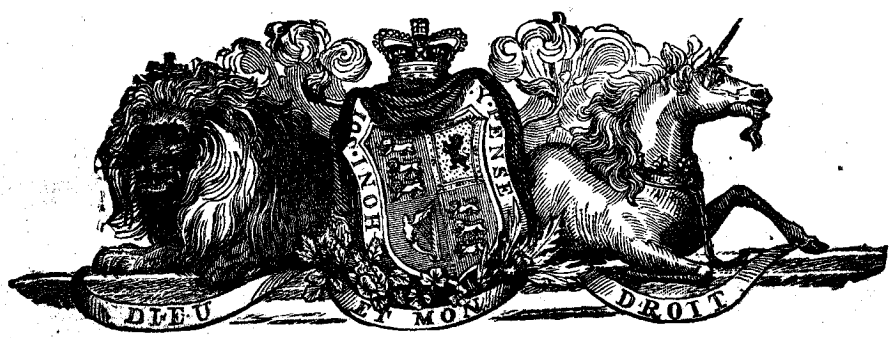


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Province of Hawke's Bay, New Zealand.



ACTS AND PROCEEDINGS

OF THE

PROVINCIAL COUNCIL OF HAWKE'S BAY.

1861.—SESSION III.

Napier :

PRINTED, BY AUTHORITY, BY JAMES WOOD.

1861.



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1861.

Provincial Council of Hawke's Bay.

JOURNAL

OF

VOTES AND PROCEEDINGS.

SESSION III.

TUESDAY, JANUARY 29, 1861.

THE Council met pursuant to a Proclamation issued by His Honor the Superintendent, and bearing date the 31st day of December, 1860, which was read by the Clerk.

The Speaker took the Chair at 3 o'clock.

The Speaker read prayers.

The Clerk read a letter from His Honor the Superintendent to the Speaker, informing him of the election of Philip Dolbel, Esq., to serve as a member in the Provincial Council for the Mohaka district.

Present—All the members.

The minutes of the last meeting were read and confirmed.

His Honor then addressed the Council as annexed. (See separate Council paper.)

Mr. Dolbel to move, on Thursday, 31st inst., a reply to the Address of His Honor the Superintendent just delivered.

Mr. Ormond to move, on Wednesday, 30th instant, for enquiry into mistakes in the Blue-book, Session 2, as follows:—

Page 35—That the Memorial to the House of Representatives be read.

“ 33—Notice of motion— Nothing further on this subject, although there was discussion.

“ 32—Withdrawal of notice respecting appointment of Commissioner of Crown Lands, by consent of the Council.

“ 12—Mr. Curling's notice of motion—report of it.

Mr. Curling to move, on Wednesday, 30th January, 1861—

That, in reference to the recent proceedings of the Superintendent under the Native Land Purchase Ordinance, this Council is of opinion that the course pursued has tended to disturb the native mind, and is also of opinion that all further proceedings under the Ordinance be forthwith discontinued.

Mr. Ormond to move, on Wednesday, 30th January, 1861—

For a Return shewing the actual expenditure for the year 1860, as compared with the sums voted for various purposes under the Appropriation Act.

Return shewing the expenditure on each of the public roads, as compared with the sums set forth and voted in the Estimates for 1860.

Return of what sums have been spent on account of each separate road in obtaining labor for such roads, either by payment of ship passages or otherwise.

Return of the whole amount expended from the 1st January, 1860, to the end of July, 1860.

Also, of the liabilities then pending on works which were known to be finished or nearly so.

Mr. Ormond to move, on the Returns last called for being laid on the table, for an explanation from His Honor the Superintendent on the following points connected with the recent financial difficulties of the Province:—

1. Why so large a proportion as £ bears to £45,400, the amount voted for the whole year, was expended in about seven months, seeing that the moneys voted were chiefly to be expended on public works, which it has always been represented to this Council the officers employed were unable properly to supervise, even under ordinary circumstances; and also, that the worst months of the year for undertaking public works are included in the time during which this undue expenditure took place?
2. Whether any general arrangements, and if so, what, were made for meeting this expenditure, seeing that the revenue of the Province could not be expected to do so?
3. At what date did the Provincial Government at first discover that their chest was empty, and that the Province, through them, had entered into engagements she could not fulfil?
4. Whether any steps had been taken prior to this discovery to check the large outlays then going on?
5. Whether the Executive Council were advised and consulted, first, as to the unusual manner of outlay, and afterwards as to the difficulties of the Province, and the best mode of meeting them; and, if so, at what dates?
6. Whether any definite arrangements to provide funds for existing liabilities were made prior to the Superintendent leaving for Auckland; and, if not, what instructions were left with the Executive?
7. Whether, prior to his departure, any steps were taken by the Superintendent to reduce the ordinary expenditure going on, either by discharging, or giving notice of discharge, to any of the large staff of salaried officials, who, under the altered circumstances of the Province could have, and it is well known had, nothing to do?
8. How, in face of the then existing difficulties and embarrassments of the Province, the Superintendent can justify the creation of another large salaried office (£300 a-year) the Treasury; and whether such was done with the knowledge of the Executive Council, and by their advice?

Mr. Colenso moved—That the Address of His Honor to this Council be printed.

Mr. Ormond seconded the motion.

Motion agreed to, and His Honor's Address ordered to be printed accordingly.

Mr. FitzGerald to move, on Wednesday, 30th January, 1861—

For the appointment of a select committee to enquire into and report upon the Harbour Improvements now in progress at this port, and the best means of carrying them on in future without burthening the Pro-

vincial revenue; also to report upon the plan of the land to be reclaimed as proposed by the Director of Works. Such Committee to consist of Messrs. Tucker, Carter, Colenso, Dolbel, and the Mover.

Mr. Ormond to move for the following Returns:—

- Return shewing the whole amount expended in the purchase, equipment, alteration, &c., of the Steam Dredge and her attendant punts up to the present date.
- Return of the number of days the Dredge has worked since her arrival at Napier, and the average number of hours per day.
- Return of the estimated tonnage of earth or deposit removed by the Dredge altogether; also, of the average quantity raised by her per day when working.
- Return of the ordinary expenses per diem of the Dredge and Punts when working.
- Return of the ordinary expenses per diem of the Dredge and Punts when not at work.
- Return of the total ordinary expenditure of the Dredge and Punts from arrival at Napier to present date.
- Return shewing the amount, or estimated amount, expended in reclaiming the sections contained within the piece of reclaimed land abutting on the Hardinge road.
- Statement of the quantity of land so reclaimed, and its estimated value.

Mr. Ormond to move, on Thursday, 31st January, 1861—

- For leave to ask the Superintendent to state whether it is true that the Wahaparata bridge, contracted for and built by Philip Dolbel, was paid for without the usual certificate as to the work from the Provincial Engineer; also, whether the Provincial Engineer has not refused to certify that the work was according to contract, and has not in fact condemned it; and, if so, on what grounds the public money of the Province have been thus misapplied.
 - For leave to ask the Superintendent to state on what grounds he had guaranteed to Philip Dolbel the value of certain premises erected by that person at Eparaima, thus virtually giving him a pre-emptive right to the Crown lands so taken possession of, the said lands being at the time especially reserved from public competition, seeing that these premises were not put up by the said Philip Dolbel for his own use or occupation, but as a money speculation; and further to state under what authority he is authorised as Superintendent thus to assist an individual in trafficking in Crown lands.
 - For the appointment of a select committee to enquire into and report upon the contract carried out by Philip Dolbel for a bridge at Eparaima at a cost of £1000, with power to call for evidence to show how far the Government were justified in accepting his tender at such a price.
 - For the appointment of a select committee to enquire into and report upon the expenditure on the Porangahau road, with a view to ascertain who is responsible and to blame for the great waste of public money on works connected with that road, with power to summons witnesses. Such committee to consist of Messrs. Alexander, Colenso, Curling, Carter, and the Mover.
 - For a Return shewing the work performed by each individual officer of the Survey Department during the past twelve months, and the cost per acre in each case to the Province, distinguishing Town, Suburban, and Rural land.
 - Return shewing what surveys have been performed by contract during the past year, and the cost of each per acre, distinguishing Town, Suburban, and Rural Survey.
- Captain Carter moved that the Council do adjourn till Wednesday, 30th inst., at 3 o'clock.

Mr. Tucker moved, as an amendment, That the Council do adjourn till Thursday, 31st, at 12 o'clock.

Mr. Curling opposed the amendment, as time was important to all, and the adjournment until Thursday was unnecessary.

Mr. Ormond informed the Council that there were only two subjects for discussion called for on to-morrow.

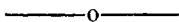
Mr. FitzGerald remarked that it was impossible to furnish so many Returns in so short a space of time.

Mr. Alexander said that, after the explanation given by Mr. Ormond that there were only two subjects for discussion called for on to-morrow, he would oppose the adjournment of the Council till Thursday, 31st inst.

Mr. Tucker withdrew his amendment on account of an explanation from Mr. Ormond that only two subjects for discussion were called for on Wednesday, 30th inst.

Mr. Colenso seconded the original motion.

Motion agreed to, and Council adjourned accordingly.



WEDNESDAY, JANUARY 30, 1861.

The Council met pursuant to adjournment.

The Speaker took the chair at 3 o'clock.

Present—all the members.

The minutes of the last meeting were read and confirmed.

Mr. Ormond moved—That No. 27 of Standing Rules and Orders be suspended, for the purpose of requesting the Superintendent to lay upon the table any correspondence he may have lately had with the General Government in reference to the Native Land Purchase Ordinance.

Mr. Alexander to move, on Wednesday, 6th February, 1861—

That, as it seems probable the Native owners of the Pakowhai or Ahuriri plains will not for many years sell them to the Crown, this Council memorialise the General Government to introduce a Bill during the next sitting of the General Assembly to repeal the Native Land Purchase Ordinance, and to provide such means as will enable Europeans to lease farms from the Natives, so that the agricultural interests of the Province may be encouraged, and that its capabilities in this respect may have a fair chance of development.

His Honor the Superintendent laid on the table the correspondence he recently had with the Honorable the Colonial Secretary in reference to the Native Land Purchase Ordinance.

Mr. Tucker moved that the correspondence just laid on the table be read.

Mr. Ormond seconded the motion.

Motion agreed to, and correspondence read accordingly.

Mr. Ormond, pursuant to notice, moved—that a Select Committee be appointed to report upon and correct any errors that might exist in the Blue-book of last Session.

Mr. Curling seconded the motion.

A long discussion here took place.

Mr. FitzGerald moved, as an amendment, that this motion be considered this day six months.

Captain Carter seconded the amendment.

The amendment was then put by the Speaker, and, on a division being called for, the House divided.—

AYES—6.
Messrs. FitzGerald
Hitchings
Colenso
Dolbel
Carter
Alexander

NOES—3.
Messrs. Tucker
Curling
Ormond.

Amendment agreed to.

Mr. Curling, pursuant to notice, moved—That in reference to the recent proceedings of the Superintendent under the Native Land Purchase Ordinance this Council is of opinion that the course pursued has tended to disturb the Native mind, and is also of opinion that all further proceedings under the Ordinance be forthwith discontinued.

Mr. Alexander seconded the motion.

Mr. FitzGerald moved, as an amendment—That this Council is of opinion that until the Native Land Purchase Ordinance has been brought under the notice of the General Assembly at its next session, all proceedings under it should be abandoned.

Mr. Colenso moved, as an amendment—That the further consideration of this subject be postponed till February 6.

Mr. FitzGerald seconded Mr. Colenso's amendment.

Mr. Ormond opposed the amendment.

The amendment was then put by the Speaker, and agreed to.

Mr. Ormond proposed that the original motion should then be put to the Council.

The Speaker declared this to be out of order.

Mr. Ormond, pursuant to notice, moved that the following Returns be laid on the table:—

Return shewing the actual expenditure for the year 1860, compared with the sums voted for various purposes under the Appropriation Act.

Return shewing the expenditure on each of the public roads, as compared with the sums set forth and voted in the estimates for 1860.

Return of what sums have been spent on account of each separate road, in obtaining labour for such roads, either, by payment of ship-passage or otherwise.

Return of the whole amount expended from the 1st January, 1860, to the end of July, 1860.

Also, of the liabilities then pending on works which were known to be finished or nearly so.

Mr. Colenso seconded the motion.

Motion agreed to, and Returns ordered to be laid on the table.

Mr. FitzGerald, pursuant to notice, moved—That a Select Committee be appointed to enquire into and report upon the Harbour Improvements now in progress at this port, and the best means of carrying them on in future without burthening the Provincial Revenue; also to report on the plan of the land to be reclaimed as proposed by the Director of Works. Such Committee to consist of Messrs. Tucker, Carter, Colenso, Dolbel, Alexander, and the mover.

Captain Carter seconded the motion.

Motion agreed to.

Mr. Ormond, pursuant to notice, moved that the following Returns be laid on the table:—

Return shewing the whole amount expended in the purchase, equipment, alteration, &c., of the Steam Dredge and her attendant punts up to the present time.

Return of the number of days the Dredge has worked since her arrival at Napier, and the average number of hours per day.

Return of the estimated tonnage of earth or deposit removed by the Dredge altogether; also of the average quantity raised by her per day when working.

Return of the ordinary expenses per diem of the Dredge and Punts when working.

Return of the ordinary expenses per diem of the Dredge and Punts when not at work.

Return of the total ordinary expenditure of the Dredge and Punts, from arrival at Napier to present date.

Return shewing the amount or the estimated amount expended in reclaiming the sections contained within the piece of reclaimed land abutting on the Hardinge road.

Statement of the quantity of land so reclaimed, and its estimated value.

Mr. Tucker seconded the motion.

Motion agreed to, and Returns ordered to be laid on the table.

Mr. Ormond to move, on Friday, 1st February, 1861—

For leave to bring in a Bill repealing the Executive Act in force in this Province, and also to provide that not more than one paid Government officer shall hold a seat in this Council.

Mr. Ormond moved that the Council do adjourn until 3 o'clock on Thursday, 31st January.

Mr. Colenso seconded the motion.

Motion agreed to, and Council adjourned accordingly.

—o—

THURSDAY, JANUARY 31, 1861.

The Council met pursuant to adjournment.

The Speaker took the chair at 3 o'clock.

Present—All the members but Dr. Hitchings.

The minutes of the last meeting were read and confirmed.

The Speaker called the attention of the Council to a letter received from Mr. Tucker resigning his appointment as Chairman of Committees, but that he had consented to act during the remainder of the present session.

Mr. FitzGerald moved—That No. 27 of Standing Rules and Orders be suspended, for the purpose of bringing forward a motion in reference to the appeal made by Mr. Morrison against the verdict given under the Native Land Purchase Ordinance.

Mr. Colenso seconded the motion.

Motion agreed to.

Mr. FitzGerald moved—That in the opinion of this Council the expense of the appeal to the Supreme Court in the case of Bousfield *versus* Morrison should be borne by the Provincial Government.

Captain Carter seconded the motion.

Mr. Ormond moved, as an amendment—That in the opinion of this Council any further action on the part of the Government in carrying out the decision given against John Morrison under the Native Land Purchase Ordinance shall be suspended until the Council has decided on the motion of the member for Te Aute, the consideration of which was yesterday adjourned to the 6th inst.

Mr. Curling seconded the amendment.

Mr. FitzGerald moved that the further consideration of the question should be adjourned till the 7th February.

Mr. Tucker seconded Mr. FitzGerald's motion.

Motion agreed to.

Mr. Dolbel, pursuant to notice, moved that the annexed reply to His Honor the Superintendent's address be adopted.

Captain Carter seconded the motion.

Mr. Ormond moved, as an amendment—That the further consideration of the Superintendent's speech be postponed until the 8th February.

Mr. Curling seconded the amendment.

Amendment agreed to.

Mr. Ormond, pursuant to notice, asked the Superintendent to state whether it is true that the Wahaparata bridge contracted for and built by Philip Dolbel was paid for without the usual certificate as to the work from the Provincial Engineer; also whether the Provincial Engineer has not refused to certify that the work was according to contract, and has not in fact condemned it; and, if so, on what grounds the public moneys of the Province have been thus misapplied.

His Honor the Superintendent, in reply, stated that it was not true that the money was paid for the Wabaparata bridge without a certificate; for Mr. Triphook, in the absence of the Provincial Engineer, had given one; further, that Mr. Gill never refused to certify to it, nor was any public money misapplied.

Mr. Ormond, pursuant to notice, asked the Superintendent to state upon what grounds he had guaranteed to Philip Dolbel the value of certain premises erected by that person at Eparaima, thus virtually giving him a pre-emptive right to the Crown lands so taken possession of, the said lands being at the time especially reserved from public competition; seeing that these premises were not put up by the said Philip Dolbel for his own use or occupation, but as a money speculation; and further, to state under what authority he is authorised as Superintendent thus to assist an individual in trafficking in Crown Lands.

His Honor the Superintendent, in reply, stated that he had given Mr. Dolbel permission to build on Government land, as had been usual and customary in numerous cases in this Province and others.

His Honor laid on the table copy of a circular to the Magistrates of Wai-pukurau Bench, with enclosures, bearing upon the question just asked by Mr. Ormond.

Mr. Curling moved that No. 27 of Standing Rules and Orders be suspended, for the purpose, without notice, of further discussing the question.

Mr. Ormond seconded the motion.

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

AYES—4.
Messrs. Tucker
Ormond
Curling
Alexander

NOES—5.
Messrs. FitzGerald
Carter
Colenso
Dolbel
and
The Speaker.

Motion negatived.

Mr. Ormond, pursuant to notice, moved—That a Select Committee be appointed to enquire into and report upon the contract carried out by Philip Dolbel for a bridge at Eparaima at a cost of £1000, with power to call for evidence to show how far the Government were justified in accepting his tender at such a price.

This motion was postponed till next sitting day, in order to attach the names of Committee.

Mr. Ormond, pursuant to notice, moved—That a Select Committee be appointed to enquire into and report upon the expenditure upon the Porangahau road, with a view to ascertain who is responsible and to blame for the great waste of public money on works connected with that road, with power to summon witnesses. Such committee to consist of Messrs. Alexander, Colenso,

Curling, Carter, and the mover. Report to be brought up on Friday, the 8th February, 1861.

Mr. Curling seconded the motion.
Motion agreed to.

Mr. Ormond, pursuant to notice, moved that the following Returns be laid on the table:—

Return shewing the work performed by each individual officer of the Survey Department during the past twelve months, and the cost per acre in each case to the Province, distinguishing Town, Suburban, and Rural Land.

Return shewing what surveys have been performed by contract during the past year, and the cost of each per acre, distinguishing Town, Suburban, and Rural Surveys.

Mr. Curling seconded the motion.

Motion agreed to, and Returns ordered to be laid on the table.

His Honor the Superintendent laid on the table the Returns called for relative to the Steam Dredge and Harbour improvements, moved for by Mr. Ormond on the 30th inst.

Mr. Ormond to move, on Tuesday, 5th February—

That in the opinion of this Council it is most desirable that the election of the chief Executive officer—the Superintendent—should be vested in the hands of the constituency of the Province instead of being dependent on the vote of the Provincial Council, as at present; and that a Select Committee be appointed to draw up a memorial to the General Assembly praying for such alteration. Such committee to consist of Messrs. FitzGerald, Alexander, Carter, Tucker, and the mover.

Mr. Tucker to move, on Tuesday, 5th February, 1861—

To ask the Superintendent whether any attempt had been made by the Executive Government to get the Ferry near Waipureku shifted from its present dangerous position; or, if not, whether it was intended to do anything in the matter.

To ask the Superintendent to state what success the scheme of setting aside blocks of land for townships and agricultural settlements had met with; and also, whether gain or loss had accrued to the public Treasury by such system.

Mr. Curling moved that the Council do adjourn until 3 o'clock on Friday, the 1st February.

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

—o—

FRIDAY, FEBRUARY 1, 1861.

The Council met pursuant to adjournment.

The Speaker took the Chair at 3 o'clock.

Present—All the members but Mr. Curling.

The minutes of the last meeting were read and confirmed.

Mr. FitzGerald to move, on the first sitting day of the next week—That this Council do resolve itself into a Committee of Supply on the Estimates for 1861.

Mr. Tucker to move, on Tuesday, February 5—To ask the Superintendent for an explanation of reflections cast by him in the Council Chamber on the Waipukurau Bench of Magistrates.

Mr. Colenso moved that No. 27 of Standing Rules and Orders be suspended, for the purpose of moving that this Council meet every day in the week during this present Session.

Captain Carter seconded the motion.

Motion agreed to.

Mr. Colenso moved—That, during this present Session, this Council meet every week day, and on Saturday at 2 o'clock.

Mr. Alexander seconded the motion.

Mr. Ormond, moved, as an amendment—That the motion of the member for Napier take effect from Tuesday, the 5th inst.

Mr. Tucker seconded the amendment.

Amendment agreed to.

Mr. Ormond, pursuant to notice, moved—That a Select Committee be appointed to enquire into and report upon the contract carried out by Philip Dolbel for a bridge at Eparaima at a cost of £1000, with power to call for evidence to show how far the Government were justified in accepting his tender at such a price. Such committee to consist of Messrs. Alexander, Carter, Curling, Hitchings, and the mover.

Mr. Colenso requested that No. 24 of Standing Rules and Orders be adhered to, which being agreed to, the following members were appointed:—Messrs. Alexander, Carter, Curling, Hitchings, and the mover.

Mr. Ormond, pursuant to notice, moved for leave to bring in a Bill repealing the Executive Act in force in this Province, and also to provide that not more than one paid Government officer shall hold a seat in this Council.

Mr. Tucker seconded the motion.

Motion agreed to.

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

Mr. Tucker seconded the motion.

Motion agreed to.

Mr. Ormond moved that the Executive Bill be read a first time.

Mr. Tucker seconded the motion.

Motion agreed to, and title of the Executive Bill read a first time.

Mr. Ormond moved that the Executive Bill be read a second time on Friday, 8th inst.

Mr. Tucker moved that the Council do adjourn until Tuesday, February 5, at 3 o'clock.

Mr. Ormond seconded the motion.

Motion agreed to, and Council adjourned accordingly.

TUESDAY, FEBRUARY 5, 1861.

The Council met pursuant to adjournment.

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 Returns called for on the table.

1. Return of contract surveys performed during the past 12 months, the cost per acre, and distinguishing the Town, Suburban and Rural Land.
2. Return shewing the work performed by each individual officer of the Survey Department during the past 12 months, and the cost per acre, distinguishing the Town, Suburban, and Rural land.

3. Return of what sums have been spent on account of each separate Road in obtaining Labor for such Roads, either by payment of ship passages or otherwise, during the year 1860.
4. Return shewing the Expenditure on each of the Public Roads as compared with the sums set forth and voted in the Estimates for 1860.
5. Return of Liabilities pending on Works on July 31, 1860.
6. Return shewing Provincial Expenditure from 1st January to 31st July, 1860.
7. Return shewing Actual Expenditure for the year 1860, as compared with sums voted under Appropriation Act.
8. Revenue 1860.
9. Estimates of Revenue for 1861.
10. Estimates for the Province of Hawke's Bay.

Mr. Alexander to move, on Wednesday, 6th February—

To ask the Superintendent whether he has given authority to any persons to erect gates across public roads on the Meanee Flats, and whether he is aware of the fact that fences and other obstructions have been put on public roads in that locality, and whether, if such authority has been given, the provisions of clause 4 of the Highways Act have been complied with.

Mr. Curling to move, on Thursday, 7th February—

To ask the Superintendent when the line of road between the Tamumu and Patangata will be laid out.

Mr. Ormond, pursuant to notice, moved—That in the opinion of this Council it is most desirable that the election of the chief executive officer—the Superintendent—should be vested in the hands of the constituency of the Province, instead of being dependent on the vote of the Provincial Council as at present; and that a Select Committee be appointed to draw up a memorial to the General Assembly praying for such alteration. Such Committee to consist of Messrs. FitzGerald, Alexander, Carter, Tucker, and the mover.

A long discussion ensued.

Capt. Carter moved as an amendment—That it is undesirable for this Council, pending the present position of the Province, to memorialize the General Assembly on any subject affecting the New Provinces Act, or cause any embarrassment to the present ministry by opening up this question.

Mr. Alexander seconded the amendment.

The amendment was then put by the Speaker, and on a division being called for the Council divided.

AYES—7.
Messrs. Tucker
Hitchings
Dolbel
Curling
Colenso
Carter
Alexander.

NOES—2.
Messrs. FitzGerald
Ormond.

Amendment agreed to.

Mr. Tucker, pursuant to notice, asked the Superintendent whether any attempt had been made by the Executive Government to get the Ferry near Waipureku shifted from its present dangerous position; or, if not, whether it was intended to do anything in the matter.

His Honor the Superintendent, in reply, stated that the Natives would not allow a site for building a Ferry-house unless it was leased; and as that could not be done without leaving the Superintendent amenable to be fined £100 or so under the Native Land Purchase Ordinance, he refrained from proceeding in the matter; but if the Council desired it he had no doubt, as the Natives were now better inclined to act in such matters than formerly, it might be moved before end of the present summer.

Mr. Tucker, pursuant to notice, asked the Superintendent to state what success the scheme of setting aside blocks of land for Townships and Agricultural Settlements had met with; and also whether gain or loss had accrued to the public Treasury by such system?

His Honor the Superintendent, in reply, stated that laying out the Township and Agricultural Settlement at Havelock, had been successful, having brought certainly three times the purchase money that was paid for it. Porangahau, Blackhead, and Hampden more than paid for the surveys, &c. And in reference to Tikokino, he and the Executive Council did not wish to undertake the adoption of regulations, &c., as they might be charged with using undue influence, and more particularly as the Land Board provided for the last session would be so soon appointed.

Mr. FitzGerald moved for leave to postpone, till after the rest of the business of the day had been disposed of, his motion that this Council do resolve itself into Committee of Supply on the Estimates for 1861.

Mr. Colenso seconded the motion.

Motion agreed to.

Mr. Tucker, pursuant to notice, asked the Superintendent for an explanation of reflections cast by him in the Council Chamber upon the Waipukurau Bench of Magistrates.

His Honor the Superintendent, in reply, stated that he disclaimed making any such reflections as referred to by the member for Waipukurau.

Mr. FitzGerald, pursuant to postponed motion, moved that this Council do resolve itself into a Committee of Supply on the Estimates for 1861, of the first three months.

Captain Carter seconded the motion.

Motion agreed to, and Council went into Committee accordingly.

Mr. FitzGerald moved that the consideration of the items under the head of Executive should be postponed for the present, and that they should proceed to the items under the heading of Legislature.

Mr. Ormond moved that they first consider the items under the head of Executive, and that the appointments of Superintendent and Commissioner of Crown Lands be co-joined at a salary of £400 per annum.

Mr. Curling moved, as an amendment, that the salary of the Superintendent be £500 per annum, and that he also perform the duties of Commissioner of Crown Lands.

Dr. Hitchings moved, as an amendment, that the Superintendent and Commissioner of Crown Lands be vested in the same individual, at a salary of £600 per annum.

Mr. Rhodes moved, as an amendment, that the Superintendent have at the rate of £500 per annum, and that the office shall not be joined with the Commissioner of Crown Lands.

The Chairman then put the amendment:—

AYES—4.
Messrs. Colenso
FitzGerald
Rhodes
Dolbel

NOES—5.
Messrs. Carter
Ormond
Alexander
Hitchings
Curling

Amendment negatived.

Mr. Colenso moved, as an amendment, that the Superintendent's salary be £500 per annum, and £1 per diem for travelling expenses when travelling beyond 30 miles from town.

Amendment negatived.

Mr. FitzGerald moved that the further consideration of the Estimates under the head of Executive be postponed till tomorrow (Wednesday) 6th.

Mr. Alexander seconded the motion.

The motion was then put by the Chairman of Committees, and on a division being called for the Council divided.

AYES—7.
 Messrs. Hitchings
 Alexander
 Colenso
 Dolbel
 Rhodes
 Carter
 FitzGerald

NOES—2.
 Messrs. Curling
 Ormond

Motion agreed to.

Mr. FitzGerald moved that the items under the head of Legislature be considered.

Mr. Ormond moved that their consideration be postponed.

Dr. Hitchings moved that the Chairman do report progress.

The Chairman reported progress, and asked leave to sit again on to-morrow (Wednesday) 6th February.

Leave granted.

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

Mr. Curling seconded the motion.

Discussion ensued.

Motion agreed to.

Mr. Ormond moved—That in the opinion of this Council it is most desirable that the Natives named (in a recent discussion in this Council on the Native Land Purchase Ordinance) by the Native Interpreter—Karaitiana, Tareha, and Te Harawera, as having advised action under the Native Land Purchase Ordinance, be summoned to give evidence on Thursday, 7th February, before this Council in relation thereto.

Mr. Curling seconded the motion.

Motion agreed to.

Mr. Ormond moved that the Council do adjourn till 3 o'clock on Wednesday, 6th February.

Mr. Curling seconded the motion.

Motion agreed to, and Council adjourned accordingly.

—o—

WEDNESDAY, FEBRUARY 6, 1861.

The Council met pursuant to adjournment.

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 Thursday, February 7—

1. That inasmuch as it has been decided by this Council to take Native evidence respecting the expressed wish of certain Natives to have the settlers' stock removed from their lands, the following Natives be also called (in addition to those whose names were agreed to yesterday, as only two of them belonged to that class) namely, Paora Ropiha, of Porangahau; Aeta Tiki, of Te Waipukurau; Te Waeka Te Kawatini, of Tanenuiarangi; and Paora Torotoro, of Omarunui; and also, Mr. Samuel Locke, surveyor, who on one occasion acted as interpreter to His Honor.
2. That if, during the examination of Native evidence by this Council, it be by him considered necessary to employ legal counsel, such counsel be accommodated with a seat within the bar to enable him the more readily to take notes.

3. That he be discharged from further attendance on both the Harbour Improvements and Porangahau Road Select Committees, and that some other member be appointed in his stead.

The Speaker laid a letter addressed to the Runanga on the table, a translation of which was ordered to be procured as soon as possible.

Mr. Ormond, pursuant to notice, asked the Superintendent the following questions:—

1. Why so large a proportion as _____ bears to £45,400, the amount voted for the whole year, was expended in about 7 months; seeing that the moneys voted were chiefly to be expended on public works which it has always been represented to this Council the officers employed were unable to supervise, even under ordinary circumstances; also, that the worst months of the year for undertaking public works are included in the time during which this undue expenditure took place.
2. Whether any general arrangements, and if so, what, were made for meeting this expenditure, seeing that the revenue of the Province could not be expected to do so.
3. At what date did the Provincial Government first discover that their chest was empty, and that the Province, through them, had entered into engagements she could not fulfil.
4. Whether any steps had been taken prior to this discovery, to check the large outlay then going on.
5. Whether the Executive Council were advised and consulted—first, as to the unusual manner of outlay, and afterwards as to the difficulties of the Province, and the best mode of meeting them; and if so, at what dates.
6. Whether any definite arrangement to provide funds for existing liabilities was made prior to the Superintendent leaving for Auckland; and, if not, what instructions were left with the Executive.
7. Whether, prior to his departure, any steps were taken by the Superintendent to reduce the ordinary expenditure going on, either by discharging or giving notice of discharge to any of the large staff of salaried officials who, under the altered circumstances of the Province could have, and it is well known had, nothing to do.
8. How, in face of the then existing difficulties and embarrassments of the Province, the Superintendent can justify the creation of another large salaried office (£300 a-year), the Treasury; and whether such was done with the knowledge of the Executive Council and by their advice.

His Honor the Superintendent replied to these questions *seriatim*.

Mr. Alexander moved for leave to postpone till to-morrow the motion—That as it seems probable the Native owners of the Pakowhai or Ahuriri Plains will not for many years sell them to the Crown, this Council memorialise the General Government to introduce a Bill during the next sitting of the General Assembly to repeal the Native Land Purchase Ordinance, and to provide such means as will enable Europeans to lease farms from the Natives so that the agricultural interests of the Province may be encouraged, and that its capabilities in this respect may have a fair chance of development.

Mr. Ormond seconded the motion.

Motion agreed to.

Mr. Curling, pursuant to postponed motion, moved—That in reference to the recent proceedings of the Superintendent under the Native Land Purchase Ordinance, this Council is of opinion that the course pursued has tended to disturb the Native mind, and is also of opinion that all further proceedings under the Ordinance be forthwith discontinued.

Dr. Hitchings moved, as an amendment, that the words “taken in accordance with the resolution of the Provincial Council passed last session” be inserted after the words “Land Purchase Ordinance” in the third line.

Captain Carter seconded the amendment.

Mr. Tucker moved as an amendment,—That in the opinion of this Council the motion before the House is unnecessary, the authority to proceed under this ordinance having been suspended by the General Government from whom it proceeded.

Mr. FitzGerald seconded the Amendment.
Amendment agreed to.

