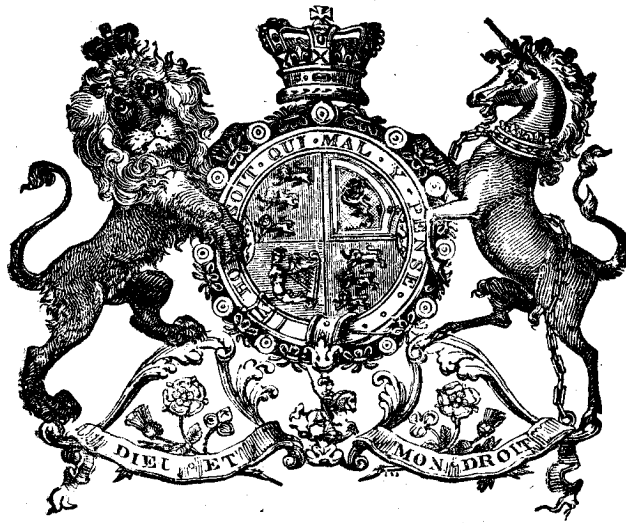


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# Province of Hawke's Bay, New Zealand.



## VOTES & PROCEEDINGS

OF THE

## PROVINCIAL COUNCIL OF HAWKE'S BAY.

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1865.—Session IX.

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# VOTES & PROCEEDINGS

OF THE

## HAWKE'S BAY PROVINCIAL COUNCIL.

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### Session XX.

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TUESDAY, JUNE 6TH, 1865.

THE Speaker took the Chair at 3 o'clock.

Present, all the members except His Honor the Superintendent and Messrs. Curling and Buchanan.

The Council met pursuant to a Proclamation issued by His Honor the Superintendent, bearing date the 13th day of May, 1865, which was read by the Clerk.

The Speaker then read prayers.

The Speaker informed the Council of the election of J. Buchanan, Esq., and J. M. Stuart, Esq., to seats in the Provincial Council for the Town of Napier.

His Honor the Deputy Superintendent addressed the Council in reference to the absence of His Honor Donald M'Lean, Esq., and moved—That this Council do adjourn until Tuesday next, the 13th inst., at 3 o'clock.

Mr. Rhodes seconded the motion.

On a division being called for, Council divided.

Ayes.  
Messrs. Stuart,  
Kennedy,  
Richardson,  
Dolbel,  
Tuke,  
Rhodes,  
Ormond.

Noes.  
Messrs. Lambert,  
Edwards,  
Colenso,  
Tiffen.

Motion agreed to, and Council adjourned accordingly.

JOHN WILKINSON, Speaker.

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TUESDAY, JUNE 13TH, 1865.

THE Speaker took the Chair at 3 o'clock.

Present, all the members but Mr. Dolbel.

The minutes of the last meeting were read and confirmed.

His Honor the Superintendent addressed the Council as annexed.

Mr. Tiffen, on Wednesday, 14th instant—To ask the Superintendent whether the Resolution agreed to by this Council on the 12th August last, recommending immediate steps to be taken to put a stop to illegal squatting

squatting on the Ahuriri Plains, was forwarded to the General Government; if so, to furnish the Council with a copy of the letter accompanying the said Resolution, and also the reply of the General Government, and all further correspondence that may have ensued on the subject.

Mr. Tiffen, on June 14—To ask the Superintendent whether the survey of the land at Wairoa, recently acquired, was put out to tender; if not, why the usual rule in contracts was deviated from in this case.

Mr. Tiffen, on June 14—To ask the Superintendent why the "Huntress" is not yet in a state of efficiency, seeing that she was to have been completed in September last; to ask also for a return of her total cost to present date.

Mr. Tiffen to move on June 14—For a return of all sums paid by way of Grants in Aid of Roads since last session, specifying the locality, length of road, and amount subscribed by private individuals.

Mr. Tiffen to move on June 14—That the Superintendent be indemnified for the expenditure of £150 as Grant in Aid towards an Artesian Well in the Government Building Reserve.

Mr. Buchanan to move on Wednesday, 14th instant—That His Honor the Superintendent be requested to lay upon the table of this Council a Return specifying—

1. The dates when the vacancies to seats occasioned since the present body was first elected.
2. The constituencies for which such vacancies happened.
3. The cause of the vacancies.
4. The dates on which new writs for the seats were issued.
5. The dates on which the said writs were returned duly endorsed by the Returning Officer.

Mr. Buchanan to move on Wednesday, 14th instant—That His Honor the Superintendent be requested to lay upon the table of this Council a Return shewing—

1. The date of every order given by any member of the Provincial Government within the period from 1st January to 10th June, 1865, for the supply, whether on loan, as a gift or by purchase, of arms and ammunition to Natives of this Province or resident in Districts on its immediate borders.
2. To whom such authorities were addressed.
3. In whose favor granted.
4. The particulars in full detail of the articles authorised, whether arms or ammunition, comprehending under the latter term made-up cartridges, loose powder, percussion caps, shot and lead for melting.

Mr. Buchanan to move on Wednesday, 14th instant—To ask His Honor the Superintendent out of what funds, whether those of the Provincial or those of the General Government, has been defrayed the expenditure incurred in the late treating of Natives, and conferring on them presents whilst in Napier.

Mr. M<sup>c</sup>Lean to move on next sitting day—That a Select Committee be appointed to examine the public accounts of the Province, from the 1st July, 1864, to the 31st March, 1865. Such Committee to consist of Messrs. Tiffen, Colenso, Richardson, Lambert and Kennedy.

Mr. M<sup>c</sup>Lean to move on Thursday, 15th inst., the following resolution:—That this Council hereby authorise His Honor the Superintendent to carry on the expenditure of the Province at the rate set forth in the Estimates for the year ending 30th June, 1865, until the adjourned meeting of this Council shall take place, provided that such adjourned meeting be held not more than two weeks after the approaching Session of the General Assembly. It being also understood that any necessary public works, the execution of which is urgently called for, shall be proceeded with by the Executive at their discretion.

Mr. Rhodes

Mr. Rhodes to move on Wednesday, the 14th instant—That the Superintendent should be authorised by this Council to take immediate steps to secure the erection of the Ngaruroro Bridge, particularly the taking advantage of the present winter season for getting the heavy timber prepared.

This is all the more necessary, as the Bridge will open up the newly-acquired native lands at Clive, will much enhance their value, and induce the class of men we so much require in this Province (small farmers) to settle and cultivate the block at once.

His Honor the Superintendent laid the following Reports on the table:—

The Provincial Engineer's Report on Artesian Wells.

The Provincial Engineer's Report on the Swamps and Lagoons near Napier.

The Chief Provincial Surveyor's Report on Surveys.

The Provincial Engineer's Report on Roads.

Major Lambert, for leave to move on the 15th instant—That His Honor the Superintendent be requested to lay before the Council all the correspondence that has passed between the General Government and himself relative to his being appointed as the officer to lay information against persons illegally occupying Native Lands.

Major Lambert to move on Friday, the 16th instant—That His Honor the Superintendent be requested to state what steps have been taken to cause the Revising Officer to hold his sittings at various places up the country—His Honor, at the last meeting of this Council, having undertaken to take steps that would cause this to be effected.

Mr. Tuke moved—That the speech of His Honor the Superintendent be printed.

Mr. Richardson seconded the motion.

Motion agreed to, and ordered to be printed accordingly.

Mr. M'Lean moved—That the Council do adjourn until to-morrow, the 14th June, 1865, at 3 o'clock.

Mr. Tiffen seconded the motion.

Motion agreed to, and Council adjourned accordingly.

JOHN WILKINSON, Speaker.

WEDNESDAY, JUNE 14TH, 1865.

THE Speaker took the Chair at 3 o'clock.

Present, all the members.

The minutes of the last meeting were read and confirmed.

Mr. Buchanan to move on Friday, 16th instant, the following Resolutions:—

1. That this Council is of opinion that the special welfare of this Province and the general interests of the Colony are retarded and injured through the non-enforcement of the law as contained in the Land Purchase Ordinance, 1846.

Firstly. By reason of the occupation by Europeans in contravention of that Ordinance for pastoral purposes only of the Native lands best suited for agriculture by fertility and proximity to port and market, the possibility of acquiring the said lands by purchase for legitimate settlement, is entirely frustrated and the growth and concentration of population prevented.

Secondly

Secondly. By the disregard and scorn of British law engendered and fostered in the breasts of the Maori population, by the knowledge they possess of the immunity with which the Ordinance in question is openly broken by British subjects of European extraction, who alone are affected by its provisions.

Thirdly. By this laxity of administration governmental approval of the system is assumed, whereby out of the regularly-accruing, large and certain income paid to the Maories for the illegal rental of these lands, most important aid in money (well understood to be given in fixed contributions) has been afforded to the rebel tribes. Whilst therefore a lavish expenditure for the suppression of the war has to be borne both by the colonists and by the British public, violators of the law in our midst are supplying means of greater moment even than men, to protract the struggle and to nullify the effect that ought to result from the blood spilt and the treasure spent.

Fourthly. By the discontent and dissatisfaction felt by the great body of our white population who respect and abide by the law, at witnessing the ease with which advantages to their detriment are secured by a mere fraction of the community, who do neither.

2. That in the opinion of this Council it is highly necessary that steps be at once taken to put the Native Land Purchase Ordinance 1846 in force.

3. That His Honor the Superintendent be requested to forward a copy of these resolutions to the Hon. the Colonial Secretary, for such action as to His Excellency the Governor's responsible advisers may seem fit.

Major Lambert laid on the table a Petition from the residents and owners of land at Hampden, pointing out the want of a good road to Hampden from Napier, and praying it might be taken into consideration, and moved that it be read.

Mr. Tiffen seconded the motion.

Motion agreed to, and Petition read accordingly.

Major Lambert moved—That the Petition be received.

Mr. Colenso seconded the motion.

Motion agreed to.

Major Lambert moved—That the Petition be printed, but subsequently withdrew the motion.

Mr. Stuart to move on Friday, 16th instant—That advertisements be inserted in the Provincial *Gazette*, as well as in the two newspapers of Hawke's Bay, to the effect that all lessees of Maori runs will be liable to prosecution, and that in the event of the Government being able to treat with the Natives for the acquisition of such land either in lease or by purchase, that no respect will be paid or compensation allowed for any alleged lease now existing.

Mr. Colenso to move on Thursday, the 15th instant—That this Council considers it to be highly necessary to the welfare of the Province that its Government be legally administered, and therefore that His Honor the Superintendent be respectfully reminded to constitute his Executive Council in strict accordance with the Executive Act.

Major Lambert to move on Friday, the 16th instant—That this Council request the Superintendent to place the sum of £300 on the Estimates for the completion of the road from Napier to the Township of Hampden.

Mr. M'Lean to move on Friday, the 16th instant—That this Council is of opinion that all lands on the Ahuriri Plains acquired or to be hereafter acquired for settlement upon lease, shall be disposed of in the following manner:—

Each Block shall as soon as possible after its acquisition be laid off in sections.

These



These sections shall, after due notice, be leased by public auction for a period of        years from the date of the lease from the natives.

The upset rate of rent per annum of each section shall be not less than twenty-five per cent. higher than the rate paid for the same to the native proprietors.

The rent for the first year of the lease shall be paid to the auctioneer on the fall of the hammer.

The rent for the remaining years of the lease shall be paid half-yearly on the        day of        and the        day of

In addition to the rent, the lessee of each section shall pay on the fall of the hammer a sum calculated at the rate of ten shillings for each acre contained within his section, the same to be expended for purposes of drainage and for the formation of bye-roads within the block.

The leaseholder of each section shall be compelled by the terms of his lease to fence in his section within 12 months from the date thereof and to cultivate at least one-tenth of it within the same period.

Any leaseholder failing to comply with either of these conditions shall forfeit his lease, which shall then be again put up to public auction and disposed of as before set forth. Provided that in such case the second lessee shall, in addition to the one year's rent payable in advance, be liable also for one-half of the cost of any sufficient dividing fence that may have been erected by an adjoining leaseholder.

The Provincial Government shall give an undertaking that in case of the lands or any part thereof contained in any block disposed of under these conditions becoming the property of the Government, that a pre-emptive right of purchase of the land contained in his lease shall be given to each leaseholder, such pre-emptive right to be subject to the payment of a valuation to be fixed by arbitration (in the usual manner) and such valuation not to include any improvements that may have been effected by the leaseholder. Provided that any such promise of pre-emptive right as aforesaid given to any leaseholder who may forfeit his lease shall be null and void.

Mr. Tiffen, pursuant to notice, asked the Superintendent—Whether the Resolution agreed to by this Council on the 12th August last, recommending immediate steps to be taken to put a stop to illegal squatting on the Ahuriri Plains, was forwarded to the General Government; if so, to furnish the Council with a copy of the letter accompanying the said Resolution, and also the reply of the General Government, and all further correspondence that may have ensued on the subject.

His Honor the Superintendent, in reply, stated that as this was a matter that would come before the Council on next Friday, he would retain anything he had to say until then, and would simply lay a copy of the only letter he had in reference to the subject on the table.

Mr. Tiffen, pursuant to notice, asked His Honor the Superintendent—Whether the survey of the land at Wairoa, recently acquired, was put out to tender; if not, why the usual rule in contracts was deviated from in this case.

His Honor the Superintendent, in reply, stated that the services of the other two surveyors being engaged performing work for the Government, Mr. Fitzgerald, who had laid off the boundary lines, was directed to lay the land off in sections, as he was well acquainted with the country. The services of Mr. Fitzgerald were engaged on a scale fixed by the Provincial Surveyor, of £3 per mile.

Mr. Tiffen, pursuant to notice, asked the Superintendent—Why the "Huntress" is not yet in a state of efficiency, seeing that she was to have been completed in September last; to ask also for a return of her total cost to present date.

His Honor the Superintendent, in reply, stated that, as the accounts of the "Huntress" extended over several years, the Provincial Treasurer had not  
been

been able to furnish them as yet; but immediately he received intimation that they were completed, he would lay them on the table. The expense of the late repairs (consequent on a resolution for the expenditure of £1000 by the Council) amounted to £1,600.

Mr. Tiffen, pursuant to notice, moved—For a return of all sums paid by way of Grants in Aid of Roads since last session, specifying the locality, length of road, and amount subscribed by private individuals.

Mr. Colenso seconded the motion.

His Honor the Superintendent laid the return called for on the table.

Mr. Tiffen, pursuant to notice, moved—That the Superintendent be indemnified for the expenditure of £150 as Grant in Aid towards an Artesian Well in the Government Building Reserve.

Mr. Colenso seconded the motion.

Mr. Buchanan moved as an amendment — That the words “in the Government Building Reserve” be omitted.

Mr. Stuart seconded the amendment.

The motion as amended and inserting the words “requested to place on the estimates,” in lieu of “indemnified for the expenditure,” was carried.

Mr. Buchanan, pursuant to notice, moved—That His Honor the Superintendent be requested to lay upon the table of this Council a Return specifying—

1. The dates when the vacancies to seats occasioned since the present body was first elected.

2. The constituencies for which such vacancies happened.

3. The cause of the vacancies.

4. The dates on which new writs for the seats were issued.

5. The dates on which the said writs were returned duly endorsed by the Returning Officer.

Mr. Edwards seconded the motion.

His Honor the Superintendent, in reply, stated the Return was in course of preparation, and when completed it would be laid upon the table.

Mr. Buchanan, pursuant to notice, moved—That His Honor the Superintendent be requested to lay upon the table of this Council a Return shewing—

1. The date of every order given by any member of the Provincial Government within the period from 1st January to 10th June, 1865, for the supply, whether on loan, as a gift or by purchase, of arms and ammunition to Natives of this Province or resident in Districts on its immediate borders.

2. To whom such authorities were addressed.

3. In whose favor granted.

4. The particulars in full detail of the articles authorised, whether arms or ammunition, comprehending under the latter term made-up cartridges, loose powder, percussion caps, shot and lead for melting.

Mr. Edwards seconded the motion.

Mr. Tiffen moved as an amendment—That this motion be considered this day six months.

Mr. Curling seconded the amendment.

On a division being called for, Council divided.

Ayes,

Messrs. Kennedy,  
Lambert,  
Richardson,  
Tiffen,  
Curling,  
Colenso,  
Tuke,  
Rhodes,  
Ormond,  
Dolbel,  
M'Lean.

Noes,

Messrs. Stuart,  
Edwards,  
Buchanan.

Amendment agreed to.

Mr. Buchanan

Mr. Buchanan, pursuant to notice, asked His Honor the Superintendent out of what funds, whether those of the Provincial or those of the General Government, has been defrayed the expenditure incurred in the late treating of Natives, and conferring on them presents whilst in Napier.

His Honor the Superintendent, in reply, said that the expenses were disbursed by the General Government.

Mr. M'Lean, pursuant to notice, moved—For the appointment of a Select Committee to examine the public accounts of the Province, from the 1st July, 1864, to the 31st March, 1865. Such Committee to consist of Messrs. Tiffen, Colenso, Richardson, Lambert and Kennedy.

Mr. Ormond seconded the motion.

Major Lambert moved a case of privilege in reference to the insertion of a letter in the *Hawke's Bay Times*, appearing in that journal as from J. M. Stuart, Esq.—no proof of which, however, was produced by the member for Waipukurau, and moved that it be read.

Mr. Rhodes seconded the motion.

Motion agreed to, and letter read accordingly.

Mr. Colenso moved as an amendment on Mr. M'Lean's motion in reference to auditing of accounts of the Province, that the words and figures "to the 31st March, 1865," be struck out, and the words and figures "to the 30th June, 1865," be inserted.

Mr. Buchanan seconded the amendment.

Agreed to.

Mr. Rhodes, pursuant to notice, moved—That the Superintendent should be authorised by this Council to take immediate steps to secure the erection of the Ngaruroro Bridge, particularly the taking advantage of the present winter season for getting the heavy timber prepared.

This is all the more necessary, as the Bridge will open up the newly-acquired native lands at Clive, will much enhance their value, and induce the class of men we so much require in this Province (small farmers) to settle and cultivate the block at once.

Mr. Dolbel seconded the motion.

Mr. Ormond moved as an amendment—That the motion be made an order of the day for to-morrow.

Mr. M'Lean seconded the amendment.

Amendment agreed to.

Mr. Rhodes moved—That the Council do adjourn until to-morrow, at 3 o'clock.

Mr. Curling seconded the motion.

Motion agreed to, and Council adjourned accordingly.

JOHN WILKINSON, Speaker.

THURSDAY, JUNE 15TH, 1865.

THE Speaker took the Chair at 3 o'clock.

Present, all the members.

The minutes of the last meeting were read and confirmed.

Major Lambert rose to give some explanation in a case of privilege discussed at a previous sitting of this Council, but not following up his remarks with any motion, the matter dropped.

Mr. Ormond

Mr. Ormond moved—That the Council proceed to the orders of the day.  
 Mr. Stuart seconded the motion.  
 Motion agreed to.

Mr. Colenso rose on a point of privilege, to point out an error in the *Hawke's Bay Herald* in reference to his amendment on the motion for an Audit Committee, wherein was inserted the words and figures 31st March, 1865, when it should be 30th June, 1865.

Mr. Buchanan to move on 16th instant—That the correspondence relative to the Ahuriri Plains, referred to in a marginal note to the Report on that matter brought up last session, and the papers on the same subject laid on the table of this Council on the 14th inst., be printed.

Mr. Stuart to move on Tuesday, 20th instant—To ask the Superintendent when and where the Public Weigh-bridge is to be erected.

Mr. Stuart to move—For leave to ask the Superintendent, on 20th June next, whether he receives any emolument whatever, either directly or indirectly, for acting for the General Government as agent with the Natives on the East Coast.

Mr. Richardson on next sitting day but one—To ask the Government why, considering the dangerous proximity of a large body of Hau Hau fanatics, some protection has not been afforded to the settlers in Petane and its immediate neighbourhood; and also if it is the intention of the Government to erect any stockade or place of refuge or otherwise encamp a small body of men in some central position, so as to form a rallying point in the event of any unforeseen collision.

Mr. Richardson presented a Petition from the inhabitants of the Western side of Harbour, praying that the very unsatisfactory state of the road between the Ferry and the Pah-hou Bridge might be taken into consideration by the Council during the present session, and moved that it be read.

Mr. Colenso seconded the motion.  
 Motion agreed to, and Petition read accordingly.

Mr. Richardson moved—That the Petition be received.  
 Mr. Stuart seconded the motion.  
 Motion agreed to.

Mr. Richardson to move—That the Petition of the inhabitants of the Western side of Harbour be considered on Tuesday, the 20th day of June, 1865.

Mr. M'Lean to move as an amendment on the 16th instant, the following resolutions:—

That this Council is of opinion that the occupation of the agricultural lands known as the Ahuriri Plains by a settled population is essential to the advancement and prosperity of the Province.

That the action of the Native Lands Act, 1864, will, it is believed, tend to throw these lands into the hands of large proprietors, and thereby inflict incalculable injury upon the community at large.

That this Council is aware that the Native Lands Act is an essential feature of the policy of the Colony, as at present represented in the General Assembly, and that there is no chance of the Ahuriri Plains being excepted from its operation.

That this Council has considered in what manner the interests of the Province can be served without an undue interference with the policy and intention of the Act above referred to.

That this Council considers that the interests of the Province may be secured, and the privileges assured to the Native proprietors confirmed by the sanction of a system of acreage assessment, upon a sliding scale, which shall be so regulated as virtually to amount to prohibition of individual proprietorship over large blocks.

That

That the Council would urge that, whilst the legalisation of such a system would secure the Province against the otherwise ruinous operation, in so far as the Agricultural Plains are concerned, of the Native Lands Act, a pecuniary benefit would result to the Native proprietors, who would, from holdings of limited extent, realise over blocks of land very much higher valuations than will otherwise accrue from them.

That His Honor the Superintendent be requested to forward a copy of this resolution to the Hon. the Colonial Secretary, and to strongly urge upon the Government the necessity of prompt action in the manner indicated for the security of the general interests.

Mr. Colenso, as an amendment, to move on June 16—That a Select Committee be appointed forthwith to consider those resolutions, with power to alter the same; the said Committee to consist of His Honor the Superintendent, Messrs. Rhodes, Tiffen, Lambert, Buchanan and Colenso.

His Honor the Superintendent laid the following papers on the table:—

Return shewing the date of vacancies of seats, returning writs, &c.

Letter from the Hon. Colonial Secretary, containing recommended amendments on the Highways Bill.

Statement of the Receipts of the Province of Hawke's Bay, from the 1st July, 1864, to the 31st March, 1865.

Statement shewing the Liabilities of the Province of Hawke's Bay, also shewing the probable amount of Receipts during the present month, as well as during the financial year 1865-66.

Mr. Colenso, on Friday, 16th instant—To ask the Government whether it is their intention to introduce a Publicans' Licensing Amendment Ordinance during this session.

Mr. Buchanan to move on Tuesday, 20th June, 1865—That this Council considers unnecessary delay in the issue of new writs to supply vacancies in its number to be an infringement as well of its privileges, as of the statute rights of the constituencies, and to be a direct violation of the 12th clause of the New Zealand Constitution Act.

Mr. M'Lean moved—That the resolution in reference to authorising His Honor the Superintendent to carry on expenditure at the rate set forth in the Estimates for the year ending 30th June, 1865, till the close of the approaching session of the General Assembly, &c., be postponed till Tuesday, the 20th inst.

Mr. Curling seconded the motion.

Motion agreed to.

Major Lambert, pursuant to notice, moved—That His Honor the Superintendent be requested to lay before the Council all the correspondence that has passed between the General Government and himself relative to his being appointed as the officer to lay information against persons illegally occupying Native Lands.

Mr. Colenso seconded the motion.

The correspondence called for being already on the table, the question was not put.

Motion agreed to.

Mr. Colenso, pursuant to notice, moved—That this Council considers it to be highly necessary to the welfare of the Province that its Government be legally administered, and therefore that His Honor the Superintendent be respectfully reminded to constitute his Executive Council in strict accordance with the Executive Act.

Mr. Buchanan seconded the motion.

Motion agreed to.

Mr. Rhodes moved—That the motion in reference to the Bridge across the Ngaruroro be postponed till Tuesday, 20th inst.

