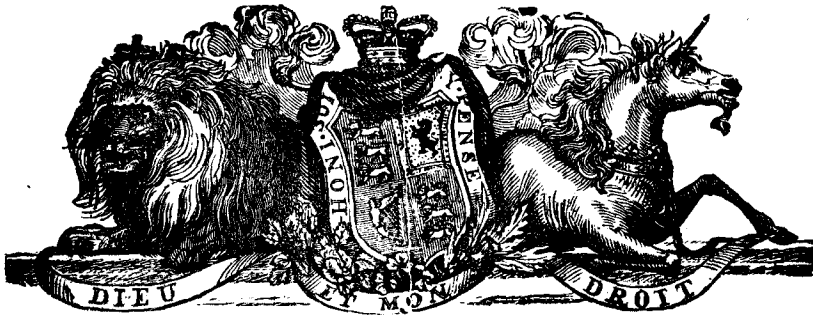


Province of Hawke's Bay.



VOTES & PROCEEDINGS

OF THE

PROVINCIAL COUNCIL OF HAWKE'S BAY.

---

1875.—SESSION XXII.

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NAPIER:

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1875.



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# Provincial Council of Hawke's Bay.

1875.

## VOTES AND PROCEEDINGS.

### SESSION XXII.

FRIDAY, JUNE 11, 1875.

THE Council met pursuant to a notice issued by the Chief Returning Officer of the Province, bearing date June 2, 1875.

The following members were present—Messrs. A'Deane, Ormond, Kinross, Sutton, Lee, Lawrence, Smith, Harding, Towgood, Bennett, Lyndon, Johnston, Burton, Canning, Tanner, Russell, Herrick, and Stuart.

Mr. Ormond moved—

“That Mr. Kinross do take the Chair.”

Mr. Sutton seconded the motion.

Motion agreed to.

Mr. Ormond moved—

That Mr. A'Deane be elected Speaker.

Mr. Tanner seconded the motion.

Motion agreed to.

The Speaker read prayers.

Mr. Stuart moved—

That John Davies Ormond, Esq., be elected Superintendent of the Province of Hawke's Bay.

Capt. Russell seconded the motion.

Motion agreed to, and John Davies Ormond, Esq., was unanimously elected Superintendent of the Province of Hawke's Bay.

His Honor the Superintendent then addressed the Council as annexed. After which he retired from the Council Chamber.

Mr. Tanner moved—

“That Mr. G. T. Fannin be elected Clerk of the Council.”

Capt. Russell seconded the motion.

Motion agreed to, and Mr. Fannin elected Clerk of the Council accordingly.

Mr. Fannin took his seat.

Mr. Smith moved—

“That the standing Rules and Orders of the late Council be adopted by this Council.”

Mr. Sutton seconded the motion.

Motion agreed to.

Mr. Sutton moved—

That the following Reports and Papers laid on the table by His Honor the Superintendent be printed—

“His Honor the Superintendent’s Speech.”

“Inspector of Sheep’s Report.”

“Inspector of Schools’ Report.”

“Mr. Carruthers’ Report.”

“Provincial Surgeon’s Report.”

“Police Report.”

“Gaoler’s Report.”

“Public Works’ Report.”

“Report on Roads.”

Mr. Burton seconded the motion.

Motion agreed to.

Mr. Smith to move on next sitting day—

That a return be laid upon the table shewing the several parcels of Government land still unsold within the Province, and stating the area of each parcel, and the district where situated.

Mr. Stuart moved—

That the Council do adjourn until Tuesday, the 22nd day of June, at 3 o’clock.

Mr. Kinross seconded the motion.

Motion agreed to, and Council adjourned accordingly.

JOHN A’DEANE,  
Speaker.

G. T. FANNIN,  
Clerk of the Council.

TUESDAY, JUNE 22, 1875.

The Speaker took the Chair at 3 o’clock.

Present—All the Members but Messrs. Canning, Johnston, and Maney.

The Minutes of the last meeting were read and confirmed.

Mr. Stuart presented a Petition from the Municipal Council praying for leave to bring in a “Napier Municipal Revenues Ordinance 1875,” and moved it be read.

Mr. Lyndon seconded the motion.

Motion agreed to, and Petition read accordingly.

Mr. Stuart moved—

“That the Petition be received.”

Mr. Lyndon seconded the motion.

Motion agreed to.

Mr. Stuart presented a Petition from the Municipal Council praying for leave to bring in a "Market Reserve Act, 1875," and moved it be read.

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

Mr. Stuart moved—

"That the Petition be received."

Mr. Lyndon seconded the motion.  
Motion agreed to.

Mr. Stuart presented a Petition from the Municipal Council praying for leave to bring in a "Municipal Corporations Waterworks Act, 1872, Adoption Act, 1875," and moved it be read.

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

Mr. Stuart moved—

That the Petition be received.

Mr. Lyndon seconded the motion.  
Motion agreed to.

Mr. Stuart moved—

That No. 26 and 27 of Standing Rules and Orders be suspended.

Mr. Lyndon seconded the motion.  
Motion agreed to.

Mr. Stuart moved—

That the "Napier Municipal Revenues Act, 1875," be read a first time.

Mr. Tanner seconded the motion.  
Motion agreed to, and Act read a first time accordingly.

Mr. Stuart to move on next sitting day—

That the "Napier Municipal Revenues' Ordinance, 1875," be read a second time.

Mr. Stuart moved—

The appointment of a Select Committee to report on "Napier Municipal Revenue Ordinance, 1875," members consisting of His Honor the Superintendent, Messrs. Lee, Tanner, Kinross, Sutton, Lyndon, Russell, Smith, and mover. Report to be brought up next sitting day.

Mr. Lyndon seconded the motion.  
Motion agreed to.

Col. Herrick presented a Petition from Mr. H. R. Russell praying that the Council will grant him certain relief *re* the purchase of 6645 acres of land on Mr. Tanner's late run, and moved it be read.

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

Col. Herrick moved—

“ That the Petition be received.”

Mr. Towgood seconded the motion.  
Motion agreed to.

Col. Herrick moved—

“ That the Petition be printed.”

Mr. Towgood seconded the motion.  
Motion agreed to.

Col. Herrick presented a Petition from Mr. H. R. Russell praying that the Council will grant him certain relief in expense incurred by him on account of law expenses *re* purchase of 6645 acres of land on Mr. Tanner's late run, and moved it be read.

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

Col. Herrick moved—

“ That the Petition be received.”

Mr. Towgood seconded the motion.  
Motion agreed to.

Mr. Herrick moved—

That the Petition be printed.

Mr. Towgood seconded the motion.  
Motion agreed to.

Mr. Smith to move on next sitting day—

For leave to introduce a Bill intituled a “ Bill to constitute a Harbor Board for the Harbor of Napier.”

Mr. Ormond to move on next sitting day—

For leave to bring in a Bill intituled the “ Provincial Fencing Laws Empowering Act, 1874, Adoption Act, 1875.”

Mr. Ormond to move on next sitting day—

That the Council do resolve itself into a Committee of Supply.

Mr. Stuart to move on next sitting day—

That the “ Corporation Waterworks Act, 1872, Adoption Act, 1875,” be read a first time.

Mr. Stuart to move on next sitting day—

That the “ Market Reserves Act, 1875,” be read a first time.

Mr. Lee to move on next sitting day—

That this Council grant to the Supreme Court Library, Napier, the Law Journal Reports now in the Council Library, and that His Honor the Superintendent be authorised to transfer the same to the Supreme Court Library.



Mr. Ormond moved—

“ That Mr. Sutton be elected Chairman of Committees temporarily.”

Mr. Kinross seconded the motion.

Motion agreed to, and Mr. Sutton elected Chairman of Committees temporarily.

Mr. Smith, pursuant to notice, moved—

“ That a return be laid upon the table shewing the several parcels of Government land still unsold within the Province, and stating the area of each parcel, and the district where situated.”

Mr. Harding seconded the motion.

Motion agreed to.

Mr. Ormond moved—

“ That No. 26 and 27 of Standing Rules and Orders be suspended.”

Mr. Sutton seconded the motion.

Motion agreed to.

Mr. Ormond moved—

“ That the Council do resolve itself into Committee of Ways and Means.”

Mr. Sutton seconded the motion.

Motion agreed to, Council went into Committee, and His Honor the Superintendent made his Financial Statement.

The Chairman of Committees read the first item—

Auctioneers' and Publicans' Licenses Fees ..... £1750

Mr. Ormond moved—

“ That the Chairman do report progress and ask for leave to sit again next sitting day.”

Leave granted.

Mr. Ormond moved—

“ That the Council do adjourn until next sitting day, Wednesday, the 23rd inst., at 3 o'clock.”

Mr. Sutton seconded the motion.

Motion agreed to, and Council adjourned accordingly.

JOHN A'DEANE,  
Speaker.

G. T. FANNIN,  
Clerk of the Council.

WEDNESDAY, JUNE 23, 1875.

The Speaker took the Chair at 3 o'clock.

Present—All the members but Messrs. Johnston, Maney, and Canning.

The Minutes of the last meeting were read and confirmed.

Mr. Towgood to move in Committee of Supply—

“That the Provincial Engineer’s salary be increased from £400 to £700, so that the province may secure his entire services, and enable him to devote more time to the requirements of the northern end of the province.”

Mr. Dolbel to move in Committee of Supply—

“That His Honor the Superintendent be requested to place on the Estimates the sum of £50 to erect a jetty on the west side of the Mohaka harbor.”

Mr. Dolbel to move in Committee of Supply—

“That His Honor the Superintendent be requested to place on the Estimates the sum of £30 to erect a foot bridge over the Coquet Creek at Mohaka.”

Mr. Dolbel to move in Committee of Supply—

“That His Honor the Superintendent be requested to place on the Estimates the sum of £40 to metal the road north of the Coquet Creek, and also to rebuild several bridges which have been washed away by the late rains.”

Mr. Dolbel to move in Committee of Supply—

“That His Honor the Superintendent be requested to place on the Estimates the sum of £25 as remuneration for a man to assist and direct vessels coming in and out of the harbor of Mohaka, so as to prevent accidents, which have so often taken place by the shifting of the bar in the said harbor.”

Captain Russell to move on next sitting day—

“For the appointment of a Select Committee to enquire into the extent and value of the educational endowments in this province, with a view to its reporting on the advisability of adding thereto; such Committee to consist of His Honor the Superintendent, Messrs. Smith, Tanner, Lee, Sutton, Towgood, Colonel Herrick, and the mover.”

Mr. Burton to move on next sitting day—

“That His Honor the Superintendent be requested to obtain a report upon the state of the mouth of the Wairoa River; also any information that might prove beneficial in carrying out the object in view.”

Mr. Burton to move on next sitting day--

“Whether His Honor the Superintendent will state the number of acres reserved for the Pilot Station at the Wairoa Heads.”

Mr. Burton to move in Committee of Supply—

“That His Honor the Superintendent be requested to place a sufficient sum upon the Estimates to carry out the necessary improvements to the entrance of the Wairoa River.”

Mr. Bennett to move in Committee of Supply—

“That His Honor the Superintendent be requested to place on the Estimates the sum of £50 for the purpose of building a lock-up at West Clive.”

Mr. Towgood to move in Committee of Supply—

“That His Honor the Superintendent be requested to place the sum of £20 upon the Estimates as a bonus for a ferryman at the mouth of the Tongoio Lake.”

Mr. Stuart to move on next sitting day—

“That the ‘Market Reserves Act, 1875,’ be read a second time.”

Mr. Stuart to move on next sitting day—

“That the ‘Corporation Waterworks Act, 1872, Adoption Act, 1875,’ be read a second time.

Mr. Smith, pursuant to notice, moved—

“For leave to introduce a Bill intituled a ‘Bill to constitute a Harbor Board for the Harbor of Napier.’”

Mr. Sutton seconded the motion.

Captain Russell moved, as an amendment—

“That leave be not granted.”

Mr. Lawrence seconded the amendment.

Amendment negatived, and original motion agreed to.

Mr. Smith moved—

“That the Bill be read a first time.”

Mr. Sutton seconded the motion.

Motion agreed to, and Bill read a first time.

Mr. Smith moved—

“That the Bill be printed.”

Mr. Sutton seconded the motion.

Motion agreed to.

Mr. Smith to move on Friday next—

“That the ‘Harbor Board Bill’ be read a second time.”

Mr. Ormond, pursuant to notice, moved—

“ For leave to bring in a Bill intituled the ‘ Provincial Fencing Laws Empowering Act, 1874, Adoption Act, 1875.’ ”

Mr. Tanner seconded the motion.

Motion agreed to.

On the motion of Mr. Ormond, the Bill was read a first time, ordered to be printed, and made an order of the day for next sitting day.

Mr. Ormond, pursuant to notice, moved—

“ That the Council do resolve itself into a Committee of Supply.”

Mr. Kinross seconded the motion.

Motion agreed to, and Council went into Committee of Supply.

The Chairman put the first item on the Estimates for consideration—

Gaoler (Warden) ; also Master Lunatic Asylum, at £300 per annum.

Mr. Ormond moved—

“ That the Chairman report progress, and ask for leave to sit again next sitting day.”

Agreed to.

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

Leave granted.

Mr. Stuart, pursuant to notice, moved—

“ That the ‘ Corporation Waterworks Act, 1872, Adoption Act, 1875,’ be read a first time.”

Mr. Lyndon seconded the motion.

Motion agreed to.

Mr. Stuart moved—

“ That a Select Committee be appointed to enquire into the ‘ Municipal Corporation Waterworks Act, 1872, Adoption Act, 1875.’ Such committee to consist of Messrs. Ormond, Tanner, Smith, Russell, Sutton, and mover ; and moved that the report be brought up next sitting day,”

Mr. Lyndon seconded the motion.

Motion agreed to.

Mr. Stuart, pursuant to notice, moved—

“ That the ‘ Market Reserve Act, 1875,’ be read a first time.”

Mr. Lyndon seconded the motion.

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

Mr. Stuart moved—

“That a Select Committee be appointed to enquire into the ‘Market Reserves Act, 1875.’

Mr. Lyndon seconded the motion.

Motion agreed to.

Mr. Lee, pursuant to notice, moved—

That this Council grant to the Supreme Court Library, Napier, the Law Journal Reports now in the Council Library, and that His Honor the Superintendent be authorised to transfer the same to the Supreme Court Library.

Mr. Tanner seconded the motion, *pro forma*.

On a division being called for the Council divided—

Ayes 7.	Noes, 9.
Messrs. Smith	Messrs. Dolbel
Burton	Harding
Lawrence	Lyndon
Sutton	Bennett
Kinross	Stuart
Ormond	Tanner
Lee	Russell
	Herrick
	Towgood

Motion negatived.

Mr. Stuart, pursuant to notice—

“Brought up Report of Select Committee on the ‘Napier Municipal Revenues Ordinance, 1875,’ and moved it be read.

Mr. Lyndon seconded the motion.

Motion agreed to.

Mr. Stuart, pursuant to notice, moved—

That the “Napier Municipal Revenues’ Ordinance, 1875,” be read a second time.

Mr. Lyndon seconded the motion.

Mr. Ormond moved as an amendment—

“That the Bill be read this day six months.”

Mr. Lawrence seconded the motion.

On a division being called for, the Council divided—

Ayes, 10.	Noes, 6.
Messrs. Herrick	Messrs. Harding
Lawrence	Lyndon
Bennett	Smith
Burton	Sutton
Dolbel	Stuart
Lee	Towgood
Tanner	
Kinross	
Ormond	
Russell	

Amendment agreed to.

Capt. Russell moved—

“That the Council do adjourn until next sitting day, Thursday, the 24th, at 3 o'clock.

Mr. Tanner seconded the motion.

Motion agreed to, and Council adjourned accordingly,

JOHN A'DEANE,  
Speaker.

G. T. FANNIN,  
Clerk of the Council.

THURSDAY, JUNE 24, 1875.

The Speaker took the Chair at 3 o'clock.

Present—All the members but Messrs. Canning and Maney.

The Minutes of the last meeting were read and confirmed.

The Speaker laid on the table Provincial Auditor's Return.

Col. Herrick to move on next sitting day—

“That a Committee be appointed by ballot, to consider the petition of the Hon. H. R. Russell, for a right of road to his land at Motuotaria.”

Mr. Sutton to move on next sitting day—

“That this Council is of opinion that the Provincial Council should provide funds for the formation of the main road through Napier Swamp, in accordance with the vote of the late Council on 26th June, 1874.”

Mr. Bennett to move in Committee of Supply—

“That His Honor the Superintendent be requested to increase the item on the Estimates, viz., District Constable at Clive, from £25 to £110.”

Mr. Harding to move in Committee of Supply—

“That His Honor the Superintendent be requested to place the sum of £250 upon the Estimates, for the purpose of protecting the approach to Waipawa from the encroachments of the river.”

Mr. Lee presented the following Petition from Mr. Ferard, and moved it be read:—

“Your Petitioner humbly prays : That you will not pass the proposed Waterworks Bill without providing that any special rate to be made under the authority of the said Act, for the purpose of securing payment of the principal and interest of any loan, shall be chargeable only upon such ratable property as shall lie within the district to be supplied with water by the works upon which such a loan is to be expended ; or that you will be pleased to take such other steps as may be fitting to protect your Petitioner from injustice. And your Petitioner will ever pray, &c. B. A. FERARD.”

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

Mr. Lee moved—

“That the Petition be received.”

Mr. Sutton seconded the motion.  
Motion agreed to.

Mr. Lee moved—

“That the Petition be printed.”

Mr. Sutton seconded the motion.  
Motion agreed to.

Col. Herrick to move on next sitting day—

“For the appointment of a Committee by ballot to consider the petition of the Hon. H. R. Russell for relief of his alleged grievance in the matter of his land purchase at Motuotaria.”

Capt. Russell to move on next sitting day—

“That His Honor the Superintendent be requested to ask the General Government Agent to take the necessary steps to cause a shelter shed and platform to be erected at the stopping place of the train near Tareha’s Bridge, and to have the railway bridge near the boiling-down platform planked, so as to enable the residents at Papakura and Pakowhai to avail themselves of the railway.”

Captain Russell to move on next sitting day—

“Whereas by Clause XIII. of ‘The Toll-gate Act, 1867,’ it is provided ‘that all moneys to be collected by virtue of this Act, after deducting the charges of collection, shall be carried by the Provincial Treasurer to a separate account, to be called the Tolls Account, and to be applied as found necessary by the Superintendent towards the maintenance and repairs of the public road leading from Napier to Havelock, and also the road extending from Tareha’s Bridge to Puketapu ; and whereas that portion of the clause applying part of the money collected to the maintenance and repairs of that section of the road between Taradale and Puketapu has never been given effect to, His Honor

the Superintendent be requested to set aside out of the Tolls Account such a sum of money as will metal and complete that section of the road between Taradale and the Puketapu School-house.' ”

Capt. Russell, pursuant to notice, moved—

“ For the appointment of a Select Committee to enquire into the extent and value of the educational endowments in this province, with a view to its reporting on the advisability of adding thereto ; such Committee to consist of His Honor the Superintendent, Messrs. Smith, Tanner, Lee, Sutton, Towgood, Colonel Herrick, and the mover.” Report to be brought up on Wednesday, June 30.

Mr. Sutton seconded the motion.  
Motion agreed to.

Mr. Tanner to move on next sitting day—

“ For a Select Committee to enquire into the present state of the Hospital, and other matters connected with it ; such Committee to consist of Messrs. R. Stuart, Burton, Harding, J. A. Smith, and the mover.”

Mr. Tanner to move in Committee of Supply—

“ That His Honor the Superintendent be requested to place the sum of £25 on the Estimates for lining the Police Station at Havelock.”

Mr. Stuart, pursuant to notice, moved—

“ For leave to bring up report of Select Committee on ‘ Municipal Corporations Waterworks Act, 1872, Adoption Act, 1875, ’ ” and moved it be read.

Mr. Sutton seconded the motion.  
Motion agreed to.

Mr. Burton, pursuant to notice, moved—

“ That His Honor the Superintendent be requested to obtain a report upon the state of the mouth of the Wairoa River ; also any information that might prove beneficial in carrying out the object in view.”

Mr. Dolbel seconded the motion.

His Honor the Superintendent stated he would do all in his power to comply with the request of the mover.  
Motion agreed to.

Mr. Burton, pursuant to notice, asked—

“ Whether His Honor the Superintendent will state the number of acres reserved for the Pilot Station at the Wairoa Heads.”

Mr. Dolbel seconded the motion.



His Honor the Superintendent replied that there were 35 acres reserved for this purpose.

Mr. Stuart, pursuant to notice—

“Brought up report of Select Committee on ‘Market Reserves Act, 1875,’” and moved it be read.

Mr. Sutton seconded the motion.  
Motion agreed to.

Mr. Lee to move on next sitting day—

“For a Select Committee on ‘The Waterworks Adoption Act,’ and to consider Mr. Ferard’s petition. Such Committee to consist of Messrs. Lyndon, Tanner, Russell, Stuart, and the mover.

Mr. Stuart, pursuant to notice, moved—

“That the ‘Market Reserves Act’ be read a second time.”

Mr. Lyndon seconded the motion.

Mr. Lee moved, as an amendment—

“That the Bill be read this day six months.”

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

Mr. Stuart moved—

“That the Council go into Committee on the Bill.”

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

Mr. Ormond moved—

“That the words ‘in future’ be struck out in clause one, in the third line, and the words ‘from and after the 30th day of June, 1876,’ be inserted.”

Agreed to.

Mr. Lee moved—

“That the Schedule to the Bill be recommitted.”

On a division being called for the Committee divided—

<p>Ayes, 10. Messrs. Lawrence Johnston Bennett Harding Tanner Dolbel Herrick A’Deane Ormond Lee</p>	<p>Noes, 6. Messrs. Lyndon Stuart Smith Kinross Russell Towgood</p>
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Motion agreed to.

Mr. Lee moved—

“That the Committee do adjourn until next sitting day.”

Agreed to.

Mr. Stuart, pursuant to notice, moved—

“The second reading ‘Waterworks Adoption Act, 1875.’”

Mr. Lyndon seconded the motion.

Mr. Stuart, by permission of the Council, postponed second reading until Tuesday, the 29th inst.

Mr. Ormond, pursuant to notice, moved—

“The second reading ‘Fencing Act, 1874, Adoption Act, 1875.’”

Mr. Sutton seconded the motion.

Motion agreed to.

Mr. Ormond moved—

“That the Council go into Committee on the Bill.”

On the motion of Mr. A’Deane, the consideration of the Preamble was postponed, and the Council was adjourned, with permission to sit on next sitting day.

Mr. Ormond moved—

“That the Council go into Committee jointly on Ways and Means and Committee of Supply.”

Agreed to, and Council went into Committee accordingly.

The Estimates of Revenue were passed and reported without amendments.

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

1.—JUDICIAL—

	£	s.	d.	£	s.	d.
<i>Gaol Department.</i>						
Gaoler (Warden); also Master Lunatic Asylum, at £300 per annum .....	300	0	0			
1 Turnkey at £135 per annum .....	135	0	0			
3 Turnkeys at £120 per annum .....	360	0	0			
1 Overseerhard-Labor Prisoners, at £120 per annum .....	120	0	0			
Rations for Prisoners .....	350	0	0			
Contingencies .....	250	0	0			
					1515	0 0

<i>Police.</i>						
Napier—1 Inspector, also Inspector of Weights and Measures, at £300 per annum .....	300	0	0			
1 Sergeant, at £140 per annum .....	140	0	0			
1 Corporal, at £130 per annum .....	130	0	0			
11 Privates at £120 per annum each .....	1320	0	0			
Horse Allowance for Inspector, at £52 per annum .....	52	0	0			
Horse Allowance for 6 Policemen, at £36 per annum .....	216	0	0			
District Constable at Porangahau, at £25 .....	25	0	0			
1 Constable at Clive .....	25	0	0			

On the motion of Mr. Bennett this item was increased to £110.

1 Constable at Clive .....	110	0	0			
Rations for Prisoners .....	30	0	0			
Expenses for Prisoners .....	60	0	0			
Contingencies .....	100	0	0			
					2483	0 0

## 2.—HOSPITAL &amp; CHARITABLE—

Maintenance of Hospital .....	750	0	0	
Charitable Aid .....	350	0	0	
Maintenance Allowance Destitute and Neglected Children .....	100	0	0	
Salary Attendants Lunatic Asylum .....	170	0	0	
Rations and Contingencies Lunatic Asylum .....	355	0	0	
				<hr/>
				1725 0 0
<i>Coroner's Department</i>				
Contingencies .....	10	0	0	
				<hr/>
				10 0 0

## 3.—ADMINISTRATIVE—

<i>Superintendent's Department.</i>				
Superintendent, at £425 per annum .....	425	0	0	
Superintendent's Clerk, also Clerk of the Council, at £300 per annum .....	300	0	0	
Messenger, also Messenger to the Provincial Council, at £120 per annum .....	120	0	0	
Contingencies .....	25	0	0	
				<hr/>
				870 0 0
<i>Law Officer's Department.</i>				
Provincial Solicitor, at £100 per annum .....	100	0	0	
				<hr/>
				100 0 0
<i>Treasury.</i>				
Provincial Treasurer, at £300 per annum .....	300	0	0	
Contingencies for Department .....	30	0	0	
Clerical Assistance .....	50	0	0	
				<hr/>
				380 0 0

## 4.—HARBOUR DEPARTMENT—

Harbor Master and Pilot, at £275 per annum .....	275	0	0	
2 Boatmen, at £130 per annum .....	260	0	0	
Extra Men, in addition to Pilot's Crew, when required .....	25	0	0	
Contingencies .....	200	0	0	
Pilot Service at Wairoa .....	100	0	0	
Contingencies for Wairoa .....	25	0	0	
Life Boat Maintenance .....	50	0	0	
				<hr/>
				935 0 0

## 5.—SURVEY DEPARTMENT—

Provincial Surveyor, also Provincial Engineer, at £400 per annum .....	400	0	0	
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Mr. Towgood moved—

“That this item be increased to £700.”

On explanation from His Honor the Superintendent, the motion was withdrawn.

Travelling allowance to Provincial Surveyor .....	100	0	0	
Draughtsman, at £300 per annum .....	300	0	0	
Additional Draughtsman, at £250 per annum .....	250	0	0	
Survey Laborers .....	300	0	0	
Survey Contingencies .....	100	0	0	
Surveys .....	2300	0	0	
Clerk in Land Office, at £150 per annum .....	150	0	0	
For laying out roads through Blocks in which road allowance will shortly lapse .....	500	0	0	
				<hr/>
				4400 0 0

## 6.—LEGISLATIVE—

<i>Provincial Council.</i>				
Speaker, at £2 for each sitting day, and for seven days afterwards .....	75	0	0	
Country Members, at £1 per each sitting day .....	250	0	0	
Contingencies .....	90	0	0	
Printing Minutes of Council, Council Papers, Acts, &c. ....	100	0	0	
				<hr/>
				515 0 0
<i>Returning Officer's Department.</i>				
Contingencies .....	20	0	0	
				<hr/>
				20 0 0

## 7.—MISCELLANEOUS—

General Printing and Advertising.....	400	0	0
Insurance on Government Buildings .....	120	0	0
Materials for Prison Labor .....	25	0	0
Expenses Weights and Measures.....	5	0	0
Miscellaneous Contingencies .....	500	0	0
Athenæum .....	200	0	0

Mr. Lee moved—

“ That this item be struck out.”

On a division being called for, the Committee divided—

Ayes 8.	Noes, 9.
Messrs. Dolbel	Messrs. Ormond
Harding	Lyndon
Burton	Smith
Johnston	Lawrence
Lee	Tanner
Russell	Bennett
Herrick	Kinross
A'Deane	Stuart
	Towgood

Motion negatived.

Mr. Lee moved—

“ That the item be recommitted.”

On a division being called for, the Committee divided—

Ayes, 9.	Noes, 8.
Messrs. Dolbel	Messrs. Ormond
Harding	Lyndon
Burton	Smith
Johnston	Lawrence
Lee	Tanner
Russell	Kinross
Herrick	Stuart
A'Deane	Towgood
Bennett	

Agreed to.

Mr. Lee moved—

“ That the consideration of this item be postponed.”

On a division being called for, the Committee divided.

Ayes, 10.	Noes, 6.
Messrs. Ormond	Messrs. Johnston
Stuart	Bennett
A'Deane	Dolbel
Lyndon	Herrick
Smith	Towgood
Lawrence	
Burton	
Tanner	
Kinross	
Harding	
Lee	

Item postponed.

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

Leave granted.

Mr. Lee to move in Committee of Supply—

“That His Honor the Superintendent be requested to place on the Estimates the sum of £500, for the purpose of assisting in the reclamation of the Whare-o-maraenui Block.”

Mr. Russell moved—

“That the Council do adjourn until next sitting day, June 25, at 3 o'clock.”

Mr. Sutton seconded the motion.

Motion agreed to, and Council adjourned accordingly.

JOHN A'DEANE,  
Speaker.

G. T. FANNIN,  
Clerk of the Council.

FRIDAY, JUNE 25, 1875.

The Speaker took the Chair at 3 o'clock.

Present—All the members but Messrs. Canning and Maney.

The Minutes of the last meeting were read and confirmed.

Mr. Stuart presented a petition from 60 people of Napier, praying that Shakespeare-road might be widened opposite the Government Buildings and Domain, and moved it be read.

Mr. Sutton seconded the motion.

Motion agreed to.

Mr. Stuart moved—

“That the petition be received.”

Mr. Sutton seconded the motion.

Motion agreed to.

Mr. Johnston presented a petition from the Makaretu settlers, praying for an extension of time for improvements, and moved it be read.

Mr. Sutton seconded the motion.

Motion agreed to.

Mr. Johnston moved—

“That the petition be received.”

Mr. Sutton seconded the motion.

Motion agreed to.

Mr. Towgood to move on next sitting day—

“That His Honor the Superintendent be requested to lay upon the table of the Council all papers, letters, and documents, referring to or bearing on the construction of the proposed Bridge across the Ahuriri Heads.”

Mr. Towgood to move in Committee of Supply—

“That the sum on the Estimates for road from Petane to beach be increased to £100.”

Mr. Lee to move on next sitting day—

“For leave to bring in a Bill to be called the ‘Educational Reserves Act, 1875.’”

Mr. Lawrence to move in Committee of Supply—

“That His Honor the Superintendent be pleased to place on the Estimates the sum of £25 on the road from Patangata to Waipawa.”

Capt. Russell to move on next sitting day—

“That His Honor the Superintendent be requested to ask the opinion of the Provincial Solicitor whether it is lawful for a person to put up an embankment whereby the storm water of a river is liable to be thrown across a public road.”

Mr. Burton to move in Committee of Supply—

“That the sum on the Estimates, for road from Petane to Wairoa, be increased from £600 to £1000.”

Mr. Burton to ask—

“For leave to bring in a Bill to withdraw from the operation of the “Hawke’s Bay Waste Lands Act 1865” the unsold portion of Block No. 2 and 3, Wairoa, and to vest the same in Trustees for the improvement of the Wairoa River and other local purposes.”

Captain Russell to move in Committee of Supply—

“That His Honor the Superintendent be requested to place upon the Estimates the sum of £1500, as a grant in aid towards the erection of a bridge across the Tutaekuri, at Taipo.”

Captain Russell to move in Committee of Supply—

“That His Honor the Superintendent be requested to place upon the Estimates the sum of £400, to form roads in the Puketapu District.”

Col. Herrick to move in Committee of Supply—

“That an additional sum of £200 be placed on the Estimates for the road between Waipawa and Hampden.”

Col. Herrick, pursuant to notice, moved—

“That a Committee be appointed by ballot to consider the petition of the Hon. H. R. Russell, for a right of road to his land at Motuotaria.”

Mr. Towgood seconded the motion.

Motion negatived.

Mr. Sutton, pursuant to notice, moved—

“That this Council is of opinion that the Provincial Council should provide funds for the formation of the main road through Napier Swamp, in accordance with the vote of the late Council on 26th June, 1874.”

Mr. Lee seconded the motion.

On a division being called for, the Council divided—

Ayes, 6.		Noes, 10.
Messrs. Sutton		Messrs. Ormond
Johnston		Lawrence
Lee		Tanner
Lyndon		Kinross
Smith		Burton
Stuart		Russell
		Herrick
		Harding
		Bennett
		Dolbel

Motion negatived.

Col. Herrick, pursuant to notice, moved—

“For the appointment of a Committee by ballot to consider the petition of the Hon. H. R. Russell for relief of his alleged grievance in the matter of his land purchase at Motuotaria.”

Mr. Towgood seconded the motion.

Motion agreed to, and the following members were elected members of the Select Committee :—Messrs. Herrick, Ormond, Russell, Bennett, and Burton. Report to be brought up on Wednesday, 30th instant.

Captain Russell's notices of motion on the Order Paper were postponed until next sitting day.

Mr. Ormond moved—

“That the Council do adjourn until 7.30 o'clock.

Mr. Kinross seconded the motion.

Motion agreed to.

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The Council met pursuant to adjournment.

Mr. Tanner, by permission of the Council, moved—

“For a Select Committee to enquire into the present state of the Hospital, and other matters connected with it; such Committee to consist of Messrs. R. Stuart, Burton, Harding, J. A. Smith, and the mover.” Report to be brought up on Wednesday, 30th instant.

Agreed to.

Mr. Lee, by permission of the Council, moved—

“For a Select Committee on ‘The Waterworks Adoption Act,’ and to consider Mr. Ferard’s petition. Such Committee to consist of Messrs. Lyndon, Tanner, Russell, Stuart, and the mover. Report to be brought up on Wednesday, June 30, 1875.

Agreed to.

Mr. Smith obtained permission to postpone the second reading of the “Napier Harbor Board Bill” until Tuesday next, 29th instant.

The Council went into Committee on the “Market Reserves Bill,” which was passed and reported to the Speaker.

Mr. Stuart to move on next sitting day—

“That the ‘Market Reserves Bill’ be read a third time.”

Council went into Committee on the ‘Fencing Act, 1874, Adoption Act, 1875,’ which was passed and reported to the Speaker.

Mr. Ormond to move on next sitting day—

“That the ‘Fencing Act, 1874, Adoption Act, 1875,’ be read a third time.

The Council went into Committee of Supply.

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

Athenæsum ..... 200 0 0

Mr. Lee moved—

“That the item be reduced to £100.”

On a division being called for, the Committee divided—

Ayes, 9.	Noes, 7.
Messrs. Johnston	Messrs. Ormond
Bennett	Lyndon
A’Deane	Smith
Burton	Lawrence
Lee	Tanner
Dolbel	Kinross
Harding	Towgood
Herrick	
Russell	

Motion agreed to.

	£	s.	d.	£	s.	d.
Athenæsum .....	100	0	0			
Country Libraries .....	200	0	0			
Botanical Gardens .....	200	0	0			
Grant for Education Purposes .....	2150	0	0			
Grant for Acclimatization Society .....	300	0	0			
Government Offices, Firewood, &c.....	50	0	0			

This item was postponed.

Expense of collecting Dog Tax .....	35	0	0
Wangawehi Light .....	30	0	0
Bonus to Ferry at Waihua.....	25	0	0
Bonus to Ferry at Waikari .....	10	0	0
Bonus to Ferry at Nuhaka .....	10	0	0



Bonus to Ferry at Porangahau .....	20	0	0
Signal Staff, Napier .....	25	0	0
Maintenance of Napier Lighthouse for year .....	100	0	0
Salary of Lighthouse Attendants.....	180	0	0
Weighbridge, Taradale Road .....	150	0	0
Cranes for New Jetty .....	300	0	0
Maintenance of Slaughter House and Yards .....	100	0	0
Contingencies Crown Lands Office .....	200	0	0
		5335	0 0

## 8.—PUBLIC WORKS AND UNDERTAKINGS—

Moorings and Buoys .....	150	0	0
Life Boat Shed .....	140	0	0
Jetty on each side of the Wairoa River .....	200	0	0
Maintenance of Public Buildings .....	400	0	0
Maintenance of Public Fences .....	30	0	0
Addition to Hospital .....	300	0	0
Maintenance of Ground about Public Office.....	20	0	0
Fenders for Breastwork.....	250	0	0
Wharves .....	260	0	0
Searching Shed .....	250	0	0
		2000	0 0
Carried forward.....	£19,703	0	0

Mr. Ormond moved—

“ That the Committee do adjourn until next sitting day.”  
Agreed to.

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

Leave granted.

Mr. Sutton moved—

“ That the Council do adjourn until next sitting day, at 3 o'clock.”

Mr. Dolbel seconded the motion.

Motion agreed to, and Council adjourned accordingly.

JOHN A'DEANE,  
Speaker.

G. T. FANNIN,  
Clerk of the Council.

TUESDAY, JUNE 29, 1875.

The Speaker took the Chair at 3 o'clock.

Present—All the members but Mr. Maney.

The Minutes of the last meeting were read and confirmed.

Captain Russell presented a Petition from Mr. Heslop, praying that a former Grant-in-Aid for a road across the Tutae-kuri-waimati might be considered, and moved it be read.

Mr. Kinross seconded the motion.

Motion agreed to.

Capt. Russell moved—

“ That the Petition be received and printed.”  
Motion agreed to.

Captain Russell to move in Committee of Supply—

“That His Honor the Superintendent be requested to place £300 upon the Estimates as a grant-in-aid towards the erection of a bridge across the Tutae-kuri Waimate.”

Mr. Lawrence to ask on next sitting day—

“His Honor the Superintendent to grant (under the supervision of police) temporary accommodation in the Immigration Barracks, Waipawa, for workmen seeking employment where hotel accommodation is insufficient.”

Mr. Dolbel to move on next sitting day—

“That His Honor the Superintendent be requested to ask the opinion of the Provincial Solicitor whether it is lawful for the Provincial Government or Road Boards to leave a breach or opening on the banks of the rivers, whereby the storm water of a river is liable to be thrown across a public road.”

Mr. Smith to move in Committee of Supply—

“That His Honor the Superintendent be requested to put on the Estimates the sum of £20 as increase of pay for Thomas Murray, cockswain, Harbor Department.”

Mr. Bennett to move in Committee of Supply—

“That His Honor the Superintendent be requested to place the sum of £25 upon the Estimates as a grant-in-aid towards the coming Ploughing Match, to be held on the 24th May, 1876.”

Mr. Lee to move on next sitting day—

“For leave to bring in a Bill to amend the ‘Licensing Act, 1871.’”

Mr. Ormond to move on next sitting day—

“That whereas clause 9 of the ‘Hawke’s Bay Waste Lands Regulation Amendment Act, 1865,’ has only been availed of to a limited extent, and that it is desirable to determine, with the consent of the lessees, the leases entered into under its provisions, with the view of enabling the land to be sold, this Council is of opinion that the ‘Hawke’s Bay Waste Lands Regulations Amendment Act, 1865,’ should be amended by the repeal of clause 9.”

Mr. Canning presented a Petition, praying that a bridge might be erected over the Wainui, and moved it be read.

Col. Herrick seconded the motion.  
Motion agreed to.

Mr. Canning moved—

“ That the Petition be received and printed.’

Col. Herrick seconded the motion.

Motion agreed to.

Mr. Harding presented a Petition, praying that a certain parcel of land, at Waipawa, might be set aside as a burial ground, and moved it be read.

Mr. Smith seconded the motion.

Motion agreed to, and on the motion of Mr. Harding, the Petition was received.

Mr. Ormond to move on next sitting day—

“ For leave to bring in a Bill to amend the ‘ Cattle Trespass and Impounding Act, 1867.’ ”

Mr. Canning to move in Committee of Supply—

“ That His Honor the Superintendent be requested to place on the Estimates a sum of £500 to erect a bridge over the Wainui river ”

Mr. Stuart to move on next sitting day—

“ That the Petition presented on the 25th ultimo, by His Worship the Mayor, be referred to a Committee of the whole House.”

Mr. Towgood, pursuant to notice, moved—

“ That His Honor the Superintendent be requested to lay upon the table of the Council all papers, letters, and documents, referring to or bearing on the construction of the proposed Bridge across the Ahuriri Heads.”