Mr. Alexander, pursuant to notice, moved,—To ask the Superintendent whether he has given authority to any persons to erect gates across public roads on the Meanee Flats, and whether he is aware of the fact that fences and other obstructions have been put on public roads in that locality, and whether, if such authority has been given, the provisions of clause 4 of the Highways Act have been complied with.

The Deputy Superintendent replied that he had granted permission to Mr. Tiffen and others to do so as it was allowable under the 4th clause of the Highways Act; and he had to state that the provisions of the said clause had been complied with in reference to gates.

The Council then went into Committee on the postponed consideration of the Estimates.

Dr. Hitchings withdrew his amendment—That the Superintendent and Commissioner of Crown Lands be vested in the same individual at a salary of £600 per annum.

The Chairman then put Mr. Curling's amendment—That the salary of the Superintendent be £500 per annum, and that he also perform the duties of Commissioner of Crown Lands.

Amendment negatived.

Mr. Ormond's amendment—That the Superintendent do fulfil also the duties of Commissioner of Crown Lands, and the salary be £400 per annum, was negatived.

Mr. Dolbel moved, as an amendment—That the Superintendent's salary be £450 per annum, not joined with the appointment of Commissioner of Crown Lands.

Amendment negatived.

Mr. Colenso moved, as an amendment—That the Superintendent's salary be 500 guineas a year.

On a division being called for, the Council divided :—

AYES—4.
Messrs. Carter
Hitchings
Rhodes
Colenso

NOES—5.
Messrs. Curling
Ormond
Alexander
Dolbel
FitzGerald

Amendment negatived.

The original motion was then put—That the Superintendent's salary be £600 per annum.

Motion negatived.

Mr. FitzGerald moved—Superintendent's Clerk £200 per annum.

Mr. Colenso moved, as an amendment—That before we vote a salary for the Superintendent's clerk we should vote a salary for the Superintendent.

Amendment agreed to.

His Honor the Superintendent moved—That the Superintendent's salary be £550 per annum.

Mr. Alexander moved, as an amendment—That £500 be placed on the Estimates as the Superintendent's salary.

Amendment agreed to.

Mr. Ormond moved—That Chief Clerk, Treasurer and Secretary to Land Board be joined in one at a salary of £300 per annum.

On a division being called for the Council divided:—

NOES—6.
Messrs. FitzGerald
Carter
Hitchings
Dolbel
Colenso
Rhodes.

AYES—3.
Messrs. Curling
Alexander
Ormond.

Motion negatived.

The Superintendent's Clerk's salary was afterwards voted at £200, and Contingencies at £25 as per Estimates.

Mr. Alexander asked leave to report progress and sit again to-morrow.

The Chairman reported progress and asked leave to sit again to-morrow, February 6.

Leave granted.

Mr. Tucker moved that the Council do adjourn till 3 o'clock on Thursday, 7th February.

Capt. Carter seconded the motion.

Motion agreed to, and Council adjourned accordingly.

—o—

THURSDAY, FEBRUARY 7, 1861.

The Council met pursuant to adjournment.

The Speaker took the Chair at 3 o'clock.

Present—All the members.

The minutes of the last meeting were read and confirmed.

Mr. FitzGerald presented a petition from the inhabitants of Napier praying that a sum might be placed on the Estimates to construct Hyderabad road, and moved that it be read.

Mr. Colenso seconded the motion.

Motion agreed to, and read accordingly.

Mr. FitzGerald moved that the petition be received.

Mr. Colenso seconded the motion.

Motion agreed to.

Mr. FitzGerald moved that the petition be printed.

Mr. Colenso seconded the motion.

Motion agreed to, and petition ordered to be printed.

Mr. Dolbel to move, on Friday, February 8—

The appointment of a Select Committee to enquire into and report upon the advisability of abandoning for the present the proposed Mohaka road leading by Petane, and to continue the work from the Tauranga to Mohaka harbour, to enable the settlers to bring their produce to market. Such Committee to consist of Messrs. Curling, Alexander, FitzGerald, Colenso, Carter, and the mover.

Mr. FitzGerald to move, on Friday, February 8—

That the Superintendent be requested by this Council to place a sum on the Estimates to carry out, as far as may be, the wishes of the petitioners in regard to the Hyderabad road.

Mr. Ormond, pursuant to motion, agreed to, requested the Council to examine Karaitiana, Tareha, and Te Harawera, as having advised action under the Native Land Purchase Ordinance.

The letter ordered by the Council to be translated, received from Tareha, Karaitiana, and Renata, on the motion of Mr. Ormond, seconded by Mr. Curling, and agreed to by the Council, was then read.

Mr. Alexander handed in a letter received from Tareha and Renata.

Mr. Ormond moved that it be translated and read.

Mr. Curling seconded the motion.

Motion agreed to, translated and read accordingly.

Mr. Alexander moved that No. 27 of Standing Rules and Orders be suspended.

Mr. Curling seconded the motion.

Motion agreed to.

Mr. Alexander moved that the Council go into Committee for the purpose of examining Karaitiana, Renata, and Tareha's representative.

Mr. Curling seconded the motion.

Motion agreed to, and Council went into Committee accordingly.

Wirihana having expressed the sentiments of Karaitiana, Renata and Tareha, the Council agreed that he should receive the following answer—That there is a resolution for the consideration of the Council now before it to request the Governor to repeal the Native Land Purchase Ordinance and enable the Natives legally to lease their lands, but that without personal consultation with Renata, Tareha and Karaitiana, they will probably be unable to agree to it.

Mr. Ormond asked leave to report progress and to sit again on Saturday February 9.

The Chairman reported progress and asked leave to sit again on Saturday, February 9.

Leave granted.

Mr. FitzGerald moved for leave to postpone till after the settlement of Mr. Alexander's motion in reference to leasing of Native lands by Europeans, "that in the opinion of this Council the expense of the appeal to the Supreme Court in the case of Bousfield versus Morrison should be borne by the Provincial Government."

Mr. Colenso seconded the motion.

Motion agreed to.

Mr. Ormond, pursuant to leave granted, brought up report of Select Committee appointed to enquire into and report upon the contract carried out by Philip Dolbel for a bridge at Eparaima at the cost of £1000, with power to call for evidence to show how far the Government were justified in accepting his tender at such a price, and moved that it be read.

Mr. Curling seconded the motion.

Motion agreed to, and report read accordingly.

Mr. Curling, pursuant to notice, moved—To ask the Superintendent when the line of road between the Tamumu and Patangata will be laid out.

His Honor the Superintendent in reply stated that it should be immediately done.

Mr. Colenso withdrew his notice of motion in reference to summoning certain natives to give evidence in having expressed a wish to have the settlers' stock removed from their lands, in favour of Mr. Ormond's amendment.

Mr. Ormond moved that this Council consider it desirable to receive information from the hereinafter mentioned Native Chiefs in relation to the Native Land Purchase Ordinance and its operation in this district, and that the Speaker is hereby requested to communicate without delay to Renata, Tareha, and Karaitiana, that their attendance is requested on Saturday, and Te Hapuku and Hori Nia Nia on Monday next for that object: and that in so requesting their attendance the terms of the resolution of the member for the country district be communicated to them.

Mr. Colenso withdrew his notice of motion in reference to being allowed to accommodate legal counsel within the bar of the House, if found requisite by him during the examination of Native evidence.

Mr. Colenso, on explanation being given, withdrew his notice of motion

that he be discharged from further attendance on both the Harbour Improvements and Porangahau road Select Committees; and that some other member be appointed in his stead.

Mr. Alexander moved for leave to postpone till Tuesday, 12th instant, his motion in reference to leasing of Native lands by Europeans.

Mr. Tucker seconded the motion.

Motion agreed to.

Mr. FitzGerald moved for leave to postpone the consideration of the Estimates for 1861.

Mr. Curling seconded the motion.

Motion agreed to.

Mr. Ormond moved that the Council do adjourn till 3 o'clock on Friday, February 8.

Mr. Tucker seconded the motion.

Motion agreed to, and Council adjourned accordingly.

—o—

FRIDAY, FEBRUARY 8, 1861.

The Council met pursuant to adjournment.

The Speaker took the Chair at 3 o'clock.

Present—All the members.

The minutes of the last meeting were read and confirmed.

Capt. Carter to move on Saturday, February 9—

To ask the Council to allow of a sum on the Estimates to provide for carrying out the provisions of the Slaughter-house Ordinance, Session 8, No. 5, Sept. 2, 1847.

Mr. FitzGerald to move on Saturday, February 9—

For leave to bring in a Bill to effect a diversion of Thompson Road, in the Town of Napier under the Highways and Watercourses Diversion Act of 1858.

Mr. Ormond to move on to-morrow, questions to the Superintendent in reference to the expenditure on the Porangahau road—

1. Have you read the written statement made by me to the Select Committee on Porangahau road, and is that statement not correct?
2. What instructions did you give Mr. Gill in reference to that road, and will you be good enough to produce any such instructions?
3. Have you been in the habit of furnishing written instructions to that officer?
4. Have the Directors of Public Works been accustomed to furnish you with reports from time to time of the works in progress or of fresh works undertaken by them?
5. Have those officers been used to apply to you for labor and other requirements for carrying on public works as they arose?
6. Did Mr. Gill apply for the increase of the party on the Porangahau road?
7. Who increased that party from 18 men to 90?
8. Was any intimation given that officer that he would have to provide work for these men, and if so, how long before their arrival on the line of road?
9. Did it occur to you that that officer might have a difficulty in employing so large a party on the very scattered works proposed to be executed on that road?
10. Has it been your custom to send men on to the different lines of road without written advice being given thereof to the Engineer?
11. Was any written report called for from Mr. Gill when your Honor was first advised by me of the nature of the works in progress between Pukekura Gorge and Motu Otarua.

Mr. Ormond moved for leave to postpone till Tuesday, February 12, the consideration of the Superintendent's address.

Mr. Curling seconded the motion.

Motion agreed to.

Mr. Ormond moved for leave to postpone till Monday, 11th February, the bringing up report of Select Committee to enquire into and report upon the expenditure on the Porangahau road with a view of ascertaining who is responsible and to blame for the great waste of public money on works connected with this road, with power to summons witnesses.

Mr. Curling seconded the motion.

Motion agreed to.

Mr. Ormond moved for leave to postpone till Monday, 11th February, the second reading of the Executive Act.

Mr. Curling seconded the motion.

Motion agreed to.

Mr. Ormond moved that the Executive Act be printed.

Mr. Curling seconded the motion.

Motion agreed to, and Executive Act ordered to be printed.

Mr. Dolbel, pursuant to notice, moved,—

The appointment of a Select Committee to enquire into and report upon the advisability of abandoning for the present the proposed Mohaka road leading by Petane, and to continue the work from the Tauranga to Mohaka harbour, to enable the settlers to bring their produce to market. Such Committee to consist of Messrs. Curling, Alexander, FitzGerald, Colenso, Carter, and the mover.

Report to be brought up on Tuesday, February 12, 1861.

Mr. FitzGerald seconded the motion.

Motion agreed to.

Mr. FitzGerald, pursuant to notice, moved,—

That the Superintendent be requested by this Council to place a sum on the Estimates to carry out, as far as may be, the wishes of the petitioners in regard to the Hyderabad road.

Dr. Hitchings seconded the motion.

Mr. Ormond moved as an amendment that the consideration of this motion be adjourned till Wednesday, 13th February.

Mr. Alexander seconded the amendment.

Amendment agreed to.

The Council went into committee on the postponed consideration of the Estimates.

The Chairman then read the next item on the Estimates for consideration

Treasurer £300 per annum.

Mr. Colenso moved that to the office of Treasurer be added Secretary to Land Board and Accountant at £300 per annum with assistance of a Clerk.

Mr. Ormond moved as an amendment that they stand thus—Provincial Treasurer and Accountant £300.

Amendment agreed to.

Contingencies..... £25.

Mr. Rhodes moved that the sum of £30 be placed on the Estimates for the first three months.

Motion agreed to.

	£	s.	d.
Solicitor	25	0	0
Contingencies	6	5	0
Audit of Accounts	15	0	0
Clerk of Council	12	10	0
Messenger	25	0	0
Council Printing	37	10	0
Council Library	50	0	0
Contingencies	50	0	0
<i>Police—</i>			
Sub-Inspector	35	0	0

	£	s.	d.
Corporal	27	10	0
4 Privates	100	0	0
4 District Constables	25	0	0
Horse Hire or Allowance for Horses	18	0	0

Mr. Rhodes moved that instead of £72 horse hire for two Policemen £60 be voted for horse hire of Sub-Inspector so as to secure the services of one efficient man at least.

Motion negatived.

Contingencies	25	0	0
<i>Gaol—</i>			
Gaoler	30	0	0
Rations for Prisoners	25	0	0
Contingencies	12	10	0
<i>Sheriff—</i>			
Expenses for Prisoners, Witnesses, &c.	30	0	0
<i>Harbour Department, Napier—</i>			
Harbour Master and Pilot	50	0	0
Boatmen	45	0	0
Contingencies	12	10	0
<i>Registrar of Deeds—</i>			
Registrar	62	10	0
Contingencies	50	0	0
<i>Returning Officer—</i>			
Expenses on Provincial Elections	12	10	0
<i>Registrar of Brands, Inspector of Sheep, &c., &c.—</i>			
Registrar for the Northern District	125	0	0

Mr. Ormond moved that the Registrar for the Northern District be also Inspector of Slaughter-houses and Weights and Measures at the rate of £125.

Motion agreed to.

Registrar for the Northern District, also Inspector of Weights and Measures and Inspector of Slaughter-houses	31	10	0
Registrar for the Southern District	31	10	0
Contingencies	2	10	0
Contingencies for Weights and Measures	10	0	0
Mail to Ruataniwha from Waipawa	8	15	0
<i>Printing—</i>			
Printing Gazette	37	10	0
Printing Forms	15	0	0
Advertising	10	0	0

Mr. FitzGerald moved that the Chairman report progress.

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

February 9.

Leave granted.

Dr. Hitchings moved that the Council do adjourn till 3 o'clock on Saturday,

February 9.

Mr. Carling seconded the motion.

Motion agreed to, and Council adjourned accordingly.

—o—

SATURDAY, FEBRUARY 9, 1861.

The Council met pursuant to adjournment.

The Speaker took the Chair at 3 o'clock.

Present—All the members.

The minutes of the last meeting were read and confirmed.

The Speaker laid on the table a letter received from Renata, Tareha and Karaitiana in reply to Council's request of meeting them in the Council Chambers.

Capt. Carter moved that the letter be translated.

Mr. Tucker seconded the motion.

Motion agreed to, and letter ordered to be translated.

Dr. Hitchings to move on February 11—

That the Council request the Superintendent to place on the Estimates the sum of £2000 for improving the main trunk road from Napier to Clive.

Mr. Curling to move on February 11—

That this Council request the Superintendent to place the sum of £50 on the Estimates for a Native Interpreter.

Mr. Curling to move on Monday, February 11—

That this Council request the Superintendent to place £500 on the Estimates for improving the Patangata line of road.

Capt. Carter withdrew his notice of motion in reference to making provisions for carrying out the Slaughter-house Ordinance, as it has been already provided for.

Mr. FitzGerald, pursuant to notice, moved—

For leave to bring in a Bill to effect a diversion of Thompson road in the Town of Napier under the Highways and Watercourses Diversion Act of 1858.

Capt. Carter seconded the motion.

Motion agreed to.

Mr. FitzGerald moved that it be read a first time.

Mr. Curling seconded the motion.

Motion agreed to and title of Road Act read a first time.

Mr. FitzGerald to move on Monday, February 11—

For the appointment of a Select Committee to enquire into and report upon the proposed change of direction in Thompson road, Napier. Such committee to consist of Messrs. Alexander, Hitchings, Tucker, Colenso and the mover.

Mr. FitzGerald moved that the Road Act be read a second time on Tuesday, February 12.

Mr. Colenso seconded the motion.

Motion agreed to.

Mr. Ormond asked for leave to postpone till Monday, February 11, his motion in order to allow the Superintendent to furnish answers to the following questions:—

1. Have you read the written statement made by me to the Select Committee on Porangahau road, and is that statement not correct?
2. What instructions did you give Mr. Gill in reference to that road, and will you be good enough to produce any such instructions?
3. Have you been in the habit of furnishing written instructions to that officer?
4. Have the directors of public works been accustomed to furnish you with reports from time to time of the works in progress or of fresh works undertaken by them?
5. Have those officers been used to apply to you for labour and other requirements for the carrying on of public works as they arose?
6. Did Mr. Gill apply for the increase of the party on the Porangahau road?
7. Who increased that party from 18 men to 90?
8. Was any intimation given that officer that he would have to provide work for these men; and, if so, how long before their arrival on the line of road?
9. Did it occur to you that that officer might have a difficulty in employing so large a party on the very scattered works proposed to be executed on that road?
10. Has it been your custom to send men on to different lines of road without written advice being given thereof to the Engineer?
11. Was any written report called for from Mr. Gill when your Honor was first advised by me of the nature of the works in progress between Pukekura Gorge and Motu Otaria?

Mr. Curling seconded the motion.

Motion agreed to.

Mr. Curling moved that No. 27 of standing rules and orders be suspended.
Mr. Ormond seconded the motion.
Motion agreed to.

Mr. Curling to ask the Superintendent whether he this day or yesterday received a letter from the natives residing inland having reference to matters discussed in this Council.

Mr. FitzGerald handed in the letter and moved that it be read as translated.
Mr. Colenso seconded the motion.
Motion agreed to, and read accordingly.

The reply received from Renata, Karaitiana and Tareha this day, having been translated, was then read by order of the Speaker.

The Council went into committee on the adjourned consideration of the Estimates.

The Chairman then read the next item on the Estimates for consideration.

	£	s.	d.
Miscellaneous Expenses	25	0	0
Native Expenses	25	0	0
Ferries, &c.	12	10	0
Native Interpreter	12	10	0

Interest—

Interest on Wellington Debt, 3 years and 2 months on £20,000 at 8 per cent	5066	13	4
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Mr. Alexander moved that this item (Wellington debt interest) be struck off the Estimates.

Mr. FitzGerald moved, as an amendment, that the further consideration of this item be deferred till the Estimates for the last 9 months of this year are brought forward.

Amendment negatived.

The Chairman then put Mr. Alexander's motion, that this item (Wellington debt interest) be struck off the Estimates.

Motion agreed to by all present.

Debt to Union Bank, January 1, 1861 4021 14 6

Mr. FitzGerald moved that this item (debt to Union Bank, Jan. 1, 1861) should be postponed.

Motion agreed to.

Dog Nuisance Act—

2 Inspectors 6 5 0

Hospital—

Provincial Surgeon 30 0 0

Hospital Attendants 25 0 0

Rations 25 0 0

Contingencies 25 0 0

Dr. Hitchings moved that the Chairman report progress.

The Chairman reported progress and asked leave to sit again on Monday February 11.

Leave granted.

Mr. Colenso moved that the Council do adjourn till 3 o'clock on Monday February 11.

Mr. Tucker seconded the motion.

Motion agreed to, and Council adjourned accordingly.

MONDAY, FEBRUARY 11, 1861.

The Council met pursuant to adjournment.
 The Speaker took the chair at 3 o'clock.
 Present—Mr. FitzGerald.
 For want of a quorum the Speaker adjourned the Council until 3 o'clock
 on Tuesday, February 12.

TUESDAY, FEBRUARY 12, 1861.

The Council met pursuant to adjournment.
 The Speaker took the chair at 3 o'clock.
 Present—All the members.
 The minutes of the last meeting were read and confirmed.

Mr. Tucker moved—

That in the opinion of this Council the course pursued yesterday by the Speaker without giving any notice or warning thereof is without precedent and altogether contrary to the practice of this Council or of any body similarly constituted. And this Council is further of opinion that an expression of opinion on their part is necessary to prevent the recurrence of such a proceeding; also, how are the minutes of Saturday to be confirmed.

Mr. Alexander seconded the motion.

Mr. FitzGerald moved as an amendment—

That the Speaker be directed to procure a proper clock to indicate the time for the convenience of members of this Council; and that he shall cause a bell to be rung by the messenger of this Council at least five minutes before the Speaker takes the chair.

Mr. Dolbel seconded the amendment.

On a division being called for, the Council divided:—

<p>AYES—5. Messrs. FitzGerald Colenso Dolbel Carter Alexander</p>	<p>NOES—3. Messrs. Tucker Curling Ormond.</p>
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Amendment agreed to.

The Speaker laid a letter on the table received from a Waipukurau Native and ordered it to be translated

His Honor the Superintendent laid a statement on the table received from Mr. Grindell of a conversation he had with Renata, Tareha and Karaitiana, by his direction, in reference to coming down to meet the Council:

Mr. Ormond moved that it be read.

Captain Carter seconded the motion.

Motion agreed to, and statement read accordingly.

Mr. Colenso to move on Wednesday, February 13—

That the Superintendent be requested to place on the Estimates the remainder of the sums voted last session for Public Wells, Napier—the same to be for a Public Well in Carlyle-street.

Mr. Tucker presented a petition from the inhabitants of Napier praying that no sum might be placed on the Estimates for a line of road called Hyderabad road, and moved that it be read.

Mr. Ormond seconded the motion.

Motion agreed to and petition read accordingly.

Mr. Tucker moved that the petition be received.

Mr. Ormond seconded the motion.

A discussion ensued, and on a division being called for the Council divided.

AYES—3.
Messrs. Tucker
Colenso
Ormond.

NOES—6.
Messrs. FitzGerald
Carter
Hitchings
Dolbel
Alexander
Curling

Motion negatived.

Mr. Alexander, pursuant to postponement, moved—

That as it seems probable the Native owners of the Pakowhai or Ahuriri plains will not for many years sell them to the Crown, this Council memorialize the General Government to introduce a Bill during the next sitting of the General Assembly to repeal the Native Land Purchase Ordinance, and to provide such means as will enable Europeans to lease farms from the Natives so that the agricultural interests of the Province may be encouraged, and that its capabilities in this respect may have a fair chance of development.

Mr. FitzGerald seconded the motion.

Mr. Curling moved, as an amendment, that the following be added :—“ And that a committee be appointed to draw up such memorial, consisting of Messrs. FitzGerald, Ormond, Colenso, Carter and the mover.”

Dr. Hitchings seconded the amendment.

Amendment agreed to.

Mr. Ormond moved that the consideration of the Superintendent's speech be further postponed till Wednesday, February 13.

Mr. Curling seconded the motion.

Motion agreed to.

Mr. Dolbel brought up report of Select Committee appointed to enquire into and report upon the advisability of abandoning for the present the proposed Mohaka road leading by Petane, and to continue the work from the Tauranga to Mohaka harbour to enable the settlers to bring their produce to market. Such committee consisting of Messrs. Curling, Alexander, Colenso, FitzGerald, Carter and the mover, and moved that it be read.

Captain Carter seconded the motion.

Motion agreed to and read accordingly.

Mr. Dolbel moved that the report be printed.

Capt. Carter seconded the motion.

Motion agreed to and report ordered to be printed.

Mr. FitzGerald moved for leave to postpone till Wednesday, February 13, the second reading of the Road Act, No. 1, Session III.

Mr. Colenso seconded the motion.

Motion agreed to.

Mr. Ormond moved that No. 27 of standing rules and orders be suspended.

Mr. Colenso seconded the motion.

Motion agreed to.

Mr. Ormond moved for leave to postpone till Thursday the 14th February, the bringing up of the report of the select committee appointed to enquire into and report upon the expenditure on the Porangahau road.

Mr. Colenso seconded the motion.

Motion agreed to.

Mr. Ormond, pursuant to motion, moved, that the Executive Act be read a second time.

Mr. Curling seconded the motion.

Mr. FitzGerald moved as an amendment that the second reading take place this day six months.

Mr. Colenso seconded the amendment.

On a division being called for the Council divided:—

AYES—4.
Messrs. FitzGerald
Hitchings
Colenso
Dolbel

NOES—5.
Messrs. Curling
Tucker
Ormond
Alexander
Carter

Amendment negatived.

The original motion was then put.

AYES—5.
Messrs. Ormond
Curling
Tucker
Alexander
Carter

NOES—4.
Messrs. FitzGerald
Colenso
Hitchings
Dolbel

Original motion agreed to and Executive Act read a second time accordingly.

Mr. Ormond moved that, after the orders of the day are passed, this Council resolve itself into committee on the Executive Act.

Mr. Curling seconded the motion.

Mr. Colenso moved as an amendment that this Council do not go into committee on the Executive Act.

Mr. Alexander seconded the amendment.

Amendment agreed to.

Dr. Hitchings, pursuant to notice, moved—

That the Council request the Superintendent to place on the Estimates the sum of £2000 for improving the main trunk road from Napier to Clive.

Capt. Carter seconded the motion.

Motion negatived.

Mr. Curling withdrew his notice of motion in reference to placing the sum of £50 on the Estimates for a Native Interpreter, as it has been already voted.

Mr. Curling withdrew his notice of motion—

That this Council request the Superintendent to place £500 on the Estimates for improving the Patangata line of road.

Mr. FitzGerald, pursuant to notice, moved—

That a Select Committee be appointed to enquire into and report upon the proposed change of direction in Thompson road, Napier. Such committee to consist of Messrs. Alexander, Hitchings, Tucker, Colenso and the mover. Report to be brought up on Wednesday, February 13, 1861.

Dr. Hitchings seconded the motion.

Motion agreed to.

The letter received from Hori Nia Nia, a Waipukurau native, was read by order of the Speaker.

The Council went into committee on the Estimates.

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

Charitable Aid £12 10s.

Dr. Hitchings moved that the Chairman report progress.

The Chairman reported progress and asked leave to sit again on Wednesday, February 13, 1861.

Leave granted.

Mr. Ormond moved that No. 26 of standing rules and orders be suspended.
 Mr. Tucker seconded the motion.
 Motion agreed to.

Mr. Ormond to move to-morrow—

That this Council go into committee to-morrow, Wednesday, February 13, to consider the Executive Act.

Mr. Alexander to move on Wednesday, February 13—

To ask this Council to request the Superintendent to place £50 on the Estimates for the purpose of improving the road leading towards Maungaharuru or Titiokura bush.

Mr. Ormond moved that this Council do adjourn until 3 o'clock on Wednesday, February 13.

Dr. Hitchings seconded the motion.

Motion agreed to, and Council adjourned accordingly.

WEDNESDAY, FEBRUARY 13, 1861.

The Council met pursuant to adjournment.

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 Friday, February 15—

That the Superintendent be requested to place upon the Estimate the sum of £500 towards making the road from the south end of Hastings-street to Te Awapuraho (Tareha's bridge.)

Mr. Colenso to move on Friday, February 15—

That the Provincial Engineer be directed to examine and report upon the natural features of the country lying between Tareha's Bridge and Havelock with a view to the best line of road between the two places.

Mr. Colenso to move on Friday, February 15—

To ask this Council whether any notice is intended to be taken by it of the several Native letters which have been received; and, if so, that he be allowed to draw up an answer to the same.

Mr. FitzGerald to move on Saturday, February 16—

That in the opinion of this Council the rules now in force in the Provinces of Auckland, Taranaki, and Wellington, relative to the free selection of land by military settlers, ought to apply in similar cases to the Province of Hawke's Bay.

Mr. Curling withdrew his amendment in reference to the expenses being borne by the Provincial Government in the case of Bousfield versus Morrison.

Mr. FitzGerald, original motion—That in the opinion of this Council the expense of the appeal to the Supreme Court, in the case of Bousfield versus Morrison should be borne by the Provincial Government.

Unanimously agreed to.

Mr. FitzGerald moved that No. 27 of standing rules and orders be suspended.

Capt. Carter seconded the motion.

Motion agreed to.

Mr. FitzGerald brought up report of Select Committee appointed to enquire into and report upon the Harbour Improvements now in progress at this port,

and the best means of carrying them on in future without burthening the provincial revenue. Also to report on the plan of the land to be reclaimed as proposed by the Director of Works, with evidence and plan attached, and moved that it be read.

Mr. Colenso seconded the motion.

Motion agreed to and report read accordingly.

Mr. FitzGerald moved that the report with the evidence be printed.

Mr. Tucker seconded the motion.

Motion agreed to and report with evidence ordered to be printed.

Mr. FitzGerald, pursuant to postponed notice, moved—

That the Superintendent be requested by this Council to place a sum on the Estimates (say £300) to carry out, as far as may be, the wishes of the petitioners in regard to Hyderabad road.

Mr. Colenso seconded the motion.

Motion agreed to.

Mr. FitzGerald moved for leave to withdraw his motion for the second reading of the Road Bill.

Mr. Colenso seconded the motion.

Motion agreed to.

Mr. Colenso, pursuant to notice, moved—

That the Superintendent be requested to place on the Estimates the remainder of the sums voted last session for Public Wells, Napier—the same to be for a Public Well in Carlyle street.

Capt. Carter seconded the motion.

Motion agreed to.

Mr. Ormond moved for leave to postpone till Thursday, February 14, his notice of motion—That this Council go into committee to consider the Executive Act.

Mr. Curling seconded the motion.

Motion agreed to.

Dr. Hitchings moved that No. 85 of standing rules and orders be suspended.

Mr. Tucker seconded the motion.

Motion agreed to.

Dr. Hitchings presented a petition from the inhabitants of Napier praying for the formation of a road to Clive, and moved that it be read.

Mr. Colenso seconded the motion.

Motion agreed to and petition read accordingly.

Dr. Hitchings moved that the petition be received.

Mr. FitzGerald seconded the motion.

Motion agreed to.

Mr. Alexander, pursuant to notice, moved—

That this Council do request the Superintendent to place £50 on the Estimates for the purpose of improving the road leading towards Maungaharuru or Titiokura bush.

Mr. FitzGerald seconded the motion.

Motion agreed to.

Mr. Ormond moved for leave to postpone till the last day of this session the consideration of the Superintendent's speech.

Dr. Hitchings seconded the motion.

Motion agreed to.

Dr. Hitchings to move—

That the Superintendent be requested by this Council to place a sum of money on the Estimates for providing a Pound-keeper at Napier.

The Council went into committee on the Estimates.

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

EDUCATION—*Schools*—

	£	s.	d.
Inspector	12	10	0
Grants in aid of Building	25	0	0
Grants under Education Act	62	10	0

7.—CROWN LANDS—

Chief Commissioner of Waste Land Board and Chief Surveyor	100	0	0
2 Commissioners, say £50 each	25	0	0

Mr. Alexander moved that the item Clerk (Crown Lands) £200, be raised to £250.

Agreed to.

1st Clerk	62	10	0
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Mr. FitzGerald moved to insert 2nd Clerk Crown Lands £37 10s. for three months.

Agreed to.

2nd Clerk	37	10	0
Secretary to Land Board	25	0	0
Travelling Expenses and Contingencies	37	10	0

8.—SURVEYS—

3 Surveyors, £300	225	0	0
Travelling Allowance to Surveyors	45	0	0
Assistant Surveyors	62	0	0
Travelling Allowance to Assistant Surveyors	12	10	0
2 Draftsmen	100	0	0
Laborers	300	0	0

Mr. FitzGerald moved that the Chairman report progress.

The Chairman reported progress and asked leave to sit again on Thursday, February 14.

Leave granted.

Mr. Curling moved that the Council do adjourn until 3 o'clock on Thursday, February 14.

Mr. Tucker seconded the motion.

Mr. Colenso moved, as an amendment, that this Council do adjourn until 3 o'clock on Saturday, February 16.

Mr. FitzGerald seconded the amendment.

Mr. Alexander moved, as a further amendment, that this Council do adjourn until 3 o'clock on Monday, February 18.

Capt. Carter seconded the amendment.

Amendment agreed to, and Council adjourned accordingly.

—o—

MONDAY, FEBRUARY 18, 1861.

The Council met pursuant to adjournment.

The Speaker took the chair at 3 o'clock.

Present—All the members.

The minutes of the last meeting were read and confirmed.

Mr. FitzGerald presented a petition from the inhabitants of Napier praying that the Burial Ground should be fenced, and moved that it be read.

Mr. Colenso seconded the motion.

Motion agreed to, and petition read accordingly.

Mr. FitzGerald moved that the petition be received.

Mr. Colenso seconded the motion.

Motion agreed to.

Mr. Ormond to move on Tuesday, February 19—

That the Superintendent be requested to place a sum on the Estimates for the improvement of the road between Porangahau and Tautane, and also that the Superintendent do request the Provincial Engineer to furnish an estimate of the sum required.

Mr. FitzGerald to move on Tuesday, February 19—

That the petition of D. Munn and certain other inhabitants of Napier relative to the enclosure of the Cemetery be taken into consideration with a view of ascertaining whether, in the opinion of this Council, the subject is one for which an appropriation from the provincial revenue can be fairly asked for or not.

Mr. Ormond to move on Tuesday, February 19—

That in the opinion of this Council it is desirable that the right of action of paid Government officials in electioneering matters should be more clearly defined.