Mr. Ormond seconded the motion.

Motion agreed to.

Mr. M'Lean moved—That this Council do adjourn until to-morrow, the 16th inst., at 3 o'clock.

Mr. Curling seconded the motion.

Motion agreed to, and Council adjourned accordingly.

JOHN WILKINSON, Speaker.

FRIDAY, JUNE 16TH, 1865.

THE Speaker took the Chair at 3 o'clock.

Present, all the members.

The minutes of the last meeting were read and confirmed.

Mr. Buchanan gave notice of motion to be moved by Mr. Buchanan contingent on the passing of the Rev. Mr. Colenso's amendment, to refer the resolutions proposed by the former and those submitted as an amendment to them by Mr. M'Lean, to a Select Committee:—

“That a Clerk be in attendance on the said Committee to take minutes of the evidence of any witnesses who may be examined before it, and to report its Votes and Proceedings in the order in which they may occur.”

Mr. Stuart to move on Wednesday, 21st June—To enquire of His Honor the Superintendent whether the Government intend disposing of the blocks of land in the Wairoa, lately acquired from the Natives, by deferred payments.

Mr. Stuart to move on Wednesday, 21st June—To enquire of His Honor the Superintendent whether the Government intend placing any amount on the Estimates for Harbour Improvements; and, if so, how much, and for what purposes.

Mr. Dolbel to move on Tuesday, the 20th instant—That all correspondence between the Government and Mr. H. Alley concerning the deviation of the Taipo Road on the bank of the Tutaekuri river, be laid on the table.

Mr. Dolbel to move on Wednesday, the 21st instant—To ask the Superintendent whether he is aware that several creeks on the bridge track from Napier to Wairoa are impassable in wet weather, and would also draw the attention of His Honor especially to the (Waita) creek, where the bridge was washed away in 1862, and has not yet been rebuilt.

Mr. Dolbel to move on Wednesday, the 21st instant—To ask the Superintendent whether it is the intention of the Government to appoint a Pilot for the Mohaka Harbour, and whether His Honor is aware of the great difficulties the settlers have to submit to, for the reason that no masters will charter their vessels for that port if not certain that assistance will be rendered to them on their arrival there.

Major Lambert, pursuant to notice, asked His Honor the Superintendent what steps have been taken to cause the Revising Officer to hold his sittings at various places up the country—His Honor, at the last meeting of this Council, having undertaken to take steps that would cause this to be effected.

His Honor the Superintendent laid all the correspondence on this subject on the table, which, on the motion of Mr. Edwards, was read by the Clerk.

Mr. Buchanan, pursuant to notice, moved the adoption of the following Resolutions:—

1. That this Council is of opinion that the special welfare of this Province and the general interests of the Colony are retarded and injured through the non-enforcement of the law as contained in the Land Purchase Ordinance, 1846.

Firstly. By reason of the occupation by Europeans in contravention of that Ordinance for pastoral purposes only of the Native lands best suited for

for agriculture by fertility and proximity to port and market, the possibility of acquiring the said lands by purchase for legitimate settlement, is entirely frustrated and the growth and concentration of population prevented.

Secondly. By the disregard and scorn of British law engendered and fostered in the breasts of the Maori population, by the knowledge they possess of the immunity with which the Ordinance in question is openly broken by British subjects of European extraction, who alone are affected by its provisions.

Thirdly. By this laxity of administration governmental approval of the system is assumed, whereby out of the regularly-accruing, large and certain income paid to the Maories for the illegal rental of these lands, most important aid in money (well understood to be given in fixed contributions) has been afforded to the rebel tribes. Whilst therefore a lavish expenditure for the suppression of the war has to be borne by the colonists and by the British public, violators of the law in our midst are supplying means of greater moment even than men, to protract the struggle and to nullify the effect that ought to result from the blood spilt and the treasure spent.

Fourthly. By the discontent and dissatisfaction felt by the great body of our white population who respect and abide by the law, at witnessing the ease with which advantages to their detriment are secured by a mere fraction of the community, who do neither.

2. That in the opinion of this Council it is highly necessary that steps be at once taken to put the Native Land Purchase Ordinance 1846 in force.

3. That His Honor the Superintendent be requested to forward a copy of these resolutions to the Hon. the Colonial Secretary, for such action as to His Excellency the Governor's responsible advisers may seem fit.

Mr. Stuart seconded the motion.

Mr. McLean moved as an amendment —

That this Council is of opinion that the occupation of the agricultural lands known as the Ahuriri Plains by a settled population is essential to the advancement and prosperity of the Province.

That the action of the Native Lands Act, 1862, will, it is believed, tend to throw these lands into the hands of large proprietors, and thereby inflict incalculable injury upon the community at large.

That this Council is aware that the Native Lands Act is an essential feature of the policy of the Colony, as at present represented in the General Assembly, and that there is no chance of the Ahuriri Plains being excepted from its operation.

That this Council has considered in what manner the interests of the Province can be served without an undue interference with the policy and intention of the Act above referred to.

That this Council considers that the interests of the Province may be secured, and the privileges assured to the Native proprietors confirmed by the sanction of a system of acreage assessment, upon a sliding scale, which shall be so regulated as virtually to amount to prohibition of individual proprietorship over large blocks.

That the Council would urge that, whilst the legalisation of such a system would secure the Province against the otherwise ruinous operation, in so far as the Agricultural Plains are concerned, of the Native Lands Act, a pecuniary benefit would result to the Native proprietors, who would, from holdings of limited extent, realise over blocks of land very much higher valuations than will otherwise accrue to them.

That His Honor the Superintendent be requested to forward a copy of this Resolution to the Hon. the Colonial Secretary, and to strongly urge upon the Government the necessity of prompt action in the manner indicated for the security of the general interests.

Mr. Rhodes seconded the amendment.

Mr. Colenso

Mr. Colenso moved as a further amendment—That a Select Committee be appointed forthwith to consider these resolutions, with power to alter the same; the said Committee to consist of His Honor the Superintendent, Messrs. Rhodes, Tiffen, Lambert, Buchanan, and the mover.

Major Lambert seconded the amendment.

On a division being called for, Council divided.

Ayes.	Noes.
Messrs. Dolbel, Lambert, Tiffen, Colenso,	Messrs. M'Lean, Rhodes, Ormond, Tuke, Kennedy, Richardson, Edwards, Stuart, Curling, Buchanan.

Mr. Colenso's amendment was negatived.

Mr. Buchanan rose to a point of privilege, in reference to the voting of 4 members in the resolution just negatived, quoting from May's Parliamentary Practice the following extract:—"That no member who has a direct pecuniary interest in any matter before the House, has a right to vote."

No evidence being offered, the subject dropped.

Mr. M'Lean's amendment was then put.

Major Lambert moved as an amendment—That the Council resolve itself into a Committee of the whole Council.

Mr. Buchanan moved—That this Council do adjourn for 1 hour.

Mr. Edwards seconded the motion.

Motion agreed to, and Council adjourned accordingly.

The Council met pursuant to adjournment.

Major Lambert, with permission of the Council, altered his amendment and added the words "to consider the amendment of the member for Country District now before the Council."

Mr. M'Lean's amendment was then put, and, on a division being called for, the Council divided.

Ayes.	Noes.
Messrs. Curling, Richardson, Kennedy, Tuke, Rhodes, Ormond, M'Lean.	Messrs. Lambert, Dolbel, Edwards, Buchanan, Stuart, Colenso, Tiffen.

The Speaker gave his casting vote in favor of the ayes.  
Amendment agreed to.

The original motion was then put, and, on a division being called for, the Council divided.

Ayes



Ayes.  
Messrs. Tiffen,  
Colenso,  
Dolbel,  
Edwards,  
Stuart,  
Buchanan.

Noes.  
Messrs. Curling,  
Kennedy,  
Richardson,  
Lambert,  
Tuke,  
Rhodes,  
Ormond,  
M'Lean.

Motion negatived.

Mr. Stuart, pursuant to notice, moved—That advertisements be inserted in the *Provincial Gazette*, as well as in the two newspapers of Hawke's Bay, to the effect that all lessees of Maori runs will be liable to prosecution, and that in the event of the Government being able to treat with the Natives for the acquisition of such land either in lease or by purchase, that no respect will be paid or compensation allowed for any alleged lease now existing.

Mr. Buchanan seconded the motion.

On a division being called for, Council divided.

Ayes.  
Messrs. Buchanan,  
Stuart,  
Dolbel,  
Colenso,  
Tiffen,  
Edwards.

Noes.  
Messrs. M'Lean,  
Richardson,  
Rhodes,  
Tuke,  
Ormond,  
Lambert,  
Kennedy,  
Curling.

Motion negatived.

Major Lambert, pursuant to notice, moved—That this Council request the Superintendent to place the sum of £300 on the Estimates for the completion of the road from Napier to the Township of Hampden.

Mr. Tiffen seconded the motion.

Motion agreed to.

Mr. Buchanan, pursuant to notice, moved—That the correspondence relative to the Ahuriri Plains, referred to in a marginal note to the Report on that matter brought up last session, and the papers on the same subject laid on the table of this Council on the 14th inst., be printed.

Mr. Stuart seconded the motion.

Motion agreed to, and papers ordered to be printed accordingly.

Mr. Colenso, pursuant to notice, asked the Government whether it is their intention to introduce a Publicans' Licensing Amendment Ordinance during this session.

His Honor the Superintendent, in reply, stated that the Government has not any intention of bringing forward such an Act at present.

Mr. M'Lean, pursuant to notice, brought up proposed Regulations for the disposal of Lands on the Ahuriri Plains, and moved that the Council go into Committee thereon.

Mr. Ormond seconded the motion.

Mr. Tiffen moved as an amendment—That the consideration of the proposed Regulations for the disposal of Lands on the Ahuriri Plains be postponed until after the meeting of the General Assembly.

Mr. Buchanan seconded the amendment.

Amendment negatived, and original motion agreed to, and Council went into Committee accordingly.

The Chairman put the first paragraph in the Regulations.

Mr. Colenso moved—That the Chairman report progress, and ask for leave to sit again on next sitting day.

Agreed to.

The Chairman reported progress, and asked for leave to sit again on next sitting day.

Leave granted.

Mr. Rhodes moved—That the Council do adjourn until Tuesday, the 20th inst., at 3 o'clock.

Mr. McLean seconded the motion.

Motion agreed to, and Council adjourned accordingly.

JOHN WILKINSON, Speaker.

TUESDAY, JUNE 20TH, 1865.

THE Speaker took the Chair at 3 o'clock.

Present, all the members.

The minutes of the last meeting were read and confirmed.

Mr. Colenso rose to order in reference to his objection to the ruling of the Speaker yesterday, and referred to the practice in some instances of the Speaker of the House of Representatives.

Mr. Colenso to move on Wednesday, June 21—For leave to bring in a Bill further to amend the Publicans' Licensing Ordinance No. XII., Session 2, of the General Legislative Council of New Zealand.

Mr. Buchanan to move on Thursday, June 22—(1) That this Council views with alarm for the future welfare of Hawke's Bay, the increasing number of illegal tenancies of Native Lands, because occupancy under Maori tenure, owing to the impossibility of enforcing the civil law against the Native race, prevents the full development of the natural capabilities of the Province, either by the use of capital or the introduction of labor.

(2.) That, accepting as fact the statement of His Honor the Superintendent, that the unwillingness of the General Government to allow its being brought into operation, is the secret and true reason why the Native Land Purchase Ordinance 1846 remains in abeyance—its provisions being adverse to the policy of the present administration—this Council recommends as follows:—

That a notice be issued drawing attention to the 30th clause of the "Native Lands Act, 1862," pointing out in clear and unequivocal terms, that the occupiers of Native land in defiance of law can neither have redress for trespass on the said lands, nor recover rents due from tenants where such lands are sub-let; and that (if preferred) claims of every kind for improvements will, in the event of their holdings ever passing into the possession of the Government, be disallowed. Further, that illegal occupancy will, however lengthened, confer no title to a pre-emptive right over any part of such holdings.

(3.) That a copy of these resolutions be transmitted through His Honor the Superintendent to the Hon. the Colonial Secretary.

Major Lambert, on Wednesday, 21st instant—To ask His Honor the Superintendent whether the Government intend to bring forward a Bill or take any steps for the regulation of Watermen plying at the Port of Napier, and for regulating charges for the landing and embarking passengers, and also for landing and embarking goods and stock.

Major Lambert to move on Wednesday, 21st instant—That the Council take into consideration a resolution for a vote of thanks to the chiefs and their followers at Te Wairoa and Table Cape.

Mr. Stuart

Mr. Stuart, on Wednesday, the 21st June—To ask the Superintendent whether he is in possession of information relative to the arrival of a body of the Hau Hau fanatics last week in the neighbourhood of this town; and, if so, what measures have been taken to enforce the late proclamation of the Governor relative to such bodies.

Mr. Stuart, pursuant to notice, asked the Superintendent when and where the Public Weigh-bridge is to be erected.

His Honor the Superintendent, in reply, stated that it was proposed to erect the Weigh-bridge at the Spit, but other persons said the town was the proper place, so he left it for the Council to intimate where it should be placed. Perhaps the member for the town (Mr. Stuart) would make a motion as to where it should be placed.

Mr. Stuart, pursuant to notice, asked the Superintendent whether he receives any emolument whatever, either directly or indirectly, for acting for the General Government as agent with the Natives on the East Coast.

His Honor the Superintendent, in reply, stated that he did not receive any emolument as agent for the General Government. The remarks of Mr. Stuart very much misrepresented the case. It was not to distribute arms &c. that he had been appointed.

Mr. Richardson, pursuant to notice, asked the Government why, considering the dangerous proximity of a large body of Hau Hau fanatics, some protection has not been afforded to the settlers in Petane and its immediate neighbourhood; and also if it is the intention of the Government to erect any stockade or place of refuge or otherwise encamp a small body of men in some central position, so as to form a rallying point in the event of any unforeseen collision.

His Honor the Superintendent, in reply, stated that it was a subject which had engaged the attention of the Government, and if any danger threatened, the Government would be prepared to act in the matter.

Mr. Richardson moved—That the consideration of the Petane Petition be postponed until the Council do go into Committee of Supply to consider the Estimates.

Mr. Colenso seconded the motion.

Motion agreed to.

Mr. Buchanan, pursuant to notice, moved—That this Council considers unnecessary delay in the issue of new writs to supply vacancies in its number to be an infringement as well of its privileges, as of the statute rights of the constituencies, and to be a direct violation of the 12th clause of the New Zealand Constitution Act.

Mr. Colenso seconded the motion.

Motion agreed to.

Mr. M'Lean, pursuant to postponed resolution having reference to expenditure, moved—That the Council go into Committee of Supply.

Mr. Rhodes seconded the motion.

The Speaker stated that notice would be required.

Mr. Colenso moved—That No. 27 of Standing Rules and Orders be suspended.

Mr. Richardson seconded the motion.

Motion agreed to.

Mr. M'Lean moved—That the Council go into Committee of Supply.

Mr. Ormond seconded the motion.

Motion agreed to, and Council went into Committee accordingly.

Mr. M'Lean

Mr. M'Lean moved—That the Chairman report progress, and ask for leave to sit again to-morrow.

Agreed to.

The Chairman reported progress, and asked for leave to sit again to-morrow.

Mr. Rhodes moved—For leave to postpone his notice in reference to the Ngaruroro Bridge till after the consideration of the Estimates.

Mr. Richardson seconded the motion.

Motion agreed to.

Mr. Dolbel, pursuant to notice, moved—That all correspondence between the Government and Mr. H. Alley concerning the deviation of the Taipo Road on the bank of the Tutaekuri river, be laid on the table.

His Honor the Superintendent stated that the correspondence referred to would be laid on the table to-morrow.

Mr. Ormond laid on the table "Territorial Revenue Sheet."

Mr. M'Lean moved—that the Council do adjourn until 7 o'clock.

Mr. Colenso seconded the motion.

Motion agreed to, and Council adjourned accordingly.

Council met pursuant to adjournment.

Council went into Committee on proposed Regulations for the disposal of Lands on the Ahuriri Plains.

The Chairman put the first paragraph for consideration.

Mr. Colenso moved as an amendment—That in the first line of paragraph 1, after the word "Plains," the words "acquired or to be hereafter" be omitted, and the words "at present" inserted.

On a division being called for, Committee divided.

Ayes.	Noes.
Messrs. M'Lean, Rhodes, Tuke, Dolbel, Kennedy, Richardson, Stuart, Buchanan, Colenso, Tiffen, Wilkinson.	Mr. Ormond.

Agreed to.

Mr. Colenso moved as an amendment—That in paragraph 2, the words "after its acquisition" be struck out.

Agreed to.

Mr. Colenso moved—That in paragraph 3, the first word "These" be struck out, and the word "Such" substituted; and the words "due notice" be struck out and the words "at least one month's notice in the Provincial Gazette and in each of the Provincial newspapers," be inserted; and in the second line, the words "period of blank years" be struck out and the words "the period of time which may remain," be inserted.

Agreed to.

Mr. Stuart moved as an amendment—That paragraph 4 be struck out and the following substituted:—

The rent for the first year of the lease shall be paid to the Auctioneer in 4 equal instalments, say one-fourth cash at the fall of the hammer, and the remainder at 3, 6 and 9 months.

Amendment

Amendment negatived, and original paragraph stood as read.

Mr. Ormond moved—That in paragraph 5, after the word “half-yearly,” the following be inserted:—“At the expiration of every six months from the termination of the first year of the lease.

Agreed to.

Mr. Ormond moved—That paragraph 6 be struck out, and the following substituted in lieu thereof:—

“In addition to the rent, the lessee of each Section shall be liable to pay, on the requisition of a majority of the leaseholders, to the Superintendent such sum not exceeding the rate of 10s. per acre for each acre contained within his Section; the same to be expended under the direction of the Provincial Engineer for purposes of drainage, or for the formation of any bye-roads within the Block.”

Agreed to.

Mr. Stuart moved as an amendment—That paragraph 7 be amended as follows:—

“The leaseholder of each section shall be compelled, by the terms of his lease, to fence in all sides of each and every section he purchases within 12 months from the date thereof, and to cultivate at least one-tenth of it within the same period.”

On a division being called for, Committee divided.

Ayes.  
Messrs. Stuart,  
Buchanan,  
Lambert.

Noes.  
Messrs. Colenso,  
Tiffen,  
Rhodes,  
M'Lean,  
Ormond,  
Wilkinson,  
Tuke,  
Richardson,  
Dolbel,  
Kennedy.

Amendment negatived.

Mr. Dolbel moved as an amendment in paragraph 7—That the words “twelve months” in the second line be omitted, and the words “two years” inserted in lieu thereof.

Amendment negatived, and original paragraph stood as read.

Mr. Ormond moved—That in paragraph 8, in the last line but one, the word “an” be changed to “any.”

Agreed to.

Mr. Colenso moved—That in the 9th paragraph, in the second line, the word “leased” be substituted for the words “disposed of,” and in the fourth line, the word “shall” be substituted for the word “should.”

Agreed to.

Mr. Ormond moved—That after the word “leaseholder” in seventh line, the following be inserted:—“Nor to be a less sum than the total cost to the Government of such land,” and in the sixth line the word “and” be struck out.

Agreed to.

Mr. Ormond moved—That the following be inserted in the Resolution as paragraph 10:—

“All monies accruing under these Regulations shall be paid to the Provincial Treasurer.”

Agreed to.

Mr. Ormond moved—That the Chairman report the Regulations as amended to the Speaker.

Agreed to.

The Chairman reported progress, and handed the Amended Regulations to the Speaker.

Mr. Ormond to move on next sitting day but one—That the Amended Regulations for the lease of certain Lands on the Ahuriri Plains be adopted by the Council.

Mr. M'Lean to move on next sitting day but one—The consideration of the [annexed] Regulations for the disposal of Lands recently acquired, or that may hereafter be acquired.

Mr. Ormond moved—That the Council do adjourn until to-morrow, the 21st inst., at 3 o'clock.

Mr. M'Lean seconded the motion.

Motion agreed to, and Council adjourned accordingly.

JOHN WILKINSON, Speaker.

WEDNESDAY, JUNE 21ST, 1865.

THE Speaker took the Chair at 3 o'clock.

Present, all the members.

The minutes of the last meeting were read and confirmed.

His Honor the Superintendent laid the following papers on the table :—

Detailed Estimate of Territorial Revenue,

Correspondence between the Government and Mr. H. Alley in reference to a Road on the Meanee Flat,

Petition of the Colonial Defence Force praying for a Grant of Land,

Correspondence concerning Dipping of Sheep at Napier.

Mr. Colenso to move on Thursday, 22nd instant—That this Council at its rising to-day, do adjourn until Thursday next, the 29th inst.

Mr. Stuart to move on Thursday, 22nd June—That His Honor the Superintendent be requested to state what he knows relative to the Natives having been employed as lightermen in the Port of Napier, or their vessels having been employed under Government patronage or otherwise for the above purpose, to the prejudice of those Europeans who have to derive a livelihood by lightering.

Mr. Dolbel presented a Petition from settlers, praying that the original line of road near Mr. Alley's should be adhered to, and moved that it be read.

Mr. Richardson seconded the motion.

Motion agreed to, and Petition read accordingly.

Mr. Dolbel moved—That the Petition be received.

Mr. Richardson seconded the motion.

Motion agreed to.

Mr. Dolbel to move on Friday, 23rd instant—That the Petition of the Meanee Settlers be taken into consideration.

Mr. M'Lean to move on next sitting day—For the appointment of a Select Committee to report upon the Standing Orders and to suggest such alterations in the same as they may consider necessary. Such Committee to consist of Messrs. Wilkinson, Tiffen, Colenso, Curling, Lambert, and the mover.

Mr. Stuart, pursuant to notice, moved—To enquire of His Honor the Superintendent whether the Government intend disposing of the blocks of land in the Wairoa, lately acquired from the Natives, by deferred payments.

His Honor

His Honor the Superintendent, in reply, stated it would be in the recollection of some of the members that the House of Representatives objected to sanction the disposal of Lands by deferred payments in a former instance, and it was not the intention of the Government to bring forward a motion of the kind.

Mr. Stuart, pursuant to notice, moved—To enquire of His Honor the Superintendent whether the Government intend placing any amount on the Estimates for Harbour Improvements; and, if so, how much, and for what purposes.

His Honor the Superintendent, in reply, stated that he was not in a position to answer this question, pending the Council going into Committee of Finance.

Mr. Dolbel, pursuant to notice, asked the Superintendent whether he is aware that several creeks on the bridle track from Napier to Wairoa are impassable in wet weather, and would also draw the attention of His Honor especially to the (Waita) creek, where the bridge was washed away in 1862, and has not yet been rebuilt.

His Honor the Superintendent laid a Report from the Provincial Engineer on the subject on the table, shewing that it would cost £200 to erect a bridge at the creek mentioned. £100 had been authorized to be expended on the road between Mohaka and Waihua.

Mr. Dolbel, pursuant to notice, asked the Superintendent whether it is the intention of the Government to appoint a Pilot for the Mohaka Harbour, and whether His Honor is aware of the great difficulties the settlers have to submit to, for the reason that no masters will charter their vessels for that port if not certain that assistance will be rendered to them on their arrival there.

His Honor the Superintendent, in reply, stated that he would confer with the member for Mohaka on this question, and would do what he could. He would mention that a whaleboat had been ordered, so that the inhabitants might, in case of danger, communicate with any vessels that might call at Mohaka; this expense, however, was borne by the General Government.

Mr. Colenso, pursuant to notice, moved—For leave to bring in a Bill further to amend the Publicans' Licensing Ordinance No. XII., Session 2, of the General Legislative Council of New Zealand.

Mr. Stuart seconded the motion.

Leave granted.

Major Lambert, pursuant to notice, asked His Honor the Superintendent whether the Government intend to bring forward a Bill or take any steps for the regulation of Watermen plying at the Port of Napier, and for regulating charges for the landing and embarking passengers, and also for landing and embarking goods and stock.

His Honor the Superintendent stated that he perfectly concurred in the advisability of some such Regulations, but such matters were under the control of the Marine Board; he would consult the mercantile interest on the subject.