Mr. Dolbel seconded the motion.

His Honor the Superintendent stated that there would be no objection to the motion, but the principal correspondence would be when they read the reply of the Engineer-in-Chief on the subject.

Mr. Lee, pursuant to notice, moved—

“ For leave to bring in a Bill to be called the ‘ Educational Reserves Act, 1875.’ ”

Mr. Smith seconded the motion.

Motion agreed to.

Mr. Lee moved it be read a first time.

Mr. Sutton seconded the motion.

Motion agreed to, and reading of the Bill fixed for Thursday next.

Captain Russell, by permission of the Council, withdrew his motion—

“That His Honor the Superintendent be requested to ask the opinion of the Provincial Solicitor whether it is lawful for a person to put up an embankment whereby the storm water of a river is liable to be thrown across a public road.”

Mr. Burton, by permission, postponed his motion—

“For leave to bring in a Bill to withdraw from the operation of the ‘Hawke’s Bay Waste Lands Act 1865’ the unsold portion of Block No. 2 and 3, Wairoa, and to vest the same in Trustees for the improvement of the Wairoa River and other local purposes.”

Capt. Russell, pursuant to notice, moved—

“Whereas by Clause XIII. of ‘The Toll-gate Act, 1867,’ it is provided ‘that all moneys to be collected by virtue of this Act, after deducting the charges of collection, shall be carried by the Provincial Treasurer to a separate account, to be called the Tolls Account, and to be applied as found necessary by the Superintendent towards the maintenance and repairs of the public road leading from Napier to Havelock, and also the road extending from Tareha’s Bridge to Puketapu; and whereas that portion of the clause applying part of the money collected to the maintenance and repairs of that section of the road between Taradale and Puketapu has never been given effect to, His Honor the Superintendent be requested to set aside out of the Tolls Account such a sum of money as will metal and complete that section of the road between Taradale and the Puketapu School-house.’”

Mr. Bennett seconded the motion.  
Motion agreed to.

Mr. Burton to move on next sitting day—

“For leave to bring in a Bill to vest Blocks 2 and 3, Wairoa District, in trustees, for the improvement of the Wairoa River, and other local purposes.”

Mr. Harding to move on next sitting day—

“That the Petition from the inhabitants of Waipawa be referred to a Select Committee, to consist of Messrs. Lee, Stuart, Johnston, Lawrence, and the mover.

Mr. Stuart, pursuant to notice, moved—

“That the ‘Waterworks’ Act’ be read a second time.”

Mr. Lyndon seconded the motion.

Mr. Lee moved—

“That the second reading be postponed until next sitting day.”

Mr. Dolbel seconded the motion.

Motion negatived, and Act read a second time accordingly.

Mr. Stuart moved—

“That the Council go into Committee on the Bill on Thursday next.”

Agreed to.

Mr. Smith, pursuant to notice, moved—

“That the ‘Napier Harbor Board Bill’ be read a second time.”

Mr. Lee seconded the motion.

Mr. Ormond moved, as an amendment—

“That the Bill be read this day six months.”

Mr. Kinross seconded the motion.

Mr. Smith, by permission of the Council, withdrew his motion.

Bill discharged.

Mr. Ormond laid upon the table return of lands in the possession of the Province unsold.

Mr. Stuart, pursuant to notice, moved—

“That the ‘Market Reserves Bill’ be read a third time.”

Mr. Lyndon seconded the motion.

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

Mr. Ormond, pursuant to notice, moved—

“That the ‘Fencing Act, 1874, Adoption Act, 1875,’ be read a third time.”

Mr. Canning seconded the motion.

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

Mr. Ormond moved—

“That the Council do adjourn until 7.30 o’clock.”

Agreed to.

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The Council met pursuant to adjournment.

The Council went into Committee of Supply.

Mr. Lyndon moved—

“That the item Athenæum (£100) be recommitted.”

On a division being called for the Committee divided—

<p>Ayes, 10. Messrs. Lawrence Ormond Stuart Smith Kinross Lyndon Canning Towgood Tanner Harding</p>	<p>Noes, 8. Messrs. A'Deane Russell Dolbel Herrick Lee Johnston Bennett Burton</p>
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Agreed to.

Mr. Lyndon moved—

“ That the item be increased to £200.”

On a division being called for, the Committee divided—

<p>Ayes, 10. Messrs. Ormond Stuart Kinross Lyndon Smith Towgood Canning Lawrence Tanner Harding</p>	<p>Noes, 8. Messrs. Burton Russell Herrick Dolbel Johnston Lee Bennett A'Deane</p>
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Motion agreed to.

Athenæum..... £200 0 0

**ROADS—**

Meane and Taradale.....	1000	0	0
Waipukurau to 70-Mile Bush .....	300	0	0
Waipawa to Plains .....	300	0	0
Main Road Napier to Waipukurau .....	3000	0	0

Capt. Russell moved—

“ That the item be reduced to £2000.”

On a division being called for, the Committee divided—

<p>Ayes 6. Messrs. Dolbel Towgood Bennett Lee Burton Russell</p>	<p>Noes, 11. Messrs. Ormond Smith Kinross Stuart Lyndon Tanner Canning Harding Johnston Herrick A'Deane</p>
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Motion negatived.

Waipukurau to Porangahau .....	1000	0	0
Petane to Wairoa.....	600	0	0
Road by Ohinepaka Valley .....	200	0	0
Road to open land sold on Deferred Payments .....	500	0	0

Grant in aid of Bridge over the Waipawa, near  
Homewood ..... 1000 0 0

A discussion ensued, and a division took place as follows  
for the item standing as read :—

Ayes, 15.	Noes, 3.
Messrs. Johnston	Messrs. Burton
Bennett	Smith
Lawrence	Tanner
Herrick	
A'Deane	
Ormond	
Kinross	
Lee	
Dolbel	
Towgood	
Harding	
Lyndon	
Stuart	
Canning	
Russell	
Grant in aid of Bridge over Ahuriri Harbor .....	3500 0 0
Roads to open land for sale in 70-Mile Bush .....	1000 0 0
Middle Road .....	300 0 0
Road Overseers .....	300 0 0
Grant in aid of Roads and Road Boards .....	400 0 0
Road Contingencies .....	500 0 0
Napier to Pohui .....	300 0 0
Roads at Porangahau .....	200 0 0
Road Porangahau to Wainui .....	150 0 0
Town Roads .....	2000 0 0
Wairoa Roads .....	300 0 0
Maraekakaho Road.....	100 0 0
Waipawa to Hampden .....	400 0 0
Oero Road to Wautukai .....	100 0 0
Te Mata to Pourerere .....	100 0 0
Roads Wainui Valley.....	100 0 0
Wautukai to Kaikora.....	30 0 0
Kereru Road .....	200 0 0
Redclyffe Cutting .....	100 0 0
Grant in aid Bridge over Maraetotara.....	200 0 0
Petane to Beach .....	100 0 0
Maintenance 70-Mile Bush Road.....	1200 0 0
Clive Roads .....	100 0 0
Tarawera to Pourerere .....	100 0 0
Tuki Tuki to Tarawera .....	100 0 0
Napier to Waitangi.....	100 0 0
Havelock to Hastings Station .....	250 0 0
Omahu Road .....	150 0 0
Road from Wairoaiti to Petane .....	200 0 0
Puketapu Cutting and Roads, Puketapu District ...	300 0 0
Wairoa River, clearing Snags .....	100 0 0
Road to Jetty, Mohaka .....	120 0 0
Patangata to Waipawa .....	25 0 0

£41,743 0 0

Mr. Ormond moved—

“ That the Chairman report progress, and ask for leave  
to sit again next sitting day.”

Agreed to.

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

Leave granted.

Mr. Ormond moved—

“ That the Council do adjourn until next sitting day, at  
3 o'clock.”

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

JOHN A'DEANE,  
Speaker.

G. T. FANNIN,  
Clerk of the Council.

WEDNESDAY, JUNE 30, 1875.

The Speaker took the Chair at 3 o'clock.

Present—All the members but Mr. Maney.

The Minutes of the last meeting were read and confirmed.

Mr. Johnston to move in Committee of Supply—

“That the sum of £100 be voted as a grant-in-aid of a teacher's residence at Waipukurau.”

Mr. Johnston to move in Committee of Supply—

“That, in the opinion of this Council, the time allowed to the holders of land on deferred payments, in which to make their improvements, should date from the completion of the survey.”

Mr. Lyndon to move on next sitting day—

“For leave to bring in a Bill, to be called “The Releasing Reserves Bill.” That the Superintendent be empowered to receive applications from such persons as may be desirous of re-releasing the same, and that the Superintendent be empowered to cancel existing leases, and re-lease the same upon such terms as may seem to him fit and reasonable.”

Mr. Tanner's motion to bring up report of Select Committee on the Hospital was, by permission, postponed until next sitting day.

Mr. Lee's motion to bring up report of Select Committee on “Waterworks Adoption Act” was, by permission, postponed until next sitting day.

Mr. Lawrence, pursuant to notice, asked—

“His Honor the Superintendent to grant (under the supervision of police) temporary accommodation in the Immigration Barracks, Waipawa, for workmen seeking employment where hotel accommodation is insufficient.”

His Honor the Superintendent replied that general instructions had been issued to use the Barracks for this purpose, and it had been acted upon to some extent.



Mr. Dolbel, by permission of the Council, withdrew his motion—

“ That His Honor the Superintendent be requested to ask the opinion of the Provincial Solicitor whether it is lawful for the Provincial Government or Road Boards to leave a breach or opening on the banks of the rivers, whereby the storm water of a river is liable to be thrown across a public road.”

Mr. Lee, pursuant to notice, moved—

“ For leave to bring in a Bill to amend the ‘ Licensing Act, 1871.’ ”

Mr. Sutton seconded the motion.

Motion agreed to.

Mr. Lee moved—

“ That the Bill be read a first time.”

Mr. Sutton seconded the motion.

Motion agreed to.

Mr. Lee moved—

“ That the Bill be printed.”

Mr. Sutton seconded the motion.

Motion agreed to.

Mr. Lee to move on next sitting day—

“ That the ‘ Licensing Act Amendment Act, 1875,’ be read a second time.”

Mr. Ormond, pursuant to notice, moved—

“ That whereas clause 9 of the ‘ Hawke’s Bay Waste Lands Regulation Amendment Act, 1865,’ has only been availed of to a limited extent, and that it is desirable to determine, with the consent of the lessees, the leases entered into under its provisions, with the view of enabling the land to be sold, this Council is of opinion that the ‘ Hawke’s Bay Waste Lands Regulations Amendment Act, 1865,’ should be amended by the repeal of clause 9.”

Mr. Tanner seconded the motion *pro forma*.

Motion agreed to.

Mr. Ormond, pursuant to notice, moved—

“ For leave to bring in a Bill to amend the ‘ Cattle Trespass and Impounding Act, 1867.’ ”

Mr. Sutton seconded the motion.

Motion agreed to.

The “ Cattle Trespass Act” was, on the motion of Mr. Ormond, read a first time, and made an Order of the Day for Thursday, 1st July.

Mr. Stuart, pursuant to notice, moved—

“That the Petition presented on the 25th ultimo, by His Worship the Mayor, viz., widening of Shakespeare-road, be referred to a Committee of the whole House.”

This motion was negatived.

Mr. Burton, for Mr. Lee, pursuant to notice, moved—

“For leave to bring in a Bill to vest Blocks 2 and 3, Wairoa District, in trustees, for the improvement of the Wairoa River, and other local purposes.”

Mr. Kinross seconded the motion.

Motion agreed to.

Mr. Lee moved it be read a first time.

Mr. Kinross seconded the motion.

Motion agreed to.

Mr. Lee moved—

“That the Bill be made an Order of the Day for next sitting day.”

Mr. Kinross seconded the motion.

Motion agreed to.

Mr. Harding, pursuant to notice, moved—

“That the Petition from the inhabitants of Waipawa be referred to a Select Committee, to consist of Messrs. Lee, Stuart, Johnston, Lawrence, and the mover. Report to be brought up on Friday, July 2.”

Mr. Lawrence seconded the motion.

Motion agreed to.

Capt. Russell, pursuant to notice, moved—

“That His Honor the Superintendent be requested to ask the General Government Agent to take the necessary steps to cause a shelter shed and platform to be erected at the stopping place of the train near Tareha's Bridge, and to have the railway bridge near the boiling-down platform planked, so as to enable the residents at Papakura and Pakowhai to avail themselves of the railway.”

Mr. Sutton seconded the motion.

Motion agreed to.

Capt. Russell, pursuant to notice, moved—

“To bring up report of Select Committee appointed to enquire into the extent of Educational endowments, &c., and moved it be postponed until next sitting day.”

Agreed to.

Captain Russell presented a Petition from the Meanee settlers re embankment, and moved it be read.

Mr. Towgood seconded the motion.  
Motion agreed to.

Mr. Russell moved—

“ That the Petition be received.”

Mr. Towgood seconded the motion.  
Motion agreed to.

Mr. Johnston to move on next sitting day—

“ That the Inspector of Schools be requested to report, during the recess, upon the position of the various school trusts throughout the province.”

The Council went into Committee of Supply.

*Sheep Department—*

	£	s.	d.
Inspector ... ..	350	0	0

Mr. A'Deane moved—

“ That this item be decreased to £300.”

Amendment negatived.

Assistant Inspector ... ..	300	0	0
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Mr. Johnston moved—

“ That this item—Assistant Inspector—be struck out.”

Agreed to.

Travelling Allowance to Inspector...	50	0	0
Contingencies—Dipping Expenses, &c.	100	0	0
Wages Shepherd at Boundary	130	0	0
Fences at Boundary of Province	70	0	0
Quarantine Buildings and Site at Port of Napier	200	0	0
Total ... ..	£1200	0	0

Mr. Ormond moved—

“ That the Chairman report progress, and ask for leave to sit again next sitting day.”

Leave granted.

Mr. Ormond moved--

“ That the Council do adjourn until next sitting day, July 1, at 3 o'clock.”

Mr. Kinross seconded the motion.

Motion agreed to, and Council adjourned accordingly.

JOHN A'DEANE,  
Speaker.

G. T. FANNIN,  
Clerk of the Council.

THURSDAY, JULY 1, 1875.

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The Speaker took the Chair at 3 o'clock.

Present—All the members.

The Minutes of the last meeting were read and confirmed.

Col. Herrick presented a Petition from Mr. Robertson praying that certain particulars of land purchased by him might be taken into consideration, and moved it be read.

Mr. Towgood seconded the motion.  
Motion agreed to.

Col. Herrick moved—

“That the Petition be received.”

Mr. Towgood seconded the motion.  
Motion agreed to.

Col. Herrick moved—

“That a Select Committee be appointed to report on the Petition. Report to be brought up on next sitting day. Such Committee to consist of Messrs. Lee, Canning, Towgood, Sutton, Johnston, and mover.”

Mr. Towgood seconded the motion.  
Motion agreed to.

Capt. Russell moved—

“That No. 26 and 27 Standing Rules and Orders be suspended.”

Mr. Tanner seconded the motion.  
Motion agreed to.

Captain Russell moved—

“For leave to bring in a Bill to amend the ‘Sheep Act, 1872,’ to be called the ‘Hawke’s Bay Sheep Act Amendment Act, 1875.’”

Mr. Tanner seconded the motion.

Motion agreed to, Act read a first time, ordered to be printed, and made an Order of the Day for next sitting day.

Captain Russell brought up a Petition from the Meanee and Taradale settlers, praying that the formation of embanking might be considered by the Council, and moved it be read.

This motion was agreed to, received, and ordered to be printed.

Capt. Russell to move on next sitting day—

“That the Meanee and Taradale petition be considered by a Committee of the whole Council.”

Mr. Ormond to move on next sitting day—

“Whereas the ‘Provincial Audit Act, 1866,’ provides that unless an address to the Superintendent to send to the Council a recommendation to grant a sum of money sufficient to meet the unauthorized expenditure shall be passed by an absolute majority of the entire number of the members of the Provincial Council, the Provincial Auditor shall commence suits in the Supreme Court to recover the penalties recoverable under the said Act for signing and issuing special orders for the issue of money without appropriation. And whereas it is necessary to release the Superintendent from the penalties to which he is liable from such unauthorized expenditure, the Council requests the Superintendent to submit to the Council a recommendation to grant a sum of money sufficient to meet the said unauthorized expenditure,”

Mr. Ormond to move—

“That the Superintendent request the Provincial Council to grant the sum of £2264 1s 9d to meet the unauthorized expenditure from the 1st June, 1874, to the 31st May, 1875, the same unauthorized expenditure having been incurred on account of the services hereinafter mentioned.”

Mr. Ormond to move on next sitting day—

“For leave to bring in the ‘Credit Act, 1875.’”

Mr. Ormond to move on next sitting day—

“For leave to bring in the ‘Appropriation Act, 1875.’”

Capt. Russell, pursuant to notice—

“Brought up report of Select Committee appointed to enquire into the extent of Educational endowments, &c., and moved it be read.”

Mr. Smith seconded the motion.

Motion agreed to.

Capt. Russell moved—

“That the Report be received and printed.”

Agreed to.

Capt. Russell to move on next sitting day—

“The Adoption of the report of Select Committee appointed to enquire into the extent of Educational endowments, &c.”

Mr. Tanner—

“Brought up report of Select Committee on the Hospital, and moved it be read.”

Mr. Towgood seconded the motion.  
Motion agreed to.

Mr. Tanner moved—

“ That the Report be received and printed.”

Mr. Tanner to move on next sitting day—

“ The adoption of report of Select Committee on the Hospital.”

Mr. Lee, pursuant to notice—

“ Brought up report of Select Committee on ‘ Waterworks Adoption Act,’ and moved it be read.”

Mr. Stuart seconded the motion.  
Motion agreed to.

Mr. Lee moved—

“ That the Report be received.”

Mr. Stuart seconded the motion.  
Motion agreed to.

Mr. Lee moved—

“ That the Report be considered when the Council went into Committee on the ‘ Waterworks Act, 1875.’ ”

Mr. Stuart seconded the motion.  
Motion agreed to.

Mr. Johnston, pursuant to notice, moved—

“ That, in the opinion of this Council, the time allowed to the holders of land on deferred payments, in which to make their improvements, should date from the completion of the survey.”

Mr. Harding seconded the motion.  
Motion agreed to.

Mr. Lyndon, pursuant to notice, moved—

“ For leave to bring in a Bill, to be called “ The Releasing Reserves Bill.” That the Superintendent be empowered to receive applications from such persons as may be desirous of re-releasing the same, and that the Superintendent be empowered to cancel existing leases, and re-lease the same upon such terms as may seem to him fit and reasonable.”

Mr. Stuart seconded the motion.

By permission of the Council, Mr. Lyndon withdrew this motion.

Mr. Stuart, pursuant to notice, moved—

“ That the Inspector of Schools be requested to report, during the recess, upon the position of the various school trusts throughout the province.”

Mr. Kinross seconded the motion.  
Motion agreed to.

His Honor the Superintendent laid upon the table a letter from the Inspector of Schools *re* his duties.

Mr. Tanner moved—

“That No. 26 and 27 of Standing Rules and Orders be suspended.”

Mr. Stuart seconded the motion.  
Motion agreed to.

Mr. Tanner, by permission of the Council, brought in a Bill intituled the “Hospital Endowment Act, 1875.” It was read a first time, ordered to be printed, and made an Order of the Day for next sitting day, viz., second reading.

Mr. Tanner, by permission of the Council, brought in a Bill intituled the “Napier Hospital Act, 1875.” It was read a first time, ordered to be printed, and made an Order of the Day for next sitting day, viz., second reading.

Mr. Burton moved—

“That No. 26 and 27 of Standing Rules and Orders be suspended.”

Mr. Kinross seconded the motion.  
Motion agreed to.

Mr. Burton moved the following resolution—

“It is resolved by this Council that it is expedient that Blocks 2 and 3, Wairoa District, be reserved from sale for purposes of public utility, and that His Honor the Superintendent be requested to carry this resolution into effect, with a view to the future declaration of such purposes by Act of this Council.”

Mr. Kinross seconded the resolution.  
Resolution agreed to.

Mr. Lee moved—

“That the second reading of the ‘Education Reserves Act, 1875,’ be postponed until next sitting day.”  
Agreed to.

The Council went into Committee on “Waterworks Act, 1875,” when the following amendments were made:—In the Preamble the words “subject to such amending as will adapt it to the special circumstances of the said Borough,” were added; in Clause I, after the word “shall” in the second line the following words be inserted—“subject to the provisions hereinafter contained;” and that the following be inserted as Clause II:—Provided that notwithstanding anything in the said Act contained any special rate to be made under section 29, shall be chargeable only upon ratable property lying within the

circuit of the places shewn upon the plans of the undertaking as intended to be supplied with water, and no land shall be regarded as intended to be so supplied unless upon the completion of the undertaking a house situate upon such land would be liable to water rate under section 35.

Mr. Stuart to move on next sitting day—

“That the ‘Waterworks’ Act’ be read a third time.”

Mr. Lee, pursuant to notice, moved—

“That the ‘Licensing Act 1875,’ be read a second time.”

Mr. Smith seconded the motion.

Mr. Harding moved—

“That the Bill be read this day six months.”

Mr. Tanner seconded the amendment.

On a division being called for, the Council divided—

Ayes 12.	Noes, 6.
Messrs. Dolbel	Messrs. Ormond
Stuart	Tanner
Lyndon	Smith
Canning	Kinross
Johnston	Harding
Herrick	Towgood
A’Deane	
Bennett	
Lee	
Burton	
Lawrence	
Sutton	

Amendment negatived, original motion agreed to, and Act read a second time.

The Council went into Committee on the Act.

The Council adjourned until 7.30 o’clock.

The Council met pursuant to adjournment.

The following was added to Clause II. :—“In addition to the license fee payable under ‘Wholesale Dealers in Spirituous Liquors Act, 1871.’”

The Chairman reported, and handed the Act as amended to the Speaker.

Mr. Lee to move on next sitting day—

“That the ‘Licensing Act, 1875,’ be read a third time.”

Mr. Ormond, pursuant to notice, moved—

“That the ‘Cattle Trespass Impounding Act, 1875,’ be read a second time.”

Mr. Kinross seconded the motion.

Motion agreed to.



The Council went into Committee on the Act.

The following was added as Clause 5:—"All regulations made under this Act shall be laid before the Provincial Council within one week after the making thereof if the Council be then in session, and if not then within one week after the commencement of the next session thereof."

The Act was reported to the Speaker, and ordered to be read next sitting day.

Mr. Burton, by permission of the Council, withdrew the "Wairoa River Bill, 1875."

The Council went into Committee of Supply.

Total Sheep Department ... ..	£900	0	0
	£	s.	d.
<i>Education—</i>			
Capitation Money for Scholars ... ..	1800	0	0
Bonus to Teachers ... ..	800	0	0
Inspector of Schools ... ..	100	0	0
This item was increased to £150.			
Travelling Allowance to Inspector ... ..	100	0	0
Grant in aid of Buildings ... ..	500	0	0
Books, Maps, &c. for Schools ... ..	50	0	0
School Libraries for Country Schools, Prizes for de- serving Pupils, and Contingencies ... ..	100	0	0
Total ... ..	£3500	0	0

Mr. Lee moved recommittal of Estimates, but subsequently withdrew the motion.

Mr. Lee to move on next sitting day—

"That this Council will indemnify His Honor the Superintendent for the expenditure of the sum of £500 for the purpose of assisting in the reclamation of the Whare-o-maraenui Block."

Mr. Tanner moved—

"That the Council do adjourn until next sitting day, July 2, at 3 o'clock."

Mr. Towgood seconded the motion.

Motion agreed to, and Council adjourned accordingly.

JOHN A'DEANE,  
Speaker.

G. T. FANNIN,  
Clerk of the Council.

FRIDAY, JULY 2, 1875.

The Speaker took the Chair at 3 o'clock.

Present—All the members but Mr. Maney.

The Minutes of the last meeting were read and confirmed.

Colonel Herrick's motion to bring up report of Select Committee was, on the motion of Captain Russell, put on the Notice Paper after the Orders of the Day.

Mr. Harding, pursuant to notice, moved—

“To bring up report of Select Committee *re* Burial Reserve, Waipawa.”

Mr. Lee seconded the motion.

Motion agreed to.

Mr. Harding moved—

“That the report be received.”

Mr. Lee seconded the motion.

Motion agreed to.

Mr. Harding to move on next sitting day—

“That the report of the Select Committee on the Waipawa Cemetery Petition be adopted by this Council.”

Col. Herrick moved—

“For leave to postpone until next sitting day report of Select Committee on Mr. Robertson's petition.”

Mr. Towgood seconded the motion.

Motion agreed to.

Mr. Ormond, pursuant to notice, moved—

“Whereas the ‘Provincial Audit Act, 1866,’ provides that unless an address to the Superintendent to send to the Council a recommendation to grant a sum of money sufficient to meet the unauthorized expenditure shall be passed by an absolute majority of the entire number of the members of the Provincial Council, the Provincial Auditor shall commence suits in the Supreme Court to recover the penalties recoverable under the said Act for signing and issuing special orders for the issue of money without appropriation. And whereas it is necessary to release the Superintendent from the penalties to which he is liable from such unauthorized expenditure, the Council requests the Superintendent to submit to the Council a recommendation to grant a sum of money sufficient to meet the said unauthorized expenditure,”

Mr. Towgood seconded the motion.

Motion agreed to.

Mr. Ormond, pursuant to notice, moved—

“That the Superintendent request the Provincial Council to grant the sum of £2264 1s 9d to meet the unauthorized expenditure from the 1st June, 1874, to the 31st May, 1875, the same unauthorized expenditure having been incurred on account of the services hereinafter mentioned.”

Mr. Lawrence seconded the motion.  
Motion agreed to.

Mr. Ormond, pursuant to notice, moved—

“For leave to bring in the ‘Credit Act, 1875.’”

Mr. Ormond to move—

“For leave to bring in the ‘Appropriation Act, 1875.’”

These Acts were, on motion, read a first time, ordered to be printed, and made an Order of the Day for next sitting day.

Mr. Stuart, pursuant to notice, moved—

“That the ‘Waterworks’ Act, 1875,’ be read a third time.”

Mr. Lyndon seconded the motion.

Mr. Sutton moved—

“That the Act be recommitted.”

Mr. Smith seconded the amendment.

On a division being called for, the Council divided—

Ayes 5.		Noes, 9.
Messrs. Stuart		Messrs. Ormond
Lyndon		Tanner
Sutton		Kinross
Smith		Towgood
Harding		Lee
		Lawrence
		Dolbel
		Russell
		Johnston

Amendment negatived.

Mr. Stuart moved—

“That the third reading be postponed until next sitting day.”

Mr. Lyndon seconded the motion.

On a division being called for, the Committee divided—

Ayes, 9.		Noes, 7.
Messrs. Ormond		Messrs. Lawrence
Stuart		Russell
Smith		Dolbel
Lyndon		Lee
Canning		Kinross
Harding		Towgood
Johnston		Tanner
Bennett		
Sutton		

Agreed to.

Mr. Lee moved—

“That the ‘Licensing Act, 1875,’ be read a third time.”

Mr. Smith seconded the motion.

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

Mr. Ormond, pursuant to notice, moved—

“That the ‘Cattle Trespass Impounding Act, 1875,’ be read a third time.”

Mr. Sutton seconded the motion.

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

Capt. Russell, pursuant to notice, moved—

“The second reading of the ‘Sheep Act Amendment Act, 1875.’”

Mr. Canning seconded the motion.

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

The Council went into Committee on the “Sheep Act Amendment Act,” 1875.

Mr. Lee moved—

“That Clause 4 of the ‘Hawke’s Bay Sheep Act, 1874,’ regulating the residence of the Chief Inspector, is hereby repealed.”

On a division being called for the Committee divided—

<p>Ayes, 9.</p> <p>Messrs. Ormond Kinross Lyndon Smith Burton Russell Dolbel Lee Bennett</p>	<p>Noes, 8.</p> <p>Messrs. Harding Tanner Towgood Canning Herrick Johnston A’Deane</p>
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Agreed to.

Mr. A’Deane moved—

“The following amendment to Clause 4 of the ‘Hawke’s Bay Sheep Act, 1874,’ :—After the words ‘Provincial Council’ in the eighth line the following words be inserted—‘and that the Chief Inspector attend daily, except Sundays, at his office, from 10 a.m. to 4 p.m., except when compelled to be absent by the duties of his office.’”

On a division being called for the Committee divided—

<p>Ayes, 10.</p> <p>Messrs. Johnston Lawrence Herrick A’Deane Towgood Harding Lyndon Canning Smith Tanner</p>	<p>Noes, 6.</p> <p>Messrs. Burton Ormond Lee Dolbel Bennett Russell</p>
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Amendment agreed to.

On the motion of Captain Russell the Act was reported with amendment to the Speaker, and notice given to move for the third reading next sitting day.

The second reading of the "Hospital Endowment Act, 1875," was postponed until next sitting day.

Mr. Tanner moved—

"That the 'Napier Hospital Act be read a second time.'"

Mr. Smith seconded the motion.

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

The Council went into Committee on the Act.

Capt. Russell moved—

"That the Chairman report progress."

On a division being called for the Committee divided—

Ayes, 13.	Noes, 4.
Messrs. Ormond	Messrs. Harding
Kinross	Tanner
Lyndon	Smith
Russell	Canning
Dolbel	
Lee	
Bennett	
Burton	
Towgood	
Herrick	
Johnston	
A'Deane	
Lawrence	

Motion agreed to, and Bill shelved.

Col. Herrick brought up report of Select Committee on Mr. Russell's petition, and moved it be read and printed.

Agreed to.

Col. Herrick to move on next sitting day—

"The adoption of the report."

Mr. Ormond moved—

"That the Council do suspend No. 2 Standing Orders, in order to make Saturday a sitting day."

Mr. Lawrence seconded the motion.

Agreed to.

Mr. Ormond moved—

"That the Council do adjourn until next Saturday at 3 o'clock.

Mr. Tanner moved—

"That this Council do adjourn until the usual sitting day, Tuesday, at 3 o'clock.

Mr. Smith seconded the motion.

On a division being called for the Committee divided—

Ayes, 7.	Noes, 10.
Messrs. Burton	Messrs. Johnston
Smith	Herrick
Tanner	Canning
Harding	Towgood
Lyndon	Ormond
Lee	Dolbel
Sutton	Bennett
	Russell
	Lawrence
	Kinross

Negatived.

Mr. Ormond moved—

“ That the Council do adjourn until next Saturday, at 3 o'clock.

Mr. Canning seconded the motion.

On a division being called for the Council divided—

Ayes, 10.	Noes, 7.
Messrs. Johnston	Messrs. Harding
Dolbel	Smith
Lawrence	Burton
Canning	Tanner
Bennett	Lee
Herrick	Lyndon
Ormond	Sutton
Kinross	
Towgood	
Russell	

Motion agreed to, and Council adjourned until 3 o'clock on Saturday, 3rd July, 1875.

JOHN A'DEANE,  
Speaker.

G. T. FANNIN,  
Clerk of the Council.

SATURDAY, JULY 3, 1875.

The Speaker took the Chair at 3 o'clock.

Present—All the members but Mr. Maney.

The Minutes of the last meeting were read and confirmed.

Mr. Harding, pursuant to notice, moved—

“ That the report of the Select Committee on the Wai-pawa Cemetery Petition be adopted by this Council.”

Mr. Lawrence seconded the motion.

Motion agreed to.

Col. Herrick, pursuant to notice, brought up report of Select Committee on Mr. Robertson's petition, and moved it be read.

Mr. Smith seconded the motion.  
Motion agreed to.

Col. Herrick moved—

“That Nos. 26 and 27 of Standing Orders be suspended.”

Captain Russell seconded the motion.  
Motion agreed to.

Col. Herrick moved—

“That the report be adopted.”

Mr. Lee seconded the motion.  
Motion agreed to.

Col. Herrick, pursuant to notice, moved—

“The adoption of report of Select Committee on Mr. Russell's petition.”

Capt. Russell seconded the motion.

Mr. Lee moved—

“That the latter half of clause 6 be struck out.”

Mr. Tanner seconded the motion, *pro forma*.

On a division being called for, the Council divided—

Ayes 3.	Noes, 8.
Messrs. Tanner	Messrs. Smith
Lee	Ormond
Lyndon	Lawrence
	Johnston
	Harding
	Russell
	Burton
	Herrick

Amendment negatived.

Mr. Lee moved—

“That Clause 5 be struck out.”

Mr. Lyndon seconded the motion.

On a division being called for, the Committee divided—

Ayes, 4.	Noes, 10.
Messrs. Lee	Messrs. Lawrence
Dolbel	Russell
Johnston	Kinross
Lyndon	Tanner
	Ormond
	Canning
	Harding
	Smith
	Herrick
	Burton

Motion negatived.

Mr. Lee moved, by amendment—

“That Clause 3 be struck out.”

Motion negatived.

Col. Herrick's motion was then put and carried.

Col. Herrick moved—

“That Nos. 26 and 27 of Standing Rules and Orders be suspended.”

On a division being called for the Council divided—

Ayes, 8.		Noes, 7.
Messrs. Johnston		Messrs. Dolbel
Herrick		Lyndon
Russell		Bennett
Lee		Kinross
Smith		Canning
Harding		Ormond
Lawrence		Tanner
Burton		

Motion agreed to.

Colonel Herrick moved—

“That the report be printed.”

Mr. Smith seconded the motion.

On a division being called for the Council divided—

Ayes, 8.		Noes, 7.
Messrs. Lee		Messrs. Dolbel
Smith		Bennett
Johnston		Kinross
Herrick		Canning
Russell		Ormond
Burton		Tanner
Harding		Lyndon
Lawrence		

Agreed to.

Capt. Russell moved—

“That the Meanee and Taradale petition be considered by a Committee of the whole Council.”

This was agreed to.

Captain Russell moved—

“The adoption of report of Select Committee appointed to enquire into the extent of Educational endowments.”

Mr. Stuart seconded the motion.

Agreed to.

Mr. Tanner's motion for the adoption of report of Select Committee on the Hospital was withdrawn.

Council adjourned until 7½ o'clock.



Council met pursuant to adjournment.

“The Credit Act,” “Appropriation Act,” “Education Reserves Act, 1875,” “Waterworks Act, 1875,” “Sheep Act Amendment Act, 1875,” and “Hospital Endowment Act, 1875,” were put and passed.

His Honor the Superintendent then, in a few words, prorogued the Council.



# Council Paper.

1875.

## REPORT OF INSPECTOR OF SCHOOLS.

Napier, June 1st, 1875.

SIR,—I have the honour to submit the Report of the Schools of the Province, both Public and Denominational, receiving Government aid, for the year ending May 31, 1875.

### *Number of Schools and Teachers.*

The total number of Schools at present in active operation is 25: viz. 8 Boys', 8 Girls', and 19 Mixed. Of these, 6 are in the Town, (viz. 2 Boys', 2 Girls', and 2 Mixed,) and 19 in the Country (viz. 1 Boys', 1 Girls', and 17 Mixed).

Three new Schools have been opened during the year; two in the Country and one in the Town. Those in the Country are, one, Denominational (Church of England), at Taradale; and one at West Ruataniwha: the one in the Town is also Denominational (United Methodist). The small new Public School at West Ruataniwha ("Te Ongaonga") has been established as a "half-time School,"—being the first of its kind here, and I hope to see many more of them ere long begun among the scattered settlers in the outlying Districts.

The School at Danneverk, which had been closed for more than a year through want of a Teacher, has been re-opened.

Two Teachers have recently resigned their situations; one, the Master of Norsewood School, whose place has been lately supplied; and one the Master of Kaikoura School, whose term ends with this present June quarter.

Those 25 Schools are conducted by 24 paid Teachers, viz. 14 Male and 10 Female; who are, however, in some of the larger Schools, assisted by others both Male and Female.

### *New Schools.*

In addition to the above number 25, a new School-house was erected during the summer at Hastings, for which the trustees are seeking an efficient Teacher; and another is now building at Patangata, which will soon, I hope, be completed and occupied.

### *School-houses and Teachers' residences.*

The School-houses are generally in good condition, but most of them are getting too small for the scholars; indeed, in a few even of the larger ones (both Public and Denominational) the scholars have nothing like room enough to write, or to do any exercise creditably. During the year the large new School-house with Master's residence for the Napier Boys' Trust School has been finished; also the extensive additions to the Napier Girls' Trust School, with the residence for the Mistress attached have been erected; and the School-house at Te Wairoa has also been very considerably enlarged. The School-houses at Norsewood and at Danneverk have been made much more suitable, together with the addition (long wanted) of a chimney to each. Masters' residences are also being built at Waipawa, Waipukurau, and Hastings. There still, however, remains much to be done, in the way of repairs, or lining, or small additions, to some of the Schools and Teachers' residences, in order to make them decent and comfortable (as I pointed out last year); which, as I take it, but for the dilatoriness of the trustees, or committees, should have been long ago executed.

### *School Attendance and State of the Scholars.*

Tables—showing the total number of scholars on the books, their attendance at the different Schools and an abstract of their ages; together with a condensed tabular view of the branches of education taught, and the number of scholars

of both sexes learning such branches,—will be given with this report. The total number of scholars on the books, is, boys, 641, girls, 446, total, 1087; the total average attendance is 886; being 106 in excess of the average number of last year. I think I should not omit to mention, that several private Schools in town and country have also been opened during the year.

*Reading.*

Generally the standard is much better than it was last year; this is particularly seen in the larger Schools,—and in some, too, of the smaller Schools where the scholars are elder and attend regularly.

*Writing.*

A large per centage of the scholars can write, and that quickly; but the writing taken as a whole is not so good as it should be. Most of the older scholars and best writers having left School to enter into busy life. Still, this fault is, in too many instances, partly owing to the scholars being so greatly cramped for room, that it is impossible for the best of writers so situated to write well;—partly, also, owing to the writing-desks (where fixed) not being fixed at a proper angle; or, to the unfixed desks being loose and rickety; and this latter evil (and *plague* to the poor scholars!) arises from the uses which are commonly made of the School-houses in the country for religious services on the Sunday, as well as for all public meetings,—on which occasions the loose desks are commonly taken outside for two nights and a day in sun or in rain! Indeed, in a few Schools, desks, which were formerly fixed and served pretty well, have been wrenched off and made to do duty in this wretched loose and rickety way, in order that there might be more room for those secondary purposes! This is a growing evil which I should like to see lessened, if not immediately put a stop to. Writing from dictation is now more commonly practised in all the Schools than it was formerly,—in a few of them very successfully; and English Composition in short essays on simple subjects and in letters have also been fairly initiated in several Schools.

*Arithmetic.*

This branch of learning is mostly well followed. In nearly all of the Schools—(all, except those few where the children are very small, or new at School)—there is much to please under this head; the scholars of both sexes generally being very assiduous at it,—“working with a will.” Several lads are far advanced in Fractions, Decimals, Square and Cube Root, Partnership, Double Rule of Three, &c. In some of the Schools Mental Arithmetic of a higher kind is performed in a quick and creditable manner. Unfortunately, however, both for the lads and their teachers,—just as they come to take a becoming pride and delight in their work, and are an ornament to the School, they have to leave to enter on other duties.

*Geography and the Use of the Maps.*

While the amount of real knowledge in this branch of learning is still less than I should like to see it, it is very much more (especially in the town and in the larger country Schools) than it was last year, particularly in New Zealand Geography,—and will, I have no doubt, still increase. It is both pleasing and surprising to see how readily even the *smaller* children take to the Maps, and the progress they also make, where they are regularly and lovingly taught,—as (for instance) at Te Waipukurau School. Nearly all the Schools are now well supplied with Wall Maps, and with New Zealand Geographies.