Mr. Colenso, pursuant to notice, moved—

That the Superintendent be requested to place upon the Estimates the sum of £500 towards making the road from the south end of Hastings-street to Te Awapuraho (Tareha's bridge).

Dr. Hitchings seconded the motion.

Mr. Ormond moved, as an amendment, that the Superintendent be requested to place a sum of £160 on the Estimates for the road between Tareha's bridge and Hastings-street.

Mr. Curling seconded the amendment.

Mr. Colenso, pursuant to notice, moved—

That the Provincial Engineer be directed to examine and report upon the natural features of the country lying between Tareha's bridge and Havelock, with a view to the best line of road between the two places.

Mr. Ormond seconded the motion.

Motion agreed to.

Mr. Colenso, pursuant to notice, asked the Council—

Whether any notice is intended to be taken by it of the several Native letters which have been received; and, if so, that he be allowed to draw up an answer to the same.

Mr. Alexander seconded the motion.

Mr. Curling moved, as an amendment, that on Wednesday this Council do consider certain Native letters reflecting on the late Native Interpreter.

Mr. Ormond seconded the amendment.

Amendment agreed to.

Mr. FitzGerald, pursuant to notice moved—

That in the opinion of this Council the rules now in force in the Provinces of Auckland, Taranaki, and Wellington, relative to the free selection of land by military settlers ought to apply in similar cases to the Province of Hawke's Bay.

Captain Carter seconded the motion.

Mr. Alexander moved as an amendment that the consideration of this question be postponed till to-morrow.

Mr. FitzGerald seconded the amendment.

Dr. Hitchings, pursuant to notice, moved—

That the Superintendent be requested by this Council to place a sum of money on the Estimates for providing a Pound-keeper at Napier.

Mr. FitzGerald seconded the motion.
Motion agreed to.

The Speaker laid a letter on the table received from Tareha, Karaitiana, Renata and others, offering to come and meet the Council, which was ordered to be read.

Read accordingly.

Mr. Alexander moved—That the Natives should be asked to come on Wednesday next.

Mr. Tucker moved, as an amendment, that a written reply be written to the Natives inviting them to attend a committee of this Council at 11 o'clock on Tuesday.

Mr. Ormond seconded the motion.
Motion agreed to, and reply sent accordingly.

Mr Ormond, pursuant to notice, moved—That this Council go into Committee to consider the Executive Act.

Mr. Tucker seconded the motion.

Mr. FitzGerald moved, as an amendment, that the Executive Act be considered this day six months.

Mr. Colenso seconded the amendment.

On a division being called for the Council divided.

AYES—6.
Messrs. FitzGerald
Colenso
Dolbel
Carter
Alexander
Hitchings

NOES—3.
Messrs. Tucker
Curling
Ormond.

Amendment agreed to.

The Council went into Committee on the postponed consideration of the Estimates.

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

Contracts £125

Dr. Hitchings moved that £250 be placed on the Estimates for the coming three months, instead of £125 for Contracts, Survey department.

Agreed to.

	£	s.	d.
Contracts	250	0	0
Contingencies	37	10	0

9.—PUBLIC WORKS—

Mr. Ormond moved that item £200 for Director of Works be struck off.

Dr. Hitchings moved, as an amendment, that it be postponed till after the Provincial Engineer is considered.

Amendment agreed to.

Item Contingencies £50, postponed.

Harbour Improvements—

Mr. FitzGerald moved that a sum of £1450 be voted for Harbour Improvements for current three months instead of £1000.

Mr. Ormond moved, as an amendment, that item Harbour Improvements be postponed.

Amendment agreed to.

Gaol at Napier 800 0 0

Mr. Rhodes moved that item Police Court Waipukurau £200, be altered to Police Court Waipawa £200 with timber and materials already obtained for Court-house formerly intended to be erected at Waipukurau.

Agreed to.

Police Court Waipawa, with timber and materials already obtained for a Court-house formerly intended to be erected at Waipukurau £200

Dr. Hitchings moved that the Chairman do report progress

The Chairman reported progress and asked leave to sit again on Tuesday, February 19, 1861.

Leave granted.

Capt. Carter moved that that the Council do adjourn until Tuesday, February 19, at 3 o'clock.

Mr. Dolbel seconded the motion.

Motion agreed to, and Council adjourned accordingly.

—o—

TUESDAY, FEBRUARY 19, 1861.

The Council met pursuant to adjournment.

The Speaker took the chair at 3 o'clock.

Present—All the members.

The minutes of the last meeting were read and confirmed.

Mr. Ormond, pursuant to notice, moved—

That the Superintendent be requested to place a sum on the Estimates for the improvement of the road between Porangahau and Tautane, and also that the Superintendent do request the Provincial Engineer to furnish an estimate of the sum required.

Mr. Colenso seconded the motion.

Motion agreed to.

Mr. FitzGerald moved—

That the petition of D. Munn and certain other inhabitants of Napier relative to the enclosure of the Cemetery be taken into consideration with a view of ascertaining whether, in the opinion of this Council, the subject is one for which an appropriation from the provincial revenue can be fairly asked for or not.

Dr. Hitchings seconded the motion.

Mr. Ormond moved as a resolution—That the Superintendent be requested to place on the Estimates a sum necessary to enclose land at the burial ground to meet present requirements: and that such steps be taken as will lead to a division between the religious denominations of the Cemetery reserve.

Dr. Hitchings seconded the resolution.

Resolution agreed to.

Mr. Ormond, pursuant to notice, moved—

That in the opinion of this Council it is desirable that the right of action of paid Government officials in electioneering matters should be more clearly defined.

Mr. Curling seconded the motion.

Motion agreed to.

Mr. FitzGerald moved for leave to postpone till Thursday the consideration of the free selection of land by military settlers in this Province.

Mr. Colenso seconded the motion.

Mr. Ormond moved, as an amendment, that it be not postponed.

Dr. Hitchings seconded the amendment.

Mr. FitzGerald withdrew his motion of postponement.
The Speaker then put the original motion—

That in the opinion of this Council the rules now in force in the Provinces of Auckland, Taranaki, and Wellington, relative to the free selection of land by military settlers, ought to apply in similar cases to the Province of Hawke's Bay—and on a division being called for the Council divided.

AYES.—5.
Messrs. FitzGerald
Carter
Dolbel
Tucker
Colenso

NOES—3
Messrs. Ormond
Curling
Hitchings

Motion agreed to.

The Council went into Committee on the postponed consideration of the Estimates.

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

	£	s.	d.
Athenæum	200	0	0
Keeper's House, Government Offices'	100	0	0
Widening and repairing Shakespeare-road ...	360	0	0
Bridge at Meanee river	900	0	0

Dr. Hitchings moved that the Chairman report progress.

The Chairman reported progress and asked leave to sit again on Wednesday February 20.

Leave granted.

Mr. FitzGerald begged to call the attention of this Council to an error in the *Hawke's Bay Herald* in which he is stated to have used the word "impotent" in reference to the officer under whom the prosecutions under the Native Land Purchase Ordinance were conducted; and to request the Council to record their opinion whether he had used the expression or not.

Messrs. Tucker, Alexander, Curling, Colenso, and Dolbel expressed their opinion that they did not remember Mr. FitzGerald making use of such an expression.

Dr. Hitchings moved that No. 26 of standing rules and orders be suspended.

Mr. Colenso seconded the motion.

Motion agreed to.

Dr. Hitchings moved that a Select Committee be appointed to enquire into the estimated revenue of this province for the coming year and laid before this Council by the Superintendent, with authority to obtain all necessary evidence. Such committee to consist of Messrs. Alexander, Ormond, FitzGerald, Tucker, Curling and the mover. Report to be brought up to-morrow.

Mr. Ormond seconded the motion.

Motion agreed to.

Dr. Hitchings moved that the Council do adjourn until Wednesday, February 20.

Mr. Curling seconded the motion.

Motion agreed to, and Council adjourned accordingly.

WEDNESDAY, FEBRUARY 20, 1861.

The Council met pursuant to adjournment.

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 Thursday, February 21—

For the appointment of a Select Committee to consider and report upon the increasing the number of members of this Provincial Council. Such committee to comprise Messrs. FitzGerald, Rhodes, Ormond, Alexander, and the mover. Report to be brought up on some early day after our re-assembling.

Mr. FitzGerald to move on the next sitting day—

That a respectful memorial be addressed to His Excellency the Governor praying, in case his ministers be not prepared to recommend the appointment of a Resident Magistrate for the Waipukurau district, that he may be pleased to direct the Resident Magistrate at Napier to hold courts at convenient intervals at Waipawa, for the trial of mixed cases arising between Natives and Europeans in that district.

Mr. FitzGerald on the next sitting day—

To call the attention of this Council to the report of the Select Committee of the last session of this Council on the conduct of surveys under the Native Land Purchase Department, with a view to having a respectful representation made by this Council to His Excellency the Governor.

Mr. Curling, pursuant to notice, moved—

That this Council do consider certain Native letters reflecting on the late Native Interpreter.

Mr. Colenso seconded the motion.

No discussion ensued.

Dr. Hitchings, pursuant to notice, brought up the report of Select Committee appointed to enquire into the estimated revenue of this Province for the coming year, and laid before this Council by the Superintendent with authority to obtain all necessary evidence. Such committee consisting of Messrs. Alexander, Ormond, FitzGerald, Tucker, Curling, and the mover; and moved that it be read.

Capt. Carter seconded the motion.

Motion agreed to and report read accordingly.

Mr. Tucker moved that No. 27 of standing rules and orders be suspended.

Dr. Hitchings seconded the motion.

Motion agreed to.

Dr. Hitchings moved that the report as read be printed.

Mr. Tucker seconded the motion.

Motion agreed to, and report ordered to be printed.

Mr. Ormond moved that the Natives be requested to attend in order to hear what they had to say in reference to the leasing of land.

Mr. Colenso seconded the motion.

Motion agreed to.

Tareha, Karaitiana, Renata, Wirihana and others handed in a letter, after being read by Wirihana, which Mr. Colenso, at the request of the Council, translated verbally.

Mr. FitzGerald moved that the Natives be informed that we reciprocate with them in the opinions they hold relative to the leasing of land, and that they (the Council) will report to the General Government their concurrence in the same; and further, that a vote of thanks be given to the Natives for the friendly way in which they have met us in this matter.

Renata here stated that when they came here with their letter they did not know whether we would receive it or not. He then called upon the Natives who accompanied him to reciprocate their thanks to us, which they did.

The Natives expressed a wish that the statement of Wirihana (on their behalf) on a former occasion, might be translated into the Native language and printed with the letter.

Agreed to, and ordered to be printed.

Capt. Carter moved, on the part of the Speaker, for leave to ask the Natives present some questions in reference to a statement made to the Natives against the Speaker by Mr. McLean, thereby endangering the peace of the district.

Mr. Colenso seconded the motion.

On a division being called for the Council divided.

AYES—4.
Messrs. Carter
Colenso
Dolbel
Alexander

NOES—5.
Messrs. Curling
Tucker
Ormond
Hitchings
FitzGerald

Motion negatived.

Mr. Curling moved that this Council do adjourn until Thursday, February 21, at 3 o'clock.

Mr. Ormond seconded the motion.

Motion agreed to, and Council adjourned accordingly.

THURSDAY, FEBRUARY 21, 1861.

The Council met pursuant to adjournment.

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, pursuant to notice, moved—

For the appointment of a Select Committee to consider and report upon the increasing number of members of this Provincial Council. Such committee to comprise Messrs. FitzGerald, Rhodes, Ormond, Alexander, and the mover. Report to be brought up on some early day after our re-assembling.

Captain Carter seconded the motion.

Motion agreed to.

Mr. FitzGerald, pursuant to notice, moved—

That a respectful memorial be addressed to His Excellency the Governor praying, in case his ministers be not prepared to recommend the appointment of a Resident Magistrate for the Waipukurau district, that he may be pleased to direct the Resident Magistrate at Napier to hold courts at convenient intervals at Waipawa, for the trial of mixed cases arising between Natives and Europeans in that district; "and that funds be provided out of the provincial chest, in the meantime, for meeting such expense as may accrue thereby."

Mr. Colenso seconded the motion.

Mr. Ormond moved, as an amendment, that a Resident Magistrate is really required for the Southern district known as the Waipukurau district; and that this Council do memorialize His Excellency the Governor praying that such an office be created.

Mr. Curling seconded the amendment.

Amendment negatived.

The original motion, with addition, was then put and agreed to.

Mr. FitzGerald, pursuant to notice, called the attention of this Council to the report of the Select Committee of the last session of this Council on the

conduct of Surveys under the Native Land Purchase Department with a view to having a respectful representation made by this Council to His Excellency the Governor—and moved the following resolutions:—

1. That in the opinion of this Council the necessity for a separate survey establishment in this Province in connexion with the Native Land Purchase Department is a most wasteful and unnecessary expenditure of the public money of this Province.
2. That since the formation of a separate establishment by the Chief Land Purchase Commissioner they believe an expense of over £1200 has been incurred up to the present time, and that the trifling amount of sketch boundary surveys or surveys of Native reserves in no way justifies such expenditure.
3. That agreeing as they do with the report of the Select Committee of this Council of last session on the conduct of such surveys, they regret that the recommendations of the committee have not been carried out.
4. That an humble address be forwarded by the Speaker of this Council to His Excellency the Governor, praying him to direct an enquiry to be made into this matter, and to direct that the recommendation of the Select Committee of this Council, before referred to, be in future carried out.

Dr. Hitchings seconded the motion with resolutions.
Resolutions agreed to unanimously.

The Council went into Committee on the postponed consideration of the Estimates.

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

Director of Works £200

Mr. Ormond moved that item, £200 for Director of Works, be struck out.

Dr. Hitchings moved, as an amendment, that the consideration of item, £200 for Director of Works, be postponed.

Mr. Alexander moved, as a further amendment, that the item, Director of Works, be £500 instead of £200 without the liberty to that officer to do private business.

Council divided.

AYES—2.
Messrs. Alexander
Rhodes

NOES—7.
Messrs. FitzGerald
Colenso
Dolbel
Carter
Hitchings
Curling
Ormond.

Amendment negatived.

Dr. Hitchings' amendment was then put.

Council divided.

AYES.—5.
Messrs. Ormond
Curling
Hitchings
Rhodes
Alexander

NOES—4.
Messrs. FitzGerald
Carter
Dolbel
Colenso

Amendment agreed to.

Mr. Ormond moved that the item Harbour Improvements be postponed until sitting day.

Motion agreed to.

Mr. FitzGerald moved that item, Moving Ferry at Waipureku and making approaches, be increased to £600.

Agreed to.

Moving Ferry at Waipureku £600

Dr. Hitchings moved that the item, Provincial Engineer's department, be postponed.

Agreed to.

Mr. FitzGerald moved that the item, Taupo road £1200, be substituted for £2000 now upon the estimates.

Dr. Hitchings moved, as an amendment, that item, £2000 Taupo road, be struck out.

Amendment negatived.

Mr. FitzGerald's motion agreed to.

Taupo Road £300

Capt. Carter moved that the Chairman report progress.

The Chairman reported progress and asked leave to sit again on Friday, February 22.

Leave granted.

Mr. Dolbel moved that the Council do adjourn till Friday, February 22.

Capt. Carter seconded the motion.

Motion agreed to, and Council adjourned accordingly.

—o—

FRIDAY, FEBRUARY 22, 1861.

The Council met pursuant to adjournment.

The Speaker absent.

Mr. Curling moved, in the absence of the Speaker, that Captain Carter do take the chair.

Dr. Hitchings seconded the motion.

Motion agreed to.

Present—Messrs. Colenso, Curling, Hitchings, FitzGerald, Carter, and Dolbel.

The minutes of the last meeting were read and confirmed.

Mr. Colenso moved that the Council do adjourn until 4 o'clock.

Mr. FitzGerald seconded the motion.

Motion agreed to, and Council adjourned accordingly.

—o—

The Council met pursuant to adjournment.

The Speaker (having arrived) took the chair.

The Speaker, in explanation of his absence, informed the Council that a severe accident having happened to one of his men he was detained unavoidably an hour longer.

Mr. Ormond, pursuant to notice, brought up report of Select Committee appointed to enquire into and report upon the expenditure on the Porangahau road with a view of ascertaining who is responsible and to blame for the great waste of public money on works connected with that road, with power to summon witnesses,—and moved that it be read.

Captain Carter seconded the motion.

Motion agreed to, and report read accordingly.

The Council went into Committee on the postponed consideration of the Estimates.

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

Mohaka and Petane Road £500

Mr Dolbel moved that the estimate for the district of Mohaka should be distinct and separate from Petane.

Mr. FitzGerald moved that Mohaka and Petane road £500, be altered to Petane road £350.

Agreed to.

	£	s.	d.
Petane Road	87	10	0
Mohaka Road	650	0	0

Mr. Dolbel moved that the sum of £1000 be placed on the Estimates for Mohaka road from Mohaka harbour to the Tauranga bush.

Agreed to.

Mohaka Road	250	0	0
Hastings-street to Clive, including moving Ferry	1500	0	0

Mr. Rhodes moved that Hastings-street to Clive including moving Ferry, be altered to Hastings-street to Ferry £900.

Agreed to.

Hastings-street to Ferry	225	0	0
Te Aute Road to Waipawa and Waipukurau	287	10	0
Waipukurau to Ruataniwha	125	0	0
Middle Road to Patangata	400	0	0

Mr. Curling moved that the sum be increased to £500.

Agreed to.

Middle Road to Patangata	125	0	0
Porangahau Road	100	0	0
Tautane Road	37	10	0
Grants in aid of roads and Miscellaneous Ex- penditure	125	0	0
Cemetery at Napier	50	0	0
Puketapu to Poraite	300	0	0

Dr. Hitchings moved that item, Puketapu to Poraite, be struck out.

Mr. Colenso moved, as an amendment, that £150 be voted for this road (Puketapu to Poraite) instead of £300.

Agreed to.

Puketapu to Poraite	150	0	0
Hyderabad Road	75	0	0
Titiokura road	50	0	0

Mr. Ormond moved that the Chairman report progress.

The Chairman reported progress and asked leave to sit again on Saturday, February 23.

Leave granted.

Mr. Curling moved that No. 26 of standing rules and orders be suspended.

Mr. Tucker seconded the motion.

Motion agreed to.

Mr. Curling to move on Saturday—

That a sum of money be placed on the Estimates to pay the expenses of the country members, also the Speaker and the Chairman of Committee.

Mr. Ormond moved that this Council do adjourn until Saturday, February 23, at 11 o'clock.

Dr. Hitchings moved, as an amendment, that the Council do adjourn until Saturday, February 23, at 12 o'clock.

Mr. Colenso seconded the amendment.

On a division being called for, the Council divided.

<p>AYES—4. Messrs. FitzGerald Colenso Dolbel Hitchings</p>	<p>NOES—4. Messrs. Curling Tucker Ormond Carter</p>
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The Speaker gave his vote in favor of the ayes.
Amendment agreed to, and Council adjourned accordingly.

—o—

SATURDAY, FEBRUARY 23, 1861.

The Council met pursuant to adjournment.
The Speaker took the chair at 12 o'clock.
Present—All the members but Mr. Alexander.
The minutes of the last meeting were read and confirmed.

Mr. Ormond's postponed motion for the consideration of the Superintendent's speech not being brought forward, lapsed.

Mr. Curling, pursuant to notice, moved—

That a sum of money be placed on the Estimates to pay the expenses of the country members, also the Speaker and the Chairman of Committee.

Mr. Tucker seconded the motion.

Mr. Dolbel moved, as an amendment, that the sum asked for payment of country members be refused.

Mr. Colenso seconded the amendment.

Mr. Colenso moved, as a further amendment, that the country members, including the Speaker and Chairman of Committees, be paid at one uniform rate, which shall be per diem.

Dr. Hitchings seconded the amendment.

Mr. Colenso moved that No. 27 of standing rules and orders be suspended.

Mr. Tucker seconded the motion.

Motion agreed to.

Mr. Colenso moved that the Superintendent be requested to place a sum of money on the Estimates sufficient to pay the country members of this Council at one uniform rate.

Mr. Tucker seconded the motion.

Motion agreed to.

Mr. FitzGerald moved that the Superintendent be requested to place a sum on the estimates for payment of expenses of members of the Executive Council whilst attending to their duty at Napier during the past as well as the present year.

Mr. Tucker seconded the motion.

Motion agreed to.

Dr. Hitchings moved that the Council do adjourn for one hour.

Mr. Colenso seconded the motion.

On a division being called for, the Council divided.

<p>AYES—4. Messrs. Carter Curling Tucker Colenso</p>	<p>NOES—4. Messrs. FitzGerald Hitchings Dolbel Ormond</p>
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The Speaker voted with the noes.
Motion negatived.

Mr. Ormond moved that the Council do adjourn until 2 o'clock.
Mr. FitzGerald seconded the motion.
Motion agreed to, and Council adjourned accordingly.

—o—

The Council met pursuant to adjournment.

The Council went into Committee on the postponed consideration of the Estimates.

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

	£	s.	d.
Subsidy to Wonga Wonga	125	0	0
Pump Wells, Carlyle-street	33	13	4
Native Land Purchase Ordinance Appeal ...	50	0	0
Pound-keeper	6	5	0
Provincial Engineer	87	10	0
Travelling Expenses	25	0	0
Clerk	46	10	0

Mr. Ormond moved that the consideration of this item be postponed till after the Director of Public Works is considered.
Agreed to.

PUBLIC WORKS—

Director of Works	50	0	0
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Mr. Ormond moved that item, £50 Director of Works, be struck off.
Mr. Rhodes moved, as an amendment, that 3 months salary at the rate of £200 per annum be put on the Estimates.

Director of Works	50	0	0
Contingencies	12	10	0
Interpreter (additional)	50	0	0
Harbour Improvements	1000	0	0

Mr. FitzGerald moved that the sum of £1450 be voted for Harbour Improvements for current three months instead of £1000.
Agreed to.

Debt to Union Bank, January 1, 1861 4021 14 6

Mr. Rhodes moved that item, Union Bank, be postponed until adjourned session of Council.
Agreed to.

Expenses for Country Members 50 0 0

Mr. Curling moved that an allowance to country members be at the rate of £1 per diem.

Mr. Colenso moved, as an amendment, that the allowance to country members be at the rate of 12s. 6d. per diem.

On a division being called for, the Council divided.

AYES—4.
Messrs. FitzGerald
Hitchings
Colenso
Doibel

NOES—4.
Messrs. Rhodes
Ormond
Curling
Carter

The Chairman voted with the ayes.
Amendment agreed to.

Expenses of Country Members, 12s. 6d. per diem	
Members of Executive Council (each)	50 0 0

Mr. Colenso moved that £52 be voted for the members of the Executive

Council for the past year, and that in future they receive at the rate of £1 per diem when on duty.

Agreed to.

Expenses of members of Executive Council for past year (each)	52	0	0
Expenses of members of Executive Council in future when on service (per diem) ...	1	0	0
Clerk to Engineer	46	10	0
Contingencies	12	10	0

Mr. Rhodes, pursuant to notice given by him, resigned the Speakership.

Mr. FitzGerald moved that Mr. Tucker be elected Speaker.

Mr. Ormond seconded the motion.

Mr. Tucker begged to decline the honor.

Mr. Colenso moved that Mr. Curling be elected Speaker.

Mr. Rhodes moved that Mr. Ormond be elected Speaker.

Mr. Tucker moved that Mr. FitzGerald be elected Speaker.

Mr. Rhodes moved that Dr. Hitchings be elected Speaker.

Mr. FitzGerald seconded the motion.

Mr. Colenso moved that Capt. Carter be elected Speaker.

Mr. Tucker seconded the motion.

Motion agreed to and Capt. Carter chosen as Speaker.

Mr. Tucker moved that the Speaker do take the chair.
The Speaker took the chair.

Mr. FitzGerald moved that the Council do adjourn until Monday, March 25, at 3 o'clock.

Mr. Tucker seconded the motion.

Motion agreed to, and Council adjourned accordingly.

—o—
MONDAY, MARCH 25, 1861.

The Council met pursuant to adjournment.

The Speaker took the Chair at 3 o'clock.

Present—All the members but Mr. Alexander.

The minutes of the last meeting were read and confirmed.

Mr. FitzGerald laid on the table a copy of his resignation, also a copy of a letter from the Hon. the Colonial Secretary stating that there is no record in the office of His Excellency the Governor of an opinion having been taken of the Law Officers of the Crown in England on the validity of the Native Land Purchase Ordinance.

Mr. Ormond moved that the letters be read.

Mr. Colenso seconded the motion.

Motion agreed to, and letters read accordingly.

Mr. Tucker asked His Honor the Superintendent could he state when he would be likely to receive an answer from His Excellency in reference to his resignation.

His Honor the Superintendent, in reply, stated that it would be almost impossible for him to say, but the real reason, he imagined, of his not having received an answer was that His Excellency the Governor was not in Auckland.

Dr. Hitchings asked His Honor the Superintendent whether Mr. Colenso had been appointed Provincial Treasurer or not.

His Honor the Superintendent, in reply, stated that Mr. Colenso had not been appointed to the office of Provincial Treasurer.

Discussion here ensued.

Mr. Colenso asked the Speaker whether this question was to be considered as a motion or a question of privilege.

The Speaker decided that it was a matter of privilege.

Mr. Ormond moved that No. 27 of standing rules and orders be suspended.

Mr. Curling seconded the motion.

Motion agreed to.

Mr. Ormond moved the following resolution—

That in the opinion of this Council the opinion of the legal adviser should be required whether the seat for Napier has been rendered vacant by the member for Napier (Mr. Colenso) having received emolument under the Superintendent whilst acting as Provincial Treasurer; and that such opinion be furnished to this Council to-morrow.

Mr. Colenso seconded the resolution.

Resolution agreed to.

Mr. Curling moved that No. 27 of standing rules and orders be suspended.

Dr. Hitchings seconded the motion.

Motion agreed to.

Mr. Curling moved that the Council do go into Committee on the Estimates on to-morrow.

Dr. Hitchings seconded the motion.

Motion agreed to.

Dr. Hitchings moved that the Council do adjourn until Tuesday, March 26, at 3 o'clock.

Mr. Tucker seconded the motion.

Motion agreed to, and Council adjourned accordingly.

—oo—

TUESDAY, MARCH 26, 1861.

The Council met pursuant to adjournment.

The Speaker took the chair at 3 o'clock.

Present—All but Mr. Alexander.

The minutes of the last meeting were read and confirmed.

The Speaker handed in a letter enclosing an opinion in reference to the legality of Mr. Colenso retaining his seat in the Council.

Dr. Hitchings moved that the opinion be read.

Mr. Colenso seconded the motion.

Motion agreed to, and opinion read accordingly.

Mr. FitzGerald moved that No. 27 of standing rules and orders be suspended.

Mr. Colenso seconded the motion.

Motion agreed to.

Mr. FitzGerald moved the following resolution—

That in the opinion of this Council the seat of Mr. Colenso, as member for the town of Napier, has not been vacated under the Officers' and Contractors' Act of the Province of Wellington by his temporarily fulfilling the duties of Treasurer of this Province.

Mr. Rhodes seconded the motion.

On a division being called for, the Council divided.

AYES.—4.
Messrs. FitzGerald
Colenso
Rhodes
Dolbel

NOES.—4.
Messrs. Ormond
Curling
Hitchings
Tucker

The Speaker voted in favor of the ayes.

Motion agreed to.

Mr. FitzGerald moved that the Council do adjourn *sine die* until the resignation of the Superintendent had arrived.

Mr. Colenso seconded the motion.

Dr. Hitchings moved, as an amendment, that the Council be not adjourned before certain of the Estimates, upon which considerable discussion is likely to arise, be considered.

Mr. Ormond seconded the amendment.

Mr. Ormond moved, as an amendment, that this Council do not adjourn until the Estimates for at least one month had been passed.

Mr. Curling seconded the amendment.

On a division being called for, the Council divided.

AYES—5.
Messrs. Curling
Dolbel
Tucker
Hitchings
Ormond.

NOES—3.
Messrs. FitzGerald
Colenso
Rhodes

Amendment agreed to.

Mr. Ormond to move—

That the Land Board, as at present constituted, does not possess the confidence of this Council, and they hereby require the Superintendent to re-consider the appointments made.

Mr. Ormond to move on next sitting day but one—

That this Council feels itself called upon, in justice to the gentlemen named in the Superintendent's letter to the Colonial Secretary dated January 14, 1861, (Messrs. McLean and Cooper) to state their opinion that the statement and charge therein contained, viz., that those officers were offenders under the Native Land Purchase Ordinance, is unfounded and incorrect: and this Council further requires that a copy of this resolution be forwarded by the Speaker to the General Government under whom those gentlemen hold office.

Mr. Curling moved that the Council do adjourn until Wednesday, March 27, at 3 o'clock.

Mr. Tucker seconded the motion.

Motion agreed to, and Council adjourned accordingly.

—o—
WEDNESDAY, MARCH 27, 1861.

The Council met pursuant to adjournment.

The Speaker took the chair at 3 o'clock.

Present—All the members.

The minutes of the last meeting were read and confirmed.

The Speaker informed the Council that as the consideration of the Estimates was next order of the day, a Chairman of Committees should be elected by the Council.

Mr. Colenso asked the Speaker, as a matter of information, in what way or form were the Estimates on the table.

The Speaker, in reply, stated on the amendment of Mr. Ormond passed yesterday.

On the motion of Mr. Tucker the clerk read the amendment referred to.

A long debate here ensued, during which the following questions were asked the Speaker.

Mr. Tucker asked the Speaker if the Council of themselves could not vote a month's supplies upon the Estimates now on the table.

The Speaker, in reply, stated, that by the Constitution Act the Superintendent alone had the power to place the prepared Estimates on the table.

Mr. Curling asked the Speaker if the Council could not themselves proceed to vote the Estimates without the sanction of the Superintendent.
The Speaker said no.

Mr. FitzGerald moved that the Council do adjourn *sine die*.
Mr. Rhodes seconded the motion.
Mr. FitzGerald withdrew his motion.

Mr. Rhodes moved that the notices of motion be considered as they stand on the order paper of the day.
Mr. Colenso seconded the motion.
Motion agreed to.

Mr. Ormond, pursuant to notice, moved—

That the Land Board, as at present constituted, does not possess the confidence of this Council, and they hereby require the Superintendent to re-consider the appointments made.

Dr. Hitchings seconded the motion.
Discussion here ensued.

Mr. FitzGerald moved, as an amendment, that this question be considered this day six months.

Mr. Colenso seconded the amendment.

On a division being called for, the Council divided.

AYES—5.		NOES—4.
Messrs. Colenso		Messrs. Hitchings
Rhodes		Ormond
FitzGerald		Tucker
Dolbel		Curling
Alexander.		

Amendment agreed to.

Mr. Ormond moved that No. 27 of standing rules and orders be suspended.

Mr. Alexander seconded the motion.

Motion agreed to.

Mr. Ormond, pursuant to notice, moved—

That this Council feels itself called upon, in justice to the gentlemen named in the Superintendent's letter to the Colonial Secretary dated January 14, 1861, (Messrs. McLean and Cooper) to state their opinion that the statement and charge therein contained, viz., that those officers were offenders under the Native Land Purchase Ordinance, is unfounded and incorrect: and this Council further requires that a copy of this resolution be forwarded by the Speaker to the General Government under whom these gentlemen hold office.

Mr. Alexander seconded the motion.

Mr. FitzGerald opposed the motion, and the following words used by him were demanded to be registered by Mr. Ormond:—"Land held by him from the Natives, he did not wish to say exactly this."

A long discussion here ensued.

Mr. FitzGerald moved, as an amendment, that this motion be considered this day six months.

Mr. Dolbel seconded the motion.

On a division being called for, the Council divided.

AYES—4.		NOES—4.
Messrs. FitzGerald		Messrs. Ormond
Rhodes		Curling
Colenso		Tucker
Dolbel		Alexander

The Chairman voted with the noes.
Amendment negatived.

Mr. FitzGerald moved, as an amendment, that the consideration of this question be postponed till next session.

Mr. Rhodes seconded the Amendment.

Amendment agreed to.

Mr. Rhodes moved that this Council do adjourn *sine die*.

Mr. Colenso seconded the motion.

Motion agreed to, and Council adjourned accordingly.

MONDAY, APRIL 8, 1861.

The Council met pursuant to proclamation.

The Speaker took the chair at 12 o'clock.

Present—All but Messrs. Rhodes and FitzGerald.

The minutes of the last meeting were read and confirmed.

The Clerk read the proclamation by the Speaker as Acting Superintendent calling the Council together on this day at 12 o'clock, and the notification from His Excellency the Governor accepting the resignation of Thomas Henry FitzGerald, Esq., of the office of Superintendent.

Dr. Hitchings proposed that John Chilton Lambton Carter Esq., be nominated Superintendent of the Province of Hawke's Bay.

