

The Council adjourned at 10.5 p.m., until Wednesday next.

WEDNESDAY, 20TH OCTOBER, 1858.

The Council met pursuant to adjournment.

Members present : Messrs. Cass, Cookson, Duncan, Dobbs, Fooks, Fyfe, Hall, Harman, Packer, Ollivier, Rhodes, Thomson, Templer, Miln, Ross, White, Wyatt.

The Speaker in the chair.

The "Planting of Forest Trees Bill" was read a second time.

The "Wharf Regulation Bill" was read a second time.

Motion was granted "That a respectful Address be presented to his Honor the Superintendent, praying that he will cause to be reserved 640 acres, near the Arowenua Bush, on the northern bank of the Tumukaha, being bounded on the east by a line through trig. pole No. 7, extending easterly towards the sea coast about one mile, for a Township. A spit or tongue of land running out into the sea, opposite section No. 207 in Pigeon Bay, for Ship-building purposes."

The Council in Committee on the "Cattle Trespass Amendment Bill."

In the absence of the Chairman, Mr. Fooks in the chair.

Clause 3 was re-considered and amended.

Schedule A was inserted.

The Speaker in the chair.

The Chairman reported the Bill as amended.

The Council in Committee on the "Armed Police Force Bill."

Mr. Fooks in the chair.

Clause 7 was considered.

Sub-sections 6, 7 passed as amended.

Clauses 9, 10, 11, 12 passed as inserted.

The Speaker in the chair.

The Chairman reported the Bill as amended.

The Council adjourned at 7.15 p.m., until Thursday next.

THURSDAY, 21ST OCTOBER, 1858.

The Council met pursuant to adjournment.

Members present: Messrs. Bishop, Cass, Davis, Dobbs, Duncan, Fooks, Hall, Harman, Miln, Ollivier, Packer, Rhodes, Ross, Studholme, Thomson, Ward, White.

The Speaker in the chair.

Paper No. 13, a Statement from the Inspector of Sheep, regarding Mr. Moore's flock, was laid upon the table.

Leave was asked "To postpone the introduction of the "Scab Ordinance Amendment Bill."

Amendment was granted "That the Council do proceed to take the Reply to his Honor's Address into consideration."

The proposed Reply was laid upon the table, to be considered in Committee on Tuesday next.

Leave was granted to postpone the introduction of the "Scab Ordinance Amendment Bill."

Motion was granted "For a return of all Contracts for Surveys entered into from the commencement of the financial year to the present date."

The Council in Committee on the "Immigrants' Barracks Bill."

Mr. Fooks in the chair.

Clauses 4, 5 were transposed.

Clause 5 was considered.

Amendment was carried upon division, "That the clause read 'It shall be lawful for any such Immigration Officer to remove from such Barracks any person refusing to quit the premises upon being so required to do; and such person may be given into the custody,' &c., &c."

Ayes, 9: Messrs. Davis, Dobbs, Hall, Miln, Packer, Rhodes, Ross, Studholme, Thomson. Noes, 7: Messrs. Bishop, Bowen, Cass, Harman, Ollivier, White, Ward.

Clause 6 was proposed as read, and negatived upon division.

Ayes, 3: Messrs. Cass, Duncan, Ollivier. Noes, 14: Messrs. Bishop, Bowen, Davis, Dobbs, Hall, Harman, Miln, Packer, Rhodes, Ross, Studholme, Thomson, White, Ward.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee on the "Planting of Forest Trees Bill."

Mr. Fooks in the chair.

Clauses 1, 2, 3, 4, 5, 6, 7, 8, passed as amended.

Clause 10 was considered.

Amendment was carried upon division, "After the word 'aforesaid' to insert the words 'and on the value thereof so agreed or ascertained, being paid within

six months prior to the termination of the lease, or security being given for such payment within such period, the said trees,' " &c., &c.

Ayes, 13 : Messrs. Bishop, Cass, Davis, Dobbs, Duncan, Hall, Harman, Miln, Packer, Rhodes, Ross, Ward, Thomson. Noes, 3 : Messrs. Bowen, Blakiston, White.

Clause 12 was considered.

Amendment was negatived upon division, "That the clause do stand 'The operation of this Ordinance shall not extend to any existing lease, if the Landlord shall within six months of the passing of this Ordinance give to the Tenant Notice in writing of his wish that this Ordinance shall not so extend.'"

Ayes, 7 : Messrs. Bishop, Davis, Hall, Miln, Packer, Rhodes, White. Noes, 10 : Messrs. Bowen, Cass, Dobbs, Duncan, Harman, Ollivier, Ross, Studholme, Thomson, Ward.

The Speaker in the chair.

The Chairman reported progress.

Motion was negatived upon division, "That the ' Public Boards Bill ' be read a second time.

Ayes, 6 : Messrs. Cass, Davis, Duncan, Fooks, Ollivier, Ward. Noes, 8 : Messrs. Bishop, Dobbs, Miln, Packer, Rhodes, Ross, Thomson, Ward.

The Council adjourned at 9.25 p.m., until Tuesday next.

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TUESDAY, 26TH OCTOBER, 1858.

The Council met pursuant to adjournment.

Members present : all except Mr. Cass.

The Speaker in the chair.

Paper No. 14, Copy of Correspondence between the Provincial Secretary and the Inspector of Sheep, was laid upon the table.

A Motion in the name of Mr. Harman was withdrawn, by consent.

The Council in Committee for the consideration of a Reply to the Address of his Honor the Superintendent.

Mr. Fooks in the chair.

Clause 3 was amended.

The remaining clauses passed as read, and were ordered to be reported.

"The Provincial Council thank your Honor for the Address with which the Session has been opened.

"It is gratifying to the Council to find the General Assembly has adopted, without mutilation, the Legislation of this Province in reference to Waste Lands.