*Grammar.*

Last year I wrote,—“Excepting in the town Schools, and a *few* of the country ones but little is yet known (or comprehended) of this branch of learning; a commencement has, however, been made in nearly all; which, it is hoped, will lead on to good results.” And this, I am pleased to find, is now the case in most of the Schools; some of their scholars having a fair and ready discriminating knowledge of this valuable branch of learning. And where it is not so, I fear much has to be placed to the account of the Teacher, who either does not clearly understand it himself, or attempts to teach it in a crabbed heartless kind of way.

*History,*

Both British and General have been advantageously taken up in some of the larger Schools, and I hope to see it more extensively studied.

*Other Studies.*

Under this head I must not fail to notice approvingly,—Geometry classes at the two Boys' Schools in Napier; in which Schools there are also classes for Book-keeping, Drawing, and Mapping. Latin and Algebra are also taught at the Napier Boys' Trust School; and elementary Book-keeping and Mapping have been begun at Te Waipukurau School. English Composition, in short essays on simple subjects, and in letters, has also been commenced in some of the Schools. Singing, is also taught in a few of them.

*Order, Attention, Prompt Obedience, Quiet, Cleanliness.*

Here I must just report in the same words I did last year:—"These great and powerful efficient in true education are pleasingly found in several of the Schools, and that to a greater degree than would be supposed, considering the "rough and ready" manners of some of the children. A few, however, of the Schools have still a little to learn under this head: that the children in them are so much behind those of the other Schools in this respect is, in a great measure, the fault of their Teachers."

*Religious Instruction.*

As this is mentioned in the Hawke's Bay Education Act I notice it here. According to the monthly reports of the Schools sent in to me, such is given in a few only of the Schools (see Table, B.), and there only partly, (viz., in 4 of the Mixed Schools in the country,—and in the Mixed School at the Port; and also in the 3 Denominational Schools at Meanee and at Taradale, and in the United Methodist School in the town,) "either before or after school hours." Of course what that "Religious Instruction" is I do not know. (I have no need to repeat here what I particularly said under this head in my report for 1873.) A few other of the country Schools are either opened or closed with simple singing and prayer. In order, however, the better to get the letter and the meaning of the Hawke's Bay Education Act respecting "Religious Instruction" in Schools strictly carried out, I have had that part of the XVI. clause of the said Act, which refers thereto, printed on the monthly report forms for the Teachers' information; besides which every Teacher has received a copy of the Education Act.

*Sewing, &c.*

In all the Schools conducted by female Teachers (10), and in four of the country Schools under the charge of male Teachers, whose wives or daughters assist them in this important item of learning, the girls are taught the useful art of Sewing in all its branches; and, where the instruction so given is done heartily and regularly, it is a very pleasing sight to see those little ones so employed after the severer lessons of the day are over. Here the little girls really enjoy themselves. Crochet, and other ornamental thread work, and knitting is also taught, though more rarely; while at St. Joseph's Roman Catholic School in Napier, most elegant and useful specimens of ornamental coloured wool work, in addition to the foregoing, are charmingly executed by the scholars.

*Number of Schools Inspected, and the number of times.*

This year I have examined all the Schools with the sole exception of the School at Te Wairoa [see on, under that particular School], and the two newly-opened Denominational Schools; these, however, will be soon visited by me. Several of the Schools (including those which are the farthest off) have been inspected by me *twice* each during the year; and I should have examined all of them twice, but for the long and repeated sicknesses which have visited them (and us) generally, insomuch that, in not a few Schools, both Teachers and scholars have been seriously ill, and the Schools also closed. Other (slighter) causes have also hindered me, which I may just mention,—severe rheumatism, always increased by long or hard travelling,—a fall from my horse while visiting the Schools,—the long closing of the bar at the Wairoa River in the summer,—and the late continuous wet weather in May. On each examination I have given a whole day to each School, and to the larger Schools in town and country *two* days to each of them. The number of days wholly occupied in travelling and inspecting of Schools during this year, is 66; some of which, in the country, have been necessarily extra long,—from starlight in the morning till starlight, and later, at night.

*Usual Plan of Inspection.*

Generally I have come upon the School when wholly unexpected; (although I am not quite sure that this is altogether the better way,—it has its great

drawbacks;) on a very few occasions only have I informed the Teacher of the probable time of my visit,—never of the exact day. I have invariably taken each class and tested their various acquirements, sometimes alone, sometimes with the Teacher,—noting the progress and answers of the Scholars. On all occasions the Scholars have been individually patiently and fairly examined in the various branches taught in accordance with the Education Act;—and not unfrequently aided, or taught by myself while in the School, particularly in the smaller Schools.

*Special Detailed Reports on the different Schools.*

I have also added to this General Report a short Special Report on each School. I have not, however, done this without some hesitation; and (as far as any remarks of mine may apply, or be construed to apply, to any Teacher,) only by strictly endeavouring to *do justice to every one without partiality*. For I cannot but consider it justly due to the hard-working persevering Teacher interested in the advancement of his pupils, and often toiling on from day to day in seclusion,—unheeded, unnoticed, and, too often, unthanked!—that such praiseworthy conduct should be known. And as our Schools, I regret to say, are generally deficient in *trained* Teachers, (in not a few instances owing to the small number of their Scholars and the consequent limited pay,) I have exerted myself, both to bear with and to support every truly honest Teacher who *is striving to do his duty* to the children under his care to the utmost of his ability. Remarks also on the condition of the School buildings,—and on the general wants of the various Schools,—are severally made under this head.

*School and Country Libraries.*

Up to the present time only two of the Country Schools have made a subscription among their Scholars their parents and friends towards the formation of School Libraries,—viz. Tamumu, and Te Wairoa; these two have acted well in this matter, and they have already been aided by the Government. Other Schools are talking about doing something, and will, I hope, ere long shew signs of vitality. The liberal Vote for Country Libraries, so generously and thoughtfully made by the Provincial Council last year, will, I have every reason to believe, be found very useful and will be duly appreciated.

*School Prizes.*

Also, the Vote for “Prizes for deserving Pupils”;—which already has proved of service, although but few prizes have yet been awarded; many more however will be before the next Christmas vacation. In a few places in the Country some efforts are made to obtain a few Prizes for the scholars; and at Waipukurau in particular, (where Education seems to be more justly appreciated than in some other places,) during my last visit and examination, over £3 was collected (in part aided by a Lecture given) for that purpose. I intend offering to all the Schools additional *Money Prizes*, to be competed for by the Scholars during the coming half year:—1. For an *Essay on Kindness to Animals*, 5 prizes, from £1 to 5s.,—and 2. For *little Natural Collections*, 5 prizes, from £1 to 5s.,—full particulars of which will shortly be printed and circulated among all the Schools.

*Conclusion.*

It will be seen from the Tables, that an increase to nearly all the Schools has been made during the year; notwithstanding several of the elder Scholars—both male and female,—who were at many, if not all, of the Schools at the commencement of the year, have left School to enter on active life.

In nearly all the Schools there is much greater activity and diligence exhibited among the Scholars in applying themselves to learning than there was formerly; and where such is not the case it is mainly the fault of the Parents, or Teacher, or both. Indeed, my conviction is, (as I stated two years ago in my Report,)—“that the Scholars are on the whole far in advance of a similar number of children in the Old Country (taken promiscuously) in capacity and in desire of learning.”

No doubt the time will arrive when every Provincial Public School will not only have its *trained* Teacher, but when all the Teachers will act upon one improved system of teaching. But, while I repeat this, I must be clearly understood to mean, that a *trained* Teacher, as such, is only the more valuable to his School and to the Province, when he has also the especial *natural* qualifications of a Teacher, in him,—which no *mere* training can possibly

impart; otherwise the untrained though educated man, possessing the aptness the mind and the heart which enables him to love his work in its entirety and which peculiarly fits him for the office of teaching, will prove the better qualified and most useful man: such-an-one will be sure to gain the hearts of his pupils, and the corresponding advantages will be great and solid, and, though not so showy, will be seen.

I have the honour to be, Sir,  
Your most obedient Servant,

WILLIAM COLENZO,  
Inspector of Schools.

To His Honor the Superintendent of Hawke's Bay.

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## DETAILED REPORTS OF SCHOOLS IN THE PROVINCE OF HAWKE'S BAY, FOR THE YEAR ENDING MAY 31, 1875.

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### I. TOWN SCHOOLS.

#### 1. *Napier Boys' Trust School.*

ON Roll: Boys, 133; average attendance, 111. *Inspected*, December 16, 17 1874; present, each day, 100.

During the past year this School was removed from the old Store in Clive Square, where it had been so long sojourning, to the new and commodious School-house erected in Coote Road. From its commencement under the present able Master it has steadily progressed in number, and the Scholars generally have made good improvement. There is a pleasing heartiness and diligence in them, and many of them are good Readers and have a decent knowledge of English Grammar, and are far advanced in the higher rules of School Arithmetic, at which they are both quick and correct. A few are occupied with Algebra and Geometry (see Table B.); the Master has also a Latin class. In good writing, however, they were not generally proficient at my visit in the summer. The Master has two Assistant Masters; one of them being an experienced Teacher from England. Unfortunately this School has suffered rather severely during the long continued sickness,—and that not only in several of the Scholars being seriously ill, but the two Assistant Masters also. This is a flourishing and highly useful School; and (as I said in my last year's Report,) "we have good reasons for expecting much from it." I had the pleasure of awarding a few Government prizes to the head pupils of this School at the last Christmas Examination; and I have good reason to hope a still larger number of them may obtain some Government prizes at the next.

#### 2. *Napier Girls' Trust School.*

On Roll: Boys, 18; Girls, 49; total, 67; average attendance, 56. *Inspected*, December 7, 1874; present, 47.

This useful School has fallen off in the number of its Scholars, during the past 6 months; having had nearly 100 on the Roll at the beginning of the year, with a corresponding average attendance. This is partly owing to the general sickness, but mainly to the new United Methodist School on the opposite side of the way which has been recently built and opened, and is, of course, preferred by members of that Denomination. The Scholars here have now the great advantage of plenty of room in their new and substantial School-rooms; although they are not yet completed. The whole building including the Mistress' residence attached, is quite an ornament to the locality. In this School are several good Readers, and fair writers; and the children generally are advancing in learning all the various branches taught therein.—as a reference to Table B. will clearly show. Their attendance, however, in general, is not so regular as it should be, and this tends greatly to keep them back. The experienced and able Mistress, who is very active and useful, has two assistants. This is a highly interesting School.

#### 3. *St. Mary's R.C. Boys' School.*

On Roll: Boys, 110; average attendance, 101. *Inspected*, December 8, 9, 1874; present, 117.

This School continues in a general flourishing state, although, from its large number, an experienced Assistant Teacher is much required. It is got too

large now to be wholly looked after by any one man,—not even by its present able and energetic Master! notwithstanding the great help he receives in the School from his many vigilant Monitors. I am told that an Assistant Master is expected from England, and I am pleased to hear it. This School is, also, a most interesting and promising one. Order prevails within it; indeed, in this respect it is at the head of all our Boy or Mixed Schools. The Scholars are sharp and active, and several of the upper half are well advanced in all the higher branches taught in the School; a few are also learning Geometry and Drawing. (See Table B.) But the Scholars are too much crowded to do anything properly; how they get on so well as they do is quite a marvel. In common with most of the Schools this has suffered from the general sickness, the Master also having been for some time seriously ill. At the last Christmas vacation I had the great pleasure of awarding a few Government prizes to the head pupils of this School,—and I hope a still larger number of them will also obtain some Government prizes at the next Christmas Examination.

#### 4. *St. Joseph's R.C. Girls' School.*

On Roll: Girls, 80; average attendance, 53. *Inspected*, December 10, 1874; present, 62.

Of this School the same may be said as of the former one,—that it is in a general flourishing state, owing to its assiduous and kind Teachers. Many of the Scholars are clever and attentive in Reading, Writing, and Arithmetic, also in Grammar, Geography, and the use of the Maps. Here good Order and Discipline (so essential to the real prosperity of any School) prevail. The girls seem greatly attached to their affectionate Teachers, by whom also the Monitorial system is advantageously used. Besides the ordinary branches of plain and useful Sewing, and Knitting, much elegant and ornamental needlework in great variety is executed here,—a delightful book of description might be written about it. This is a very pleasing and useful School. Unfortunately it is still much less than usual in average attendance, owing to the long prevailing sickness.

#### 5. *Port School, Mixed.*

On Roll: Boys, 11; Girls, 18; total, 29; average attendance, 24. *Inspected*, Nov. 30, 1874; present, 19.

During the Summer the Mistress of this School was twice seriously ill, so that the School was for some time, and on two occasions, closed. It is now, however, in active operation, and is again steadily increasing in number, and progressing in learning;—the children being mostly very young. The Teacher is diligent and attentive; and the little ones are making satisfactory progress.

#### 6. *Emerson-street U.M. Mixed School.*

On Roll: Boys, 22; Girls, 28; total, 50; average attendance, 32.

This Denominational School was opened in January last in the capacious new School-room built by the United Methodist body, adjoining their place of worship in Emerson-street. Most of the children attending this School were formerly in our other Schools in this town. They are nearly all small, and seem to be progressing fairly under their new Teacher,—although, like all the rest, hindered greatly by the long prevailing Sickness. A reference to Table B. will show their position in the School as reported by her. I have not yet Inspected this new School (separately), but hope to do so shortly.

## II. COUNTRY SCHOOLS.

#### 7. *Meanee Township Mixed School.*

On Roll: Boys, 12; Girls, 20; total, 32; average attendance, 23. *Inspected*, December 2, 1874; present, 25.

This School is composed of very young children, two-thirds of whom are girls. The general sickness has hindered their attendance and progress,—still they are advancing in learning; a few of them pleasingly so. During the past year the old School-house, with Teacher's residence (which stood close to the Presbyterian Church at central Meanee), was removed hither and re-erected,—which is advantageous for both Mistress and Scholars; but the School-room sadly wants lining, also a chimney.

#### 8. *Central Meanee, St. Mary's R.C. Boys' School.*

#### 9. *Central Meanee, St. Mary's R.C. Girls' School.*

On Roll: Boys, 50; Girls, 26; total, 76; average attendance, 46. *Inspected*, Sept. 28, 1874; present, Boys, 39; Girls, 17; total, 56.

These are two good useful Schools, in which the sexes are kept distinct and taught in separate rooms, although both Schools are under one roof. The



wife of the experienced teacher (Mr. Huntley) has now the charge of the Girls' School. In some respects these Schools have been rather unfortunate in having had a large share of the general prevailing disorders, measles, &c., extending over a considerable time, insomuch that they were closed for a season in March. I was pleased with what I saw of the proficiency and improvement of many of the pupils when there last year,—only they were very much too crammed for room to do anything really well. As the building has only recently been erected, this is another apt instance of how quickly a School increases! The Master of this School has (among other choice things accessible to his pupils,) a superior compound Microscope which is always available to the scholars, and is often used by them; one of its consequences was, that at the Christmas vacation he had to give Pocket lenses to some as prizes instead of Books!

10. (A.) *Taradale Mixed School.*

*Inspected, December 4, 1874; present, 14.*

This was the former (Public) School at this place, mentioned by me in my Report of last year. On my visit of Inspection in the summer I found but a small number of Scholars, who were sadly deficient in general school knowledge,—evidently through great neglect on the part of the Teacher, or irregular attendance, or both. The School-room also was nearly destitute of all needful requisites. The Teacher resigned in December, in consequence of what I had said to him: and as the Denominational School-house in the township was then building, this former School has since ceased, being (*pro tem*) merged into this latter.

(B.) *Taradale Ch. of England Mixed School.*

On Roll: Boys, 33; Girls, 17; total, 50: average attendance, 40.

This, as a Denominational School, is entirely new; it supersedes the former one (A. *supra*.) which was held temporarily in a very small rented cottage. (A Public School-house would have been long ago built at Taradale, but for the unfortunate disagreement which continually arose there about the Schools; and I still believe that such would have been vastly more suitable for the place.) Many of the Scholars at this present Denominational School were formerly at the Public Schools in this township and neighborhood, where I have seen them. This School was first opened in February last, and its present experienced Teacher took charge of it in March (only three months ago). I have not yet visited it, but hope to do so soon. I understand that there will be no mid-winter holidays at this School this year, there having been so much sickness among the children and so much time lost. The Tables will shew the ages and position of the Scholars in the School, as returned to me by the Teacher.

11. *Puketapu Mixed School.*

On Roll: Boys, 14; Girls, 10; total 24; average attendance, 19.  
*Inspected, December 14, 1874; present, 25.*

The number of Scholars at this School is less than that of last year. This, however, is mainly owing to the comparatively small number of children in this secluded locality; some of the bigger ones, too, who were formerly at School, having ceased to attend. This is a very quiet and orderly School, in which but small progress is made,—or, at least, is seen. A few of the elder Scholars, however, are advancing in Arithmetic, and the smaller ones in Reading and Writing. But here, as in other places, Boys of a certain age, in order to get on, should be placed at a Boys' School proper,—or, under an able Master. There are 6 Boys at this School, between the ages of 10 and 16, most of whom should be at a higher School. In saying this I should also add, that I am persuaded the present Mistress, who is very attentive, does her best for the Scholars. Their attendance, too, is not good, they come both late and irregularly.

12. *West Clive Mixed School.*

On Roll: Boys, 12; Girls, 25; total 37; average attendance, 25.  
*Inspected, December 1, 1874; present, 24.*

The children at this School are mostly very young, three-fourths of them being under ten years of age, and two-thirds of them Girls,—so that their progress is but slow,—still they are advancing a little in the various branches of learning taught in this School. The Master is regular and attentive to his duties; and his wife has her Sewing classes in the afternoon for both plain and ornamental work.

13. *East Clive Mixed School.*

On Roll: Boys, 22; Girls, 18; total, 40; average attendance, 29. *Inspected*, Dec. 21, 1874; present, 44; May 17, 1875; present 33.

There has been much sickness among the Scholars of this School during the Summer; several also, who were at it, have left the neighbourhood; still it is very fairly attended, and is pleasingly progressing, especially in Reading and Arithmetic. Good Order is kept in this School; and a pleasing diligence in their work is apparent among all the Scholars, who are mostly small. The Master is able, active, and attentive to his duties; notwithstanding a very severe accident he unfortunately met with during the past year, while engaged in the School, from which he is but slowly recovering.

14. *Havelock Mixed School.*

On Roll: Boys, 28; Girls, 6; total 34; average attendance, 26. *Inspected*, November 26, 27, 1874; present, 25.

The number of Scholars now attending this School is considerably less than it was some time back. This is owing,—to some of the bigger ones having left school—to some others having left the neighborhood,—and to a private Girls' School having been opened there (which also takes in small Boys). It is, however, one of our satisfactory Country Schools, which it is always a pleasure to visit; as no branch of learning taught in this School is ever allowed by its able and zealous Master to be superficially passed over. The Girls, especially the bigger ones who were formerly here, were among the best and foremost of the female Scholars in all our Schools, particularly in Writing and in Arithmetic. There is a pleasing healthy tone pertaining to this School; the Scholars are diligent and make good progress, and seem to understand well what they are taught, and what they do.

15. *Kaihoura Mixed School.*

On Roll: Boys, 8; Girls, 5; total, 13; average attendance, 10. *Inspected*, November 25, 1874; present, 12.

There is a very sad falling off in the number of Scholars of this School during the past year; mainly owing to the unhappy differences among the people of the village, and the dislike of many of them to the Master of the School,—through which the large majority of the children have suffered considerably in being wholly deprived of Scholastic education for a long time, having been taken away from the School. However, it is to be hoped that a better state of things will shortly take place there,—the Master having resigned his situation. There should be a good School here; the children are numerous and dwelling near,—and the locality is healthy and quiet. When I last *Inspected* this School, I saw several signs of improvement, though small, among the little Scholars, few though they were.

16. *Waipawa (or Abbotsford) Mixed School.*

On Roll: Boys, 40; Girls, 11; total, 51; average attendance, 40. *Inspected*, Nov. 23, 1874; present 38.

This is a steadily advancing School, and many of its Scholars are making fair progress;—the lower half (of mostly small children) in Reading, and the upper half in Arithmetic, Geography, &c. Several, however, of the bigger first-class Scholars, who were very well advanced, have left School. The Master is able and diligent, and regular and attentive to his duties. I am happy in being able to report, that a residence for him is now being built.

17. *Te Waipukurau Mixed School.*

On Roll: Boys, 27; Girls, 20; total, 47; average attendance, 37. *Inspected*, Nov. 16, 18, 1874; present, 51; April 14, 21, 1875; present, 46.

This is another flourishing School, to *Inspect* which is a real pleasure; there being better discipline and more order, attention, and tidiness, in it, than in many. It is also steadily progressing in number, (although several of its bigger Scholars—once its pride!—have left it during the past year to enter on other pursuits,)—and the Scholars generally are all making very fair progress in the various branches taught. The Master's wife has large Sewing-classes in the afternoons. I think the children of this quiet township have many advantages beyond those of others. The School-house is a very good one, and has been recently re-lined. The Master's residence, so long talked-of, with money granted for its building by the Government, has not yet been begun; it is much wanted, and ought to have been completed long ago.

18. *Tumumu Mixed School.*

On Roll: Boys, 7; Girls, 7; total 14; average attendance, 11. *Inspected*, November 17, 1874; present, 13.

It is also a pleasure to visit this very secluded School, to note its good order and discipline, and the general improvement of the Scholars. Unfortunately they are few in number,—less, indeed, than they were last year, owing to the bigger ones (and they were fine lads!) leaving School for the severer duties of active life. Much good has been effected in a short time in this isolated school,—mainly owing to both Master and Scholars working together “with a will”! A remarkable instance of this,—worthy of being recorded,—I found on my last visit here; a girl, who had never been at any School before, and who did not even know her letters when she came to this, had, in less than 7 weeks, learned both to read and to write tolerably well, and also to do easily simple sums in addition: I proved her myself in all three. Her first Copy book (not yet quite finished) was really unique, beginning with strokes and “pot hooks,” and ending with a fair running hand! This School is also praiseworthy kept open for 6 hours daily, and for half-a-day on Saturdays.

19. *Porangahau Mixed School.*

On Roll: Boys, 11; Girls, 13; total, 24; average attendance, 18. *Inspected*, April 16, 17, 1875; present, 23.

It is pleasing to see the general improvement in the children attending this School;—which is the more striking when the great drawbacks they have to contend with are also considered. During the whole winter the School was as good as closed, owing to the state of the Country around being such (so much under water!) that the children could not come to School; many of them having several miles to walk daily to and from School. I spent two days in this little school in April, and was much gratified with their general advancement in learning,—including the elementary part of Grammar, which I had scarcely expected. The School-house is altogether too small; and the portion of the building set apart for the Teacher’s residence is smaller still, and wants repair’s, (lining &c.,) and should be immediately attended to.

20. *Norsewood Mixed (Scandinavian) School.*

On Roll: Boys, 22; Girls, 23; total, 45; average attendance, 29. *Inspected*, Nov. 20, 1874; present, 36; April 23, 1875; present, 18.

I was pleased to find a general small advancement among the scholars of this school; still it was not so marked as I considered it ought to be. They, however, have their hindrances, and they have been great. The main one is, of course, that they do not use English at all when out of school,—in play, and at home, they all use only their own mother-tongue—Danish or Swedish. I scarcely see, as things are, how they are ever to learn to speak English both idiomatically and well, read it, they can; understand it, they do, a little; but when they get out into life (service, &c., among the English Settlers,) then their school learning will prove to be of great use and benefit. Their late teacher rather unexpectedly resigned his situation in April, and left the school (without a teacher) in May; but another Teacher has been appointed, who, being a female, and *not* speaking the Scandinavian language, will, I have little doubt, get those children on quicker. The School-house, which sadly wanted repair, has been repaired, and a chimney also built during the year; the Teacher’s rooms have also been made much more suitable.

21. *Danneverke Mixed (Scandinavian) School.*

On Roll: Boys, 13; Girls, 13; total, 26; average attendance, 20; *Inspected*, April 22, 1875; present, 24.

This School, which had long been closed through want of a suitable Teacher, was re-opened in February in this year, and when I visited it in April, I was gratified in finding such a nice little party of children, endeavoring heartily to acquire the rudiments of English School learning, and who, in so short a time, had already made some progress. I feel sure that under their present active and able mistress they will get on rapidly, and soon shew the fruits of her teaching. The School-house here has also been repaired, and a chimney built (both much needed), but the Teacher’s residence is still the same, and is utterly unfit for the purpose,—being but a very small single room, or box.

22. *Hampden Mixed School.*

On Roll: Boys, 9; Girls, 14; total, 23; average attendance, 15. *Inspected*, Nov. 24, 1874; present, 20; April 23, 1875; present, 19.

The children at this secluded school advance but slowly. It may be that irregular, or late attendance has something to do with it. The Teacher seems both willing and conscientious, and is attentive, but, I think, lacks system; this, I hope will in future be improved. Still some progress is being made, but not so quickly as it ought. Most of the children are very young, and several have some distance to travel daily to and from School. I regret to say, that the repairs and small additions to the Master's residence have not yet been done.

23. *West Ruatanivha (or, Te Ongaonga) Mixed School.*

On Roll; Boys, 5; Girls, 7; total, 12; average attendance, 11. *Visited and partially Examined, April 28, 1875.*

This is an entirely new School, which was established during the summer by the settlers living in that locality for the benefit of their children. It is situated pretty high up among the forests on the outer E. slopes of the Ruahine range, far away from civilization, and about 6 miles W. from Te Ongaonga. The School-house is pretty central for the little Scholars, who have, however, some distance to go to it,—a kind of “steeple-chase” on foot, over fences and through fern and bush,—no roads. The settlers chose their own Teacher, who had long been residing among them, and have agreed with him for 3 hours a day, from 10 to 1. And I have since arranged with him as a “half-time” Teacher. The little School has steadily progressed, in number and in learning, since it was opened; some of the little ones being able to read and to write. I shall not soon forget the day of my first visit! as, in riding thither, I had been thrown severely, my horse falling with me and treading on me, so that I got there in much misery, and late, after the School had been dismissed, and, consequently, only saw some of the Scholars who could be got together; besides I was in so much pain that I could scarcely do anything,—and still had many miles of rough riding (to Hampden) before that I could reach an accommodation house.

24. *Petane Mixed School.*

On Roll: Boys, 0; Girls, 5; total, 5; average attendance, 5. *Inspected, December 22, 1874; present, 11.*

This is another quiet and secluded School; and the few children at it make steady and pleasing progress in Reading, Writing, and Arithmetic. Unfortunately it has decreased very much of late, through there being but few children in the neighbourhood, and with little early likelihood of an increase. It has a nice School-house, which was only last year repaired,—the inhabitants of the valley contributing their fair quota;—it is kept very clean and tidy, and it seems a pity to abandon it.

25. *Te Wairoa Mixed School.*

On Roll: Boys, 35; Girls, 31; total, 66; average attendance, 54.

This School has also been unfortunate during the past year in the matter of health;—notwithstanding it has increased and is progressing. In the early summer, when about to visit it, I was informed by the Mistress, that “some of the Scholars had the measles, and that several others of them were consequently kept at home through fear of infection, so that the attendance was but small”; subsequently the bar of the river was closed, and I waited in hopes of its speedily opening, which it did not; then I heard from the Mistress that her own health was failing, and that she was going to try a voyage and visit to Napier for a short time in hopes of renovation; and, lastly, on my return from inland S. visiting early in May, intending to go forthwith to Te Wairoa, I accidentally heard from Mr. Burton (M.P.C. for that place, who had just arrived,) that the Mistress herself was ill and confined to her bed, and the School closed! (Since confirmed in a letter from her, on her recovery, stating, further, that it had been closed for a time under an order from Dr. Ormond, R.M., owing to the general sickness, but that it was again open.) I purpose, however, going thither shortly. From what I personally know of the active and able Mistress, (who is also so well known to the residents there,) and from her carefully prepared Monthly Returns, I have no doubt but that her School is doing well. Indeed a reference to Table B. will fully show this; as from it may be learnt the exact position of all her Scholars.

WILLIAM COLENZO,  
Inspector of Schools.

TABLE A.

Total and average attendance at Schools, and ages and sexes of Scholars.

SCHOOLS.	Under 5 Years.		From 5 to 10.		From 10 to 12.		From 12 to 16.		16 and upwards.		Total on Books, May, 1875.		Average attendance, May, 1875.		Total on Books, May, 1874.		Average attendance, May, 1874.		
	B	G.	B.	G.	B.	G.	B.	G.	B.	G.	B.	G.	B.	G.	B.	G.	B.	G.	
	T. M.		T. M.		T. M.		T. M.		T. M.		T. M.		T. M.		T. M.		T. M.		
Town: Napier Boys' Trust	1	..	81	..	35	..	16	..	..	..	133	..	111	..	90	..	70	..	
Napier Girls' Trust	..	..	12	..	39	..	10	..	..	..	49	..	36	..	71	..	83	..	
St. Mary's R.C. Boys'	..	..	47	..	47	..	15	..	1	..	110	..	101	..	112	..	94	..	
St. Mary's R.C. Girls'	..	..	3	..	30	..	35	..	12	..	80	..	53	..	82	..	57	..	
St. Joseph's R.C. Girls'	..	..	11	..	18	..	29	..	..	..	11	..	24	..	18	..	10	..	
Fort ..	..	..	3	..	11	..	33	..	..	..	23	..	28	..	28	..	22	..	
Ernson-street U.M.	2	..	18	..	21	..	2	..	..	..	22	..	20	..	13	..	23	..	
Country: Meance R.C. Boys'	..	..	11	..	19	..	1	..	..	..	50	..	27	..	46	..	35	..	
Meance R.C. Girls'	..	..	27	..	9	..	14	..	..	..	17	..	10	..	36	..	21	..	
Meance, R.C. Girls	..	..	1	..	13	..	9	..	3	..	33	..	17	..	26	..	26	..	
Paradale, Ch. of England	..	..	26	..	13	..	4	..	2	..	33	..	10	..	16	..	13	..	
Puketapu	..	..	8	..	7	..	2	..	3	..	13	..	10	..	13	..	28	..	
West Clive	..	..	5	..	19	..	4	..	1	..	12	..	25	..	9	..	19	..	
East Clive	..	..	1	..	14	..	4	..	1	..	22	..	18	..	20	..	39	..	
East Clive	..	..	17	..	4	..	1	..	3	..	18	..	34	..	25	..	13	..	
Laycock	..	..	16	..	3	..	3	..	1	..	25	..	6	..	11	..	14	..	
Kaikoura	..	..	1	..	1	..	3	..	1	..	7	..	12	..	10	..	14	..	
Waipawa	..	..	24	..	8	..	2	..	..	..	40	..	11	..	39	..	46	..	
Te Waipukurau	..	..	20	..	12	..	4	..	3	..	27	..	23	..	32	..	41	..	
Porangahau	..	..	9	..	5	..	3	..	1	..	17	..	13	..	8	..	10	..	
Tanunu	..	..	4	..	2	..	3	..	2	..	7	..	7	..	4	..	7	..	
Norsewood	..	..	4	..	2	..	3	..	1	..	10	..	10	..	10	..	17	..	
Daneverk	..	..	19	..	17	..	5	..	2	..	22	..	23	..	26	..	46	..	
Hampden	..	..	1	..	8	..	5	..	4	..	13	..	13	..	14	..	28	..	
West Ruataniwha	..	..	6	..	10	..	1	..	1	..	9	..	17	..	11	..	14	..	
Teaue	..	..	4	..	4	..	7	..	..	..	5	..	12	..	4	..	8	..	
Te Wairoa	..	..	24	..	25	..	6	..	1	..	35	..	31	..	34	..	65	..	
Total ..	17	18	396	289	159	106	68	31	1	2	641	446	1087	..	836	533	438	971	..

WILLIAM COLENSO,  
Inspector of Schools.

\* New, or newly-opened, and so no Special Return in 1874.  
M.—Means sexes mixed: in all attendance numbers in Mixed Schools the sexes are not distinguished.  
N.B.—In a few instances the numbers of average attendance for "May 1875," are taken from the *March* Quarterly Register, and not from the *May* monthly one;—as many Scholars in May were absent from several of the Schools through sickness and through wet.  
No Capitation allowance is granted by the Government for children under the age of 5 years, or above 16 years.

TABLE B.

Tabular view of the Branches taught in the Public and Denominational (Government aided) Schools in the Province of Hawke's Bay, and of the number of Scholars learning in the said Schools, for the year ending May 31st, 1875.

Table with columns: SCHOOLS, TO READ, TO WRITE, ARITHMETIC, GEOGRAPHY, GRAMMAR, SUNDRY, and SEW-ING. Rows include various schools like Napier Boys' Trust, St. Mary's R.C. Boys, and a Total row at the bottom.

WILLIAM COLENZO, Inspector of Schools.

# Council Paper.

1875.

## REPORT OF INSPECTOR OF POLICE.

Napier, June 9th, 1875.

SIR,—I have the honor to report for your information on the Police Department under my charge in this Province for the year ending June 30th, 1875.

First, I may say that, considering the late great increase of population in this Province, a corresponding increase of crime might reasonably be expected, but I am happy to say such has not been by any means the case. This, no doubt, has been owing to the full employment which all have obtained who were willing to work. It is a congratulation that in the Town of Napier drunkenness appears to be on the decrease; the various public houses, excepting in one or two instances, are most respectably conducted, and the accommodation provided for the public is everything that can be expected.

I regret to say that many of the country houses are not conducted in so orderly a manner as is desirable, and that travellers do not always receive that amount of attention, and do not find that provision is made for their comfort, which they have a right to expect—in fact, some of these houses appear to be nothing better than mere drinking dens; the attention of the landlords being chiefly directed to the sale of their liquors, and not to the comfort of travellers. If I find no improvement in this state of things I intend, during the ensuing quarter, to report upon certain of these houses to the Licensing Bench, with a view to getting their license taken from them.

The present numerical strength of the police force, as shewn by the enclosed return, is not sufficient for the due and efficient performance of the very considerably increased amount of duty which they have to perform, owing to the great increase of population of late; therefore, I beg that I may be allowed to take on one more man in the Town of Napier.

I have the honor to be, Sir,  
Your most obedient Servant,  
THOMAS SCULLY,  
Inspector of Police.

To His Honor the Superintendent of the  
Province of Hawke's Bay.

### PROVINCE OF HAWKE'S BAY.

Return shewing the strength of the Police Force for the year ending the 30th June, 1875.

STATION.	RANK.	MOUNTED.	FOOT.	TOTAL.	REMARKS.
Napier ... ..	Inspector	1	„	1	
Napier ... ..	Sergeant	„	1	1	
Napier ... ..	Constables	„	5	5	
70-Mile Bush ...	Constable	1	„	1	
Waipawa ... ..	Constables	2	„	2	
Havelock ... ..	Constable	1	„	1	
Taradale ... ..	Constable	1	„	1	
Wairoa ... ..	Constable	„	1	1	
		Tl. 6	7	13	One Sergeant reduced to Constable for misconduct at Waipawa Station, from 1st June.

## Required for the ensuing Year.

STATION.	RANK.	MOUNTED.	FOOT.	TOTAL.	REMARKS.
Napier ... ..	Inspector	1	"	1	
Napier ... ..	Sergeant	"	1	1	
Napier ... ..	Constables	"	6	6	
70-Mile Bush ...	Constable	1	"	1	
Waipawa ... ..	Corporal	1	"	1	
Waipawa ... ..	Constable	1	"	1	
Havelock ... ..	Constable	1	"	1	
Taradale ... ..	Constable	1	"	1	
Wairoa ... ..	Constable	1	"	1	
		<u>7</u>	<u>7</u>	<u>14</u>	

THOMAS SCULLY,  
Inspector of Police.



# Council Paper.

1875.

## PROVINCIAL SURGEON'S REPORT, 1875.

Napier, June 8, 1875.

SIR,—

I have the honor to furnish you herewith my annual Report of the Hospital Department of the Province, as follows :

	Males.	Females.	Total.
Remaining in Hospital, May 31, 1874 ... ..	5	3	7
Admitted during the year, to May 31, 1875 ... ..	114	41	155
Total ... ..			162

—This is an increase of 170 per cent. over last year, owing to the thickening of our population by immigration, the ships Clarence and Fritz Reuter furnishing the Institution with over forty cases alone. There were—

	Males.	Females.	Total.
Discharged during the year ... ..	97	38	135
Died ... ..	10	1	11
Remaining, May 31, 1875 ... ..	12	4	16
Total ... ..			162

—The cases admitted from the ship Clarence were mostly those having reference to the Dietary in the latter part of the voyage. Three children died soon after arrival, from diarrhœa, and many others resisted remedial agents for a long time. Those from the Fritz Reuter were convalescent cases of fever of a low type—all of which recovered. The latter ship arrived at a time when our town and neighborhood was stricken with low or typhoid fever. Deaths were rife amongst us, and every day swelled the number of the attacked. The cases from the ship in no way added to or increased the malignity or virulence of the disease. The latter was prevailing everywhere in the Colonies. Sydney and Melbourne, where there is little or no immigration, shared a like, if not a worse, fate. It is true the Scandinavians and Germans which have been placed interstitially in our midst, from their want of personal cleanliness, and their peculiar habits, have been prone, when attacked, to present this disease in its worst aspect; but it is not the less true that persons and families in affluent circumstances, apart from filth, swamp exhalation, or from foreign contamination, have furnished cases of as serious a character—and I feel confident in stating that immigration has neither originated nor, to any appreciable extent, propagated any of the disastrous visitations with which we have been afflicted; but that these are inseparable from the free and unrestrained commixture which facilities of transit offer, and from the results of which no isolation or preventive seclusion is practicable. The cases which have been under treatment call for no remark, as they present no features either of novelty or general interest, and the deaths have been from natural causes.

I would call your Honor's attention to the necessity of providing increased accommodation for patients. The vast addition to our laboring classes by the influx of immigrants renders this imperative. The Hospital staff (by which I mean additional attendants, washerwomen, &c.) will have to be enlarged. It has only been by canvas tents, and by the absorption of an additional building pre-existing, that accommodation has been in any way afforded during the heavy visitation with which we have lately been afflicted.

I have the honor to be, Sir,  
Your most Obedient Servant,  
THOMAS HITCHINGS,  
Provincial Surgeon.

To His Honor the Superintendent,  
Napier.

# Council Paper.

1875.

## REPORT ON SURVEYS.

Survey Office,  
Napier, June 9, 1875.

SIR,—The surveys executed during the present financial year comprise—

1. 16,500 acres, by Messrs. Ellison, in the Ahuriri Block, on the late runs of Colonel Whitmore.
2. 4,600 acres by Mr. Hallett, into sections, in the Seventy-Mile Bush.
3. 6,500 acres, by Messrs. Ellison, into sections, on the run of Messrs. W. Couper and M'Dougall, in the Ahuriri Block.
4. 6,400 acres, by Messrs. Ross, on the Makaretu Reserve, Ruataniwha Bush. Applications on deferred payments.
5. 4,200 acres, by Mr. Hallett, on the Porangahau Blocks, Educational Reserves, and applications on runs.
6. 17,500 acres, in small blocks, at Tautane, Mohaka, Waikari, Moeangiangi, Puketitiri, and Kereru.
7. 7,000 acres, (now under progress), by Mr. Rochfort, on the late runs of Messrs. Price, Porangahau Block.

The surveys have kept fully pace with the applications, and the amount of work now standing over does not exceed, in the aggregate, 6,500 acres, principally on the Makaretu Reserve and at Moeangiangi. The number of acres surveyed is not large, but a considerable portion is bush land, laid out into sections from 40 acres to 80 acres, which entails probably four times the labour of surveys of open lands.

The office work has made considerable headway during the year. 427 Crown Grants have been drafted, and not more than about 290 remain now to do; but very little progress has been made in re-

plotting old maps, as the time of the draughtsmen is greatly taken up with giving information.

In other Provincial Survey Offices a charge is made for examining maps for other purposes than obtaining information about lands open for sale. For making tracings of purchased blocks, obtaining areas and descriptions of boundaries, and for examining field books, &c., fees are charged upon a fixed scale; and I beg leave to suggest that, in the interest of the public service, similar rules may be established here, as I feel satisfied that the draughtsmen then would have more time for their legitimate work.