Mr. Alexander seconded the nomination.

No other candidate being proposed Capt. Carter was unanimously elected Superintendent of the Province of Hawke's Bay.

Capt. Carter resigned the office of Speaker.

Mr. Ormond moved that Mr. Tucker be chosen Speaker.

Dr. Hitchings seconded the motion.

Motion agreed to.

The Speaker having taken the chair, His Honor the Superintendent addressed the Council; after which he laid a return on the table of the estimated revenue and expenditure for the next three months ending June 30, 1861.

Mr. Colenso moved that the Council do adjourn until 3 o'clock.

Mr. Ormond seconded the motion.

Motion agreed to, and Council adjourned accordingly.

The Council met pursuant to adjournment.

Mr. Alexander to move on Tuesday, April 9—

That in the opinion of this Council it is improper and uncalled for that Government officers should publicly comment upon the proceedings of members of Council; and that the Superintendent be requested to caution all persons receiving public money to abstain from such a course in future.

Mr. Ormond moved that No. 27 of standing rules and orders be suspended.

Mr. Colenso seconded the motion.

Motion agreed to.

Mr. Ormond moved that His Honor the Superintendent's address be considered.

Mr. Alexander seconded the motion *pro forma*.

Dr. Hitchings moved that the Council do adjourn until to-morrow at three o'clock.

Mr. Curling moved, as an amendment, that the Council do adjourn until Tuesday, April 9, at 12 o'clock.

Mr. Alexander seconded the amendment.

Amendment agreed to, and Council adjourned accordingly.

TUESDAY, APRIL 9, 1861.

The Council met pursuant to adjournment.

The Speaker took the Chair at 12 o'clock.

Present—All the members.

The minutes of the last meeting were read and confirmed.

Mr. Ormond handed in a petition from Mr. Webb, with notice that he should move that it be read on next sitting day.

Mr. Alexander, pursuant to notice, moved—

That in the opinion of this Council it is improper and uncalled for that Government officers should publicly comment upon the proceedings of members of Council; and that the Superintendent be requested to caution all persons receiving public money to abstain from such a course in future.

Mr. Curling seconded the motion.

Mr. FitzGerald moved, as an amendment, that it be considered this day six months.

Mr. Ormond moved, as an amendment, that in the opinion of this Council it is desirable that Government officers receiving salaries should be cautioned against making attacks in the public papers against members of Council on their proceedings in that Council.

Mr. Alexander seconded the amendment.

Mr. FitzGerald moved, as an amendment, that the motion by the member for Napier Country district be considered this day six months.

Mr. Rhodes seconded the amendment.

Amendment agreed to.

Dr. Hitchings moved that this Council do adjourn until 3 o'clock.

Mr. Rhodes seconded the motion,

Motion agreed to, and Council adjourned accordingly.

—oo—

The Council met pursuant to adjournment.

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 after a careful consideration of the Superintendent's address and the financial statement contained therein, it is apparent that the estimated revenue will be unequal to meet the demands that would arise upon it, were the expenditure continued upon the scale laid down in the Estimates for the March quarter, and also bearing in mind that a large proportion of the votes then passed are still unapplied.

That portion of the Superintendent's address which points out that the largest item of revenue for the current quarter will be unavailable until the last day of the same, has also been duly considered.

The Council therefore recommend the Superintendent, pending the next meeting of this Council, to confine the expenditure to what is required for carrying on the ordinary routine business of the Government, and to avoid any further outlay in connection with public works other than such as may be considered absolutely necessary. As, for instance, the necessary repairs and improvements that may be required to ensure communication with the inland districts during the now rapidly approaching winter. The Council see no other means of providing for this necessary expenditure than by advising the Superintendent to negotiate a temporary advancement for that purpose.

Mr. Colenso seconded the motion *pro forma*.

Dr. Hitchings moved as an amendment—

That the Superintendent be fully empowered by this Council to conduct the

monetary affairs of this Province for the next month both as to its distribution and supply,

Not seconded.

Mr. Ormond's original motion was then put and agreed to.

Mr. Ormond moved that the Council do adjourn until Monday, 6th May, at 12 o'clock.

Mr. Colenso seconded the motion.

Motion agreed to, and Council adjourned accordingly.

—o—

MONDAY, MAY 6, 1861.

The Council met pursuant to adjournment.

The Speaker took the chair at 12 o'clock.

Present—All but Messrs. FitzGerald, Curling, and Rhodes.

The minutes of the last meeting were read and confirmed.

The Speaker laid on the table letters received from His Honor the Superintendent notifying the election of Messrs. FitzGerald and Newton as members for the Town of Napier, Messrs. Carter and Alexander as members for the Napier Country District, and Mr. J. D. Ormond as member for the District of Waipukurau; also, report of the Council Auditors on the accounts of the Province.

Captain Carter moved that the report of the Council Auditors be read.

Mr. Ormond seconded the motion.

Motion agreed to, and report read accordingly.

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

1. Letter from the Hon. the Colonial Secretary in reply to resolution of the Council relating to the conduct of Surveys under the Native Land Purchase Department.
2. Estimates for 1861 (nine months).
3. Estimated Revenue for 1861.

Dr. Hitchings moved that the letter received from the Hon. the Colonial Secretary be read.

Mr. Ormond seconded the motion.

Motion agreed to, and letter read accordingly.

Captain Carter to move, on Wednesday, 8th inst.—

For leave to bring in a Bill for the management and administration of Harbour Reserves, in conformity with the Public Reserves Act of 1854, and a grant from His Excellency the Governor.

Captain Carter to move, on Tuesday, 7th inst.—

That this Council do resolve itself into a Committee of Supply on the Estimates for the ensuing nine months of the year 1861.

Mr. Ormond moved that No. 27 of standing rules and orders be suspended.

Mr. Dolbel seconded the motion.

Motion agreed to.

Mr. Ormond brought in a Sheep and Scab Act, and moved that it be read a first time.

Captain Carter seconded the motion.

Motion agreed to, and title read accordingly.

Mr. Ormond moved that it be printed.

Captain Carter seconded the motion.

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

Captain Carter to move, on Wednesday—

For leave to bring in a Bill for the Enlargement of the Provincial Council.

Mr. Ormond, pursuant to notice, moved that Mr. Webb's petition be read.
 Dr. Hitchings seconded the motion.
 Motion agreed to, and petition read accordingly.

Mr. Ormond to move, on Tuesday, the 7th inst., the second reading of the Sheep and Scab Act.

Mr. Ormond moved that the Council do adjourn until Tuesday, 7th inst., at 3 o'clock.
 Mr. Dolbel seconded the motion.
 Motion agreed to, and Council adjourned accordingly.

TUESDAY, MAY 7, 1861.

The Council met pursuant to adjournment.
 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 on the table the Report of the Provincial Engineer upon the natural features of the country lying between Tareha's bridge and Havelock, in accordance with resolution passed by the Provincial Council.

Mr. Ormond moved that the report of the Provincial Engineer be read.
 Mr. Curling seconded the motion.
 Motion agreed to, and report read accordingly.

Mr. Curling to move, on Wednesday—

That the sum of £300 be placed on the Estimates to make the road about Waitukai, and from thence to the Tamumu.

Mr. Dolbel to move, on Wednesday, May 8—

That this Council request the Superintendent to establish a Ferry over the Waihui River, between the Mohaka and the Wairoa, as travellers are daily put to great inconvenience for want of it.

Mr. Tucker, pursuant to notice, resigned the office of Speaker.
 Captain Carter moved, as none of the members of the Council seemed willing to accept the office of Speaker, that it be determined by ballot who should hold that office.

Mr. Curling seconded the motion.
 Motion agreed to.

The Clerk of the Council having informed His Honor the Superintendent that Mr. Joseph Rhodes was elected Speaker by the Council, His Honor was pleased to confirm the election.

Mr. Ormond, pursuant to notice, moved that the Sheep and Scab Act be read a second time.

Mr. Tucker seconded the motion.
 Motion agreed to, and Sheep and Scab Act read a second time accordingly.

His Honor the Superintendent informed the Council that the next duty they had to perform was to elect a Chairman of Committees.

Mr. Tucker moved that Mr. FitzGerald be chosen Chairman of Committees.

Mr. Alexander seconded the motion.
 Mr. FitzGerald begged to decline the office, and moved that Mr. Curling be chosen Chairman of Committees.

Mr. Newton seconded the motion.
 Motion agreed to, and Mr. Curling chosen Chairman of Committees.

The Council then went into Committee on the Sheep and Scab Act.
 Mr. Ormond moved that the further consideration of the Sheep and Scab Act be postponed until Thursday, May 9, 1861.

Motion agreed to.

Mr. Ormond moved that the Chairman report progress.

The Chairman reported progress, and asked leave to sit again on Thursday, May 9, 1861.

Leave granted.

The Council went into Committee on the Estimates.

The Chairman then put the first item on the Estimates.

Superintendent	£375
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Captain Carter moved that the item, Superintendent £375, be postponed.

Agreed to.

	£	s.	d.
Two Members of Executive at £1 per diem when on duty	50	0	0
Clerk, at £200 per annum	150	0	0
Contingencies	18	15	0
Provincial Treasurer and Accountant, at £300 per annum	225	0	0
Contingencies	18	15	0
Provincial Solicitor, at £100 per annum	75	0	0
Contingencies	18	15	0

Dr. Hitchings moved that the item, Contingencies for Solicitor's Department, be struck out of the Estimates.

Motion negatived.

Contingencies, Solicitor's Department.....	18	15	0
Audit of Accounts, at £60 per annum	45	0	0

Mr. Alexander moved that the item, Audit of Accounts £45, be increased to £65.

Agreed to.

Audit of Accounts	65	0	0
Native Interpreter	75	0	0

Captain Carter moved that the sum of £75 be placed on the Estimates for Speaker.

Mr. Alexander moved, as an amendment, that the sum of £50 be placed on the Estimates for Speaker.

Amendment and original motion negatived.

Clerk to Council, at £50 per annum	37	10	0
Messenger, at £100 per annum	75	0	0

7 Members' expenses at 12s. 6d. per diem.

This item was postponed.

Council Printing	112	10	0
Council Library	25	0	0

Mr. FitzGerald moved that the item, Council Library £25, be increased to £50.

Agreed to.

Council Library	50	0	0
Contingencies	30	0	0

Captain Carter moved that the Chairman report progress.

The Chairman reported progress, and asked leave to sit again on Wednesday, May 8, 1861.

Leave granted.

Mr. Tucker moved that the Council do adjourn until Wednesday, May 8, at 3 o'clock.

Mr. Newton seconded the motion.

Motion agreed to, and Council adjourned accordingly.

WEDNESDAY, MAY 8, 1861.

The Council met pursuant to adjournment.

The Speaker took the chair at 3 o'clock.

Present—All the members.

The minutes of the last meeting were read and confirmed.

Mr. Rhodes resigned the office of Speaker.

Dr. Hitchings proposed that Mr. Tucker be elected Speaker.

Mr. Newton seconded the motion.

The Clerk of the Council having informed His Honor the Superintendent that Mr. J. Tucker was elected Speaker by the Council, His Honor was pleased to confirm the election.

The Speaker took the chair.

Captain Carter to move, on Thursday —

That as the amount of Government aid at present payable under the Education Act of Hawke's Bay is found in some cases to be insufficient to meet the wants of Country Schools, the rate to be paid, until other arrangements are made on behalf thereof, should be 10s. 6d. per quarter instead of 7s.

Mr. Ormond to ask leave—

For the appointment of a Select Committee to examine and report upon the Treasurer's Account of Receipts and Disbursements of the public Revenue, and also the reports of the Auditors on the same, for the year ended 31st December, 1860. Such Committee to consist of Messrs. FitzGerald, Alexander, Tucker, Newton, and the mover. Report to be brought up on 11th May, 1861.

Mr. FitzGerald presented a petition from the residents of Shakespeare road, praying that a right of a line of road might be granted to them joining Brewster street, through Government Reserve, and moved that it be read.

Dr. Hitchings seconded the motion.

Motion agreed to, and petition read accordingly.

Mr. FitzGerald moved that the petition be received.

Mr. Rhodes seconded the motion,

Motion agreed to, and petition received accordingly.

Mr. Rhodes to move, on Thursday, May 9—

To ask the Superintendent if there are any sound reasons why the Township of Clive (Waipureku) should not be forthwith put in the market, as the best portions are being rapidly fenced in, which must result in loss to the Government, as each individual who occupies as at present, acquires a sort of pre-emptive right.

Mr. FitzGerald to move, on Friday, May 10—

That the petition of J. B. Brathwaite and other persons, praying for a grant of a right of way through the Educational Reserve on Shakespeare road, be taken into consideration, and the prayer of the petitioners granted.

Captain Carter, pursuant to notice given, asked for leave to bring in a Bill for the management and administration of Harbour Reserves, in conformity with Public Reserves Act, 1854, and a grant from His Excellency the Governor.

Mr. Ormond seconded the motion.
Leave granted.

Captain Carter moved that No. 27 of standing rules and orders be suspended.

Mr. Curling seconded the motion.
Motion agreed to.

Captain Carter moved that the Bill for the management and administration of Harbour Reserves be read a first time.

Mr. Ormond seconded the motion.

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

Captain Carter moved that the Bill be printed forthwith, and read a second time on Friday, May 10.

Mr. Ormond seconded the motion.

Motion agreed to, and Bill ordered to be printed forthwith accordingly.

Captain Carter, pursuant to notice, moved for leave to bring in a Bill for the Enlargement of the Provincial Council.

Mr. Newton seconded the motion.

Leave granted.

Captain Carter moved that the Bill for the Enlargement of the Provincial Council be read a first time.

Mr. Ormond seconded the motion.

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

Captain Carter moved that the Bill be printed forthwith, and read a second time on Friday, May 10.

Mr. Ormond seconded the motion.

Motion agreed to, and Bill ordered to be printed forthwith accordingly.

Mr. Curling, pursuant to notice, moved—

That the Superintendent be requested to place on the Estimates the sum of £300 to make the road about Waitukai, and from thence to the Tamumu.

Mr. Ormond seconded the motion.

Motion agreed to.

Mr. Dolbel, pursuant to notice, moved—

That this Council do request the Superintendent to establish a Ferry over the Waihui River, between the Mohaka and the Wairoa, as travellers are daily put to great inconvenience for want of it.

Mr. Alexander seconded the motion.

Motion agreed to.

The Council went into Committee on the Estimates.

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

Police, Napier—

Sub-Inspector, at £140 per annum ... £105 0 0

Dr. Hitchings moved, as an amendment, that the item Sub-Inspector of Police be postponed until the item Paymaster of Roads' Salary be considered.

Agreed to.

Corporal, at £110 per annum ... 82 10 0

4 Privates at £100 each ... 300 0 0

1 Private, Clive ... 75 0 0

3 District Constables, at £25 each ... 56 5 0

Mr. Rhodes moved, as an amendment, that there be two instead of three District Constables.

On a division being called for, the Council divided:—

<p>AYES—3. Messrs. Rhodes Dolbel Hitchings</p>	<p>NOES—6. Messrs. Alexander Newton Carter Tucker FitzGerald Ormond</p>
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Amendment negatived.

	£	s.	d.
3 District Constables, at £25 each ...	56	5	0
Horse hire, or allowance for horses ...	54	0	0

Mr. Newton moved, as an amendment, that the item, £54 horse hire or allowance for horses, be struck off the Estimates.

Amendment negatived.

Horse hire, or allowance for horses ...	54	0	0
Contingencies	75	0	0
<i>Gaol—</i>			
Gaoler, at £120 per annum	90	0	0
Rations for prisoners	75	0	0
Contingencies	37	10	0
<i>Sheriff—</i>			
Expenses for prisoners witnesses, &c. ...	90	0	0
<i>Harbour Department—</i>			
Harbour master and pilot, at £200 per an.	150	0	0
3 Boatmen, at £60 per annum	135	0	0

Mr. Alexander moved, as an amendment, that 2 men be employed at 4s. 6d. per diem instead of 3 boatmen at £60 per annum.

Amendment agreed to.

2 Boatmen at 4s. 6d. per diem.	37	10	0
Contingencies			
<i>Registrar of Deeds—</i>			
Registrar, at £250 per annum	187	10	0
Returning Officer	37	10	0
Registrar of Brands, Inspector of Sheep...	31	10	0

Mr. Ormond moved that the item under the head of Registrar of Brands and Inspector of Sheep be postponed.

Agreed to.

<i>Weights and Measures—</i>			
Contingencies	30	0	0
<i>Dog Nuisance—</i>			
2 Registrars	18	15	0

Mr. Ormond moved that the item, 2 Registrars (Dog Nuisance), be struck off the Estimates.

Mr. Alexander moved, as an amendment, that there be 1 Registrar at £15 per annum.

Amendment negatived.

Mr. Ormond's motion, that the item be struck off the Estimates, was then put and agreed to.

Pound-keeper	18	15	0
Mail to Ruataniwha from Waipawa ...	26	5	0
Mail to Pekapeka (Mangaone) from Puke- tapu, at £20. per annum	15	0	0
<i>Printing—</i>			
Printing Gazette	112	10	0
Printing Forms	45	0	0
Advertising	30	0	0
<i>Miscellaneous—</i>			
Miscellaneous	75	0	0

Capt. Carter moved that the item, Miscellaneous £75, be increased to £225.
Agreed to.

	£	s.	d.
Miscellaneous	225	0	0
Native Expenses	75	0	0
Ferry, &c.	37	10	0

Capt. Carter moved that the word "Waipureku" be added.
Agreed to.

Waipureku Ferry	37	10	0
Legal Expenses	60	0	0
Appeal under Native Land Purchase Ordinance	10	0	0
<i>Hospital—</i>			
Provincial Surgeon, at £120 per annum	90	0	0
Hospital attendants	75	0	0
Rations	75	0	0

Capt. Carter moved that the item, Rations £75, be increased to £125.
Agreed to.

Rations	125	0	0
Contingencies	75	0	0
Charitable Aid	37	10	0

Mr. Tucker moved that the Chairman report progress.
The Chairman reported progress and asked leave to sit again on Thursday
May 9.
Leave granted.

Mr. Ormond moved that the Council do adjourn until Thursday, May 9, at
3 o'clock.

Dr. Hitchings seconded the motion.
Motion agreed to, and Council adjourned accordingly.

—oo—

THURSDAY, MAY 9, 1861.

The Council met pursuant to adjournment.
The Speaker took the chair at 3 o'clock.
Present—All the members.
The minutes of the last meeting were read and confirmed.

Mr. Ormond to move on Friday, May 10—

That the Superintendent be requested to address the General Government in reference to the establishment of overland postal communication between the Provinces of Hawke's Bay and Wellington.

Capt. Carter to move on Friday, May 10—

For leave to bring in a Bill for the management and administration of Electoral Reserves in conformity with Public Reserves Act of 1854, and a grant from His Excellency the Governor.

Capt. Carter, pursuant to notice, moved—

That as the amount of Government aid at present payable under the Education Act of Hawke's Bay is found in some cases to be insufficient to meet the wants of Country Schools, the rate to be paid, until other arrangements are made on behalf thereof, should be 10s. 6d. per quarter instead of 7s.

Mr. Alexander seconded the motion.
Motion agreed to.

Mr. Ormond, pursuant to notice, moved for leave—

For the appointment of a Select Committee to examine and report upon the Treasurer's Account of Receipts and Disbursements of the public Revenue, and also the reports of the Auditors on the same, for the year ended 31st December, 1860. Such Committee to consist of Messrs. FitzGerald, Alexander, Tucker, Newton, and the mover. Report to be brought up on next sitting day after to-morrow.

Mr. Alexander seconded the motion.
Motion agreed to.

Mr. Rhodes, pursuant to notice, moved—

That the Superintendent be requested to state if there are any sound reasons why the Township of Clive (Waipureku) should not be forthwith put in the market, as the best portions are being rapidly fenced in, which must result in loss to the Government, as each individual who occupies as at present, acquires a sort of pre-emptive right.

His Honor the Superintendent, in reply, stated, that the late Superintendent had written on the subject to the General Government; he begged to lay on the table a reply received on the subject from the Hon. the Colonial Secretary— which reply was read by the clerk.

Mr. Rhodes to move on Friday, May 10—

That in the opinion of this Council the Superintendent be requested to urge upon the General Government the advisability of handing over the block of land at Clive to the Provincial Government for the purpose of putting up the town lots at that place to auction as soon as may be.

Mr. Ormond moved that the Estimates in the order of the day take precedence to the Sheep and Scab Act.

The Council went into committee on the Estimates.

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

<i>Education—</i>		£	s.	d.
Inspector	...	37	0	0

Dr. Hitchings moved, as an amendment, that this item be struck off the Estimates.

Amendment negatived.

Inspector	...	37	10	0
Grants in Aid of Building	...	75	0	0
Grants under Education Act	...	187	10	0

Mr. Alexander moved that the item, Superintendent, be next taken into consideration.

Superintendent, at £500 per annum	...	375	0	0
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Mr. Tucker moved that the sum of £50 be added to the Superintendent's salary for travelling expenses.

Mr. Rhodes moved, as an amendment, that the Superintendent's salary be at the rate of £600 per annum.

Amendment agreed to.

Superintendent, at £600 per annum	...	450	0	0
<i>Crown Lands—</i>				
Chief Commissioner of Waste Lands Board and Chief Provincial Surveyor, at £400 per annum	...	300	0	0

Mr. Tucker moved that this item read, Commissioner of Crown Lands and Chief Surveyor, omitting the words Waste Lands Board.

Agreed to.

Commissioner of Crown Lands and Chief Surveyor, at £400 per annum	...	300	0	0
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2 Commissioners, at £50 each 75 0 0

Mr. Newton moved that this item be postponed.
Agreed to.

Chief Clerk 187 0 0
Secretary to Waste Land Board 75 0 0

Mr. Newton moved that the words, Expenses Waste Land Board, be substituted for Secretary Land Board, and the item 2 Commissioners, £75, be struck off the Estimates: both to be joined under the heading of Expenses Waste Land Board, £150.

Agreed to.

Expenses Waste Land Board	150 0 0
Travelling Expenses and Contingencies...	112 10 0
<i>Surveys—</i>	
3 Surveyors, at £300 per annum each, to 30th June, 1861	225 0 0
2 Surveyors, at £300 per annum each, from 1st July to 31st December, 1861...	300 0 0
Travelling allowance to 3 Surveyors, at £60 per annum each, to 30th June, 1861	45 0 0
Travelling allowances to 2 Surveyors, at £60 per annum each, from 1st July to 31st December, 1861	60 0 0
Assistant Surveyor, at £250 per annum...	187 0 0

Mr. Rhodes moved, as an amendment, that this item be £300 per annum, and that Travelling allowance for Assistant Surveyor be struck off the Estimates.

Amendment negatived.

Assistant Surveyor, at £250 per annum...	187 0 0
Travelling allowance for Assistant Sur- veyor, at £50 per annum	37 10 0
1 Draftsman, from 1st April to 31st Dec., at £200 per annum	150 0 0
Laborers	900 0 0
Contracts	250 0 0
Contingencies	112 10 0

Mr. Rhodes moved that the Chairman report progress.
The Chairman reported progress, and asked leave to sit again to-morrow.
Leave granted.

Mr. Rhodes moved that the Council do adjourn for one hour.

Mr. Curling seconded the motion.

Motion agreed to, and Council adjourned accordingly.

—o—

The Council met pursuant to adjournment.

The Council went into Committee on the Sheep and Scab Act.

In Clause 2, Mr. Tucker moved that "and assign them to such District" should read "and assign to them such Districts."

Agreed to.

In Clause 3, Mr. Ormond moved that "for the management of such Registration Offices" should read "for the management of Registration Offices."

Agreed to.

In Clause 5, Mr. Tucker moved that the following words should be added to the Clause:—"And every person neglecting or refusing to make such return as aforesaid, when called upon by the Inspector to do so, shall be liable to any penalty not exceeding £10."

Agreed to.

Mr. Ormond moved that the following be inserted after Clause 6, and numbered as Clause 7:—"And whereas great inconvenience and loss have been occasioned by reason of persons, whose sheep have strayed upon the lands or into the flocks of others, entering upon the said lands for the purpose of seeking the said sheep, and in many cases driving off the sheep of other persons together with their own,—It is hereby provided that any owner or person in charge of any sheep, or any other person, who shall, either himself or by his agent, enter upon the runs or lands owned or occupied by others, and shall collect, drive, remove, or in any other way disturb sheep depasturing thereon, shall, on conviction of any such offence, forfeit and pay any sum not exceeding £20."

Agreed to.

Mr. Ormond moved that "Clause 7" read "Clause 8," and the subsequent Clauses be numbered consecutively.

Agreed to.

Mr. Ormond moved that the consideration of Clause 8 be postponed.

Agreed to.

Mr. Ormond moved that, in Clause 9, the words "than a fourth of the ear" should read "than a fourth part of the ear."

Agreed to.

Mr. Tucker moved that the following should be added to Clause 10:—"And every person neglecting or refusing to make such return or returns, as aforesaid, shall be liable to a penalty of £20."

Agreed to.

Mr. Ormond moved that Clauses 12 and 13 should be united by the word "and" into one clause.

Agreed to.

Mr. Tucker moved that the words "on written application" be inserted between the words "pay to" in the second line of Clause 17.

Agreed to.

Mr. Ormond moved that the consideration of Clause 32 be postponed.

Agreed to.

Mr. Ormond moved that the Chairman report progress.

The Chairman reported progress and asked leave to sit again on Friday, May 10.

Leave granted.

Mr. Ormond moved that the Council do adjourn until Friday, May 10, at 3 o'clock.

Mr. Curling seconded the motion.

Motion agreed to, and Council adjourned accordingly.

—oo—

FRIDAY, MAY 10, 1861.

The Council met pursuant to adjournment.

The Speaker took the chair at 3 o'clock.

Present—All the members.

The minutes of the last meeting were read and confirmed.

Mr. FitzGerald, pursuant to notice, moved—

That the petition of J. B. Brathwaite and other persons, praying for the grant of a right of way through the Educational Reserve on Shakespeare road, be taken into consideration, and the prayer of the petitioners granted.

Dr. Hitchings seconded the motion.

Mr. Alexander moved, as an amendment, that the prayer be granted upon the understanding that a road of 40 links be given by the adjacent proprietors, through whose land the road passes.

Mr. Newton seconded the amendment.

Amendment agreed to.

Mr. Ormond, pursuant to notice, moved—

That the Superintendent be requested to address the General Government in reference to the establishment of overland postal communication between the Provinces of Hawke's Bay and Wellington.

Mr. FitzGerald seconded the motion.
Motion agreed to.

Capt. Carter, pursuant to notice, moved—

For leave to bring in a Bill for the management and administration of Educational Reserves in conformity with Public Reserves Act of 1854, and a grant from His Excellency the Governor.

Mr. Ormond seconded the motion.

Leave granted.

Capt. Carter moved that the Educational Reserves Act be read a first time.

Mr. Ormond seconded the motion.

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

Capt. Carter moved that the Educational Reserves Bill be read a second time on Tuesday, May 14, and printed forthwith.

Mr. Ormond seconded the motion.

Motion agreed to.

Mr. Rhodes, pursuant to notice, moved—

That in the opinion of this Council the Superintendent be requested to urge upon the General Government the advisability of handing over the block of land at Clive to the Provincial Government for the purpose of putting up the lots at that place to auction as soon as may be.

Mr. FitzGerald seconded the motion.

Motion agreed to.

Capt. Carter, pursuant to notice, moved that the Harbour Reserves Bill be read a second time.

Mr. Curling seconded the motion.

Motion agreed to, and Harbour Reserves Bill read a second time accordingly.

Capt. Carter moved that the Council go into committee on the Harbour Reserves Bill.

Mr. Ormond seconded the motion.

Motion agreed to, and Council went into committee on the Harbour Reserves Bill accordingly.

Mr. Ormond moved that the Chairman report progress.

The Chairman reported progress and asked leave to sit again on the next sitting day but one.

Leave granted.

Capt. Carter moved that the Provincial Council Enlargement Bill be read a second time.

Mr. Ormond seconded the motion.

Motion agreed to, and Provincial Council Enlargement Bill read a second time; and Council went into committee on the Bill.

Mr. Ormond moved that the Chairman report progress.

The Chairman reported progress and asked leave to sit again on the next sitting day but one.

Leave granted.

The Council went into committee on the Estimates.

Capt. Carter moved that the Estimates under the head of Survey be recommended to enable the sum of £187 instead of £150 for salary for 1 Draftsman at £250 per annum to be inserted.

Agreed to.

1 Draftsman from 1st July to 31st Dec., at £250 per annum	187 10 0
<i>Public Works and Undertakings—</i>	
Director of Works at £200 per annum ...	150 0 0
Travelling Expenses ...	30 0 0
Contingencies ...	37 10 0
Harbor Improvements ...	5000 0 0

Mr. Tucker moved, as an amendment, that £3000 be voted for the Harbour Improvements instead of £5000 now on the Estimates.

On a division being called for, the Council divided:—

AYES—3.		NOES—6.
Messrs. Ormond		Messrs. Alexander
Carter		Newton
Tucker		FitzGerald
		Rhodes
		Dolbel
		Hitchings

Amendment negatived.

Harbour Improvements	5000 0 0
Police Court at Waipawa, with timber and materials already obtained for Court- house formerly intended to be erected at Waipukurau	60 0 0
Cemetery at Napier	9 0 0
Hastings-street to Ferry	400 0 0

Mr. Rhodes moved that the sum of £700 be placed on the Estimates in lieu of £400 for Hastings-street to Ferry.

Agreed to.

Hastings-street to Ferry	700 0 0
Hyderabad-road	225 0 0
Pilot-house, Napier	33 0 0
Boat-shed for Surf-boat	45 0 0

Mr. Ormond moved that the Chairman report progress.

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

Mr. Curling moved that No. 27 of standing rules and orders be suspended.

Mr. Ormond seconded the motion.

Motion agreed to.

Mr. Ormond moved that this Council do adjourn until Saturday, May 11, at 3 o'clock.

Mr. Curling seconded the motion.

Mr. Rhodes moved, as an amendment, that the Council do adjourn until Tuesday, May 14, at 3 o'clock.

Mr. FitzGerald moved, as an amendment, that the Council do adjourn until Saturday, May 11, at 11 o'clock.

Capt. Carter seconded the amendment.

Amendment agreed to, and Council adjourned accordingly.

SATURDAY, MAY 11, 1861.

The Council met pursuant to adjournment.
The Speaker took the Chair at 11 o'clock.
Present—All the members.
The minutes of the last meeting were read and confirmed.

Mr. Alexander to move on next sitting day—

That the Superintendent be asked to place on the Estimates the sum of £80 for the purpose of educating the Natives in the English language.

Mr. Newton to move on next sitting day—

To ask the Government when they intended to commence carrying out the authorised formation of Hyderabad road, and whether the said road is to be made by contract.

Mr. Rhodes to move on next sitting day—

For the appointment of a permanent Committee for managing the Council Library, to consist of Messrs. FitzGerald, Carter, Alexander, Ormond, and the mover.

Mr. Ormond moved for leave to postpone the bringing up of the report of the Select Committee upon the Treasurer's Accounts of the Province, &c., till next sitting day.

Leave granted.

The Council went into committee on the Estimates.

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

	£	s.	d.
Provincial Engineer, at £350 per annum	262	10	0

His Honor the Superintendent moved that the item, Assistant Engineer at £200 per annum, be next inserted on the Estimates.

Mr. Ormond moved, as an amendment, that the Assistant Engineer's salary be struck off the Estimates.

Mr. Tucker moved, as an amendment, that the consideration of the item, Assistant Engineer's salary, be postponed.

Amendment agreed to.

Travelling Expenses for Provincial Engineer	75	0	0
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Dr. Hitchings moved, as an amendment, that Provincial Engineer's travelling expense be £25 instead of £75.

Amendment negatived.

Travelling Expenses for Provincial Engineer	75	0	0
Clerk, at £210 per annum	163	10	0

Mr. Tucker moved that the Clerk and Paymaster of Roads also perform the duties of Inspector of Police, at a salary of £210 per annum.

Agreed to.

Clerk, Paymaster of Roads, and Inspector of Police, at £210 per annum	163	10	0
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Mr. Newton moved that the item, Sub-Inspector of Police, be struck off the Estimates.

Capt. Carter moved that the sum of £35 be inserted instead of £105.

Agreed to.

Sub-Inspector	35	0	0
Contingencies (Engineer's department)	37	10	0
Taupo-road from Meanee bridge to Puketapu	900	0	0

Capt. Carter moved that the item, Taupo-road from Meanee bridge to Puketapu, be £500 instead of £900.

Agreed to.

	£	s.	d.
Taupo-road from Meanee bridge to Puke- tapu	500	0	0
Petane-road	150	0	0
Mohaka-road	750	0	0

Dr. Hitchings moved that in the item, Mohaka Road, £250 be inserted in lieu of £750.