"The Council believes that to the soundness of the system which prevails in the sale of these lands is to be attributed much of our Provincial prosperity, and they concur with your Honor in believing that the experience of the past has tested the wisdom and care with which those Regulations were framed, and has shown us the almost impossibility of devising any other system which could be attended with equal advantage to the country. The Council cordially reciprocate the hope that any attempt which may be made in the General Assembly to alter the Waste Lands Regulations in any particular, without the consent of the Provincial Council, may be frustrated.

"It is a source of satisfaction to the Council to receive from your Honor so favorable a Report of the state of the Public Revenue, as well as to receive your assurance that the Public Works will be prosecuted with vigor.

"The Council are fully convinced of the importance to the commercial interests of the Province, and of the advantages to be derived from the establishment of a secure and expeditious mode of communication between the Port Town of Lyttelton

and Christchurch, and they will give to any proposal you may transmit to them, having reference to so important an undertaking, the careful consideration it will demand.

“The Council will also give to the several Bills to be laid before them that attention which their social importance requires, and while they desire gratefully to acknowledge the confidence which your Honor reposes in their deliberations, they cannot but express their hope that their efforts, conjointly with your own, may result in the continued promotion of the happiness and prosperity of the Province.”

The Speaker in the chair.

The Reply was reported, adopted, and ordered to be presented to his Honor by a Deputation.

The “Wharf Regulation Bill” was withdrawn.

The Council in Committee on the “Cattle Trespass Ordinance Amendment Bill.”

Motion was proposed “That clause 2 be reconsidered.”

Amendment was negatived upon division “That the Chairman do report progress.”

Ayes, 3 : Messrs. Dobbs, Fyfe, Thomson. Noes, 20 : Messrs. Alport, Bowen, Bishop, Cookson, Davis, Duncan, Fooks, Hall, Harman, Higgins, Miln, Ollivier, Packer, Rhodes, Ross, Studholme, Templer, Ward, White, Wyatt.

Schedule C was amended.

The Speaker in the chair.

The Chairman reported the Bill as amended.

The Council in Committee on the “Canterbury Armed Police Force Bill.”

Section 14 was re-considered.

Amendment was carried upon division, “That the words be added ‘or to be imprisoned for a period not exceeding one calendar month.’”

Ayes, 14 : Messrs. Bishop, Bowen, Davis, Duncan, Fyfe, Hall, Harman, Miln, Ollivier, Rhodes, Thomson, Ward, White, Wyatt. Noes, 5 : Messrs. Dobbs, Fooks, Higgins, Templer, Studholme.

The Speaker in the chair.

The Chairman reported the Bill as amended.

The Council in Committee on the “Immigrants’ Barracks Bill.”

Clause 10 passed as read.

The remaining clauses passed as amended.

The Speaker in the chair.

The Chairman reported the Bill as amended.

The Council in Committee on the “Planting of Forest Trees Bill.”

Clause 12 was reconsidered, and amended.

Clause 13 passed as amended.

The Speaker in the chair.

The Chairman reported the Bill as amended.

A Select Committee was appointed to consider a Report upon the Public Works for the year ending 30th September, 1859, as proposed to be carried out by the Government. To consist of Messrs. Ward, Fyfe, Dobbs, Hall, Harman, Packer, Thomson, Ross, Rhodes, Templer, White, Ollivier. To report 4th November.

The Council adjourned at 10.25 p.m., until Thursday next.

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THURSDAY, 28TH OCTOBER, 1858.

The Council met pursuant to adjournment.

Members present : all except Messrs. Alport, Blakiston, Cass, Rhodes.



The Speaker in the chair.

The following Papers were laid upon the table :—

No. 15, Return of Amounts due on account of Immigration.

No. 16, Comparative Statement, shewing the sums voted for the service of the half-year ending 30th September, 1858, and the expenditure incurred within the same period.

Motion was granted for the following Returns :—

“Copies of any Instructions issued to the present Immigration Agent in England not already laid before the Council.

“Return of the number and amounts of Immigrant’s Bills overdue.

“Return of the sums of money actually expended to 30th September last on each of the Public Works for which money was voted in the last Session of the Council, and of the amount of each vote remaining unexpended. Also, a Return to the same period of sums expended upon Public Works for which no provision was made in the last Session.”

Motion was granted “That an Address be presented to his Honor the Superintendent, praying that he will cause to be placed upon the Estimates a sum of money for the purpose of providing, without delay, a proper apparatus on the banks of the river Hurunui for the dressing of the sheep introduced into this Province from that of Nelson. Also, an Address requesting his Honor to cause a sufficient Reserve of Land to be made in a convenient locality for carrying out the above object.”

Motion was proposed “That the ‘Cattle Trespass Ordinance Amendment Bill’ be read a third time.”

Amendment was granted “That the Bill be recommitted forthwith.”

The Council in Committee on that Bill.

Mr. Fooks in the chair.

Schedule C was reconsidered.

An Amendment was proposed and withdrawn.

Clerical Amendments were made in the Bill.

The Speaker in the chair.

The Chairman reported the Bill as amended.

The “Canterbury Armed Police Force Bill” was read a third time, passed, and numbered No. 1.

The “Immigrants’ Barracks Bill” was read a third time, passed, and numbered No. 2.

The “Planting of Forest Trees Bill” was read a third time, passed, and numbered No. 3.

Paper No. 17, a Return of the Presbyterian and Wesleyan Schools receiving Aid from the Educational Grant, was laid upon the table.

The Provincial Secretary made a Financial Statement.

Motions in the names of Mr. Rhodes and Mr. Ward were withdrawn.

The Council adjourned at 9 p.m., until Tuesday next.

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TUESDAY, 1ST NOVEMBER, 1858.

The Council met pursuant to adjournment.

Members present: all except Messrs. Alport, Davis, Templer, Wyatt.

The Speaker in the chair.

The Speaker notified to the Council that Thomas Henry Potts, Esq., had been duly elected to serve as Member of the Provincial Council for the Port Victoria District.