With regard to the requirements for the coming year, I beg to submit that, with the view of cutting up a considerable portion of the Ahuaturanga and other blocks in the Seventy-Mile Bush, at least £2500 should be appropriated for field work. In addition to this sum, provision should be made for the survey of roads through native Crown Grant blocks.

The Act provides that the right of taking roads must be exercised within 10 years from date of the Crown Grant, and as many grants date from 1866 and 1867, no time should be lost in marking out the roads.

I estimate that a surveyor will be able in six summer months, to do the required work, at a cost of £600.

I have the honor to be,

Sir,

Your most obedient servant,

CHARLES WEBER,

Provincial Engineer.

To His Honor the Superintendent,  
Napier.



# Council Paper.

1875.

## REPORT OF INSPECTOR OF SHEEP.

Sheep Inspector's Office,  
Napier, 18th May, 1875.

SIR,—I have the honor to furnish my annual report for the current year, and enclose for publication statement of Sheep Returns of 1st May, 1874, which show a total of 1,096,558 Sheep over six months old at that date, being an increase of 68,302 over the returns of May, 1873. The enclosed returns comprise 596,814 ewes, 486,942 wethers, and 12,802 rams, as against 584,371 ewes, 428,568, wethers, and 12,371 rams, in May, 1873. Whilst the increase thus shown is less than I anticipated, it can be accounted for in some measure by the increased provincial consumption, but chiefly owing to the fact that this province has supplied, and is still supplying, large drafts of sheep to stock new country taken up in Patea and the East Coast districts, in addition to continued shipments of fat stock for the Auckland market. Since the date of my last report no sheep have been introduced to this province overland, but the imports at Port Ahuriri, during the past twelve months, have been much the largest I have yet had to record, being 243 Merino rams, 2788 Merino ewes, 446 Long-wool rams, and 526 Longwool ewes, or a total of 4003, as against 769 for the corresponding period of 1873-74. With the exception of 1600 of the Merino ewes, these sheep were imported for stud purposes, many of them of a very high class, calculated to materially enhance the future value of our flocks. I have again much satisfaction in reporting the flocks in this Province free from scab. The double line of fence at the southern boundary of the province, together with the careful shepherding that locality receives from the boundary shepherd, discourages any apprehensions of stray sheep finding their way across, or scab being introduced at that point, other than by exceptional circumstances, such as settlers taking on shearers or station hands from scabby districts, a contingent which I regret to say has not been so rigidly observed as the risk incurred entitles it to; indeed I may remark that unless the settlers themselves will recognise the importance of unceasing vigilance to guard against its introduction in this way, all the measures already devised, and the most stringent provisions by Act, may fail to avert the transmission of this disease. Towards the northern boundary no present danger exists, a wide belt of clean country intervening between the Mahia and the infected East coast districts; but the increasing number of sheep yearly imported from other provinces, England and the Australian Colonies, demands careful supervision at Port Ahuriri to guard against the introduction of disease by sea-borne sheep. Foot rot has exhibited itself but slightly during the past year, and as the flocks partake more of the longwool crosses it will, I believe, become still less troublesome.

I regret that I have not been able to travel so much through the province during the past year as formerly, owing to the impossibility of finding a competent assistant disengaged at the times I have wanted one, so that, with the exception of two visits to the southern boundary, and one to the Mahia, my functions have been confined to Office work, and sheep inspection at the Port, nor do I see that this can be otherwise, so long as I am without a permanent assistant. Fortunately no emergency has arisen during the past year to call for my sudden departure to any distant part of the province, or for a protracted absence from Napier. Had such occurred, the chances were that the importation of sheep at the Port would have lacked satisfactory supervision. I should feel wanting in my duty did I not give due prominence to what may at any time prove an irremissible defect in the department, and would recommend that an efficient assistant be appointed; whether this view is affirmed by the Council or not, I think it right to call the attention of sheep owners to the matter. I hope some arrangement may be made this session of Council to relieve me of the Slaughter House duties, and, if possible, those of the more important office of Inspector of Cattle, under the Diseased Cattle Act, an office, I may add, for which I do not possess the necessary qualifications.

I have the honor to be,

Sir,

Your most Obedient Servant,  
G. PEACOCK,

Inspector of Sheep.

His Honor the Superintendent,  
Napier.

RETURN OF SHEEP ABOVE SIX MONTHS OLD IN THE PROVINCE  
OF HAWKE'S BAY ON 1ST MAY, 1874.

NAME OF SHEEPOWNER OR PERSON IN CHARGE.	STATION OR LOCALITY.	NUMBER OF SHEEP	AMOUNT OF ASSESSMENT.
A'Dearne, J.	Asehatt	10,234	£ s. d. 10 13 2½
Avison, J.	Waipawa	1,732	1 16 1
Bridge, H. H.	Fairfield	7,500	7 16 3
Bell, M. S.	Tautane	9,000	9 7 6
Bee, F. and G.	Mohaka	6,050	6 6 0½
Bee, G.	Havelock	384	0 8 0
Brown, C. A.	Te Apiti	6,400	6 13 4
Burton, G.	Whakaki	9,200	9 11 8
Bullock, J.	Meanee and Pe- tane	5,100	5 6 3
Boyle, J.	Pukahu	1,412	1 9 5
Buchanan J.	Elishorpe	4,800	5 0 0
Barnes, C. S.	Puketitiri	1,886	1 19 3½
Bennett, J.	Omaranui	1,321	1 7 6½
Boyd, J.	Wairoaiti	2,017	2 2 0½
Bowden, A.	Kaikora	1,778	1 17 0½
Collison, E.	Pukahu	605	0 12 7½
Cox, E.	Tyhoikura	8,200	8 10 10
Collins, J.	Waihikaki	1,856	1 18 8
Collins, E.	Abbotsford	4,785	4 19 8½
Campbell and Meinertzhagen	Waimarama	16,106	16 15 6½
Campbell, H.	Poukawa	10,600	11 0 10
Chapman, F. M.	Poukawa	440	0 9 2
Carlyon, G. G.	Gwararas	12,000	12 10 0
Carrol and Richardson	Wairoa	4,000	4 3 4
Chambers, J.	Te Mata	18,000	18 15 0
Canning, J. D.	Oakburne, &c.	13,200	13 15 0
Condie, G. and D.	Redelyffe	1,808	1 17 8
Cowper, W.	Kauranaki &c	17,100	17 16 3
Carr, Messrs.	Petane	4,818	5 0 4½
Carwell, W.	Mount Alexan- der	8,075	8 8 2½
Cannon, W.	Clive	249	0 5 2½
Crail, R.	Porangahan	300	0 6 3
Chrystal, T.	Pukahu	353	0 7 4½
Crosse, T. E.	Porangahan	3,834	3 19 10½
Campbell, N.	Kaikora	1,334	1 7 9½
Collins, S.	Pukahu	38	0 0 9½
Cable and Drummond	Wakamahi	10,694	11 0 0
Douglas, W.	Whakatahara &c	16,396	17 1 7
Duff, H. A.	Whakarara	7,394	7 14 0½
Duff Brothers	Wairoa	5,200	5 8 4
Davis, E.	Meanee &c	2,404	2 10 7½
Dobel Brothers	Springfield &c	3,000	3 2 6
Duncan, J.	Waiapa	507	0 10 6½
Evans, R.	Kaikora	943	0 19 7½
Farnier, R.	Longlands	8,628	8 19 9
Fleming, D. S.	Boar Hills	1,860	1 18 9
Glenny, W.	Kopuawhara	1,360	1 8 4
Gollan, D.	Mangatarata	23,200	24 3 4
Gollan, K.	Tamumu	2,740	2 17 1
Grant, A.	Burnside &c	11,110	11 11 5½
Glenny, J.	Ongai	526	0 10 11½
Gollan and Drower	Eparaima	504	0 10 6
Harding, J.	Mount Vernon	17,095	17 16 1½
Harding, J.	Mount Eryn	7,200	7 10 0
Hamilton, G. D.	Mangatoro	5,600	5 16 8
Howard, J.	Hampden	1,824	1 18 0
Holden, J.	Tikokino	2,980	3 2 1
Hill, K.	Clifton	14,749	15 7 3½
Hill and Gordon	Karamu	4,500	4 13 9
Hunter, D. and W.	Parakehana	27,033	28 3 2½
Heslop, J.	Puketapu	3,300	3 8 8
Heslop, W. and G.	Poraiti	5,505	5 14 8½
Heslop, W. and G.	Chesterhope	3,515	3 13 2½
Herrick, J. L.	Forest Gate	6,536	6 16 2
Hutkinson, M.	Springvale	2,312	2 8 2
Herbert, J.	Wainui	654	0 13 7½
Herbert, J. and C.	Wainui	1,920	2 0 4
Healey, J.	Porangahan	202	0 4 2½

NAME OF SHEEPOWNER OR PERSON IN CHARGE.	STATION OR LOCALITY.	NUMBER OF SHEEP	AMOUNT OF ASSESSMENT.
Hirtzel, C. ....	Porangahan ...	106	0 2 2 $\frac{1}{2}$
Hassill, — ...	Waihua ...	5,054	5 5 3 $\frac{1}{2}$
Johnston, S. ....	Oruawhara &c	37,822	39 7 11 $\frac{1}{2}$
Joll, J. ....	Havelock ...	758	0 15 9 $\frac{1}{4}$
Knight, J. ....	Kaikora ...	1,500	1 11 3
Lambert, C. ....	Havelock ...	590	0 12 3 $\frac{1}{2}$
Lambert, A. ....	Porangahan ...	4,500	4 13 9
Lawrence, J. ....	Homewood ...	600	0 12 6
Lincoln, J. ....	Heavitree ...	3,495	3 12 9 $\frac{3}{4}$
Liepold, C. ....	Tutaekuri ...	253	0 5 3 $\frac{1}{4}$
Livingstone, A. ....	Kaikora ...	428	0 2 5
Lyon, J. ....	Poporangi ...	116	9 17 3
Lowry, T. ....	Okawa ...	9,468	19 18 2 $\frac{1}{2}$
Lampus, C. ....	Patangata ...	19,113	19 18 7
Logan, A. ....	Tamanu ...	700	0 14 7
Mackerey, J. ....	Tamanu ...	610	0 12 8 $\frac{1}{2}$
McHardy, A. ....	The Lake ...	5,662	5 17 11 $\frac{1}{4}$
Merritt, G. ....	Leslie Park ...	4,303	4 9 7 $\frac{3}{4}$
McKenzie, J. ....	Fardon ...	910	0 18 11 $\frac{1}{2}$
Morris, W. ....	Tamanu ...	706	0 14 8 $\frac{1}{2}$
Maney, R. D. ....	Tongio ...	2,368	2 9 4 $\frac{1}{2}$
McKenzie, H. ....	Omanu ...	27,500	28 12 11
McLean, H. ....	Glengarry ...	862	0 17 11 $\frac{1}{4}$
McLean, A. ....	Te Tahake ...	7,218	7 10 4 $\frac{1}{2}$
McLean, D. ....	Tuki Tuki ...	9,764	10 3 5
McDougal, J. ....	Maraekakaho ...	30,000	31 5 0
McDougal, R. ....	Raukawa ...	7,447	7 15 1 $\frac{1}{2}$
McDougal, D. ....	Mangaware ...	15,560	16 4 2
McKinnon, J. ....	Pohi ...	2,940	3 1 3
McKay, A. ....	Araparwani ...	3,500	3 12 11
Mathews, J. ....	Wairapa ...	400	0 8 4
Mullinder, G. ....	Hampden ...	404	0 8 5
McAnanama, J. ....	Patangata ...	183	0 3 9 $\frac{3}{4}$
Nairn, C. and J. ....	Wairoa ...	191	0 3 11 $\frac{1}{2}$
Nelson F. and W. ....	Pouerere ...	34,224	35 13 0
Newman, A. ....	Mangateretere ...	4,530	4 14 4 $\frac{1}{2}$
Norris, G. H. ....	Arlington ...	11,200	11 13 4
Newbould S. ....	Karamu ...	905	0 18 10 $\frac{1}{4}$
Nicholson, J. ....	Papakura ...	600	0 12 6
Ormond, J. D. ....	Kaikora ...	718	0 14 11 $\frac{1}{2}$
Orr, W. ....	Wallingford &c	26,340	27 8 9
Orr, J. ....	Clive ...	503	0 10 5 $\frac{3}{4}$
Peacock, G. ....	Papakura ...	427	0 8 10 $\frac{1}{4}$
Parsons, J. ....	Brooklands ...	2,312	2 8 2
Parsons, W. and T. ....	Papakura ...	696	0 14 6
Powdrell, H. ....	Papakura ...	2,184	2 5 6
Powdrell, J. ....	Willowbrook ...	600	0 12 6
Price, A. H. ....	Manee ...	450	0 9 6
Richardson and Troutbeck ...	Wairoa ...	11,074	11 10 5
Russell, T. P. ....	Motutarua ...	3,332	3 9 8 $\frac{1}{2}$
Russell Brothers ...	Petane ...	17,715	18 9 0 $\frac{1}{2}$
Russell, A. E. ....	Woburn &c	22,570	23 10 2 $\frac{1}{2}$
Russell, H. B. ....	Flaxmere &c	15,598	16 4 11 $\frac{1}{2}$
Rich, F. D. ....	Mt. Herbert &c	19,164	19 19 3
Rathbone, W. ....	Matapiro ...	14,590	15 3 11 $\frac{1}{2}$
Reigner, E. ....	Waipawa ...	2,609	2 14 4 $\frac{1}{2}$
Rhodes, J. ....	Manee ...	1,543	1 12 1 $\frac{1}{4}$
Rhodes, R. H. ....	Edenham ...	13,128	13 13 6
Rhodes and Co., R. H. ....	Springhill ...	4,315	4 9 10 $\frac{3}{4}$
Routledge Kennedy and Co. ....	Risington ...	28,300	29 9 7
Stokes Brothers ...	Anatara ...	2,010	2 1 10 $\frac{1}{2}$
Saxby, G. H. ....	Milbourne ...	24,500	25 10 5
Spence, G. ....	Te Kopanga ...	11,280	11 15 0
Smith, H. W. P. ....	Wahaponga ...	2,530	2 12 9 $\frac{1}{2}$
Sutherland and Stuart ...	Hawkeyille ...	19,324	20 2 7
Sealy, H. B. ....	Mohaka ...	3,440	3 11 8
St. Hill, A. ....	Papakura ...	233	0 4 10 $\frac{1}{2}$
Speedy, W. and G. ....	Manganaike ...	19,004	19 15 11
Speedy, J. ....	Wahutu ...	3,260	3 7 11
Staden Brothers ...	Wahutu ...	1,550	1 12 3 $\frac{1}{2}$
Soley, J. ....	Grassmere ...	975	1 0 3 $\frac{1}{2}$
Stewart, T. ....	Kaikora ...	202	0 4 2 $\frac{1}{2}$
	Porangahan ...	558	0 11 7 $\frac{1}{2}$

NAME OF SHEEPOWNER OR PERSON IN CHARGE.	STATION OR LOCALITY.	NUMBER OF SHEEP	AMOUNT OF ASSESSMENT.
Sim, J. ....	Mohaka	2,715	£ s. d. 2 16 6 <sup>3</sup> / <sub>4</sub>
Sebley, J. L. ....	Waipawa	317	0 6 7 <sup>1</sup> / <sub>4</sub>
Stevens and Clark	Kaikora	604	0 12 7
Small, W. H. ....	Patangata	1,373	1 18 7 <sup>1</sup> / <sub>4</sub>
Shield, A. ....	Waikohini	7,603	7 18 4 <sup>1</sup> / <sub>2</sub>
Stevens, J. ....	Petane ...	202	0 4 2 <sup>1</sup> / <sub>2</sub>
Sutton, F. ....	Mangateretere	391	0 8 6 <sup>1</sup> / <sub>2</sub>
Tiffen, L. A. ....	Greenmeadows	5,114	5 6 6
Tiffen, F. J. ....	Elmshill	5,000	5 4 2
Towgood and Richardson	Waikokopu	5,049	5 5 2 <sup>1</sup> / <sub>2</sub>
Tanner, T. ....	Riverlea	12,103	12 12 1 <sup>1</sup> / <sub>2</sub>
Taylor, J. ....	Moangiangi	5,638	5 17 5 <sup>1</sup> / <sub>2</sub>
Twigg, H. J. ....	Petane ...	3,000	3 2 8
Towgood, E. ....	Tongoro	7,184	7 9 6
Tucker, E. ....	Sherwood	654	0 13 7 <sup>1</sup> / <sub>2</sub>
Turner and Galbraith	West Olive	7	0 0 1 <sup>1</sup> / <sub>2</sub>
Tod, J. ....	Kaikora	2,899	3 0 4 <sup>1</sup> / <sub>2</sub>
Tait and McIvor	Waikora	3,300	3 8 9
Tatham, F. ....	Te Aute	370	0 7 8 <sup>1</sup> / <sub>2</sub>
Tod, B. ....	Kaikora	494	0 10 3 <sup>1</sup> / <sub>4</sub>
Tuxford, A. ....	Petane ...	162	0 14 7
Villers, W. ....	Mahia ...	700	15 10 5
Watt and Walker	Kaikora	14,900	1 11 6 <sup>1</sup> / <sub>2</sub>
Watts, E. ....	Mangateretere	1,511	3 17 6 <sup>1</sup> / <sub>4</sub>
Williams R. P. ....	Karanu	2,920	3 0 10
Wallwood, R. ....	Kereru &c	17,008	17 14 4
Williams, A. ....	Frimley	13,586	14 3 0 <sup>1</sup> / <sub>2</sub>
Williams, J. N. ....	Apley ...	8,693	9 1 1 <sup>1</sup> / <sub>4</sub>
Williams, S. ....	Te Aute	17,570	18 6 0 <sup>1</sup> / <sub>2</sub>
Whitmore, G. S. ....	Olive Grange	8,400	8 15 0
Witherow, J. ....	Patangata	904	0 18 10
Waldrom, B. ....	Waipawa	302	0 6 3 <sup>1</sup> / <sub>2</sub>
Ward, A. ....	Porangahan	300	0 6 3
White, J. ....	Porangahan	1,130	1 3 6 <sup>1</sup> / <sub>2</sub>
White, R. ....	Porangahan	186	0 3 10 <sup>1</sup> / <sub>4</sub>
Walker J. ....	Poukawa	6,438	6 14 1 <sup>1</sup> / <sub>2</sub>
Fannin, E. ....	Mohaka	250	0 5 5
		1,096,558	£1142 4 11 <sup>1</sup> / <sub>2</sub>

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# Council Paper.

1875.

## ANNUAL REPORT UPON PUBLIC WORKS.

Engineer's Office,  
Napier, June 5, 1875.

SIR,—The Public Works carried on during the financial year now closing, are as follow:—

1. The reclamation of 20 acres at Maori and Gough Islands, faced by a timber breastwork. This work, which had been commenced in the previous year, has been completed in March; the difficulty in obtaining the required totara piles has delayed the work considerably. The bulk of the timber had to be obtained from the north of Auckland, as our teams and saw mills were too fully engaged. The breastwork is 862 feet long, with a water frontage of from 3 feet to 11 feet at low water, and a rise of tide of 3 feet 4 inches. The depth of water is increasing now daily, as the stream has set fairly on to the breastwork, and I have very little doubt, that with a comparatively small outlay, it can be increased by 3 to 4 feet all along. The cost of this work has exceeded the estimated sum by £1350, but there is now on hand a large quantity of plant (19 trucks) and timber, of the aggregate value of £950. Owing to the above over-expenditure, the road leading along the quays has not been metalled. It is very desirable for the protection of the timber breastwork that hard-wood fenders should be planted on to the piles, which can be done for about £200.

2. The erection of test groins.—It was originally intended to place 3 sets of boxes, each set formed by a row of boxes placed 20 feet apart, but it was found that in this manner they could not resist the swell of the north-east gales; several boxes containing 55 tons of limestone and shingle were washed on shore and buried in the shingle. To get the boxes to stand, it was necessary to place them abutting each other, and facing north-east; in this manner 9 boxes were placed, forming a line 180 feet long. The operation took six weeks, and within a few days after completion the shingle had accumulated, and increased the width of the beach from the groin to Sturm's Gully on one side, and to Mr. Kinross's store on the other.

While the groin was being proceeded with, and a few weeks after the placing of the last box, it was found that the bar was not affected by easterly gales, but as soon as the beach between the groin and Sturm's Gully had extended to the line of the extremity of the groin, the bar changed as usual, with the weather. It was intended to place 5 boxes at the base of the Napier Bluff, but the uneven, rocky bottom precluded all prospect of the boxes standing in such an exposed position. To clear away the rocks at the depth of 6 feet below low water, would have required a diver with the necessary apparatus.

3. Narrowing entrance of Harbor.—A considerable quantity of timber and materials has been collected for this purpose, but on the advice of the Colonial Engineer-in-Chief, the work has been suspended until the condition of the tidal basin within the Heads is more accurately ascertained, to obtain the desired result. Tidal guages have been fixed at different points from the toll-gate to Park's Island, the mouth of the Petane River, and the Eastern Spit, all guages being placed to the same datum level, and men have been employed at different stations to note, during twenty-nine consecutive days at every hour during daylight, the water level; the result will give the average volume of water passing through the Heads at every tide, so as to be able to determine to what extent the distance between the Eastern and Western Spits can be reduced advantageously.

4. Police Stations have been built at Napier and Havelock, and the same are now under contract at Waipawa, and at Danevirk, Seventy-Mile Bush. The Meanee Station has been removed to Taradale, and has been enlarged.

5. Jetties are now under contract at the Township of Clyde, and on the north bank of the Wairoa River, at the end of the road to Te Kapu. This work has been delayed owing to the difficulty of procuring suitable timber, but it is expected that the jetties will be erected within two months, as the materials are upon the ground.

6. The vote for reclaiming the Napier

swamps has only been operated upon so far as the levels have been taken, so as to ascertain the quantity of material required for the reclamation of each section.

7. The vote for directing channel by wharf has not been drawn upon, as it was found that the tidal current is setting along the face of the breastwork, increasing the depth of water gradually.

The vote for the maintenance of public buildings has been ample to keep them in good condition.

The Hospital, the original wing of which has been erected in 1857, has had the house blocks renewed; the grounds have been newly fenced, and much needed outbuildings have been erected.

The building is in thorough good repair, but it is not roomy enough for present requirements, and the members of the Hospital Committee propose to add a wing to the east face, which can be done for about £300.

The only new building that appears urgently required is a Customs searching shed at the reclaimed land, which can be erected for about £250.

I have the honor to be, Sir,

Your most obedient Servant,

CHARLES WEBER,

Provincial Engineer.

His Honor the Superintendent,  
Napier.

# Council Paper.

1 8 7 5 .

## REPORT of Select Committee appointed to report on Educational Reserves in the Province.

THE Committee having held four sittings, and taken the evidence of Mr. Weber, recommend that the blocks of land set forth in the annexed memorandum, and comprising 20,710 acres, be vested in Trustees as Educational Reserves for general educational purposes.

W. R. RUSSELL,  
Chairman.

July 1, 1875.

1. Kopu-a-whara.—700 acres near the neck of Mahia Peninsula. Good soil, hilly, partly covered with scrub. If let on lease, will bring probably threepence per acre, which rent may be doubled after seven years.

2. Wairoa.—3000 acres adjoining suburban lands at Wairoa and Turiroa, leased to Messrs. Drummond and Cable to the 23rd April, 1882, at  $\frac{1}{2}$ d. per acre; after the expiration of that least it will let easily at one shilling per acre, probably at a higher rate. The land is hilly; good sheep country.

3. Mangaharuru.—7760 acres, the Northern slopes of the Mangaharuru Range to Mohaka River. Soil varying from inferior to good. Leased to Mr. Cox till 21st April, 1884, at £16 3s. 0d. per annum. After expiration of this lease it should let at from 6d. to 1s. per acre.

4. Pohui Bush.—1000 acres, good matai and pine, with open spurs of the Waka Range. Soil, medium quality; intersected by ravines. No income to be derived from it at present.

5. Ruataniwha Bush.—1000 acres, comprises part of the Eastern slopes of the Ruahine, near the sources of the Waipawa. Covered with forest at the base; stunted forest and scrub in the middle; running out to bare hills near the crest. No income to be expected at present, but will become valuable when the lower bush land, taken up on deferred payment, has been cleared.

6. Puketoi, No. 3.—5000 acres, situated between the proper left bank of the Manawatu River and the Puketoi Range. Hilly, but very good soil, covered with medium quality bush. Not available for the present, but as it is only from six to ten miles from the railway line, it must become valuable ere long.

7. Moeangiangi.—900 acres, situate on the sea coast between the Moeangiangi River and the coast line. Very hilly, but good soil, and good sheep country. Leased to Mr. Taylor till 23rd April, 1882, at £2 2s. 0d. per annum. Will bring, probably, one shilling per acre rental on expiration of present lease.

### SCHEDULE.

Kopu-a-Whara ... ..	700 acres
Wairoa ... ..	3000 "
Mangaharuru ... ..	7760 "
Pohui Bush ... ..	1000 "
Ruataniwha Bush ... ..	3000 "
Puketoi, No. 3 ... ..	5001 "
Moeangiangi ... ..	990 "
Total ... ..	20,710 acres



## Council Paper.

1 8 7 5 .

### REPORT ON NAPIER GAOL.

Napier Gaol,  
June 7, 1875.

SIR,—I have the honor to submit the annual report on the state of this department, during the twelve months ending 30th June, 1875.

The daily average of prisoners and lunatic patients for the last twelve months has been 42, which is a large increase on the previous year; but I am glad to say that there has been no serious cases of crime. A large number of the prisoners confined during the year were for breaches of discipline aboard of vessels, and other minor offences.

The new building for the Lunatic Asylum will be completed about the end of the present month. It will be a great convenience, as provision has been made for the good accommodation and comfort of the patients, of which there has been a daily average of 14 during the last twelve months.

The prisoners have mostly been engaged in quarrying road-metal, excavating, and forming foundation for the new asylum, and assisting in erecting and painting the building; have also erected new fences in the prison yards, which enables me to classify the prisoners while in the yard. All the repairs to the premises have been performed by the prisoners, which is a great benefit, as it prevents bringing strange workmen about the place. All the boots used by the prisoners have been made on the premises, which is a great saving, as the work that they are employed on is very severe on the boots.

The conduct of the prisoners has been very satisfactory, and they have gone on steadily with their work.

The votes of the Provincial Council for the past year were £1665; of this sum £1644 4s have been expended, leaving a balance in favor of the establishment of £20 16s.

The total value of remunerative labor performed by the prisoners, together with the amount received and due for the maintenance of prisoners during the year, is £1532 19s 1d, which shows a sum of £111 4s 11d less than the total expenditure; but, if a fair proportion is deducted from the total expenditure for the maintenance of the Lunatic Asylum, a large balance would be found in favor of the gaol department.

The health of the prisoners has been extremely good, and there has not been a single case amongst the prisoners of the diseases that have been so destructive throughout the province. The Provincial Surgeon has been very attentive.

Divine service has been performed mostly every Sunday, by Church of England and Roman Catholic clergymen.

The officers have all been very united in carrying out the duties and discipline of the prison. The visiting Justices, in making their regular visits, have always expressed their entire satisfaction with the state of the prison.

I have the honor to be,

Sir,

Your most obedient servant,

W. MILLER,

Gaoler.

To His Honor the Superintendent.

Statement of the Napier Gaol Accounts, from the 31st July, 1874, to 30th June, 1875.

DR.			CR.		
	£	s. d.		£	s. d.
Labor performed by hard-labor prisoners, 5632 days, at 4s. per day ... ..	1106	0 0	Wages from the 1st July, 1874 to the 31st May, 1875 ...	792	18 4
For the month of June, 355 days, at 4s. ... ..	71	0 0	Required for the month of June ... ..	72	1 8
Labour performed as cooks and wardsmen, 815 days, at 3s. per day ... ..	122	5 0	Rations from the 1st July, 1874, to the 31st May, 1875	394	4 0
For the month of June, 57 days, at 3s. ... ..	8	11 0	Required for the month of June ... ..	35	0 0
Amounts received and due for maintenance of prisoners	217	9 7	Contingencies for 12 months	350	0 0
Amount received and due for work done in Penitentiary	7	5 6			
Balance ... ..	111	4 11			
<b>Total ...</b>	<b>£1644</b>	<b>4 0</b>	<b>Total ...</b>	<b>£1644</b>	<b>4 0</b>

WILLIAM MILLER,  
Gaoler.

# Council Paper.

1875.

## PROVINCIAL ENGINEER'S REPORT.

Engineer's Office.  
Napier, 9th June, 1875.

SIR,—The sums appropriated for roads and bridges for the present financial year have been large, but the increase upon the votes of former years has only been in proportion to the extension of settlement, and the increased traffic caused by the great addition to our population, and the extensive Railway Works now under progress.

The cost of materials and labour, which appeared to have reached its climax when I had the honor to submit my last yearly report, has steadily risen during the year; carriage, which was formerly about one shilling per ton per mile, averages now fully two shillings; and totara, that was three years ago delivered in Napier at fifteen shillings per hundred, cannot be had now under twenty-five shillings; the necessary effect of this general rise has been, that the cost of all Public Works has been increased in proportion.

Labour has been very scarce during the summer and autumn, and even now are all hands fully employed; the only part of the Province, where the reverse (to a very limited extent) is the case at present is in the town of Napier, where some married men, who cannot, or will not, leave their families, seem to want employment occasionally.

I will now proceed to refer to the condition and requirements of the principal roads separately.

1. The Town Roads, for the maintenance of which £1,000 have been appropriated, have been handed over to the Municipality on the 2nd May, with the unexpended balance of £200 14s 6d, and a stock of road metal and tools, to the value of £130.

The special votes for Town Roads, viz., road to Railway station, Burns street (from Battery Road to Napier Terrace), and road from Gough Island to Milton Road, have been expended; the two first named roads have been properly completed, but the £200 vote for the last proved insufficient to make the road to the proper width; however, it is open for wheel traffic.

2. Taradale Road.—Several months were lost owing to all tenders being above (considerably) the estimated sum, but, after calling three times for tenders for the repair and completion of this road,

a contract was entered into, and the work is now fairly under progress, and should be completed early in spring; a bridge 120 feet long has been erected nearly midway between Hyderabad road and the Tutaekuri, and the road has been carried to the bridge at the level of the Railway line; from the bridge the road dips gradually to one foot above ordinary high water, and retains that level for 600 feet, so as to allow passage for floods, and rises thence to the level of the Tutaekuri bridge; the lower level of the road is being faced on both sides with concrete, and covered with concrete pitching. The roadway is being made to the width of 22 feet, which is ample for two ordinary carts to pass; but the width is being increased at the low level to 30 feet, to provide for the passing of hay carts or wool teams.

3. The Meanee Roads, from Tareha's bridge to Puketapu Hills and to Redcliffe, have been maintained in good order, out of the Toll-gate funds, and the Meanee bridge and the smaller bridges have been re-planked.

4. The Napier-Havelock Road, with the exception of the portion between the Toll-gate and Waitangi, has been maintained in good order from the receipts of the Toll-gate. A special vote having been granted, for the portion between the town boundary and Waitangi, the ditches on the outer side of the road were filled up, with the view of preventing accidents, from horses shying at the passing trains; and the portion beyond the Toll-gate is now being clayed, which, after being rolled, will make a good road.

5. The main road from Havelock to Waipukurau has had the liberal allowance of £4,000, but even this sum was barely sufficient, as the soft limestone (the only material available between Paki Paki and Kaikora), is unable to withstand the heavy traffic which it has to carry. As it is very probable that the railway will be opened to Te Aute before the New Year, which will relieve the weakest portion of the road, the sum of £3000 should be sufficient for the coming year.

6. On the road from Waipukurau to Porangahau, for which £3000 is appropriated, three miles have been metalled, comprising the low levels at the southern base of the Waipukurau Terrace, and from the base of Puki Kura to Motuotaraia and through the bush to Nopera's

pah; the cost of this work has been very heavy, as from five to seven shillings per cubic yard had to be paid for the broken metal and from four shillings to seven shillings, for carting and spreading it, a great portion of it having to be drayed nearly 3 miles; the worst portions between Nopera's pah and Wallingford, where no metal could be got, even within 3 miles have been fascined and the road from Wallingford to Porangahau Flat has been reformed and generally improved. About 300 cubic yards of metal are in stock now, which could not be got upon the road before the tracks to the quarries became impassable from rain. I am sorry to have to add, that even after this heavy outlay, this road is not in a satisfactory state, as many very bad portions could not be metalled; nature has not favored the Porangahau district with facilities for making good roads, the soil is retentive clay, which absorbs during the winter more than its own weight of water, and suitable stone for metal is on many parts not to be reached within 6 miles. The low levels and the spongy nature of the soil, necessitate a very large number of timber culverts, the first cost of which is not only heavy, but which are very expensive to maintain.

An appropriation of at least £1000 will be required, to keep the road 28 miles in length, in its present state; but more than this should be done, as it will be one of the most important feeders to the railway at Waipukurau.

7. The road on the Porangahau Flat has been raised, where too low, and 20 chains of new road over very low ground have been made on the line to Blackhead; the whole of this line from Messrs. Hunter's gate to the township (nearly 3 miles) is now formed, in some portions 3 feet over the ordinary ground level, but without metal, which is not within reach, it could only be made a good summer road; during the winter it will be very heavy.

The whole of the formation of the new road from the township over the Porangahau Hill is now (in the hands of 12 lately arrived Scandinavians) under progress in small contracts and is likely to be finished within 6 weeks; the grades on the line are steep, but the saving of 2½ miles will outweigh the drawback.

8. On the road from Porangahau to the South Boundary of the Province, 42 chains have been formed in the Wainui Valley, but about 50 chains more should be made from the head of the Wainui Flat, through Doctor's Gulley to the base of the coast range.

9. The middle road, for which has been voted £1000, has been greatly improved; the road has been carried round the base of the two hills north of Mount Erin, and it has been formed and nearly all metalled to the southern boundary of the Havelock suburban lands, and a gang is now engaged in putting the upper portion of the road between the Kaokaoroa flats and Patangata in thorough repair. As the newly formed and metalled portions will require considerable attention during the coming winter, at least £400 will be needed for proper maintenance during the next year.

10. Oero to Wautukai and Kaikora road.—With the view, that as soon as the railway has reached Kaikora, the bulk of the traffic from the Oero district, will go to the Kaikora station, the road through the Oero bush has been improved, the necessary cuttings have been made from the bush to Wautukai and one gang of Scandinavians is now employed on the line over the Rangitoto range to Homewood Flat and another gang between Homewood and Patangata; the £900 estimated will make the most necessary cuttings and culverts, but it is insufficient to metal the new formation between Homewood and Kaikora and part of the low flat near the old Survey base. To do this will require an appropriation of £400 for the coming year.

11. On the road from Waipawa to Hampden the vote of £500 has been expended upon 130 chains, new formation (the greater part of which has been metalled) and upon the placing of a good many culverts which were needed owing to the spongy nature of the hills. To maintain this road at least £200 will be required.

12. The road from Waipawa to Ruataniwha has been placed in very fair order, in anticipation of the heavy timber traffic during the coming winter; it will require £300 to maintain it properly.

13. Waipukurau to Seventy Mile bush. On this line (which now forms portion of the main road to Wellington and Wanganui) about 2 miles between Waipukurau and the base of the Hill at the Tuki Tuki Gorge have been formed, and a dray road has been cut over the Gorge hill to the ford of the Maraekake, including 4 small bridges at the aggregate cost of £1750, which avoids the crossing of the Tuki Tuki and Makaretu rivers.

Part of the newly formed road which is unfit to carry the heavy traffic from the Takapau Saw mills, is now under contract for metalling by a grant in aid vote to the Waipukurau road board; even after this has been done, the road, I fear, will not be fit for the traffic it is expected to carry, as about ½ mile low flat on the hill road and about 2 miles of the same character on Mr. Johnston's run, urgently require metalling. The cost of this is estimated at £1200.

14. Out of the vote for roads to open up land for sale in the 70 mile bush only £800 has been expended in making a road line 3½ miles in length from the main road at Norsewood to the railway line. The rest of the vote will lapse, as the lands have been withdrawn from sale until the railway line is finally fixed.

15. The vote of £500 for making roads on the lands sold on deferred payment, has been expended upon clearing 20 miles of road lines to the width of 15 feet, so as to make the different sections accessible, at least for pack horses.

Nearly all the sections are opened up in this manner, and the lines to the few remaining ones are now being contracted for; all these lines have been cleared on the original Makaretu reserve, between the Makaretu and the Tuki Tuki. Nothing has been done as yet to open up the northern extension of this reserve, where about 3000 acres have been taken up;



as many selectors upon the original block are already living upon their lands, and evidently mean to make it their permanent home, and some of them are located over two miles from the clear land, it will be highly desirable to make some liberal provision, to give them better access to their holdings; the clearing of a track 15 feet wide is a poor apology for a road particularly in the Makaretu block, where from mile to mile, on the average, a deep gully is being met with, that ultimately must be bridged, but which for the present should at least be made crossable by proper side cuttings; with the exception of these gullies, the natural features are favorable for roads in that district.

The cost of making the most necessary cuttings on the original reserve will be about £500 and at least £300 will be required to open up the new block.

16. The vote of £200 for road by Makaretu to 70 Mile bush, has been expended in making dray road cuttings over the Mangatewhai and the Makaretu and in bridging the Mangapohia.

The works have not been made on the line as originally laid out, but on a diversion leading to the proposed railway station at Takapau (which was not thought of when the road was laid out,) to connect with the old Manawatu bush track. About £150 will be required, to make cuttings over the Tukipo and for bridging several small creeks.

17. Of the vote for Maraekakaho to Hampden, of £500, about £280 have been expended in metalling the portion from the Willow pah to the bridge pah, and the balance is being handed over to the north Ruataniwha road board for erection of a bridge over a branch of the Mangaonuku near Gwavas.

18. Napier to Pohui.—This line has been considerably improved by metalling the low parts near Mr. Villers' and in the Petane Valley; and the line along the beach has been thoroughly put in order. An appropriation of at least £300 will be required, to maintain the line during the coming year.

19. Petane to Wairoa.—The vote of £3000 has been sufficient to make the proposed diversions in this line of road and to make a fair dray road from the end of the Petane race course over the Bluff and on the soft shingle beach to Tongio; the diversions between Tongio and Wai-patiki and between that stream and Arapawanui and that from Moeangiangi to Tiwhanui will shorten the route fully 2 miles, but this saving in distance could be obtained at Tongio only at the sacrifice of the grades.

It will be desirable to keep the old track (which is now properly consolidated,) open at least during the next six months, as the new line, particularly in those parts where it has been carried through scrubby bush, will be rather soft during the first winter.

The long delayed Waitaha bridge has been completed during this year and a new ferry punt has been built at Mohaka

in place of that carried to sea by flood; the punt is larger than the last and capable of carrying four horses at a time.

Considerable improvements have been made in the road through the lower part of the Ohinepaka Valley and at Turiroa, but the means did not allow of building five small bridges in the upper portion of the Ohinepaka Valley; these bridges, which are necessary to make this road safe during the winter, and the general maintenance for the year, will absorb £800.

20. On the Wairoa roads, which comprise those in the township and the bridle track to Turiroa, the principal portion of the main street has been formed and likewise 40 chains of Lahore street, and a bridge has been erected on Lucknow road, leading to the cemetery.

In addition to this a considerable sum has been expended in cutting the approaches to the ferry punt, which was placed early in the year, and a bridge over the Tawhara creek is under contract, the timber having been sent to Wairoa. Levels have been taken over the flats, the result of which shows that they can readily be drained by deepening the Tawhara and Waiparapara creeks and using them as main drains.

No further action could be taken in this matter, which appears of the greatest importance to the district, as these creeks run through private property, some of the owners of which object to the deepening of the creeks 7 or 8 feet, on account of the severance of their properties.