Major Lambert, pursuant to notice, moved—That the Council take into consideration a resolution for a vote of thanks to the chiefs and their followers at Te Wairoa and Table Cape, and moved it be read.

Mr. M'Lean seconded the motion.

Motion agreed to, and Resolution read accordingly.

Mr. Rhodes moved—That the debate be adjourned till to-morrow.

Mr. Colenso seconded the motion.

Motion agreed to.

Mr. Rhodes moved—That No. 27 of Standing Rules and Orders be suspended.

Mr. Colenso seconded the motion.

Motion agreed to.

Mr. M'Lean

Mr. M'Lean to move the consideration of the vote of thanks to the chiefs of Table Cape and the Wairoa, after the orders of the day to-morrow, in Committee of the whole Council.

Mr. Stuart, pursuant to notice, asked the Superintendent whether he is in possession of information relative to the arrival of a body of the Hau Hau fanatics last week in the neighbourhood of this town; and, if so, what measures have been taken to enforce the late proclamation of the Governor relative to such bodies.

His Honor the Superintendent, in reply, stated that he was perfectly aware of the presence of a body of Hau Haus, but in the present state of the Province he thought it would be very impolitic to say what measures would be taken in reference to them.

The Council went into Committee of Supply.

Mr. Colenso moved an amendment on the Resolution before the Committee to the following effect (to omit all the words after "That," in order to insert) His Honor the Superintendent be requested to prepare and lay upon the table of the Council Estimates of the Province for the next six months, which amendment he afterwards, by leave of the Committee, amended by substituting the word "three" for "six."

Mr. Ormond moved—that the Committee do adjourn until to-morrow.

Mr. Buchanan moved as an amendment—That the Committee do adjourn till 7 o'clock.

On a division being called for, the Committee divided.

Ayes.	Noes.
Messrs. Colenso, Edwards, Buchanan, Stuart.	Messrs. M'Lean, Ormond, Rhodes, Dolbel, Wilkinson, Lambert, Richardson, Tiffen, Kennedy.

Amendment negatived.

Mr. Buchanan moved—That the Committee do now adjourn.  
Agreed to.

Mr. Rhodes moved—That the Council do adjourn until to-morrow, the 22nd inst., at 3 o'clock.

Mr. M'Lean seconded the motion.

Motion agreed to, and Council adjourned accordingly.

JOHN WILKINSON, Speaker.

THURSDAY, JUNE 22ND, 1865.

THE Speaker took the Chair at 3 o'clock.

Present, all the members.

The minutes of the last meeting were read and confirmed.

His Honor the Superintendent stated to the Council that he had received a despatch by the St. Kilda, informing him of an action that had taken place at the East Cape between the friendly Natives and a party of the Hau Haus, in which



skirmish the friendly Natives had taken possession of a pah garrisoned by a party of the Hau Haus, killing 7 and wounding 6 of the enemy; the loss sustained on our side being 6 killed and 3 wounded. It is the intention of the friendly Natives to endeavour to apprehend all the Hau Haus who were connected with the murder of Mr. Volkner.

Mr. Dolbel to move on next sitting day but one—That His Honor the Superintendent be requested to place on the Estimates the sum of £65 for the erection of a Bridge over the Waita Creek, between Waikare and Mohaka.

Mr. Dolbel to move on next sitting day—That a Select Committee be appointed to take the Petition of the settlers residing on the bank of the Meanee river into consideration, with power to call for persons and papers. This Committee to consist of Messrs. Rhodes, Colenso, Richardson, Ormond, Tiffen, and the mover.

Mr. Dolbel to move on next sitting day but one—That the Provincial Engineer be requested to survey and report upon that portion of country between Petane and Tongohio, and whether it would not be advisable to make a Bridle track from the Bluff to Tongohio Valley, over the leading range on the west side of the Tongohio Lake, in order to prevent the communication of the settlers of the Mohaka and Wairoa Districts from being cut off from Napier, which might occur through the lake breaking out into the sea, and which line of road would also obviate the necessity, as at present is the case, of passing over three miles of soft shingle beach.

Mr. Richardson presented a Petition from the settlers of Meanee Flats, praying that the Provincial Engineer might be directed to report on the advisability of a drain being cut from the road near the Catholic Chapel into the tidal creek, and moved it be read.

Mr. Dolbel seconded the motion.

Motion agreed to, and Petition read accordingly.

Mr. Richardson moved—That the Petition be received.

Mr. Dolbel seconded the motion.

Motion agreed to.

Mr. McLean to move on next sitting day in Committee of Supply—That this Council hereby undertakes to indemnify His Honor the Superintendent for the disbursement of such monies as may be required to carry on the expenditure of the Province for the three months commencing on the 1st July, 1865, and ending 30th September, 1865: provided that such expenditure be at the rates and for the same objects (if deemed necessary) as are set forth in the Estimates for the year ending June 30, 1865.

Mr. Richardson to move on next sitting day—That His Honor the Superintendent be requested to obtain the report of the Provincial Engineer with regard to the Petition relative to the Drainage of Meanee Flats as soon as possible.

Mr. Buchanan, pursuant to notice, moved—(1) That this Council views with alarm for the future welfare of Hawke's Bay, the increasing number of illegal tenancies of Native Lands, because occupancy under Maori tenure, owing to the impossibility of enforcing the civil law against the Native race, prevents the full development of the natural capabilities of the Province, either by the use of capital or the introduction of labor.

(2.) That, accepting as fact the statement of His Honor the Superintendent, that the unwillingness of the General Government to allow its being brought into operation, is the secret and true reason why the Native Land Purchase Ordinance 1846 remains in abeyance—its provisions being adverse to the policy of the present administration—this Council recommends as follows:—

That a notice be issued drawing attention to the 30th clause of the "Native Lands Act, 1862," pointing out in clear and unequivocal terms

terms, that the occupiers of Native land in defiance of law can neither have redress for trespass on the said lands, nor recover rents due from tenants where such lands are sub-let; and that (if preferred) claims of every kind for improvements will, in the event of their holdings ever passing into the possession of the Government, be disallowed. Further, that illegal occupancy will, however lengthened, confer no title to a pre-emptive right over any part of such holdings.

(3). That a copy of these resolutions be transmitted through His Honor the Superintendent to the Hon. the Colonial Secretary.

Mr. Colenso seconded the motion.

Mr. M'Lean moved as an amendment—That the Resolution be read this day six months.

Mr. Curling seconded the motion.

On a division being called for, the Committee divided.

Ayes.	Noes.
Messrs. Curling, Richardson, Tuke, Kennedy, Rhodes, Ormond, M'Lean.	Messrs. Tiffen, Colenso, Buchanan, Stuart, Edwards, Lambert, Dolbel.

The Speaker, in order to permit further discussion, voted with the noes. Amendment negatived.

The original motion was then put, and, on a division being called for, the Council divided.

Ayes.	Noes.
Messrs. Lambert, Stuart, Buchanan, Tiffen, Dolbel, Edwards, Colenso.	Messrs. M'Lean, Curling, Ormond, Rhodes, Tuke, Kennedy, Richardson.

The Speaker voted with the ayes, and gave his reason. Motion negatived.

Mr. Ormond, pursuant to notice, moved—That the Amended Regulations for the lease of certain Lands on the Ahuriri Plains be adopted by the Council.

Mr. M'Lean seconded the motion. Motion agreed to.

Mr. M'Lean moved—That the Council do adjourn until 7 o'clock.  
Mr. Rhodes seconded the motion. Motion agreed to, and Council adjourned accordingly.

Council met pursuant to adjournment.

Mr. M'Lean moved—That No. 27 of Standing Rules and Orders be suspended.

Mr. Ormond seconded the motion. Motion agreed to.

Mr. Ormond moved—That the Council go into Committee on the proposed Regulations for the disposal of Lands recently acquired or that may hereafter be acquired.

Mr. Colenso

Mr. Colenso seconded the motion.  
Motion agreed to, and Council went into Committee accordingly.

Mr. Colenso moved—That in the 1st paragraph, in the third line, between the word “the” and “Government,” the word “Provincial” be inserted.  
Agreed to.

Mr. Tiffen moved—That in paragraph 3, after the word “than,” in the fourth line, the number and letter “£20” be inserted.  
Agreed to.

Mr. Colenso moved—That in paragraph 3, after the word “land” in the fifth line, the words “reserved for special settlements” be inserted.  
Agreed to.

Mr. Stuart moved—That the following be substituted in lieu of paragraph 4:—

Lands coming under the definition set forth in clause 2 shall, so soon as possible after classification, be laid off in sections suitable for agricultural settlement, and shall then, by Proclamation after due notice, be put up to auction, and that the remainder of the land not sold every three months thereafter be put up to auction until the whole is sold—the upset price to be £1 per acre.

Mr. Ormond moved as an amendment—That after the word “then” in the original clause, in the third line, the words “from time to time” be inserted, and the remainder of the clause, after the word “acre,” in the fourth line, be struck out.  
Agreed to.

Mr. Colenso moved—That in the 5th paragraph, after the word “Runs,” the words “not exceeding 10,000 acres” be inserted, and after the last word in the same paragraph, the following be inserted:—

Provided always that before such Blocks be laid off for Runs a portion of the same, of equal extent to the Block set apart for agricultural purposes and contiguous thereto, shall be reserved both from lease and sale for a period of 14 years, and given over for that time as commonage to the occupants of the agricultural lands.

Agreed to.

Mr. Ormond moved—That the Chairman report progress, and ask for leave to sit again to-morrow.  
Agreed to.

The Chairman reported progress, and asked for leave to sit again to-morrow.

Leave granted.

Mr. Colenso withdrew his motion in reference to an adjournment of the Council till the 29th instant.

Mr. Stuart, pursuant to notice, asked His Honor the Superintendent what he knew relative to the Natives having been employed as lightermen in the Port of Napier, or their vessels having been employed under Government patronage or otherwise for the above purpose, to the prejudice of those Europeans who have to derive a livelihood by lightering.

His Honor the Superintendent, in reply, stated that in the case referred to one-third of the proceeds raised was handed over to the Native owners by the Europeans who worked the vessel. He must mention that the member for the town (Mr. Stuart) was one of the first persons who pointed out to him the want of accommodation for unloading vessels.

Mr. McLean, pursuant to notice, moved—For the appointment of a Select Committee to report upon the Standing Orders and to suggest such alterations in the same as they may consider necessary. Such Committee to consist of Messrs. Wilkinson, Tiffen, Colenso, Curling, Lambert, and the mover.

Mr. Colenso

Mr. Colenso seconded the motion.  
Motion agreed to.

Mr. Rhodes moved—That the Council go into Committee on the vote of thanks to the Wairoa and Table Cape Chiefs and their followers.

Mr. Colenso seconded the motion.  
Motion agreed to, and Council went into Committee accordingly.

Mr. Colenso moved the following in lieu of clauses 1 and 2 respectively:—

That this Council unanimously thanks the loyal Chiefs and Tribes of Te Wairoa and of Table Cape, for the readiness with which they lately arose to preserve their respective Districts from being disturbed by the Hau Hau fanatics.

That this Council desires further to assure those loyal Chiefs and Tribes, that their readiness already displayed and the friendship they have hitherto shewn to their pakeha friends and settlers among them (and which this Council hopes will ever continue) will always be most truly and kindly remembered by this Council and by the pakeha people.

Agreed to.

Mr. Rhodes moved—That the Chairman report the Resolution as amended.  
Agreed to.

The Chairman reported the Resolution as amended.

Mr. M'Lean moved—That No. 27 of Standing Rules and Orders be suspended.

Mr. Colenso seconded the motion.  
Motion agreed to.

Mr. M'Lean moved—That the Resolution be adopted.  
Mr. Colenso seconded the motion.  
Motion agreed to unanimously.

Mr. Rhodes moved—That the Council do adjourn until next sitting day, at 3 o'clock.

Mr. Ormond seconded the motion.  
Motion agreed to, and Council adjourned accordingly.

JOHN WILKINSON, Speaker.

FRIDAY, JUNE 23RD, 1865.

THE Speaker took the Chair at 3 o'clock.

Present, all the members but Mr. Richardson.  
The minutes of the last meeting were read and confirmed.

Mr. M'Lean to move on next sitting day—

Whereas certain engagements have been entered into by the Superintendent to supply land without charge for the location of Military Settlers and Defence Corps, and it is necessary such engagements should be fulfilled, this Council agrees—

That such Land shall be taken out of distinct Blocks to be defined and set apart for that purpose.

That such Blocks of Land so set apart shall be of such extent as to provide for the location of at least forty men and the necessary complement of commissioned and non-commissioned officers.

That

That the extent of Land to be granted to each individual shall be in accordance with the Schedules hereunto attached—that is to say, the men and officers of the Colonial Defence Corps and such portion of the men and officers of the Military Settlers as were enrolled prior to the day of April, 1865, shall be given the quantity of Land provided in the conditions under which they were enrolled and as set forth in Schedule A.

That such men of the Military Settlers as have been enrolled since the day of April, 1865, shall be given Land in accordance with the conditions under which they were enrolled, as set forth in Schedule B.

That the Hon. the Colonial Secretary be requested to give effect to the foregoing Resolutions.

#### SCHEDULE A.

For a Field Officer	...	...	...	...	...	400 Acres.
Captain	...	...	...	...	...	300 "
Surgeon	...	...	...	...	...	250 "
Subaltern	...	...	...	...	...	200 "
Sergeant	...	...	...	...	...	80 "
Corporal	...	...	...	...	...	60 "
Private...	...	...	...	...	...	50 "

#### SCHEDULE B.

For a Captain	...	...	...	...	...	200 Acres.
Surgeon...	...	...	...	...	...	200 "
Subaltern	...	...	...	...	...	150 "
Sergeant	...	...	...	...	...	60 "
Corporal	...	...	...	...	...	50 "
Private ...	...	...	...	...	...	40 "

Mr. Dolbel withdrew his motion that the Petition of the Meanee Settlers be taken into consideration.

Mr. Dolbel, pursuant to notice, moved—That a Select Committee be appointed to take the Petition of the settlers residing on the bank of the Meanee river into consideration, with power to call for persons and papers. This Committee to consist of Messrs. Rhodes, Colenso, Richardson, Ormond, Tiffen, and the mover. Report to be brought up on Wednesday the 28th inst.

Mr. Colenso seconded the motion.

Motion agreed to.

Mr. McLean, pursuant to notice, moved—That the Council go into Committee of Supply to consider the following Resolution:—"This Council hereby undertakes to indemnify His Honor the Superintendent for the disbursement of such monies as may be required to carry on the expenditure of the Province for the three months commencing on the 1st July, 1865, and ending 30th September, 1865: provided that such expenditure be at the rates and for the same objects (if deemed necessary) as are set forth in the Estimates for the year ending June 30, 1865."

Mr. Ormond seconded the motion.

Motion agreed to, and Council went into Committee accordingly.

The Chairman put the Resolution to the Committee.

Mr. Buchanan moved as an amendment—That after the words "This Council" the remainder be struck out and the following inserted in lieu thereof, "hereby expresses its disapproval of the neglect and failure in the discharge of its duty, manifested by the Government in omitting to bring before the Committee of Supply the Estimates of Expenditure for the ensuing financial year.

Amendment negatived.

H

Mr. Colenso

Mr. Colenso moved—That the Chairman report progress, and ask for leave to sit again.

On a division being called for, Council divided.

Ayes.	Noes.
Messrs. Colenso, Edwards, Buchanan, Stuart.	Messrs. M'Lean, Ormond, Rhodes, Dolbel, Tiffen, Wilkinson, Tuke, Lambert, Kennedy.

Motion negatived.

Mr. Buchanan moved—That the Council do adjourn for 1 hour.

On a division being called for, the Council divided.

Ayes.	Noes.
Messrs. Colenso, Stuart, Edwards, Buchanan.	Messrs. M'Lean, Wilkinson, Lambert, Tiffen, Rhodes, Dolbel, Ormond, Kennedy, Tuke.

Motion negatived.

The Chairman then put the Resolution.

On a division being called for, the Council divided.

Ayes.	Noes.
Messrs. M'Lean, Wilkinson, Lambert, Tiffen, Rhodes, Dolbel, Kennedy, Ormond, Tuke.	Messrs. Buchanan, Stuart, Edwards, Colenso.

Resolution agreed to.

Mr. Ormond moved—That the Chairman report the Resolution.  
Agreed to.

The Chairman reported progress, and handed the Resolution to the Speaker.

Mr. M'Lean to move on next sitting day but one—The adoption of the Resolution now reported from the Committee of Supply, undertaking to indemnify the Superintendent for three months' expenditure as there set forth.

Mr. Richardson's motion in reference to requesting His Honor the Superintendent to obtain the Report of the Provincial Engineer relative to the Drainage of Meanee Flats, and Mr. M'Lean's motion for the consideration of the proposed Regulations for the disposal of Lands recently acquired or that may hereafter be acquired, lapsed.

Mr. Rhodes

Mr. Rhodes moved—That the Council do adjourn until Tuesday, June 27, at 3 o'clock.  
 Mr. M'Lean seconded the motion.  
 Motion agreed to, and Council adjourned accordingly.

JOHN WILKINSON, Speaker.

TUESDAY, JUNE 27<sup>TH</sup>, 1865.

THE Speaker took the Chair at 3 o'clock.

Present, all the members.

The minutes of the last meeting were read and confirmed.

Mr. Colenso to move on Wednesday, June 28—The first reading of the Publicans' Licensing Amendment Act.

Mr. Colenso to move on Thursday, June 29—The second reading of the Publicans' Licensing Amendment Act.

Mr. Colenso to move on Wednesday, June 28—That the Resolution from the Committee of Supply (to be on this day reported to the Council) be taken into consideration on Thursday next, the 29th inst.

Mr. Colenso to move on Wednesday, June 28—That in the opinion of this Council country members, who are also officers in the Militia or other Colonial forces in town on duty, or receiving daily public pay, should not be paid (as heretofore) for their attendance in this Council.

Mr. Colenso to move on Wednesday, June 28—That in the opinion of this Council it is highly desirable that Government should during this session prepare and introduce a Bill further to equalize and amend the representation of this Province in its Provincial Council.

Mr. Colenso to move on Wednesday, June 28—That, seeing a very large number of Acts (15) were passed by this Council in its last session, none of which (contrary to all precedent) are printed and bound up in the volume of the "Blue Book" of 1864, containing the votes and proceedings of that session of this Council—this Council is of opinion that it should be informed—

1. How many of these 15 Acts have been assented to by His Excellency the Governor.

2. The reasons (if any) why the Governor's assent was withheld from so many of those Acts as are not assented to.

3. Why those assented to were not printed and bound up in the "Blue Book" of last year, as has always hitherto been done.

Mr. M'Lean moved—That No. 27 of Standing Rules and Orders be suspended.

Mr. Ormond seconded the motion.  
 Motion agreed to.

Mr. M'Lean moved—That the Council go into Committee on the proposed Regulations for the disposal of Lands recently acquired or that may hereafter be acquired.

Mr. Ormond seconded the motion.  
 Motion agreed to, and Council went into Committee accordingly.

The Chairman put the Resolution.

Mr. Ormond

Mr. Ormond moved—That the Chairman report the Regulations as amended.

Agreed to.

The Chairman handed the Regulations as amended to the Speaker.

Mr. M'Lean to move on next sitting day—That the Regulations for the disposal of Lands recently acquired, reported from the Committee of the Council, be adopted.

Mr. Richardson asked His Honor the Superintendent to obtain the report of the Provincial Engineer with respect to the Petition relative to the Drainage of the Meanee Flats as soon as possible.

His Honor the Superintendent, in reply, stated that the Provincial Engineer informed him that he had no data in the office upon which he could furnish a Report. He would mention that the Provincial Engineer would furnish a Report as soon as possible.

Mr. Dolbel, pursuant to notice, moved—That His Honor the Superintendent be requested to place on the Estimates the sum of £65 for the erection of a Bridge over the Waita Creek, between Waikare and Mohaka.

Mr. Colenso seconded the motion.

Motion agreed to.

Mr. Dolbel, pursuant to notice, moved—That the Provincial Engineer be requested to survey and report upon that portion of country between Petane and Tongohio, and whether it would not be advisable to make a Bridle track from the Bluff to Tongohio Valley, over the leading range on the west side of the Tongohio Lake, in order to prevent the communication of the settlers of the Mohaka and Wairoa Districts from being cut off from Napier, which might occur through the lake breaking out into the sea, and which line of road would also obviate the necessity, as at present is the case, of passing over three miles of soft shingle beach.

Mr. Colenso seconded the motion.

Motion agreed to.

Mr. M'Lean moved—That No. 27 of Standing Rules and Orders be suspended.

Mr. Ormond seconded the motion.

Motion agreed to.

Mr. M'Lean moved—That the Council go into Committee on the Resolution for setting apart land for Military Settlement.

Mr. Ormond seconded the motion.

Motion agreed to, and Council went into Committee accordingly.

The Chairman put the first clause.

Mr. Colenso moved as an amendment—That the following words be added after the last word, "by the Superintendent, with the advice and consent of the Provincial Council."

Agreed to.

Mr. Ormond moved—That in clause 3, in the blank before the word "day," the figure first (1st) be inserted, and the three last words of the 5th line be struck out and the following words be inserted in lieu thereof, "afore-said, in accordance with the conditions."

Agreed to.

Mr. Ormond moved—That in the 4th clause, in the blank at the commencement of the 2nd line, the figure first (1st) be inserted, and in the last line, between the words "enrolled" and "as," the word "and" be inserted.

Agreed to.

Mr. Ormond moved—That the Chairman report the Resolution as amended.

Agreed to.

The Chairman handed the Resolution as amended to the Speaker.

Mr. M'Lean



Mr. M'Lean to move on next sitting day but one—That the Resolutions setting apart Land for Military Settlement, as reported from the Committee of the Council, be adopted.

Mr. Ormond moved—That the Council do adjourn until next sitting day, at 3 o'clock.

Mr. Tuke seconded the motion.

Motion agreed to, and Council adjourned accordingly.

JOHN WILKINSON, Speaker.

WEDNESDAY, JUNE 28TH, 1865.

THE Speaker took the Chair at 3 o'clock.

Present all the members but Mr. Rhodes.

The minutes of the last meeting were read and confirmed.

Mr. Stuart to enquire on June 29 of His Honor the Superintendent if any measures are about to be taken to fence in the cutting at top of Milton Road, and for the further prevention of accidents on the public roads.

Mr. Colenso, pursuant to notice, moved—That the Publican's Licensing Amendment Act be read a first time.

Mr. Tiffen seconded the motion.

Motion agreed to, and Act read a first time accordingly.

Mr. Colenso moved—That the Act be printed.

Mr. Richardson seconded the motion.

Motion agreed to.

Mr. Colenso withdrew his notice that the Resolution from the Committee of Supply (to be on this day reported to the Council) be taken into consideration on Thursday next, the 29th inst.

Mr. Colenso, pursuant to notice, moved—That in the opinion of this Council country members, who are also officers in the Militia or other Colonial forces in town on duty, or receiving daily public pay, should not be paid (as heretofore) for their attendance in this Council.

Mr. Stuart seconded the motion.

On a division being called for, Council divided.

Ayes.  
Messrs. Tiffen,  
Colenso,  
Edwards,  
Stuart.

Noes.  
Messrs. Curling,  
Kennedy,  
Ormond,  
M'Lean,  
Richardson,  
Dolbel,  
Lambert.

Motion negatived.

Mr. Colenso, pursuant to notice, moved—That in the opinion of this Council it is highly desirable the Government should during this session prepare and introduce a Bill further to equalize and amend the representation of this Province in its Provincial Council.

Mr. Buchanan seconded the motion.

Motion agreed to.

Mr. Colenso, pursuant to notice, moved—That, seeing a very large number of Acts (15) were passed by this Council in its last session, none of which (contrary to all precedent) are printed and bound up in the volume of the “Blue Book” of 1864, containing the votes and proceedings of that session of this Council—this Council is of opinion that it should be informed—

1. How many of these 15 Acts have been assented to by His Excellency the Governor.
2. The reasons (if any) why the Governor's assent was withheld from so many of those Acts as are not assented to.
3. Why those assented to were not printed and bound up in the “Blue Book” of last year, as has always hitherto been done.