Motion was granted "For a Return of the Average Number of Scholars in Daily Attendance at all Schools receiving Government Aid; also, showing the Cost per head for each Scholar for the year ending 30th September, 1858."

Leave was given to bring in a "Sheep Bill."

The Bill was read a first time and ordered to be printed.

Motion was granted "For a Copy of the Report of the Immigration Agent on the Accommodation provided for Immigrants in the new Barracks at Christchurch, together with any reply to such subject."

Paper No. 18, A Letter from the Immigration Agent to the Provincial Secretary was laid upon the table.

Motion was granted "For a Copy of any Correspondence that may have taken place between the Government of Otago and that of this Province relative to a Ferry across the River Waitangi."

Motion was granted "That his Honor the Superintendent be respectfully requested to place upon the Estimates a sum of money for the purpose of enclosing the Spring on the Bridlepath, and of putting the Tank into an ornamental and useful condition."

Motion was negatived upon division, "That his Honor the Superintendent be respectfully requested to place upon the Estimates a sum of money for the purpose of Clearing the River Koratueka from Snags and other impediments to navigation."

Ayes, 8: Messrs. Blakiston, Cookson, Dobbs, Fooks, Hall, Ross, Higgins, Thomson. Noes, 11: Messrs. Bishop, Cass, Duncan, Harman, Miln, Ollivier, Rhodes, Potts, Studholme, Ward, White.

The "Cattle Trespass Ordinance Amendment Bill" was read a third time, passed, and numbered No. 4.

Motion was negatived "That the Council do resolve itself into Committee of Supply."

The Council adjourned at 6.45 p.m., until Thursday next.

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#### THURSDAY, 3RD NOVEMBER, 1858.

The Council met pursuant to adjournment.

Members present: all except Messrs. Alport, Fyfe, Wyatt.

The Speaker in the chair.

The Report of the Dampier Petition Committee was presented, read, and received.

The Report of the Public Works Committee was called for. Extension of time granted to Thursday next.

Motion was withdrawn, by consent, "That his Honor the Superintendent be respectfully requested to place upon the Estimates the sum of £2,000, for the improvement of the Town of Kaiapoi."

The "Sheep Bill" was read a second time.

Motion was granted "That his Honor the Superintendent be respectfully requested to place upon the Estimates a sum, not less than £200, for the Planting and Enclosing a portion of Hagley Park."

Motion was granted "That a Report, stating the amount of Debentures already paid off, and the sums which will be available from proceeds of The Canterbury Association's Estate for the discharge of a further portion of the debt during the present financial year, be furnished to the Council."

The Report moved for was laid upon the table and ordered to be printed.

Leave was given to withdraw the Motion in the name of Mr. Fooks, for a grant of £1,000 towards the building of a Cathedral.

The Council in Committee of Supply for the consideration of the Excess of Expenditure for year ended 30th September, 1858.

The items of Unvoted Expenditure in the various Departments were considered, and the amounts voted.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 8.10 p.m., until Tuesday next.

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TUESDAY, 8TH NOVEMBER, 1858.

The Council met pursuant to adjournment.

Members present: all except Messrs. Higgins, Ward, Wyatt.

The Speaker in the chair.

The following Papers were laid upon the table:—

No. 19, Report of the Provincial Engineer upon the Cost of laying down a Tramway between Christchurch and Sumner.

No. 20, Report of the Provincial Engineer on the best Line of Railway between Christchurch and Lyttelton.

No. 21, Report of the Provincial Engineer on the Drainage of Lake Ellesmere.

Motion was granted "For Copies of any Correspondence between the General Government and the Provincial Government of Canterbury relative to sums due on balance of account from either the General or the Provincial Governments."

Motion was granted "For copies of any Correspondence between the General Government and the Provincial Government of Canterbury, not already laid before the Council, relative to the erection of a Custom-house on the site of the Hospital Reserve, in the Town of Lyttelton."

The Council in Committee for the consideration of the "Sheep Bill."

Clause 3 was considered.

Amendment was carried upon division, "That after the word Superintendent there be inserted the words 'with the advice and consent of the Executive Council.'"

Ayes, 11: Messrs. Alport, Bishop, Cookson, Hall, Harman, Potts, Packer, Rhodes, Studholme, Templer, Thomson. Noes, 10: Messrs. Cass, Bowen, Davis, Dobbs, Duncan, Fooks, Fyfe, Miln, Ollivier, White.

The consideration of the clause was postponed.

The consideration of clause 8 was postponed.

Clause 10 was considered.

Amendment was negatived upon division, "That that clause be struck out."

Ayes, 6: Messrs. Alport, Cass, Duncan, Fyfe, Templer, White. Noes, 13: Messrs. Bishop, Bowen, Cookson, Davis, Dobbs, Fooks, Hall, Harman, Potts, Miln, Packer, Rhodes, Studholme.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee of Supply for the consideration of the excess of expenditure for year ended 30th September, 1858.

The items of Unvoted Expenditure on Public Works were considered, and the amounts voted.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 9.50 p.m., until Wednesday next.

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WEDNESDAY, 9TH NOVEMBER, 1858.

The Council met pursuant to adjournment.

Members present: all except Messrs. Cookson, Alport, Fyfe, Higgins, Rhodes.

The Speaker in the chair.

A Petition from the Stock-owners of Canterbury, relative to the Appointment of Inspectors of Sheep, was presented, read, and received.

Motion was granted, and the required information given, "That it is desirable this Council should be informed whether it is the intention of Government to introduce, during the present Session, a Measure for providing for the superintendence and control of Gaols within the Province."

The Report of the Public Works Committee was presented, read, and received.

The Council in Committee for the consideration of the postponed clauses of the "Sheep Bill."

Clause 3 was considered,

Amendment was granted "After the word 'Superintendent,' to omit the words 'by and with the advice and consent of the Executive Council.'"