The road leading from the township towards Turiroa along the Wairoa river and has repeatedly been encroached upon by the crumbling away of the river bank, and as this abrasion cannot be stopped without incurring very heavy expense, it appears advisable to make the road along the south boundary of the native block. The ground there being rather low and very wet in winter, it will be necessary to raise the road about 2 feet and fascine it, as no metal is convenient, while manuka is close at hand. The road drains will have to be carried about half a mile to the Tawhara creek to keep the road dry. The cost of this road will be about £200 and the maintenance of the town roads and the bridle track to Turiroa will require about £150.

The grant in aid votes for bridges over Ahuriri harbour, over the Waipawa at Homewood, and over the Ngaruroro at Omaha have not been drawn upon as yet. but contracts have been entered into lately for the erection of the last named bridge, and it appears very probable that that over the Waipawa at Homewood will likewise be contracted for before the close of the financial year.

I have the honor to be,

Sir,

Your most obedient servant,  
CHARLES WEBER,  
Provincial Engineer.

His Honor the Superintendent,  
Napier.



# Council Paper.

1875.

## MR. CARRUTHERS' REPORT ON PORT AHURIRI.

Napier, March 29, 1875.

SIR,—

I have the honor to report, in reference to the Port of Ahuriri, that it would be, in my opinion, injudicious to undertake any work near the Spit which could have the effect of lessening the influx of tidal water, until complete tidal sections have been first taken, without which it is quite impossible to foretell the effect which any such works would cause.

I have left with Mr. Weber a full description of the manner of taking the sections.

The experimental groin which has been put at the Spit, conclusively shows that it would be impossible, on account of the travelling shingle, to keep open the mouth of a harbour at Napier without the assistance of the tidal water flowing into the Bay of Port Ahuriri, but I am convinced that by increasing this influx to the greatest extent possible, the depth of water on the bar may be increased to about 16 feet at high water, or perhaps even more.

The means necessary to effect this cannot be designed until the sections above alluded to have been taken, and I beg to recommend that they be made with as little delay as possible.

(Signed) I have, &c.,  
JOHN CARRUTHERS,  
Engineer-in-Chief.

To His Honor the Superintendent.



# Council Paper.

1875.

## *Report of Select Committee on the Hon. H. R. Russell's Petition.*

Your Committee having considered the petition, and having taken lengthened evidence thereon, beg to report as follows:—

That the allegations in the petition, as to the circumstances connected with the lodging of the application, are in the main correct.

That it has been shown that it is the rule of the Receiver of Land Revenue to close his office on Saturday at 2 p.m. The rule seems to the Committee a right one, and to have been the practice of the office.

That as all applications are open to the public from the time they are lodged, the committee see nothing improper in the communication furnished by the Commissioner to Mr. Kinross.

That the statement contained in the petition that £3522 10s was paid into the provincial chest, and remained there about twenty months is correct, but it appears all applicants for purchase of land have to lodge the purchase money subject to the decision of the Commissioner, and that interest is not allowed upon sums so

lodged, there seems no reason why the rule should be departed from in this case. Further, it appears to the Committee, Mr. Russell should at once have taken the necessary steps to obtain possession of his purchase.

That the Committee is of opinion that the evidence offered tended to show an intention on the part of the petitioner to take other legal proceedings, and that your Committee therefore had to use great circumspection as to what evidence they should record.

That your Committee is of opinion that the Commissioner of Crown Lands was guaranteed all costs and expenses to which he might be put in resisting the petitioners claim. That the Commissioner of Crown Lands did wrong in accepting any such guarantee, but should have relied upon the support of Government.

Annexed hereto is evidence taken before this Committee.

JASPER L. HERRICK.  
Chairman.

Committee-room, July 2, 1875.



## Council Paper.

1 8 7 5.

### *REPORT of the Select Committee appointed to consider and report upon the Petition of the Hon. H. R. Russell, of Mount Herbert, Waipukurau.*

**Y**OUR COMMITTEE having considered the Petition, and having taken lengthened evidence thereon, beg to report as follows:—

That the allegations in the Petition as to the circumstances connected with the lodging of the application are in the main correct.

That it has been shown that it is the rule of the Receiver of Land Revenue to close his office at 2 p.m. on Saturdays. The rule seems to the Committee a right one, and to have been the practice of the office.

That, as all applications are open to the public from the time they are lodged, the Committee see nothing improper in the communication forwarded by the Commissioner to Mr. Kinross.

That the statement contained in the Petition that £3522 10s was paid into the Provincial chest, and remained there about twenty months, is correct; but it appears all applicants for purchase of land have to lodge the purchase money, subject to the decision of the Commissioner, and that interest is not allowed upon sums so lodged. There seems no reason why the rule should be departed from in this case: further, it seems to the Committee Mr. Russell should at once have taken the necessary steps to obtain possession of his purchase.

That the Committee is of opinion that the evidence offered tended to show an intention on the part of Petitioner to take other legal proceedings, and that your Committee therefore had to use great circumspection as to what evidence they should record.

That your Committee is of opinion that the Commissioner of Crown Lands was guaranteed all costs and expenses to which he might be put in resisting the Petitioner's claim. That the Commissioner of Crown Lands did wrong in accepting any such guarantee, but should have relied upon the support of Government.

Annexed hereto is evidence taken before this Committee.

JASPER L. HERRICK,  
Chairman.

Committee-room, July 2, 1875.

*Minutes of the Evidence taken before the Committee appointed to consider the Petition of the Hon. H. R. Russell, of Mount Herbert, near Waipukurau.*

MONDAY, 28th June.

The Hon. H. R. RUSSELL in attendance, said: I wish in the first place to explain that when I applied that counsel might be heard in this matter, it was with a view not to lengthen, but to shorten, the proceedings, and would wish the investigation to be confined to the matters included within the four corners of the Petition. I therefore ask the Committee to reconsider their decision on that point. The main questions are, in the first place, the amount of damage I have sustained, and then how the official information, of which I have complained, was given. These, I fancy, are the only questions which may be controverted. In Committee No. 97 of the Legislative Council, the Chairman suggested that it would shorten the proceedings materially if counsel were employed, and such, in fact, was found to be the case.

Mr. Russell then retired, and the Committee decided not to hear counsel.

Mr. Russell again in attendance, said: I put in my petition as my general statement, and propose to supplement it by a short statement of loss and damage sustained by me through the action of the Commissioner. In the first place, I move for all correspondence between the Provincial and General Governments and myself, and Mr. Kinross, on the matter, previous to the commencement of the suit. I may state that in the Appendix to the Journals of the Legislative Council for 1873 that correspondence has been printed. If a copy could be found, it would save a good deal of trouble. (The volume of the Appendix containing the Papers referred to is put in.) I further hand in a copy of the case laid before the Court of Appeal, as arranged by counsel in the case *Russell v. Sealy*. I would also ask for all correspondence between Mr. Sealy and the Government, General and Provincial, myself and the Government, and Mr. Kinross and the Government, not contained in the papers handed in. I propose to call as witnesses, Mr. Sealy, Commissioner of Crown Lands, Mr. Parker, clerk to the Crown Lands Office, Mr. Jarman, draughtsman, Mr. Weber, Chief Surveyor, Mr. Tylee, Receiver of Land Revenue, Mr. Kinross, and Mr. Price, Mr. Kinross' manager. I also may have a few questions to ask Mr. Ormond. In support of my alleged grievance and loss sustained by the action of the Commissioner, I put in a statement of the amount of loss, and how estimated. I was prevented from occupying the land for two complete wool seasons—from the 5th April, 1873, to the end of 1874. I estimate my loss thus:—

	£	s.	d.
Wool of 3000 sheep, first year, 1873	600	0	0
Wool of 3500 sheep, second year, 1874	700	0	0
Profits of grazing, independent of wool, say each year £300	600	0	0
Estimate of damage sustained in not being able to subdivide and sow land in grass seed in the autumn and winter of 1873, which would have enabled me in 1875 to keep at least another thousand breeding sheep during last winter, which sheep the severity of the season made it necessary for me to sell to relieve my flock generally, thereby losing wool and increase, say	400	0	0
<b>Total</b>	<b>2300</b>	<b>0</b>	<b>0</b>
Less expenses	300	0	0
<b>Leaving</b>	<b>2000</b>	<b>0</b>	<b>0</b>
Subject to interest 7 per cent. on purchase money, therefore deduct	386	0	0
<b>Leaving</b>	<b>1614</b>	<b>0</b>	<b>0</b>
Costs out of pocket in litigation, say	150	0	0
<b>Total</b>	<b>£1754</b>	<b>0</b>	<b>0</b>

—This is all the statement I have to make at present. I should like the witnesses to be examined in the order in which I have mentioned their names.

Mr. H. B. SEALY in attendance, examined by Mr. H. R. Russell.

Do you remember my application, on the 5th April, 1873, for land at Motuotaria?—I remember you making an application on that day.

Was Mr. Brandon with me at the time?—He came in with you; I think he did not remain in the office the whole time.

Will you state to the Committee what passed?—You called me out of the back office and handed me the application, and I stated to you that I had just received two other applications. I then retired to the back office with your application, and



proceeded with those presented previously. You called to me several times, urging me to make haste; I told you I was doing my utmost, and that you were delaying me by your urgency. I then handed Mr. Kinross in order the two receive orders for the applications which I had received from him just before you came in. The second of these, I should state, was not completed till after 2 o'clock, the ordinary time of closing the office. I then went on with your receive order, and as soon as I had it made out handed it to you.

You say you were busy with applications from Mr. Kinross. For what land?—I do not remember exactly, and could not say without reference to the application book. One application, I believe, was for land in his own occupation; the other for land for Mr. Gollan.

Were these two applications for land already applied for?—I am unable to answer without consulting the books.

Were either of these applications for the same land that I applied for?—No; they did not lap it in any way. I may perhaps add that at the time I had not time to examine the map. My impression at the time was that they were in conflict.

Mr. Ormond: You afterwards found they were not?—Yes.

Mr. Russell: Do you recollect whether these two applications were for land already applied for at five shillings?—I could not say.

Did I tell you when I presented the application that Mr. Tylee talked of shutting his office at 2, and urge you to haste?—I believe so, but the matter has been so often discussed since that I cannot say with certainty. My impression is that you did so.

Did I ask you to send Mr. Tylee word that an application was lodged by me, for which you would write a receive order?—I think you stated that in Court, but I have no recollection of it; I think Parker was out then, and that there was no one else who could have gone. I did not send, certainly.

About what hour did you hand me the receive order?—I see by correspondence written at the time that it was at seven minutes past 2.

You received the application before 2 o'clock?—I did.

At what stage do you consider an application public property, and open to inspection?—As soon as I receive it. Such has always been the practice.

That is to say, that supposing any one in the office at the time saw another person hand in an application, and asked you to let him see what it was, he would be entitled to do so at once?—That is a nice legal point, which has never arisen, but my impression is, that as soon as I have examined the application myself, I should not be justified in refusing to allow any one else to see it.

What do you mean by examining it?—Looking through it to see that it was in due form, and what it was about.

And that the land was there?—In your case I did not think it necessary; I took it on Mr. Jarman's authority.

When did you get Mr. Jarman's authority?—I believe you made it out with Mr. Jarman. Anything I have written in the papers, as printed in the journals of the Legislative Council, is more likely to be correct than my present recollection, as it was written within a month of the time. Now you remind me, I remember that the application was for all the unpurchased land on the run, and that I knew without having to make reference, that there was unpurchased land there.

Then how did you ascertain the acreage?—From the application. Had the time not run so extremely close, I should have gone into the office to examine the map; but by so doing I should have delayed the application, and I was extremely anxious to get the applications made out in time.

Did any one ask to see the application on the Saturday?—No.

No one but yourself saw it up to 2 p.m.?—Parker and myself; no one else saw it, so far as I can remember.

Did I tender you a marked cheque for the price of the land, and did you see it?—I remember you handing me a cheque in Mr. Brandon's presence, purporting to be for the amount; but I refused to accept it, as it was not my duty to receive the money.

About what time on Saturday did Mr. Kinross lodge his applications?—I had scarcely commenced them, when you entered; Mr. Kinross was just passing out as you came in.

What passed between us on the Monday morning, before you left for Waipawa?—I do not remember anything passing between us that morning; it has never been brought to my recollection.

Did you give Parker any instructions before leaving?—Yes.

What were they?—I gave him general instructions that an application then being prepared was to be received. I had had a conversation with Mr. Kinross on the subject, and had virtually received his application. I had decided to receive it, and the remainder was mere clerical work, which did not require any attention.

Did you discuss the matter of my application with Weber or any one else on Saturday, after office hours?—I may have spoken of it in the Survey Office; I cannot really say after this interval of time. I stayed to complete your application, and I am not sure whether the Survey Office was open when I left.

Had you any communication with Mr. Kinross or others on Sunday?—Yes. While I was dressing on Sunday a note was brought me from Mr. Kinross asking some questions as to the particular locality of the land—what part of the run you had bought. The note shewed quite clearly that Kinross was aware that you had made a purchase hostile to or conflicting with his interests.

Did you return the note?—I just turned up a corner, and wrote in pencil, as near as I can remember, "All Joe Tanner's run at 10s.," and sent it back.

Did you consult the Superintendent on Monday before leaving town about these applications?—I have no recollection of doing so, and do not think it likely.

You received no instructions from him?—I believe not.

Is it usual to give information after office hours?—I may say that you yourself have spoken in very warm terms of my not doing business as Registrar of Deeds out of office hours. You considered it a great grievance.

Is it usual to give information out of the office about land applications?—That is a difficult question to answer. If a person asked me a question in the street which I could answer without going back to the office, and it was a legitimate and proper question, I should answer it in the street.

Did Mr. Kinross pay in cash or a marked cheque?—I know by hearsay that it was a marked cheque; but I did not receive it.

Did you consult him as to the employment of counsel and line of defence?—On that occasion nothing more was done than his guarantee that he would hold me harmless. Some time afterwards, when I received the injunction, I consulted with him.

And at other stages of the case?—Yes; when the pleas were put in.

Did you make it a stipulation that he should hold you free before you made it a simultaneous application?—No; though I believe it was done on the same day. I saw the prospect of its becoming a big thing, and I said I would have to resign. If you mean to ask whether my decision depended on his assurance, I shall answer at once in the negative. Mr. Kinross said he would have to go to law, and it was a question I had to decide which side to espouse. I had two reasons which principally led me to take Kinross's side rather than yours. The one was that by so doing I endorsed the act of the Receiver of Land Revenue, which I believed to be perfectly correct; the other, that the interest of the land revenue was entirely on Kinross's side.

Did you apply in the first place to the General or Provincial Government to defend you, or pay the expenses of litigation?—How could I? The matter had to be settled there and then.

Did you apply to the Provincial or General Government to defend you or pay the expense of the suit raised by me against you as Commissioner of Crown Lands?—I do not think I did in that particular instance, because a provincial injunction was served upon me to answer at very short notice, and from previous correspondence knew it would not be done in time.

What was the time given you for answering the injunction?—I forget: a few days. It was very limited, and we had to apply to get it extended. I am not positive that we did get the time extended—I may be confusing this with another case. I know we were run very close, and much inconvenienced on account of the shortness of time.

Mr. Hart was your solicitor, I think. Who was your counsel?—The late Attorney-General—the present Chief Justice.

Did you ever suggest or press that the case should go to a jury?—The matter was a subject of correspondence between myself and Mr. Hart, but I do not think I am called upon to answer the question. I believe the suggestion that a special case should be prepared for the Court of Appeal emanated from your side.

Did you understand Mr. Justice Johnston to decide that there was no case to go to a jury, as the facts were substantially agreed upon, and that it was entirely a question of law?—No; I certainly did not understand anything of the kind.

Did you ever object to its going to the Court of Appeal?—No. I agreed, and am very sorry that I did agree.

Will you say why?—Because I do not think the facts were sufficiently brought before the Court of Appeal. My impression was that I was placed at a disadvantage by my case being conducted in Wellington, and the insufficient time I had for communication.

After the judgment in the Court of Appeal, were you asked by any one to carry the case to a higher Court, and were you offered a guarantee for your expenses if you agreed?—No; I was never asked anything about it. I considered the judgment of the Court of Appeal to be final.

Did you pay any costs of the action?—I have never paid any costs yet. I have a bill for them, and consider myself still liable. About a week ago I received a note from Hart and Buckley—a reminder that the costs were still outstanding.

Then the costs are still unpaid?—Yes.

If you are responsible to Hart and Buckley for costs, have you a claim on Kinross for repayment?—I claim my costs from the Government, as I acted in my official capacity. If the Government ultimately refuse to reimburse me, I shall look to Kinross.

Have you any guarantee against further proceedings for damages in consequence of your decision and defence of the action?—I think you are placing me at a disadvantage if you have any idea of taking further proceedings. I object to the question, as it may be put with a view of prejudicing a future case.

I submit that if a public officer takes a guarantee of the kind, he is not doing his duty to the public. I wish to ask if you, a public officer, took a guarantee against all future proceedings?—I have no guarantee beyond what I have already explained. I have already stated, as nearly as I can remember, the terms.

At what date did Kinross take back his money?—As soon as the decision of the Court of Appeal was given.

Could you give the time?—I believe I could. The Receiver can give you the exact date. As soon as I saw the decision of the Court of Appeal I considered the case closed.

When did you inform me that I might take possession?—Whenever you applied. You were the first who handed me the decision of the Court of Appeal. From that moment there was no impediment whatever placed in your way.

H. B. SEALY.

Mr. Sealy applied to be present and examine witnesses.

The Committee refused.

Committee adjourned at 1.15 p.m.

Committee resumed at 2 p.m.

Mr. J. T. TYLER in attendance. Examined by Mr. H. R. Russell :—

You are Receiver of Land Revenue?—Yes.

Did you see Mr. Brandon and myself on the 5th April, 1873, before 2 p.m., in your office?—Yes.

Did I inform you that I was about to make an application for land, and that I had a marked cheque to pay for it?—You told me you were going to make an application for land; but I do not remember anything about the marked cheque.

What passed after I told you this?—I do not remember anything particular, except that I told you I would not be there after 2 o'clock.

Was Mr. Kinross making applications on the same day for himself or clients?—Mr. Kinross lodged a cheque with me for £2500, and said he was going to make applications for land, and that this was to pay for it.

You do not know what the applications were?—I did not know then. I knew afterwards, but cannot say from memory, beyond that one was for land on Gollan's run.

How long before 2 p.m. did he hand you the receive order?—It was before you and Mr. Brandon came to the office that he lodged one of the applications; the cheque was lodged before either application. One of the applications was for land of the value of £1650.

Were all his applications of Saturday completed on that day?—No: one was not.

The money—that is, the paper—was in fact with you?—Yes.

Was the receive order for the second application lodged with you before 2 o'clock?—No; if it had been, the application would have been completed.

When was the receive order handed to you?—Some time late that afternoon when I was again in the office. It was sent to me in an envelope; I do not know by whom. I opened it and found what it was.

What was the date of the receive order you issued for that second application?—Monday, 7th April.

Did you see Mr. Kinross on Saturday, after office hours?—I do not believe so. If I did it was merely in the street, and not to speak to him. I do not remember having any communication with him.

Did you leave off sharp at 2 o'clock?—No; at seven minutes past.

Was the office closed at 2?—No; it was seven minutes past when I locked the door.

Up to that time would you have received any receive orders?—I was waiting there for yours.

By what clock was your time regulated?—By the Telegraph clock, I believe; if not, by Brewer's, the only public clock before the telegraph clock was put up.

Do you not regulate your time by the clock in the survey office?—No.

Did anything lead you to think that Kinross's application and mine were conflicting?—No; nothing at all.

Is it your usual practice to close punctually and rigorously at the exact hour, and to refuse to receive any payment unless tendered before the hour?—It is not my custom always to lock the door at 2 o'clock; but as far as land is concerned, I do not take money after office hours.

Then in fact you would not have taken my money after 2 o'clock?—No; I kept the office open a few minutes longer that day by accident; in waiting for you I did not know that the time had passed. As soon as I knew it was past 2 o'clock I closed the door.

Have you never said to any one that suspecting there was going to be some conflicts of application between Kinross and myself, you resolved to close at 2 precisely?—Not that I remember.

Did you on the 5th April complete all receipts and entries for applications for which receive orders were tendered to you before 2 o'clock?—Yes.

Is it your practice to leave your office before completing all transactions of the day?—If you mean entering them up in my office books, I say yes. Generally speaking, I finish them up as far as possible. I have to make seven copies of the receipts before they are completed. All that is necessary to be completed at the time is generally done in the office before the applicants go away.

Do you remember taking a receive order from Mr. Sheehan as late as a quarter past 4?—I remember taking the order, but do not remember the hour. Generally speaking, the office is now open till half-past 4 o'clock. By the regulations now in force a person cannot make an application after 3 p.m.

Do you remember how many applications you had to complete after 2 p.m. on that Saturday?—No, I do not.

How long does it take you to complete a single transaction after receiving the receive order?—About a quarter of an hour, generally.

That is, before the applicant can receive his receipt?—Yes.

Supposing several applications came into your office just before the hours of closing, would you consider it your duty to remain and hand the applicant his receipt, supposing, for instance, he lived at a distance in the country?—I should take the money in the order in which the applications were given to me. I should ask the people what they wanted done with their receipts, and tell them when they would be ready for them. People often ask me to leave the receipts at the Bank; when they have an account at the Bank that is the general custom; and then the Bank people sign the attested copies.

Would you give the applicant any memorandum or acknowledgment of his money?—No. I have never been asked to do so. I do not know that a man may not be entitled to it, but I should rather object to give it; I would tell him to wait and get his receipt.

Have you ever completed any transactions on the following day, and given a receipt of the date of the Commissioner's receive order, which may not have been handed to you till next day?—No; decidedly not.

At what time did I call at your office on Monday, the 7th April?—About 10 o'clock.

Did I hand you a marked cheque?—I believe so: I should not have taken it otherwise; it is a rule of the office not to do so.

Did you give me my receipt immediately?—No.

What reason did you assign for not doing so?—I cannot recollect. I may have told you I would give it to you as soon as I could.

Did you not tell me that before you could give me my receipt you would have to finish up all previous transactions, involving writing a great many copies of each receipt, and that it would take a considerable time to do so; and on my asking you how long, did you not say about two hours hence?—Very likely I did. I know there was one of Kinross's in which I had to take first, and I had other work to do—Treasury work. It was early in the month; I had several payments to make; and if I told you two hours, it was simply that I would have it ready then; not that I would not have it ready sooner.

Did you before my first calling on the 7th, or on Saturday, after two o'clock, hold any communication on the subject of my application with Mr. Kinross, Mr. Sealy, Mr. Weber, or any other person?—I did not see Mr. Kinross; I certainly did not see him previous to Monday. I saw Mr. Sealy, but do not remember seeing Mr. Weber—certainly not to have any conversation with him. I had some conversation with Mr. Sealy.

On that subject?—Mr. Sealy told me what the application was; that was all.

Did you mention the subject in any way to any other person before Monday?—On Sunday I might.

Have you any objection to name the person to whom you mentioned it?—The information did not reach Mr. Kinross through me.

Then you decline to mention the parties?—Unless the committee require it.

Do you think it a right thing to mention such matters out of the office?—Not if I thought it would do any mischief. I went away in the country, and therefore Mr. Kinross would not get it in that way.

Had you any communication with any one on the subject after I saw you on the Monday, and before you gave me my receipt?—I do not remember. I do not know that I had.

Did you not consult His Honor the Superintendent about it?—No. I do not think I saw him on the Monday at all.

You took no advice from any one as to whether you should issue the receipt or not?—No, certainly not. I do not see how I could have refused to issue the receipt. I have always been very scrupulous not to consult His Honor on any subject, unless it is a matter in which he could give me authority. I am careful not to mix him up in any such matter, and in fact I do not suppose he would have interfered.

Have the public a right of access to all information procurable by inspection of books and documents in your office?—Certainly not.

Under whose control and direction are you?—As Receiver of Land Revenue I am under the General Government. I receive instructions sometimes from the Receiver-General, and sometimes from the Treasury. I do not know what department really I am under. I sometimes receive instructions—as, for example, to refund monies—from the Commissioner of Crown Lands.

Have you no general instructions from the General Government as to the duties of your office?—Only the Rules of the Civil Service.

Nothing special, relating to your duties in the Commissioner's office?—Nothing that I know of.

At what time on the Monday did Mr. Kinross hand you the two applications?—I do not know.

Was it not close on 4 o'clock?—It may have been.

Were the amounts paid in cash, or by marked cheque?—By marked cheque.

Can you inform the Committee at what date Kinross paid back the money?—Not without reference to my books.

Have you ever known cheques not marked to be taken in payment for land?—Yes.

Have you ever known such cheques to be dishonored?—No.

What is your rule in deciding whether to accept them or not?—I have only done it in one or two instances; but I do not treat it as payment until the cheque is cashed.

J. T. TYLEE.

TUESDAY, 29th June.

The Committee met at noon. Present—All the members.

Mr. H. R. RUSSELL in attendance. The Chairman read to Mr. Russell the resolution of the Committee, defining the subjects to which evidence is to be limited.

Mr. C. H. WEBER in attendance, examined by Mr. H. R. Russell :—

You remember the 5th April, 1873, when Mr. Kinross made application for some land?—It was on a Saturday; I do not remember the date.

Do you remember what the applications were?—I believe they were made on D. Gollan's run. I do not remember any other.

Did you assist Mr. Kinross with any maps or plans?—I did not on that date.

Did you see Mr. Kinross on the Saturday?—I did.

Before the office closed?—Yes.

Did he say anything about further applications for land at Motuotaraia?—No; I had no conversation with him; I was very busy in the office that day.

Did you hear anything on the 5th April, before or after office hours, of my application for Motuotaraia?—I heard it, as I always do on making inquiries, that applications had been made by you and Mr. Kinross.

Before or after office hours?—Just at the closing of the office I heard it?

Who informed you?—I believe I looked over the application book. If not, Mr. Jarman informed me. Generally one of the last questions I ask is—Have any applications been made?

Did you go into the Land office and look at the application book, or did you hear it from Jarman?—I cannot remember; but I know that when I left the office I was aware that applications had been made by you and Kinross.

Did you know the particulars of the application?—Your application, I believe, was for the whole of the unsold land on the Motuotaraia run.

Did you understand that Kinross and I had applied for the same land?—No; I knew it was not the same. I only remember now his application for Gollan's run, though he made others at the time.

Did you mention the subject of my application in any way to any one on Saturday?—Not to my knowledge.

Are you positive?—I can only say that I have no knowledge. I may have mentioned it in conversation, as I should have been perfectly justified in doing. If I had met His Honor the Superintendent I might have told him that we had sold fifteen or sixteen thousand acres of land, or I may have mentioned it to other people.

Were you aware that Mr. Tylee had not completed the transaction by receiving the money?—I do not know that I was positively aware of that; but I knew there was some question as to whether you were in time or not.

Do you think it right to mention an uncompleted transaction before it becomes a public record?—There was nothing in it. I do not think I should volunteer such information; but if I were asked the question I should consider myself bound to give the information.

I wish you to consider that this was viewed in the office at the time as an incomplete transaction, and that it might have prejudiced me unfairly if Mr. Kinross had obtained a knowledge of the application, which, as the office closed at 2 p.m., he had no official means of doing until Monday, and that on Monday he might not have gone to the office to see what I had been doing.—Under these circumstances I should not have volunteered the information; but if asked the question should have considered myself in duty bound to answer it straightforwardly.

Were you asked by any one what land I had been buying?—Not to my knowledge.

The matter caused a great stir; surely if you had named it you would have remembered?—I do not think I mentioned it; but if any one had asked me I would have given the information.

You will not say positively that you did not mention it?—I will not say positively.

Did you see Mr. Price that Saturday afternoon?—I do not remember.

You do not remember any conversation with him?—I do not remember seeing him.

Did you see Mr. Kinross on Saturday evening?—I may have done so; but I had no conversation with him about this matter.

You did not see my application on Saturday?—I am not positive that I looked at the application book, but I was aware of it.

CHARLES WEBER.

Mr. J. G. KINROSS in attendance, examined by Mr. H. R. Russell :—

You made some applications for land on Saturday, 5th April, 1873?—Yes.

Do you remember what they were?—One was for a block of land on my own run; the other, as agent for Mr. Gollan, was for a block of land on his run.

When did you conclude your business that day at the Commissioner's office?—I got the last receive order from the Commissioner a minute or two after 2 o'clock. I got the former before 2.

At what time did you conclude your business at the Receiver's office?—I got only one receive order in, immediately after I got it from the Commissioner—about two minutes before 2.

Had you before 2 o'clock on Saturday any communication with either the Commissioner or the Receiver about the probability of my putting in conflicting applications, or applications for land at Motuotaraia?—In making my applications I said that I feared you would be putting in applications for Motuotaraia—that is all the communication I had.

To whom did you say that?—At this interval I cannot speak certainly—it is probable that I may have said it to both the Commissioner and the Receiver.

What led you to suspect that I might be putting in applications for Motuotaraia?—I heard that you wanted to borrow money to buy the land. It must be borne in mind that I do not volunteer this information.

You have already stated the same thing in Council. Will you inform me who told you?—If you say my information was not correct, I will give you my authority; if not, I decline.

At what time did you hear this?—A considerable time before.

This was what led you to think, when you saw me at the office, that I might be putting in competing applications?—Yes.

But in fact the application I put in was not competing?—It was not.

Were you informed on Saturday, after the office closed, that I had put in an application for Motuotaraia?—I heard that you had done so; but not from any one connected with the office.

But did you understand that the information came from the office?—No; I did not.

Will you mention from whom you heard it?—From various people. One was Mr. James Burnett.

Where is he now?—In Victoria. I am not sure that it was not the talk in Britten's hotel on Saturday evening.

Did Mr. Burnett say how he got the information?—No: I do not think so.

Do you remember the substance of what he did say?—I cannot repeat his exact words. He told me that an application had been made by you for land at Motuotaraia which I leased.

Can you recollect any one else in particular who gave you the information?—I recollect now that Mr. Burnett mentioned that he had heard it from Mr. Augustus Carlyon.

Mr. Carlyon is dead, is he not?—Yes.

Did any one else mention the fact to you?—A number of people spoke to me about it; but at this distance of time I cannot recollect all.

It is important that you should, as grave suspicion, at any rate in my mind, rests upon the office.—I do not think that in the minds of people in general there is any such suspicion.

Did you see Mr. Price, your manager, on Saturday?—I did.

In the forenoon or afternoon?—In the afternoon.

After 2 o'clock?—Yes.

Did he say he had heard a rumor of my purchase?—I am not sure; but do not think he did at the time.

Did you tell him, or did he tell you?—You may draw things out that I would not otherwise mention. He told me he had seen you, and that you had been so full of offers of assistance that he was quite sure you were up to some mischief.

Mischief regarding Motuotaraia?—Yes.

Do you say positively that that conversation occurred on the Saturday?—Yes; I mentioned to him that I had seen you at the Land Office at 2 o'clock, when I bought the unbought land on my run, and that I suspected that you were applying for the land at Motuotaraia; but that your application would be late, and that I would be able to cover it on the Monday.

Had you any communication with Mr. Sealy on Saturday after two o'clock about the application?—No.

With Mr. Weber?—No.

Did you see him at all, or have any communication with him whatever?—No.

You wrote a note to Mr. Sealy on the Sunday morning?—Yes; I did so hearing that the application was for the unsold land on Joseph Tanner's run.

Did any conversation pass between you and Mr. Sealy on Monday regarding the application?—Yes.

Will you relate the substance of that conversation?—I asked for the application book, and went into the office and saw it. I told Mr. Sealy I was going to put in an application to cover yours. He asked me on what ground, and I told him on the ground that you had not completed your purchase; that I knew from the fact of one of my own applications being incomplete that yours must be in the same position. He said he was sure that you would dispute that I said I could not help it; that if I had a right to apply I should of course use it. In giving this conversation I cannot repeat the exact expressions used; only the substance. He mentioned that very expensive law proceedings might arise, and that he as Commissioner might have to bear the brunt of them; that in former instances he had applied to his superiors, to the Superintendent and the General Government at Wellington, to be relieved of personal responsibility for his decisions; but that each put him off on to the other. I told him he was bound to exercise his office; that that would be no reason to applicants for land that they should not be allowed to exercise their rights; that I felt perfectly convinced that the Government would

not desert him if he acted to the best of his judgment in protecting the revenue, as he would be doing in this case; and that it would be such an unfair thing that I would consider myself bound in honor to see that he was not personally made liable for the costs of any suit. That is, as near as I can recollect, the substance of the conversation.

Did Mr. Sealy then agree to accept your application?—He did.

And treat it as simultaneous?—He did.

Did he require any written guarantee?—I gave him one.

Do you recollect the terms of the guarantee?—No: I cannot say that I do.

Have you a copy of it?—I kept no copy.

Have you paid the costs of the legal proceedings?—No. I do not consider myself liable.

Not to Mr. Sealy?—Not unless he is personally made liable to the Government?

Did the Government employ counsel or solicitor in the case?—I suppose the Government was consulted.

Were you not consulted?—Yes.

Did you give any instructions to solicitors or counsel?—Mr. Sealy, in giving instructions, very often advised with me.

Did you give no direct instructions?—Not except under the direction of Mr. Sealy.

Did you communicate with solicitors and counsel under the directions of Mr. Sealy?—I have no doubt I did.

Have you received any bill of costs?—No; it was sent to Mr. Sealy.

Have you seen it?—Yes.

Have you been applied to to pay it?—No.

Have you had any private business in the matter which you have paid for yourself?—Yes? I have paid for some private consultation which could not properly be charged to Mr. Sealy.

Do you remember if the indemnity contained a guarantee against all consequences of Mr. Sealy's action in the matter?—I should think not; I do not recollect. My notion is that it referred only to the suit. I had no other consequences in my mind.

At what time did you receive back your money from the Treasury?—Very soon after I heard of the decision in your favor. No doubt Mr. Tylee's note, giving the date as 30th November, 1874, is correct.

Did you receive any interest on the deposit?—No; merely the bare sum.

J. G. KINROSS.

Mr. Alfred PRICE in attendance, examined by Mr. H. R. Russell :—

Did you inform Mr. Kinross on Saturday, 5th April, 1873, that you had heard of my purchasing part of Motuotaraia?—No.

Did you see him on the morning of that Saturday?—Yes; about 11 or 12 o'clock.

Did anything pass regarding land purchasing?—No.

Did you not say that I was up to some mischief?—I do not know whether I used those words. I may have said something similar.

Do you recollect any of the remarks which led to it?—I told him I had reason to believe you had hostile intentions with regard to his interest in Motuotaraia. I had no idea that you were going to buy; I only suspected it.

You had not heard?—No.

Did Mr. Kinross tell you on Saturday or Sunday that he had heard a rumour regarding it?—On Sunday morning he told me that you had applied.

Was that after he received a note from Mr. Sealy?—Yes.

Do you remember the time that the stock was cleared off Motuotaraia?—A week previously to my receiving notice that the case had been decided in your favor. When Mr. Kinross heard the decision he gave me immediate instructions to remove all the sheep; but we had already mustered for shearing, and they were off a week before that time.

ALFRED H. PRICE.

Mr. S. G. BRANDON in attendance, examined by Mr. H. R. Russell :—

Do you remember marking a cheque for me on Saturday, 5th April, 1873?—I remember the circumstance, but am not sure of the date.

It was tendered in payment for land at Motuotaraia?—Yes.

Can you state the amount?—Not from memory: on the acreage being ascertained a slight alteration was made in the amount. The original cheque was destroyed, and another marked in the presence of Mr. Sealy.

Was not the amount of the largest cheque £3,500?—I believe so.

Mr. Ormond: When was the second cheque initialled?—Within seven or eight minutes after the first cheque was marked at the Bank. We arrived at Mr. Sealy's office at about ten minutes to 2; there was a little delay in ascertaining the acreage, and I believe the second cheque was marked at about 5 minutes to 2.

You then left?—No; I went into Mr. Tylee's office, and had some conversation with him.

S. G. BRANDON.

Mr. J. T. TYLER, recalled, examined by Mr. H. R. Russell:—

You said in your evidence that you mentioned the purchase of Motuotaraia on Saturday afternoon. By the permission of the committee you have been recalled to ask to whom you gave that information.—I did not say I gave the information on Saturday.

To whom, then, did you give it on Sunday?—Mr. Richardson and I went out on Sunday to Mr. Towgood's. On the road, when beyond the toll-gate, I mentioned to Mr. Richardson that there was an application on Joseph Tanner's run.

When you mentioned this to Richardson, were you aware of any communication having taken place between Sealy and Kinross?—No.

You were not at the time aware that the thing was known to Mr. Kinross?—No.

J. T. TYLER.

Mr. Russell applied that the guarantee given by Mr. Kinross to Mr. Sealy should be put in.

Committee adjourned till noon on Wednesday.

WEDNESDAY, June 30.

Committee met at noon.

The Committee, having considered Mr. Russell's application, decided that the guarantee having been admitted, its production was unnecessary.

Mr. J. T. TYLER recalled, examined by Mr. H. R. Russell:—

When was the money paid to the Provincial account?—On the 9th April, 1873.

What rate of interest was allowed on the balance during the years 1873-4?—2 per cent. from date of application to 30th June, 1873; 3 per cent. from 1st July, 1873, to 30th June, 1874; 5 per cent. from 1st July, 1874, to 30th June, 1875.

Were there not large credit balances during these years?—Yes; much exceeding the amount of these deposits.

When was Mr. Kinross' money refunded?—The cheque was dated 28th November, 1874; but the money, I believe, was not paid till the 30th.

What amount was refunded?—£3282 10s.

Did he pay depasturing fees?—Up to the date of the application to purchase; not after.

Was any interest paid on the money refunded?—No; there never is to anybody.

Has Mr. Kinross paid any depasturing rent during that period?—No.

Is no further claim to be made on Mr. Kinross for depasturing rent?—I do not know; I think not. The matter is one for the Commissioner of Crown Lands.

J. T. TYLER.

His Honor Mr. J. D. ORMOND, examined by Mr. H. R. Russell.

Is Mr. Kinross allowed the use of the land in dispute for twenty months without any payment to the province?—That is a question with which I have nothing to do.

Would it not be the duty of the Superintendent to call the Commissioner's attention to the recovery of this sum if he believed it to be a just claim?—I do not think this question comes within the limits to which this inquiry is confined. It is a question of administration, and I do not see that it has anything to do with your claim to relief.

On the question being pressed by Mr. Russell, the Chairman ruled that it was beyond the limits of the inquiry.

At the time of the applications being made, either on Saturday or Monday morning, were you waited on by either Messrs. Sealy, Kinross, or Tyler on the subject of my Saturday's applications?—No.

Were you informed on the Monday morning of the dispute between the Land Office and myself?—I do not think I knew of it within a day or two, though I may have done so.

You gave no advice to Mr. Sealy or other parties as to how to act in the matter?—None whatever.

Were you consulted by Mr. Sealy in regard to his defending any action by me?—I was asked by Mr. Sealy—I cannot say when—whether he would be guaranteed the expenses of his action by the province.

It was not on that Monday?—No; I knew nothing of it until after the decision was given.

Then you were not consulted by either Kinross or Sealy about that guarantee at all?—No. I heard nothing of the guarantee until long after.

J. D. ORMOND.

Committee adjourned till 11 a.m. on Thursday.

THURSDAY, July 1.

Committee met at 11 a.m.

Mr. TYLER and Mr. H. R. RUSSELL in attendance.

Mr. H. R. RUSSELL, examined by Mr. Tyler:—

Did I not distinctly inform you that I would not keep open after 2 o'clock?—I have no recollection of any such conversation; but if I made such an inquiry it



was simply with a view of ascertaining the ordinary hour of closing the office; but not as to the office being kept open later than the ordinary hour of closing to complete any application lodged with the Commissioner of Crown Lands before his hour of closing.

Was the cheque you paid me on Monday the one you had in the Commissioner's office when making the application?—It was; the cheque was altered in the Commissioner's presence, and initialled by Mr. Brandon. It was altered from £3500 to the exact sum required to pay for the area of land in the receive order.