His Honor the Superintendent replied to the queries in their respective rotation, as follows:—

Twelve of the Acts passed at the last session of the Council had been assented to by His Excellency the Governor; three had been disallowed.

The reason of the disallowance of the Highways Act was already known to the Council from a letter he had laid upon the table. The Drainage Act was not assented to, as the Attorney-General gave his opinion to the effect that Provincial Councils had no power to deal with questions affecting the Supreme Court; in other respects, there was no legal objection to the Act. The Deviation of Roads Act was returned, not from any legal objection, but because the description did not show the exact road intended to be shut up; but as this deviation is not now required, that clause could be omitted and the Act would pass without further question.

The reason of the Acts not having been printed arose from the intention of the Government to have had all the Acts in force in the Province printed in one book for easy reference; but the 3 Acts referred to having been disallowed on such slight grounds, the Government thought it advisable to wait till they had been assented to before proceeding with the completion of the work.

Mr. McLean, pursuant to notice, moved—That the Regulations for the disposal of Lands recently acquired, reported from the Committee of the Council, be adopted.

Mr. Colenso seconded the motion.  
Motion agreed to.

Mr. Dolbel, pursuant to notice, brought up Report of Select Committee appointed to take the Petition of the settlers residing on the bank of the Meanee river into consideration, having reference to the line of road by Mr. Alley's at Taipo, and moved it be read.

Mr. Tuke seconded the motion.  
Motion agreed to, and Report read accordingly.

Mr. Dolbel moved—That the Report be printed.

Mr. Colenso seconded the motion.  
Motion agreed to, and Report ordered to be printed.

Mr. Dolbel moved—That No. 26 of Standing Rules and Orders be suspended.

Mr. Ormond seconded the motion.  
Motion agreed to.

Mr. Dolbel to move on to-morrow, Thursday, 21st instant—That the Report of the Select Committee on Taipo Road be considered to-morrow and adopted.

Mr. McLean, pursuant to notice, moved—The adoption of the Resolution now reported from the Committee of Supply, undertaking to indemnify the Superintendent for three months' expenditure as there set forth.

Mr. Ormond seconded the motion.

The Resolution

The Resolution having been read by the Clerk, on a division being called for, the Council divided.

Ayes.  
Messrs. Richardson,  
Tiffen,  
Curling,  
Kennedy,  
Dolbel,  
Tuke,  
Ormond,  
M'Lean,  
Lambert.

Noes.  
Messrs. Buchanan,  
Edwards,  
Colenso,  
Stuart.

Motion and Resolution agreed to.

Mr. Ormond moved—That the notice in reference to the Ngaruroro Bridge standing in the name of Mr. Rhodes, be postponed till to-morrow.

Mr. M'Lean seconded the motion.  
Motion agreed to.

The Speaker called the attention of the Council to a paragraph of a Petition which appeared in the *Hawke's Bay Herald* of the 27th inst., to the effect that his vote was objected to, he possessing a direct personal interest in the question. After a few remarks by the Speaker and other members, the Speaker ended the discussion by notifying to the Council his resignation of the office of Speaker.

Major Lambert moved—That the Council do adjourn until to-morrow, the 29th inst., at 3 o'clock.

Mr. Tuke seconded the motion.  
Motion agreed to, and Council adjourned accordingly.

C. LAMBERT, Speaker.

THURSDAY, JUNE 29TH, 1865.

HIS HONOR the Superintendent moved—That Major Lambert be elected Speaker.

Mr. Colenso seconded the motion.

Motion agreed to, and Major Lambert was conducted to the Chair.

Present, all the members but Mr. Wilkinson.

The minutes of the last meeting were read and confirmed.

Mr. Dolbel to ask on to-morrow the Superintendent—Why the sum of £300 recommended by a Select Committee and voted by this Council last session, to improve the road between the Kaiwaka and the Pohui Bush, has not been expended.

Mr. Stuart, pursuant to notice, enquired of His Honor the Superintendent if any measures are about to be taken to fence in the cutting at top of Milton Road, and for the further prevention of accidents on the public roads.

His Honor the Superintendent, in reply, stated that the road referred to had already been fenced in, so as to prevent accident.

Mr. M'Lean, pursuant to notice, moved—That the Resolutions setting apart land for Military Settlement, as reported from the Committee of the Council, be adopted.

Mr. Curling seconded the motion.

Motion agreed to, and Resolutions adopted.

Mr. Dolbel

Mr. Dolbel, pursuant to notice, moved—That the Report of the Select Committee on Taipo Road be considered and adopted.

Mr. Tuke seconded the motion.

Motion agreed to, and Report adopted.

Mr. Rhodes, pursuant to postponed notice, moved—That the Superintendent should be authorized by this Council to take immediate steps to secure the erection of the Ngaruroro Bridge, particularly the taking advantage of the present winter season for getting the heavy timber prepared.

This is all the more necessary, as this Bridge will open up the newly-acquired Native lands at Clive, will much enhance their value, and induce the class of men we so much require in this Province (small farmers) to settle and cultivate the Block at once.

Mr. M'Lean seconded the motion.

Mr. Colenso moved as an amendment—That this motion be considered this day 6 months, but was afterwards withdrawn by permission of the Council.

The Speaker put the original motion, and, on a division being called for, the Council divided.

Ayes.	Noes.
Messrs. Curling, Dolbel, Ormond, Rhodes, M'Lean.	Messrs. Richardson, Kennedy, Tuke, Edwards, Colenso, Stuart, Buchanan, Tiffen.

Motion negatived.

Mr. Colenso, pursuant to notice, moved—That the Publicans' Licensing Amendment Act be read a second time.

Mr. Buchanan seconded the motion.

Motion agreed to, and Act read a second time accordingly.

The Council went into Committee on the Act.

The Speaker put the first clause in the Act.

Mr. Ormond moved as an amendment in clause 2, after the word "annexed," in the 9th line, the following be inserted, "provided that the majority of such Justices assembled at such meetings as aforesaid shall be of opinion that the person desirous of obtaining such License shall be a fit and proper person to receive the same, and that the premises are of a convenient and suitable character, and."

Mr. Colenso moved as an amendment, after the words "in Schedule B annexed and," "provided that the majority of such Justices assembled at such meeting as aforesaid shall be of opinion that the premises so sought to be licensed are of a convenient and suitable kind."

Mr. Colenso withdrew his motion, so that the former should be put.

The Chairman put the first amendment.

On a division being called for, the Council divided.

Ayes.	Noes.
Messrs. Edwards, Kennedy, Tuke, Ormond, M'Lean, Lambert, Tiffen.	Messrs. Richardson, Colenso, Stuart, Buchanan, Dolbel.

Amendment agreed to.

Mr. Colenso

Mr. Colenso moved—That the Chairman report progress.  
The Chairman reported progress.

Mr. M'Lean moved—That the Council do adjourn until to-morrow, the 30th inst., at 3 o'clock.

Mr. Tiffen seconded the motion.

Motion agreed to, and Council adjourned accordingly.

C. LAMBERT, Speaker.

FRIDAY, JUNE 30TH, 1865.

THE Speaker took the Chair at 3 o'clock.

Present all the members but Mr. Wilkinson.

The minutes of the last meeting were read and confirmed.

Mr. Dolbel, pursuant to notice, asked the Superintendent—Why the sum of £300 recommended by a Select Committee and voted by this Council last session, to improve the road between the Kaiwaka and the Pohui Bush, has not been expended.

His Honor the Superintendent, in reply, stated that the Provincial Engineer had reported to him that a new line of road had been discovered, which he intended to report upon when he had time to go over it. £94 had been already expended upon the line.

Mr. Ormond moved—That No. 27 of Standing Rules and Orders be suspended.

Mr. M'Lean seconded the motion.

Motion agreed to.

Mr. Ormond moved—That the Council go into Committee on the Publicans' Licensing Amendment Ordinance.

Mr. M'Lean seconded the motion.

Motion agreed to, and Council went into Committee accordingly.

Mr. Ormond moved as an amendment in clause 2—That the words "or shall then and there present," in the third line, be struck out and that all the words after "annexed," in the fourth line, to "certificates," in the eighth line, be struck out.

Mr. Stuart moved as an amendment in clause 3—That after the words "remaining," in the third line, the words "3, 6 or 9 months" be inserted; after the words "of such," in the sixth line, the words "3, 6 or 9 months' licenses" be inserted; and after the word and figure "3rd Tuesday," in the fourth line, the words "in the month of June, October, and January," be inserted.

On a division being called for, Council divided.

Ayes.  
Mr. Stuart.

Noes.  
Messrs. Tiffen,  
Richardson,  
Ormond,  
M'Lean,  
Lambert,  
Dolbel,  
Tuke,  
Rhodes,  
Edwards,  
Buchanan,  
Colenso.

Amendment negatived, and original clause stood as read.

Mr. Ormond

Mr. Ormond moved—That the following be inserted as clause 5 to the Act, “The Short Title of this Act shall be “The Publicans’ Licensing Amendment Act.”

Agreed to.

Mr. Ormond moved—That clause 5 be numbered as clause 6.

Agreed to.

Mr. Ormond moved—That in the Schedule, in the 12th line, after the last word “the,” the words “majority of the,” be inserted.

Agreed to.

Mr. Ormond moved—That the Chairman report progress and the Bill as amended to the Speaker.

The Chairman reported progress and handed the Bill as amended to the Speaker.

Mr. Ormond moved—That No. 27 of Standing Rules and Orders be suspended.

Mr. M’Lean seconded the motion.

Motion agreed to.

Mr. Ormond moved—That the Council go into Committee on the Publicans’ Licensing Amendment Ordinance.

Agreed to.

Mr. Ormond moved—That in the Schedule the word and number in brackets, viz., (No. 2) beneath the words “Publicans’ Licensing Amendment,” be struck out.

Agreed to.

Mr. Ormond moved—That the Chairman report progress and the Bill as amended to the Speaker.

The Chairman reported progress and handed the Bill as amended to the Speaker.

Mr. Ormond moved—That No. 27 of Standing Rules and Orders be suspended.

Mr. Curling seconded the motion.

Motion agreed to.

Mr. Ormond moved—That the Publicans’ Licensing Amendment Bill be read a third time.

Mr. M’Lean seconded the motion.

Motion agreed to, and Bill read a third time accordingly.

The Speaker then put the question—That this Bill do now pass.

Agreed to, and Bill passed accordingly.

Mr. M’Lean moved—That the Council do adjourn until 3 o’clock on Tuesday, September 26, 1865.

Mr. Curling seconded the motion.

Motion agreed to, and Council adjourned accordingly.

C. LAMBERT, Speaker.

## A D J O U R N E D M E E T I N G .

TUESDAY, SEPTEMBER 26TH, 1865.

THE Speaker took the Chair at 3 o’clock.

Present, all the members but Messrs. Richardson, Dolbel, Colenso, and Stuart.

The minutes of the last meeting were read and confirmed.

Mr. M’Lean

Mr. M'Lean to move on Thursday, 28th instant—For leave to bring in a Bill to revise the present Electoral District of the Province and make other provision in respect of the same.

Mr. M'Lean to move on Thursday, the 28th instant—That the Council do resolve itself into Committee of Supply to consider the Estimates.

Mr. Buchanan to move on Wednesday, 27th instant—That there be laid upon the table of this Council a copy of all correspondence and minutes of the ex-Council in regard to the resignation of their offices by the Provincial Engineer and by the Provincial Solicitor, and to their subsequent resumption of their duties.

Mr. M'Lean to move on to-morrow—That the Council do resolve itself into a Committee of Supply.

Mr. M'Lean moved—That the Council do adjourn until Wednesday, 27th instant, at 3 o'clock.

Mr. Ormond seconded the motion.

Motion agreed to, and Council adjourned accordingly.

C. LAMBERT, Speaker.

WEDNESDAY, SEPTEMBER 27<sup>TH</sup>, 1865.

THE Speaker took the Chair at 3 o'clock.

Present, all the members but Messrs. Stuart, Colenso, Tuke and Curling. The minutes of the last meeting were read and confirmed.

Mr. Buchanan to move on Thursday, 28th instant—That a Return shewing the amount of the Treasury balances with their bankers of the Provincial Government of Hawke's Bay, and whether debtor or creditor on the last day of each month of the present year, be laid on the table of this Council.

Mr. Buchanan to move on Thursday, 28th instant—That His Honor the Superintendent be requested to furnish a Return of all supplies purchased for Provincial service (describing the same as accurately as a brief general designation will allow) and of all works effected for the same, other than under contract by public advertisement during the 12 months ended 30th August, 1865.

That the names of the persons so favored with orders be furnished, and the amounts paid on each separate order shewn, and that the proper officer responsible for such expenditure give an epitome of his reasons in each instance for departing from the general rule whereby resort to public competition is supposed to be made imperative.

Mr. Buchanan to move on Thursday, 28th instant—That a Return exhibiting the entire aggregate cost to the public of the Lands in the Northern District of the Province over which the Native title has recently been extinguished, be prepared, shewing in columns as follows:—

1. The price as expressed in the Deed.
2. The expenditure in the shape of all other than direct payments in money.
3. The cost of surveys, both preliminary and on sub-divisions for sale.
4. The acreage of each class of land as classified by the Government.
5. The cost per acre, inclusive of every expense.

Mr. Buchanan

Mr. Buchanan, pursuant to notice, moved—That there be laid upon the table of this Council a copy of all correspondence and minutes of the ex-Council, in regard to the resignation of their offices by the Provincial Engineer and by the Provincial Solicitor, and to their subsequent resumption of their duties.

His Honor the Superintendent, in reply, stated that there had been no correspondence, and therefore it would be impossible for him to lay what did not exist on the table.

Mr. Edwards seconded the motion.

On a division being called for, the Council divided.

Ayes,  
Messrs. Buchanan,  
Edwards.

Noes.  
Messrs. Richardson,  
Kennedy,  
Rhodes,  
Ormond,  
M'Lean,  
Tiffen,  
Dolbel,  
Wilkinson.

Motion negatived.

Mr. Ormond moved—That Mr. Rhodes be Chairman of Committee for this day.

Mr. Tiffen seconded the motion.

Motion agreed to.

Mr. M'Lean, pursuant to notice, moved—That the Council do resolve itself into a Committee of Supply.

Mr. Ormond seconded the motion.

Motion agreed to, and Council went into Committee accordingly.

Mr. M'Lean moved—That the Chairman report progress and ask for leave to sit again to-morrow.

Agreed to.

The Chairman reported progress and asked for leave to sit again to-morrow.

Leave granted.

Mr. M'Lean moved—That the Council do adjourn until Thursday, the 28th inst., at 3 o'clock.

Mr. Rhodes seconded the motion.

Motion agreed to, and Council adjourned accordingly.

C. LAMBERT, Speaker.

THURSDAY, SEPTEMBER 28TH, 1865.

THE Speaker took the Chair at 3 o'clock.

Present, all the members but Messrs. Stuart, Colenso, Tuke and Curling. The minutes of the last meeting were read and confirmed.

Mr. Ormond on behalf of Mr. M'Lean to move on to-morrow—For leave to bring in a Bill to be called the "Deviation of Roads Bill, 1865."

Mr. Ormond to move on to-morrow—For leave to bring in a Bill to be called the "Hawke's Bay Drainage Bill, 1865."

Mr. Ormond



Mr. Ormond to move on to-morrow—For leave to bring in a Bill to amend the Scab and Sheep Act now in force.

Mr. Ormond, on behalf of Mr. M'Lean, pursuant to notice, moved—For leave to bring in a Bill to revise the present Electoral District of the Province and make other provision in respect of the same.

Mr. Rhodes seconded the motion.

Leave granted.

Mr. Ormond moved—That the Bill be read a first time.

Mr. Kennedy seconded the motion.

Motion agreed to, and Bill read a first time accordingly.

Mr. Ormond to move on next sitting day—That the Representation Amendment Bill be read a second time.

Mr. M'Lean moved—For leave to postpone till after the notices of the day had been disposed of, his motion in reference to going into Committee of Supply to consider the Estimates.

Mr. Ormond seconded the motion.

Motion agreed to.

Mr. Buchanan, pursuant to notice, moved — That a Return shewing the amount of the Treasury balances with their bankers of the Provincial Government of Hawke's Bay, and whether debtor or creditor on the last day of each month of the present year, be laid on the table of this Council.

Mr. Edwards seconded the motion.

Motion agreed to.

Mr. Buchanan, pursuant to notice, moved—That His Honor the Superintendent be requested to furnish a Return of all supplies purchased for Provincial service (describing the same as accurately as a brief general designation will allow) and of all works effected for the same, other than under contract by public advertisement during the 12 months ended 30th August, 1865.

That the names of the persons so favored with orders be furnished, and the amounts paid on each separate order shewn, and that the proper officer responsible for such expenditure give an epitome of his reasons in each instance for departing from the general rule whereby resort to public competition is supposed to be made imperative.

Mr. Wilkinson seconded the motion.

Motion agreed to, and His Honor the Superintendent laid on the table a Report from the Provincial Engineer having reference to the subject of the motion generally.

Mr. Buchanan, pursuant to notice, moved—That a Return exhibiting the entire aggregate cost to the public of the Lands in the Northern District of the Province over which the Native title has recently been extinguished, be prepared, shewing in columns as follows:—

1. The price as expressed in the Deed.
2. The expenditure in the shape of all other than direct payments in money.
3. The cost of surveys, both preliminary and on sub-divisions for sale.
4. The acreage of each class of land as classified by the Government.
5. The cost per acre, inclusive of every expense.

Mr. M'Lean seconded the motion.

Motion agreed to.

Mr. M'Lean, pursuant to notice, moved—That the Council do resolve itself into Committee of Supply to consider the Estimates.

Mr. Rhodes seconded the motion.

Mr. Buchanan moved as an amendment—That the Estimates of Expenditure and of Ways and Means be both referred back to the Government, with a view to their amendment in consonance with the financial condition of the Province.

Mr. Edwards seconded the amendment.  
Amendment negatived, and original motion agreed to.

Mr. M'Lean moved—That Mr. Wilkinson be chosen Chairman of Committees.

Mr. Rhodes seconded the motion.  
Motion agreed to.

The Council went into Committee to consider the Estimates.  
The Chairman put the first item on the Estimates for consideration.

*Superintendent's Department—*

Superintendent, at £525 per annum ... ..	£ 525
Superintendent's Clerk, at £300 per annum ... ..	300
Native Interpreter ... ..	50
Additional Clerical Assistance ... ..	50
Contingencies ... ..	25

*Audit Department—*

Provincial Auditor, at £150 per annum ... ..	£ 150
Deputy Auditor, at the rate of £150 ... ..	20
Contingencies ... ..	10

*Law Officer's Department—*

Provincial Solicitor and Crown Prosecutor ... ..	£ 170
Contingencies ... ..	3

2.—LEGISLATIVE.

*Provincial Council—*

Country Members, at 12s. per diem ... ..	£ 160
Messenger, at £110 ... ..	110
Council Library and Newspapers ... ..	30
Contingencies ... ..	20

3.—JUDICIAL.

*Supreme Court—*

Expenses of Witnesses and Contingencies ... ..	£ 150
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*Sheriff's Department—Gaol—*

Gaoler (Warden) at £175 per annum ... ..	£ 175
Turnkey ... ..	115
Assistant Turnkey ... ..	110
1 Overseer Hard labor Prisoners ... ..	110
Rations &c. for Prisoners ... ..	250
Contingencies ... ..	150

*Coroner's Department—*

Contingencies ... ..	£ 10
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*Police Department—*

Police, Napier, Sergeant-Major, also Inspector of Weights and Measures, at £200 per annum... ..	£ 200
2 Corporals, at £125 ... ..	250
1 Ditto, at £122 ... ..	122
5 Privates, at £110 ... ..	550
Clive, 1 Private at £110 ... ..	110
Waipawa, ditto ditto ... ..	110
Wairoa, ditto ditto... ..	110
Mohaka, 1 District Constable, £40 ... ..	40
Special Constables ... ..	30

Horse Allowance, Sergt.-Major, at £52 per an....	52
Allowance for 2 Horses for Policeman at Waipawa	72
Allowance for Horse to enable Clive Policeman to attend Police duties at Havelock ... ..	15
Rations for Prisoners ... ..	30
Expenses of Prisoners ... ..	20
Contingencies ... ..	80

## 4.—CHARITABLE.

*Hospital—*

Provincial Surgeon, at £150 per annum ... ..	£ 150
Hospital Attendant, £100	

The consideration of this item was postponed.

Rations &c. for Patients ... ..	140
Hospital Furniture ... ..	50
Charitable Aid ... ..	50
Contingencies ... ..	50

## 5.—EDUCATION.

Inspector of Schools, at £25 per annum

The consideration of this item was postponed.

Grant in Aid of School Buildings... ..	£ 300
Grant in Aid of Schools ... ..	575

## 6.—SPECIAL.

*Harbour Department—*

Harbour Master and Pilot, at £200 per annum

This item was increased to £250.

Harbour Master and Pilot, at £250 per annum ... ..	£ 250
Assistant Pilot ... ..	144
2 Boatmen, at 6s. 6d. per diem ... ..	240
Extra men in addition to Pilot's crew (when required)... ..	100
1 Engineer, at rate of £200 per an., for 3 months	50
1 Fireman, at rate of 100 per an., for 3 months ...	25
Coals for "Huntress," 3 months ... ..	140
Bonus to Ferryman at Napier Heads, at £45 per an.	45
Wairoa—Pilot at £50 per annum... ..	50
Hire of Boatmen when required for Pilot service at Wairoa ... ..	80
Mahia—Pilot at £20 per annum ... ..	20
Hire of Boatmen when required for Pilot service at Mahia ... ..	30
Contingencies ... ..	75

Mr. M'Lean moved—That the Committee adjourn till 7½ o'clock.  
Agreed to, and Committee adjourned accordingly.

The Committee met pursuant to adjournment.

The Chairman put the next item on the Estimates for consideration.

*Inspector of Sheep Department—*

1 Inspector of Sheep for Northern District, also Inspector of Slaughter Houses and Cattle, and Registrar of Brands, at £250 per annum ... ..	£ 250
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1 Inspector

1 Inspector of Sheep for Southern District, also Registrar of Brands, at £150 per annum ...	£ 150
1 Examining Inspector for Southern boundary of the Province, at £30 per annum ...	30
Dipping Apparatus, Repairs, Labor when Dipping, and Contingencies ...	50
<i>Receiver of Land Revenue Department—</i>	
Contingencies ...	£ 5
<i>Returning Officer's Department—</i>	
Expenses and Contingencies of Elections...	£ 50
<i>Meteorological Department—</i>	
Registrar of Meteorology, at £50 per annum ...	50
Contingencies ...	10
<i>Ferries—</i>	
Bonus to Ferry at Waihua River ...	£ 25
Bonus to Ferry at Waikari River ...	5
Bonus to Ferry at Wairoa River ...	20
Bonus to Ferry at Mohaka River ...	25
<i>Government Offices—</i>	
Firewood, Coal, &c. ...	£ 50
<i>Miscellaneous—</i>	
General Printing ...	£ 250
Printing Acts of Hawke's Bay ...	150
Insurance Government Buildings...	96 10
Powder Saturday's Gun ...	20
Immigration (assisted) ...	950
Immigration Contingencies ...	50
Interest and Sinking Fund on Provincial Loan ...	800
Reward for payable Gold Field ...	1000
Contingencies Clive Ferry Punt ...	100
Rent Clive Ferry Ground ...	20
Expenses Native Visitors ...	50

Mr. Buchanan moved—That this item be struck out.

On a division being called for, the Council divided.

Ayes.	Noes.
Mr. Buchanan.	Messrs. Edwards, Richardson, Dolbel, Tiffen, Kennedy, Rhodes, Ormond, M'Lean, Lambert.

Amendment negatived.