Clause 8 was considered.

Amendment was negatived upon division, "To insert after the word 'time,' the words 'by and with the advice and consent of the Executive Council.'"

Ayes, 9: Messrs. Bishop, Hall, Harman, Packer, Potts, Ross, Studholme, Thomson, Wyatt. Noes, 11: Messrs. Bowen, Cass, Davis, Dobbs, Duncan, Fooks, Miln, Ollivier, Templer, Ward, White.

Clause 10 was considered.

Amendment was granted "That this clause be omitted."

The Speaker in the chair.

The Chairman reported the Bill as amended.

The Council adjourned at 9 p.m., until Thursday next.

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THURSDAY, 11TH NOVEMBER, 1858.

The Council met pursuant to adjournment.

Members present: all except Messrs. Alport, Higgins, Rhodes, Wyatt, Templer.

The Speaker in the chair.

Leave was given to bring in the "Lyttelton Electoral Bill."

Paper No. 22, relating to the Valuation of Cathedral Square, was laid upon the table.

Motion was granted "That his Honor the Superintendent be respectfully requested to place upon the Estimates the sum of £120, as voted by this Council in its last Session, for the purpose of Sinking Wells and Erecting Pumps in the upper part of the Town of Lyttelton."

The Council in Committee for the consideration of Resolutions on the Railway and Tunnel.

The following Resolutions passed, and were ordered to be reported:—

"That it is desirable that the services of a competent Engineer should be obtained from England to report, with as little delay as possible, upon the best means of effecting Railway Communication between Lyttelton and Christchurch, and that a sum of £4,000 be placed at the disposal of his Honor the Superintendent for that purpose.

"That it is desirable that a Commission, consisting of Messrs. Bray, Cass, Harman, Whitcombe, Wylde, the Provincial Engineer, and the Provincial Secretary, be appointed to confer with his Honor the Superintendent, and to report upon other Lines of Railway Communication throughout the Province, and to take the necessary steps for enabling the Provincial Government to reserve at once the land required for such Lines, and in the neighbourhood thereof.

"That the before-mentioned Commissioners collect, for the purpose of transmission to England, the Maps, Plans, and other information connected with the

proposed Railway Communication between Lyttelton and Christchurch, for the purpose of being submitted to an Engineering Firm of eminence, with a view to ascertain if they, or any Contracting Firm would undertake the execution of the works in question."

The Speaker in the chair.

The Resolutions were reported, adopted, and ordered to be transmitted to his Honor the Superintendent.

Leave was given "To bring in a 'Cathedral Square Bill.' "

The Bill was read a first time and ordered to be printed.

The Council in Committee of Supply.

Votes were taken "For the Executive Department, Offices connected with the Administration of Justice, and the Legislative Department."

Vote was taken "To defray Members' expenses."

Upon division: Ayes, 10: Messrs. Bishop, Cass, Davis, Dobbs, Duncan, Fyfe, Ollivier, Packer, Thomson, Ward. Noes, 8: Messrs. Cookson, Fooks, Hall, Harman, Miln, Ross, Potts, Studholme.

The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 10.15 p.m., until Tuesday next.

TUESDAY, 16TH NOVEMBER, 1858.

The Council met pursuant to adjournment.

Members present: all except Messrs. Alport, Cookson, Davis, Ross, Templer.

The Speaker in the chair.

The "Cathedral Square Bill" was read a second time.

The Council in Committee of Supply.

Votes were taken for the Inspection of Sheep, Waste Lands Board, Surveys, Harbour, Charitable Aid, Akaroa and Timaru Sub-Treasuries, &c., Printing and Advertising, Library Provincial Council, Immigration Expenses within the Colony. The Public Works Department was postponed.

Vote was taken, Market-House, Christchurch ... ..	£600	0	0
„ Compensation to Corporal Barwell ... ..	60	0	0
„ Hagley Park, Planting, Fencing, &c. ... ..	200	0	0
„ Immigration ... ..	15,000	0	0
„ Expenses <i>in re</i> FitzGerald <i>v.</i> Campbell ... ..	57	11	10

The Speaker in the chair.

The Chairman reported progress.

Motion was withdrawn by consent, "That his Honor the Superintendent be respectfully requested to place upon the Estimates the sum of £2000, for the purpose of Building two Main Drains in Canterbury-street, and Oxford-street, Lyttelton, instead of £750, now on the Estimates, for the partial and wholly insufficient drainage of a portion of that Town."

Motion was proposed "That his Honor the Superintendent be respectfully requested to place upon the Estimates a sum of money for the purpose of Improving the Road to the Slaughter-house, on the East of Christchurch."

The Motion was withdrawn, by consent, on the understanding that the Government will consider the question, and place some vote upon the Estimates for that purpose.

Leave was given to withdraw the "Lyttelton Electoral District Bill."

Motion was granted "That his Honor the Superintendent be respectfully requested to place upon the Estimates a sum not exceeding £50 for the purpose of connecting the Beach at Mr. Percival's with the Governor's Bay Road."

The third reading of the "Sheep Bill" was postponed. That Bill was ordered to be re-committed Tuesday next.

Motion was carried upon division, "That this Council do now adjourn until to-morrow, at noon."

Ayes, 8: Messrs. Cass, Duncan, Fyfe, Harman, Potts, Ollivier, Ward, White.  
Noes, 8: Messrs. Bishop, Blakiston, Dobbs, Fooks, Higgins, Miln, Rhodes, Thomson.

The Speaker decided in favor of the Ayes.

The Council adjourned at 9.30 a.m., until Wednesday next, at noon.

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WEDNESDAY, 17TH NOVEMBER, 1858.

The Council met pursuant to adjournment.

Members present: Messrs. Dobbs, Hall, Harman, Potts, Higgins, Packer, Thomson, White, Fooks.

The Speaker in the chair.