Mr. Alexander moved, as an amendment, that the sum of £650 be expended for the purpose of opening the communication between this and the inland district of Mohaka, and that a further sum of £100 be expended between the Mohaka and Wairoa.

Agreed to.

Mohaka-road	750	0	0
Waipawa and Waipukurau to Ruataniwha	375	0	0
Middle Road to Patangata	375	0	0

His Honor the Superintendent, in pursuance of a motion passed, placed the following item on the Estimates.

Patangata by Waitukai to Tamumu ...	300	0	0
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Agreed to.

Patangata by Waitukai to Tamumu ...	300	0	0
Puketapu to Poraitē	150	0	0

Capt. Carter moved that the item, Puketapu to Poraitē £150, be increased to £180.

Agreed to.

Puketapu to Poraitē	180	0	0
Te Aute-road to Waipawa and Waipukurau	700	0	0
Porangahau-road	650	0	0
Tautane-road	112	10	0
Repairing bridge at Patiki creek ...	110	0	0
Eparaima bridge	30	0	0

Mr. FitzGerald moved that in this item, Eparaima bridge, £80 be inserted in lieu of £30.

Agreed to.

Eparaima Bridge	80	0	0
Dray road to Pohai bush	200	0	0
<i>Maintenance of Roads—</i>			
Te Aute-road	400	0	0
Middle-road	165	0	0
Porangahau-road	130	0	0
Waipawa to Ruataniwha	40	0	0
Clive and Ferry	20	0	0
Mohaka-road, from bridge at Mr. Villers' to Petane valley	40	0	0
Bridle track, from Tongio to Mohaka ...	160	0	0
Contingencies	85	0	0

Mr. Ormond moved that the Maintenance of Roads be passed in the aggregate.

Agreed to.

Maintenance of Roads	1040	0	0
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Mr. Tucker moved that the Chairman report progress and ask leave to sit again on the next sitting day.

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

Leave granted.

Mr. Ormond moved that the Council do adjourn until 3 o'clock.

Mr. Curling seconded the motion.

Motion agreed to, and Council adjourned accordingly.

The Council met pursuant to adjournment.

The Council went into Committee on the Sheep and Scab Act.

Mr. Ormond moved that Clauses 6, 9, 13, 16, 21, and 22, be recommitted.

Agreed to.

Mr. Ormond moved that in Clause 6, the words "twelve hours at least" shall read "not less than twelve nor more than twenty-four hours."

Agreed to.

Mr. Ormond moved that in Clause 9 the words "shall remove more than a fourth part thereof" shall read, "shall remove more than a third off the ear, or, square off the end."

Agreed to.

Mr. Ormond moved that in Clause 13 in the words "with the tar brand of the owner," the word "tar" be struck out.

Agreed to.

That in Clause 16 the words "If any person shall brand any sheep or lambs, or shall deface," shall read, "If any person shall deface."

Agreed to.

Mr. Ormond moved that in Clause 21 the words "any station for," shall read, "any station, as aforesaid, for."

Agreed to.

Mr. Ormond moved that in Clause 22 the words "to muster the sheep for examination," shall read, "to muster such sheep, as aforesaid, for examination."

Agreed to.

Mr. Ormond moved that the following be inserted in the Bill as Clause 35,
—"For the purposes of this Act, the owner of any sheep who may habitually keep or depasture any flock or flocks on any lands that shall be fenced with a good and sufficiently sheep-proof fence shall not be liable to any of the penalties contained in this Act other than those provided for the prevention of the disease called Scab, or any other infectious or contagious disease.

Agreed to.

Mr. Ormond moved that the following be inserted in the Bill as Clause 36,
—"For the purposes of this Act the word 'muster' shall be interpreted to mean the gathering of any flock or flocks for the purpose of docking, or ear-marking, washing for shearing, and on such occasions as sheep may be drafted for the purpose of sale or removal from any one station to another."

Agreed to.

Mr. Ormond moved that the Chairman report the Bill as amended.

Agreed to.

The Chairman reported the Bill as amended.

Mr. Ormond moved that the Sheep and Scab Act be read a third time on the next sitting day.

Mr. Curling seconded the motion.

Motion agreed to.

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 Council do adjourn until Monday, May 13, at 3 o'clock.

Mr. Dolbel seconded the motion.

Motion agreed to, and Council adjourned accordingly.

MONDAY, MAY 13, 1861.

The Council met pursuant to adjournment.
The Speaker took the chair at 3 o'clock.
Present—All the members.
The minutes of the last meeting were read and confirmed.

Mr. Alexander brought up a petition from Mr. Henton, praying for a remuneration being granted for land (69 chains) used by the public as a road, and moved that it be read.

Capt. Carter seconded the motion.
Motion agreed to, and petition read accordingly.
Mr. Alexander moved that the petition be received.
Mr. Dolbel seconded the motion.
Motion agreed to, and petition received.

Mr. Alexander to move on the 14th May—That the petition of Captain Henton be taken into consideration.

Mr. Alexander, pursuant to notice, moved—

That the Superintendent be asked to place on the Estimates the sum of £80 for the purpose of educating the Natives in the English language.

Mr. Newton seconded the motion.
On a division being called for; the Council divided:—

AYES—4.
Messrs. Alexander
Newton
Dolbel
Curling

NOES—5.
Messrs. Ormond
Carter
FitzGerald
Rhodes
Hitchings

Motion negatived.

Mr. Newton, pursuant to notice,—

Asked the Government when they intended to commence carrying out the authorised formation of Hyderabad-road, and whether the said road is to be made by contract.

His Honor the Superintendent in reply, stated, that the Director of Works had informed him that the sum of £300 voted would not make more than 20 chains of the road; and, also, that he understood from the Council that the amount, as voted, was not to be expended unless the land, as required from private individuals, was transferred to the Government for ever.

Mr. Rhodes, pursuant to notice, moved—

That a permanent Committee be appointed for managing the Council Library. Such Committee to consist of Messrs. Carter, Alexander, Ormond, FitzGerald, and the mover.

Mr. FitzGerald, moved, as an amendment, that the name of the Speaker be added.

Mr. Rhodes moved, as a further amendment, that the permanent Library Committee consist of the Superintendent and Executive Council, the Speaker and Chairman of Committees.

Mr. Ormond seconded the motion.
Motion agreed to.

Mr. Ormond moved for leave to postpone till May 14 the bringing up report of Select Committee on the Treasurer's Accounts of the Province, &c.

Mr. Curling seconded the motion.
Motion agreed to.

Capt. Carter moved for leave to postpone till May 14 the Council going into Committee on the Harbour Reserves Bill.

Mr. Ormond seconded the motion.

Motion agreed to.

The Council went into Committee upon the Provincial Council Enlargement Bill.

Mr. Rhodes moved that in Clause 2 the name of "South Clive" be struck out and that it be called the "Waimarama district."

Agreed to.

Mr. Ormond moved that in the Schedule (Napier Country district) in the fourth line the words "its source, from thence proceeding in a westerly direction to the boundary of the Province" be struck out and the following words substituted, "that point in its course where it intersects the western boundary of the Province."

Agreed to.

Mr. Rhodes moved that in the Schedule "the name of 'Waimarama' be substituted for 'South Clive.'"

Mr. Ormond moved that in the Schedule (Porangahau) in the third line after the word "river" [the remainder of the Clause be struck out and the following inserted in lieu thereof,—“To its source in a Bush hill called the Rikatea, a continuation of the large forest known as the Seventy-mile bush; thence following that bush to the extreme south-western corner of the Ruataiwha plains; thence in a line due west to the western boundary of the Province.”

Agreed to.

Mr. Ormond moved that in the Schedule the Clause named Waipukurau be struck out of the Bill, and that the following be substituted:—"Waipukurau,—Commencing at the north-western point of the boundary of the Porangahau district; thence following the western boundary of the Province to the south boundary of the Te Aute district; follow that boundary to the Tukituki as far as Manga-mahaki; then proceed up the Manga-mahaki to its source; from thence to the source of the Hua-toki-toki, down that stream to Taurakaitai, up that river to its source; thence following the northern boundary of the Porangahau district to where it intersects the boundary of the Province.

Agreed to.

Mr. Ormond moved that the Chairman report progress.

The Chairman reported progress and asked leave to sit again on to-morrow, May 14.

The Council went into committee on the Estimates.

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

	£	s.	d.
Porangahau-road (approaches to Eparaima-road)	200	0	0
Waipawa to Tikokino	66	0	0
Te Aute-road	950	0	0

Capt. Carter moved that the item, Middle-road £350, be placed on the Estimates.

Agreed to.

Middle-road	350	0	0
Steam Subsidy, Wonga Wonga and Storm Bird	750	0	0

Mr. Ormond moved that the words "Wonga Wonga and Storm Bird" be struck out and the item, Steam Subsidy, increased to £1175, on the understanding that some arrangements are made with the Company to carry the mail monthly to and from Auckland, in addition to the present service.

Agreed to.

Steam Subsidy	1175	0	0
Immigration	750	0	0

His Honor the Superintendent placed the following items on the Estimates.

	£	s.	d.
Ferry purposes	60	0	0
Immigration Clerk	25	0	0
Inspector of Sheep for the Southern District	93	10	0

Mr. Ormond moved that this item be, Inspector of Sheep for the Inland District, at £200 per annum, £150.

Agreed to.

Inspector of Sheep for the Inland District	150	0	0
Inspector for Northern District	93	10	0

Mr. Ormond moved that the item be, Inspector of Sheep for Napier District, also, Inspector of Weights and Measures for Napier District, Inspector of Slaughter Houses, and Registrar of Brands, at £200 per annum, £150.

Agreed to.

Inspector of Sheep for Napier District, also, Inspector of Weights and Measures for Napier District, Inspector of Slaughter Houses, and Registrar of Brands, at £200 per annum	150	0	0
Ferry at Waikari and Waihui	23	10	0

Mr. Ormond moved that the item, Assistant Engineer, be struck off the Estimates.

Agreed to.

Capt. Carter moved the item, 1 Draftsman to 30th June, at £200 per annum £50.

Agreed to.

1 Draftsman to 30th June, at £200 per an.	50	0	0
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Mr. Dolbel moved that the item, Registrars of Dogs, be recommitted.

Agreed to.

2 Registrars	18	15	0
Bridge at the Waipawa Mate	100	0	0
2 small Bridges connecting Te Aute and Middle-roads	80	0	0

Capt. Carter moved the item, 6 Country Members at 12s. 6d. per diem, £100

Mr. Rhodes moved, as an amendment, that £1 per diem be inserted in lieu of 12s. 6d. per diem, and the sum of £100 be increased to £150.

Agreed to.

6 Country Members at £1 per diem	150	0	0
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Capt. Carter moved that the Chairman report progress.

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

The Sheep and Scab Act was recommitted.

Mr. Ormond moved that the following be added to the Sheep and Scab Act and No. 37,— “That for the purposes of this Act the reading of Clause thirty-two shall be held to be in regard to those fines or penalties contained in this Act, which are, shall, or may be within the jurisdiction of Magistrates' Courts, and shall not be held to refer to, include, or interfere, with any case, fine, or penalty contained in this Act which may be beyond the jurisdiction of such Court.”

Capt. Carter seconded the motion.

Agreed to.

Mr. Ormond moved that the Sheep and Scab Act be read a third time.

Mr. Dolbel seconded the motion.

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

Mr. Ormond moved that the Bill do now pass.

Mr. Dolbel seconded the motion.

Motion agreed to, and Sheep and Scab Act passed accordingly.

Mr. Ormond moved that the Council do adjourn until Tuesday, May 14, at 3 o'clock.

Mr. Curling seconded the motion.

Motion agreed to, and Council adjourned accordingly.

—o—

TUESDAY, MAY 14, 1861.

The Council met pursuant to adjournment.

The Speaker took the chair at 3 o'clock.

Present—All the members.

The minutes of the last meeting were read and confirmed.

Mr. Newton moved that No. 27 of standing rules and orders be suspended.

Mr. Ormond seconded the motion.

Motion agreed to.

Mr. Newton to move—

That a Select Committee be appointed to prepare a memorial to the Honorable House of Representatives to pass an Act enabling the Provincial Government to purchase up the right of the present owners of the swamp sections on the west side of Hastings-street and south side of Carlyle-street, with a view to enabling measures to be taken for reclaiming what is at present a most unhealthy nuisance. The committee to consist of Messrs. Alexander, FitzGerald, Curling, Rhodes, and the mover. Report to be brought up on to-morrow.

Mr. Dolbel seconded the motion.

Mr. Newton moved, as an amendment, that the question of the reclaiming of the swamps west of Hastings-street and south of Carlyle-street, be considered to-morrow (the 15th) by a committee of the whole Council.

Mr. Alexander seconded the amendment.

Amendment agreed to.

Mr. FitzGerald asked His Honor the Superintendent whether any steps had been taken in reference to free grants of land to military settlers.

His Honor the Superintendent in reply, stated, that he had already forwarded a copy of the resolution passed in the Council in reference thereto, to the Hon. the Colonial Secretary, and also to the two members of the House of Representatives for this district; and he could not see how the Superintendent could give any title to the land until an Act had been passed by the General Assembly authorizing such.

Capt. Carter to move on Wednesday, May 15—For leave to bring in an Appropriation Act for the year 1861.

Mr. Alexander to move—

For leave to bring up the report of the Select Committee appointed on the 12th February to prepare a memorial to the General Government, to provide for the beneficial occupation of Native lands within the Province.

His Honor the Superintendent laid an additional report received from the Provincial Engineer in reference to the natural features of the country between Tareha's Bridge and Havelock, and the relative advantage of the road reported on in his letter of 24th ultimo; and the present line through Clive by the proposed site for Ferry.

Mr. Curling moved that No. 27 of standing rules and orders be suspended.

Mr. Dolbel seconded the motion.

Motion agreed to.

Mr. Curling moved that this Council is of opinion that, in order to carry out the provisions of the Sheep and Scab Act, it is desirable that a person holding an appointment as Inspector should reside on the southern boundary of the Province or not further from it than the Porangahau river.

Mr. Ormond seconded the resolution.

Resolution agreed to.

Mr. Alexander, pursuant to notice, moved—That the petition of Captain Henton be considered.

Capt. Carter seconded the motion.

Mr. Alexander to move on the 15th—

That the Superintendent be requested to put a sum of £50 on the Estimates for the purpose of compensating Capt. Henton for the acreage occupied by the public road through his property on Western side of Harbour.

Capt. Carter, pursuant to notice, moved—That the Educational Reserves Bill be read a second time.

Mr. Curling seconded the motion.

Motion agreed to, and Educational Reserves Bill read a second time accordingly.

Council went into Committee on the Bill.

Capt. Carter moved that Clauses Nos. 1 and 2 be struck out of the Bill, and the following inserted in lieu thereof,—“1. The Superintendent of Hawke's Bay, by and with the consent of his Executive Council, shall have full power to demise and lease all or any part of the lands comprised in the said grant for any term or terms of years not exceeding Twenty-one years to effect in possession at yearly rents to be fixed in manner hereinafter mentioned without taking any fine or premium for the granting of the same, and subject to such terms and conditions as to the said Superintendent shall seem fit. All lands proposed to be demised or leased by virtue of this Act shall be put up in lots by public auction, and the person or persons at such sale or sales bidding the highest sum by way of annual rent for each such lot shall be declared the purchaser or purchasers thereof. Three months notice shall be given by advertisement in the Provincial Gazette of Hawke's Bay of the intention of the Superintendent to put up any of the said lands by auction, with particulars of the respective portions of the said lands proposed to be put up at any such sale or sales.”

Agreed to.

Mr. Newton moved that the following be added to Clause 2,—“The Treasurer of the Province being required to keep separate accounts of the moneys so received and disbursed, and to exhibit a balance sheet at the end of each financial year.”

Agreed to.

Mr. Ormond moved that the Chairman report progress.

The Chairman reported progress.

Capt. Carter moved that the Educational Reserves Bill, as amended, be printed and read a third time on to-morrow, Wednesday, May 15.

Mr. Curling seconded the motion.

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

Mr. Ormond brought up report of the Select Committee on the Treasurer's Accounts of the Province, &c., and moved that it be read and printed.

Mr. Curling seconded the motion.

Motion agreed to, report read and ordered to be printed accordingly.

Council went into Committee on the Harbour Reserves Bill.

Capt. Carter moved that Clause 1 be struck out of the Bill and the following be inserted in lieu thereof,—“1. The Superintendent of Hawke's Bay, by and with the consent of his Executive Council, shall have full power to demise and lease all or any part of the lands comprised in the said grant for any term or terms of years not exceeding Twenty-one years to effect in possession of yearly rents to be fixed in manner hereinafter mentioned without taking any fine or premium for the granting of the same, and subject to such terms and

conditions as to the said Superintendent shall seem fit. All lands proposed to be demised or leased by virtue of this Act shall be put up in lots by public auction, and the person or persons at such sale or sales bidding the highest sum by way of annual rent for each such lot shall be declared the purchaser or purchasers thereof. Three months notice shall be given by advertisement in the Provincial Gazette of Hawke's Bay of the intention of the Superintendent to put up any of the said lands by auction, with particulars of the respective portions of the said lands proposed to be put up at any such sale or sales.

Agreed to.

Capt. Carter moved that the Chairman report progress.

The Chairman reported progress.

Capt. Carter moved that the Harbour Reserves Act be printed and read a third time on Wednesday, May 15.

Mr. Dolbel seconded the motion.

Motion agreed to, and Harbour Reserves Act ordered to be printed accordingly.

The Council went into committee on the Provincial Council Enlargement Bill.

Capt. Carter moved the following be inserted in the Bill, and No. as Clause 5,—“5. The principal Registration Officer shall, as soon as practicable after the passing of this Act, make out for each Electoral district, as hereinbefore set out, an Electoral Roll, and shall place therein the names of all such persons as shall be in possession of a legal qualification in any of the said districts.

Agreed to.

Capt. Carter moved the following be inserted in the Bill, and No. as Clause 6,—“Nothing in this Act contained shall in any way affect the election of members already elected.”

Agreed to.

Capt. Carter moved that in Clause 7 the figures “15” be inserted.

Agreed to.

Capt. Carter moved that the Chairman report progress.

The Chairman reported progress.

Capt. Carter moved that the Provincial Council Enlargement Bill be printed and read a third time on Wednesday, May 15.

Mr. Curling seconded the motion.

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

The Council went into committee on the Estimates.

Mr. Ormond moved that the Inspector of Sheep for the Inland district, also, Registrar of Brands, Ear-marks, &c., at a salary of £200 per annum, be recommended, and that it be reduced to £150 per annum.

Agreed to.

	£	s.	d.
Inspector of Sheep for the Inland districts, also, Registrar of Brands, Ear-marks, &c.	112	10	0

Mr. Ormond moved that the item, Inspector of Sheep for the Southern boundary of the Province £37 10s., be inserted on the Estimates.

Agreed to.

Inspector of Sheep for the Southern boundary of the Province	37	10	0
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Capt. Carter moved that the Chairman report progress.

The Chairman reported the Estimates as amended.

Mr. Ormond moved that the Council do adjourn until Wednesday, May 15, at 3 o'clock.

Dr. Hitchings seconded the motion.

Motion agreed to, and Council adjourned accordingly.

WEDNESDAY, MAY 15, 1861.

The Council met pursuant to adjournment.

The Speaker took the chair at 3 o'clock.

Present—All the members.

The minutes of the last meeting were read and confirmed.

Pursuant to notice, moved by Mr. Newton, the Council went into Committee on the question of reclaiming the swamps west of Hastings-street and south of Carlyle-street.

Mr. Newton moved the following resolution,—

That in the opinion of this Committee it would be highly desirable to obtain an Act of the General Assembly authorizing the Provincial Government of Hawke's Bay to purchase up the right of the owners of the swamp sections to the west of Hastings-street and south of Carlyle-street in the town of Napier, with a view to filling up and reclaiming the same; and that the necessary notices required by the standing orders of the House of Representatives be immediately given, and the members for Hawke's Bay requested by the Speaker to use their best endeavours to get a measure passed for this purpose—Mr. Ormond taking immediate charge of the Bill.

Agreed to.

Mr. Tucker moved that the Chairman report progress.

The Chairman reported progress.

Mr. Newton moved that the resolution of the committee be adopted.

Dr. Hitchings seconded the motion.

Motion agreed to, and resolution adopted accordingly.

Capt. Carter, pursuant to notice, moved—For leave to bring in an Appropriation Act, and moved that it be read a first time.

Mr. Ormond seconded the motion.

Motion agreed to, and Act read a first time.

Capt. Carter moved that No. 27 of standing rules and orders be suspended.

Mr. Curling seconded the motion.

Motion agreed to.

Capt. Carter moved that the Appropriation Act be read a second time.

Mr. Newton seconded the motion.

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

Mr. Ormond moved that the report of the Finance Committee be adopted.

Mr. Ormond moved that the report of the Select Committee on the Treasurer's Accounts of the Province be read.

Mr. Rhodes seconded the motion.

Motion agreed to, and report read accordingly.

Mr. Curling moved that the Council go into committee to consider the report of the Finance Committee.

Mr. Dolbel seconded the motion.

Motion agreed to, and Council went into committee accordingly.

Mr. Ormond moved that the Chairman report progress.

The Chairman reported progress.

Mr. Ormond moved that the report be adopted.

Mr. Newton seconded the motion.

Motion agreed to.

The Council went into committee on the Appropriation Act.

Mr. Ormond moved that the Chairman report the Appropriation Act and Estimates as passed by the committee.

The Chairman reported the Appropriation Act and Estimates accordingly.

Capt. Carter moved that the Appropriation Act be read a third time.

Mr. Ormond seconded the motion.

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

Capt. Carter moved that the Appropriation Act do now pass.

Mr. Ormond seconded the motion.

Motion agreed to, and Appropriation Act passed accordingly.

The Speaker informed the Council that the Chairman of Committees had reported the amended manuscript of the Estimates as passed by the Council.

Mr. Alexander, pursuant to notice, brought up report of Select Committee appointed to prepare a memorial to the General Government praying it to provide for the beneficial occupation of the lands belonging to the Natives of this Province.

Capt. Carter moved that the report and memorial be read.

Mr. Ormond seconded the motion.

Motion agreed to, and report with memorial read accordingly.

Mr. Alexander moved that the report and memorial be adopted.

Mr. Newton seconded the motion.

Mr. Ormond moved that the heading of the memorial be changed for the purpose of forwarding a copy of the memorial to the Governor, the Legislative Assembly, and to the House of Representatives, and that then the report be adopted.

Capt. Carter seconded the motion.

Motion agreed to.

Mr. Alexander, pursuant to notice, moved to place a sum of £50 on the Estimates as compensation to Capt. Henton; as the Estimates were already passed he substituted the following resolution,—

That this Council authorize the Superintendent to pay Capt. Henton such a portion of the Provincial revenue as will compensate him for the area taken up by the public road passing through his property, and that this Council is of opinion that such compensation be determined by arbitration.

Mr. Dolbel seconded the resolution.

Resolution agreed to.

Capt. Carter, pursuant to notice, moved that the Educational Reserves Act be read a third time.

Mr. Ormond seconded the motion.

Motion agreed to, and Educational Reserves Act read a third time accordingly.

Capt. Carter moved that the Educational Reserves Act do now pass.

Mr. Dolbel seconded the motion.

Motion agreed to, and Educational Reserves Act passed accordingly.

Mr. Ormond moved that this Council do adjourn until 11 o'clock on Thursday, May 16.

Mr. Curling seconded the motion.

Motion agreed to, and Council adjourned accordingly.

—o—

THURSDAY, MAY 16, 1861.

The Council met pursuant to adjournment.

The Speaker took the Chair at 11 o'clock.

Present—All the members.

The minutes of the last meeting were read and confirmed.

Capt. Carter, pursuant to notice, moved that the Harbour Reserves Bill be read a third time.

Mr. Newton seconded the motion.

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

Capt. Carter, pursuant to notice, moved that the Provincial Council Enlargement Bill be read a third time.

Mr. Dolbel seconded the motion.

Motion agreed to, and Provincial Council Enlargement Bill read a third time and passed.

The Speaker laid on the table a report of the Council Auditors on the accounts of the Provincial Treasurer for the quarter ending 31st March, 1861.

Capt. Carter moved that the report be read.

Mr. Newton seconded the motion.

Motion agreed to, and report read accordingly.

Mr. Curling moved that No. 27 of standing rules and orders be suspended.

Mr. Dolbel seconded the motion.

Motion agreed to.

Mr. Curling moved that the following resolution be adopted—

That this Council is of opinion that the attention of the General Government should be called to the unsatisfactory state of our relations with the Native population of this Province.

That His Honor the Superintendent and also the members of the House of Representatives be requested to urge upon the consideration of His Excellency and his Government the many difficult and embarrassing questions that are arising in this Province, such as the obstructions raised by the Natives to the formation of roads—even main thoroughfares through their lands, as at present instanced by the refusal to allow of the erection of a necessary bridge over the Tutaekuri river, the removal of the ferry at Waipureku (now in a most dangerous position), and numerous other cases where the interests of the Province require that these necessary works should be carried out. Also, their reiterated refusals to refer matters in dispute between themselves and Europeans to the decisions of courts of law; and the impossibility, under present circumstances, of enforcing the decision of such court.

That this Council also feel bound to urge upon the General Government that the present unprotected state of this Province should receive due and fair consideration, and that some further provision should be made for guarding its large and increasing interests by the increase of the very small military force at present stationed here to such a number as would ensure at least efficient protection to the town of Napier and its suburbs, should circumstances unhappily require it.

Resolution adopted.

Mr. Curling stated his intention of resigning the office of Chairman of Committees.

—o—

His Honor the Superintendent then addressed the Council as annexed—at the end of which he prorogued the Council.

1861.

Provincial Council of Hawke's Bay.

A D D R E S S

OF

HIS HONOR THE SUPERINTENDENT

ON

OPENING THE PROVINCIAL COUNCIL,

29th JANUARY, 1861.

Mr. Speaker and Gentlemen of the Provincial Council.

ON this occasion of opening the 3rd Session of the Provincial Council of Hawke's Bay, I shall not occupy your time with a very long speech. It is well known to all of you that, from a disinclination for official life, I have determined to resign into your hands (without much further delay) the office you were pleased to confer on me at the inauguration of the Government of this Province. I shall therefore merely suggest what it may be most convenient to do at the present juncture; and, also, having given some explanations of the administration of the Provincial Government for the year 1860, I shall leave it to my successor in office to propose and carry through many measures that will probably be thought necessary for the public good before the end of the present Session.

Estimates for the first three months only of this year will in the course of a day or two be laid before you, together with an account of the Revenue and Expenditure for the past year. From the latter you will observe, that, at the close of the year we were indebted to the Union Bank of Australia in the sum of £4021 14s. 6d.;—the revenue for the year 1860 having fallen somewhat short of what was anticipated,—and of the total amount of appropriations sanctioned by you. This, however, would not have been the case, even in spite of the stagnation caused by the Native war, had we been able to survey and offer for sale a very large quantity of 5s. land that can now scarcely be realized, and which will be not

merely sufficient to pay off the debt to the Union Bank of Australia, but will leave a considerable balance in hand. I will not however anticipate what belongs more fitly to my successor in office to state, relative to our future prospects, further than to assure you that I believe them to be *good*;—and, that although we are now, in common with other places, almost at a stand still on account of the disturbed state of the north-western part of this island, it is my sincere belief, that the war being once concluded and the supremacy of the British Crown vindicated, we shall find a more rapid progress and prosperity result from His Excellency's firm and decided policy in regard of the native race than could ever have obtained under the timid policy and most unsatisfactory relations the British Government have hitherto had with the aboriginal inhabitants of this country. It is much to be regretted that the war has lasted so long, and so many lives have been lost on both sides; but have not those amongst our own countrymen much to answer for who have aided and abetted the natives in their rebellion against the Government,—by writing and speaking to them, and giving them a certain degree of moral support by preaching throughout the country what in other times would have been accounted treason and sedition of the worst character? Time, I think, will shew this to be the case;—and that those pretended though not quite disinterested friends of the native race have been in reality their most deadly enemies.

In considering the Estimates for the first

three months of 1861, that will be laid before you, it will be your duty to think how far we can assist our Taranaki friends by a grant from the Provincial funds. It being, I believe, generally understood that a public meeting for a similar purpose will shortly be held with a view to organising general subscriptions to be made throughout the Province, in order to shew our sympathy for those who are now bearing the brunt of a struggle which, if decided favorably and with honor to the British arms, will set the matter at rest for ever not only at Taranaki, but in all the other settlements where the natives are mixed with the European race.

The claim of the Province of Wellington that we should contribute largely to the payment of interest and principal of debts contracted by them, and in the benefit arising from which we in no way participated, will demand your earnest attention; especially as a communication has been received from the General Government within the last few days requiring a repayment of sums for interest already paid to the Province of Wellington on our account, although no statement of the amount of liability has yet been made by the Province of Wellington, or determined on by His Excellency's Government. You are well aware that several propositions were made during the last session of the House of Representatives to effect a settlement of this question, but that they were rejected by the representatives of Wellington, although one of them was precisely similar to that which the Provinces of Nelson and Marlborough accepted without hesitation. Let us hope that, at the next session of the Assembly, our representatives will be able to obtain from the justice of the House an equitable settlement of what must appear to every disinterested person a most unjust and oppressive claim.

As I did not obtain the necessary authority to enable me to carry out your wishes respecting the enforcement of the Native Land Purchase Ordinance before June last, when I was preparing to attend the session of the General Assembly, no action could be taken in regard of it till very recently, when two convictions were obtained; and as they were appealed against, the case will shortly come before the Supreme Court for hearing, when I trust the question of the validity or otherwise of the Ordinance referred to will be authoritatively declared; pending this,

and until the native war has been ended, no further action will be taken under the above Ordinance.

The delegation of the necessary powers for constituting a Land Board under the provisions of the Waste Lands Act of 1858 having only reached me last month, I have not yet been able to carry out the recommendation made by the Select Committee last session, and unanimously adopted by this Council. The preliminary arrangements, however, are almost completed, and the Land Board can be now constituted in the course of a few days. This will allow of the agricultural reserve at Tikokino being very shortly offered for selection; as, for various reasons, I and my advisers have thought it more prudent to leave it to the Board to make rules, &c., for regulating the selections as this Council desired, than ourselves to exercise the *ad interim* power that was granted to us for so doing.

In carrying out your wishes in regard of Roads, Bridges, and Public Works last year, I am sorry that in some cases the amounts voted have been exceeded, and this in several instances without any deliberate intention or wish on my part to overstep the limits fixed by you; however, as nothing has been spent that was not fairly expended, I do not apprehend that, with the explanations which can be given, you will make any serious objection to passing the surplus expenditure of last year at the same time that you vote the supplies for the first quarter of the present year: which being done, I would propose an adjournment of the Council for a short period for the purpose alluded to in the beginning of my address, and which would be rendered absolutely necessary in a very short time owing to the approaching election of members for the House of Representatives which will commence on the 14th proximo.

I would say in conclusion, Mr. Speaker and Gentlemen, that, in vacating the office I now hold, I shall not soon forget the consideration I have ever received at your hands, and can only assure you of my earnest desire as a private member of this Council to use my best exertions to aid in the development of the resources of this Province, so long as the constituency I have the honor to represent think I can be of any service to them.

T. H. FITZGERALD,
Superintendent.

1861.

Council Paper.

REPORT OF A SELECT COMMITTEE

(Appointed February 19, on the Motion of Dr. Hitchings),

**TO ENQUIRE INTO AND REPORT UPON THE ESTIMATED REVENUE
FOR THE CURRENT YEAR.**

Members :

MESSRS. FITZGERALD
CURLING
ORMOND
ALEXANDER
TUCKER
AND THE MOVER (CHAIRMAN).

YOUR Committee, after due consideration of this subject, and after examining the Commissioner of Crown Lands and receiving his statement, are of opinion that the estimated Revenue, as submitted to the Council by His Honor the Superintendent, is at least within the amount likely to accrue, and will in all probability be exceeded.

THOMAS HITCHINGS,
Chairman of Committee.

1861.

Council Paper.

REPORT OF A SELECT COMMITTEE,

(Appointed on the Motion of Mr. FitzGerald, on 30th January, 1861),

“To enquire into and report upon the Harbour Improvements now in progress at this Port, and the best means of carrying them on in future without burthening the Provincial Revenue; also to report on the plan of the land to be reclaimed as proposed by the Director of Works.”

Members :

MESSES. ALEXANDER
CARTER
COLENSO
DOLBEL
TUCKER
FITZGERALD, CHAIRMAN.

YOUR Committee having taken much evidence on the subject entrusted to them for investigation, beg to hand in a copy of the evidence, and to report as follows:—

1. That the work of Harbour Improvements ought to be continued at least during the present year, and that the attention of the Government should be principally directed to the deepening and improving of the Eastern Harbour, and providing wharf accommodation for vessels frequenting it.