Mr. Tylee applied that the committee order the cheque to be produced.

Mr. TYLEE, examined by Mr. Ormond :—

Are applications ever received by the Commissioner subject to after-consideration?—Yes.

Do the applicants in such cases lodge the purchase-money of the land?—Yes.

In the event of such applications being ultimately disallowed, does the applicant receive back his purchase money?—Yes.

Is interest allowed on the money so lodged?—No.

In the case of simultaneous applications, when is the purchase money refunded to the party who does not get the land?—As soon as the person brings me the order from the Commissioner to refund, which is generally after the auction sale.

Is any interest allowed in such cases?—No; and it has never been asked for.

Do you remember any cases in which you have received applications after the fixed time of closing?—None, that I remember.

On this occasion, why did you receive the order seven minutes after two?—I did not receive it; that was the time I closed the office.

Was Mr. Kinross's second receive order received that day?—It was in the office; but was not treated as received till Monday. I had the money on Saturday; but did not enter it up in my books, and did not treat the receive order as received till Monday.

Then Mr. Kinross's second application was treated in exactly the same way as Mr. Russell's, and did not become completed till Monday?—Yes.

J. T. TYLEE.

Mr. Brandon, recalled, says :—

I produce the cheques asked for. I find on reference that Mr. Russell paid the amount in two cheques—one for £3000, and the other for the balance. The smaller cheque was altered.

Mr. Ormond: Were these the original cheques?—No; the originals were destroyed, and these substituted.

Where were these drawn?—In Mr. Sealy's office.

Were the originals destroyed in Mr. Sealy's office?—Yes.

Mr. Bennett: What was the object of the alteration?—I cannot be sure; it may have been that they knew the amount was over £3000, but did not know the precise amount.

S. G. BRANDON.

Mr. Tylee made the following statement :—

About 11 a.m. on the 5th April, 1873, I went to the Bank of New Zealand to lodge such Government money as I might have in hand, which is always done on a Saturday. While I was there, Mr. Russell came out of the manager's room, and asked me what time my office would close, and how late I kept open on Saturdays. I distinctly told him 2 o'clock sharp—not one minute after. Before 2 p.m. Mr. Russell and Mr. Brandon walked into my office, and Mr. Russell told me that he was going to make an application for land. I recommended him to go and do it at once, as the time was going on. Finding it getting very close to the time, I went into Sealy's office with Mr. Brandon, in order to see if there was any chance of the application being completed in time. When I was in there, Mr. Russell called Mr. Brandon's attention to the fact that the cheque was not for the correct amount; and said, "What shall we do? Shall we alter it?" Mr. Brandon said, "It's of no consequence; destroy it, and make another." I fancy that the cheque was then and there torn up by Mr. Russell, but cannot say positively. I then went back to my own office, and Mr. Brandon went with me. He stayed some time in conversation. I remarked to him that it was too bad for Mr. Russell to be asking me to do a thing that he knew was irregular, and which he would be the first to find fault with me for doing for any one else—that was, to wait and receive his money after the proper hour. Mr. Brandon remarked that I would not be justified in treating one person differently from another; that I ought to treat all alike. I said, "I will not wait one minute after the proper time." We then looked at our watches, and I found that it was seven minutes past two. I jumped off my stool and locked the door. Mr. Brandon said, "Let me out first." I said, "No; we will go together; let me just put this away first." From under my blotting-pad I pulled out a cheque and receive-order, which I locked up in the chest. I said, "That is the way the land is going—£2500 from Kinross." Mr. Brandon asked me where the land was, I told him I did not know. I had seen the cheque, but had not then looked at the receive order, and did not know until I got back to the office that the receive order was not for the full amount of the cheque. Mr. Brandon and I then left the office together immediately. I think we walked together as far as the Bank of New Zealand; but I am not certain. I went away,

had a glass of beer and a sandwich, and went back to my office to work. I do not know where Mr. Brandon went: perhaps he went back to the Commissioner's office and marked the amended cheque; but certainly when we left the office no amended cheque had been made out.

J. T. TYLEE.

Mr. Brandon made the following statement:—

As far as my recollection goes, Mr. Tylee's statement is entirely wrong. I went to the Commissioner's office with Mr. Russell; he made his application, and the Commissioner said he was very busy with other work, and could not give it immediate attention. He came out of his inner office shortly after, and in conversation with Mr. Russell it was found that the cheque had been initialled for a wrong amount. I cannot say exactly what took place, but I know that the cheque was destroyed, and the two cheques I now produce, amounting together to the correct sum, were drawn and initialled. I remember going to Mr. Tylee's office, in company with Mr. Russell. I do not remember what took place. I remember afterwards being in Mr. Tylee's office when he closed the door. On his letting me out I returned to Mr. Russell, and told him that Mr. Tylee had closed his office.

Mr. H. R. Russell: You say you were twice in Mr. Tylee's office, once with me, and once by yourself?—Yes.

Was it on the first occasion of your being to the Commissioner's office that the cheques were marked, or after Mr. Tylee had closed his office and gone?—Before that; it was on the first occasion.

Can you recollect if I asked you to go to Mr. Tylee's office and tell him to stop, as the receive order was being made out?—I believe so; I believe that was the reason of my return.

Did you hear me ask Mr. Sealy to send to Mr. Tylee, and tell him I was just coming?—No; I cannot recollect that.

Mr. Tylee says that you and he had some conversation, when he said I wanted him to do an improper thing, and that I would be the first to find fault if he did it for anyone else. Do you recollect that?—I do not recollect that part of the conversation at all.

Captain Russell: After the first cheque was destroyed have you any idea where the blank cheque came from?—I cannot say.

S. G. BRANDON.

Mr. Tylee pointed out that the numbers of the cheques were so close to each other as to make it appear that they were from the same cheque-book, there being only one interval between the numbers.

Mr. BRANDON, examined by Mr. Tylee:—

Are you positive that I was not in Mr. Sealy's office when Mr. Russell pointed out the mistake to you?—To the best of my recollection and belief you were not present. I believe the mistake was pointed out by Mr. Sealy.

You cannot say that I was not present?—No; but to the best of my recollection you were not.

S. G. BRANDON.

Mr. TYLEE, examined by Mr. H. R. Russell:—

You state that you never took money on a receive order after the regular hour of closing?—I do not remember ever doing anything of the sort.

Not on the application of Mr. Peters?—No; nor any one else. If it was ever done, it was through ignorance of the time; but I am generally cautious to look out for the proper time.

You say you were in Mr. Sealy's office and saw the cheque altered?—No. I said it was not altered while I was there.

Had you any conversation with Mr. Brandon or myself while in the Commissioner's office?—Not that I remember; I merely went in to see if there was any chance of the thing being completed.

How did you ascertain that there was no chance of its being completed?—You told me, I believe, that you would be in directly. I went back, put aside all other work, and waited for you.

Was it in the Commissioner's office that I led you to believe I would be in directly?—I believe it was.

Will you state positively that you were in the Commissioner's office in the interval between Brandon and I seeing you in your office and the second time when Brandon went to the office?—No.

Will you state positively that you were in the Commissioner's office at all?—Yes, certainly.

Mr. Burton: Do you remember the date at which the office hours were extended to 4.30 p.m.?—I do not remember, and have not had time to look it up.

J. T. TYLEE.

Mr. SEALY recalled.

The Chairman informed Mr. Sealy that Mr. Russell had applied for all correspondence between himself and the General and Provincial Governments in his possession, relating to this inquiry.

Mr. Sealy replied that subject to the permission of the Secretary for Crown Lands, which he would ask by telegram, he was willing to place all correspondence before the committee; provided that Mr. Russell would give a written undertaking to abide finally by the decision of the Provincial Council. But as Mr. Russell had threatened further legal proceedings, he could not of course assist him in preparing any case.

Mr. Russell said he should not expect the Committee to ask him to give any undertaking of the kind; and with regard to the production of the correspondence, if he should resort to further legal proceedings against Mr. Sealy, he could always be served with legal notice to produce such documents in Court.

Mr. SEALY, examined by Mr. H. R. Russell :—

You remember my coming into your office with Mr. Brandon?—I have already answered that question.

While I was waiting for you to commence the receive order, did Mr. Tylee come in?—I do not remember seeing him. At the same time it must be borne in mind that I was in the back office nearly the whole time.

Then so far as you recollect he was not present when the cheque was altered and initialled?—I think not.

Mr. ORMOND: Was the cheque shown to you a single cheque for the whole amount?—My impression is that there were two cheques, and I think one was altered in the office.

Do you receive applications subject to after consideration?—Yes, sometimes, if the circumstances require it. In the case of unsurveyed lands, I do not know that any application can be considered as final.

Do applicants in such cases pay the purchase money of the land?—Yes. Sometimes where there is great doubt, the application is received with a qualification.

In the event of an application being subsequently disallowed, does the applicant receive back his money with or without interest?—Without interest. I do not remember any claim on that account ever being made.

Do these rules apply to simultaneous applications?—There have been very few cases of simultaneous applications. I cannot recall any instance where interest has been paid.

How long do these cases sometimes stand over?—Some months, I think.

Had you time, after Mr. Russell's application, to go to the map, and ascertain if the application was in every respect correct and in order?—I could not have done so with any prospect of getting it completed before 2 p.m.

Mr. BURTON: Is it unusual to grant applications without examining the map?—The applications are commonly made out by Mr. Jarman; but in a case like this, where all the unpurchased land in a block was applied for, there did not appear to be the same necessity for examining the maps.

Capt. RUSSELL: Was the original cheque destroyed, or merely altered?—I cannot say.

H. B. SEALY.

Committee adjourned to 11 a.m. on Friday.

FRIDAY, July 2.

Mr. WEBER in attendance, stated that he had no questions to ask Mr. Russell.

Mr. KINROSS recalled, examined by Mr. Ormond :—

When you were at the land office on the 5th April, 1873, did Mr. Russell lodge an application?—Yes.

Where were you then?—Standing at the door of the Survey office, which just adjoins the Land Office. There is not much room inside, and I was waiting at the door to get my own receive order from Mr. Sealy.

Had you any idea that the application would interest you?—I had a pretty strong suspicion that it would.

What time was this? How long before the closing of the office?—About five minutes I should say.

Was there time for you to have examined that application and protected your own interests?—There was plenty of time to have seen the application and handed in another; but not time to have finished it if the Receiver closed punctually at 2. I could have inaugurated the application.

Were you of opinion that the rules of the office precluded you from making such an application?—I was. I was distinctly told by the Receiver in the early part of the day that the office would be closed punctually at 2 o'clock.

You had made applications before on that day?—Yes.

How many?—Two.

Were they made prior to Mr. Russell's?—Yes.

Were they both completed on that day?—One was completed and handed in, and the receive order with the money handed in to Mr. Tylee. The receive order for the other I got from the Commissioner about two minutes or so after 2 o'clock. It was then too late for presentation at the Receiver's office.

Then your second application was not completed?—Not until Monday.

Owing to the rules of the office?—Yes.

Mr. BENNETT :—Did you consider the uncompleted application as liable to be treated as simultaneous on the Monday following?—Yes, certainly.

Mr. H. R. RUSSELL: When you received the second receive order did you go to the Receiver's office?—Yes, and tried the door. I found the office closed.

At what time was this?—About two minutes past 2 o'clock.

Were you quite certain of the time?—No; except by the Survey Office clock.

When did you send the receive order to the Receiver?—On the Saturday evening.

At the time I lodged my application you would have been in time to have protected yourself by covering it before the Commissioner closed his door?—Yes.

How long was it before closing?—About five minutes.

What about a marked cheque or cash to pay for the land?—In getting the

marked cheque for the two applications from the manager of the Union Bank, he told me that he would be about if I wanted another cheque, and I could within a few minutes have obtained it from him.

J. G. KINROSS.

Mr. H. R. Russell then read and put in a written statement.

Mr. H. R. RUSSELL, examined by Mr. Ormond :—

At whose instance was the question referred directly to the Court of Appeal?—I cannot say; my case was left entirely in the hands of my lawyers. I believe, too, that I was absent at the time.

Can you say whether Mr. Justice Johnston decided that there was no case for a jury? and if so, on what information did he so decide?—When in Auckland, about the end of April or beginning of May, I had a communication from Mr. Wilson to that effect. I think he stated that the Judge had so decided, and that he would hear the case himself in Wellington on his return from the sittings of the Court at Napier. I communicated immediately with my lawyer, and objected most strenuously to the course proposed by the Judge, on several grounds, which I desired my lawyers to urge; but I expressed my perfect willingness to have the case tried either before a jury, or before the Court of Appeal. All I objected to was that Mr. Justice Johnston alone should hear my case.

On what grounds do you state that if the Court of Appeal had known that Mr. Kinross had given Mr. Sealy a guarantee, that your costs would have been allowed you?—On the assurance of my Wellington lawyers, when I returned from Australia, a few days after the decision.

Can you inform the Committee how the reference to the Court of Appeal came to be made?—I do not remember, I was ill at the time, and took very little interest in the case. Though I had heard of the guarantee before I left Napier, I did not mention it to my lawyers, who were quite ignorant of the fact when the case was heard.

H. R. RUSSELL.

*Statement submitted by Mr. H. R. Russell in reference to the enquiry held upon his Petition about Motuotaraia Purchases.*

The Committee having kindly permitted me to submit a statement at the close of the enquiry, I now avail myself of that permission. I do not propose to enter into any arguments as to the merits of the case, or as to the effect of the evidence; nor do I propose to make any reference to the unfounded statements injuriously affecting myself, which were made by persons interested in the enquiry in privileged places, which statements have gone abroad uncontradicted to the public, and may, for aught I know, have even now some weight with the Committee itself. I shall take another and more fitting opportunity of dealing with that phase of the question.

In regard to the actual statements of the Petition, those contained in paragraphs 1, 2, 3, 4, 6, 7, 8, 9 and 10, are substantiated by evidence or admitted. That being the case, all the essential and material facts of my Petition are established, and, as I contend, my claim to compensation is fully proved.

With reference to paragraph 5, the statements made therein are also admitted, excepting the charge of improperly furnishing information. Upon this point I would desire to point out to the Committee—

1. That such information could only have come either from Mr. Brandon or myself, on the one hand; or (2) from the officials of the Waste Lands Office, on the other.

It has not been attempted to be shown that such information was given by Mr. Brandon, and I can only repeat my statement already made, that no person, except Mr. Brandon, knew from me anything about my application until the Monday forenoon.

In regard to the second point, while it is true that the evidence has failed to establish direct communication between the Waste Lands Office and Mr. Kinross, on the Saturday afternoon, yet it is admitted that Mr. Kinross did receive information of the contents of my application on the Sunday. I consider that this circumstance alone is sufficient proof of the correctness of the belief expressed by me. Mr. Kinross should only have asked for such information during office hours, or, at most, on days when the office was open for business; and Mr. Sealy should not have given the information to Mr. Kinross, but should have told him to apply at the office on the Monday morning. Turning now to the question of how the matter transpired on the Saturday :—It is very unfortunate that although Mr. Kinross was told of the fact of my application having been made by several persons, he can only recollect the names of two, one of whom is dead, and the other absent from the colony. Further enquiry in that direction is therefore choked off. But there is strong evidence of the existence of very lax practice in matters of this kind in the evidence given by the officers of the Department. Thus Mr. Weber says, in reply to the question whether he mentioned the matter of my application to any person on Saturday :—I can only say that I have no knowledge. *I may have mentioned it in conversation, as I should have been perfectly justified in doing.* If I had met His Honor the Superintendent I might have told him that we had sold fifteen or sixteen thousand acres of land, or *I may have mentioned it to other people*, and he admits that he knew on the Saturday afternoon that there was some question about my being in time or not.

Mr. Tylee admits that he mentioned the matter on the Sunday to Mr. Richardson. I would respectfully point out to the Committee that these statements show that it is highly probable that the information leaked out from some official on the Saturday afternoon. I would desire to add that it appears to me that even if my application had been completed on the day on which it was put in, it was not a proper subject of conversation for officials, either in the streets or among their private friends. But the impropriety of such proceedings becomes clearly manifest when it is borne in mind that the department did not consider my application closed. Then, at all events, the strict rule should have been adhered to, of giving only such information as the law allowed, during office hours.

The question involved here is one which is full of interest to the whole public of the province, and its investigation should not be left to either myself or the Committee, but should, in justice to the Department and to the people of the province, be made the subject of special enquiry by the proper authorities.

The next point to which I shall refer is the question of guarantee. It is clear from the evidence that Mr. Sealy had a written indemnity from Mr. Kinross before as he himself puts it, he agreed "to espouse Mr. Kinross's cause." I do not overlook the awkwardness of Mr. Sealy's position under two masters, each of whom is anxious to put the responsibility in questions of this kind on each other's shoulders, but I leave it to the Committee to say what they think of that state of things under which an officer discharging substantially judicial functions is compelled to interview one of two disputants before him, and to obtain an indemnity for costs before proceeding.

Under this head I may refer to the grounds upon which Mr. Sealy says he based his decision. The first is—that thereby he confirmed the action taken by the Receiver of Land Revenue, which he believed to be correct. The reply to that is the short and conclusive one that the Court of Appeal has decided that both the original decision of the Receiver and the confirmature of such decision by Mr. Sealy were wrong. His second ground is in substance that by giving Mr. Kinross the benefit of any doubt, it would lead to competition for the land, and thereby favor the Revenue. As to this, I would say that no such consideration should have been allowed to affect the case. The Commissioner should deal with these matters judicially. He should administer the existing law as he finds it, and not attempt to alter its policy or effect by his decision. The Assembly and the Provincial Council, which made the laws, can alter them, if it be deemed necessary, to protect the revenue, but an official cannot justify a decision otherwise doubtful or wrong by a plea of this kind.

Mr. Kinross has also relied upon this view of the matter, and no doubt it will be urged upon the Committee when the question of the relief to which I am entitled is under discussion. I beg to state that I refused an offer made to me on Mr. Kinross's behalf, to divide the land in dispute. If I had consented the revenue would have suffered just as it actually has done, while, by leaving the question to a competent tribunal, I gave the revenue the chance of a decision confirming the ruling of the Commissioner. This proposal of Mr. Kinross's came to me through Mr. Wilson, solicitor.

Before concluding, I wish to make a few remarks on the questions, 1st, of the limitation of the enquiry to the four points notified to me in writing; 2nd. The elimination of evidence already taken. I say, with all respect to the decision of the Committee on these matters, that the fullest latitude should have been allowed in an enquiry of this important nature, and considerations of time or expense should not prevail against the all important one of getting at the truth. If the enquiry had not been limited, considerable light might have been thrown on the administration and working of the Waste Lands Office. As it was, a good deal of pertinent evidence had already been taken, which, I observe, has been ordered to be deleted.

While I am thankful to the Committee generally for the forbearance and consideration shewn during the progress of this enquiry, I cannot help saying that the above two decisions ought not to have been come to without my being heard. I should not have been placed in a worse position than if I had appeared by counsel, and counsel would surely have been heard before the decision had been made.

Upon the question of compensation, I submit respectfully that I ought not to be prejudiced by any technical questions as to whether the Commissioner and Receiver are officers of the Colonial or General Government. I contend that they are the servants of both Governments, but it is the Provincial Government which gets the financial benefit of the administration and sale of waste lands.

As to the question of interest upon my money, I would only point out that I consider that if I am entitled to interest at all, such interest ought to be the current rate then ruling for investment of amounts similar to that which I paid to the province, and not the rate which the province may have been receiving from the bank. It might have been that the provincial account was not bearing interest, surely it would not then be contended that I should not receive interest either. The province had the use of my money, whilst it failed to give me the consideration for which that money was paid.

With regard to the production of the correspondence between Mr. Sealy, and the General and Provincial Governments, or Mr. Kinross and myself, I understood Mr. Sealy to say that, subject to the permission of the Secretary of Crown Lands, which he would ask for by telegram, he would be willing to produce it, provided I would, in the first place give a written undertaking that I would abide absolutely by the decision of the Provincial Council in the matter under enquiry. Such stipulation was, I conceive, most unwarrantable.

The Committee also have ruled that it was unnecessary to produce the written guarantee given by Mr. Kinross to Mr. Sealy, as it was admitted there was a written guarantee. I submit the terms of that guarantee should have been before the Committee.

H. R. RUSSELL.

Napier, July 2, 1875.

# Estimate of Revenue

Of the Province of Hawke's Bay, from 1st July, 1875, to the  
30th June, 1876.

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**ORDINARY & MISCELLANEOUS—**

	£	s.	d.	£	s.	d.
Auctioneers' and Publicans' License Fees .....	1750	0	0			
Pilot, Harbour, Wharf Dues, and Boat Licenses ...	2500	0	0			
Slaughter Licenses .....	240	0	0			
Wholesale Spirit Dealers' Licenses .....	200	0	0			
Capitation Allowance .....	2000	0	0			
Miscellaneous and Incidental .....	2200	0	0			
Estimated balance in hands of Provincial Treasurer on June 30, 1875 .....	12000	0	0			
				20890	0	0

**TERRITORIAL—**

Crown Land Sales, Assessments, and Leases on Runs .....	16700	0	0			
				16700	0	0

**SPECIAL—**

Rent Educational Reserves .....	800	0	0			
Balance to credit of Education Fund .....	500	0	0			
Sheep Assessments and Dipping Fees .....	1270	0	0			
Balance to credit of Sheep Fund .....	800	0	0			
Rent Toll-bar, Tareha's Bridge, and Meanee and Taradale Road .....	1000	0	0			
Rent Harbor Reserves .....	200	0	0			
				4570	0	0
				£42,160	0	0





# Estimate of Expenditure

Of the Province of Hawke's Bay, from 1st July, 1875, to the  
30th June, 1876.

**1.—JUDICIAL—**

	£	s.	d.	£	s.	d.
<i>Gaol Department.</i>						
Gaoler (Warden); also Master Lunatic Asylum, at £300 per annum .....	300	0	0			
1 Turnkey at £135 per annum .....	135	0	0			
3 Turnkeys at £120 per annum .....	360	0	0			
1 Overseer hard-Labor Prisoners, at £120 per annum .....	120	0	0			
Rations for Prisoners .....	350	0	0			
Contingencies .....	250	0	0			
				1515	0	0

<i>Police.</i>						
Napier—1 Inspector, also Inspector of Weights and Measures, at £300 per annum .....	300	0	0			
1 Sergeant, at £140 per annum .....	140	0	0			
1 Corporal, at £130 per annum .....	130	0	0			
11 Privates at £120 per annum each .....	1320	0	0			
Horse Allowance for Inspector, at £52 per annum .....	52	0	0			
Horse Allowance for 6 Policemen, at £36 per annum .....	216	0	0			
District Constable at Porangahau, at £25 .....	25	0	0			
1 Constable at Clive .....	110	0	0			
Rations for Prisoners .....	30	0	0			
Expenses for Prisoners .....	60	0	0			
Contingencies .....	100	0	0			
				2483	0	0

**2.—HOSPITAL & CHARITABLE—**

Maintenance of Hospital .....	750	0	0			
Charitable Aid .....	350	0	0			
Maintenance Allowance Destitute and Neglected Children .....	100	0	0			
Salary Attendants Lunatic Asylum .....	170	0	0			
Rations and Contingencies Lunatic Asylum .....	355	0	0			
				1725	0	0

<i>Coroner's Department.</i>						
Contingencies .....	10	0	0			
				10	0	0

**3.—ADMINISTRATIVE—**

<i>Superintendent's Department.</i>						
Superintendent, at £425 per annum .....	425	0	0			
Superintendent's Clerk, also Clerk of the Council, at £300 per annum .....	300	0	0			
Messenger, also Messenger to the Provincial Council, at £120 per annum .....	120	0	0			
Contingencies .....	25	0	0			
				870	0	0

<i>Law Officer's Department.</i>						
Provincial Solicitor, at £100 per annum .....	100	0	0			
				100	0	0

<i>Treasury.</i>						
Provincial Treasurer, at £300 per annum .....	300	0	0			
Contingencies for Department .....	30	0	0			
Clerical Assistance .....	50	0	0			
				380	0	0

Carried forward ..... £7083 0 0

	Brought forward.....	£7083	0	0
<b>4.—HARBOUR DEPARTMENT—</b>				
	Harbor Master and Pilot, at £275 per annum .....	275	0	0
	2 Boatmen, at £130 per annum .....	260	0	0
	Extra Men, in addition to Pilot's Crew, when re- quired .....	25	0	0
	Contingencies .....	200	0	0
	Pilot Service at Wairoa .....	100	0	0
	Contingencies for Wairoa .....	25	0	0
	Life Boat Maintenance .....	50	0	0
			935	0
<b>5.—SURVEY DEPARTMENT—</b>				
	Provincial Surveyor, also Provincial Engineer, at £500 per annum .....	500	0	0
	Travelling allowance to Provincial Surveyor.....	100	0	0
	Draughtsman, at £300 per annum .....	300	0	0
	Additional Draughtsman, at £250 per annum .....	250	0	0
	Survey Laborers .....	300	0	0
	Survey Contingencies .....	100	0	0
	Surveys .....	2300	0	0
	Clerk in Land Office, at £150 per annum .....	150	0	0
	For laying out roads through Blocks in which road allowance will shortly lapse .....	500	0	0
			4500	0
<b>6.—LEGISLATIVE—</b>				
	<i>Provincial Council.</i>			
	Speaker, at £2 for each sitting day, and for seven days afterwards .....	75	0	0
	Country Members, at £1 per each sitting day .....	250	0	0
	Contingencies .....	90	0	0
	Printing Minutes of Council, Council Papers, Acts, &c. ....	100	0	0
			515	0
	<i>Returning Officer's Department.</i>			
	Contingencies .....	20	0	0
			20	0
<b>7.—MISCELLANEOUS—</b>				
	General Printing and Advertising.....	400	0	0
	Insurance on Government Buildings .....	120	0	0
	Materials for Prison Labor .....	25	0	0
	Expenses Weights and Measures.....	5	0	0
	Miscellaneous Contingencies .....	500	0	0
	Athenæum .....	200	0	0
	Country Libraries .....	200	0	0
	Botanical Gardens .....	200	0	0
	Grant for Education Purposes .....	2150	0	0
	Grant for Acclimatization Society .....	300	0	0
	Government Offices, Firewood, &c. ....	50	0	0
	Expense of collecting Dog Tax .....	35	0	0
	Wangawehi Light .....	30	0	0
	Bonus to Ferry at Waihua.....	25	0	0
	Bonus to Ferry at Waikari .....	10	0	0
	Bonus to Ferry at Nuhaka .....	10	0	0
	Bonus to Ferry at Porangahau .....	20	0	0
	Bonus to Ferry at Tongoio Lake.....	20	0	0
	Bonus to Ferry at Mohaka .....	15	0	0
	Signal Staff, Napier .....	25	0	0
	Maintenance of Napier Lighthouse for year .....	100	0	0
	Salary of Lighthouse Attendants.....	180	0	0
	Weighbridge, Taradale Road .....	150	0	0
	Cranes for New Jetty .....	300	0	0
	Maintenance of Slaughter House and Yards .....	100	0	0
	Contingencies Crown Lands Office .....	200	0	0
			5370	0
<b>8.—PUBLIC WORKS AND UNDERTAKINGS—</b>				
	Moorings and Buoys .....	150	0	0
	Life Boat Shed .....	140	0	0
	Jetty on each side of the Wairoa River .....	200	0	0
	Maintenance of Public Buildings .....	400	0	0
	Maintenance of Public Fences .....	30	0	0
	Addition to Hospital .....	300	0	0
	Maintenance of Ground about Public Office.....	20	0	0
	Fenders for Breastwork.....	250	0	0
	Wharves .....	260	0	0
	Searching Shed .....	250	0	0
	Lock-up, Clive .....	25	0	0
			2025	0
	Carried forward.....	£20,448	0	0

Brought forward .....£20,448 0 0

## ROADS—

Meance and Taradale.....	1000	0	0
Waipukurau to 70-Mile Bush .....	300	0	0
Waipawa to Plains .....	300	0	0
Main Road Napier to Waipukurau .....	3000	0	0
Waipukurau to Porangahau .....	1000	0	0
Petane to Wairoa.....	600	0	0
Road by Ohinepaka Valley .....	200	0	0
Road to open land sold on Deferred Payments .....	500	0	0
Grant in aid of Bridge over the Waipawa, near Homewood .....	1000	0	0
Grant in aid of Bridge over Ahuriri Harbor .....	3500	0	0
Roads to open land for sale in 70-Mile Bush .....	1000	0	0
Middle Road .....	300	0	0
Road Overseers .....	300	0	0
Grant in aid of Roads and Road Boards .....	400	0	0
Road Contingencies .....	500	0	0
Napier to Pohui .....	300	0	0
Roads at Porangahau .....	200	0	0
Road Porangahau to Wainui .....	150	0	0
Town Roads .....	2000	0	0
Wairoa Roads .....	300	0	0
Maraekakaho Road.....	100	0	0
Waipawa to Hampden .....	400	0	0
Oero Road to Wautukai .....	100	0	0
Te Mata to Pourerere .....	100	0	0
Roads Wainui Valley.....	100	0	0
Wautukai to Kaikora.....	300	0	0
Kereru Road .....	200	0	0
Redclyffe Cutting .....	100	0	0
Grant in aid Bridge over Maraetotara.....	200	0	0
Petane to Beach .....	100	0	0
Maintenance 70-Mile Bush Road.....	1200	0	0
Clive Roads .....	100	0	0
Tarawera to Pourerere .....	100	0	0
Tuki Tuki to Tarawera .....	100	0	0
Napier to Waitangi.....	100	0	0
Havelock to Hastings Station .....	250	0	0
Omahu Road .....	150	0	0
Road from Wairoaiti to Petane .....	200	0	0
Puketapu Cutting and Roads, Puketapu District ...	300	0	0
Wairoa River, clearing Snags .....	100	0	0
Road and Jetty, Mohaka .....	120	0	0
Patangata to Waipawa .....	25	0	0
	<hr/>		
		21295	0 0
		£41,743	0 0



# Estimates Special.

*Sheep Department—*

	£	s.	d.
Inspector ... ..	350	0	0
Travelling Allowance to Inspector...	50	0	0
Contingencies—Dipping Expenses, &c.	100	0	0
Wages Shepherd at Boundary ... ..	130	0	0
Fences at Boundary of Province ... ..	70	0	0
Quarantine Buildings and Site at Port of Napier ...	200	0	0
<b>Total ... ..</b>	<b>£900</b>	<b>0</b>	<b>0</b>

*Education—*

Capitation Money for Scholars ... ..	1800	0	0
Bonus to Teachers ... ..	800	0	0
Inspector of Schools ... ..	150	0	0
Travelling Allowance to Inspector ... ..	100	0	0
Grant in aid of Buildings ... ..	500	0	0
Books, Maps, &c. for Schools ... ..	50	0	0
School Libraries for Country Schools, Prizes for de- serving Pupils, and Contingencies ... ..	100	0	0
<b>Total ... ..</b>	<b>£3500</b>	<b>0</b>	<b>0</b>



# Council Paper.

1875.

## OPENING SPEECH OF HIS HONOR THE SUPERINTENDENT

(Delivered on Friday, 11th June, 1875).

MR. SPEAKER AND GENTLEMEN OF THE  
PROVINCIAL COUNCIL,—

Having been re-elected Superintendent of the province, I take advantage of my privilege of addressing you, to call your attention to some questions of general interest.

When I met the Council last year, I had the pleasure of speaking of the very prosperous condition of the province, and on this occasion I can point with satisfaction to the progress made during the past year. The increase in our population, the extended area of our improved lands, and the very considerable increase in our exports and imports, are unmistakeable evidences of advancement, and it is satisfactory to find from statistical and Customs returns that in these respects the progress made by this province bears satisfactory comparison with any part of the colony.

During the past few months, Hawke's Bay has suffered in common with the rest of New Zealand, and indeed all Australasia, from exceptional sickness, attended by a large mortality. As might be expected under such circumstances, various opinions have been expressed as to the causes. For instance, the unusual amount of sickness at Napier has been attributed to the swamps and infectious diseases brought here by immigrants; but enquiry will satisfy anyone that other towns in the colony, which have no swamps, have suffered more than Napier, and that in the Colony of Victoria, which has had no immigration system in operation, the rate of mortality has been greater than in any other part of Australasia. With such evidence before us, whilst we deeply sympathise with the sufferers, we cannot reasonably attribute our late visitation to local causes.

You will have seen with satisfaction the traffic returns for the Napier and Paki Paki Railway; the monthly receipts are larger up to the present time than on any other line in the North Island. This fact is evidence of the wealth of the community, and considering that the railway does not yet catch the bulk of the inland traffic, it may confidently be expected that when it is extended to Te Aute, Waipawa, and Waipukurau, most satisfactory returns may be looked for, which will be still further increased when the Seventy-Mile Bush is tapped. The timber trade that

will then be opened by the railway will afford employment to a large population, and Napier will then draw its timber supplies from its own forests. Another effect which I confidently anticipate is the cutting up and disposal of the large properties and the settlement of the inland district in the neighborhood of the railway by a considerable population. I have recently been in communication with the Hon. the Minister for Public Works respecting the progress of the railway, and he has assured me every exertion will be used to open the line as far as Te Aute by Christmas. If this is accomplished, as the formation of the remainder of the line to Takapau is either in a forward state or finished, it may be hoped the line will be open to the Seventy-Mile Bush before next winter.

Another question of large importance is that of an improved harbor at Napier. Last session the Provincial Council authorised me to obtain reliable professional advice as to the feasibility of constructing a breakwater at this Port, and as it was known Sir John Coode, the greatest authority on Marine Engineering, had undertaken to advise the Provincial Government of Canterbury, as to Harbor Works for that province, I waited the arrival in the colony of Sir John Coode's representative, in the hope of being able to arrange for an opinion on our harbor. This, I regret to say, I was unable to do, as the engagement with the Canterbury Government necessitated Mr. Elliot's speedy return to England, with the information collected for Sir John Coode to frame his opinion upon. No other professional advice likely to carry the necessary weight with the General Assembly has been available; I therefore took advantage of a late visit the Engineer-in-Chief of the colony paid to Napier to ask the favor of his opinion on the subject. Mr. Carruthers spent some time in taking observations, and I shall lay before you the letter he has addressed to me. I regret to say that the Engineer-in-Chief's opinion is adverse to a breakwater at the Bluff, but he considers the inner harbor capable of great improvement, and has promised to report thereon as soon as he is supplied with certain requisite information. This has since been collected, and I shall lose no time in asking Mr. Carruthers to give his opinion. I had intended to have moved during the present session for the appointment of a Harbor Board, but in the absence of any

definite scheme I think it will be better to postpone the consideration of the Harbor Board Bill until we have the Engineer-in-Chief's report before us, and can estimate the cost of such works as may be proposed. It would also be desirable to ascertain before the constitution of a Harbor Board what funds will be required, and to what extent the General Assembly will authorise borrowing for the purpose. The subject is one of very great importance, and should receive the most careful consideration. I desire to take this opportunity of stating that whilst I recognise the necessity of doing all in our power to provide improved harbor accommodation at Napier, I am not prepared to support any scheme that is not based on sound professional advice, and before anything is done I think the scheme, its cost, and the means of providing for it should be considered by the Provincial Council.

During the past 12 months 2457 immigrants have been introduced; the readiness with which they have been absorbed shows the necessity that existed for their introduction, and it is manifest that had not the labor market been partially supplied in this way the public works could not have been carried on and private enterprise would have been checked. I am glad to say that on the whole the class of immigrants introduced has been satisfactory. As was to be expected the influx of so considerable an addition to the population has caused a severe strain upon the hospital accommodation, an increase to which is requisite.

The report of the Inspector of Schools will be laid before you. From it you will find that the number of schools is increasing, as also is the attendance of scholars, and that the progress is on the whole satisfactory. I am glad to say that there is a general feeling in favor of the employment of a high class of teachers, and I believe this is largely due to the fact that efficient inspection has clearly demonstrated the happy results in those schools, where experienced and earnest teachers preside.

I shall ask you to provide again for the cost of education during the ensuing year out of general revenue. This course will obviate the necessity of calling into operation the rating clauses of the Education Act, and I venture to express my hope that the force of public opinion will before long necessitate the education question being dealt with by the General Assembly on a uniform system, the cost of which will be defrayed out of colonial revenue.

The block of land first thrown open for selection on the deferred payment system has been taken up, and for the most part by *bona fide* settlers. To meet the requirements of this class it became necessary to open another block, which will soon be occupied. I believe it will be requisite to extend the time for compliance with the regulations for occupation in the case of the first block opened, as considerable delay occurred in effecting the surveys required before the settlers could be put in possession of their lands, and as this delayed their operations it will be but fair to take it into consideration. What I recommend is to give the utmost consideration to all real *bona fide* settlers on the land, but not to extend this to speculators.

The reclamation works on Gough Island have been completed, and the new breast-work affords increased wharfage accommodation, which was badly wanted. I regret to say a large expenditure in excess of the vote had to be incurred on this work. None of the reclaimed land has yet been sold, but situate as it is in the immediate neighborhood of the railway terminus, and with the best wharfage frontage in the inner harbor, it must soon be occupied. A largely increased value will be given to this property, if it is determined to improve the inner harbor.

The votes authorised last session for public works have been given effect to as far as possible, but some important works, such as the bridge to connect the Eastern and Western Spits, and the bridge over the Waipawa River, near Homewood, have not been carried out, in consequence of the conditions under which the votes were given not having been complied with. I shall ask you to re-vote the sums set apart last year for these objects. Another work which has not been carried out is the reclamation of the Napier swamps. The last Council authorised a loan for this purpose, which was to be expended only on condition that the owners of the lands to be reclaimed entered into proper engagements to recoup the money; although I used every exertion to get the conditions of this vote complied with, I was unable to do so, owing to the absence of some of the owners from the colony, and the unwillingness of others to enter into the necessary engagements. I regret that the present finances of the province will not admit of a loan being now given for this purpose, but steps are being taken by the city authorities to oblige the owners of the swamp lands to effect their reclamation.

I am sorry to say that the revenue estimated to accrue during the year now ending has not been fully realised. The ordinary revenue has exceeded the estimate, but the territorial revenue has fallen short. After providing, however, for all expenditure to the 30th of this month—the end of the financial year—there will remain a balance in hand of about twelve thousand pounds.

Estimates for the ensuing year will shortly be laid before you. I shall then give a full statement of the finances. I will now only state that I anticipate the revenue for the year will meet actual requirements, but that strict economy is necessary.

You will be glad to hear that I have only one Bill of any importance to submit to you, and that is a Bill to take advantage of the "Provincial Fencing Laws Empowering Act, 1874," and enable the provisions of the "Hawke's Bay Fencing Act" to be given effect to.

I present to you the following annual reports and papers:—Reports of the Provincial Engineer on Roads and on Public Works, Report of the Chief Provincial Surveyor on Surveys, Report of the Inspector of Schools, Report of Provincial Surgeon, Report of the Inspector of Sheep, Report of the Inspector of Police, Report of the Gaoler, Letter from the



Engineer-in-Chief on the Harbor, Correspondence with Banks respecting Provincial Government Accounts.

In conclusion, I will briefly refer to the great political question which is occupying the attention of the colony at the present time, viz., the proposed abolition of the provinces. As you are aware, the Government is pledged to propose the abolition of the provincial system so far as this island is concerned, but it is evident that public opinion is in favor of applying the proposed alteration in the constitution to the whole colony, and there is little doubt this will be done.

The most important functions that formerly devolved upon the provinces, viz., the conduct of immigration and public works, have already been assumed by the Colonial Government, and the purely local matters that remain to be dealt with by the Provincial Councils would, I believe, be more efficiently and economically administered under a more direct form of local self-government.

Gentlemen, I will not detain you further, and now declare this Council open for the despatch of business.

J. D. ORMOND,  
Superintendent.



# Council Paper.

1875.

## FINANCIAL STATEMENT,

(Made by His Honor the Superintendent on Tuesday, 22nd June, 1875.)

MR. CHAIRMAN,—

I take this early opportunity of making the usual statement of the finances of the province, because, as there is very little other Government business, it is probable the Estimates will receive early consideration.