A Petition from W. Weston, of Akaroa, was presented, read and received.

The Council adjourned until Tuesday next.

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TUESDAY, 23RD NOVEMBER, 1858.

The Council met pursuant to adjournment.

Members present: Messrs. Blakiston, Cass, Dobbs, Fooks, Fyfe, Harman, Potts, Higgins, Miln, Ross, Templer, Packer, Thomson, Duncan, White, Ollivier.

The Speaker in the chair.

The following Papers were laid upon the table:—

No. 23, Offers of Contract for Tunnel through the Port Hill.

No. 24, Report of Navigation of the Avon.

No. 25, Correspondence relating to a Loan.

No. 26, Report on Felton's Ferry, North Road.

Leave was given to bring in a "Public Hospital Endowment Bill."

The Bill was read a first time, and ordered to be printed.

Motion was carried upon division, "That an Address be presented to his Honor the Superintendent, praying that he will take the necessary steps for ascertaining the cost of laying down an Electric Telegraph between Lyttelton and Christchurch; and that, provided the cost of such work is found not to exceed from £1,000 to £1,500, this Council authorizes the expenditure of that amount."

Ayes, 8: Messrs. Blakiston, Cass, Fooks, Fyfe, Potts, Ollivier, Packer, Templer. Noes, 7: Messrs. Dobbs, Harman, Higgins, Miln, Ross, Thomson, White.

The Council in Committee on the "Cathedral Square Bill."

Clauses 1, 2, 3 passed as amended.

Clause 4 was deferred.

The Speaker in the chair.

The Chairman reported progress.

The Council in Committee of Supply.

Vote was taken, Cathedral Square—Award to College ...	£1200	0	0
„ Cathedral Square—Planting and Fencing ...	250	0	0
„ Grant in Aid of Building Schools, to be distributed according to the Return of Attendance at Schools by the several Denominations ...	2220	0	0
„ Public Works—Lyttelton, Christchurch, and Kaiapoi ...	800	0	0

The Speaker in the chair.

The Chairman reported progress.

The remaining Notices of Motion were postponed.

The Council adjourned at 8.55 p.m., until Wednesday next.

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WEDNESDAY, 24TH NOVEMBER, 1858.

The Council met pursuant to adjournment.

Members present: Messrs. Cass, Dobbs, Harman, Fyfe, Fooks, Blakiston, Packer, Ollivier, Templer, White, Davis, Hall, Potts.

The Speaker in the chair.

The Council in Committee on the "Cathedral Square Bill."

Clause 2 was considered and amended.

Clause 4 passed as amended.

The Preamble passed as amended.

The Speaker in the chair.

The Chairman reported the Bill as amended.

The "Public Hospital Endowment Bill" was read a second time.

The Council in Committee of Supply.

Vote was taken, Provincial Engineer	...	...	...	...	£450	0	0
"	"	Forage allowance	...	...	50	0	0
"	Surveyor and Draughtsman	...	...	...	300	0	0
"	Clerk to the Works, including Forage	...	...	...	250	0	0
"	Foreman of Works, including Travelling Expenses	...	...	...	180	0	0
"	District Overseers, Akaroa, Kaiapoi, Timaru	...	...	...	300	0	0
"	Office Clerk and Storekeeper	...	...	...	130	0	0
"	Drainage and Survey of Roads	...	...	...	600	0	0
"	Akaroa, Public Jetty	...	...	...	800	0	0
"	" Beach Road to Cemetery	...	...	...	300	0	0
"	Proposed Roads on the Peninsula	...	...	...	900	0	0

Amendment was negatived upon division, "That £1,450 be substituted for £900."

Ayes, 6: Messrs. Davis, Harman, Potts, Templer, Thomson, White. Noes, 6: Messrs. Bowen, Cass, Dobbs, Fooks, Fyfe, Ollivier.

The Chairman decided in favour of the Noes.

Amendment was carried upon division, "That £1,250 be substituted for £900," to be expended on the following Works:—

Head of Pigeon Bay to Akaroa	...	...	...	...	£350	0	0
Purau Line to Pigeon Bay	...	...	...	...	150	0	0
Purau Line to Okain Line on the ridge	...	...	...	...	150	0	0
Piraki Line from French Farm over the range	...	...	...	...	150	0	0
Barry's Bay Line by Kituna	...	...	...	...	350	0	0
Improvements, Pigeon Bay to Head of Harbour	...	...	...	...	100	0	0

Ayes, 7: Messrs. Davis, Fyfe, Harman, Potts, Templer, Thomson, White. Noes, 5: Messrs. Bowen, Cass, Dobbs, Fooks, Ollivier.

Vote was taken, Roads on the Peninsula	...	...	...	...	£1250	0	0
"	Timaru, Moorings	...	...	...	200	0	0
"	" Streets	...	...	...	100	0	0
"	Metalling from Christchurch to the Waimakariri	...	...	...	4000	0	0
"	New Punt at the Ferry	...	...	...	600	0	0
"	Bridge over the Waimakariri	...	...	...	6000	0	0
"	Road across the Island, Kaiapoi, with branch to the New Ferry	...	...	...}	1500	0	0
"	Metalling from Kaiapoi to Ashley	...	...	...	£000	0	0
"	Repair of Road from Ferry to Ferry	...	...	...	100	0	0
"	Culvert at Papanui Bridge	...	...	...	420	0	0

The Speaker in the chair.

The Chairman reported progress.

A Motion in the name of Mr Potts was deferred until the next sitting day.

The Petition of William Weston was referred to a Select Committee, to consist of Messrs. Cass, Dobbs, Thomson, Blakiston, Ollivier, White.

The Council adjourned at 8.45 p.m. until Thursday next.

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THURSDAY, 25TH NOVEMBER, 1858.

The Council met pursuant to adjournment.