Expenses Native Visitors ...	£ 50
Widow of the late Pilot & Harbour Master Murray	100
Miscellaneous Contingencies ...	200

*Liabilities—*

Interest and Sinking Fund on Provincial share of £500,000 Loan, from 1st July 1863 to 31st December 1864 ...	£ 2400
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Interest

Interest and Sinking Fund on Provincial share of £500,000 Loan, from 1st January 1865 to 30th June 1866 ... ..	£2400
Interest on Wellington Debt from 1st January 1865 to 30th June 1866 ... ..	3750

*Crown Lands & Treasury—*

Commissioner of Crown Lands, also Provincial Treasurer, at £350 per annum ... ..	£ 350
Chief Clerk, also Clerk to Provincial Treasury ...	300
Travelling Expenses to Commissioner, at 12s. 6d. per diem ... ..	20
Preparation of Crown Grants, Parchment for ditto, and Contingencies for Department ... ..	100

**PUBLIC WORKS & UNDERTAKINGS.***Survey Department—*

2 Surveyors at £300 per annum each ... ..	£ 600
1 Assistant ditto, at £200 per annum ... ..	200
Travelling Expenses for 3 Surveyors, at £36 each	108
1 Draughtsman, at £250 per annum ... ..	250
1 Assistant ditto, at 10s. per diem ... ..	100
Contract Surveys ... ..	500
Laborers ... ..	1000
Contingencies ... ..	50

*Provincial Engineer's Department—*

Provincial Engineer, also Chief Provincial Sur- veyor, at £400 per annum ... ..	£ 400
Clerk to Provincial Engineer, including Travelling Expenses ... ..	200
Travelling Expenses Provincial Engineer ...	100
Contingencies ... ..	25

Mr. McLean moved—That the Chairman report progress and ask for leave to sit again to-morrow.

Agreed to.

The Chairman reported progress, handed the Estimates as amended to the Speaker, and asked for leave to sit again to-morrow.

Leave granted.

Mr. McLean moved—That the Council do adjourn until to-morrow, the 29th inst., at 3 o'clock.

Mr. Ormond seconded the motion.

Motion agreed to, and Council adjourned accordingly.

C. LAMBERT, Speaker.

FRIDAY, SEPTEMBER 29TH, 1865.

THE Speaker took the Chair at 3 o'clock.

Present, all the members but Messrs. Tuke, Colenso, Curling, and Stuart. The minutes of the last meeting were read and confirmed.

Mr. Wilkinson to ask the Superintendent on next sitting day—To be good enough to inform the Council how far the General Assembly are disposed up to last advices from Wellington to sanction the regulations recommended by this Council for the disposal of Lands recently and hereafter to be acquired.

Mr. Dolbel to ask the Superintendent on next sitting day—Why is it that for some time past there has been no schoolmaster at the Wairoa, and whether it is the intention of the Government to appoint a person to perform that duty.

Mr. Dolbel to ask the Superintendent on next sitting day—Whether the Government is aware of the irregularity of the mail carrier between Napier and Wairoa, and why the mail has been entrusted to a native of known bad repute.

Mr. M'Lean, pursuant to notice, moved—For leave to bring in a Bill to be called the "Deviation of Roads Bill, 1865."

Mr. Kennedy seconded the motion.  
Leave granted.

Mr. M'Lean moved—That the Bill be read a first time.  
Mr. Ormond seconded the motion.  
Motion agreed to, and Bill read a first time accordingly.

Mr. M'Lean to move on next sitting day—That the "Deviation of Roads Bill" be read a second time.

Mr. Ormond, pursuant to notice, moved—For leave to bring in a Bill to be called the "Hawke's Bay Drainage Act, 1865."

Mr. Kennedy seconded the motion.  
Leave granted.

Mr. Ormond moved—That the Bill be read a first time.  
Mr. M'Lean seconded the motion.  
Motion agreed to, and Bill read a first time accordingly.

Mr. Ormond to move on next sitting day—That the "Drainage Act, 1865," be read a second time.

Mr. Ormond, pursuant to notice, moved—For leave to bring in a Bill to amend the Scab and Sheep Act now in force.

Mr. M'Lean seconded the motion.  
Leave granted.

Mr. Ormond moved—That the Bill be read a first time.  
Mr. M'Lean seconded the motion.  
Motion agreed to, and Bill read a first time accordingly.

Mr. Ormond to move on next sitting day—That the "Sheep and Scab Act Amendment Act, 1865," be read a second time.

Mr. M'Lean, pursuant to notice, moved—That the "Representation Amendment Act, 1865," be read a second time.

Mr. Rhodes seconded the motion.

Mr. Buchanan moved as an amendment—That this Bill be read this day 3 months.

Mr. Edwards seconded the amendment.

On a division being called for, the Council divided.

Ayes.  
Messrs. Buchanan,  
Edwards.

Noes.  
Messrs. Tiffen,  
Ormond,  
Dolbel,  
Kennedy,  
Rhodes,  
Richardson,  
Wilkinson.

Amendment negatived.

Original motion agreed to, and Bill read a second time accordingly.

Mr. Ormond

Mr. Ormond moved—That the Council go into Committee on the Bill.  
 Mr. Kennedy seconded the motion.  
 Motion agreed to.

Mr. Ormond moved—That Mr. Wilkinson be chosen Chairman of Committee.

Mr. M'Lean seconded the motion.  
 Motion agreed to.

The Council went into Committee on the Representation Act.

Mr. Ormond moved in clause 4—That in the second line, the figure " 11 " be inserted in lieu of " 10."

Agreed to.

Mr. Buchanan moved—That 6 members be inserted in clause 5 for the Town of Napier, in lieu of 5 as proposed.

On a division being called for, the Council divided.

Ayes.		Noes.
Messrs. Buchanan, Kennedy, Edwards.		Messrs. Richardson M'Lean, Ormond, Dolbel, Rhodes, Lambert, Tiffen.

Amendment negatived, and original item stood as read.

Mr. Buchanan moved—That 2 members be inserted in clause 5 for Napier Country, in lieu of 3.

Agreed to.

Mr. Richardson moved—That there be inserted after " Napier Country, 2 members," Petane, 1 member.

On a division being called for, Council divided.

Ayes.		Noes.
Messrs. Tiffen, Richardson, Dolbel, Lambert, Kennedy, M'Lean, Ormond, Rhodes.		Messrs. Buchanan, Edwards.

Motion agreed to.

Mr. Buchanan moved—That the words " Wairoa and " be omitted and figure " 1 " be inserted instead of " 2 " in clause 5.

Motion negatived.

Mr. Ormond moved—That the Committee do adjourn till 7½ o'clock.  
 Agreed to, and Committee adjourned accordingly.

The Committee met pursuant to adjournment.

In the 7th clause, in the second line, the last word but one was struck out and the word " on " inserted.

Mr. Ormond moved—That in the Schedule the consideration of the description under the head of " Napier Country District," be postponed.

Agreed to.

Mr. Ormond

Mr. Ormond moved—That in the Schedule, under the head “Waimarama,” in the 5th and 6th lines, the first word “follow” be changed to “following.”

Mr. Ormond moved—That in the Schedule, under the head “Porangahau,” in the first line, the word “proceed” be changed to “proceeding,” and in the second line, the word “follow” be changed to “following,” and in the third line, after the word “Rikatea,” the following be struck out, “a continuation of the large forest known as the 70-mile Bush;” and in the fourth line, before the word “Bush,” the word “that” be struck out and the word “the” be inserted.

Agreed to.

Mr. Ormond moved—That in the Schedule, under the heads “Hampden” and “Te Aute,” the first word “starting” in each paragraph be struck out and the word “commencing” inserted in lieu thereof.

Mr. Ormond moved—That the Chairman report progress and ask for leave to sit again next sitting day.

Agreed to.

The Chairman reported progress and asked for leave to sit again next sitting day.

Leave granted.

Mr. M'Lean moved—That the Council go into Committee of Supply.

Mr. Rhodes seconded the motion.

Motion agreed to, and Council went into Committee accordingly.

The Chairman put the next item on the Estimates for consideration.

Repairs and Maintenance Public Buildings	... £ 400
Fireproof Room, Survey Office	... .. 100
Public Wells and Pumps	... .. 30
Repairs Public Fences	

The consideration of this item was postponed.

Fencing Court House Reserve, Waipawa	... £ 20
Fencing Burial Ground, Petane	... .. 33 18
Queen's Warehouse	... .. 300
Fencing Gaol Reserve	... .. 70
Repairing and Extending Wharf	... .. 200
Police Station and Court House at Clyde, Wairoa	460

Mr. Buchanan moved—That this item be struck out.

On a division being called for, the Council divided.

Ayes.		Noes.
Mr. Buchanan.		Messrs. M'Lean, Ormond, Richardson, Kennedy, Dolbel, Edwards, Rhodes, Tiffen, Lambert.

Motion negatived, and original item stood as read.

Ferry House, Clive	... .. £ 50
Importation of English Birds	... .. 150
Aviary for ditto, £71 16s. 10d.	

This item was increased to £100.



## Provincial Defences, Wairoa Stockade

This item was changed to

Provisioning Wairoa Stockade ... ..	£ 51 3 6
Harbour Purposes, £1220	

This item was changed to

Repairing and Refitting Steamer "Huntress" ...	1220
Leasing Land from Natives ... ..	900
Refund of Balance of Pay to ex-members of Colonial Defence Force ... ..	65 5
Boat Waikare Ferry ... ..	10
Weighing Machine, erecting Shed ... ..	80
Addition to Hospital ... ..	160

*Roads and Bridges—*

Te Aute Road ... ..	£ 1000
Middle Road ... ..	200
Line of Road through 40-mile Bush to boundary of Province ... ..	1500
Material for Ngaruroro Bridge and Draying same, £1000	

Mr. Buchanan moved—That the vote for Ngaruroro Bridge be deferred until the question of site has been determined in open Council.

On a division being called for, the Council divided.

Ayes.	Noes.
Messrs. Edwards, Buchanan, Tiffen.	Messrs. Richardson, Dolbel, Kennedy, Rhodes, Lambert, Ormond, M'Lean.

Motion negatived.

Mr. Buchanan moved—That in this item the words "and draying" be struck out.

Motion negatived, and original item stood as read.

Material for Ngaruroro Bridge and Draying same ... ..	£1000
Formation of Road between Tareha's Creek, by way of Waitangi Bridge and Ngaruroro ...	1000
Taupo Road ... ..	300
Clive Road ... ..	50
Tareha's Bridge to Puketapu ... ..	300
Town Roads ... ..	300
Patangata to Tamumu, £70	

This item was increased to £100.

Pourerere to Middle Road... ..	100
Porangahau Road ... ..	400
Porangahau to Tautane Road ... ..	100

Mr. M'Lean moved—That the Chairman report progress and ask for leave to sit again to-morrow.

Agreed to.

The Chairman reported progress and asked for leave to sit again to-morrow. Leave granted.

\* Mr. Ormond moved—That No. 27 of Standing Rules and Orders be suspended.

Mr. M'Lean seconded the motion.  
Motion agreed to.

Mr. Ormond moved—That the Council do sit on Saturday and Monday next.

Mr. M'Lean seconded the motion.  
Motion agreed to.

Mr. Ormond moved—That the Council do adjourn until Saturday, the 30th inst., at 3 o'clock.

Mr. M'Lean seconded the motion.  
Motion agreed to, and Council adjourned accordingly.

C. LAMBERT, Speaker.

SATURDAY, SEPTEMBER 30TH, 1865.

THE Speaker took the Chair at 3 o'clock.

Present all the members but Messrs. Tuke, Curling, Colenso, Edwards, and Stuart.

The minutes of the last meeting were read and confirmed.

Mr. Wilkinson moved—That the Council do adjourn until 5 o'clock.

Mr. M'Lean seconded the motion.  
Motion agreed to, and Council adjourned accordingly.

The Council met pursuant to adjournment.

Mr. M'Lean moved—That the Council do adjourn until 7 o'clock.

Mr. Ormond seconded the motion.  
Motion agreed to, and Council adjourned accordingly.

The Council met pursuant to adjournment.

Mr. Wilkinson, pursuant to notice, asked His Honor the Superintendent—To be good enough to inform the Council how far the General Assembly are disposed up to last advices from Wellington to sanction the regulations recommended by this Council for the disposal of Lands recently and hereafter to be acquired.

Mr. Ormond, on the part of His Honor the Superintendent, replied that a Bill had passed through the Waste Lands Committee and its second reading without any opposition or objection being raised, and would without doubt be passed by the House, legalising the disposal of Lands as recommended by this Council.

Mr. Dolbel, pursuant to notice, asked His Honor the Superintendent—Why is it that for some time past there has been no schoolmaster at the Wairoa, and whether it is the intention of the Government to appoint a person to perform that duty.

His Honor the Superintendent, in reply, stated that it was needless to send any one to that place who was not qualified for the duty. The Council were aware that trained teachers had been sent for to England; some had arrived, and the want of teachers, which had been so much felt, would be removed. This vacancy would be filled up at once.

Mr. Dolbel

Mr. Dolbel, pursuant to notice, asked His Honor the Superintendent—Whether the Government is aware of the irregularity of the mail carrier between Napier and Wairoa, and why the mail has been entrusted to a native of known bad repute.

His Honor the Superintendent, in reply, stated that the Post Office Department was under the control of the General Government, but he would communicate with the Government on the subject.

Mr. M'Lean, pursuant to notice, moved—That the "Deviation of Roads Bill" be read a second time.

Mr. Ormond seconded the motion.

Motion agreed to, and Act read a second time accordingly.

Mr. Ormond moved—That the Council go into Committee on the Act presently.

Mr. M'Lean seconded the motion.

Motion agreed to.

Mr. Ormond moved—That the second reading of the "Drainage Act 1865," be postponed till next sitting day.

Mr. M'Lean seconded the motion.

Motion agreed to.

Mr. Ormond, pursuant to notice, moved—That the "Sheep and Scab Amendment Act, 1865," be read a second time.

Mr. M'Lean seconded the motion.

Motion agreed to, and Act read a second time accordingly.

Mr. Ormond moved—That Mr. Wilkinson be elected Chairman of Committees.

Mr. M'Lean seconded the motion.

Motion agreed to.

Mr. Ormond moved—That the Council go into Committee on the Act.

Mr. M'Lean seconded the motion.

Motion agreed to, and Council went into Committee accordingly.

Mr. Ormond moved—That in clauses 1, 2, 3 and 4, in the "Deviation of Roads Act," after the word "proprietor," the words "or proprietors," be inserted.

Agreed to.

Mr. Ormond moved—That in the second clause, in the last line, the word "marked" be struck out and the word "colored" be inserted in lieu thereof.

Agreed to.

Mr. Ormond moved—That in clause 2 of the "Sheep and Scab Amendment Act, 1865," in the twelfth line, the words, "the satisfaction of the Inspector" be struck out and the words "his satisfaction" be inserted in lieu thereof.

Agreed to.

Mr. Ormond moved—That in the thirteenth line, in the second clause, the word "Province" be struck out and the word "part" inserted in lieu thereof.

Agreed to.

Mr. Ormond moved—That the Chairman report progress and the Bill as amended to the Speaker.

Agreed to.

The Chairman reported progress and handed the Bill as amended to the Speaker.

Mr. Ormond to move on next sitting day but one—That the "Deviation of Roads Act, 1865," be read a third time.

Mr. Ormond

Mr. Ormond to move on next sitting day but one—That the “ Sheep and Scab Amendment Act, 1865,” be read a third time.

Mr. M'Lean to move on next sitting day but one—For leave to bring in a Bill to be called the “ Appropriation Act, 1865-66.”

The Council went into Committee on the adjourned debate on the Representation Bill.

Mr. Ormond moved—That the Committee do adjourn until next sitting day.

Agreed to.

The Council went into Committee of Supply.

The Chairman put the next item on the Estimates for consideration.

Waipawa to Ruataniwha ... ..	£ 40
Waipukurau to ditto ... ..	20
Waipawamate to Upper Ruataniwha ... ..	40
Havelock to Aorangi Road ... ..	50
Omahu to ditto ... ..	50
Hampden to ditto ... ..	300
Kereru to ditto ... ..	150
Petane Road and Road to Pohui, £400	

This item was increased to £600.

Bridle Track to Mohaka ... ..	£ 300
Mohaka to Upper Mohaka... ..	30
Bridle Track over Urite Hill ... ..	100
Waitahi Bridge ... ..	65
Wairoa ditto Road ... ..	300
Clearing Mangaone River... ..	60
Meanee Embankment ... ..	75
Wairoa Bridle Track ... ..	20
Road Contingencies ... ..	300
Grant in aid of Roads ... ..	1200
Connecting present Clive Road with Ngaruroro Bridge ... ..	100

Mr. Buchanan moved as an amendment—That this item be struck out.

On a division being called for, the Council divided.

Ayes.		Noes.
Messrs. Buchanan, Tiffen,		Messrs. Ormond, M'Lean, Dolbel, Richardson, Kennedy, Lambert.

Amendment negatived, and original item stood as read.

Connecting present Clive Road with Ngaruroro Bridge ... ..	£ 100
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Mr. Ormond moved—That the Chairman report progress and ask for leave to sit again next sitting day.

The Chairman reported progress and asked for leave to sit again next sitting day.

Leave granted.

Mr. Ormond

Mr. Ormond moved—That the Council do adjourn until Monday, the 2nd October, at 3 o'clock.

Mr. M'Lean seconded the motion.

Motion agreed to, and Council adjourned accordingly.

C. LAMBERT, Speaker.

MONDAY, OCTOBER 2ND, 1865.

THE Speaker took the Chair at 3 o'clock.

Present all the members but Messrs. Tuke, Colenso, Curling, Tiffen, and Stuart.

The minutes of the last meeting were read and confirmed.

Mr. Richardson to-morrow—To ask His Honor the Superintendent for the Provincial Engineer's Report upon the drainage of a portion of the road on the Meanee Flat, the particulars of which were embodied in a Petition presented during the early part of this session.

Mr. Dolbel to-morrow—To ask His Honor the Superintendent whether he is in possession of the Report from the Provincial Engineer in reference to the deviation of the bridle track from the Tongio Beach over the Pakoatai hills.

Mr. Ormond, on behalf of His Honor the Superintendent, laid on the table the following papers:—

Return shewing Over and Unauthorized Expenditure.

Supplementary Estimates.

Mr. M'Lean, pursuant to notice, moved—For leave to bring in an "Appropriation Act for 1865-66."

Mr. Ormond seconded the motion.

Motion agreed to.

Mr. M'Lean moved—That the "Appropriation Act for 1865-66" be read a first time.

Mr. Kennedy seconded the motion.

Motion agreed to, and Act read a first time accordingly.

Mr. M'Lean to move on to-morrow—That the "Appropriation Act" be read a second time.

Mr. Ormond, pursuant to notice, moved—That the "Drainage Act 1865" be read a second time.

Mr. M'Lean seconded the motion.

Motion agreed to, and Act read a second time accordingly.

Mr. Ormond moved—That the Council go into Committee on the Act.

Mr. M'Lean seconded the motion.

Motion agreed to.

Mr. M'Lean moved—That Mr. Wilkinson be elected Chairman of Committees for this day.

Mr. Kennedy seconded the motion.

Motion agreed to.

The Council went into Committee on the Drainage Act.

Mr. Ormond moved—That the Chairman report progress and ask for leave to sit again to-morrow.

Agreed to.

The Chairman reported progress and asked for leave to sit again to-morrow. Leave granted.

Mr. Ormond, pursuant to notice, moved—That the “ Diversion of Roads Act 1865 ” be read a third time.

Mr. M'Lean seconded the motion.

Motion agreed to, and Act read a third time and passed.

Mr. Ormond, pursuant to notice, moved—That the “ Sheep and Scab Amendment Act, 1865,” be read a third time.

Mr. Dolbel seconded the motion.

Motion agreed to, and Act read a third time and passed.

Mr. Ormond moved—That the adjourned Committee on the Representation Bill 1865 be postponed till after the orders of the day are disposed of.

Mr. Kennedy seconded the motion.

Motion agreed to.

The Council went into Committee on the adjourned debate of the Committee of Supply.

Mr. Ormond moved—That the postponed item “ Hospital Attendants ” be recommitted, and moved that the sum of £110 be increased to £115.

Agreed to.

Hospital Attendants	...	...	...	...	£ 115
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Mr. Ormond moved—That the postponed item “ Inspector of Schools ” be recommitted, and moved that the sum of £25 be increased to £50.

Agreed to.

Inspector of Schools	...	...	...	...	£ 50
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Mr. M'Lean moved—That the postponed item “ Repairs Public Fences, £20,” be recommitted, and read

Public Fences, £100					
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Agreed to.

Public Fences	...	...	...	...	£ 100
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*Police Department—*

1 District Constable, Porangahau District	...	...	...	...	£ 50
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*Miscellaneous—*

Refund of License Fee to F. Tuxford, Ferry Hotel	...	...	...	...	£ 15
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*Public Works and Undertakings—*

Widening Shakespeare Road	...	...	...	...	£ 200
Taipo Road	...	...	...	...	120
Artesian Well, Napier	...	...	...	...	200
Nuhaka Ferry	...	...	...	...	15

The items under the heads of Over and Unauthorised Expenditure were then passed through Committee and agreed to.

Major Lambert moved—That the Committee do adjourn until 7½ o'clock.

Mr. M'Lean seconded the motion.

Motion agreed to, and Committee adjourned accordingly.

Mr. M'Lean moved—That the Chairman report progress and the Estimates as amended to the Speaker.

Agreed to.

The Chairman reported progress and handed the Estimates as amended to the Speaker.

The Council went into Committee on the “ Representation Bill, 1865.”

Mr. Ormond

Mr. Ormond moved—That in the Schedule, between the Districts Mohaka and Wairoa and Town of Napier, being paragraphs 1 and 3, the Napier Country as therein described be struck out and the following be inserted in lieu thereof:—

*Petane.*

Commences at the sea coast at Waikare, following the sea coast to the Northern side of Alfred-street, Meanee Spit, Town of Napier; following that street in a Westerly direction into the Ahuriri Harbour, and crossing the Ahuriri Harbour in a straight line to Waikokopu, on the Southern boundary of Capt. Carter's run; thence in a straight line bearing West to the Mangaone; following up the Mangaone to the mouth of the Manga-ranga-oro; thence up that creek to the South-eastern boundary of the Pakiaka Block; thence following in a straight line in a Westerly direction along the Southern boundary of the Pakiaka Block to the Waipuna stream; up that stream to the Pohui Bush; thence along the Eastern boundary of that Bush to the Taupo Bridle track, and along that track to the Mohaka river; crossing the Mohaka river, and thence in a Westerly direction by an imaginary straight line until it intersects the Western boundary of the Province; along the Western and the Northern boundary of the Province to the Southern boundary of the Wairoa and Mohaka District; thence along that boundary to the starting point at the mouth of the Waikare at the sea coast.

*Napier Country.*

Commencing at Waikokopu, the boundary of the Petane District in the Ahuriri Harbour; crossing in a straight line along the Southern boundary of that District to the Northern side of Alfred-street, Meanee Spit, in the Town of Napier; then across the Ahuriri Harbour to the mouth of the Tutaekuri or Meanee; following up that river to that point in its course where it intersects the Western boundary of the Province; thence along that boundary in a Northerly direction to the Southern boundary of the Petane District; and thence along that boundary to the sea coast at the starting point.

Agreed to.

Mr. Ormond moved—That in the description of the Town of Napier, in the first and second lines, the words "Sections Nos. 68 and 69" be struck out and the following be inserted in lieu thereof, "Alfred-street."

Agreed to.

Mr. Ormond moved—That in paragraph one, under the head of Mohaka and Wairoa, in the third line, the words "an imaginary" be struck out and the words "by a straight" be inserted in lieu thereof.

Agreed to.

Mr. M'Lean moved—That the Chairman report progress and the Bill as amended.

Agreed to.

The Chairman reported progress and the Bill as amended to the Speaker.

Mr. M'Lean to move on next sitting day but one—That the "Representation Act" be read a third time.

Mr. M'Lean moved—That the Council do adjourn until to-morrow, the 3rd inst., at 3 o'clock.

Mr. Ormond seconded the motion.

Motion agreed to, and Council adjourned accordingly.

C. LAMBERT, Speaker.

TUESDAY, OCTOBER 3RD, 1865.

THE Speaker took the Chair at 3 o'clock.

Present, all the members but Messrs. Colenso, Curling, and Stuart.  
The minutes of the last meeting were read and confirmed.