It will be most convenient to deal first with the accounts of the present year.

Taking then the Estimated Revenue, it is satisfactory to note that in the case of nearly every item of Ordinary Revenue the receipts have exceeded the estimate. This, however, has not been the case with the Territorial Revenue, the receipts under this head not having realised the amount estimated. This is chiefly accounted for from none of the reclaimed land at Gough Island having been disposed of, whereas a large sum was estimated to be received on that account. I will lay on the table a return showing the revenue received to the 31st May, and estimated to be received during the present month. From this return it will be seen that the receipts under the head of Ordinary and Miscellaneous amounts to £56,527, in place of £41,269 as estimated. This excess is, however, chiefly accounted for from the balance in hand on the 30th June, 1874, amounting to £47,000, in place of £34,334 as estimated. It must not, however, be understood that the whole balance in hand on the 30th June, 1874, was available for services of the present year, the explanation being that many accounts for services executed during the previous year were not presented or paid on the 30th of June, and thus the balance in hand exceeded the estimated balance, which in reality was approximately the amount available for expenditure during the current year. Among the items under the head of Ordinary in which a marked increase has taken place during the year may be named pilot, harbour, and wharf dues, which were estimated to realise £1350, whilst the receipts have been £2495, showing a large increase in the trade of the port. Another considerable item is interest on bank balances, on which account £1950 has been received. There is also a steady increase on nearly every item of Ordinary Revenue, caused, no doubt, by the large addition to the population which has taken place.

The receipts under the head of territorial have amounted to £22,041 in place of £34,650, as estimated, the chief cause being, as I before stated, that nothing has

been realised from the sale of the reclaimed land at Gough Island, from which a considerable sum was expected. The receipts under the head Special require little comment. The amount received from rents of Educational Reserves has been naturally increased from a number of the reserves set apart last session for educational purposes having been let. The sheep assessment and dipping fees are steadily increasing; the only item on which a decrease has taken place, is from the rents of toll bars, the receipts from which have fallen off in consequence of the railway to Paki Paki having largely reduced the traffic on the road. Taking the revenue on all accounts for the year, £85,419 has been received; the estimated revenue having been put down at £80,494.

Turning from the receipts to the expenditure, for the same period, the last Council authorised an expenditure of £87,252. The return I will lay before you shows £44,442 expended in accordance with votes on the 31st May, £16,492 estimated to be expended during June, and £1600 unauthorised expenditure, making a total expenditure to the end of the financial year of £62,534.

The principal reason for the authorised votes not having been fully given effect to is that in the cases of several costly works, such as the filling up swamp, town of Napier, Bridge over Harbor, Hampden Tramway, and other like items, the conditions on which the votes were authorised have not been complied with; where no such difficulties have existed the works authorised have as far as possible been carried out. Of the works completed during the past year the new wharf and reclaimed land at Gough Island is the most important. The wharfage accommodation afforded by the new breastwork was much needed, and must greatly facilitate the trade of the Port.

I will not, however, enter into a detailed description of the works carried out. It is sufficient to say that a great deal has been done to improve existing communication, as well as open new roads in several districts.

With respect to the expenditure under the head Special, the votes have proved sufficient for the purposes they were devoted to. The report of the Inspector of Schools contains detailed information as to the education departments. The number of schools have increased, and also the attendance of scholars, although the sick-

ness which has been so prevalent until lately materially interfered with the attendance of scholars during the last two quarters. I will lay on the table a return showing the expenditure on education, and also the expenditure under the "Toll-gate Acts," and for the sheep department.

I will also lay before you a return showing the apportionments of the General Government Road Board grants. The Road Board system is working better, and there is greater readiness to take advantage of the grant than was the case in previous years.

That finishes what I have to say with respect to the receipts and expenditure of the year ending on the 30th of this month. It remains for me to submit estimates of revenue and expenditure for the ensuing year. In preparing those estimates I have had unusual difficulty, for whilst the increase of population and the requirements of the country district are increasing, the revenue is falling off. As you are aware, the chief source of revenue in past years has been the land fund, and for some time we have been accustomed to large receipts under this head. During the year just ended, this province, in common with nearly every province in the colony, has seen a diminution in the territorial receipts, and during the ensuing year but a moderate sum can be expected from land sales. I estimate the revenue from all sources for the year commencing on the 1st of July at £42,166. This sum is made up as follows:—From ordinary and miscellaneous, including the estimated balance at the termination of the present year, £20,890; from territorial receipts, £16,700, and I believe I have estimated quite the extreme sum likely to be realized under this head; from special sources, £4570. This last amount is, however, appropriated to special purposes; so that £37,590 is the actual sum I estimate as likely to be available for appropriation for the services of the province for the ensuing year.

The Estimates of Expenditure have been framed with great care. The ordinary services have first been provided for, and then the most necessary public works. I am aware that many districts have wants in excess of those provided for, but in the absence of means I have been unable to see my way to propose expenditure which in many cases I know to be desirable. I will not enter into any detailed explanation of items, but will confine myself to stating that the estimates of expenditure will be found to provide for the efficient carrying on of the ordinary services of the Provincial Government, including

gaols, police, hospital and charitable, administrative, harbor, surveys, and legislative, at an estimated cost of £12,337; whilst the proposed expenditure on public works, miscellaneous, and roads, is estimated at £26,005.

I shall be glad to give fuller explanations in Committee of Supply, when the Estimates are under consideration.

The Special Estimates require no special explanation, as I have already stated I propose to provide the funds required for education in excess of the ordinary receipts from endowments out of general revenue. I now lay on the table the following returns:—

1. A Comparative Return, showing in detail the revenue estimated for the year ending June 30, 1875; the amounts realised to the 31st May; the amounts estimated to accrue in June; the receipts in excess of estimates; the excess of estimates over receipts; and the total amount of receipts.
2. A Comparative Return, showing in detail the amounts voted under the "Appropriation Act, 1874-75;" the sums expended to the 31st May; the estimated expenditure during June; the excess of expenditure over vote; and the unexpended balance.
3. An abstract of the expenditure from the 1st July, 1874, to the 31st May, 1875, and the estimated expenditure for the month of June, 1875.
4. Return of grants and rents for Educational purposes and expenditure during the year ending 30th June, 1875.
5. "Sheep Department"—Return of receipts and disbursements from 1st July, 1874, to 31st May, 1875, and estimated receipts and disbursements during June, 1875.
6. "Toll Gate Acts, 1867-72"—Return of receipts and disbursements from 1st July, 1874, to 31st May, 1875, and estimated receipts and disbursements during June, 1875.
7. Return of receipts and expenditure Road Board Fund for the year ending June 30, 1875.
8. Estimate of revenue for the year 1875-76.
9. Estimate of expenditure for the year 1875-76.
10. Estimate of expenditure on Special Account for the year 1875-76.

I now beg to move the consideration of the Estimated Revenue.

## Council Paper.

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1 8 7 5 .

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### REPORT OF SELECT COMMITTEE ON PETER ROBERTSON'S PETITION.

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THE Committee report that they have taken the evidence of the Petitioner, Mr. Weber, Mr. Jarman, and Mr. W. Parker. Mr. Sealy's public duties prevented his attendance before the Committee. They find that an application was made in the year 1859, by G. Worgan, for land bounded by the Waipawa River, and that a Grant was issued in 1862 for 231 acres, having the river for the boundary.

That on a survey being made in the first place in 1860, by Mr. Weber, he looked upon the land which is now claimed by the Petitioner as river bed, and therefore not available for sale.

That in the Grant of the land to Mr. Worgan the diagram does not include the land claimed by the Petitioner, although the written boundary is the river. It would appear that if the land claimed by the Petitioner is sound land, there is an excess in the Grant which is unpaid for.

That the Committee cannot understand why, on the Petitioner making his application, reference was not made to the Application Book and Crown Grant in the first instance, and a definite reply have been given to the applicant at once.

That the Petitioner has suffered considerable damage in loss of time and for travelling expenses, by the delay for 20 months to give him a final reply.

The Committee recommend that the Superintendent be authorised to compensate the Petitioner for his losses to a reasonable amount, and the Council indemnify the Superintendent for such expenditure to an amount not exceeding £100.

JASPER L. HERRICK,  
Chairman.

July 3, 1875.



## Council Paper.

1875.

*To His Honor J. D. Ormond, Superintendent  
of Hawke's Bay.*

THE PETITION of the undersigned,

HUMBLY SHEWETH—

That owing to there being no bridge over the Wainui River great inconvenience is inflicted on the settlers of the neighborhood, and much risk entailed on travellers when crossing into the Province by the coast line of road.

This inconvenience to the settlers is caused by the impossibility of getting across the river at the usual ford when, as at present, its waters are banked up through its outlet to the sea being closed up by a bar of sand, which is the case every summer. The risk of loss of life to travellers arises from some one attempting to cross at the customary ford when unaware of the great depth of water. Your Petitioners are aware that there is a ferry for the benefit of travellers, but they are also painfully aware that when travellers are given to understand that they can ford a river they generally attempt it.

In presenting this Petition to Your Honor your Petitioners are not so much influenced by feelings of individual interests, as the conviction that the erection of a bridge over the river is absolutely necessary as a public benefit, inasmuch as it detracts from the acknowledged credit of the province the public interests of which you have so ably administered, when at its very threshold so serious an obstruction to progress exists.

We therefore humbly beg Your Honor that you would direct such steps to be taken as will remedy our grievance by the erection of a bridge on the said Wainui River.

And your Petitioners will ever pray.

[Here follow the signatures.]





## Council Paper.

1875.

*To His Honor the Superintendent and the  
Members of the Provincial Council of  
Hawke's Bay in Session assembled.*

**T**HE Petition of the undersigned residents of Taradale and  
Meanee

RESPECTFULLY SHEWETH—

I. That your Petitioners believe and fear that a bank, which has been placed across what has hitherto been a way of escape for at least half the river water during floods and freshes of the Tutaekuri River, will have the effect of forcing this portion of the river through our district to the great detriment and damage of our lands, crops, and live stock.

II. Your Petitioners are—many of them—small owners who have occupied their land beneficially for many years, who, on account of their position and means, are unable to obtain any redress except through your Honorable Provincial Council of Hawke's Bay.

III. Your Petitioners further submit that this bank not only threatens the dangers enumerated, but is carried across one public road, has also made impassable, by the accumulation of water against it, the road from Meanee Bridge through the Papakura Block towards Omaha.

Your Petitioners therefore pray that your Honorable Council will be pleased to take this Petition into consideration, and will pass such resolutions as may relieve our present necessities, and recommend to the Legislative Assembly an Act for the conservation of the district, and for the prevention of individual action in obstructing the customary overflow of the Tutaekuri River.

And your Petitioners, as in duty bound, will ever pray.

THOMAS POWDRELL  
HARVEY SLADEN  
JAMES HALLETT  
LEONARD ROPER  
EDWARD RABONE  
ALEXANDER TODD  
B. FLANDERS  
JOHN CALES  
SARAH CHEER  
THOMAS ACTINS, (HIS MARK)  
JANE CARSWELL  
ISRAEL TRASK, (HIS MARK)  
ELIZABETH CARR  
A. W. JONES  
THOMAS MITCHELL  
HANNAH MANEY  
F. GELLEYHER  
ROBERT MARSHALL  
STEPHEN SCRAGG  
WILLIAM HARRIS  
M. N. BOWER  
JOSEPH M'CONOCHIE

DAVID VAUGHAN  
WILLIAM LORD  
JAMES LOPDELL  
E. REIGNIER, C.P.  
RICHARD MARTIN  
WILLIAM BURTON  
JOHN MARSHALL  
JOHN STEWART  
JAMES DALEY  
GEORGE SNELLER  
DENIS DONOVAN  
BARTHOLOMEW LORIGAN  
D. R. MACDONNELL  
RICHARD NEAGLE  
E. H. BEAUCHAMP  
THOMAS GEBBIE  
E. ST. BARBE SLADEN  
JAMES NEAGLE  
H. S. TIFFEN  
ALEXANDER ALLANACH  
R. GUPPY



## Council Paper.

1 8 7 5 .

### *To the Honorable Members of the Provincial Council of Hawke's Bay, in Session assembled.*

**T**HE Petition of Peter Robertson, of Ruataniwha, in the said Province, farmer,—

HUMBLI SHEWETH,—

I. That on or about the month of October, 1873, I applied at the Waste Lands Office, Napier, to purchase forty acres of land on the banks of the Waipawa River, Ruataniwha district, and abutting on Mr. Joseph Rhodes' run, and duly paid for the said land the sum of Twenty Pounds, being the price thereof under the Waste Lands regulations.

II. That at the time I so purchased, the said forty acres, with other lands adjoining, were distinctly shewn on the official maps of the district as being open for selection and sale.

III. That my purchase was made subject to investigation and survey, but as such investigation or survey was made up to the month of May, 1874, in which month I applied for another block of forty acres adjoining my previous selection, and paid the price thereof, Twenty Pounds on the same conditions as the first purchase.

IV. That at the time of my making my second purchase, Mr. Weber raised a number of objections to the receipt of my application, and said that it would not be fair to take away the river frontage from the run, but the Commissioner said he would not allow that consideration to interfere, but would award me the land if it was found to be available.

V. That between my first and second purchase I had repeatedly applied for the promised investigation and survey to take place, without avail, and when completing my second application, I offered to pay Five Pounds towards cost of investigation, if same were undertaken at once.

VI. That, failing in my endeavours to get the Waste Lands Office to move, and acting under a suggestion contained in a letter from the Commissioner, I employed a surveyor at my own expense, and he was instructed by the Commissioner to increase the boundaries of the land, and then to apply for further instructions.

VII. That the surveyor traversed the boundaries of the land, and informed me that the result showed a larger excess than the eighty acres applied for by me at the place where my blocks were situate.

VIII. That the surveyor receiving no further instructions from the office, was obliged to desist from proceeding with such survey and investigation.

IX. That I began to make preparations for fencing the land, and sent Mr. Rhodes notice to fence, and was informed by him in reply, that he claimed the whole land on which my sections were situate.

X. That I called upon the Commissioner and showed him Mr. Rhodes' letter, and he advised me to write to the Superintendent and inform him of the matter, and I did so. I received no reply, and afterwards waited on him personally, when he told me that the Commissioner should settle the matter, as he had full power to do so.

XI. I then again applied to the Commissioner several times, and at last I was informed by him that he had reported fully on the question to the Superintendent, and could take no further step until he should hear further from the Superintendent.

XII. That I continued to press for a definite settlement of the question until February, 1875, when I was told by the Commissioner that he would not ratify my purchases without the sanction of the Superintendent, and by the Superintendent that it was not within his power to give the Commissioner any such authority.

XIII. That about the end of February last, being over sixteen months from the date of my first application, I received a letter from the Commissioner, informing me that the land applied for by me had a long time ago been in some way included in an application made by one Worgan, for two hundred and eighty acres, although the said Worgan had only received a grant for one hundred and eighty acres, and had only paid for that acreage, and that it had been decided that I could not have the land, and my money would be returned.

XIV. That besides losing the land applied for, and the use of the money paid for it, I lost a whole season's work, and was put to a great expense and trouble in visiting Napier on several occasions, and in conducting a lengthy correspondence on a matter which, in fairness to me as a struggling settler of limited means, ought to have been determined within a month or two after my application was received.

Wherefore I pray that your Honorable Council will take my case into consideration, and will cause enquiry to be made into the reason why I have not been allowed to complete my purchase, and generally into the whole of the circumstances connected therewith, and grant me such relief as, under the circumstances, may appear just, and I, your Petitioner, will ever pray.

PETER ROBERTSON.

## Council Paper.

1875.

*To His Honor the Superintendent and the  
Members of the Provincial Council of  
Hawke's Bay in Council assembled.*

THE humble Petition of BINGHAM ARTHUR FERARD, house-  
holder and ratepayer in the Borough of Napier,

SH EWETH—

I. That a Bill, intituled "The Municipal Corporation Waterworks Act, 1872, Adoption Act, 1875," is now being promoted before your Honorable Council by the Corporation of the Borough of Napier.

II. That your Petitioner is informed, and believes, that if the said Bill becomes law, the said Corporation intend to raise a loan, under the authority of the said Act, for the purpose of constructing Waterworks, which will benefit a small portion only of the Borough.

III. That any loan to be raised under the authority of the said Act must, your Petitioner believes, be secured by a special rate upon all rateable property in the Borough.

IV. That the said Act was (as appears by the third section thereof) intended to provide for the case of waterworks constructed for the supply of the whole of a borough with water.

V. That it would, as your Petitioner humbly submits, be unjust that a loan for the construction of Waterworks for the supply of a particular portion only of a borough should be chargeable upon rateable property lying beyond the system of water supply.

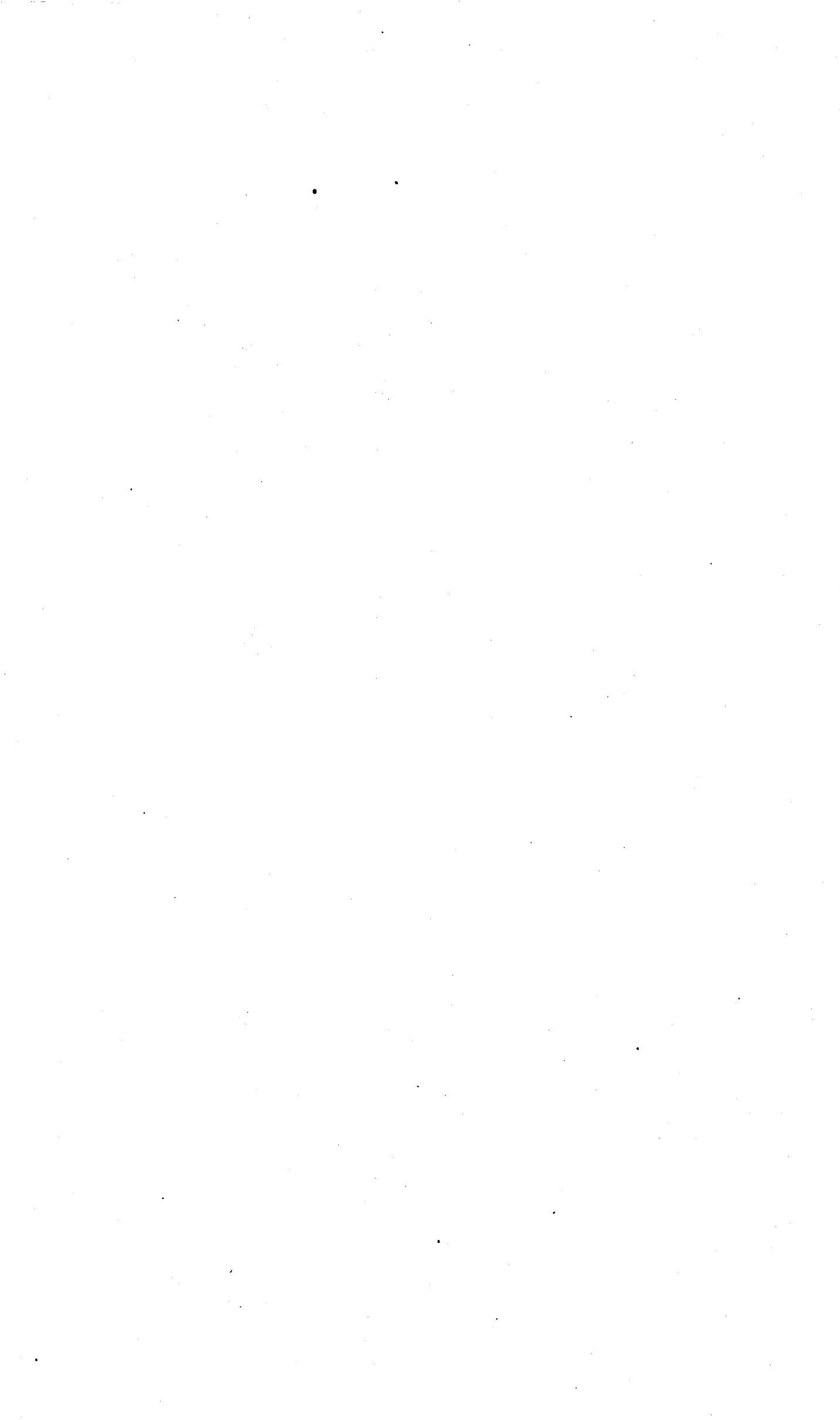
VI. That the provisions of the said Act are not, as your Petitioner submits, applicable without modification to the circumstances of a Corporation intending to construct such a partial system of Waterworks.

VII. That if the said Act be adopted without modification, your Petitioner, and many other ratepayers of the Borough, will be subject to a heavy annual charge without any corresponding benefit.

Your Petitioner therefore humbly prays: That you will not pass the proposed Bill without providing that any special rate to be made under the authority of the said Act, for the purpose of securing payment of the principal and interest of any loan, shall be chargeable only upon such rateable property as shall lie within the district to be supplied with water by the works upon which such loan is to be expended; or that you will be pleased to take such other steps, as may be fitting, to protect your Petitioner from injustice.

And your Petitioner will ever pray, &c.

B. A. FERARD.



## Council Paper.

1875.

### PETITION OF HENRY ROBERT RUSSELL, OF MOUNT HERBERT, NEAR WAIPUKURAU.

*To the Honorable the Members of the Provincial Council of Hawke's Bay in Session assembled.*

THE Petition of Henry Robert Russell, of Mount Herbert,  
near Waipukurau,

HUMBLY SHEWETH—

I. That your Petitioner, on or about the fifth day of April, one thousand eight hundred and seventy-three, applied for and became the purchaser from the Crown Lands Commissioner of the Province of Hawke's Bay of six thousand six hundred and forty-five (6645) acres of land, or thereabouts, situate at Motuotaraia in the said Province, and being all the then unsold portions of Joseph Tanner's run.

II. That your Petitioner paid for the said land to the Receiver of Land Revenue for the said Province the sum of three thousand three hundred and twenty-two pounds ten shillings (£3322 10s. 0d.), and is now entitled to a Crown Grant of the said land as from the fifth day of April, one thousand eight hundred and seventy-three, and has entered into possession of the said land.

III. That no legal available road exists by which the said block of land purchased by your Petitioner can be reached from any existing main line of road, and your Petitioner being desirous of making extensive and permanent improvements upon the said block, is unable to do so in consequence of having no legal means of access thereto.

IV. That your Petitioner respectfully submits to your Honorable Council that he is entitled to have provided for him by the Government sufficient means of legal access to the said block by means of a road or roads.

Wherefore your Petitioner prays that your Honorable Council will cause enquiry to be made into your Petitioner's case, and grant him such relief as to your Honorable Council shall seem fit.

And your Petitioner will ever pray.

H. R. RUSSELL.





## Council Paper.

1875.

### PETITION OF HENRY ROBERT RUSSELL, OF MOUNT HERBERT, NEAR WAIPUKURAU.

*To the Honorable the Members of the Provincial Council of Hawke's Bay, in Session assembled.*

THE Petition of Henry Robert Russell, of Mount Herbert, near Waipukurau, in the said Province,

HUMBLY SHEWETH—

I. That on the fifth day of April, one thousand eight hundred and seventy-three, your Petitioner duly made an application to the Commissioner of Crown Lands, at Napier, for all the unsold lands on the run known as Mr. Joseph Tanner's run, situate at Motuotaraia, in the said Province.

II. That on the same day your Petitioner informed the Provincial Treasurer of the said province at his office that he had lodged the said application, and that he had with him a marked cheque on the Bank of New Zealand, Napier, for the sum of three thousand three hundred and twenty-two pounds ten shillings sterling, being the price, according to law, for the area of six thousand six hundred and forty-five acres, being the official estimate of the unsold land within the said run.

III. That the said Provincial Treasurer, who was also Receiver of Land Revenue for the said province, although he was informed that the application had been lodged and was being recorded by the said Commissioner, refused to wait after the hour of two to receive the said monies, and when your Petitioner, having received the necessary papers from the Commissioner, proceeded to the office of the said Provincial Treasurer to pay the said money, the office was closed.

IV. That afterwards, on the morning of Monday, the seventh day of April, your Petitioner attended at the office of the Provincial Treasurer, and duly paid the said sum of three thousand three hundred and twenty-two pounds ten shillings, and obtained a proper receipt therefor.

V. That on the said Monday, and after your Petitioner had so paid the said money, John Gibson Kinross, of Napier, in consequence, as your Petitioner verily believes, of information improperly furnished to him, the said John Gibson Kinross, either on the afternoon of Saturday, the said fifth day of April, or on Sunday, the sixth day of April, attended at the Waste Lands Office, and lodged an application for the same or the greater portion of the same land included in your Petitioner's application, and paid in an amount sufficient to cover his application.

VI. That, on being applied to by your Petitioner, the said Commissioner declined to complete the sale of said land to your Petitioner, and decided that the applications of your Petitioner and of the said John Gibson Kinross were simultaneous, and that the land must go to auction between the applicants.

VII. That your petitioner protested against such decision, and wrote a statement of the whole facts to the Secretary for Crown Lands, and the Secretary for Crown Lands replied in substance that the management of Crown

Lands within the province was matter of provincial administration, and that he could not interfere.

VIII. That your Petitioner, finding that he could not obtain redress from either the Provincial or Colonial authorities, took legal steps to enforce his claim, and ultimately the question was argued in the Court of Appeal, at Wellington, and decided in favor of your Petitioner, but the Court declined to allow the costs of the proceedings, mainly on the ground that the Commissioner had acted according to the best of his judgment, and was not given any specific instructions by which he might safely determine points similar to those raised in the case.

IX. That the results to your Petitioner of this wrong decision of the Commissioner were that he was kept for twenty months out of possession of six thousand six hundred and forty-five acres of land to which the highest legal tribunal in the country has decided that he was lawfully entitled; that he lost the use and benefit of the sum of three thousand three hundred and twenty-two pounds ten shillings, for the said period, the province having the use and benefit of your Petitioner's money, as well as of the monies paid by the said John Gibson Kinross during the whole of the said time, and he incurred in the substantiation of his lawful claim costs out of pocket to the extent of about one hundred and fifty pounds.

X. That your Petitioner has been informed, and verily believes, that the said Commissioner was guaranteed by the said John Gibson Kinross all costs and expenses to which he might be put in resisting your Petitioner's claim, and your Petitioner feels certain that if this circumstance had been known at the time that the judgment was given by the Court of Appeal the costs of your petitioner would have been allowed by the Court.

Wherefore your Petitioner humbly prays that the honorable Council will take into consideration, and cause full enquiry to be made into all the circumstances thereof, and grant to your Petitioner such relief as to your honorable Council may seem meet.

And your Petitioner, as in duty bound, will ever pray.

H. R. RUSSELL.

## Council Paper.

1875.

*To His Honor the Superintendent and the  
Members of the Provincial Council of  
Hawke's Bay in Session assembled.*

THE Petition of the undersigned,

HUMBLY SHEWETH—

That in the year 1873 a sum of £300 was voted as a grant in aid for the erection of a bridge across the Tutaekuri-Waimate River; that your Petitioners were unable to take advantage of the sum then placed at their disposal owing to want of funds; that the channel cut by the Ngaruroro River is deepening, rendering communication with Napier every year more dangerous to life during the whole winter, and constantly impassable for weeks together, as no communication with the mainland exists, except across the Tutaekuri-Waimate.

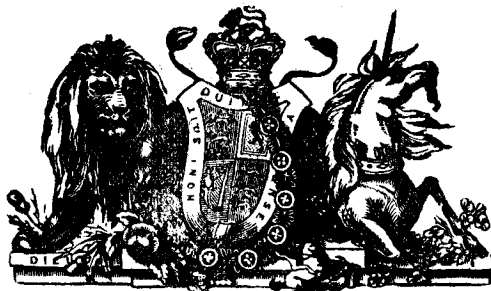
That your Petitioners are now better prepared to undertake the erection of a bridge than at the date when the sum of £300 was voted as a grant in aid.

That the necessities for a bridge have increased in proportion to the dangers of crossing the river, and your Petitioners therefore humbly pray you will take the hardship of their case into your favorable consideration, and, as in duty bound, will always pray.

[Annexed are the signatures.]



Province of Hawke's Bay.



MARKET RESERVE ACT 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER  
MAJESTY QUEEN VICTORIA.

SESSION XXII. NO. 1.

ANALYSIS.

Title.  
Preamble.

1. Rents of Market Reserve to be paid to Corporation.
2. Repeal.
3. Short Title.

AN ACT *to provide for the management and administration of a certain Reserve in the Town of Napier formerly known as the Market Reserve.* Title

WHEREAS by an Act of the Provincial Council of Hawke's Bay Session XXI No. 1 intituled "An Act to enable the Superintendent to manage and administer certain Reserves by granting leases thereof and for other purposes" the said Superintendent was empowered to demise and lease amongst other lands the parcel of land described in the Schedule to this Act and by the Act now in recital it was provided that the monies to be received by way of rent in respect of the said lands should be applied in conformity with the provisions contained in "The Hawke's Bay Education Act 1873" with respect to the application of rates levied under the provisions of the said Act and for the purposes in the same Act expressed. Preamble

And whereas it is expedient that the rents henceforth to be received in respect of the parcel of land described in the Schedule hereto should be paid to the Corporation of the Town of Napier.

BE IT THEREFORE ENACTED by the Superintendent of the

Province of Hawke's Bay by and with the advice and consent of the Provincial Council thereof as follows:—

Rents of Market Reserve to be paid to Corporation.

I. The monies henceforth to be received by way of rent in respect of the parcel of land described in the Schedule to this Act shall from and after the 30th day of June 1876 be paid by the Treasurer of the Province to the Corporation of the Town of Napier or its authorised Treasurer or Collector.

Repeal

II. "The Educational Reserves Act 1874" is hereby repealed in so far as it provides that rents to be received in respect of the said parcel of land described in the Schedule hereto shall be applied as stated in the preamble hereto but not further or otherwise.

Short Title

III. The short title of this Act shall be "The Market Reserve Act 1875."

#### SCHEDULE.

Section bounded by Tennyson Emerson and Hastings-streets Napier containing by admeasurement 2 roods and 20 perches more or less bounded towards the north-east by Hastings-street 250 links towards the south-east by Emerson-street 250 links towards the south-west by section No. 171 250 links and towards the north-west by Tennyson-street 250 links formerly called the Market Reserve and now numbered 603 on the Government Plan of the Township of Napier.

J. A'DEANE,

Speaker.

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

J. D. ORMOND,

Superintendent.

Province of Hawke's Bay.



THE PROVINCIAL FENCING LAWS  
EMPOWERING ACT 1874 ADOPTION  
ACT 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER  
MAJESTY QUEEN VICTORIA.

SESSION XXII. No. 2.

ANALYSIS.

- |  |   |
|--|---|
| Title.                                       | 2. Disputes how to be determined                  |
| Preamble                                     | 3. Act of General Assembly brought into operation |
| 1. Repeal of 12th Clause of Fencing Act 1874 | 4. Short Title.                                   |

AN ACT *to bring into operation the provisions of a certain Act of the General Assembly of New Zealand intituled "The Provincial Fencing Laws Empowering Act 1874."* Title

WHEREAS it is expedient to bring into operation within the Province of Hawke's Bay the provisions of a certain Act of the General Assembly of New Zealand intituled "The Provincial Fencing Laws Empowering Act 1874" and to repeal the 12th clause of an Act of the Superintendent and Provincial Council of Hawke's Bay intituled "The Fencing Act 1874." Preamble

Be it therefore enacted by the Superintendent of the said Province of Hawke's Bay by and with the consent of the Provincial Council thereof as follows:—

I. From and after the passing of this Act the 12th clause of the said Fencing Act of the Superintendent and the Provincial Council of Hawke's Bay 1874 is hereby repealed. Repeal of 12th Clause of Fencing Act 1874

Disputes how to be determined

II. All matters or questions arising between owners or occupiers of land liable to the provisions of any Act or Ordinance regulating the erection and maintenance of dividing fences within the Province of Hawke's Bay including all claims for money as contribution or share of expenses of erecting or repairing fences may be heard and determined before any Resident Magistrate or Court of Petty Session notwithstanding that the decision of any such matter or question shall be beyond the ordinary jurisdiction of such Resident Magistrate or Court of Petty Session.

Act of General Assembly brought into operation

III. From and after the passing of this Act all and singular the provisions of the said Act of the General Assembly of New Zealand intituled "The Provincial Fencing Laws Empowering Act 1874" shall be in operation within the said Province of Hawke's Bay.

Short Title

IV. The short title of this Act shall be "The Provincial Fencing Laws Empowering Act 1874 Adoption Act 1875."

J. A'DEANE,

Speaker.

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

J. D. ORMOND,

Superintendent.



# Province of Hawke's Bay.



## THE LICENSING ACTS AMENDMENT ACT 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER  
MAJESTY QUEEN VICTORIA.

SESSION XXII. No. 3.

### ANALYSIS.

Title.  
2. Bottle license may be granted.  
3. License Fee.

4. Treasurer to issue license.  
3. Short Title.

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**AN ACT** to authorise the issue of *Bottle Licenses* within the Province of *Hawke's Bay*.

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

I. From and after the passing of this Act it shall be lawful for any retail grocer carrying on business in Hawke's Bay to apply to the Licensing Court of his district for a certificate for the issue of a Bottle License to him pursuant to the provisions of the Acts of the General Assembly of New Zealand intituled "The Licensing Act 1873 and the Licensing Act 1873 Amendment Act 1874."

Bottle license may be granted

II. The fee for such license shall be £40 per year in addition to the license fee payable under the "Wholesale Dealers in Spirituous Liquors Act 1871."

License Fee

III. Upon any certificate being granted by such Licensing Court pursuant to the said Acts the Provincial Treasurer shall

Treasurer to issue license

upon receipt of the said certificate and upon payment of the said license fee issue to the person named in the certificate a Bottle License in the form prescribed by the said Licensing Act 1873 Amendment Act 1874.

Short Title

IV. The short title of this Act shall be "The Licensing Acts Amendment Act 1875.

J. A'DEANE,

Speaker.

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

J. D. ORMOND,

Superintendent.

# Province of Hawke's Bay.



## CATTLE TRESPASS AND IMPOUNDING ACT AMENDMENT ACT 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER  
MAJESTY QUEEN VICTORIA.

SESSION XXII. NO. 4.

### ANALYSIS.

Title.	4. Interpretation.
1. Short Title.	5. Regulations made to be laid before the Provincial Council.
2. Superintendent to make regulations for notices in the Maori language.	6. Commencement of Act.
3. Regulations to be notified in Gazette.	

### *AN ACT to amend the "Cattle Trespass and Impounding Act 1867."* Title

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

I. The Short Title of this Act shall be "The Cattle Trespass and Impounding Act Amendment Act 1875." Short Title

II. It shall be lawful for the Superintendent from time to time to make amend alter and revoke regulations for any of the following purposes that is to say Superintendent to make regulations for notices in the Maori language

1. For providing that notices shall be given in the Maori language of all or any of the impoundings of cattle under the said Act.
2. For directing the manner in which such notices in the Maori language shall be given.
3. For fixing and appointing the fees or charges which shall be imposed and taken for the preparation publishing and delivery of all such notices and for determining the persons by whom such fees or charges shall be paid.
4. For providing for all such other matters and things within the scope and meaning of this Act which shall be proper and necessary to give full force and effect thereto.

Regulations to be notified  
in *Gazette*

III. All regulations to be made hereunder and all alterations amendments and revocations thereof shall be notified by the Superintendent in the *Government Gazette* of the Province and shall come into force at the expiration of fourteen days from the date of publication of the *Gazette* in which the same shall be notified.

Interpretation

IV. The words "the said Act" wherever used throughout this Act shall mean the said "Cattle Trespass and Impounding Act 1867" and this Act and all regulations duly made thereunder shall be deemed and taken to be part of the said Act and to be incorporated therewith.

Regulations made to be  
laid before the Provincial  
Council

V. All regulations made under this Act shall be laid before the Provincial Council within one week after the making thereof if the Council be then in session and if not then within one week after the commencement of the next session thereof.

Commencement of Act

VI. This Act shall only come into force on and after a day to be fixed by proclamation by the Superintendent in the *Government Gazette* of the Province of Hawke's Bay.

J. A'DEANE,

Speaker.

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

J. D. ORMOND,

Superintendent.

Province of Hawke's Bay.



THE MUNICIPAL CORPORATIONS  
WATERWORKS ACT 1872 ADOPTION  
ACT 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER  
MAJESTY QUEEN VICTORIA.

SESSION XXII. No. 5.

ANALYSIS.

Title.  
Preamble.  
1. Act brought into operation.

2. Special rate upon what chargeable.  
3. Short Title.

AN ACT *to bring into operation within the* Title  
*Borough of Napier "The Municipal Cor-*  
*porations Waterworks Act 1872."*

WHEREAS by an Act of the General Assembly of New Preamble  
Zealand made and passed in the thirty-sixth year of the  
reign of Her Majesty Queen Victoria intituled "The Municipal  
Corporations Waterworks Act 1872" it is provided that the  
said Act may be brought into operation in or for any Borough  
within any Province by an Act or Ordinance of the Superinten-  
dent and Provincial Council of such Province. And whereas  
it is desirable that the said Act should be brought into force  
within the Borough of Napier subject to such amendments as  
will adapt it to the special circumstances of the said Borough.

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

I. From and after the passing of this Act "The Municipal Act brought into opera-  
tion  
Corporations Waterworks Act 1872" shall subject to the

provisions hereinafter contained be in operation in and for the Borough of Napier in the Province of Hawke's Bay.

Special rate upon what chargeable

II. Provided that notwithstanding anything in the said Act contained any special rate to be made under section 29 shall be chargeable only upon rateable property lying within the circuit of the places shewn upon the plans of the undertaking as intended to be supplied with water and no land shall be regarded as intended to be so supplied unless upon the completion of the undertaking a house situate upon such land would be liable to water rate under section 35.

Short Title

III. The Short Title of this Act shall be "The Municipal Corporations Waterworks Act 1872 Adoption Act 1875."

J. A'DEANE,

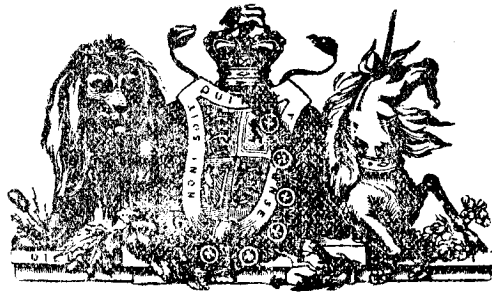
Speaker.

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

J. D. ORMOND,

Superintendent.

# Province of Hawke's Bay.



## HAWKE'S BAY SHEEP ACT AMENDMENT ACT 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION XXII. NO. 6.

### ANALYSIS.

Title.  
Preamble.  
1. Short Title  
2. Repeal clause

3. Payment of Assessment  
4. Superintendent may appoint Inspector of Sheep and Registrar of brands

AN ACT *to amend an Act of the Provincial Council of Hawke's Bay intituled "The Hawke's Bay Sheep Act 1874."* Title

WHEREAS it is expedient to amend the Hawke's Bay Sheep Act 1874. Preamble

BE IT ENACTED as follows:—

I. The short title of this Act shall be "The Hawke's Bay Sheep Act Amendment Act 1875." Short Title

II. Clauses IV. and XI. of "The Hawke's Bay Sheep Act 1874" are hereby repealed. Repeal clause

III. Every sheepowner shall in the month of August in every year pay to the Inspector on demand an assessment at the rate of one penny for every eight Sheep above six months old as returnable by such owner under Clause X. of the Hawke's Bay Sheep Act 1874 if such sum or sums be not paid before the first day of October in every year the said sum or sums shall be recovered in a summary way in the mode provided Payment of assessment

by "The Resident Magistrate's Act 1867" or if the amount be beyond the jurisdiction of such Court then in any Court of competent jurisdiction.