Members present : Messrs. Blakiston, Cass, Dobbs, Davis, Duncan, Fooks, Harman, Hall, Ward, Cookson, Thomson, Templer, Ollivier, Packer, Miln, Potts, White.

The Speaker in the chair.

The "Cathedral Square Bill" was read a third time, passed, and numbered No. 5.

The Council in Committee on the "Public Hospital Bill."

The Bill passed with amendments.

The Speaker in the chair.

The Chairman reported the Bill as amended.

The Council in Committee of Supply.

Vote was taken,	Rangiora direct Road	...	...	...	£1500	0	0
"	Kaiapoi to Rangiora Bush	...	...	...	2355	0	0
"	South Road Metalling	...	...	...	823	0	0
"	Road to the Waitangi	...	...	...	1500	0	0
"	Lower Lincoln Road	...	...	...	700	0	0
"	Culverts, &c.	...	...	...	800	0	0
"	Draining and Filling up Gravel Pit	...	...	...	800	0	0
"	Hoon Hay Road	...	...	...	1000	0	0
"	Fendal Town Road	...	...	...	1000	0	0
"	Bridge over the Avon	...	...	...	200	0	0
"	Shoko Bush Road	...	...	...	450	0	0
"	South Christchurch Road	...	...	...	250	0	0
"	East Christchurch Road	...	...	...	400	0	0
"	Bridle Track from Governor's Bay to Plains	...	...	...	500	0	0
"	Setting out Road from Cashmere to the	...	...	...	200	0	0
"	Bush on the Hills	...	...	...			
"	Bridle Path from Heathcote to Lyttelton	...	...	...	500	0	0
"	Repairs to Tank	...	...	...	50	0	0
"	Ferry Road, Widening and Metalling	...	...	...	4000	0	0
"	Hill's Road	...	...	...	392	0	0
"	Bridge over Creek near Cashmere	...	...	...	150	0	0
"	Navigation of the Heathcote	...	...	...	250	0	0
"	" Avon	...	...	...	500	0	0
"	Current Repairs	...	...	...	1000	0	0
"	Rangiora, Lincoln, Papanui Swamps and	...	...	...	3000	0	0
"	Clearing the Avon	...	...	...			
"	Government Buildings	...	...	...	2713	0	0
"	Other Works	...	...	...	150	0	0
"	Immigration and Police Barracks, Christ-	...	...	...	1200	0	0
"	church	...	...	...			
"	Painting, Sweeping Chimnies, &c.	...	...	...	450	0	0
"	Sumner Road	...	...	...	529	0	0
"	Extension of the Government Buildings,	...	...	...	5800	0	0
"	completion of contract	...	...	...			
"	Compensation to Messrs. Wheeler and	...	...	...	50	0	0
"	Nurse	...	...	...			



The Speaker in the chair.

The Chairman reported progress.

The Council adjourned at 9.38 p.m., until Tuesday next.

TUESDAY, 30TH NOVEMBER, 1858.

The Council met pursuant to adjournment.

Members present : all except Messrs. Harman, Studholme, Templer, Wyatt.

The Speaker in the chair.

The Report of the Committee on Weston's Petition was brought up and received.

Paper No. 27, the Journal of the Inspector of Sheep for the Northern District for the month ending 30th November, was laid upon the table.

The Council in Committee for the reconsideration of clause 22 of the "Sheep Bill."

An Amendment was proposed and withdrawn.

The Speaker in the chair.

The Chairman reported progress.

Message No. 2, from his Honor the Superintendent, was received and read.

The Superintendent requests the Council to reconsider the 6th Sub-section of the 7th clause of the "Canterbury Police Bill," with a view to its being expunged, on the ground that the enactment of the said sub-section would be an excess of the constitutional power of the Provincial Legislature.

"W. S. MOORHOUSE,

"Superintendent."

Motion was granted "That this Council will guarantee the expenditure of a sum not exceeding £250 for the erection of a Police Barrack at Kaiapoi, for which a sum of money was voted last Session, but not expended. Also, for the extension and repair of the Court-house at Kaiapoi."

A Motion in the name of Mr. Fooks, relating to an Avon and Purarekanui Bill," was withdrawn by consent.

Motion was granted "That this Council will guarantee the expenditure of a sum not exceeding £100 on the formation of Bridges on the road from Fendall Town to the Riccarton Road."

Motion was carried upon division, "That this Council will guarantee the expenditure of a sum not exceeding £100 to be run for at the Canterbury Races, on the Jockey Club's Course at Riccarton; Queen's Plate Weights."

Ayes, 14: Messrs. Bishop, Blakiston, Cass, Cookson, Dobbs, Duncan, Fooks, Hall, Packer, Potts, Rhodes, Thomson, Ward, White. Noes, 5: Messrs. Davis, Fyfe, Higgins, Miln, Ross.

Motion was carried upon division, "That this Council will guarantee the expenditure of a sum not exceeding £200 on the improvement of Charles-street, in the Town of Kaiapoi."

Ayes, 10: Messrs. Bishop, Blakiston, Cookson, Dobbs, Fyfe, Hall, Higgins, Miln, Ross, Ward. Noes, 9: Messrs. Cass, Davis, Duncan, Fooks, Ollivier, Packer, Rhodes, Thomson, White.

Leave was given to bring in an "Appropriation Bill."

The Bill was read a first time.

The "Public Hospital Bill" was read a third time, passed, and numbered No. 6.

The Council adjourned at 7.30 p.m., until Wednesday next.

WEDNESDAY, 1ST DECEMBER, 1858.

The Council met pursuant to adjournment.

Members present: all except Messrs. Alport, Cookson, Harman, Studholme, Templer, White.

The Speaker in the chair.

The Journal of the Inspector of Sheep for the Southern District, for the month ending 30th November, was laid upon the table.

The following Gentlemen were appointed to make the selection, and carry out the arrangements requisite for the purchase of Books required for the use of the Provincial Council Library, viz., the Speaker, The Provincial Secretary, Messrs. Ward, Hall, Thomson.