Mr. Dolbel to move on to-morrow, Oct. 4, 1865—That the Provincial Engineer be requested to survey and furnish plans and report of the probable cost of a Bridge across the Harbour from Tareha's-street, on the Western Spit, to Battery Point, on Scinde Island, or from any other point the Engineer may think more preferable; the said Bridge to be six feet wide and of sufficient strength to admit of it being further widened for dray traffic at any future period.

His Honor the Superintendent laid the following papers on the table:—

Return of the Cost of Lands in the Northern District of the Province of Hawke's Bay over which the Native title has been extinguished.

Report of the Provincial Surveyor on Surveys.

Report of the Provincial Engineer upon Road from Petane to Tongoio.

Report of the Provincial Engineer upon Draining Meanee Flat.

Mr. Buchanan to move on next sitting day—That the Return as to the cost of Native Lands, laid this day on the table, be printed.

Mr. Richardson, pursuant to notice, asked His Honor the Superintendent—For the Provincial Engineer's Report upon the Drainage of a portion of the road on Meanee Flat, the particulars of which were embodied in a Petition presented during the early part of this session.

His Honor the Superintendent had laid Report on the table.

Mr. Dolbel, pursuant to notice, asked His Honor the Superintendent—Whether he is in possession of the Report from the Provincial Engineer in reference to the deviation of the Bridle track from the Tongoio Beach over the Pakoatai Hills.

His Honor the Superintendent had laid Report on the table.

Mr. M'Lean, pursuant to notice, moved—That the "Appropriation Act 1865-66" be read a second time.

Mr. Kennedy seconded the motion.

Motion agreed to.

Mr. M'Lean moved—That the Council go into Committee on the Act.

Mr. Kennedy seconded the motion.

Motion agreed to.

Mr. M'Lean moved—That Mr. Wilkinson be elected Chairman of Committees.

Mr. Kennedy seconded the motion.

Motion agreed to.

The Council went into Committee on the "Appropriation Act."

Mr. M'Lean moved—That the Chairman report progress and the Bill as passed.

Agreed to.

The Chairman reported progress and handed the Bill as passed to the Speaker.

Mr. M'Lean to move on next sitting day—That the "Appropriation Act" be read a third time.

The Council went into Committee on the "Drainage Act."

Mr. Ormond



Mr. Ormond moved—That in clause 16, in the 12th line, after the word “Court,” the remainder of the clause be struck out and the following be inserted in lieu thereof, “having jurisdiction in any such case shall seem reasonable.”

Agreed to.

Mr. Ormond moved—That the Chairman report progress and the Bill as amended.

Agreed to.

The Chairman reported progress and handed the Bill as amended to the Speaker.

Mr. M'Lean to move—That the “Drainage Act” be read a third time to-morrow.

Mr. M'Lean moved—That the Council do adjourn until to-morrow, the 4th inst., at 3 o'clock.

Mr. Ormond seconded the motion.

Motion agreed to, and Council adjourned accordingly.

C. LAMBERT, Speaker.

WEDNESDAY, OCTOBER 4TH, 1865.

THE Speaker took the Chair at 3 o'clock.

Present all the members but Messrs. Colenso, Stuart and Curling.

The minutes of the last meeting were read and confirmed.

Mr. Dolbel, pursuant to notice, moved—That His Honor the Superintendent be requested to obtain from the Provincial Engineer a survey and furnish plans and report of the probable cost of a Bridge across the Harbour from Tareha-street, on the Western Spit, to Battery Point, on Scinde Island, or from any other point the Engineer may think more preferable; the said Bridge to be six feet wide and of sufficient strength to admit of its being further widened for dray traffic at any future period.

His Honor the Superintendent stated that he would instruct the Provincial Engineer to report upon the subject.

Mr. Buchanan, pursuant to notice, moved—That the Return as to cost of Native Lands, laid on the table, be printed.

Mr. Edwards seconded the motion.

Motion agreed to, and Return ordered to be printed accordingly.

Mr. M'Lean, pursuant to notice, moved—That the “Representation Act” be read a third time.

Mr. Ormond seconded the motion.

Mr. Buchanan moved “previous question.”

Mr. Edwards seconded this, and, on a division being called for, the Council divided.

Ayes.  
Messrs. Richardson,  
Dolbel,  
Tuke,  
Wilkinson,  
Kennedy,  
M'Lean,  
Ormond.

Noes.  
Messrs. Buchanan,  
Edwards.

Original motion was then put, Act read a third time and passed.

Mr. M'Lean, pursuant to notice, moved—That the "Appropriation Act" be read a third time.

Mr. Ormond seconded the motion.

Motion agreed to, Act read a third time and passed.

Mr. M'Lean, pursuant to notice, moved—That the "Drainage Act" be read a third time.

Mr. Ormond seconded the motion.

Motion agreed to, Act read a third time and passed.

His Honor the Superintendent then prorogued the Council.

# Council Paper.

## ADDRESS

OF

HIS HONOR THE SUPERINTENDENT,

ON

OPENING THE PROVINCIAL COUNCIL,

TUESDAY, JUNE 13, 1865.

MR. SPEAKER AND GENTLEMEN OF THE PROVINCIAL COUNCIL,—

I trust no inconvenience has been experienced by members in consequence of my having been absent on the 6th, the day appointed by proclamation for the meeting of Council.

The disturbed state of the native tribes in the north-east portion of the Province rendered it necessary that I should visit Poverty Bay and the East Cape with the least possible delay.

The visit has resulted in securing the co-operation of influential chiefs to support the Government in maintaining order, and resisting the encroachments of the Hau Hau fanatics. Some have already taken the oath of allegiance to Her Majesty, and many more declare their intention of following their example.

A great deal, however, has yet to be accomplished before the country lying on our eastern frontier can be regarded as in a settled state.

The close connection between those tribes and the natives of Hawke's Bay is such, that any relations affecting peace or war established with one would be equally applicable to the whole of the tribes inhabiting the eastern portion of the island.

The serious aspect which the Native question has assumed, in consequence of the Hau Hau fanaticism, has very much increased the difficulty of meeting the dangers to which the Province is exposed.

At a most critical juncture, immediately after the murder of the Rev. Mr. Volkner, when the lives of the European

inhabitants of Poverty Bay and other places were in danger, and when large bodies of the natives, who had been hitherto neutral, were rapidly yielding to the fascinations of the Pai Marire,—I was requested by the Honorable the Colonial Secretary to undertake the agency of the General Government on the East Coast, and a steamer and other means were placed at my disposal to meet such emergencies as might from time to time arise.

I accepted this duty from a conviction that I should not only be furthering the material interests of Hawke's Bay, but also those of the colony at large; and I am glad to be able to inform you that the various measures adopted have been attended with greater success than I myself anticipated when I undertook the duties.

I have to acknowledge the cordial support received from Mr. Weld, to whom I feel personally grateful for the interest taken by his Government in the affairs of this Province, at a time when an outbreak on the East Coast appeared so imminent.

I should fail in my duty to the chiefs of the Wairoa and Table Cape did I neglect to ask you to pass them a vote of thanks for the active and zealous part they took in checking, in the most determined manner, the threatening advances made upon their district by the Hau Haus. It is certainly due to those chiefs that it should be publicly known that their conduct on the occasion referred to, is fully appreciated by the representatives of the people of this Province.

In closing the last session of this Council, I expressed the hope that additional tracts of land would be acquired, by purchase, from the natives. This expectation has been, in a great measure, realised by the purchase of some valuable lands at the Wairoa, Nuhaka, and Table Cape: those districts are well adapted for the location of an agricultural population—a class much required in this Province.

The planting of European settlements at the north end of Hawke's Bay has always been contemplated by me as an object of the greatest importance, and as the best means of ensuring stability and advancement.

Measures will be submitted to your consideration for the administration of all those lands recently acquired from the natives, based upon a principle which will, I hope, afford encouragement to agricultural settlers.

The system of guaranteed immigration continues to work satisfactorily.

In fulfilment of the desire expressed by you during the last session, I have done all in my power to acquire for purposes of settlement the agricultural lands of the Ahuriri Plains. I regret to say that the disturbed state of the Northern Island during the last year has made negotiations of this kind extremely difficult, and has interfered materially to prevent an earlier success in the direction desired by the Council.

I have reason to believe that the Ahuriri chiefs are now disposed to give over, upon lease, to the Government, considerable blocks of the most valuable portions of the plains, for settlement.

The negotiations for the block situate between the Pakiaka Bush and the Township of Clive, are concluded, and the same can at once be opened for settlement. I shall submit for your approval regulations under which those and other lands similarly acquired shall be disposed of.

I should have preferred of course to have treated with the natives, for the absolute sale rather than the lease of these lands, but as I found them quite unprepared even to entertain that question, I concluded that the interests of the Province would be best served by their acquisition upon the only terms which the native proprietors appeared willing to accede to.

In carrying out the arrangements entrusted to me for the defence of the Province, I have, by the advice of my Executive, agreed to set apart certain lands for the location of military settlers.

A petition applying for land from several of the men employed in the Defence Force who were suddenly discharged when the general reduction of the Colonial forces took place, will be laid before you, and I should wish to have an expression of your views with reference to their application.

I am happy to inform you that, notwithstanding the various causes of depression that have existed in the Northern Island during the past year, the provincial revenue has far exceeded the estimate formed of it, and that I have been enabled in consequence to provide for the acquisition of territory and other undertakings which were intended to be disbursed out of the loan of £60,000, which has not up to present advices been negotiated.

A statement of this and other expenditure will be laid before you by which you will perceive that the disbursements have been in accordance with the votes and expressed views of the Council.

I do not propose until after the meeting of the General Assembly to lay detailed estimates of the revenue and expenditure for the current year before you, as it is probable that the financial affairs of the Colony may undergo revision, which might alter or disturb any estimates now prepared. I shall, however, ask you to authorise by resolution an expenditure on the basis of the estimates of the past year for the period that will ensue before the close of the General Assembly.

The question of the Wellington debt still remains unsettled. I shall be glad to be guided by you as to any course which you may suggest for its adjustment.

Some slight alterations are required in a few of the Provincial Acts, which will be submitted for your consideration.

It affords me much pleasure to be able to speak favorably of the exertions that are being made by the inhabitants in promoting education; the best evidence of this is the fact that four new school-houses have been erected during the past year, and another is in progress. The usual grants in aid have been made by the Government towards those schools, and trained teachers are expected shortly from England.

A review of the state of the Province for the past year, affords ample proof of its steady advancement. Its exports, commerce, productions, and finances indicate a sound and healthy condition, which, there is every reason to believe, will continue to extend and develop itself.

Council Chamber,  
Napier, June 13, 1865.

DONALD McLEAN,  
Superintendent.

**Council Paper.**

1865.

PROVINCIAL COUNCIL OF HAWKE'S BAY.

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**RETURN**

*(Moved for by MR. BUCHANAN, on the 27th September, 1865,)*

OF THE

**COST OF THE LANDS IN THE NORTHERN DISTRICT**

*(Province of Hawke's Bay)*

OVER WHICH THE NATIVE TITLE HAS BEEN EXTINGUISHED  
RECENTLY.

*RETURN of the Cost of Lands in the Northern District of the Province of Hawke's Bay over which the Native Title has been recently extinguished.*

NAME OF BLOCK.	Estimated area	Estimated Area within Province of Hawke's Bay.	Price expressed in the Deeds.			Payments in Cash			The Expenditure all other than direct payments in money.			Amount still due			Cost of Survey.			Total Cost of each Block.			Cost per Acre.
	ACRES	ACRES	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	
Waihua ... ..	21,000	21,000	1250	0	0	1256	0	0	102	3	1	.....	140	0	0	1498	3	1	1s. 5½d.		
Potutu ... ..	2,800	2,800	1100	0	0	1100	0	0	23	6	6	.....	85	0	0	1208	6	6	8s. 7½d.		
Upper and Lower Wairoa ... ..	4,570	4,570	2200	0	0	1878	14	0	67	13	0	500	0	0	650	0	0	3096	7	0	13s. 6½d.
Nuhaka ... ..	120,000	10,000	3300	0	0	2630	0	0	23	6	6	1100	0	0	210	0	0	3963	6	6	7¼d.
Mahia ... ..	16,000	16,000	2000	0	0	2379	0	0	260	6	11	.....	80	0	0	2639	6	11	3s. 3¾d.		
Turiroa ... ..	15,000	15,000	2500	0	0	2570	0	0	23	6	6	.....	120	0	0	2713	6	6	3s. 7¼d.		

TOTAL COST ..... £15,118 16 6

110,000 acres of the Nuhaka Block are in the Auckland Province.  
 The Wairoa Blocks have been laid out into Town and Suburban Lands.  
 Part of the Mahia has been laid out into Town and Suburban Lands.  
 The classification of all other Blocks is not yet completed.

# Council Paper.

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1865.

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PROVINCIAL COUNCIL OF HAWKE'S BAY.

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## PROPOSED REGULATIONS

FOR THE

## DISPOSAL OF LANDS ON THE AHURIRI PLAINS

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THAT this Council is of opinion that all lands in the Ahuriri plains, at present acquired for settlement upon lease, shall be disposed of in the following manner:—

Each block shall as soon as possible, be laid off in sections.

Such sections shall, after at least one month's notice in the *Provincial Gazette* and in each of the Provincial newspapers, be leased by public auction for the period of time which may remain from the date of the lease from the natives: the upset rate of rent per annum of each section shall be not less than twenty-five per cent higher than the rate paid for the same to the native proprietors.

The rent for the first year of the lease shall be paid to the auctioneer on the fall of the hammer.

The rent for the remaining years of the lease shall be paid half yearly at the expiration of every six months from the termination of the first year of the lease.

In addition to the rent, the lessee of each section shall be liable to pay, on the requisition of a majority of the leaseholders to the Superintendent, such sum, not exceeding the rate of ten shillings for each acre contained within his section; the same to be expended under the direction of the Provincial Engineer for purposes of drainage or for the formation of any bye-roads within the block.

The leaseholder of each section shall be compelled by the terms of his lease to fence in his section within twelve months from the date thereof, and to cultivate at least one-tenth of it within the same period.

Any leaseholder failing to comply with either of these conditions shall forfeit his lease, which shall then be again put up to auction and disposed of as before set forth : Provided that in such case the second lessee shall, in addition to the one year's rent payable in advance, be liable also for one half of the cost of any sufficient dividing fence that may have been erected by any adjoining leaseholder.

The Provincial Government shall give an undertaking that in case of the lands, or any part thereof, contained in any block leased under these conditions becoming the property of the Government, a pre-emptive right of purchase of the land contained in his lease shall be given to each leaseholder, such pre-emptive right to be subject to the payment of a valuation to be fixed by arbitration (in the usual manner), such valuation not to include any improvements that may have been effected by the leaseholder, nor to be a less sum than the total cost to the Government of such land : Provided that any such promise of pre-emptive right as aforesaid given to any leaseholder who may forfeit his lease shall be null and void.

All moneys accruing under these regulations shall be paid to the Provincial Treasurer.

E. S. CURLING,  
Chairman of Committees.



## Council Paper.

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PROVINCIAL COUNCIL OF HAWKE'S BAY.

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### SETTING APART LAND FOR MILITARY SETTLEMENT.

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### RESOLUTIONS

*(Moved, on the 27th June, by Mr. M-Lean.)*

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**W**HEREAS certain engagements have been entered into by the Superintendent to supply land without charge for the location of Military Settlers and Defence Corps, and it is necessary such engagements should be fulfilled, this Council agrees :—

1. That such land shall be taken out of distinct blocks, to be defined and set apart for that purpose by the Superintendent, with the advice and consent of the Provincial Council.

2. That such blocks of land so set apart shall be of such extent as to provide for the location of at least forty men, and the necessary complement of commissioned and non-commissioned officers.

3. That the extent of land to be granted to each individual shall be in accordance with the Schedules hereunto attached, that is to say—The Men and Officers of the Colonial Defence Corps, and such portion of the Men and Officers of the Military Settlers as were enrolled prior to the 1st day of April, 1865, shall be given the quantity of land aforesaid in accordance with the conditions under which they were enrolled, and as set forth in Schedule A.

4. That such Men of the Military Settlers as have been enrolled since the 1st day of April, 1865, shall be given land in accordance with the conditions under which they were enrolled, and as set forth in Schedule B.

5. That the Honorable the Colonial Secretary be requested to give effect to the foregoing resolutions.

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SCHEDULE A.

For a Field Officer	...	...	...	...	400 acres
Captain	...	...	...	...	300 „
Surgeon	...	...	...	...	250 „
Subaltern	...	...	...	...	200 „
Sergeant	...	...	...	...	80 „
Corporal	...	...	...	...	60 „
Private	...	...	...	...	50 „

SCHEDULE B.

Captain	...	...	...	...	200 acres
Surgeon	...	...	...	...	200 „
Subaltern	...	...	...	...	150 „
Sergeant	...	...	...	...	60 „
Corporal	...	...	...	...	50 „
Private	...	...	...	...	40 „

E. S. CURLING,  
Chairman of Committees.

# Council Paper.

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PROVINCIAL COUNCIL OF HAWKE'S BAY.

## CORRESPONDENCE

HAVING REFERENCE TO THE

### ILLEGAL OCCUPATION OF THE AHURIRI PLAINS, THE LEASING OF THE SAME BY GOVERNMENT, &c.

(As Moved for by Mr. Buchanan, June 16, 1865).

Superintendent's Office,  
Napier, Jan. 23, 1864.

SIR,—I have the honor to enclose a resolution of the Provincial Council of this Province respecting the leasing of the Ahuriri Plains.

The easy access to these plains, the fertility of the soil, and proximity to the Town of Napier, render it highly necessary that they should be reserved for the occupation of agricultural settlers; indeed it is essential for the general prosperity and advancement of this Province that such should be the case.

The Provincial Government having no power in this matter, appeal to the General Government as to the course to be pursued, in the hope that such action may be taken as should meet the desire expressed in the resolution of the Provincial Council.

Considerable dissatisfaction has been recently manifested by the public of Napier in consequence of it being reported that a large portion of these plains have recently been leased for a long term of years for the purpose of depasturing stock.

I have, &c.,

DONALD McLEAN,  
Superintendent.

The Hon. the Colonial Secretary,  
Auckland.

Superintendent's Office,  
Napier, Jan. 28, 1864.

SIR,—In a conversation I have had yesterday with several of the chiefs who claim the lower Ahuriri Plains, I find that they are at present indisposed to sell any of these lands that are so much desired by agricultural settlers.

The reasons assigned by the natives for withholding the plains are,—that they fear the introduction of a large European population; that their own cattle and stock are increasing so rapidly that they require a considerable extent of land to depasture them on; that all direct authority and control by them over the land would cease after its alienation; and that leasing, which they consider may be determined at any time on non-fulfilment of the conditions of lease, is much preferable to an absolute sale.

Taking these objections into consideration, and anxious to avoid any pressure that might lead the natives to suspect that the Government is too eager for the acquisition of land; also bearing in mind the unsettled state of our relations with the natives generally, I have abstained from using efforts which I might otherwise have done to acquire land by purchase.

It occurs to me, however, that it might be expedient to lease some portions of the plains for a long term of years, which might after-

wards be sublet to agricultural settlers, and if there is no objection on the part of the General Government to this mode of proceeding, I shall enter into arrangements with the natives for the acquisition of such blocks of land as they may be disposed to lease on reasonable terms.

I have, &c.,  
DONALD M'LEAN,  
Superintendent.

The Hon. the Colonial Secretary,  
Auckland.

Superintendent's Office,  
Napier, Feb. 16, 1864.

SIR,—Referring to my letter of the 23rd ult. respecting the leasing of the Ahuriri Plains and the importance of securing them for agricultural settlers,—

I have the honor to acquaint you that since the date of that communication efforts have been made by several individuals to lease the most valuable and available portion of the Plains.

These arrangements are calculated to lead to serious difficulties and complications, while the object contemplated by the Provincial Government of securing the land for agricultural settlement cannot be attained. I have, therefore, proposed to the natives that they should lease the whole of the lower Ahuriri Plains for terms of fifteen and twenty-one years to the Provincial Government.

The native chiefs have agreed to this proposal, and I am in hopes that His Excellency's Government will sanction the course adopted.

Finding it impossible to complete a purchase of the land in question within any reasonable time, I have felt compelled to make the arrangements referred to in order to prevent a continuance of the evils resulting from the acts of private individuals.

I had less hesitation in doing so from being convinced that the ultimate purchase will not be prejudiced but rather facilitated by the course adopted.

Whenever the negotiations are completed, I will forward full particulars for your information.

I rely upon the support of His Excellency's Government in the action thus taken. It is probable that legislation may be necessary to enable the Provincial Government to carry out the proposed arrangements, and I rely with confidence upon the assistance of the Government in supporting any measure that may be brought before the House of Representatives for this purpose. I think it right to add that the agreement made is of a very beneficial nature and calculated to advance the interests of the Province in every way. The land is of good average quality, and from its situation eminently adapted for the settlement of immigrants with small means.

I have, &c.,  
DONALD M'LEAN,  
Superintendent.

The Hon. the Colonial Secretary,  
Auckland.

Colonial Secretary's Office,  
Auckland, Feb. 22, 1864.

SIR,—In reply to Your Honor's letter of the 16th inst. on the subject of leasing the Ahuriri Plains, I have to inform you that till the Government knows more precisely the nature of the arrangement, it can express no opinion upon it; and whatever Your Honor does, must be done on your own responsibility. It will be prudent that you should intimate to the natives that the transaction cannot be considered binding till it receives the assent of the General Government.

I have, &c.,  
WILLIAM FOX.

His Honor the Superintendent,  
Napier.

Colonial Secretary's Office,  
Auckland, April 20, 1864.

SIR,—Referring to previous correspondence which has taken place with Your Honor on the subject of leasing from the Natives the Ahuriri Plains, I have to inform Your Honor that, after a careful consideration of the subject, the General Government does not think itself justified in acquiescing in any such proposal, believing it to be fatal to the prospect of sales, and to greatly complicate the unsatisfactory position of the Government towards the holders of illegal leases under Native tenancies.

Should, however, the Natives wish it, the recent Act authorising sales of Native land to private individuals may possibly be brought into operation within the Province of Hawke's Bay. But the Government must not be taken as making any express promise to that effect, as political reasons might at the present crisis render such a course inexpedient. It must be understood that the Government will sanction no course which is not in strict conformity with law, nor any which might in any way appear to amount to an acquiescence in the irregular leasing transactions which are known to exist in Hawke's Bay.

I have, &c.,  
WILLIAM FOX.

His Honor the Superintendent,  
Napier.

Superintendent's Office,  
Napier, Sept. 14, 1864.

SIR,—I have the honor to transmit the enclosed resolution of the Provincial Council in reference to the leasing and occupation of lands by Europeans, in that portion of the lower Ahuriri Plains, immediately adjacent to the Port of Napier.

I have already represented that the occupation of those lands for other than agricultural purposes, would be very injurious to the permanent interests of the Province.

I have, &c.,  
DONALD M'LEAN,  
Superintendent.

The Hon. the Colonial Secretary,  
Auckland.

Colonial Secretary's Office,  
Auckland, Oct. 4, 1864.

SIR,—I have the honor to acknowledge the receipt of your letter of 14th ult., and, in reply, to transmit to you the enclosed warrant under the hand of His Excellency the Governor, appointing you to be a person by whom, and at whose instance, proceedings shall be taken under the Native Land Purchase Ordinance, Sess. 8, No. 19.

I have at the same time to express a strong opinion that this should be done, if it can be, without creating a disturbance with the natives

I have, &c.,

WILLIAM FOX

His Honor the Superintendent,  
Napier.



# ESTIMATE

OF

## THE PROBABLE AMOUNT OF RECEIPTS

DURING THE FINANCIAL YEAR 1865-6.