2. That before any extended dredging operations are carried on at the Eastern Harbour, the South side at least should be secured by piling and planking of sufficient strength to protect the deepened part from being filled up by the wash of the tide with sand and gravel; and, when convenient, the north side should be secured in like manner.

3. That the work of reclaiming land should be confined for the present to the sections abutting on Waghorn-street, and to the flat at the west end of Shakespeare road.

4. That there appears to be good reason for believing that if the works are judiciously carried on, a very large proportion of the required expenditure, if not the whole, may be met by the sale of land already reclaimed or to be reclaimed during the present year.

5. That your Committee would recommend that the Government should take measures for bringing the reclaimed land into the market gradually, at a sufficient upset price, and in lots to suit small purchasers.

6. That the plan attached to this report of that part of the land proposed to be reclaimed as an extension of the town site, appears to your Committee to be judiciously laid out; and that it ought to be adhered to as far as possible in carrying out in future the work of improvement.

Lastly. Your Committee have perused with satisfaction testimonials laid before them as to the ability of Mr. Wright, the Director of Works, and have no reason to believe that he is not quite capable of conducting the works in a satisfactory manner to a successful termination.

T. H. FITZGERALD, Chairman.

Committee Rooms, Napier,
February 12, 1861.

HARBOUR IMPROVEMENTS COMMITTEE.

SATURDAY, FEBRUARY 2.

ON motion of Mr. ALEXANDER, seconded by Captain CARTER, Mr. FITZGERALD was elected Chairman.

The Clerk of the Council then read from the Minutes of the Council the appointment of a Committee on January 30th, consisting of Messrs. Tucker, Carter, Colenso, Dolbel, Alexander, and FitzGerald.

P R E S E N T :—

MR. FITZGERALD, <i>Chairman.</i>								
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center;">MR. ALEXANDER</td> <td style="width: 50%; text-align: center;">MR. TUCKER</td> </tr> <tr> <td style="text-align: center;">DOLBEL</td> <td style="text-align: center;">COLENSO</td> </tr> <tr> <td colspan="2" style="text-align: center;"> </td> </tr> <tr> <td colspan="2" style="text-align: center;">Captain CARTER.</td> </tr> </table>	MR. ALEXANDER	MR. TUCKER	DOLBEL	COLENSO			Captain CARTER.	
MR. ALEXANDER	MR. TUCKER							
DOLBEL	COLENSO							
Captain CARTER.								

EDWARD GEORGE WRIGHT, *examined*:—

Q. You are by profession a Civil Engineer?—A. Yes. I have not had previously experience in harbor works prior to being engaged here, though I have much experience in works of a similar character, such as bridge foundations in rivers, &c. I made a report on the state of this harbour in August, 1859. My opinion of Napier harbor was that, if left as it was in 1859, that part of it principally used as a harbor and called the Iron Pot, would soon be closed by the sand and shingle drifting into it. Vessels might have been able, however, to lay and discharge or receive cargo on the opposite side of the harbor for some years longer. The depth of water varies much, from 30 and 35 feet, mid-channel at the entrance, to 4 feet, above Captain Charlton's. From the accumulation of sand banks, it was undoubtedly necessary to undertake, by artificial means, to provide accommodation for vessels, if it were desired that they should lay in still water.

Q. Will you explain to the Committee your views in the matter, and your reasons for proposing the particular plan now before them?—A. The plan was designed to afford a convenient berth for the shipping at the eastern side of the entrance, as most convenient to the trade of the town; also, to preserve as near as possible the present natural channel, to prevent the entrance to the inner harbour from silting up, and, further, to afford efficient drainage to the land proposed to be reclaimed.

Q. Will you point out the land proposed to be reclaimed?—A. It is shown by the sections not numbered, marked by red lines on the plan, and also by the sections tinted green.

Q. What is the reason for projecting an open canal extending to Shakespeare road, and what is the proposed depth of it?—A. Partly to allow small vessels to approach nearer to the main thoroughfare, and save cost of cartage; partly to facilitate the reclaiming of the land, as affording passage for the punts, but chiefly to give good drainage to the land, which, without such provision, would be very difficult to drain.

Q. What height above high water spring tides do you propose the reclaimed land to be?—A. One foot above the highest tides.

Q. Do you think that height would be sufficient?—A. I do: with the canal for drainage.

Q. If no opening were left, what height would be necessary to raise the land?—
A. Other two feet.

Q. Would that be sufficient?—A. It would drain it as well, but would involve a great outlay for sewers.

Q. What would be the additional expense of raising the land other two feet in height?—It would add one-half to the cost.

Q. Do you mean that, if it cost £200 to reclaim a section, on the plan as you now propose, it would cost £300 if raised other two feet?—A. I do.

Q. Do you think the reclaimed land would be advantageous for building on, and could be sold well?—A. I do. I believe that if reclaimed by excavation from the hills as well as from the dredge, the whole work will be self-supporting.

Q. In order to extend the harbour accommodation on the eastern side, was it absolutely necessary to dredge: could not the Iron Pot have been deepened, and the work have been performed in any other way?—A. No, by no other means could it have been done, though by piling the channel and confining the current it might be slightly deepened, but not effectually.

Q. Would the deepening referred to have lasted long?—A. It would only have lasted till the upper end near Battery Point was closed, which is rapidly taking place.

Q. Is the steam dredge now in use working satisfactorily?—A. She is now working at 11 to 12 pound of steam, and only using one boiler; she can take up 120 tons of stuff per diem on the average, but much more in loose shingle or mud; the dredging buckets are much too small, and not strong enough; with proper gear about 250 to 300 tons could be removed each day on the average.

Q. What is the present expense per ton?—A. Including wheeling, 1s. 9d.

Q. What would the expense be with proper gear?—A. About 1s. 2d.

Q. Why did you suspend dredging operations some time since, and have the work performed by hand labor?—A. Because it was much cheaper when working between high and low water mark.

Q. What was the contract price for removing the stuff before you began to dredge?—A. 3s. per ton.

Q. What did you lately get it done for?—A. By hand labor, from 1s. to 1s. 1d., in every case where hand labor could be employed it would be cheaper, but is of course inapplicable below low water mark; with the new gear the expense would be the same.

Q. Suppose the Committee to recommend that the works now going on should be continued during 1861 at an expenditure of £4000, what amount of land could be reclaimed including that now in progress?—A. About 12 acres.

Q. What might the value be if brought judiciously into the market?—A. About £600 per acre.

Q. What would be the relative expense of reclaiming land by earth from the hills?—A. About one half.

Q. You stated that it would be necessary to widen a part of Shakespeare road. Could the stuff be made available for reclaiming land in the harbour?—A. Yes; there would be no other place to deposit it.

By Mr. ALEXANDER:—

Q. You said you had no experience in tidal harbours previous to your arrival in N.Z.?—A. I had not.

Q. Do you think your experience in England constructing bridges was sufficient to enable you to form a correct estimate of what was required here?—A. I do.

Q. Are there not great differences of opinion amongst Engineers as to the improvement of tidal harbours?—A. There are; but in this particular case there could be no two opinions, as there is such a large extent of back-water, the want of which in general is the great difficulty to contend with.

Q. Do you not believe that the first harbour improvements should have commenced by piling from the inner harbor towards Battery Point, with a view of enclosing a large amount of land, to be brought into the market?—A. I believe that a line from Gough Island extending to a line running from north extremity of Maori Island to the eastern extremity of Eastern Spit and continue some 300 feet southwards towards Maori Island would have been advantageous for the accommodation of shipping on entering the harbour, but it would be very expensive and would not enable vessels of any larger draft to enter the inner harbour, neither would the land reclaimed behind such breastwork have anything like the value of the land reclaimed along Waghorn street, until the whole plan was completed, and Gough and Maori Island connected by bridges with the rest of the town.

Q. (1) How long, in your opinion, will it take to improve the whole town sections north of Waghorn street, and make them available for occupation or sale? (2) And what in your opinion would be the value of those sections when reclaimed? (3)

What in your opinion would be the cost to the Government in reclaiming those sections ?
—A. (1) About 4 to 5 months. (2) Value £3000. (3) Including the road, about £3000.

Q. Have you given the matter full consideration as to the cost and value ?—A. I have.

Q. The material with which these sections would be reclaimed would, I presume, be brought from the inner harbour ?—A. Yes ; it would.

Q. What has been the effect of dredging operations hitherto in respect of deepening, &c. ?—A. The inner harbour has been considerably deepened in places where the dredge has been at work ; but she has not been at work sufficiently long to have effected a general deepening of the whole area ; at the same time the whole of the bank opposite the custom house has had 2 feet taken off. Just within the ferry point the water has somewhat shallowed from the fine sand disturbed by excavation and dredging in other places.

Q. Why was not the south side of the inner harbour piled previous to the commencement of dredging ?—A. It was not considered absolutely necessary before commencing, although certainly necessary before the dredging could proceed very far ; and the timber, though ordered from the contractor in Auckland in July last, has not yet been delivered.

Q. Do you really consider that by carrying on the breastwork on the south side of inner harbour you will reclaim as much land and will give such additional value to the adjoining sections as will authorise the Government to carry out the work ?—A. I look upon the piling as necessary to protect the inner harbour, and believe its cost will be more than made up by the depositing of stuff behind it.

Q. Why did you not commence dredging at mouth of inner harbour, instead of commencing at the Custom house ?—A. I put the dredge to work opposite the Custom house as being a more convenient spot to commence operations, and until the men had obtained experience with the work, but she has since been removed to the entrance.

Q. Do you think by stopping the channel at Battery Point, would not the inner harbour be much improved ?—A. I think it would be very prejudicial to it. In my opinion much silt would be deposited in the entrance in consequence of such a step.

By Mr. DOLBEL :—

Q. Would it not be better to pile at once on the outer side of the canal leading to end of Shakespeare road than to use a temporary breastwork ?—A. Such would be better ; but the plan of having a canal-like arm to the harbour has not been fully decided on, merely that of making Waghorn street.

Q. Do you not think it would be better to reclaim simultaneously the land at foot of hill between Scinde Island and canal ?—A. Yes ; undoubtedly—as affording the best means of covering the expenditure of dredging.

Q. Do you think you would have more stuff from deepening the canal than would be required in reclaiming space between canal and Waghorn street ?—A. About sufficient.

By Capt. CARTER :—

Q. What amount of damage has been done by the late gale to breastwork, piles and earthwork, and the value thereof ?—A. About £80 in all.

Q. Do you think that the piles, sheathing, &c., contracted for to erect the breastwork at the south-west of inner harbor, will be of sufficient strength as to stand such heavy weather as we have recently experienced ?—A. Quite sufficient.

By Mr. COLENSO :—

Q. What amount of water do punts draw when loaded ?—A. About two feet three inches.

Q. In filling in from the hills, is there no danger of earth being carried into the harbor, and giving additional work to dredge ?—A. There would be some danger unless stone walls were built in front.

Q. How long will it take the dredge to clear the Iron Pot to the depth of fifteen feet ?—A.

Q. In the event of clearing the Iron Pot first, where do you propose carrying on dredging after ?—A. That will depend on public requirement.

Q. What number of vessels could be accommodated in the inner harbor after dredging from point of Spit to section No. 527, Gough Island ?—A. 24 to 30 large vessels.

Q. Does 1s. 9d. per ton for mud and sand include all expenses ?—A. It includes all current expense, but not interest on capital.

cheaper to remove the soil opposite the Custom house between high and low water mark by hand labor; in fact about £2 10s. per day was saved by this course.

By CHAIRMAN :—

Q. Do you approve of the Engineer's design of leaving open the communication between the main stream and the Iron Pot, near the Battery reserve?—A. I do. I would not by any means recommend it to be closed, as it would infallibly be followed by the filling up of the Iron Pot.

Q. What is your opinion about leaving an open water way or canal, from the Iron Pot to the end of Shakespeare road?—A. I would not recommend it to be brought all the way up, only as far as Mr. Catchpool's; great advantage would accrue to the land proposed to be reclaimed by having good water communication by such means.

By Mr. TUCKER :—

Q. Is the Committee right in supposing it to be your opinion that the shoaling of the harbour lately arose from the removal of the dredge from the entrance?—A. No; not at all; the shoaling is due to the breastwork between Gough and Maori Island, and the other piece opposite the Custom House.

By Mr. ALEXANDER :—

Q. Do you think it was desirable to have a steam dredge for harbor improvements at present?—A. No.

Q. Do you think it was necessary to pile one or both sides of the Port before dredging began?—A. I do. I look upon it as throwing away money to commence without it.

Q. Would you have recommended deep piling, 13 or 14 feet, on both sides of the entrance?—A. I would.

Q. Do you think the Iron Pot ought to be the first place in the harbor at which improvements should have been commenced?—A. I do.

Q. Would you recommend the breastwork between Gough and Maori Island to be re-constructed?—A. Yes: and that the breastwork on the south of the entrance to inner harbor should be carried out.

Q. Have you an opinion as to whether the proposed harbor improvements would be self-paying?—Yes, I am confident they would, if properly managed.

Q. Then you would recommend that the work now in progress should be continued?—A. Yes, but the piling should be completed before the dredge is used, unless it were merely to get stuff to reclaim land. I approve of piling in preference to stone walls.

Q. Has the water been much deepened opposite the Custom House, where the dredge has been at work?—A. Yes, in places where there is no advantage derived by the shipping, but it will not last long.

Q. You are of opinion that the harbour improvements would be self-paying if judiciously carried out,—what alterations would you recommend?—A. For the present I would recommend no work whatever to be carried on except piling, using piles to be sunk a depth of from 12 to 15 feet.

Q. Do you know if heart totara piles are affected by the sea worm?—A. They are not affected.

Q. What would be the duration of totara piles used in this harbor?—A. I think about 25 years. The worm has not much effect on totara here on account of the fresh water. Even at Auckland I have observed that totara spars used in the wharf were not affected by the worm after being six years driven.

Q. As it is your opinion that harbor improvements should be continued, to what part should they be at first directed?—A. To the entrance of the Iron Pot.

Q. When the parts at the entrance were reclaimed, where would you advise the work to be continued?—A. Close to the base of Scinde Island, and I would recommend the channel leading towards Shakespeare road to be taken parallel to the base of Scinde Island, instead of as now shown.

By Mr. DOLBEL :—

Q. Why do you recommend the canal to Shakespeare road to be made only half way, or as far as Mr. Catchpool's?—A. Because I do not see the necessity of carrying it any further. It would not be injurious in any way to have it carried the whole way.

Q. What distance would you recommend between the piles used for piling?—A. At the entrance, close piled; inside, from six to eight feet.

By Mr. COLENSO :—

Q. You said the dredge could perform a double amount daily at the present place of entrance than elsewhere,—will you state why?—A. Because that being at the entrance, the current is always either way, and the gravel at that place more favorable for removal.

Q. Are you aware that on the dredge first trying the entrance of the Iron Pot the ground was found to be so hard that, with present gear, she could hardly make any impression on it?—A. It was only so in one place.

Q. Is there not danger, in beginning at the entrance and working eastward, of having the worked ground speedily filled up by the dredge working?—A. No. Because the greater volume of water would not fail to carry the fine sand and mud out.

Q. Has not the harbour been rapidly shoaling since you first came?—A. No, not where vessels lay, except at the Iron Pot.

Q. In keeping open the waterway, continuously from Battery Point to the Shakespeare road terminus, is there not great danger of its becoming speedily settled up?—A. I think not, no more than the other.

Q. You said that you think it unnecessary to keep a steam dredge at work in the harbor at present; how then do you propose to deepen the water at the anchorage in the inner harbor?—A. By keeping the dredge in her present position for a month or five weeks, it will enable a vessel drawing from 10 to 11 feet to come into the Iron Pot and discharge at all times: smaller vessels can go higher up.

By the CHAIRMAN :—

Q. If the dredge had never been obtained, how would you have deepened the harbor?—A. By piling alone it could be done.

Q. Do you consider that any proportion of the yearly expense of keeping up the works of harbor improvements could be levied off the shipping frequenting the harbor?—A. Yes, where sufficient accommodation to vessels could be offered. It is the practice to do so in all harbors in Europe.

CAPT. D. MUNN, *examined* :—

I consider by using the soil from the Reserve at Captain Curling's in filling up behind a breastwork of piling running right across to the Government Reserve on Eastern Spit, and behind which the stuff obtained from the dredge would be put, a large amount of available land might be reclaimed by giving it a gentle fall for the purpose of drainage, towards the inner eastern harbour. I would recommend that the flat at end of Shakespeare road should be first filled up and sold, as requiring very little work.

Q. Do you consider that much good would result from dredging?—A. I consider that if an efficient breastwork were first erected, it is more likely to be improved than without it.

By Mr. ALEXANEER :—

Q. Do you not think the expense of raising the land reclaimed so as to give it the necessary declivity, would be more expensive than leaving an open canal?—I do not.

Q. In commencing harbour improvements in this place, where, in your opinion, should they be begun? and what operations?—A. I would first secure the heads of the harbour outside of the stone boulders at the western head.

Q. What object would you have in view in so doing?—A. The Iron Pot is fitted for vessels of 8 feet: but for larger vessels you require the pier head to be well secured; to render them safe in going out.

Q. Have you any idea of the cost of securing pier heads?—A. I have not.

Q. In the event of its being considered that the Western Spit is not the first place where improvements should be commenced, where do you think they should be begun?—A. There is room on the western side without any improvements. I would recommend a wharf on that side and a store for a steamer. Two buoys would alone be required to moor to, or get under weigh from.

Q. Have you considered in making the foregoing recommendations, the additional expense of moving goods from that side?—A. There would be, no doubt, a certain tonnage to pay, but the facilities for steamers would be great. I would recommend instead of filling up the channel at Battery Point that it be left open for some time, having merely open piling to connect it with Maori Island, and open piling from Maori to Gough Island, and from Gough Island to Reserve at Eastern Spit. Would recommend that the dredge be kept at work at the entrance; and both sides of the eastern harbour should be secured by piling.

By Mr. DOBEL :—

Q. How long is it since you came first to Ahuriri?—A. In March 1840.

Q. Have you witnessed much change since then?—A. I came again in a vessel in 1854, 1855 and 1856, and did not observe much change where vessels used to be; and I piloted vessels often in and out without difficulty.

Mr. THOMAS GILL, Provincial Engineer, *examined*;—

By Mr. ALEXANDER :—

Q. Have you had any opportunity of observing the harbour improvements since they commenced?—A. I have had the opportunity, but did not take advantage of it.

Q. Have you had any experience in harbor works in Europe?—Yes. In Ireland, in constructing piers.

Q. Do you think the harbour improvements could be so carried on here as to render them self-supporting?—A. It might be done, but it would be very unusual.

Q. Do you think it would be desirable for the interests of the Province that the harbor works now in progress should be continued?—A. I think it would be desirable that the works commenced should be continued, as it would be very advantageous to improve the harbor and reclaim some of the land in it.

Q. Have you ever seen steam dredges at work in other places?—A. Frequently.

Q. Where do they generally commence operations?—A. Where the obstructions first arise.

Q. In your opinion, where should the dredging operations have been first commenced?—A. At the entrance of the inner harbor.

Q. Would you have recommended piling previous to dredging?—A. If the dredging was close to where the piles were to be fixed, the piling should be done first, if at a distance from it, it would not be of much consequence.

By Mr. DOLBEL :—

Q. Do you approve of the plan before us?—A. It appears to be a good one, though I am not sure that it would be advisable to carry it all out within a short time.

Q. Do you approve of the Shakespeare road canal as it is shewn, or parallel to the base of Scinde Island?—A. I consider it better as it is.

By Mr. COLENSO :—

Q. In dredging, would you work up or down the stream?—A. The work should be against the tide, and begun at the entrance of a river or harbour.

Q. In piling on shingle in a tide way, what depth should piles be driven?—A. Large piles, 8 or 10 feet; small ones, 5 or 6 feet.

Q. Could not the flat at the west terminus of Shakespeare road be drained by a covered drain running west to the sea?—A. Yes, it could, by putting in a sluice.

By the CHAIRMAN :—

Q. Supposing it to be determined that the inner or outer harbors should be deepened, is there any other way in which it could be done than by dredging?—A. No, certainly not.

Q. Supposing it is resolved on to improve the harbour accommodation, is it absolutely necessary to resort to dredging to effect this object?—A. It is.

Q. Some people appear to think that by judiciously piling and protecting the channel intended to be kept open, it could be deepened without dredging?—A. I do not think it could unless very slightly indeed, and it would not be permanent.

Q. Could you drive piles through a bank of boulders 7 or 8 feet thick?
A. It would be extremely difficult.

Q. Would a drain with a fall of two feet in $\frac{3}{4}$ of a mile be better than an open canal?—A. I think it would be if paved sufficient, and be better, covered in or uncovered, than an open canal, unless the canal was otherwise an advantage.

After examination of Mr. Gill, Committee adjourned till ten o'clock on Wednesday.

WEDNESDAY, FEBRUARY 6.

THE Committee met at 10 o'clock, pursuant to adjournment.

PRESENT:—

Mr. FITZGERALD, <i>Chairman</i> ,	
Mr. ALEXANDER, DOLBEL	| Mr. TUCKER, Capt. CARTER.

DONALD GOLLAN, ESQ., *examined*:—

Q. Will you please to state to the Committee what experience you have had formerly in works of a similar character to that which the Committee are engaged in considering? A. The first work I superintended was the construction of Leith Pier, composed of stone and wood. The next was the breakwater at Buckhaven for the Board of Fishery; also at Siller Dock, and Methel Pier for the same Board. The works were breakwaters to give protection to fishing boats and small vessels; this included the work of deepening the enclosed space in the cases of Leith and Buckhaven. These works I superintended, but was connected with many other works of harbor improvements as a cadet. I superintended one small pier in the Clyde at Renfrew. I have had no experience in the deepening of the Clyde; but for three years after the improvements began I was present. I observed all that was going on; was acquainted with the Engineers, and used to discuss the different plans with them. I also built the first pier at Lyttelton, Port Cooper, which I planned and carried out myself.

Q. Have you observed the Napier harbor when you first arrived here, and subsequently; and do you consider it was necessary to take any steps for its improvement? A. Yes, I consider it was necessary, otherwise if left to itself it would fill up. I think it has been closing up a good deal. I have always been of opinion that it would be necessary to do something to keep the channels open.

Q. What course is usually adopted in deepening or effecting improvements in harbors like Napier, where large deposits of sand or mud take place inside?—A. The spade is used for moving the earth down to low water mark. Under low water mark the dredge is generally used.

Q. Is there any other method in your opinion by which improvements might be effected in a harbour like this without dredging?—A. I think not, with safety.

Q. What do you mean by the latter part of your last reply. What other means could be used in harbors of a different nature? A. In some cases currents have been directed to remove impediments, but in the present case they would not answer, as they would leave the sand and earth on the bar.

Q. Do you see any objection in putting in light or short piles as a temporary protection to the place to be dredged, provided the dredging operations are not carried on close up to it? A. No, I do not, provided it was not undermined by the dredging, or burst out by earth placed behind it.

By Mr. ALEXANDER:

Q. Do you think that, considering the probable improvements that will be effected in the harbour itself by the continued use of the dredge, and the land to be reclaimed by means of earth and shingle thereby removed, this Committee would be justified in recommending the projected works to be carried on? A. If the inner eastern harbour is to be reclaimed, I consider the work a very necessary one. I believe the works now going on to be very useful, and tending to the improvement of the harbour.

By Mr. TUCKER:

Q. Do you think the entrance of the Iron Pot would be deepened or improved by piling at the mouth? A. I do not know whether the current would be strong enough to remove the debris; if it did, it would only deposit it in another place where it would be equally in the way. It could be easily removed by the dredge; piling would secure the headlands, but it would be a very expensive work.

Q. I would ask where, in the opinion of witness, piling should commence? A. Not having considered the plan of improvements proposed, I should not like to give any opinion.

Q. In your opinion do you think the work now going on in reclaiming land would be self supporting? A. I think it is very likely, considering the price of land at Napier. I have seen land reclaimed on the Clyde and sold to great ad-

vantage. The expenses of the Clyde improvements are borne by dues levied off vessels.

Capt. HENTON, *examined* :—

By Mr. ALEXANDER :—

Q. Do you think it desirable to improve our harbour at present?—A. Yes; if you have plenty of funds, although if you have not, it would answer for vessels the size of the *Sea Serpent* and somewhat larger, for several years—say five years.

Q. Have you not observed that the harbour has had a tendency to fill up rapidly of late years?—A. Yes; though as far as I could see it has shallowed in some places and deepened in others. If the places to be dredged were thoroughly piled first, the dredging would be of great use, but otherwise would be useless, for as fast as the stuff was taken out of the bottom, by the sides caving in it would fill up.

Q. Considering the Iron Pot as the terminus of the main trunk line, do you not think that that part of the harbour ought to be the first to be improved?—A. Decidedly; if piled first.

Q. Where, in your opinion, should the dredge have commenced operations?—A. At present I do not think the dredge ought to have been used until the piling was completed.

Q. Do you think the land now being reclaimed along Waghorn street, in connexion with the probable improvements in the Iron Pot, will produce advantages to the Province as would authorise expenditure on this account?—A. My belief is that with punts and barrows you could reclaim very nearly as cheap as with the dredge. The piling opposite the Custom house and Ferry point ought to be completed before the dredge is set to work; the piling abreast of the Custom house and up to the Ferry point is also most urgently required.

By Mr. TUCKER :—

Q. Do I understand that in your opinion the services of the dredge are not at present required?—A. Decidedly. I do not think the dredge of any use without the piling. The land could be reclaimed cheaper by punts and barrows.

By Mr. DOLBEL :—

Q. Do you think that by piling both sides of the inner harbour, the current would deepen it sufficient to allow the *White Swan* to come in?—A. Decidedly not, without the assistance of the dredge afterwards: after the piling is completed the dredge would be essentially necessary.

By the CHAIRMAN :—

Q. Is there any other means that you know of that can be applied to deepen such a harbour as Port Napier without removing soil from the places intended to be deepened and improved by dredging, after they had been secured round about by piling?—A. No. I know of no other way.

Capt. A. BLAIR, *examined* :—

Q. How long is it since you first visited Port Napier?—A. About 7 years. I came first in the *Esther*, about 90 tons burthen.

Q. In what state was the entrance to the harbour and to the Iron Pot at that time?—A. It was about three feet deeper at the entrance at the Iron Pot then than it is now—the depth at the entrance of harbour being about the same; the channel was much wider then at the Iron Pot.

By the CHAIRMAN :—

Q. Have you observed any change in the depth of water on the bar?—A. No: I do not think there is any difference.

Q. Is it as easy to enter the harbour and Iron Pot as formerly?—A. It is as easy to enter the harbour as formerly, but not the Iron Pot.

Q. Do you consider it was necessary to take any steps to deepen and improve the Iron Pot, so as to make it advantageous and convenient for vessels to resort to?—A. Yes; I consider it was much wanted.

Q. Do you think the Iron Pot would have remained open long as an inner harbour if nothing had been done to improve it?—A. I consider the

stopping of the channel between Gough and Maori Island an advantage, and think the current in the Iron Pot would always have kept it open to some extent.

Q. You know that certain works have been commenced with a view to improve the harbour; would you state in your opinion what has been the result so far, and what you would recommend in future in reference to them?

—A. Before they commence to disturb any more stuff it ought to be piled off. I think in consequence of the disturbance of the stuff already, the water abreast of the Custom house is 2 feet shallower.

Q. Has not the entrance been widened or deepened in any part by the dredge?—A. It is deeper by some 2 feet at the entrance; it is also wider now than it was a few months back.

Q. Where should the work be continued in future?—A. I think that close piling ought first to be put down to protect the banks from washing in; after which I would recommend the continuance of the work from the Custom house to the point.

By Mr. TUCKER:—

Q. Do you think that the dredge, pending the deep piling, could be serviceably employed?—A. No; I do not.

Q. Do you think she could be profitably employed in dredging stuff to reclaim the land?—A. I do not think she would until it is rightly piled in and deepened at the mouth first.

By Capt. CARTER:—

Q. Do you not think the dredge might be kept with advantage for some time at the mouth of the inner harbour?—A. Yes; if kept at the mouth; but it would be desirable to get the piling done as soon as possible.

After the examination of Capt. Blair, on the motion of Capt. Carter, the Committee adjourned till half-past 10 o'clock on Thursday the 7th.

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THURSDAY, FEBRUARY 7.

THE Committee met pursuant to adjournment.

P R E S E N T :—

MR. FITZGERALD, <i>Chairman.</i>	
MR. ALEXANDER DOLBEL	MR. TUCKER Captain CARTER.

Mr. T. D. TRIPHOOK, *examined*:—

By the CHAIRMAN:—

I am by profession a surveyor and civil engineer. I have not had any official experience formerly in dredging or in the execution of harbour piers, though I have had opportunities of carefully observing such works.

Q. You have observed the condition of Napier harbour for some years past, I presume—will you state to the committee if, in your opinion, it was necessary to take any steps now for its improvement; or could they, considering the increasing population and trade of the Province, have been delayed without inconvenience for some years longer?—A. I have observed the state of the Napier harbour for three years past, and I consider it was absolutely necessary to take some steps now for its improvement. From my own observations, I think they could not have been delayed without injury and inconvenience.

Q. Could any other mode have been adopted of deepening and improving the harbour than by dredging?—A. None, that I am aware of. I have previously seen and examined the plan of the proposed improvements now on the table. It is in the chief part similar to a sketch made by Mr. Tiffen and me of

proposed harbour improvements for the Wellington Government, and differs materially alone in maintaining of the back channel near Battery Point.

Q. Do you consider the plan on the whole a good one?—A. I do.

Q. What, in your opinion, is the use of leaving open the canal to Shakespeare road; could it not be filled up with advantage, and more land reclaimed thereby?—A. I consider it offers three advantages:—First, increased accommodation for vessels and punting; second, the prevention of an injurious monopoly of water frontage at present existing; third, provision for future drainage in case of the plan being carried out. I do not consider that any advantage would accrue in point of expense in execution of canal as compared with filling up same.

Q. Do you consider that the land reclaimed would bear the whole or great part of the expense of reclaiming?—A. I consider that it would be almost reproduced expenditure, so far as regards the reclaiming of the land alone, without reference to deepening the harbour in other places, and annual future expenditure. The deepening of the channels within the reclaimed land might be effected and the expense almost entirely borne by the sale of the lands reclaimed by the stuff taken from the deepened channels. I think, omitting Gough Island from being in part reclaimed by filling from hills, the operation of dredging and filling from the hills in other places should be carried on at the same time, due regard being had to bring those portions of the work into the most forward state that would throw most saleable land into the market. I have much experience in the value of town lands.

Q. What do you think the sections on each side of Waghorn-street that are proposed to be reclaimed would sell for if brought into the market judiciously? Also, what would the block of sections be worth at the west end of Shakespeare road?—I should say at the lowest £100 per section for Waghorn-street, and for those at the end of Shakespeare road about £125 or £150 per section, those at the back being the same rate as Waghorn-street.

Q. Do you know if the owners of sections on other parts of Waghorn-street are asking higher or lower prices than those named by you?—A. I believe in some cases much higher; but I will supply the committee with a written memorandum of lands sold there, and prices asked by persons selling. (*Vide Memorandum at the end of Mr. Triphook's testimony.*)

By Mr. ALEXANDER:—

Q. Where, in your opinion, ought the harbour improvements to have commenced?—A. At the Iron Pot, between the Custom House and Gough Island.

Q. Could not beneficial improvements have been effected by piling without the use of the dredge?—A. I believe the use of the dredge to be indispensable; but certain improvements might be effected by piling and filling up only.

Q. Have you, previously to coming here, made any calculation of the cost of deepening the harbor, and the value of the land to be reclaimed?—A. Not of the cost of deepening; I have made estimates of the value of reclaimed land.

Q. Taking the plan before you as a whole, are you decidedly of opinion that the improvement of the harbor could be effected at a cost not exceeding the value of the land to be reclaimed?—A. I believe that certain and very valuable harbour improvements can be effected by returns from the sales of land.

Q. What is your opinion of the professional ability of the Director of Public Works in connexion with Harbour Improvements?—A. I believe Mr. Wright to be as good an authority and able Civil Engineer as there is in the Colony; and I have my opinion from intimate knowledge of his previous employments both at home and abroad, he having been employed in very important works in England and Italy under Messrs. Fox and Henderson, whose confidence he entirely possessed.

Q. Do you think the canal as shewn on the plan could be shortened with advantage?—A. No. I think it is advisable to connect the water carriage with the main thoroughfare as closely as possible.

Q. Have you ever seen dredging operations carried on in other parts of the world?—A. I have, frequently; but have not been professionally connected with them.

Q. Do you not think some alteration in the construction of the punts to be necessary—in fact, to have decked punts?—A. I think it would, but for two objections: one being the expense, the other the additional draft of water.