Motion was granted "That his Honor the Superintendent be respectfully requested to place upon the Estimates the sum of £50 as a gratuity to Police Constable Eales, in consideration of injuries received by him in the execution of his duty, by which injuries he has been disabled from further active service."

The sum was placed upon the Estimates under the head of Police Department.

The "Appropriation Bill" was read a second time.

Standing Orders, Nos. 113 to 119 were suspended, in order to pass the "Appropriation Bill" through all its stages.

The Council in Committee on the "Appropriation Bill."

The Bill was passed as amended; the sum of £50 being added to the expenses of the Police Department on account of Constable Eales.

The Speaker in the chair.

The "Appropriation Bill" was reported as amended.

The "Appropriation Bill" was read a third time, passed, and numbered No. 7. Leave was given to bring in a "Christ's College Bill."

The Bill was read a first time.

Standing Orders, Nos. 110, 113, to 119 were suspended in order to pass the Bill through all its stages.

The Bill was read a second time.

The Council in Committee on the "Christ's College Bill."

The Bill passed as read.

The Speaker in the chair.

The Bill was reported as passed.

The Bill was read a third time, passed, and numbered No. 8.

The "Sheep Bill" was read a third time, passed, and numbered No. 9.

Leave was given to bring in the "Scab Prevention Bill."

The Bill was read a first time, and ordered to be printed.

Standing Orders Nos. 110, 113 to 119 were suspended in order to pass the Bill through all its stages.

The Bill was read a second time.

The Council in Committee on the "Scab Prevention Bill."

The Bill passed as read.

The Speaker in the chair.

The Bill was reported as passed.

The "Scab Prevention Bill" was read a third time, passed, and numbered No. 10.

Motion was granted "That with a view of making permanent provision for the accommodation of the Supreme Court, and the Resident Magistrate's Court, in Christchurch, it is desirable that the buildings now used as a Land Office should be transferred to the General Government for the purposes above mentioned, so

soon as other provision shall have been made for the Land and Survey Departments.

Motion was withdrawn by consent, "That in opinion of this Council it is inexpedient that it be prorogued for a period longer than six months."

Motion was granted "That in the opinion of this Council no arrangement of the routes of the Inter-Provincial Steamboats, under subsidy by the General Government, will be satisfactory to this Province, unless the same shall provide for a regular Fortnightly call at Lyttelton.

"That in the opinion of this Council no arrangement of the routes of the Inter-Colonial Service by Steamers, under subsidy by the General Government, will meet the Postal requirements of the Colony generally, if Sydney is made the Port of Departure from Australia, or Auckland the first Port of Arrival in New Zealand, and that it would be unjust that any part of the Revenue contributed by this Province should be devoted to subsidising steamers engaged on such work.

"That this Council will guarantee his Honor the Superintendent in the expenditure of a sum not exceeding £3,000, if he shall find it required, for the purpose of securing that the Postal and Inter-Provincial Steam Communication be carried out in the manner indicated."

Motion was granted "That his Honor the Superintendent be requested to give effect to the foregoing Resolutions."

Motion was proposed "That this Council will guarantee his Honor in the expenditure of £200 for Moorings in Lyttelton Harbor; and also for the erection of Flagstaffs and other distinguishing marks on Godley and Port Levy Heads."

Amendment was granted "That in the opinion of this Council it is desirable that the entrance of Lyttelton Harbor should be indicated by Beacons or other distinguishing marks."

A Motion in the name of Mr. Packer was withdrawn, by consent, for leave to introduce a Bill to empower the Superintendent to reserve the sum of £2,500 annually, for four years, for Religious purposes, and the following Motion was proposed in lieu thereof: "That whereas under existing circumstances it is expedient to assist certain Christian Denominations in building or enlargement of places for Public Worship within the Province of Canterbury, be it resolved—

"That this Council will sanction the payment of £10,000 for the above-named purpose, out of the Public Revenues of the Province.

"That the said sum of £10,000 shall be paid to the several persons and in the several proportions undermentioned, respectively :

" For the Bishop of Christchurch	...	...	...	...	£7800
„ Acting Head of Wesleyan Body	...	...	...	...	800
„ „ Presbyterian Body	...	...	...	...	1000
„ „ Roman Catholic Body	...	...	...	...	400

"That the said sum of £10,000 shall be expended within two years—that is to say, £5,000 within the present financial year, and £5,000 within that next ensuing; and that subject to this provision the amounts shall be drawn as required by the Heads of the Denominations aforesaid.

"That detailed accounts shall be furnished by the Head of each Religious Denomination of the expenditure of the Grant received by him when called upon to do so by the Provincial Government, and that such accounts shall be laid upon the table of the Provincial Council when in Session."

Amendment was negatived upon division, "That this Motion be postponed until the next Session of this Council, to enable the Inhabitants of this Province to express their opinion on the propriety of voting the public money for Building Places of Religious Worship.

Ayes, 3: Messrs. Davis, Fyfe, Miln. Noes, 15: Messrs. Bishop, Blakiston, Cass, Dobbs, Duncan, Fooks, Hall, Higgins, Ollivier, Packer, Potts, Ross, Thomson Ward, Wyatt.

The original Amendment was put.

Amendment was negatived upon division, "That no sum of money shall be granted in aid for erecting or enlarging any Place of Worship unless an equal amount be first provided by the Inhabitants of the District requiring such aid."

Ayes, 5: Messrs. Davis, Fooks, Fyfe, Higgins, Miln. Noes, 13: Messrs. Bishop, Blakiston, Cass, Dobbs, Duncan, Hall, Ollivier, Packer, Potts, Ross, Thomson, Ward, Wyatt.

The original Amendment was put.

Amendment was negatived "That the debate be adjourned until to-morrow evening."

The original Amendment was put.