### ORDINARY REVENUE—

	£	s.	d.	£	s.	d.
Customs ... ..	3500	0	0			
Auctioneers', Publicans', and Bush License Fees	840	0	0			
Brand, Earmark, and Pound Fees	50	0	0			
Pilot and Wharf Fees	100	0	0			
Rent Educational Reserves	150	0	0			
Immigrants' Promissory Notes	500	0	0			
Sheep Assessment	450	0	0			

Total Ordinary ... .. 5590 0 0

### TERRITORIAL—

Land Sales	22734	0	0
Assessments on Runs	550	0	0
Balance Land Purchase Sixths in hands of General Government	3015	6	3

Total Territorial ... .. 26299 6 3

### MISCELLANEOUS—

Rent Clive Ferry	186	0	0
Refund by General Government on account of Colonial Defences	1700	0	0
Ditto ditto Expenses of Troops, Waipawa	838	9	8
Ditto by Wellington Provincial Government on account of advances for Land Purchases	937	0	0
Leasing Waipureku and Pakowhai Plains	1200	0	0
Estimated value of Steamer Huntress	3000	0	0

Total Miscellaneous ... .. 7861 9 8

**GRAND TOTAL ... .. 39750 15 11**

# ESTIMATE OF EXPENDITURE

OF THE

## Province of Hawke's Bay,

FROM THE 1ST JULY 1865, TO 30TH JUNE 1866.

	£	s.	d.	£	s.	d.
<b>1.—EXECUTIVE.</b>						
<i>Superintendent's Department—</i>						
Superintendent, at £525 per annum ...	525	0	0			
Superintendent's Clerk, also Clerk of Council and Immigration Clerk, at £300 per annum ...	300	0	0			
Native Interpreter at £50 ...	50	0	0			
Additional Clerical Assistance ...	50	0	0			
Contingencies ...	25	0	0			
				950	0	0
<i>Audit Department—</i>						
Provincial Auditor at £150 per annum ...	150	0	0			
Deputy Auditor at the rate of £150 per annum ...	20	0	0			
Contingencies ...	10	0	0			
				180	0	0
<i>Law Officer's Department—</i>						
Provincial Solicitor and Crown Prosecutor ...	170	0	0			
Contingencies ...	3	0	0			
				173	0	0
<b>2.—LEGISLATIVE.</b>						
<i>Provincial Council—</i>						
Country Members at 12s. per diem ...	160	0	0			
Messenger at £110 per annum ...	110	0	0			
Council Library and Newspapers ...	30	0	0			
Contingencies ...	20	0	0			
				320	0	0
<b>3.—JUDICIAL.</b>						
<i>Supreme Court—</i>						
Expenses of Witnesses and Contingencies ...	150	0	0			
				150	0	0
<i>Sheriff's Department—Gaol—</i>						
Gaoler (Warden) at £175 per annum ...	175	0	0			
1 Turnkey at £115 per annum ...	115	0	0			
1 Assistant do. at £110 per annum ...	110	0	0			
1 Overseer Hard-labor Prisoners at £110 ...	110	0	0			
Rations &c. for Prisoners ...	250	0	0			
Contingencies ...	150	0	0			
				910	0	0
<i>Coroner's Department—</i>						
Contingencies ...	10	0	0			
				10	0	0
<i>Police Department—</i>						
Police, Napier, Sergeant-Major, also Inspector of Weights and Measures at £200 per annum ...	200	0	0			
2 Corporals at £125 per annum ...	250	0	0			
1 ditto at £122 per annum ...	122	0	0			
5 Privates at £110 per annum ...	550	0	0			
Clive—1 Private at £110 per annum ...	110	0	0			
Waipawa—1 Private at £110 per annum ...	110	0	0			
Wairoa—1 Private at £110 per annum ...	110	0	0			
Mohaka—1 District Constable at £40 per an. ...	40	0	0			
Special Constables ...	30	0	0			
Horse Allowance to Sergeant-Major at £52 per an. ...	52	0	0			
Allowance for 2 Horses for Policemen at Waipawa at £72 per annum ...	72	0	0			
				2693	0	0
Carried forward .....	1646	0	0	2693	0	0



	£	s.	d.	£	s.	d.
Brought forward .....	1646	0	0	2693	0	0
<i>Police (continued)—</i>						
District Constable, Porangahau District ...	50	0	0			
Allowance for Horse to enable Clive Policeman to attend Police duties at Havelock ...	15	0	0			
Rations for Prisoners ...	30	0	0			
Expenses of Prisoners ...	20	0	0			
Contingencies ...	80	0	0	1841	0	0
<b>4.—CHARITABLE.</b>						
<i>Hospital—</i>						
Provincial Surgeon at £150 per annum ...	150	0	0			
Hospital Attendants at £115 do. ...	115	0	0			
Rations &c. for Patients ...	140	0	0			
Hospital Furniture ...	50	0	0			
Charitable Aid ...	50	0	0			
Contingencies ...	50	0	0	555	0	0
<b>5.—EDUCATION.</b>						
Inspector of Schools at £50 per annum ...	50	0	0			
Grants in aid of School buildings ...	300	0	0			
Grants in aid of Schools ...	575	0	0	925	0	0
<b>6.—SPECIAL.</b>						
<i>Harbour Department—</i>						
Harbour Master and Pilot at £250 per annum ...	250	0	0			
Assistant Pilot at £144 per annum ...	144	0	0			
2 Boatmen at 6s. 6d. per diem ...	240	0	0			
Extra men in addition to Pilot's crew when required ...	100	0	0			
1 Engineer at rate of £200 per an. for 3 months ...	50	0	0			
1 Fireman at rate of £100 ditto ditto ...	25	0	0			
Coals for "Huntress" 3 months ...	140	0	0			
Bonus to Ferryman at Napier Heads at £45 per an. ...	45	0	0			
Wairoa—Pilot at £50 per annum ...	50	0	0			
Hire of Boatmen when required for Pilot service at Wairoa ...	80	0	0			
Mahia—Pilot at £20 per annum ...	20	0	0			
Hire of Boatmen when required for Pilot service at Mahia ...	30	0	0			
Contingencies ...	75	0	0	1249	0	0
<i>Inspectors of Sheep Department—</i>						
1 Inspector of Sheep for Northern District, also Inspector of Slaughter Houses and Cattle, and Registrar of Brands at £250 per annum ...	250	0	0			
1 Inspector of Sheep for Southern District, also Registrar of Brands at £150 per annum ...	150	0	0			
1 Examining Inspector for Southern boundary of the Province at £30 per annum ...	30	0	0			
Dipping Apparatus, Repairs, labor when dipping, and Contingencies ...	50	0	0	480	0	0
<i>Receiver of Land Revenue's Department—</i>						
Contingencies ...	5	0	0	5	0	0
<i>Returning Officer's Department—</i>						
Expenses and Contingencies of Elections ...	50	0	0	50	0	0
<i>Meteorological Department—</i>						
Registrar of Meteorology at £50 per annum ...	50	0	0			
Contingencies ...	10	0	0	60	0	0
<i>Ferries—</i>						
Bonus to Ferry at Waihua river ...	25	0	0			
Bonus to Ferry at Waikari river ...	5	0	0			
Bonus to Ferry at Wairoa river ...	20	0	0			
Bonus to Ferry at Mohaka river ...	25	0	0	75	0	0
Carried forward .....				7933	0	0

	£	s.	d.	£	s.	d.
Brought forward .....				7933	0	0
<b>Government Offices—</b>						
Firewood, Coal, &c. ... ..	50	0	0			
<b>Miscellaneous—</b>						
General Printing ... ..	250	0	0			
Printing Acts of Hawke's Bay ... ..	150	0	0			
Insurance Government Buildings ... ..	96	10	0			
Powder Saturday Gun ... ..	20	0	0			
Immigration, assisted ... ..	950	0	0			
Immigration Contingencies ... ..	50	0	0			
Interest and Sinking Fund on Provincial loan ... ..	800	0	0			
Reward for Payable Gold-field ... ..	1000	0	0			
Contingencies Clive Ferry Punt ... ..	100	0	0			
Rent Clive Ferry Ground ... ..	20	0	0			
Expenses Native Visitors ... ..	50	0	0			
Widow of the late Pilot and Harbour Master Murray ... ..	100	0	0			
Miscellaneous Contingencies ... ..	200	0	0			
Refund of License Fee—F. Tuxford, Ferry Hotel. ... ..	15	0	0			
				3801	10	0
<b>Liabilities—</b>						
Interest and Sinking Fund on Provincial share of £500,000 loan from 1st July 1863 to 31st December 1864 ... ..	2400	0	0			
Ditto from 1st January 1865 to 30th June, 1866... ..	2400	0	0			
Interest on Wellington Debt from 1st January 1865 to 30th June, 1866 ... ..	3750	0	0			
				8550	0	0
<b>Crown Lands &amp; Treasury—</b>						
Commissioner of Crown Lands, also Provincial Treasurer, at £350 per annum ... ..	350	0	0			
Chief Clerk, also Clerk to Provincial Treasury ... ..	300	0	0			
Travelling Expenses to Commissioner at 12s. 6d. per diem ... ..	20	0	0			
Preparation of Crown Grants, Parchment for do., and Contingencies for Departments ... ..	100	0	0			
				770	0	0
<b>PUBLIC WORKS AND UNDERTAKINGS.</b>						
<b>Survey Department—</b>						
2 Surveyors at £300 per annum each ... ..	600	0	0			
1 Assistant do. at £200 per annum ... ..	200	0	0			
Travelling Expenses for 3 Surveyors at £36 each ... ..	108	0	0			
1 Draughtsman at £250 per annum ... ..	250	0	0			
1 Assistant do. at 10s. per diem ... ..	100	0	0			
Contract Surveys ... ..	500	0	0			
Laborers ... ..	1000	0	0			
Contingencies ... ..	50	0	0			
				2808	0	0
<b>Provincial Engineer's Department—</b>						
Provincial Engineer, also Chief Provincial Surveyor, at £400 per annum ... ..	400	0	0			
Clerk to the Provincial Engineer, including Travelling expenses ... ..	200	0	0			
Travelling expenses Provincial Engineer ... ..	100	0	0			
Contingencies ... ..	25	0	0			
				725	0	0
Repairs and Maintenance of Public Buildings ... ..	400	0	0			
Fire-proof Room, Survey Office ... ..	100	0	0			
Public Wells and Pumps ... ..	30	0	0			
Public Fences ... ..	100	0	0			
Fencing Court-house Reserve, Waipawa ... ..	20	0	0			
Fencing Burial Ground, Petane ... ..	33	18	0			
Queen's Warehouse ... ..	300	0	0			
Fencing Gaol Reserve ... ..	70	0	0			
Repairing and extending Wharf ... ..	200	0	0			
Police Station and Court House at Clyde, Wairoa ... ..	460	0	0			
Ferry House, Clive ... ..	50	0	0			
Carried forward .....	1763	18	0	24637	10	0

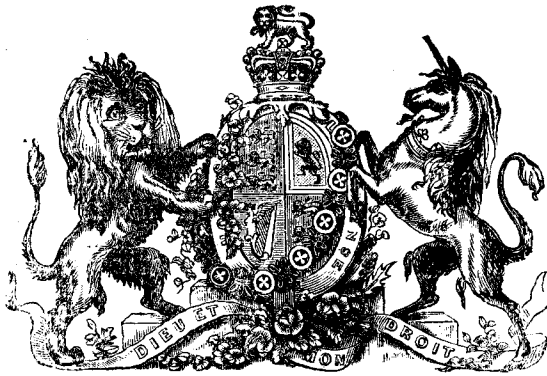
	£	s.	d.	£	s.	d.
Brought forward .....	1763	18	0	24637	10	0
Importation of English Birds ... ..	150	0	0			
Aviary for ditto ... ..	100	0	0			
Provisioning Wairoa Stockade ... ..	51	3	6			
Repairing and Refitting Steamer "Huntress" ...	1220	0	0			
Leasing Land from Natives ... ..	900	0	0			
Refund of balance of pay to ex-members of Colonial Defence Force ... ..	65	5	0			
Boat Waikari Ferry ... ..	10	0	0			
Weighing Machine, erecting Shed ... ..	80	0	0			
Addition to Hospital ... ..	160	0	0			
				4500	6	6
<i>Roads and Bridges—</i>						
Te Aute Road ... ..	1000	0	0			
Middle Road ... ..	200	0	0			
Line of Road through 40-mile Bush to boundary of Province ... ..	1500	0	0			
Material for Ngaruroro Bridge and draying same	1000	0	0			
Formation of road between Tareha's Creek, by way of Waitangi Bridge and Ngaruroro Bridge to Havelock ... ..	1000	0	0			
Taupo Road ... ..	300	0	0			
Clive Road ... ..	50	0	0			
Tareha's Bridge to Puketapu Road ... ..	300	0	0			
Town Roads ... ..	300	0	0			
Patangata to Tamumu Road ... ..	100	0	0			
Pourerere to Middle Road ... ..	100	0	0			
Porangahau Road ... ..	400	0	0			
Poranganau to Tautane Road ... ..	100	0	0			
Waipawa to Rua Taniwha Road ... ..	40	0	0			
Waipukurau to Rua Taniwha Road ... ..	20	0	0			
Waipawamate to Upper Rua Taniwha Road ...	40	0	0			
Havelock to Aorangi Road ... ..	50	0	0			
Omahu to ditto ditto ... ..	50	0	0			
Hampden by ditto ditto ... ..	300	0	0			
Kereru Road ... ..	150	0	0			
Petane Road and Road to Pohui ... ..	600	0	0			
Bridle Track to Mohaka ... ..	300	0	0			
Mohaka to Upper Mohaka ... ..	30	0	0			
Bridle Track over Urite Hill ... ..	100	0	0			
Waitaha Bridge ... ..	65	0	0			
Wairoa District Roads ... ..	300	0	0			
Clearing Mangaone river ... ..	60	0	0			
Meance Embankment ... ..	75	0	0			
Wairoa Bridle Track ... ..	20	0	0			
Road Contingencies ... ..	300	0	0			
Grants in aid of Roads ... ..	1200	0	0			
Connecting present Clive Road with Ngaruroro Bridge ... ..	100	0	0			
Widening Shakespeare road ... ..	200	0	0			
Taipo road ... ..	120	0	0			
Artesian Wells, Napier ... ..	200	0	0			
Nuhaka Ferry ... ..	15	0	0	10685	0	0
<b>GRAND TOTAL</b> ... ..	.....			39822	16	6

I HEREBY certify that the above is correct.

JOHN WILKINSON,  
Chairman of Committees.



# Province of Hawke's Bay.



## APPROPRIATION.

IN THE TWENTY-NINTH YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA.

SESSION IX. No 4.

### ANALYSIS.

Title.	
Preamble	for the purposes herein specified on Warrant of Superintendent.
1. Appropriation of the sum of £39,822 16s. 6d. to defray the charges of the Government of the Province for the years 1865-6. Specification of charges.	3. Superintendent indemnified for the issue of Warrants for a certain sum.—Schedule of Supplementary Estimates, No. 1.
2. Power to Treasurer to make such payments	4. Treasurer to be allowed credit in his accounts for certain sums of money paid under the Warrant of the Superintendent. Schedule of Supplementary Estimates No. 2.

**AN ACT** to appropriate the Revenue of the Province of Hawke's Bay for the period commencing the 1st day of July, 1865, and ending 30th day of June, 1866.

Title.

**BE IT ENACTED** by the Superintendent of the Province of Hawke's Bay, by and with the advice and consent of the Provincial Council thereof, as follows:—

Preamble.

I. That out of the Revenue of the Province there may be issued and applied for defraying the charge of the Government of the Province of Hawke's Bay for the term of Twelve Months, commencing on the 1st day of July,

Appropriation of the sum of £39,822 16s. 6d. to defray the charges of the Government of the Province for the Years

1865-6. Specification of charges.

1865, and ending the 30th day of June, 1866, the sum of £39,822 16s. 6d., in any sums not exceeding the several sums for the several purposes herein-after particularly specified, that is to say:—

<i>Ordinary Expenditure—</i>			£	s.	d.
Superintendent's Department	...	...	950	0	0
Audit Department	...	...	180	0	0
Law Officer's Department	...	...	173	0	0
Provincial Council	...	...	320	0	0
Supreme Court	...	...	150	0	0
Sheriffs' Department	...	...	910	0	0
Coroners' Department	...	...	10	0	0
Police Department	...	...	1841	0	0
Hospital	...	...	555	0	0
Education	...	...	925	0	0
Harbour	...	...	1249	0	0
Inspectors of Sheep	...	...	480	0	0
Receiver of Land Revenue	...	...	5	0	0
Returning Officers' Department	...	...	50	0	0
Ferries	...	...	75	0	0
Meteorological Department	...	...	60	0	0
Government Offices, &c.	...	...	50	0	0
Miscellaneous	...	...	3801	10	0
Liabilities	...	...	8550	0	0
Crown Lands and Treasury	...	...	770	0	0
<i>Public Works and Undertakings—</i>					
Survey Department	...	...	2808	0	0
Provincial Engineer's Department	...	...	725	0	0
Roads, Bridges, &c.	...	...	15185	6	6
			£39822 16 6		

Power to Treasurer to make such payments for the purposes herein specified on Warrant of Superintendent.

II. The Treasurer of the Province shall issue from time to time any sum or sums of money, not exceeding in the whole the sums respectively specified and provided as referred to such persons, and in such portions as the Superintendent shall, by any Warrant issued by him, from time to time direct; and such Treasurer shall, in his accounts, be allowed credit for all sums paid in pursuance of such Warrants, upon the receipt of the persons to whom such sums shall have been made.

Superintendent indemnified for the issue of Warrants for a certain sum.

III. And whereas the actual Expenditure of the Civil Government and Public Works and Undertakings has exceeded in some instances the sums authorised by the Appropriation Act for the twelve months from the 1st of July 1864 to the 30th of June 1865, by the sum of £19,100 11s. 7d., according to the items enumerated in the Schedule hereunto annexed: And whereas the said Expenditure was reasonable and necessary, therefore the Superintendent is hereby indemnified for the issue of his Warrant for the said sum of nineteen thousand one hundred pounds eleven shillings and seven pence.

SCHEDULE REFERRED TO.

Schedule of Supplementary Estimates, No. 1.

SUPPLEMENTARY ESTIMATES, No. 1.

Superintendent's Department	...	...	9	12	3
Sheriffs' Department	...	...	292	16	9
Schools' Department	...	...	44	8	7
Inspectors of Sheep Department	...	...	35	6	8
Expenses of Troops at Waipawa	...	...	558	17	4
Council Library and Newspapers	...	...	1	3	3
Powder Saturday Gun	...	...	10	1	6
Meteorological Contingencies	...	...	1	1	6
Miscellaneous Contingencies	...	...	34	18	8
Crown Lands	...	...	61	14	2
Middle Road	...	...	12	4	7
Taupo Road	...	...	92	3	3
Carried forward			£1154	8	6

Brought forward ... ..	£1154	8	6
Bridle Track to Mohaka, and Mohaka to Upper Mohaka ... ..		1	19 6
Town Roads ... ..		0	19 3
Public Wells and Pumps ... ..		8	16 10
Clive Ferry Punt Contingencies ... ..		64	3 10
Timber for Temporary Barracks, Napier ... ..		57	10 1
Exhibition Transit &c. to Otago ... ..		155	17 0
Battery Road, between Shakespeare & Milton Road ... ..		240	19 6
Purchase of Land from Natives ... ..	10522	13	7
Survey of ditto ditto ... ..		273	13 0
Leasing Land from Natives ... ..		550	0 0
Harbour Purposes ... ..		2040	5 5
Immigration ... ..		1417	6 5
Colonial Defences ... ..		1579	18 5
Colonial Defence Force ... ..		28	0 0
Colonial Defences, No. 2 account ... ..		11	12 6
Provincial Militia Force ... ..		47	5 0
Road from Napier to Clive Ferry ... ..		471	0 9
Rent Clive Ferry Ground... ..		34	15 0
Harbour Survey ... ..		300	0 0
Survey Office, Wairoa ... ..		48	7 0
Pilot Station, Wairoa ... ..		14	0 0
Bridle Track Pohui to Tarawera ... ..		2	0 0
Wellington Provincial Government ... ..		75	0 0
	£19100	11	7

IV. And also whereas the Treasurer of the Province has issued upon Warrants of the Superintendent certain sums of money, whereof £2966 13s. 1d. have been expended for the period from the 1st April to the 30th June 1865 upon Public Works and Undertakings, as stated in the undermentioned Schedule, such Treasurer shall, in his accounts, be allowed credit for the said sum of Two thousand nine hundred and sixty-six pounds thirteen shillings and one penny, paid in pursuance of such Warrants, upon the receipt of the persons to whom such sums have been paid.

Treasurer to be allowed credit in his accounts for certain sums of Money paid under the Warrant of the Superintendent.

SCHEDULE REFERRED TO.

SUPPLEMENTARY ESTIMATES, No. 2.

Roads—	£	s.	d.
Te Aute ... ..	653	6	5
Middle ... ..	154	9	0
Town Roads ... ..		9	9 7
Porangahau ... ..		75	19 4
Taupo ... ..		351	1 4
Grants in Aid of Road Contingencies ... ..		93	2 6
Waipawa to Ruataniwha ... ..		6	3 0
Petane Road ... ..		4	5 0
Bridle Track, Wairoa ... ..		14	10 0
Bridle Track, Mohaka ... ..		5	1 0
Contingencies Clive Ferry Punt ... ..		27	14 6
Road to and by Aorangi to Hampden ... ..		6	0 0
Clive to Havelock ... ..		3	8 0
Porangahau to Tautane ... ..		12	0 0
Napier to Clive Ferry ... ..		720	3 5
Refitting Steamer Huntress ... ..		500	0 0
Surveys—			
Survey Wairoa ... ..		100	0 0
Survey Native Lands ... ..		100	0 0
Surveys, General ... ..		130	0 0
	£2966	13	1

Schedule of Supplementary Estimates No. 2.

CHARLES LAMBERT,  
Speaker.

I do hereby declare that I reserve this Bill for the signification of the Governor's assent thereto.

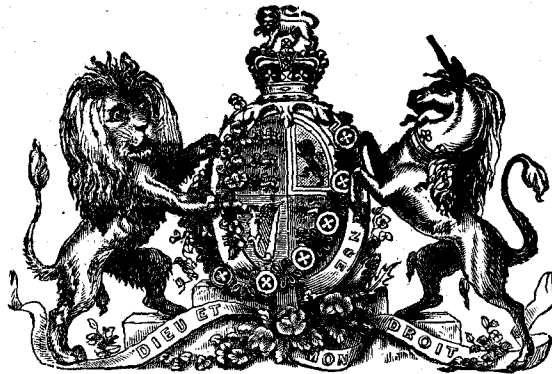
DONALD M'LEAN,  
Superintendent,

I HEREBY assent to this Ordinance this eleventh day of November, One thousand eight hundred and sixty-five.

G. GREY,  
Governor.



# Province of Hawke's Bay.



## D R A I N A G E .

IN THE TWENTY-NINTH YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA.

SESSION IX. No 5.

### ANALYSIS.

- |   |  |
|---|--|
| Title   | 17. Owner may fill up drains on making others equally efficient  |
| Preamble  | 18. Penalty for obstructing persons lawfully making drains   |
| 1. Land owner desirous to drain to apply to adjoining owner                               | 19. When drain crosses public road covered drain to be made  |
| 2. Any number of persons to co-operate in making applications and appointing an attorney. | 20. Cost of surveys, &c. at discretion of arbitrators  |
| 3. Application to be in writing   | 21. Persons contributing to make drains to have power to enter lands for repairing same                    |
| 4. Applicant may enter on land for making survey  | 22. Persons liable to contribute defined   |
| 5. Applicant to deliver plan and section of proposed drains                               | 23. Contribution when owner cannot be ascertained, or when owner is an absentee, married woman, or a minor |
| 6. Adjoining owner may assent   | 24. If no owner or owners, married woman, &c., Superintendent shall appoint a person as agent              |
| 7. Applicant to forward assent to Superintendent  | 25. Superintendent to proclaim Districts   |
| 8. When adjoining owner shall be deemed to dissent  | 26. In Districts not proclaimed owner may give notice  |
| 9. Mode of proceeding if adjoining owner dissent  | 27. Adjoining owner may assent   |
| 10. Appointment of arbitrator if adjoining owner refuse to appoint                        | 28. When adjoining owner deemed to dissent   |
| 11. } Arbitrators to decide questions   | 29. Mode of proceeding if adjoining owner dissent  |
| 12. }   | 30. Resident Magistrate or two Justices may dismiss summons  |
| 13. Arbitrators' powers   | 31. Definition of term "adjoining owner."  |
| 14. Arbitrators to decide as to payment of money by adjoining owner                       | 32. Penalties to be recovered by summary proceedings   |
| 15. Arbitrators to prepare map and forward the same to the Superintendent                 | 33. Short Title of Act   |
| 16. As to maintaining drains and contributing towards the same                            |  |

Title

## AN ACT to enable Land Owners or Occupiers to Drain their Lands.

[Assented to January 9, 1866.]