By Mr. DOLBEL:—

Q. Do you think, by piling the inner harbour only, sufficient improvement would have taken place to accommodate vessels for three or five years longer?—A. I think it would not, unless the dredge were also used.

By Captain CARTER:—

Q. Do you think that dredging operations have as yet had sufficient trial to indicate whether or not it would be judicious to continue harbor improvements, as well as the reclaiming of land?—A. In my opinion they have not yet had a fair trial, owing to the want of protection by piling or otherwise.

MEMORANDUM of Sales and Leases effected of Sections situated in Wag-horn-street or its vicinity, Napier.

Sec. 487	.....	Sold for	.....	£ 87	0	0
489	.....	“	.....	110	0	0
500	.....	“	.....	125	0	0
501	.....	Leased for, per annum.....	.....	10	0	0
503	.....	Half Section leased for per foot frontage per annum	.....	0	5	0
511	.....	Sold for	.....	175	0	0
512	.....	“	.....	100	0	0

N.B.—The prices quoted are for unimproved sections sold in or before 1860, and are below prices now demanded.

THOMAS DAWSON TRIPHOOK.

Napier, February 8, 1861.

Captain GEORGE CHARLTON, *examined*:—

By Mr. ALEXANDER:—

I am by profession a captain in the merchant service.

Q. How long is it since you first arrived at Napier?—A. The first time I came up to make a report was in September, 1857.

Q. Have you observed since your arrival that some of the channels have been filling up?—A. The Iron Pot has been filling up day after day, and the main channel deepening as the other got shallower.

Q. Have you not observed that the sand bank, mid-channel opposite your house, has been advancing towards the entrance of the harbour?—A. Although the sand bank has increased, the main channel has deepened.

Q. Have you not observed a great deposit of mud at the mouth of the Meanee river of late years, and that the harbour in consequence is being filled up?—A. I have.

Q. Do you not believe that in the course of a few years, if the same deposit goes on, the harbour would be so much shallowed that the current at the entrance would be very much lessened, and, in consequence, the mouth of the harbour would be altogether shut up?—A. I do not think so.

Q. Do you think that any artificial means should have been adopted for the improvement of the harbour?—A. I believe that by a simple scouring apparatus, a cloth stretched upon a rope from side to side, and employed at the bar, much good would be done. I believe also that on the west side, £1000 expended on wharf and moorings would have given all the accommodation required for years to come.

Q. What do you think would be the cost per ton for removing goods from the west side to the east side?—A. From 3s. to 4s. per ton, though much less for wool.

Q. Besides the actual cost for carriage is there not a water risk of some magnitude in bringing goods from west side?—A. No. Not so much as bringing a vessel into the Iron Pot.

Q. Have accidents ever occurred to vessels entering the Iron Pot?—A. Many have occurred.

Q. As you think there is some risk in bringing vessels into the Iron Pot, do you not think it needed improvement?—A. If it were required to improve it, I think piling should be commenced at the eastern head and continued as far as the accommodation sought for.

Q. Do you not think piling at the head would be very difficult where the boulders existed?—A. It would.

Q. Do you not think that piling the south side of the Iron Pot would be productive of great advantage?—A. It would be of great detriment, because if piled and sheathed, the Meanee river, breaking out in times of freshes through the open channel by Battery Point, would cause great damage to vessels in the Iron Pot; and the probable destruction of the extremity of the Eastern Spit.

Q. You are aware that the channel by Battery Point is gradually filling up?—A. I believe it is silting up in some places, but that there is a deep channel yet.

Q. Do you think it would be beneficial to the Province to have increased accommodation for a township, as shewn on the plan between the Eastern Spit and Scinde Island?—A. Decidedly not as shown by the plan.

Q. Have you any idea of the probable value of town sections near Waghorn street, if reclaimed as proposed?—A. I would not have one as a gift if compelled to build. I do not consider them worth more than £1 each as at present.

Q. Do you think there would be greater risk to property on reclaimed land than on the Eastern Spit as it now is?—A. I do. Particularly by danger from the sea in N.E. weather.

Q. Considering so much expense has been already incurred in connexion with harbour improvements, do you not think it would be desirable to complete the reclaiming of sections along Waghorn street?—A. Decidedly not; because of the expense; the sections will never bring what they cost in making.

Q. Are you not aware that sections along Waghorn street have lately sold at a considerable price?—A. I am not aware of anything selling over and above market price.

By Mr. TUCKER :—

Q. Will you state your general opinion as to the harbour works?—A. I consider piling on the south side of the Iron Pot injurious, but advantageous on the north side. The dredge is doing much more harm than good. The sections proposed to be reclaimed would not realise the cost of reclaiming. Increased harbour accommodation could be obtained on the western side at a comparatively small outlay—one-thousandth part of the works as proposed on plan.

By Mr. DOLBEL :—

Q. Do you consider it advantageous to stop the water communication proposed to be left open at Battery Point, and why?—A. Yes. At Battery Point the cost would be comparatively small; much land might be cheaply reclaimed by stopping it, and all danger to vessels lying at the Iron Pot avoided.

Q. Do you not think that by stopping the water at Battery Point, the entrance of the Iron Pot would be likely to fill up?—A. No, it could not do that; it would, on the contrary, tend to deepen it.

By the CHAIRMAN :—

Q. What could be done with the dredge if not used for harbour improvements?—A. She could be used for other purposes where she would be productive of more advantage.

On the motion of Mr. Tucker, the Committee adjourned till eleven o'clock to-morrow.

FRIDAY, FEBRUARY 8.

THE Committee met pursuant to adjournment.

PRESENT :—

MR. FITZGERALD, *Chairman*.
MR. TUCKER | MR. DOLBEL.

J. A. SMITH, Esq., *examined* :—

By Mr. TUCKER :—

Q. You were formerly captain in the merchant service and had opportunity of seeing numerous harbors?—Yes; I was.

Q. How many years have you known the port of Napier?—A. About three years.

Q. Has the harbor improved since you have known it?—A. No. I have observed that the water was deeper in the Iron Pot when I first came, the shallowing being, in my opinion, principally occasioned by vessels getting on shore on the flat at entrance.

Q. Do you think artificial improvements necessary to preserve the harbour, and in what manner would you commence such improvements?—A. Yes; and it should be begun by piling and planking the boundary lines of places to be improved, especially at the Ferry point, which is always changing.

Q. Do you think it possible to pile the Ferry point?—A. Yes. I should imagine no great difficulty to exist if boulders were first removed at low tide.

Q. Would you suggest any other means besides piling at present; for instance, do you consider dredging in any part necessary along with the piling?—A. After the piling and planking is completed the services of the dredge would be beneficial; in fact you must have it if you want to take away anything below low water mark to deepen the water.

Q. In your opinion have the dredging operations hitherto been productive of good?—A. I do not see that they have.

Q. Have they been injurious?—No. I do not think the Iron Pot is either better or worse.

Q. Do you approve of the general plan as shown on map, and of the system of open channels as shewn?—A. I think the channel towards Shakespeare road might be beneficial to keep open, but would be a source of constant expense. I consider it most desirable to keep open the channel near Battery Point, but would prefer a circular sweep being given, as in the natural channel, to the straight channel marked.

Q. Do you think from the growing requirements of Napier that the proposed reclamation of land would be self-paying?—A. I do not think it would, unless the land were put into the market in small quantities and very judiciously. £200 per section might be obtained for those along Waghorn street if subdivided into small lots; but if offered for sale in one lot, only a few would be taken up at £200 each.

Q. Do you think the dredge the most economical plan for obtaining stuff to reclaim the land with?—A. Below low water mark the dredge is the only way of reaching the stuff; above it hand labor is the cheaper. Until the piling is completed I do not think the dredge can be advantageously used for getting stuff to fill up with, though she might be so employed to advantage after piling, when she would not only procure material to fill up with but improve the harbor at the same time.

By Mr. DOLBEL:—

Q. Do you think by leaving the channel open at Battery Point, the current would sometimes, in case of freshes, damage vessels lying at the Iron Pot, and also the land on other part of Spit?—A. I do not think so; unless the channel were left open at Battery Point the entrance of the Iron Pot would soon fill up.

Q. In what place would you propose a sweep to the channel at Battery Point?—A. I would propose to follow as near as possible the natural channel now existing.

Q. Do you not think the canal to Shakespeare road would be useful for drainage?—A. I do not think it would; it would soon fill up from the washings brought down by the rain from Shakespeare road.

Q. In what way would you propose to drain the reclaimed land?—A. I do not think it would require to be specially provided for owing to the light nature of the soil.

By the CHAIRMAN —

Q. Do you consider the harbour works ought to be prosecuted?—A. Yes; for the improvement of the harbour is needed. I do not think, however, the sale of land would pay the expenses of reclaiming it.

After the examination of Mr. Smith, the Committee adjourned till one o'clock, when a quorum not having been formed, the Chairman appointed to meet again at 11 o'clock on Saturday.

SATURDAY, FEBRUARY 9.

THE Committee met pursuant to appointment.

PRESENT:—

MR. FITZGERALD, <i>Chairman.</i>	
MR. DOLBEL	MR. TUCKER
COLENZO	CAPT. CARTER.

The accompanying testimonials from Messrs. Fox, Henderson, & Co., and from Mr. Bernays of Woolwich Dockyard, and having reference to Mr. E. G. Wright's professional skill and ability, were read by the Chairman and considered satisfactory by the Committee.

After some further investigation and conversation, Committee, on motion of Mr. Alexander, adjourned till Monday at 11 o'clock.

TESTIMONIALS.

This is to Certify that Mr. E. G. Wright has been in our employment for the last ten years. Originally he was engaged under Mr. Cochrane, one of our Principal Superintendents for the execution of our contracts, and continued acting as his assistant for between three and four years, during which period he had many opportunities of obtaining a knowledge of the general principles of his profession as an Engineer, as well as of all matters connected with the execution of various kinds of work, the management of workmen, keeping accounts, preparing estimates, and the settlement of accounts on the completion of the works. It affords us great pleasure to testify to the efficient manner in which during that period he attended to his various duties, and also availed himself of the opportunities offered.

Subsequently, Mr. Wright was employed by us as superintendent of different works, for which position his previous experience had thoroughly qualified him; and until the breaking up of our establishment he was continuously so employed by us. During that period he had charge of many various works, some of very large extent, for the Government dockyards and arsenals, including the new Factory for Lancaster's Shells, the Foundry and Boring Mill for Cannon at Woolwich, and also a large Slip Roof, as well as many other buildings with machinery, &c., at the same place. He also erected some large buildings in the dockyard at Sheerness, as well as large roofs at Aldershott and other places. Besides these, he was entrusted with the erection and starting of the Gas Works in Rome.

We cannot speak too highly of Mr. Wright's assiduity, integrity and gentlemanly conduct, during the time he has been with us, and we have reason to know that by his conciliatory manners and his ability he has succeeded in securing the confidence and respect of the Engineers and others with whom he has had to communicate, as our Representative. We regret that the breaking up of our establishment is the occasion of the termination of his engagement, but shall always be glad to hear of his success, knowing that he will deserve it in whatever he may undertake.

(Signed) FOX, HENDERSON & Co.,
London Works, Birmingham.

11th February, 1857.

In addition to the foregoing I certify that subsequently to the above mentioned date Mr. E. G. Wright has been engaged by the assignees of the estate of Fox, Henderson & Co. to Superintend under my directions the completion of the Government contracts then in course of execution, and that he has performed the duties connected therewith in an able and satisfactory manner, with credit to himself and advantage to the estate; avoiding and overcoming difficulties which might have been serious with different management.

I believe Mr. Wright to be thoroughly competent to undertake similar work either in the capacity of a Superintendent on behalf of others or on his own account; that he is fully capable of preparing the requisite estimates, arranging preliminaries, conducting and controlling the execution of the works, and keeping the accounts. I am also of opinion that where works may be left entirely to his care he will be found equal to emergencies that may arise; will overcome difficulties with energy and ability, and that he will not undertake anything which he is not able to carry out entirely and satisfactorily.

(Signed) JOHN HENDERSON,
London Works, Birmingham.

31st October, 1857.

H.M. Dockyard, Woolwich,
3rd October, 1857.

I have very great pleasure in bearing testimony to the zeal and ability shewn by Mr. Edward G. Wright while superintending the construction of several large works executed in this Dockyard for the Lords Commissioners of the Admiralty by Messrs. Fox, Henderson, & Co. As Superintendent of the Admiralty works here, I had ample opportunity of becoming acquainted with Mr. Wright's abilities; and I believe that his exertions contributed greatly to the successful execution of the very important works confided to his charge by Messrs. Fox, Henderson, & Co.

(Signed) EDWIN A. BERNAYS,
Officer in charge of Works.

1861.

Council Paper.

REPORT OF SELECT COMMITTEE ON FINANCE.

(Appointed on the Motion of Mr. Ormond).

Members :

MESSRS. ALEXANDER
NEWTON
FITZGERALD
TUCKER
AND THE MOVER.

YOUR Committee report that they have had before them the Accounts furnished by the Provincial Treasurer, and also the reports of the Auditors upon the same, and find therefrom that the same are correct.

In the course of their enquiry, your Committee have found that moneys amounting to £9394 have been expended in excess of the sums voted by this Council at its late sessions, and they recommend the Government to bring these items under the notice of the Council, in order that, if approved, an Act of Indemnity may be passed legalising such expenditure. At the same time, your Committee must call your attention to the large amount of this unauthorised expenditure, and express their unqualified opinion that it is both undesirable and unconstitutional that a sum like this, exceeding £9000, amounting almost to one-fourth of the whole revenue of the Province, should be expended without the consent and vote of the Council.

In reference to the accounts of the Receiver of Land Revenue, and the want of sufficient check to the same, as reported by the Auditors, your Committee on enquiry have ascertained that returns are now made from the Land Office, which, in their opinion, are sufficient to meet the requirements of the case; your Committee therefore beg, in reference to these returns, to recommend that the Land Office returns should be laid before the Auditors, together with those furnished by the Receiver of Land Revenue.

The Committee have omitted one point in connection with the Treasurer's accounts, which they feel should be brought before your Council. In those accounts there appears one item of £30, being payment made to a native named Karaitigna—the voucher for this payment purports to be in consideration of trespass of cattle on the aforementioned native's land. Your Committee are of opinion that this needs at least an explanation of the causes under which authority was given for its payment.

Your Committee have considered, in making this report, that it is most desirable some fixed time should be named and agreed on as the termination of the Financial year, and recommend that for the future the Financial year should be held to commence from the 1st July of each year.

Your Committee have observed from the reports of the Auditors that some irregularity has hitherto existed in respect of the time at which the quarterly examination of accounts has been made. Having examined the Treasurer in reference to this, and acting on his recommendation, your Committee beg to express their opinion that the quarter's accounts should be submitted in future to the Auditors within one month after the expiration of the current quarter.

In conclusion, this Committee begs to bring under the notice of the Council a statement made to them by the Provincial Treasurer, from which it would appear that he requires some assistance in performing the necessary work of his office. The Provincial Treasurer, in bringing this matter before your Committee, has brought to their notice a letter from the Colonial Secretary of New Zealand calling for certain returns, which appear to necessitate a good deal of extra work.

J. D. ORMOND,

Chairman.

ESTIMATE OF THE EXPENDITURE

OF THE

Province of Hawke's Bay,

FOR THE YEAR 1861.

	Amount already voted for 1st three months of 1861.			Amount already voted for 1861.			Proposed Estimates from 1st April to 31st December, 1861. inclusive.						TOTAL for 1861.			
	£	s.	d.	£	s.	d.	£		s.		d.		£	s.	d.	
1.—EXECUTIVE.																
<i>Superintendent's Department—</i>																
Superintendent at £500 per annum	125	0	0													
Superintendent at £600 per annum							450	0	0							
2 members of Executive for 1860.....				104	0	0										
2 members of Executive at £1 per diem when on duty ...							50	0	0							
Clerk at £200 per annum.....	50	0	0				150	0	0							
Contingencies	6	5	0				18	15	0							
	181 5 0									668 15 0						
							Vote for 1st 3 months of 1861 Amt. already voted for 1861				181	5	0			
											104	0	0			
														954	0	0
<i>Treasury Department—</i>																
Provincial Treasurer and Accountant at £300 per an...	75	0	0				225	0	0							
Contingencies	30	0	0				18	15	0							
	105 0 0									243 15 0						
							Vote for 1st 3 months of 1861				105	0	0			
														348	15	0
<i>Solicitor's Department—</i>																
Provincial Solicitor at £100 per annum	25	0	0				75	0	0							
Contingencies	6	5	0				18	15	0							
	31 5 0									93 15 0						
							Vote for 1st 3 months of 1861				31	5	0			
														125	0	0
Carried forward														1427	15	0

	Amount already voted for 1st three months of 1861.			Amount already voted for 1861.			Proposed Estimate from 1st April to 31st December, 1861, inclusive.				TOTAL FOR 1861.						
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.		
Brought forward.....													4876	9	0		
<i>Weights & Measures—</i>																	
Contingencies	10	0	0				30	0	0								
	10	0	0							30	0	0					
							Vote for 1st 3 months of 1861			10	0	0			40	0	0
<i>Dog Nuisance—</i>																	
2 Registrars	6	5	0				18	15	0								
Poundkeeper	6	5	0				18	15	0								
	12	10	0							37	10	0					
							Vote for 1st 3 months of 1861			12	10	0			50	0	0
Mail from Waipawa to Ruataniwha	8	15	0				26	5	0								
Mail to Pekapeka and Mangaone, from Puketapu, at £20 per annum.....							15	0	0								
Ferry at Waikari and Waihui.....							23	10	0								
	8	15	0							64	15	0					
							Vote for 1st 3 months of 1861			8	15	0			73	10	0
<i>Printing—</i>																	
Printing Gazette	37	10	0				112	10	0								
Printing Forms	15	0	0				45	0	0								
Advertising	10	0	0				30	0	0								
	62	10	0							187	10	0					
							Vote for 1st 3 months of 1861			62	10	0			250	0	0
<i>Miscellaneous—</i>																	
Miscellaneous	25	0	0				225	0	0								
Native Expenses	25	0	0				75	0	0								
Waipureku Ferry	12	10	0				37	10	0								
Legal Expenses.....							60	0	0								
Appeal Native Land Purchase Ordinance						50	0	0	0								
	62	10	0							407	10	0					
							Vote for 1st 3 months of 1861			62	10	0					
							Amnt. already voted for 1861			50	0	0			520	0	0
5.—CHARITABLE.																	
<i>Hospital—</i>																	
Provincial Surgeon at £120 per annum	30	0	0				90	0	0								
Hospital Attendants.....	25	0	0				75	0	0								
Rations	25	0	0				125	0	0								
Contingencies	25	0	0				75	0	0								
	105	0	0							365	0	0					
							Vote for 1st 3 months of 1861			105	0	0			470	0	0
Carried forward															6279	19	0

	Amount already voted for 1st three months of 1861.			Amount already voted for 1861.			Proposed Estimate from 1st April to 31st December, 1861, inclusive.				TOTAL FOR 1861.					
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	
Brought forward.....	.....			.....			.....			.....			6279	19	0
CHARITABLE—continued.																
Charitable Aid	12	10	0				37	10	0							
										37	10	0				
										Vote for 1st 3 months of 1861	12	10	0			
														50	0	0
6.—EDUCATION.																
<i>Schools—</i>																
Inspector	12	10	0				37	10	0							
Grants in aid of Building ...	25	0	0				75	0	0							
Grants under Education Act..	62	10	0				187	10	0							
													300	0	0	
	100	0	0							Vote for 1st 3 months of 1861	100	0	0			
														400	0	0
7.—CROWN LANDS.																
Commissioner of Crown Lands and Chief Surveyor, at £400 per annum	100	0	0				300	0	0							
2 Commissioners at £50 each ...	25	0	0													
Chief Clerk	62	10	0				187	10	0							
2nd Clerk	37	10	0													
Secretary to Waste Land Board.	25	0	0													
Expenses Waste Land Board ...							150	0	0							
Travelling Expenses and Contingencies	37	10	0				112	10	0							
	287	10	0										750	0	0	
										Vote for 1st 3 months of 1861	287	10	0			
														1037	10	0
8.—SURVEYS.																
3 Surveyors at £300 per annum each	225	0	0													
3 Surveyors at £300 per annum each to 30th June, 1861.....							225	0	0							
2 Surveyors at £300 per annum from 1st July to 31st December, 1861.....							300	0	0							
Travelling allowance to 3 Surveyors, at £60 per annum each	45	0	0													
Travelling allowance to 3 Surveyors, at £60 per annum each to 30th June, 1861.....							45	0	0							
Travelling allowance to 2 Surveyors at £60 per annum, from 1st July to 31st December, 1861							60	0	0							
Assistant Surveyor at £250 per annum	62	10	0				187	10	0							
Travelling allowance to Assistant Surveyor at £50 per annum	12	10	0				37	10	0							
Carried forward	345	0	0	.....			855	0	0	.....			7767	9	0

	Amount already voted for 1st three months of 1861.	Amount already voted for 1861.	Proposed Estimate from 1st April to 31st December, 1861, inclu- sive.		TOTAL FOR 1861.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Brought forward.....	345 0 0	.....	855 0 0	.....	7767 9 0
SURVEYS—continued.					
2 Draughtsmen at £200 per an- num each to 31st March, 1861.....	100 0 0				
1 Draughtsman, from 1st April to 31st December, 1861, at £250 per annum.....			187 10 0		
1 Draughtsman to 30th June ...			50 0 0		
Laborers	300 0 0		900 0 0		
Contracts.....	250 0 0		250 0 0		
Contingencies	37 10 0		112 10 0		
	1032 10 0			2355 0 0	
			Vote for 1st 3 months of 1861	1032 10 0	3387 10 0
9.—PUBLIC WORKS & UN- DERTAKINGS.					
Director of Works at £200 per annum	50 0 0		150 0 0		
Travelling Expenses			30 0 0		
Contingencies	12 10 0		37 10 0		
	62 10 0			217 10 0	
Harbour Improvements	1450 0 0		Vote for 1st 3 months of 1861	62 10 0	
			5000 0 0		280 0 0
				5000 0 0	
			Vote for 1st 3 months of 1861	1450 0 0	
Gaol at Napier		800 0 0			6450 0 0
					800 0 0
Police Court, Waipawa, with timber and materials already obtained for Court House, intended formerly to be erect- ed at Waipukurau		200 0 0	60 0 0	60 0 0	
			Amnt. already voted for 1861	200 0 0	260 0 0
Athenæum.....		200 0 0			200 0 0
Keeper's House, Govt. Offices...		100 0 0			100 0 0
Widening and repairing Shake- speare Road.....		360 0 0			360 0 0
Bridge at Meanee		900 0 0			900 0 0
Moving Ferry at Waipureku...		600 0 0			600 0 0
Cemetery at Napier		50 0 0	9 0 0		
Hastings street to Ferry	225 0 0		700 0 0		
Hyderabad Road.....	75 0 0		225 0 0		
Metalling Waghorn-street			280 0 0		
Pump Well, Carlyle-street		33 13 4			
Pilot's House Napier			33 0 0		
Boat Shed for Surf Boat			45 0 0		
	300 0 0	83 13 4		1292 0 0	
			Vote for 1st 3 months of 1861	300 0 0	
			Amnt. already voted for 1861	83 13 4	
					1675 13 4
Carried forward .....	.....	.....	.....	.....	22780 12 4

	Amount already voted for 1st three months of 1861.	Amount already voted for 1861.	Proposed Estimate, from 1st April to 31st December, 1861, inclu- sive.		TOTAL FOR 1861.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Brought forward.....	.....	.....	.....	.....	30830 12 4
PUBLIC WORKS, &c.—continued.					
<i>Metalling.</i>					
Porangahau Road, approaches to Eparaima Bridge			200 0 0		
Waipawa to Tikokino			66 0 0		
Te Aute Road			950 0 0		
Middle Road			350 0 0		1566 0 0
STEAM SUBSIDIES	125 0 0		1175 0 0	1175 0 0	
			Vote for 1st 3 months of 1861	125 0 0	1300 0 0
IMMIGRATION			750 0 0		750 0 0
					£ 34446 12 4
			Unexpended Balances		237 10 8
					£ 34684 3 0

I hereby certify that the above is correct.

E. S. CURLING,

Chairman of Committees.

Province of Hawke's Bay.



EDUCATIONAL RESERVES.

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

SESSION III., No. 1.

ANALYSIS.

- | | |
|--|---|
| 1. Power to Superintendent and Executive Council to lease Educational Reserves for 21 years by public auction after three months notice. | 2. Rents derived from Reserves to be applied under the Education Act—separate accounts of funds to be kept by Provincial Treasurer. |
|--|---|

AN ACT to enable the Superintendent to manage and administer certain Reserves, by granting leases thereof.

Title.

[Assented to 27th July, 1861.]

WHEREAS, under and by virtue of the "Public Reserves Act, 1854," the Governor of the Colony has, by a Grant sealed with the Public Seal of the Colony, and dated the first day of February, 1861, granted to the Superintendent of the Province of Hawke's Bay certain parcels of Land in the Schedule to the said Grant, and also in the Schedule to this Act set forth and described: To hold unto the said Superintendent and his successors in trust for Endowments for Educational purposes within the Town of Napier aforesaid.

Preamble.

AND WHEREAS it is expedient to make provision for the Management and Administration of the said parcels of Land by granting Leases thereof:

BE IT THEREFORE ENACTED by the Superintendent and Provincial Council of Hawke's Bay, as follows:

1. The Superintendent of Hawke's Bay, by and with the consent of his Executive Council, shall have full power to demise and lease all or any part of the Lands comprised in the said Grant, for any term or terms of years not exceeding Twenty-one years, to take effect in possession at yearly rents to be fixed in manner here-

Power to Superintendent and Executive Council to lease Educational Reserves for 21 years by public auction after three months' notice.

inafter mentioned, without taking any fine or premium for the granting of the same, and subject to such terms and conditions as to the said Superintendent shall seem fit. All Lands proposed to be demised or leased by virtue of this Act shall be put up in lots by Public Auction, and the person or persons at such sale or sales bidding the highest sum by way of annual rent for each such lot shall be declared the purchaser or purchasers thereof. Three months' notice shall be given by advertisement in the *Provincial Government Gazette* of Hawke's Bay of the intention of the Superintendent to put up any of the said Lands by Auction, with particulars of the respective portions of the said Lands proposed to be put up at any such sale or sales.

Rents derived from Reserves to be applied under the Education Act.—Separate accounts of funds to be kept by Provincial Treasurer.

2. All Moneys to be received by way of Rent under and by virtue of the Powers of Leasing in this Act contained, shall be applied in conformity with the provisions contained in the "Hawke's Bay Education Act," and for the purposes in the said last named Act expressed. The Treasurer of the Province being required to keep a separate account of the Moneys so received and disbursed, and to exhibit a balance sheet at the end of each financial year.

SCHEDULE TO WHICH THE FOREGOING ACT REFERS.

SECTION numbered fifty-nine, Town of Napier, containing by admeasurement one rood, more or less, bounded towards the North-west by Suburban Section numbered thirty-seven, one hundred links; towards the North-east by Town Section numbered sixty, two hundred and fifty links; towards the South-east by Carlyle Street, one hundred links; and towards the South-west by Town Section numbered fifty-eight A, two hundred and fifty links.

Section numbered one hundred and sixteen, Town of Napier, containing by admeasurement one rood, more or less, bounded towards the North-west by Suburban Section numbered sixty-five, one hundred links; towards the North-east by Town Section numbered one hundred and seventeen, two hundred and fifty links; towards the South-east by Tennyson Street, one hundred links; and towards the South-west by Town Section numbered one hundred and fifteen, two hundred and fifty links.

Section numbered one hundred and forty-two, Town of Napier, containing by admeasurement one rood, more or less, bounded towards the North-west by Browning Street, two hundred and fifty links; towards the North-east by Herschel Street, one hundred links; towards the South-east by Town Section numbered one hundred and forty-one, two hundred and fifty links; and towards the South-west by Hastings Street, one hundred links.

Sections numbered one hundred and ninety and one hundred and ninety-one respectively, Town of Napier, containing by admeasurement two roods, more or less, bounded towards the North-west by Carlyle-street, two hundred links; towards the North-east by Town Section numbered one hundred and ninety-two, two hundred and fifty links; towards the South-east by town Sections numbered respectively two hundred and twenty-nine and two hundred and twenty-eight, two hundred links; and towards the South-west by Town Section numbered one hundred and eighty-nine, two hundred and fifty links.

Section numbered one hundred and ninety-six, Town of Napier, containing by admeasurement one rood, more or less ; bounded towards the north-west by Carlyle-street, two hundred links ; towards the North-east by Clive square, one hundred and twenty-five links ; towards the South-east by Town Section numbered one hundred and ninety-seven, two hundred links ; and towards the South-west by Town Section numbered one hundred and ninety-five, one hundred and twenty-five links.

Section numbered two hundred and one, Town of Napier, containing by admeasurement one rood, more or less, bounded towards the North-west by Emerson-street, one hundred links ; towards the North-east by Town Section numbered two hundred and two, two hundred and fifty links ; towards the South-east by Town Section numbered two hundred and thirty-nine, one hundred links ; and towards the South-west by Town Section numbered two hundred, two hundred and fifty links.

Sections numbered two hundred and forty-six and two hundred and forty-seven respectively, Town of Napier, containing by admeasurement two roods, more or less ; bounded towards the North-west by Town Sections numbered respectively two hundred and eight and two hundred and nine, two hundred links ; towards the North-east by Town Section numbered two hundred and forty-eight, two hundred and fifty links ; towards the South-east by Dickens-street, two hundred links ; and towards the South-west by Town Section numbered two hundred and forty-five, two hundred and fifty links.

Section numbered two hundred and eighty-nine, Town of Napier, containing by admeasurement two roods, more or less ; bounded towards the North-west by Raffles street, two hundred and fifty links ; towards the North-east by Hastings-street two hundred links ; towards the South-east by Town Section numbered two hundred and ninety-one, two hundred and fifty links ; and towards the South-west by Town Section numbered three hundred and seventy-six, two hundred links.

Sections numbered three hundred and thirty-five and three hundred and thirty-six respectively, Town of Napier, containing by admeasurement one acre, more or less ; bounded towards the North-west by Town Sections numbered respectively three hundred and thirty-seven and three hundred and thirty-eight, five hundred links ; towards the North-east by Malcolm-street, two hundred links ; towards the South-east by Town Sections numbered respectively three hundred and thirty-four and three hundred and thirty-three, five hundred links ; and towards the South-west by Wellesley road, two hundred links.

Section numbered three hundred and forty-nine, Town of Napier, containing by admeasurement three roods more or less, bounded towards the North by Town Section numbered three hundred and forty-eight one hundred and sixty links, towards the East by Town Section numbered three hundred and forty-seven two hundred and fifty links, towards the South by Wellesley-road four hundred and thirty links, and towards the North-west by Thackeray-street three hundred and sixty links.

Section numbered three hundred and ninety-two, Town of Napier, containing by admeasurement thirty-eight perches more or less, bounded towards the North by Town Section numbered three hundred and ninety-four one hundred and twenty links, towards the East by Goldsmith-road two hundred links, towards the South by Town Section numbered three hundred and ninety, one hundred and twenty links, and towards the West by Suburban Section numbered nine two hundred links.

Section numbered four hundred and seven, Town of Napier, containing by admeasurement two roods more or less, bounded towards the North-west by Napier Terrace two hundred links, towards the North-east by Town Section numbered four hundred and eight, two hundred and fifty links, towards the South-east by Suburban Section numbered thirty-three two hundred links, and towards the South-west by Town Section numbered four hundred and six two hundred and fifty links.

Section numbered four hundred and twenty-one, Town of Napier, containing by admeasurement two roods more or less, bounded towards the North by Suburban Section numbered fifty-eight two hundred and forty-four links, towards the South-west by Town Section numbered four hundred and nineteen two hundred and sixty links, towards the South by Milton-road one hundred and sixty links, and towards the West by Town Section numbered four hundred and twenty-two two hundred and fifty links.

Section numbered four hundred and sixty-nine, Town of Napier, containing by admeasurement one rood more or less, bounded towards the North-west by Hardinge-road one hundred and fifteen links, towards the North-east by Town Section numbered four hundred and sixty-five, two hundred and fifty links, towards the South by Ahuriri Harbour, one hundred and twenty links, and towards the South-west by Town Section numbered four hundred and twenty, two hundred links.

Section numbered five hundred and thirteen, Town of Napier, containing by admeasurement one rood more or less, bounded towards the North by Town Section numbered five hundred and twelve, one hundred and ninety links, towards the East and South by Ahuriri Harbour, and towards the West by a public road one hundred and thirty-five links.