Amendment was negatived upon division, "That the Council do now adjourn until to-morrow, at the usual hour."

Ayes, 5: Messrs. Davis, Fooks, Fyfe, Miln, Higgins. Noes, 13: Messrs. Bishop, Blakiston, Cass, Dobbs, Duncan, Hall, Ollivier, Packer, Potts, Ross, Thomson, Ward, Wyatt.

The original Amendment was put.

Amendment was negatived "That the following words be added, 'the money to be expended by the heads of the Religious Denominations, and the following Gentlemen as a Commission, to be appointed by his Honor the Superintendent—The Speaker, Judge of the Supreme Court, Resident Magistrate of Christchurch, Provincial Secretary, and Provincial Treasurer.'"

The original Amendment was then carried upon division.

Ayes, 15: Messrs. Bishop, Blakiston, Cass, Dobbs, Duncan, Fooks, Higgins, Hall, Ollivier, Packer, Potts, Ross, Thomson, Ward, Wyatt. Noes, 2: Messrs. Davis, Miln.

The Resolutions were ordered to be transmitted to his Honor the Superintendent.

The Council adjourned at 11.15, until Friday next, at 4 p.m.

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#### FRIDAY, 3RD DECEMBER, 1858.

The Council met pursuant to adjournment.

Members present: Messrs. Bishop, Cass, Davis, Fooks, Cookson, Duncan, Fyfe, Higgins, Packer, Potts, Miln, Thomson, Ollivier, Wyatt.

The Speaker in the chair.

Message No. 3, from his Honor the Superintendent, was received and read.

"The Superintendent feels it to be his duty to recommend the Council to sanction the appropriation of £600 per annum, as the salary of the Immigration Agent in London.

"The Superintendent is advised that the present salary of the Agent, £400, is quite inadequate to his decent maintenance.

" W. S. MOORHOUSE,  
" Superintendent."

The Council in Committee for the consideration of Message No. 2, relating to the "Canterbury Police Bill."

Mr. Fooks in the chair.

Sub-section 6, clause 7, was reconsidered and expunged.

The Speaker in the chair.

The Chairman reported the Bill as amended.

Standing Orders No. 113 to 119 were suspended.

The "Canterbury Police Bill" was read a third time, passed, and numbered No. 1.

Motion was withdrawn by assent, "That his Honor the Superintendent be requested to reserve two acres, part of Section 74, in Kaiapoi, adjoining section No. 338, and fronting the North Road, for the erection of Church and Schools in connection with the Presbyterian Church."

Motion was withdrawn, by consent, "That this Council will authorize the expenditure of a sum of £150 for the erection of a Grammar School in connection with the Presbyterian Church."

His Honor the Superintendent entered the Council Chamber and delivered the following Speech :—

MR. SPEAKER AND GENTLEMEN OF THE PROVINCIAL COUNCIL,

"I have assented, on behalf of his Excellency the Governor, to the following Bills :—

- "To the ' Canterbury Police Ordinance.'
- "To the ' Immigration Barracks Ordinance.'
- "To the ' Planting Forest Trees Ordinance.'
- "To the ' Cattle Trespass Amendment Ordinance.'
- "To the ' Cathedral Square Ordinance.'
- "To the ' Public Hospital Ordinance.'
- "To the ' Appropriation Ordinance.'
- "To the ' Christ's College Amendment Ordinance.'
- "To the ' Sheep Ordinance.'

"And I have reserved for his Excellency's assent the ' Scab Prevention Ordinance.'

"The labours of the Session having come to an end, I have to thank you for the very earnest and business-like manner in which you have discussed the several proposals it has been my duty to lay before you. The public must, in common with myself, feel perfectly satisfied that the affairs of the Province have been closely investigated.

"The liberal supplies you have voted shall be economically expended, and all diligence used to forward each of the Public Works determined on.

"The Canterbury Loan Debentures having been advantageously negotiated, no difficulty stands in the way of a constant stream of Immigration. By advices from Mr. FitzGerald (to whose activity the Province is much indebted), I learn that we may expect numerous arrivals of Labourers during the present summer.

"The disbursements authorised in aid of the different Religious Denominations for the building and enlargement of their Places of Public Worship shall be appropriated with strict regard to the spirit of your Resolutions.

"Prompt Measures will be taken to secure to the Province, at the earliest possible date, the incalculable advantage of Railway communication between the Port and the Plains.

"I regret that you have failed, during this Session, to recognise the very urgent necessity that exists for the enactment of a Measure providing for the creation of Public Boards, enabling the Inhabitants of Towns to establish an effective system of Sewerage and other necessary improvements which are specially essential to health and good order, and the expense of which cannot with justice be charged upon the general funds of the Province.

"I trust that during the recess the prosperity of the Province may continue unabated, and that upon our next meeting you will have reason to congratulate yourselves on the beneficial result of your deliberations.

I now declare this Council prorogued until Tuesday, the 25th day of August, 1859."

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Christchurch: Printed under the Authority of the Provincial Government of the Province of Canterbury, at the "Times"  
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Government.

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A P P E N D I X .

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Message read and received 3rd July, 1855, No. 14, Session IV.

“The Superintendent transmits a Supplementary Estimate, in accordance with the Resolution of the Council of the 28th June, for the purpose of Exploring the West Coast.

“The Superintendent, however, would suggest that as the most valuable country is supposed to be the Grey Valley, which ought to be the first explored, the vote should stand as below.

“JAMES EDWARD FITZGERALD,  
“Superintendent.”

SUPPLEMENTARY ESTIMATE.

For Exploring the West Coast of the Province, £100.

E R R A T A .

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- Page 50, in Line 2 from bottom, for "19" read "9."  
Page 50, in Line 1 from bottom, for "18" read "11."  
Page 50, last Line, for "20" read "12."  
Page 267, in Line 7 from bottom, for "9" read "9a."  
Page 267, in Line 6 from bottom, for "10" read "10a."