Preamble

WHEREAS it is expedient to make provision whereby owners or occupiers of land may be enabled to drain their properties.

BE IT THEREFORE ENACTED by the Superintendent of the Province of Hawke's Bay, by and with the advice and consent of the Provincial Council thereof, as follows :—

Land owner desirous to drain to apply to adjoining owner

I. Any land owner or person interested in land, who is desirous to drain the same, and who is hereafter referred to as the "*Applicant*" and thereto does deem it necessary that new drains should be opened, through lands belonging to another adjoining or neighbouring owner, and who is hereafter referred to as "*adjoining owner*," or that existing drains or natural water-courses belonging to an adjoining owner should be deepened, widened, cleansed, straightened or otherwise improved, may apply to such owner for leave to make such drains or improvements or drains through or on the lands of such owner.

Any number of persons to co-operate in making applications and appointing an attorney.

II. It shall be lawful for any number of persons being land owners or persons interested in land within any district to be formed in manner hereinafter provided for, to join together and co-operate in making any such joint application, and for that purpose by Deed Poll, or Letter of Attorney, under their respective hands, to authorise and empower one of their number to act on their behalf for the purposes of this Act. The attorney so nominated and appointed shall be deemed "an applicant" in all respects, as well on his own behalf as on behalf of all the parties for whom he shall act as attorney, and all proceedings under this Act shall be made in his name, and all the said parties shall be bound by the lawful deeds and acts of such attorney. Provided always that previously to any proceedings being taken under this Act by any person so authorised on behalf of other persons, the Deed Poll, or Letter of Attorney under which he shall propose to act shall be forwarded to the Superintendent and recorded by him.

Application to be in writing

III. Any such application as aforesaid shall be by notice in writing under the hand of the applicant and shall be served on the adjoining owner and also on the occupier, if the owner be not occupier.

Applicant may enter on land for making survey

IV. Fourteen days after such notice has been duly served the applicant shall be empowered to enter upon the land, through which he is desirous of making the drain or drains, for the purpose of making the necessary survey, taking levels, &c. : Always provided that no applicant without the special permission in writing from the adjoining owner shall enter into any yard, garden, or orchard for the above purposes. And provided that any damage or injury done to the property of such adjoining owner, may be recovered by arbitration as provided in clause 10 of this Act.

Applicant to deliver plan and section of proposed drains

V. The applicant shall after such survey deliver to the adjoining owner a plan and section, shewing the drains or other improvements proposed, their width, depth, and length, and shall further state the compensation, if any, which the applicant proposes to pay.

Adjoining owner may assent

VI. The adjoining owner may by deed under his hand assent to such application upon such terms and on payment of such compensation as he may require and any assent so given shall be binding upon his Heirs, Executors or Assigns, and the applicant, if he shall be satisfied with the terms contained in such assent, shall execute the deed.

Applicant to forward assent to Superintendent

VII. The applicant shall forward to the Superintendent of the Province the Deed containing the assent of the adjoining owner to the proposed drains and the plan and section thereof who shall cause to be placed upon record the proceedings between the parties.

When adjoining owner shall be deemed to dissent

VIII. The adjoining owner shall be deemed to have dissented from the application made to him if he fail to express his assent thereto in writing within one month after service of notice of application on him, or if the applicant shall decline to execute the deed containing the assent of the adjoining owner.

Mode of proceeding if adjoining owner dissent

IX. In the event of the adjoining owner dissenting from the application, then arbitrators shall be appointed in the following manner, and the applicant shall give notice in writing to the dissenting owner, calling upon him to appoint an arbitrator within fourteen days after receipt of such notice :—One by the applicant, and one by the adjoining owner.

X. In case the adjoining owner shall refuse to appoint an arbitrator within 14 days after having received notice in writing to do so, the applicant may apply to the nearest Bench of Magistrates, who shall appoint an arbitrator for the adjoining owner ; the two arbitrators shall appoint an umpire, before proceeding in the business of the arbitration, and the decision of such umpire, in case the arbitrators differ, shall be final.

Appointment of arbitrator if adjoining owner refuse to appoint

XI. The arbitrators shall decide upon the following questions viz. :—

Arbitrators to decide questions

- a. Whether the proposed drains or improvements in drains will cause an injury to the adjoining owner or occupier or other person interested in the land.
- b. Whether any injury that may be caused is or is not of such a nature as to admit of being fully compensated by money.
- c. Whether the property of the adjoining owner is not benefited by the drains or the improvements of drains to be cut through the land, and whether the advantages derived therefrom do not outweigh the injury done.
- d. Whether the property of an adjoining owner is not benefited by the proposed drains or improvement of drains, although the same be not cut through, made upon, or lie contiguous to such property.

XII. The result of any such decision shall be as follows, viz. :—

- a. If the decision is that no injury will be caused to the adjoining owner, to the occupier, or to other parties interested in the lands, the applicant may proceed forthwith to make the proposed drains.
- b. If the decision is that injury will be caused to the adjoining owner, occupier, or other parties interested in the land, but that such injury is of a nature to admit of being fully compensated by money, the arbitrators shall proceed to assess such compensation and to apportion the same amongst the parties in their judgment entitled thereto, and on payment of the sum so assessed to the Bench of Magistrates, the applicant may proceed to make the proposed drains or improvements in drains.
- c. If the decision is that injury will be caused to the adjoining owner, occupier, or other parties interested in the lands, and that such injury is *not* of a nature to admit of being fully compensated by money, the applicant shall *not* be entitled to make the proposed drains or improvement in drains.
- d. If the decision is that the property of the adjoining owner is not injured by the drains or improvement in drains, but that on the contrary derives benefit therefrom, although such drains or improvements of drains be not cut through, made upon, or lie contiguous to such property, the arbitrators shall fix the sum to be paid by the adjoining owner towards the making of such drains or improvement in drains, and the applicant may proceed to make the proposed drains or improvement in drains, subject to the conditions hereinafter provided for.

XIII. The arbitrators shall have power to call for and examine any documents relating to the land in question, and to examine witnesses on oath to be administered by any one of them, and the award of such arbitrators or of any two of them being put in writing and signed shall be final, and the same may be made a rule of the Supreme Court, upon the application by either party.

Arbitrators' powers

XIV. If the arbitrators have decided that any money will have to be paid by the owner of the property towards the making of the drain or the improvement of drains, they shall likewise decide in which manner and at what time or times the awarded amount shall be paid by the owner of the land ; such amount or amounts if not paid on demand to be recovered in a summary way at the nearest Bench of Magistrates by the applicant.

Arbitrators to decide as to payment of money by adjoining owner

XV. The arbitrators, in the event of their approving of a scheme of drainage as proposed by the applicant or as modified by themselves, shall at the expense of the applicant cause the preparation of a plan and section thereof, and shall certify under their hand to the correctness of such plan and section, and it shall be their

Arbitrators to prepare map and forward the same to the Superintendent

duty to forward the same with all papers connected with the application to the Superintendent of the Province, who shall cause them to be duly recorded.

As to maintaining drains and contributing towards the same

XVI. After drains have been opened or improvements in drains have been made in pursuance of this Act, it shall be lawful for the adjoining owner, and for the purposes of this clause, the applicant shall be considered an adjoining owner, their or any of their heirs or assigns for ever thereafter, from time to time as it may become necessary, to give notice in writing to any adjoining owner, calling upon him or them to contribute towards the clearing out and otherwise maintaining the said drains in a proper state of efficiency, and if the said adjoining owner or owners neglect or refuse within a period of fourteen days to contribute towards the clearing out and maintaining the said drains, it shall be lawful for the person or persons giving such notice to enter upon the lands in which such drains shall lie for the purpose of clearing out and maintaining the said drains, and to recover such proportion of the expenses incurred on that account as to the court having jurisdiction in any such case shall seem reasonable.

Owner may fill up drains on making others equally efficient

XVII. The owner for the time being or the occupant of the land through or on which any drain may be opened or improvement in drains made in pursuance of this Act, may at his own expense, after obtaining the written assent of the Superintendent, who shall first satisfy himself as to the efficiency of the said drains, fill up or otherwise deal with such drains on condition of first laying out and making in lieu thereof drains equally efficient.

Penalty for obstructing persons lawfully making drains

XVIII. Any person who wilfully obstructs any person lawfully making any drains or improvements in drains in pursuance of this Act, and any person who wilfully dams up or blocks up or in any way injures any drains or improvements so opened or made shall for each offence incur a penalty not exceeding Twenty Pounds sterling, to be recovered in a summary manner.

When drain crosses public road covered drain to be made

XIX. Wherever a drain crosses a public road, the applicant shall at his own expense erect a substantial covered drain, culvert or bridge, to be approved of by the Superintendent or the Board of Road Wardens, as the case may be.

Cost of surveys &c. at discretion of arbitrators

XX. All costs of arbitration, of survey, and all costs, charges or expenses reasonably incurred by the applicant or adjoining owner, in respect of any application under this Act, shall be in the discretion of the arbitrators or their umpire as the case may be, and shall be borne and paid by either or any of the said parties to such arbitration in such proportion as the said arbitrators or umpire shall award and direct.

Persons contributing to make drains to have power to enter lands for repairing same

XXI. All persons contributing to the making of drains or improvement in drains shall have the same powers of entering upon the lands through and upon which such drains or improvement in drains shall have been made for the purpose of repairing and cleaning the same herein given to the applicant, including also entry upon the applicant's land for the same purpose.

Persons liable to contribute defined

XXII. The person liable to contribute under clause 12 of this Act to the making of or the improvements in drains shall be the occupier of the land in respect of which contribution is sought, if such occupier shall have an interest exceeding three years from the date of the application ; but if the occupier shall not have such interest in the land or if the land be unoccupied, then the owner of such land shall be the person liable to contribute.

Contribution when owner cannot be ascertained, or when owner is an absentee, married woman, or a minor

XXIII. Wherever the land is unoccupied and the owner cannot be ascertained and found by the applicant, or where the owner is an absentee, having no known agent in the Province, or where the owner is a married woman, or a minor, the applicant shall make his application to the Superintendent of the Province, who shall call upon the owner or the agent, by giving notice three times in the Government Gazette and in one of the local papers, to come forward : provided that those notices shall be issued at intervals of at least one month from each other.

If no owner or owners, married woman, &c. Superintendent shall appoint a person as agent

XXIV. If no owner or agent of the property referred to in the application come forward, or in the case of the property belonging to a married woman or a minor, &c., the Superintendent of the Province shall appoint a person to act as agent whose deeds shall be considered as those of the proper owner.

Superintendent to proclaim Districts

XXV. The Superintendent, by and with the advice of his Executive Council,

whenever it shall appear to him expedient so to do, may by proclamation declare that the provisions of this Act hereinbefore contained shall come into operation within any District of the Province of Hawke's Bay, and may define the limits of such District, and also may from time to time, by Proclamation alter and vary the limits of such District, and, upon the publication of such Proclamation and not before, the provisions of this Act hereinbefore contained shall immediately come into operation within the District therein defined.

XXVI. In Districts in which this Act shall not have come into operation, it shall be lawful for the owner of any land in such District (who shall hereafter be called the applicant), to give to any adjoining owner of any land fourteen days' notice of his intention of entering upon the land of such adjoining owner for the purpose of making Drains through the same. Such notice shall contain a sketch plan shewing the Drains proposed, and the course and direction thereof, and shall be served personally on the adjoining owner, or left at his last known place of residence, or sent through the Post-Office directed to such place of residence. The said notice shall also contain an undertaking on the part of the applicant to pay to the adjoining owner or occupant the amount of damage (if any) caused by the making of such proposed Drains.

In Districts not proclaimed owner may give notice

XXVII. The adjoining owner may by writing under his hand assent to such application, upon such terms, and on payment of such compensation as he may require. The applicant, if he shall be satisfied with the terms contained in such assent, shall sign the same and forward such written assent to the Superintendent, who shall cause the same to be recorded, and thereupon, and upon payment of such compensation as beforementioned, it shall be lawful for the applicant to enter upon the land, and make the Drains specified in such notice at his own expense.

Adjoining owner may assent

XXVIII. The adjoining owner shall be deemed to have dissented from the application made to him if he fail to express his assent thereto in writing within one month after the service of notice of application, or if the said applicant shall decline to sign the written consent referred to in clause 27.

When adjoining owner deemed to dissent

XXIX. In case of the adjoining owner dissenting from the application, it shall be lawful for the applicant to apply to a Resident Magistrate or to two Justices of the Peace, for a summons calling upon the adjoining owner to shew cause why the applicant should not be authorised to enter upon the land of such adjoining owner and to make the Drains specified in the said notice, and upon the hearing of such summons it shall be lawful for the said Resident Magistrate or Justices of the Peace to make such order as to them shall seem expedient. If the said Resident Magistrate or Justices of the Peace shall think it expedient that the applicant should have power to enter upon the land of the adjoining owner and to make Drains through the same, they shall make an order to that effect and shall also by the same order fix the amount of compensation, if any, payable to such adjoining owner, and shall also impose such other terms upon the applicant as he or they shall fix. Upon service of a copy of such order upon such adjoining owner and payment or tender to him of the amount of compensation thereby awarded, it shall be lawful for the applicant to enter upon the land and make the Drains mentioned in such order: Provided always that the amount of compensation to be awarded by such order shall not exceed Fifty pounds, and all sums so awarded shall be recovered in a summary way, and all orders so made by the Resident Magistrate or Justices of the Peace shall be final and conclusive, save as hereinafter provided for.

Mode of proceeding if adjoining owner dissent

XXX. If upon the hearing of such summons it shall appear to the Resident Magistrate or two Justices of the Peace that it is not expedient to make an order authorising the applicant to enter upon the land or to make the Drains mentioned in such summons, or if it shall appear that the probable amount of damage caused to the adjoining owner shall exceed the sum of Twenty pounds, the said Resident Magistrate or Justices of the Peace shall thereupon dismiss the summons and shall in his or their discretion order the applicant to pay the adjoining owner his costs of attending the said summons, such costs not to exceed Five pounds.

Resident Magistrate or two Justices may dismiss summons

XXXI. In the construction of this Act it shall be understood that in the case of Districts in which the provisions contained in the different clauses thereof from 1 to 25 inclusive shall have been proclaimed as in operation, the words "adjoining owner" shall mean the owner of property in any such district. In the case of districts in which the beforementioned clauses have not been brought into operation, the words "adjoining owner" shall be understood to mean the owner of any land through which the applicant desires to carry out such Drains.

Definition of term "adjoining owner"

Penalties to be recovered by summary proceedings

XXXII. All penalties imposed and all sums of money made payable by this Act shall be recovered by summary proceedings before Justices of the Peace, when the amount of such penalties and sums of money shall be within the jurisdiction of such court or courts.

Short Title of Act

XXXIII. The short title of this Act shall be the "Hawke's Bay Drainage Act, 1865."

CHARLES LAMBERT,

Speaker.

I do hereby declare that I reserve this Bill for the signification of the Governor's assent thereto.

DONALD McLEAN,

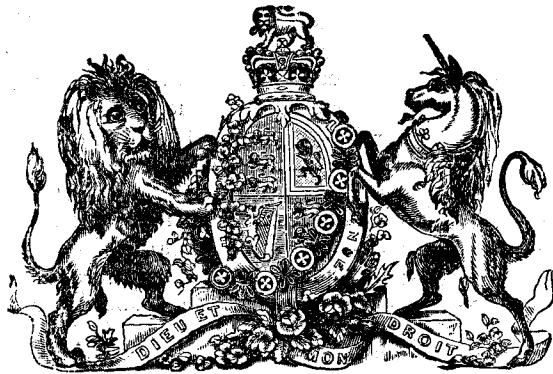
Superintendent.

I hereby assent to this Act this 9th day of January, 1866.

G. GREY,

Governor.

# Province of Hawke's Bay.



## SHEEP AND SCAB AMENDMENT.

IN THE TWENTY-NINTH YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA.

SESSION IX. No 2.

### ANALYSIS.

- |   |  |
|---|--|
| Title<br>Preamble<br>1. Repealing Clause No. 29 of No. 2 of Session No. 6 | 2. Repealing Clauses Nos. 4 and 5 of No. 2 of Session No. 8.—Fees for dipping Sheep landed at the Port of Napier.—Power to Superintendent to remit Fees.<br>3. Short Title of Act. |
|---|--|

**AN ACT** to amend an Act of the Provincial Council of Hawke's Bay, No. 2 of Session No. 6, intituled "An Act to repeal the various Acts relating to Sheep, and the disease in Sheep called Scab, and to make other provision in behalf of the same," and an Act No. 2 of Session No. 8, intituled "An Act to amend an Act of the Provincial Council of Hawke's Bay, No. 2 of Session No. 6, intituled 'An Act to repeal the various Acts relating to Sheep, and the disease in Sheep called Scab, and to make other provision in behalf of the same.'"

[Assented to January 9, 1866.]

**WHEREAS** it is expedient to make certain amendments in the Acts enumerated in the Title to this Act.

**BE IT THEREFORE ENACTED** by the Superintendent of the Province of

Hawke's Bay, by and with the advice and consent of the Provincial Council thereof, as follows:—

Repealing Clause No. 29  
of No. 2 of Session No. 6

I. Clause No. 29 of an Act of the said Provincial Council of Hawke's Bay, No. 2 of Session No. 6, intituled "An Act to repeal the various Acts relating to Sheep, and the disease in Sheep called Scab, and to make other Provision in behalf of the same," is hereby repealed.

Repealing Clauses Nos.  
4 and 5 of No. 2 of Ses-  
sion No. 8

II. Clauses Nos. 4 & 5 of an Act of the said Provincial Council, No. 2 of Session No. 8, intituled "An Act to amend an Act of the Provincial Council of Hawke's Bay, No. 2 of Session No. 6, intituled 'An Act to repeal the various Acts relating to Sheep, and the disease in Sheep called Scab, and to make other provision in behalf of the same,'" are hereby repealed, and in lieu thereof be it enacted:—Every person landing Sheep in the said Port of Napier, shall before landing the same give notice to the Inspector of Sheep of the said port, who shall forthwith, on receiving such notice, visit the said Sheep, and if in his opinion it is necessary so to do, shall cause them with all convenient speed to be taken to some commodious dipping-yard to be appropriated for that purpose, and there to be thoroughly and sufficiently dipped to his satisfaction. Every person landing Sheep in the said Port shall pay to the Inspector the sum of 2s. 6d. per head for all Sheep under 100 in number, and the sum of 1s. per head for all Sheep over the number of 100, to be paid over to the Treasurer of the said Province as part of the General Provincial funds; but it shall be lawful for the Superintendent of the said Province to remit the payment of all or any part of such sums of money, payable to the Inspector as aforesaid.

Fees for dipping Sheep  
landed at the Port of  
Napier

Power to Superint-  
endent to remit Fees

Short Title of Act

III. The Short Title of this Act shall be "The Sheep and Scab Amendment Act, 1865."

CHARLES LAMBERT,

Speaker.

I do hereby declare that I reserve this Bill for the signification of the Governor's assent thereto.

DONALD McLEAN,

Superintendent.

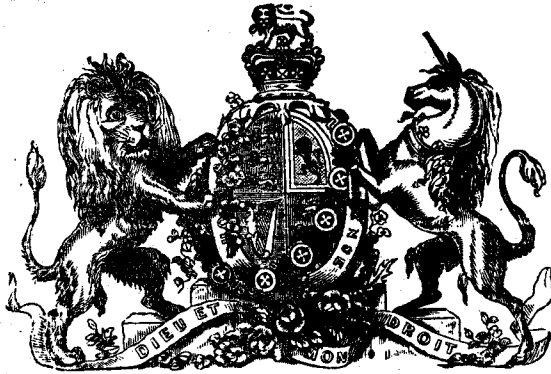
I hereby assent to this Act this 9th day of January, 1866.

G. GREY,

Governor.



# Province of Hawke's Bay.



## DIVERSION OF ROADS.

IN THE TWENTY-NINTH YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA.

SESSION IX. No 1.

### ANALYSIS.

Title.	4.	Lawful for Superintendent to purchase Land to make deviations as proposed by this Act upon Trust.
Preamble.	5.	Lawful for Superintendent to Sell or otherwise Dispose of the Land over which Roads formerly passed.
1. Milton Road to be diverted as shewn on Plan.	6.	Short Title of Act.
2. Thompson Road to be diverted as shewn on Plan.		
3. Taupo Road to be diverted as shewn on Plan.		

AN ACT to authorise the Superintendent to make certain deviations in Roads in the Province of Hawke's Bay, and for other purposes. Title

[Assented to January 9, 1866.]

WHEREAS by an Act of the General Assembly of New Zealand, intituled "The Highways and Watercourses Diversion Act, 1858," it is enacted that it shall be lawful for the Superintendent of any Province, with the advice and consent of the Provincial Council thereof, by any Law or Ordinance to be made or ordained for that purpose, to authorise and empower the Superintendent to divert or stop up any Public Street, Road, Highway, or Thoroughfare in any such Province, and also to divert or stop up any River, Stream, or Creek in such Province, and to build Bridges, Dams, Wharves, and other Erections on the Banks or in the Beds of any such River, Stream, or Creek, Preamble.

and also to Sell, Exchange, or otherwise Dispose of the Land over which any such Public Street, Road, Highway, or Thoroughfare was laid out or passed, or the Bed of any River, Stream, or Creek, so diverted or stopped up :

AND WHEREAS it is expedient for the Public convenience to divert the direction of a portion of Thompson and Milton Roads, and of a portion of the Taupo Road, all in the said Province of Hawke's Bay, and to dispose of the Land over which such portions of such Public Roads proposed to be diverted formerly passed :

BE IT THEREFORE ENACTED by the Superintendent of the Province of Hawke's Bay, by and with the advice and consent of the Provincial Council thereof, as follows:—

Milton Road to be diverted as shewn on Plan

I. The direction of Milton Road, in the Township of Napier aforesaid, shall be diverted, and the said Road, after the passing of this Act, shall, with the consent of the proprietor or proprietors of the Land required, pass in the direction shown in the Plan hereunto annexed, and marked A, the proposed deviation being coloured pink on the said Plan.

Thompson Road to be diverted as shewn on Plan

II. The direction of Thompson Road, in the said Township of Napier, shall be diverted, and the said Road shall, after the passing of this Act, with the consent of the proprietor or proprietors of the Land required for the purpose, pass in the direction shown in the Plan hereunto annexed, and marked B, the proposed deviation being coloured pink on the said Plan.

Taupo Road to be diverted as shewn on Plan

III. The direction of the Taupo Road, situated in the Meanee Suburban District, shall be diverted, and the said Road shall, after the passing of this Act, with the consent of the proprietor or proprietors of the Land required for the purpose, pass in the direction shown in the Plan hereunto annexed, marked C, the proposed deviation being coloured pink on the said Plan.

Lawful for Superintendent to purchase Land to make deviations as proposed by this Act upon Trust

IV. It shall be lawful for the Superintendent to purchase of the proprietor or proprietors thereof the Land required for the purpose of making the deviations proposed by this Act, and such Land shall be conveyed to the Superintendent and his successors upon trust that the same be held as a Public Road.

Lawful for Superintendent to sell or otherwise dispose of the Land over which Roads formerly passed

V. It shall be lawful for the Superintendent to Sell, Exchange, or otherwise dispose of the land over which the Roads now diverted formerly passed.

Short Title of Act.

VI. The Short Title of this Act shall be "The Diversion of Roads Act, 1865."

CHARLES LAMBERT,

Speaker.

I do hereby declare that I reserve this Bill for the signification of the Governor's assent thereto.

DONALD McLEAN,

Superintendent.

I hereby assent to this Act this 9th day of January, 1866.

G. GREY,

Governor.