Section numbered thirty-seven, Meanee Spit, containing by admeasurement, one rood, more or less, bounded towards the North by Town Section numbered forty-nine, one hundred and ten links ; towards the East by Tareha-street, two hundred and fifty links ; towards the South by Meanee Quay, one hundred and ten links ; and towards the West by Town Section numbered thirty-eight, two hundred and fifty links.

Section numbered fifty-one, Meanee Spit, containing by admeasurement one rood, more or less, bounded towards the North by North Terrace, one hundred links ; towards the East by Town Section numbered fifty, two hundred and fifty links ; towards the South by Charles-street, one hundred links ; and towards the West by Town Section numbered fifty-two, two hundred and fifty links.

Section numbered two, Suburbs of Napier, Town District, containing by admeasurement eight acres, more or less, bounded towards the North-east by Suburban Section numbered eleven, and by the Havelock-road, six hundred links ; towards the East by Suburban Section numbered thirteen, three hundred and fifty links, and by the same section and by North-street, four hundred and fifty links ; towards the South by Town Section numbered thirty-eight, two hundred and fifty links, and by Suburban Section numbered one, one hundred and forty-five links ; towards the West by the Town Sections numbered respectively thirty, twenty-nine, twenty-eight, and twenty-seven, four hundred links ; and towards the North-west by Town Section numbered twenty-six, ninety-five links, and by Town Sections numbered respectively twenty-five, twenty-four, twenty-three, twenty-two, twenty-one, twenty, nineteen, eighteen, seventeen, and sixteen, one thousand links.

Section numbered thirty-four, Suburbs of Napier, Town District, containing by admeasurement two acres and three roods, more or less, bounded towards the North-east and East by Milton-road, and by the same in a curve about nine hundred and fifty links ; towards the South by Suburban Section numbered thirty-three, six hundred and eighty-five links ; and towards the West by Town Sections numbered respectively four hundred and eight, four hundred and nine, and four hundred and ten, five hundred and fifty links.

Section numbered ninety, Suburbs of Napier, Town District, containing by admeasurement six acres, one rood, and thirty perches, more or less, bounded towards the North-east by a Public Road, fifty links, and by Suburban Section numbered eighty-five, seven hundred and fifty links ; towards the South by Suburban Sections numbered respectively eighty-eight, eighty-seven, and eighty-six, one thousand three hundred and seventy links ; towards the West by the Shakespeare-road, in a curve about two hundred and forty links ; towards the North-west by Town Section numbered four hundred and thirty-four, two hundred and fifty links ; again towards the West by the same section, two hundred links ; and again towards the North-West by Town Sections numbered respectively, four hundred and thirty-six, four hundred and thirty-seven, four hundred and thirty-nine, and four hundred and forty-one, eight hundred links.

Passed the fifteenth day of May, One thousand eight hundred and sixty-one.

JOHN TUCKER, Speaker.

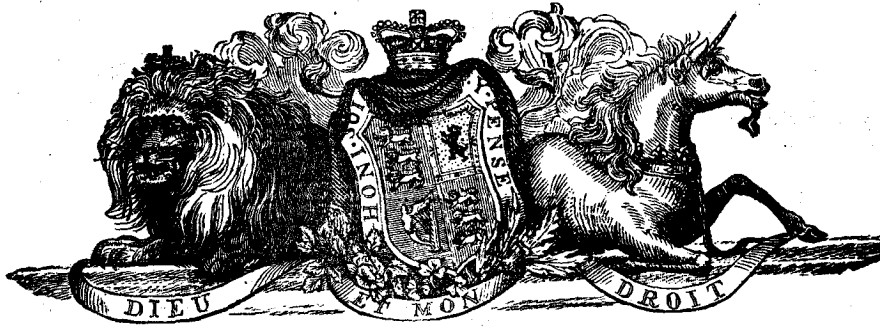
I do hereby declare that I reserve this Bill for the signification of the Governor's assent thereon.

J. C. LAMBTON CARTER, Superintendent.

I hereby assent to this Ordinance this twenty-seventh day of July, in the year of our Lord One thousand eight hundred and sixty one.

T. GORE BROWNE, Governor.

Province of Hawke's Bay.



PROVINCIAL COUNCIL ENLARGEMENT

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

SESSION III., No. 2.

ANALYSIS.

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Provincial Council to consist of 15 Members. 2. Districts, and number of Members of each District. 3. Boundaries of Districts defined in Schedule annexed to this Act. 4. Superintendent to issue Writs for the Election of ad- | <ol style="list-style-type: none"> ditional Members. 5. Registration officer to prepare Electoral Rolls for each Electoral District. 6. Seats of Members already elected not affected. 7. Act to take effect from 15th October, 1861. |
|---|---|

AN ACT to Enlarge the Provincial Council, and to alter the Electoral Districts of the Province of Hawke's Bay. Title.

[Assented to 27th July, 1861.]

WHEREAS it is expedient to enlarge the Provincial Council, and to alter the Electoral Districts of Hawke's Bay: Preamble.

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

1. After this Act shall come into operation, the Provincial Council of this Province shall consist of 15 Members. Provincial Council to consist of 15 members.

2. The Members shall be returned by the Districts next hereinafter named, and each District shall return the number of Members set opposite the name of such District as follows, viz:— Districts, and number of members of each District.

Name of District.	Number of Members.
Town of Napier	5
Napier Country District	2
Clive	1
Waimarama	1
Te Aute District	2
Waipukurau	2
Porangahau	1
Mohaka	1
Total	15

Boundaries of Districts defined in Schedule annexed to this Act.

3. The Boundaries of each of the said Districts are specified and described in the Schedule to this Act annexed.

Superintendent to issue Writs for election of additional members.

4. As soon as conveniently may be after the period when this Act shall take effect, the Superintendent shall issue Writs for the election of the additional number of Members, by the several Districts respectively, to serve during the remainder of the continuance of the present Council, as follows :—

By the District of the Town of Napier	2 Members
“ “ Waimarama	1 “
“ “ Te Aute	1 “
“ “ Porangahau	1 “

Registration officer to prepare Electoral Rolls for each Electoral District.

5. The principal Registration Officer shall, as soon as practicable after the passing of this Act, make out for each Electoral District as hereinbefore set out, an Electoral Roll; and shall place therein the names of all such persons as shall be in possession of a legal qualification in any of the said Districts.

Seats of members already elected not affected.

6. Nothing in this Act contained shall in any way affect the election of Members already elected.

Act to take effect from the 15th October, 1861.

7. This Act shall commence and take effect on and from the fifteenth day of October, 1861.

THE SCHEDULE TO WHICH THE FOREGOING ACT REFERS.

MOHAKA.

COMMENCING at the Sea Coast at the thirty-ninth degree of South latitude; following the Sea Coast in an Easterly and Southerly direction to the mouth of the Waikare; then up the Waikare to its source; and from thence an imaginary line to where the thirty-ninth degree of South latitude strikes the North West boundary of the Province; then following the boundary of the Province to the Sea Coast.

NAPIER COUNTRY DISTRICT.

COMMENCING at the Sea Coast at Waikare, following the Sea Coast to as far as Sections sixty-eight and sixty-nine 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; then along that boundary in a Northerly direction to the Southern boundary of the Mohaka District; from thence following the said Southern boundary to the Sea Coast at Waikare.

TOWN OF NAPIER.

THE boundary commences at the Northern side of Sections numbers sixty-eight and sixty-nine Meanee Spit in the Town of Napier, and crosses Ahuriri Harbour to the mouth of the River Meanee or Tutaekuri, and follows the bank of the said River to Awatoto; thence by a due East line to the Sea Coast, and along the Sea Coast in a Northerly direction to the point opposite the Northern side of Sections sixty-eight and sixty-nine Meanee Spit.

TE AUTE.

COMMENCING at the Sea Coast at the Southern boundary of the Town of Napier, following the Sea Coast Southerly to the old mouth of the River Ngaruroro; up that River to Louisa Creek; from thence following the boundary of the Mata block to the Tukituki or Alma; following up that River to Waipawa; up the Waipawa to the mouth of the Manga-o-nuku; up the Manga-o-nuku to its source; and from thence a line so as to include the Kereru Bush, and from the Kereru Bush proceeding due West to the Western boundary of the Province; along the boundary of the Province proceeding Northerly to the South-west point of the Napier Country District; following down that boundary and the Southern boundary of the Town of Napier to the Sea.

CLIVE.

COMMENCING at the Sea Coast at the old mouth of the River Ngaruroro, near Waitangi ; following the Sea Coast in a Southeasterly direction to the mouth of the Maraetotara at Awanga, following the Maraetotara for the Eastern boundary to the Native Path from Kohinirakau to Waimarama ; from thence keeping the path to Mangarara ; down that Stream to the Tukituki or Alma ; crossing which the boundary follows the South and West boundary of the Mata Block to Louisa Creek ; and from thence proceeds down the River Ngaruroro to the point of starting.

WAIMARAMA.

COMMENCING at the mouth of the Maraetotara at Awanga ; following the Sea Coast to Blackhead ; then proceeding along the Southern boundary of the Hapuku Block to Hua-toki-toki ; following up that stream to its source ; then proceeding Northerly to the source of the Manga-mahaki ; down that Stream to the River Tukituki, which follow to the Mangarara ; proceeding up that Stream to the Native path to Waimarama, follow that path in an Easterly direction to the Maraetotara ; then down the Maraetotara to the Sea Coast.

PORANGAHAU.

COMMENCING at the Sea Coast at Blackhead, proceed Westerly along the South boundary of the Hapuku Block to Hua-toki-toki ; follow down that Stream to Taurakaitae ; up that River to its source in a Bush hill called Rikatea, a continuation of the large forest known as the Seventy-mile Bush ; thence following that Bush to the extreme South-western corner of the Rua Taniwha Plains ; thence in a line due West to the Western boundary of the Province.

WAIPUKURAU.

COMMENCING at the North-western point of the boundary of the Porangahau District ; thence following the Western boundary of the Province to the South boundary of the Te Aute District ; follow that boundary to the Tukituki as far as Manga-mahaki ; then proceed up the Manga-mahaki to its source ; from thence to the source of the Hua-toki-toki, down that stream to Taurakaitae ; up that river to its source ; thence following the Northern boundary of the Porangahau District to where it intersects the boundary of the Province.

Passed the sixteenth day of May, One thousand eight hundred and sixty-one.

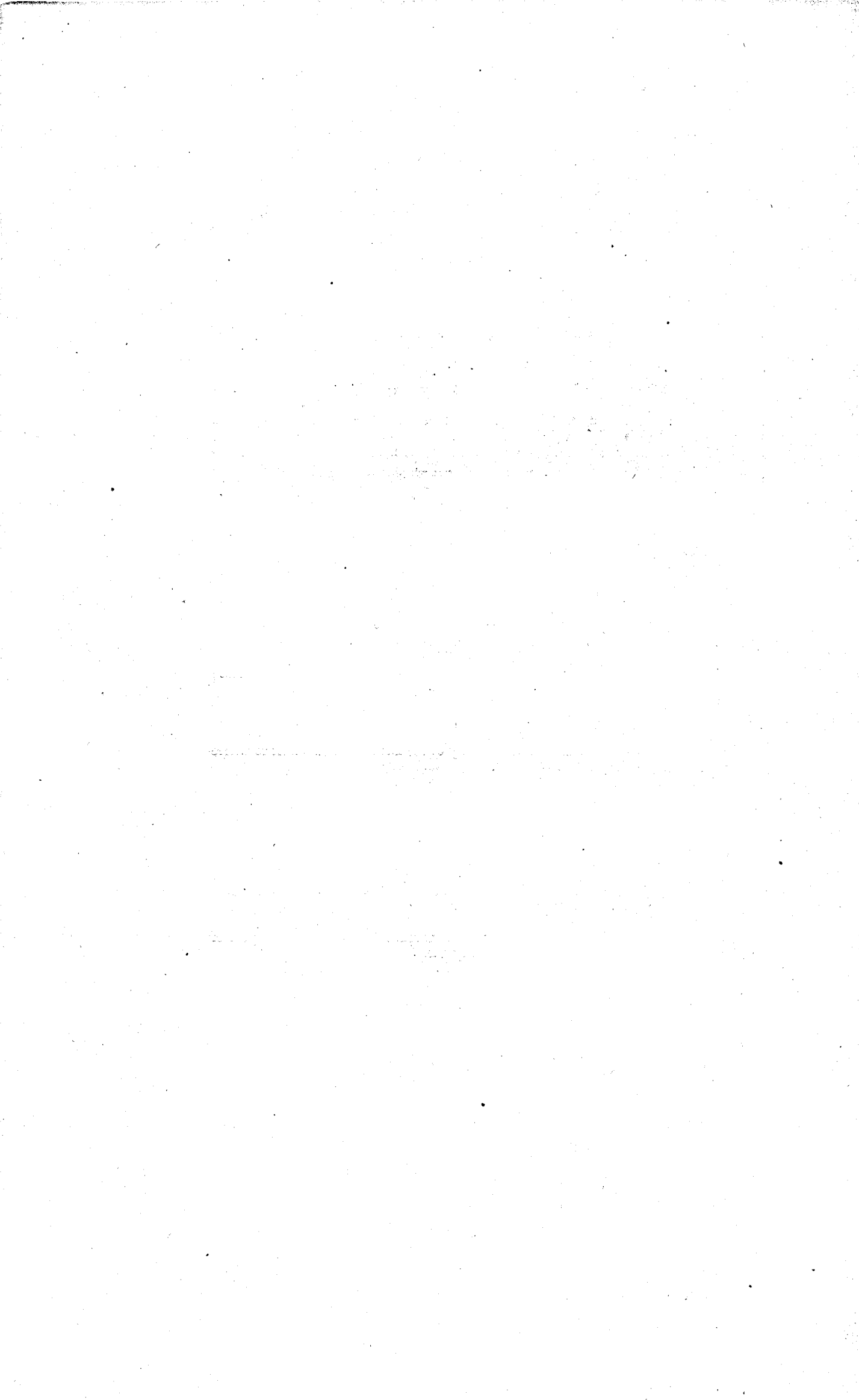
JOHN TUCKER, Speaker.

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

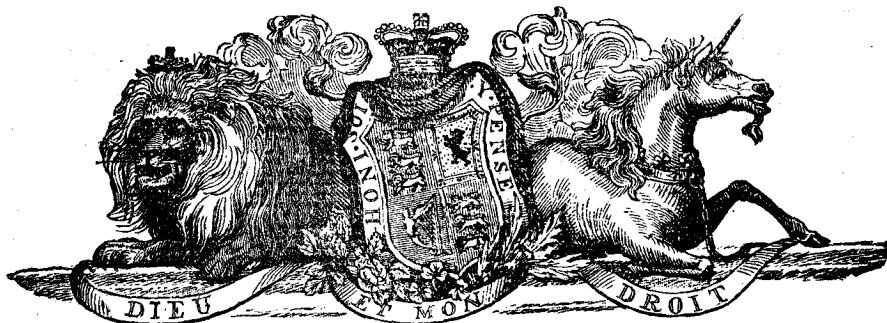
J. C. LAMBTON CARTER, Superintendent.

I hereby assent to this Ordinance this twenty-seventh day of July, in the year of our Lord One thousand eight hundred and sixty one.

T. GORE BROWNE, Governor.



Province of Hawke's Bay.



HARBOUR RESERVES.

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

SESSION III., No. 3.

ANALYSIS.

- | | |
|--|---|
| 1. Power to Superintendent and Executive Council to lease Harbour Reserves for 21 years by public auction, after three months' notice. | 3. Sales under this Act to be by auction after three months' notice. |
| 2. Superintendent and Executive Council may sell Harbour Reserves. | 4. Superintendent and Executive Council may reserve for public purposes Harbour Reserves. |

AN ACT to enable the Superintendent of the Province of Hawke's Bay to manage and administer, by Sale or Lease, certain Public Reserves.

[Assented to 27th July, 1861.]

WHEREAS by virtue of the "Public Reserves Act, 1854," the Governor of the Colony has, by a Grant dated the twenty-ninth day of December, 1860, sealed with the Public Seal of the Colony, granted to the Superintendent of the Province of Hawke's Bay certain parcels of Land in the Schedule to the said Grant, and also in the Schedule to this Act particularly described, in trust for the improvement of the Harbour of Napier, and for the Construction and Maintenance of such Docks and other Works therein as may be deemed advisable for facilitating the Trade and Commerce of the Port of Napier aforesaid: And whereas it is expedient to make provision for the Management and Administration of such parcels of Land by lease or sale thereof:

BE IT THEREFORE ENACTED by the Superintendent and Provincial Council of Hawke's Bay as follows:—

1. The Superintendent of Hawke's Bay, by and with the consent of his Executive Council, shall have full power to demise and lease all or any part of the Lands comprised in the said Grant for any term or terms of years not exceeding twenty-one years, to take effect in possession at yearly rents to be fixed in manner hereinafter

Power to Superintendent and Executive Council to lease Harbour Reserves for 21 years by public auction after three months' notice.

mentioned, without taking any fine or premium for the granting of the same, and subject to such terms and conditions as to the said Superintendent shall seem fit. All Lands proposed to be demised or leased by virtue of this Act shall be put up in lots by Public Auction, and the person or persons at such sale or sales bidding the highest sum by way of annual rent for each such lot shall be declared the purchaser or purchasers thereof. Three months' notice shall be given by advertisement in the Provincial *Gazette* of Hawke's Bay of the intention of the Superintendent to put up any of the said Lands by Auction, with particulars of the respective portions of the said Lands proposed to be put up at any such sale or sales.

Superintendent and Executive Council may sell Harbour Reserves.

2. The Superintendent, by and with the consent of the Executive Council, shall have power to sell and absolutely dispose of all or any part of the Lands before mentioned.

Sales under this Act to be by auction after three months' notice.

3. All sales to be made by virtue of this Act to take place by Public Auction and absolutely. Three months' notice to be advertised in the Provincial *Gazette* previous to any such sale or sales.

Superintendent and Executive Council may reserve for public purposes Harbour Reserves

4. The Superintendent, with the advice of his Executive Council, shall have power to reserve for public purposes all or any part of the said parcels of Land.

—oo—

THE SCHEDULE TO WHICH THE FOREGOING ACT REFERS.

ALL that parcel of Land, be the same above or below high water mark, in the Province of Hawke's Bay aforesaid, in our Colony of New Zealand, situate in the Harbour of Napier, and bounded towards the North by a line commencing at a point on the seaward face of Meanee Quay, in the Town of Napier, opposite to the South-easternmost angle of Alfred-street; thence running Eastward along the seaward face of Meanee Quay aforesaid, and along the seaward boundaries of a Native Reserve and of a Government Reserve, and again along the seaward face of Meanee Quay to the Government Reserve at the Western Head of Port Napier; thence along the seaward boundary of the said Reserve to its Easternmost point; thence across the mouth of the Harbour to the Westernmost point of the Government Reserve at the Eastern Head; thence along the seaward boundaries of the said Reserve and of the Town Sections numbered respectively five hundred and eighteen, five hundred and seventeen, and five hundred and sixteen, and of the Custom House Reserve; thence across the seaward termination of a Public Road or Street and along the seaward boundaries of the Town Sections numbered respectively five hundred and fifteen and five hundred and fourteen; thence across the seaward termination of a Public Road or Street and along the seaward boundaries of the Town Sections numbered respectively five hundred and thirteen, the same being an Educational Reserve, and five hundred and twelve; thence along the seaward face of Waghorne-street to the Western angle of the Town Section numbered five hundred; thence along the seaward boundaries of the said Section of a Government Reserve and of the Town Sections numbered respectively four hundred and ninety-nine, four hundred and ninety-eight, four hundred and ninety-five, four hundred and ninety-three, four hundred and ninety-one, four hundred and eighty-nine, and four hundred and eighty-seven; thence across the seaward termination of a Public Road or Street, and along the seaward boundaries of the Town Sections numbered respectively four hundred and eighty-five, four hundred and eighty-three, and four hundred and eighty-one, to the North-eastern angle of the section last named; thence across Waghorne-street, and along the Eastern boundary of the Town Section numbered four hundred

and eighty; thence along the Southern side of the Hardinge-road to the North-easternmost angle of the Town Section numbered four hundred and seventy; thence along the Eastern boundary of the section last named, and the seaward boundary of the Town Section numbered four hundred and sixty-nine, the same being on Educational Reserve; thence across Waghorne-street and along the seaward boundaries of the Town Section numbered four hundred and sixty-eight; thence across a public street or road, and along the seaward boundaries of the Town Sections numbered respectively four hundred and sixty-seven and four hundred and sixty-six; thence across Waghorne-street and along the seaward boundaries of the Town Section numbered four hundred and fifty-seven; thence along the Hardinge-road to the Battery Reserve; thence along the seaward boundaries of the said Battery Reserve to the commencement of the Battery-road, towards the East by the Battery-road aforesaid from the point last named to Battery Point; thence by the Hyderabad-road to its junction with the Havelock-road; thence by the Wellesley-road to a point opposite to the South-westernmost angle of the Government Reserve, at the Southern extremity of the Town of Napier; towards the South by a line bearing South, eighty-five degrees West, a distance of two miles and sixteen chains or thereabouts, to a point due South of the point of commencement; and towards the West by a line bearing due North, a distance of one mile and twelve chains or thereabouts, to the point on Meanee Quay first above-named: Excepting always out of the said boundaries the Town Sections situated upon Gough Island and numbered respectively five hundred and twenty-four to five hundred and thirty-seven, both inclusive: Also Public Reserve at the Northern extremity of the said Island and the Public Roads or Streets called respectively Colin-street, Campbell-street, and Lucknow-street, as the said Lands and Harbour of Napier are set forth on the plan to the before-mentioned Deed of Grant annexed, and therein defined by a red line. Also, all that parcel of Land in the Province of Hawke's Bay aforesaid, containing by admeasurement two roods, more or less, situate in the Town of Napier aforesaid, and being the Town Sections respectively numbered four hundred and eighty-two and four hundred and eighty-four, bounded towards the North by the Hardinge-road, two hundred and fifty links; towards the East by the Town Section numbered four hundred and eighty, two hundred links; towards the South by Waghorne-street, two hundred and fifty links; and towards the West by the Town Section numbered four hundred and eighty-six, two hundred links: And also all that other parcel of Land in the Province and Town aforesaid, containing by admeasurement three roods, more or less, being the Town Sections numbered respectively four hundred and sixty-three, four hundred and sixty-four, and four hundred and sixty-five; bounded towards the North by the Hardinge-road, three hundred links; towards the East by the Town Section numbered four hundred and sixty-two, two hundred and fifty links; towards the South by Waghorne-street, three hundred links; and towards the West by the Town Section numbered four hundred and sixty-nine, the same being on Educational Reserve, two hundred and fifty links, as the same are delineated on the plan to this aforesaid Deed of Grant annexed.

Passed the sixteenth day of May, One thousand eight hundred and sixty-one.

JOHN TUCKER, Speaker.

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

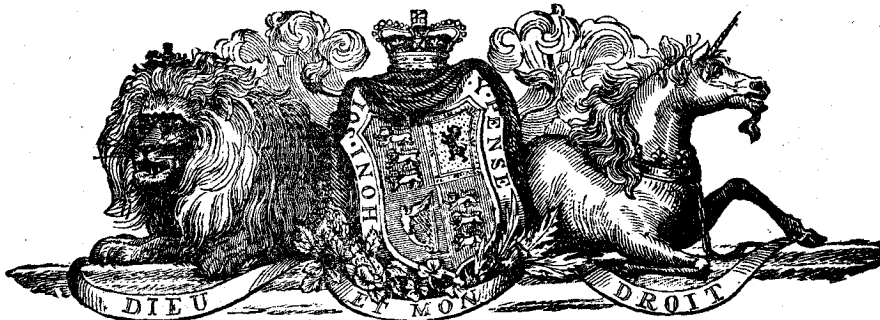
J. C. LAMBTON CARTER, Superintendent.

I hereby assent to this Ordinance this twenty-seventh day of July, in the year of our Lord One thousand eight hundred and sixty one.

T. GORE BROWNE, Governor.



Province of Hawke's Bay.



APPROPRIATION.

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

SESSION III., No. 5.

ANALYSIS.

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| <p>Title.
Preamble.</p> <p>1. Appropriation of the sum of £34,684 3s. to defray the charges of the Government of the Province for the year 1861.—Specification of charges.</p> | <p>2. Power to Treasurer to make such payments for the purposes herein specified, on Warrant of Superintendent.</p> <p>3. Superintendent indemnified for the issue of his Warrants for a certain sum.—Schedule of Supplementary Estimates.</p> |
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AN ACT to appropriate the Revenue of the Province of Hawke's Bay for the Title.
Year commencing the first day of January, 1861, and ending the thirty-
first day of December, 1861.

[Assented to 27th July, 1861.]

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

1. 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 year commencing January first and ending December 31st, 1861, the sum of £34,684 3s., in any sum not exceeding the several sums for the several purposes hereinafter particularly specified, that is to say—

Appropriation of the sum of £34,684 3s. to defray the charges of the Government of the Province for the year 1861.

ORDINARY EXPENDITURE—

Specification of charges.

	£	s.	d.
Superintendent's Department ...	954	0	0
Treasurer's do. ...	348	15	0
Solicitor's do. ...	125	0	0
Audit do. ...	80	0	0
Native Interpreter ...	100	0	0
Provincial Council and Government Offices ...	743	14	0
Police Department ...	908	5	0
	3259	14	0

ORDINARY EXPENDITURE—(continued)—

	£	s.	d.	£	s.	d.
Brought forward	3259	14	0			
Gaol do.	270	0	0			
Sheriff's do.	120	0	0			
Harbour Department	478	15	0			
Registrar of Deeds	300	0	0			
Immigration Clerk	25	0	0			
Returning Officer's Department	50	0	0			
Inspectors of Sheep and Registrars of Brands, Inspector of Weights and Measures and Inspector of Slaughter Houses	413	0	0			
Inspectors under Dog Nuisance Act... ..	25	0	0			
Poundkeeper	25	0	0			
Mail and Ferry	73	10	0			
Printing	250	0	0			
Miscellaneous	520	0	0			
Hospital	470	0	0			
Charitable Aid	50	0	0			
Schools	400	0	0			
Crown Lands	1037	10	0			
Surveys	3387	10	0			
				11,154	19	0

PUBLIC WORKS AND UNDERTAKINGS—

Director of Works' Department	280	0	0			
Harbour Improvements	6450	0	0			
Public Buildings	1360	0	0			
Bridge at Meancee River	900	0	0			
Moving Ferry at Waipureku	600	0	0			
Town Roads	940	0	0			
Hastings street to Ferry	925	0	0			
Cemetery at Napier, Pump-Well Carlyle street, Pilot's House Napier, and Boat-shed	170	13	4			
Provincial Engineer's Department	710	0	0			
Country Roads and Bridges	6300	0	0			
Maintenance of Roads	1040	0	0			
Metalling of Roads	1566	0	0			
Steam Subsidy	1300	0	0			
Immigration	750	0	0			
				23,291	13	4

UNEXPENDED BALANCES OF FORMER APPROPRIATIONS.

Auditor	36	3	7			
Assistant Auditors	60	0	0			
Public Pound	50	0	0			
Provincial Council	91	7	1			
				237	10	8
				£ 34,684	3	0

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

2. The Treasurer of the Province shall issue from time to time any sum or sums of money for the purpose hereinbefore mentioned, not exceeding in the whole such sums respectively specified and provided as referred to such persons, and in such portions as the Superintendent of the Province shall, by any Warrant issued by him

from time to time direct, subject to such Warrant as aforesaid, and such Treasurer shall in his accounts be allowed credit for all sums paid by him in pursuance of such Warrants, and the receipt of the persons to whom such sums shall have been paid.

3. And whereas the actual expenditure for the Civil Government and Public Works and Undertakings has exceeded in some instances the sum authorised by the Appropriation Act for the 12 months from January 1st 1860 to December 31st 1860, by the sum of £9394 0s. 11d., 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 Warrants for the said sum of Nine Thousand Three Hundred and Ninety-four Pounds and Eleven Pence Sterling for the following purposes :—

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

SCHEDULE REFERRED TO.—SUPPLEMENTARY ESTIMATES.

Schedule of Supplementary Estimates.

Harbour Department	...	...	...	...	£ 143 17 2
Police and Sheriff's Department	...	...	...	...	169 8 8
Printing	...	...	...	...	206 6 4
Charitable Aid	...	...	...	...	27 13 2
Miscellaneous	...	...	...	...	75 7 6
Medical	...	...	...	...	301 16 5
Public Buildings—Government Offices	...	...	...	...	272 2 6
Immigration Barracks	...	...	...	...	24 11 0
Addition to Hospital	...	...	...	...	111 3 0
Crown Lands	...	...	...	...	69 10 9
Harbour Improvements and Director of Public Works	...	...	...	...	390 12 5
Milton Road	...	...	...	...	17 10 9½
Waghorn Street	...	...	...	...	78 0 2
Carlyle Street	...	...	...	...	17 6 1½
Provincial Engineer's Department	...	...	...	...	644 17 8
Waipureku Road, &c.	...	...	...	...	105 9 2
Havelock, Te Aute, and Waipawa Roads	...	...	...	...	2111 11 1
Middle Road	...	...	...	...	330 7 5
Tikokino Road	...	...	...	...	148 1 10
Porangahau Road	...	...	...	...	550 13 10
Mohaka and Petane ditto	...	...	...	...	746 17 11
Coroner	...	...	...	...	11 1 0
Provincial Solicitor	...	...	...	...	8 6 8
Receiver of Land Revenue	...	...	...	...	15 2 2
Native Hostelry	...	...	...	...	19 15 0
Pilot Station	...	...	...	...	38 0 0
Native Expenses	...	...	...	...	15 14 6
Legal Expenses	...	...	...	...	89 19 9
Ferry Punt, Waipureku	...	...	...	...	186 3 10
Census	...	...	...	...	115 5 0
Lock-up, Napier	...	...	...	...	1 19 3
Wellington Provincial Government	...	...	...	...	547 10 0
Agricultural Reserve, Hampden	...	...	...	...	1541 0 0
Interest to the Union Bank of Australia	...	...	...	...	240 18 10
Inland Mails	...	...	...	...	20 0 0
					<u>£ 9394 0 11</u>

JOHN TUCKER, Speaker.

I do hereby declare that I reserve this Bill for the signification of the Governor's assent thereto.
J. C. LAMPTON CARTER, Superintendent.

I hereby assent to this Ordinance this twenty-seventh day of July, in the year of our Lord One thousand eight hundred and sixty one.
T. GORE BROWNE, Governor.



1861.

Provincial Council of Hawke's Bay.

A D D R E S S

OF

HIS HONOR THE SUPERINTENDENT,

ON

PROROGUING THE PROVINCIAL COUNCIL,

16th M A Y, 1861.

Mr. Speaker and Gentlemen of the Provincial Council,—

I have very great pleasure in congratulating you on the attention you have bestowed, and the manner in which you have conducted the business brought under your consideration during the remaining portion of this session.

I shall, as soon as possible, forward to the Governor, with a recommendation that His Excellency will please assent to them,—the “Sheep and Scab,” “Harbour Reserves,” “Educational Reserves,” “Council Enlargement,” and “Appropriation” Acts,—passed by you this session.

The “Sheep and Scab Act,” though a very stringent one, is much required to protect the owners of sheep, as well as to provide against the destruction of the principal wealth and export of this Province.

The “Harbour Reserves Act,” having for its object the acquirement of Revenue by Sale of Land reclaimed from the sea, for the improvement of the Harbour of Napier, as well as for facilitating Trade and Commerce, will, I hope, meet the approval of the inhabitants of this Province.

The “Educational Reserves Act” will tend much to promote an Endowment, properly vested, for Educational purposes, as well as to relieve the Province of the expense thereon, though however worthy an application of Provincial funds.

The “Council Enlargement Act” will, I am sure, cause great satisfaction to the people of this Province, affording them, as it will, a still greater voice in the representation than they have hitherto enjoyed. It will also tend much to

relieve the many objections which are believed to exist against our partly tried Institution under the New Provinces Act.

I trust that when we next assemble it will be under the new arrangement. To give the time, however, which will be required by law for the election of the number of members to be increased, we shall not be able, I fear, to assemble together until the last month of this year, when I hope the members will make it convenient to attend, as I am of opinion that no Superintendent should be placed in a position which would oblige him to expend the Revenue of the Province without the previous sanction of the Council.

During the interval which must elapse between this and our next meeting, I shall endeavour, as soon as funds (chiefly to be derived from proposed sales of land) are available, to carry out, by an equitable distribution in every District, the liberal appropriations you have made for Public Works.

It now only remains with me to beg of you to accept my sincere thanks for the uniform kindness and courtesy shown to me since my acceptance of office—the duties of which require much anxious care and consideration; as also for the assistance you have afforded me in my endeavour to carry out measures conducive to the prosperity and advancement of the Province.

I now declare that this Council do stand prorogued.

J. C. LAMBTON CARTER,
Superintendent.