Superintendent may appoint Inspector of Sheep and Registrar of brands

IV. The Superintendent may from time to time by proclamation in the *Hawke's Bay Gazette* appoint an Inspector or Inspectors of Sheep for the purposes of this Act as also a Registrar or Registrars of Brands and may at any time annul such appointments and make others and shall proclaim a principal office in Napier for such Inspector or Inspectors Registrar or Registrars Provided always that the salaries of such officers shall be voted by the Provincial Council and that the Chief Inspector attend daily (except Sundays) at his office from 10 to 4 except when compelled to be absent by the duties of his office.

J. A'DEANE,

Speaker.

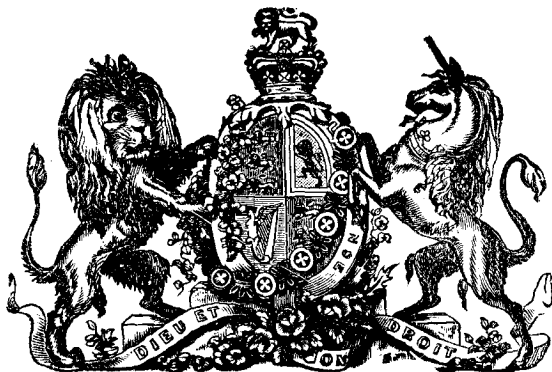
I do hereby declare that I reserve this Bill for the signification of the Governor's assent thereto.

J. D. ORMOND,

Superintendent.



# Province of Hawke's Bay.



## CREDIT ACT 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER  
MAJESTY QUEEN VICTORIA.

SESSION XXII. No. 7.

### ANALYSIS.

Title.  
Preamble

1. Treasurer to be credited with payments on account  
of services specified  
4. Short Title.

## *AN ACT to credit the Provincial Treasurer with certain charges.*

Title

**WHEREAS** the Treasurer of the Province of Hawke's Bay hath under Warrants under the hand of the Superintendent made certain payments from the 1st June 1874 to the 31st May 1875 in excess of the sums authorised by the "Appropriation Act 1874" to the amount set forth in the Schedule hereto.

Preamble

**AND WHEREAS** in manner directed by the "Provincial Audit Act 1866" and "Provincial Audit Act Amendment Act 1868" resolutions were duly passed by an absolute majority of the entire number of the members of the Provincial Council requesting the Superintendent to grant the sum of Two Thousand Two Hundred and Sixty-four Pounds One Shilling and Ninepence being the amount of such unauthorised expenditure.

**AND WHEREAS** an address in the terms of the resolution last recited and signed by the Speaker of the Council has been presented to the Superintendent.

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

**I.** The Treasurer of the Province shall in his accounts be allowed credit for the said sum of two thousand two hundred and sixty-four

Treasurer to be credited  
with payments on ac-  
count of services specified

pounds one shilling and ninepence being the amount expended on certain services as hereinafter specified—

	£	s	d.
Police Department ... ..	8	6	8
Crown Lands Office ... ..	12	10	0
Test Groins ... ..	533	9	2
General Printing and Advertising ... ..	24	12	1
Printing Minutes of Council ... ..	25	18	3
Reclaiming Land ... ..	979	15	9
Purchase of Life Boat ... ..	255	2	3
Hyderabad Road ... ..	165	16	0
Kereru and Aorangi Board ... ..	200	0	0
<i>Special.</i>			
Sheep Department Contingencies ... ..	58	12	7
Total ... ..	£2264	1	9

Short Title

II. The Short Title of this Act shall be "The Credit Act 1875."

J. A'DEANE,

Speaker.

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

J. D. ORMOND,

Superintendent.

# Province of Hawke's Bay.



## APPROPRIATION ACT 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER  
MAJESTY QUEEN VICTORIA.

SESSION XXII. NO. 8.

### ANALYSIS.

<p>Title. Preamble. I. Appropriating of the sum of £46,143 to defray the charges of the Government of the Province for the period from 1st July 1875 to 30th June 1876</p>	<p>2. Sum appropriated to be issued and paid in accordance with the Audit Act 1866 and the Provincial Acts Amendment Acts 1868 and 1869. 3. Short Title</p>
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*AN ACT to appropriate the Revenue of the Province of Hawke's Bay for the period commencing the 1st day of July 1875 and ending the 30th day of June 1876.*

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

I. That out of the revenue of the Province there may be issued and applied for defraying the charge of the Government of the Province of Hawke's Bay for the term of twelve months commencing on the 1st day of July 1875 and ending the 30th day of June 1876 the sum of Forty-six Thousand One Hundred and Forty-three Pounds in any sums not exceeding the several sums for the several purposes hereinafter particularly specified that is to say—

	£	s.	d.
Total Judicial ... ..	3998	0	0
Total Hospital and Charitable ... ..	1735	0	0
Total Administrative ... ..	1350	0	0
Total Harbour Department ... ..	935	0	0
Total Survey Department ... ..	4500	0	0
Total Legislative Department ... ..	535	0	0
Total Miscellaneous ... ..	5370	0	0
Total Public Works and Undertakings ... ..	23320	0	0
Total Sheep Department ... ..	900	0	0
Total Education ... ..	3500	0	0
Total ... ..	£46,143	0	0

Title

Preamble

Appropriating of the sum of £46,143 to defray the charges of the Government of the Province for the period from 1st July 1875 to 30th June 1876

Sum appropriated to be issued and paid in accordance with the Provincial Audit Acts Amendment Acts 1868 and 1869

II. The said several sums hereby appropriated shall be issued and paid for the purposes herein mentioned and in the manner prescribed by the "Provincial Audit Act 1866" and the Provincial Audit Acts Amendment Acts 1868 and 1869."

Short Title

III. The Short Title of this Act shall be the "Hawke's Bay Appropriation Act 1875."

J. A'DEANE,

Speaker.

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

J. D. ORMOND,

Superintendent.

# Province of Hawke's Bay.



## EDUCATIONAL RESERVES ACT 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER  
MAJESTY QUEEN VICTORIA.

SESSION XXII. No. 9.

### ANALYSIS.

Preamble	8. Chairman casting vote	Three to be a Quorum
1. There shall be a Board	9. Board to make bye-laws	
2. Constitution of Board	10. Treasurer's Duties	
3. First Board	11. Lands to vest in Board	
4. Retirement and election of Members	12. Power to Board to lease by auction.	Notice to be
5. Vacancies to be filled up	given in <i>Gazette</i>	
6. In case of neglect to elect member of Board Su- perintendent empowered to do so.	13. Existing leases confirmed	
7. Superintendent to fix first Meeting	14. Application of Rents	
	15. Short Title	

**AN ACT** to enable the Superintendent to vest certain Reserves in a Board of Commissioners and to provide for the leasing and managing thereof. Title

**WHEREAS** under and by virtue of "The Public Reserves Act 1854" the Governor of the Colony has by certain grants 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 said deeds of grant in the first Schedule to this Act set forth and described to hold unto the said Superintendent and his successors in trust for educational purposes. Preamble

**AND WHEREAS** it is expedient to make provision for the management and administration of the said parcels of land by granting leases thereof.

**AND WHEREAS** by an Act of the Provincial Council of Hawke's Bay No. 6 of Session XI. intituled "An Act to enable the Superintendent of the Province of Hawke's Bay to manage and administer by sale or lease certain Public Reserves" the said Superintendent was empowered to demise and lease certain lands in the Schedule to the said Act and in the second Schedule to this Act described.

**AND WHEREAS** by the additional land regulations of the Province of Wellington dated the 15th day of February 1855 it is provided that it shall be the duty of the Superintendent to make in every district a

reserve not exceeding one-thirtieth part of the public lands for the purposes of education such lands to be vested in a Board of Commissioners for educational purposes.

AND WHEREAS it is expedient to make provision for the management and administration of the said parcels of land in the second Schedule of this Act described by granting leases thereof and to confirm all leases of the said parcels of land or of any parts thereof made in pursuance of the Act of the said Provincial Council No. 6 of Session XI. before recited and to make provision for the application of the monies to be received by way of rent in respect of the lands so to be leased.

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

- There shall be a Board I. From and after the passing of this Act there shall be constituted a Board of Commissioners for Educational Reserves for the Province of Hawke's Bay which Board is hereinafter designated "The Board."
- Constitution of Board II. The Boards shall consist of six members of whom the Superintendent shall be one *ex officio*. The other members shall be elective members.
- First Board III. The first Board shall consist of Messrs. John Davies Ormond John Alexander Smith George Edmund Lee William Russell Russell Thomas Tanner, and Thomas Kennedy Newton.
- Retirement and election of Members IV. That at the end of every three years from the passing of this Act two of the elective members shall retire by ballot and two new members be elected in their stead all members of the Board shall be eligible for re-election.
- Vacancies to be filled up V. The death resignation refusal to act or absence from meetings of the Board for twelve consecutive months of any member not being an *ex officio* member shall create a vacancy of his seat and vacancies so occurring shall be filled up as hereinafter provided.
- In case of neglect to elect member of Board Superintendent empowered to do so VI. The Provincial Council shall from time to time upon any vacancy occurring as aforesaid elect a new member of such Board and in case of failure to make such election the Superintendent shall fill up the vacancies so occurring.
- Superintendent to fix first Meeting VII. The Superintendent of the Province of Hawke's Bay shall have power to fix the time and place of the first meeting of the Board.
- Chairman casting vote. Three to be a Quorum VIII. At all meetings of the Board the Superintendent or in his absence such member as the members assembled shall choose shall be Chairman. The Chairman shall have a deliberative vote and in cases of equality a casting vote also. Unless three Members be present no meeting of the Board shall be constituted for the transaction of business.
- Board to make bye-laws IX. The Board may from time to time make such bye-laws as it shall think fit for regulating the manner in which and times when its meetings shall be called and held its place of meeting the appointment remuneration and duties of its officers and generally for regulating the conduct of the business and proceedings.
- Treasurer's Duties X. The Provincial Treasurer shall be appointed Treasurer to the Board and he shall have the custody and control of its funds and all receipts on account of such funds shall be paid into a separate banking account to be kept in the names of the Board and no funds shall be issued or paid except by authority of the Board.
- Lands to vest in Board XI. Upon the appointment of the said Board the Superintendent shall vest in the said Board and its successors by conveyance the lands set forth in the Schedules hereto as Educational endowments.

XII. The Board shall have full power to demise and lease all or any part of the lands comprised in the first and second Schedules to this Act for any term or terms of years not exceeding twenty-one years to take effect on possession at yearly rents to be fixed in manner herein-after mentioned without taking any fine or premium for the granting of the same and subject to such terms and conditions as to the said Board 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 Board 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.

Power to Board to lease by auction. Notice to be given in *Gazette*

XIII. All leases already granted by the Superintendent by virtue of the Act before recited No. 6 of Session XI of the Provincial Council of Hawke's Bay in respect of the lands in the second Schedule to this Act are hereby confirmed.

Existing leases confirmed

XIV. All monies to be received by way of rent in respect of the lands comprised in the Schedules to this Act so to be leased as aforesaid or already leased or henceforth to be leased by virtue of the Act before recited No. 6 of Session XI shall be applied in conformity with the provisions contained in "The Hawke's Bay Education Act 1873" with respect to the application of rates levied under the provisions of the said Act and for the purposes in the same Act expressed. The Treasurer of the Province shall keep a separate account of all monies so received and disbursed and shall exhibit a balance sheet at the end of each financial year.

Application of Rents

XV. The Short Title of this Act shall be "The Educational Reserves Act 1875."

Short Title

#### FIRST SCHEDULE TO WHICH THE FOREGOING ACT REFERS.

##### *Town of Napier.*

Town section 523 containing by admeasurement 1 rood more or less bounded to the north by Colin-street 100 links to the east by Section 525 255 links to the south by Crown lands 105 links to the west by a public reserve 220 links.

##### *Town of Clive.*

Town Section 368 containing by admeasurement 20 perches more or less bounded to the north and north-west by Town Section 367 135 links to the east and south-east by Cook-street 200 links and to the west and south-west by Clive Road 240 links.

Town Section 369 containing by admeasurement 1 rood 20 perches more or less bounded to the north and north-west by Clive Crescent 260 links to the east and north-east by Town Section 325 180 links to the south and south-east by Town Section 343 250 links and the south and south-west by Peel-street 120 links.

Town Section 370 containing by admeasurement 38 perches more or less bounded to the north by Clive Crescent 195 links to the east by Albert-street 70 links to the south by Town Section 268 250 links and to the west by Town Section 281 150 links.

Town Section 371 containing by admeasurement 1 rood 4 perches more or less bounded to the north by Clive Crescent 333 links to the east and south-east by Town Section 263 214 links and to the south and south-west by Albert-street 255 links.

Town Section 372 containing by admeasurement 1 rood 31 perches more or less bounded to the north by Richmond-street 220 links to the east by Bridge-street 201 links to the south by Town Section 32 225 links and to the west by Town Section 31 200 links.

Town Section 373 containing by admeasurement 1 rood 27 perches more or less bounded to the north and north-west by Town Section 174 250 links to the north and east by Town Section 186 100 links to the east and south-east by Town Section 173 262 links to the south by Clive Road 35 links and to the west by Peel-street 200 links.

*Township of Clyde.*

Town Sections 467 468 469 470 471 472 473 637 638 639 640 641 642 and 643 containing by admeasurement 3 acres 2 roods more or less bounded to the north by Outram-street 500 links to the east by Kopu Road 700 links to the south by Rose-street 500 links and to the west by Apatu-street 700 links.

Town Sections 651 652 653 654 655 656 657 815 816 817 818 819 820 and 821 containing by admeasurement 3 acres 2 roods more or less bounded to the north by Outram-street 500 links to the east by Apatu-street 700 links to the south by Rose-street 500 links and to the west by M'Lean-street 700 links.

Suburban Section 829 containing by admeasurement 2 acres more or less bounded to the north by Suburban Section 828 500 links to the east by Kopu Road 400 links to the south by Fitzroy-street 500 links and to the west by Apatu-street 400 links.

Suburban Section 13 containing by admeasurement 6 acres 2 roods 29 perches more or less bounded to the north by Lucknow-street 811 links to the north-east by a public road 390 links to the south-east by Suburban Section 14 1000 links to the south-west by a public road 425 links and to the west by native land 600 links.

*Motuotaraia.*

All that parcel of land containing by admeasurement 469 acres more or less situate in the Porangahau District bounded on the north-west by Motuotaraia Rural Section No. 18 3280 links on the north-east by Block No. 18 8000 links and 5613 links on the south by the Taurekaitai Stream and on the south-west by the Upokopaowa Stream.

*Porangahau.*

All that parcel of land containing by admeasurement 1155 acres and 3 roods more or less situate in the Porangahau District bounded on the north-east by Porangahau Rural Sections 7 and 11 5950 links and 7650 links respectively and by a public road 500 links on the south-east by Porangahau Suburban Sections Nos. 61 and 57 3013 links and 2100 links respectively and by a public road 100 links on the south-west by Porangahau Suburban Sections Nos. 70 77 and 78 1775 links 2984 links and 2257 links respectively and by a public road 5000 links on the south by Porangahau Suburban Sections Nos. 74 75 and 76 4740 links and 5280 links and on the north-west by Porangahau Rural Sections Nos. 4 and 3 9600 links and by Porangahau Rural Section No. 7 950 links.

*Peka Peka.*

All that parcel of land in the Patoka District containing by admeasurement 100 acres more or less bounded to the north by Block 7 Patoka District 4000 links to the east by Block 7 2100 links to the south by a public road and to the west by Block 7 Patoka District 2600 links.

*Turiroa.*

All that parcel of land containing by admeasurement 54 acres 3 roods 36 perches more or less known as Section 3 Turiroa bounded to the north-west by Section 2 Turiroa 3116 links to the north-east by the Turiroa Stream to the south-east by the Wairoa River and to the south-west by Section 38 Turiroa 1000 links and Section 4 Turiroa 1270 links.

*Kereru Bush Sections.*

Sections 16 and 25 containing by admeasurement 60 acres more or less bounded to the north by Sections 17 and 26 Kereru Bush 5600 links to the east by a public road 100 links to the south-east by Block 3 Gwawas District 1925 links to the south by section 15 Kereru Bush 3800 links and to the west by the Poporangi Stream.

Sections 34 and 35 containing by admeasurement 40 acres more or less bounded to the north-east by Section 76 Kereru Bush 2500 links to the south-east by Crown Land 1600 links to the south-west by Section 33 Kereru Bush 2500 links and to the north-west by a public road 1600 links.

*Waihua.*

All that parcel of land in the Poututu Block containing by admeasurement 40 acres more or less bounded on the north-east by Rural Section 18 Poututu 1320 links and on the south-east and south-west and north-west by the Waihua Stream.

All that parcel of land known as the Ferry Reserve at Waihua containing by admeasurement 100 acres more or less bounded to the north-east by Crown Land 2740 links to the south-east by Rural Section 18 Poututu 1700 links Toha's purchase and the Waihua Stream on the west by the Waihua Stream and on the north-west by Rural Section No. 1 Waihua 3365 links.

*Pakiaka.*

Rural Sections 33 34 35 36 37 38 39 and 40 containing by admeasurement 669 acres more or less bounded to the north by a public road to the east by a public road to the south by the Mangarangiora Stream to the south-west by the freehold of R. H. Rhodes and Co. and to the north-west by a public road.

Rural Sections 29 30 and 31 containing by admeasurement 274 acres more or less bounded to the north by Rural Section 32 Pakiaka 2550 links and by a public road to the north-east and east by a public road to the south and south-west by the Mangarangiora Stream and to the west by a public road and Rural Section 32 Pakiaka 3500 links.



Rural Section 23 containing by admeasurement 42 acres more or less bounded on the north by Rural Section 25 Pakiaka on the east by the Mangaone Stream on the south by a public road and on the west by Rural Section 22 Pakiaka.

*Puketitiri Bush.*

All that parcel of land containing by admeasurement 525 acres more or less situate in the Patoka District bounded on the north by the original Puketitiri Reserve 10250 links on the east by the original Puketitiri Reserve 5980 links on the south by the Mangatutu River and J. Hallett's freehold 6140 links and on the west by the original Puketitiri Reserve 5650 links.

*Tautane.*

All that parcel of land containing by admeasurement 9700 acres more or less situate in the Tautane District bounded on the south-west by the Reserve for Quarantine Ground about 78000 links on the east by Crown Land about 47500 links and on the north-east by native land about 45500 links.

*Township of Mahia.*

Town Section 1 containing by admeasurement 1 rood 5 perches more or less bounded to the north-west by Newcastle-street 250 links to the north-east by Argyle-street 100 links to the south-east by Town Section No. 2 320 links and to the south-west by a public road 122 links.

Town Section 16 containing by admeasurement 2 roods more or less bounded to the north-west by Fortescue-street 100 links to the north-east by Town Section 17 500 links to the south-east by Lochiel Road 100 links and to the south-west by a public road 500 links.

Town Section 25 containing by admeasurement 2 roods 4 perches more or less bounded to the north-west by Town Section 24 500 links to the north-east by Town Section 14 100 links to the south-east by Lochiel Road 570 links and to the south-west by a public road 122 links.

Town Section 29 containing by admeasurement 2 roods more or less bounded to the north-west by Mahia Signal Reserve 250 links to the north-east by a public road 200 links to the south-east by Newcastle-street 250 links and the south-west by Town Section 28 200 links.

Town Section 41 containing by admeasurement 1 rood 16 perches more or less bounded to the north-west by Newcastle-street 100 links to the north-east by Town Section 42 350 links to the south-east by Victoria-square 100 links and to the south-west by Town Section 40 350 links.

Town Section 45 containing by admeasurement 1 rood 16 perches more or less bounded to the north-west by Newcastle-street 78 links to the north by Newcastle-street 23 links to the north-east by Town Section 46 355 links to the south-east by Town Section 72 100 links and to the south-west by Town Section 44 350 links.

Town Section 63 containing by admeasurement 2 roods more or less bounded to the north-west by Town Section 36 100 links to the north-east by Town Section 64 500 links to the south-east by Fortescue-street 100 links and to the south-west by Town Section 62 500 links.

Town Section 74 containing by admeasurement 1 rood 16 perches more or less bounded on the north-east by section No. 75 350 links on the north-west by a Government Reserve 100 links on the south-west by a Government Reserve 350 links and on the south-west by Fortescue-street 100 links.

Town Section No. 85 containing by admeasurement 2 roods more or less bounded on the north-east by Section No. 86 500 links on the north-west by section No. 54 100 links on the south-west by Section No. 84 500 links and on the south-east by Fortescue-street 100 links.

Town Section No. 99 containing by admeasurement 1 rood 38 perches more or less bounded on the north-east by Ratan-street 450 links on the north by Ratan-street 70 links on the north-west by Newcastle-street 50 links on the south-west by Section No. 98 500 links and on the south-east by Fortescue-street 100 links.

Town Section No. 105 containing by admeasurement 2 roods more or less bounded on the north-east by Section No. 106 500 links on the north west by Fortescue-street 100 links on the south-west by section No. 104 500 links and on the south-east by Lochiel Road 100 links.

Town Section No. 114 containing by admeasurement 2 roods more or less bounded on the north-east by section No. 115 500 links on the north-west by Fortescue-street 100 links on the south-west by section No. 113 500 links and on the south-east by Lochiel Road 100 links.

Town Section No. 130 containing by admeasurement 2 roods more or less bounded on the north-east by section No. 131 500 links on the north-west by Fortescue-street 100 links on the south-west by section No. 129 500 links and on the south-east by Lochiel Road 100 links.

Town Section No. 145 containing by admeasurement 2 roods and 37 perches more or less bounded on the north by section No. 146 370 links on the east by section No. 139 280 links on the west by the sea beach 203 links and on the south by section No. 144 345 links.

**SECOND SCHEDULE TO WHICH THE FOREGOING ACT REFERS.**

Section numbered 66 Town of Napier containing by admeasurement 39 perches more or less bounded towards the east by Faraday-street 150 links towards the south by section No. 65 165 links towards the west by section No. 37 150 links and towards the north by section No 67 163 links.

Section at corner of Hyderabad Road and Main-street Town of Napier containing by admeasurement 1 rood more or less bounded towards the north-east by section No. 7 100 links towards the south-east by Main-street 250 links towards the south-west by Hyderabad Road 100 links and towards the north-west by section No. 6 250 links.

Sections 106 and 107 in the Town of Napier containing by admeasurement 2 roods more or less bounded towards the north-east by Milton Road 200 links towards the south-east by Tennyson-street 250 links towards the south-west by section No. 105 200 links and towards the north-west by section No. 108 250 links.

Section 111 in the Town of Napier containing by admeasurement 1 rood more or less bounded towards the north-east by section No. 112 200 links towards the south-east by Tennyson-street 125 links towards the south-west by Milton Road 200 links and towards the north-west by section No. 110 125 links.

*Kopu-a-whara.*

All that parcel of land in the Province of Hawke's Bay known as part of the Kopu-a-whara Block containing by admeasurement 1000 acres more or less bounded to the North by the boundary of the Province 183,000 links to the East by the Kopu-a-whara Stream to the South by Crown land 182,000 links and to the West by Crown land 55,000 links.

*Mangaharuru.*

All that parcel of land in the said Province known as the Mangaharuru Block containing by admeasurement 7760 acres more or less bounded to the North by Native Lands 36,300 links to the East by the Tutira Block 3600 links by the Waipapa Stream by the Opowene Lake and by the Te Awa Tamatea Stream to the South by Native Lands 36,400 links to the west by the Waitara Block 17,000 links.

*Moeangiangi.*

All that parcel of land in the said Province known as the Moeangiangi Reserve in the Moeangiangi District containing by admeasurement 990 acres bounded to the North by the Moeangiangi Block 73,000 links to the East by the sea to the South by a Native Reserve and the Moeangiangi River and to the West by the Napier-Mohaka road.

*Pohui Bush.*

All that parcel of land in the said Province situate in the Patoka District containing by admeasurement 1000 acres more or less bounded on the North by Crown lands 6600 links and 1400 links on the East by Sections Nos. 6 7 8 9 10 11 12 13 14 15 16 and 17 Pohui Bush and a public road 13300 links on the South by Sections Nos. 26 and 35 Pohui Bush 8000 links and on the West by Section No. 39 Pohui Bush and by Crown lands 8400 links and 4900 links.

*Puketoi.*

All that parcel of land in the said Province situated in the Puketoi District containing by admeasurement 5000 acres more or less bounded to the North by Crown lands 42,000 links to the East by the Otawhai Block 11,000 links and by the Otopo Stream to the South by the Kaitaki Block 32,450 links and to the West by the Mangatoro Block 19,150 links and by Crown lands 4000 links.

J. A'DEANE,

Speaker.

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

J. D. ORMOND,

Superintendent.

# Province of Hawke's Bay.



## THE HOSPITALS ENDOWMENT ACT 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER  
MAJESTY QUEEN VICTORIA.

SESSION XXII. No. 10.

### ANALYSIS.

Title.	4. Power to appoint Trustees in case of vacancies.
Preamble.	5. Land to be held in trust for Hospitals.
1. Land in Schedule A to be endowment for Napier Hospital.	6. Power to Trustees to lease by auction, three months notice to be given in <i>Gazette</i> .
2. Land in Schedule B to be endowment for all Hospitals.	7. Application of rents.
3. Superintendent to convey to Trustees.	8. Short Title.

AN ACT to endow Hospitals in the Province of Hawke's Bay with certain parcels of land. Title

WHEREAS under and by virtue of "The Public Reserves Act 1854" the Governor of the Colony of New Zealand has by a Grant sealed with the Public Seal of the Colony granted to the Superintendent of the Province of Hawke's Bay amongst other land a certain parcel of land in the Schedule to this Act set forth and described to hold unto the said Superintendent and his successors in trust for purposes of public utility. Preamble

AND WHEREAS it is expedient that the said parcel of land should be appropriated as an Endowment for the Napier Hospital being a purpose of public utility and whereas it is also expedient other parcels of lands should be appropriated as an endowment for the Napier Hospital and Hospitals which may hereafter be established in the Province of Hawke's Bay.

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

Land in Schedule A to be endowment for Napier Hospital

I. The said parcel of land as described in Schedule A to this Act shall henceforth be appropriated as an endowment for the Napier Hospital.

Land in Schedule B to be endowment for all Hospitals

II. The parcels of land described in Schedule B to this Act shall henceforth be appropriated as an endowment for the Napier Hospital and Hospitals which may hereafter be established in the Province of Hawke's Bay.

Lawful for Superintendent to convey to Trustees.

III. It shall be lawful for the Superintendent to convey the said parcels of land as described in the Schedules to this Act unto trustees viz. :—John Davies Ormond Thomas Kennedy Newton John Alexander Smith George Edmund Lee Henry Stokes Tiffen and Thomas Tanner.

Power to appoint Trustees in case of vacancies

IV. On the death or absence from the Province for a period of eighteen months or on the bankruptcy or resignation of any such Trustee or Trustees it shall be lawful for the Provincial Council from time to time to appoint some other person or persons in the place of the person or persons so dying being absent from the said Province becoming bankrupt or resigning as aforesaid.

Land to be held in trust for Hospitals

V. The said land shall be held by the said Trustees and their successors in trust for the purposes of Hospitals in the Province of Hawke's Bay.

Power to Trustees to lease by auction, three months notice to be given in Gazette

VI. The Trustees shall have full power to demise and lease all or any part of the lands comprised in the Schedule to the "Napier Hospital Endowment Act 1875" for any term or terms of years not exceeding twenty-one years to take effect on 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 Trustees 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 Trustees 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.

Application of rents

VII. All monies to be received by way of rent in respect of the lands comprised in the Schedule so to be leased as aforesaid shall be applied for the erection and maintenance of Hospitals in the Province of Hawke's Bay.

Short Title

VIII. The short title of this Act shall be "The Hospitals Endowment Act 1875."

#### SCHEDULES TO WHICH THE FOREGOING ACT REFERS.

##### SCHEDULE A.

All that parcel of land in the Province of Hawke's Bay in the Town of Napier known as the Hospital Reserve containing by admeasurement one acre three roods bounded to the North by Harvey-road to the South-east and to the South by Suburban Section No. 61 and to the West and North-west by Town Sections Nos. 413 414 and 415.

##### SCHEDULE B.

###### 1. *Kopu-a-whara.*

All that parcel of land in the Province of Hawke's Bay situate in the Kopu-a-whara District containing by admeasurement 1000 acres more or less bounded to the East by the Kopu-a-whara Creek to the South by Crown lands 18,200 links to the West by Crown land 5650 links and to the North by Crown lands 18,200 links.

###### 2. *Wairoa.*

All that parcel of land in the said Province situate in the Wairoa district containing by admeasurement 1000 acres more or less bounded to the West by

sections Nos. 27 and 33 Turiroa 5850 links and 1000 links to the North-West by Crown lands 21,100 links to the South-East by rural sections Nos. 5 6 7 and 8 Potutu 5630 links and to the South-West by Crown lands 13,150 links.

3. *Mohaka.*

All that parcel of land in the said Province in the Mohaka district containing by admeasurement 5000 acres more or less bounded to the North by the Mohaka River to the East by Crown lands 31,200 links being a straight line starting from the mouth of the Taumukaha Creek bearing South South-West to the South by Crown lands 15,200 links and to the West by Crown lands 23,800 links.

4. *Puketitiri Bush.*

All that parcel of land in the said Province situate in the Patoka District containing by admeasurement 500 acres more or less bounded to the North by Crown Lands 11,800 links to the East by Crown Lands 4,800 links to the South by Block No. 91 being an Educational Reserve 10,250 links and to the West by Crown Lands 4,500 links.

5. *Maharahara.*

All that parcel of land in the Province of Hawke's Bay situate in the Woodville District containing by admeasurement 3,000 acres more or less bounded to the North by the Tamaki Block 34,800 links by the Mangapukaukahui Stream to the South-East by Tahoraiti Block No. 1 11,000 links to the South by Crown Lands 29,500 links and to the West by the Western boundary of the Province 9,200 links.

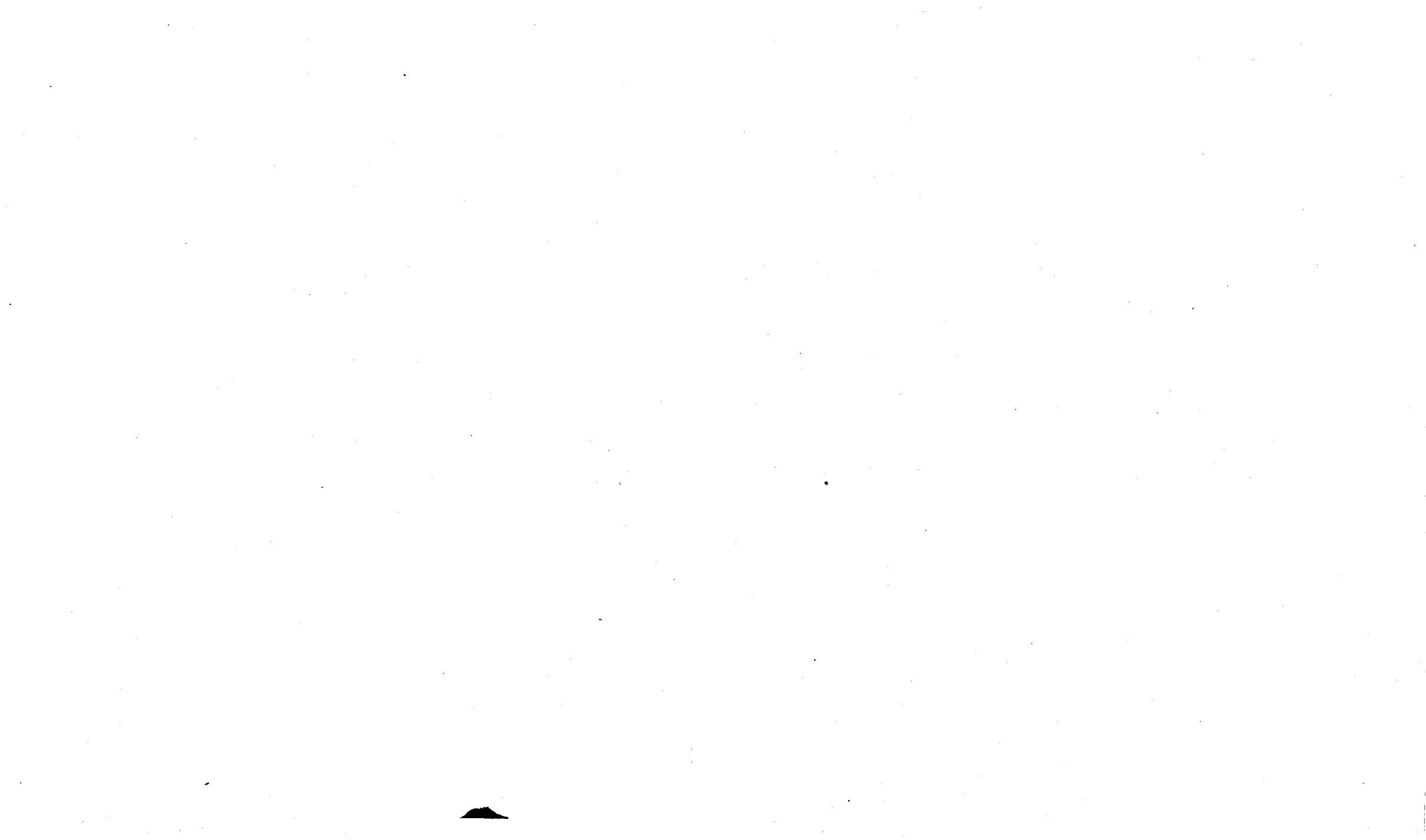
J. A'DEANE,

Speaker.

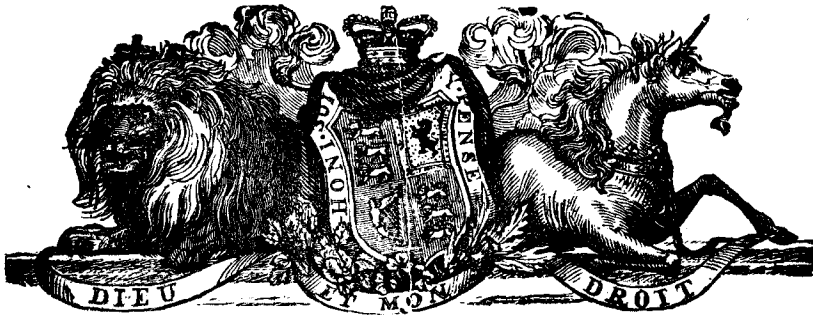
I do hereby declare that I reserve this Bill for the signification of the Governor's assent thereto.

J. D. ORMOND,

Superintendent.



Province of Hawke's Bay.



VOTES & PROCEEDINGS

OF THE

PROVINCIAL COUNCIL OF HAWKE'S BAY.

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1875.—SESSION XXII.

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NAPIER:

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1875.





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# Provincial Council of Hawke's Bay.

1875.

## VOTES AND PROCEEDINGS.

### SESSION XXII.

FRIDAY, JUNE 11, 1875.

THE Council met pursuant to a notice issued by the Chief Returning Officer of the Province, bearing date June 2, 1875.

The following members were present—Messrs. A'Deane, Ormond, Kinross, Sutton, Lee, Lawrence, Smith, Harding, Towgood, Bennett, Lyndon, Johnston, Burton, Canning, Tanner, Russell, Herrick, and Stuart.

Mr. Ormond moved—

“That Mr. Kinross do take the Chair.”

Mr. Sutton seconded the motion.

Motion agreed to.

Mr. Ormond moved—

That Mr. A'Deane be elected Speaker.

Mr. Tanner seconded the motion.

Motion agreed to.

The Speaker read prayers.

Mr. Stuart moved—

That John Davies Ormond, Esq., be elected Superintendent of the Province of Hawke's Bay.

Capt. Russell seconded the motion.

Motion agreed to, and John Davies Ormond, Esq., was unanimously elected Superintendent of the Province of Hawke's Bay.

His Honor the Superintendent then addressed the Council as annexed. After which he retired from the Council Chamber.

Mr. Tanner moved—

“That Mr. G. T. Fannin be elected Clerk of the Council.”

Capt. Russell seconded the motion.

Motion agreed to, and Mr. Fannin elected Clerk of the Council accordingly.

Mr. Fannin took his seat.

Mr. Smith moved—

“That the standing Rules and Orders of the late Council be adopted by this Council.”

Mr. Sutton seconded the motion.

Motion agreed to.

Mr. Sutton moved—

That the following Reports and Papers laid on the table by His Honor the Superintendent be printed—

“His Honor the Superintendent’s Speech.”

“Inspector of Sheep’s Report.”

“Inspector of Schools’ Report.”

“Mr. Carruthers’ Report.”

“Provincial Surgeon’s Report.”

“Police Report.”

“Gaoler’s Report.”

“Public Works’ Report.”

“Report on Roads.”

Mr. Burton seconded the motion.

Motion agreed to.

Mr. Smith to move on next sitting day—

That a return be laid upon the table shewing the several parcels of Government land still unsold within the Province, and stating the area of each parcel, and the district where situated.

Mr. Stuart moved—

That the Council do adjourn until Tuesday, the 22nd day of June, at 3 o’clock.

Mr. Kinross seconded the motion.

Motion agreed to, and Council adjourned accordingly.

JOHN A’DEANE,  
Speaker.

G. T. FANNIN,  
Clerk of the Council.

TUESDAY, JUNE 22, 1875.

The Speaker took the Chair at 3 o’clock.

Present—All the Members but Messrs. Canning, Johnston, and Maney.

The Minutes of the last meeting were read and confirmed.

Mr. Stuart presented a Petition from the Municipal Council praying for leave to bring in a “Napier Municipal Revenues Ordinance 1875,” and moved it be read.

Mr. Lyndon seconded the motion.

Motion agreed to, and Petition read accordingly.

Mr. Stuart moved—

“That the Petition be received.”

Mr. Lyndon seconded the motion.

Motion agreed to.

Mr. Stuart presented a Petition from the Municipal Council praying for leave to bring in a "Market Reserve Act, 1875," and moved it be read.

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

Mr. Stuart moved—

"That the Petition be received."

Mr. Lyndon seconded the motion.  
Motion agreed to.

Mr. Stuart presented a Petition from the Municipal Council praying for leave to bring in a "Municipal Corporations Waterworks Act, 1872, Adoption Act, 1875," and moved it be read.

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

Mr. Stuart moved—

That the Petition be received.

Mr. Lyndon seconded the motion.  
Motion agreed to.

Mr. Stuart moved—

That No. 26 and 27 of Standing Rules and Orders be suspended.

Mr. Lyndon seconded the motion.  
Motion agreed to.

Mr. Stuart moved—

That the "Napier Municipal Revenues Act, 1875," be read a first time.

Mr. Tanner seconded the motion.  
Motion agreed to, and Act read a first time accordingly.

Mr. Stuart to move on next sitting day—

That the "Napier Municipal Revenues' Ordinance, 1875," be read a second time.

Mr. Stuart moved—

The appointment of a Select Committee to report on "Napier Municipal Revenue Ordinance, 1875," members consisting of His Honor the Superintendent, Messrs. Lee, Tanner, Kinross, Sutton, Lyndon, Russell, Smith, and mover. Report to be brought up next sitting day.

Mr. Lyndon seconded the motion.  
Motion agreed to.

Col. Herrick presented a Petition from Mr. H. R. Russell praying that the Council will grant him certain relief *re* the purchase of 6645 acres of land on Mr. Tanner's late run, and moved it be read.

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

Col. Herrick moved—

“ That the Petition be received.”

Mr. Towgood seconded the motion.  
Motion agreed to.

Col. Herrick moved—

“ That the Petition be printed.”

Mr. Towgood seconded the motion.  
Motion agreed to.

Col. Herrick presented a Petition from Mr. H. R. Russell praying that the Council will grant him certain relief in expense incurred by him on account of law expenses *re* purchase of 6645 acres of land on Mr. Tanner's late run, and moved it be read.

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

Col. Herrick moved—

“ That the Petition be received.”

Mr. Towgood seconded the motion.  
Motion agreed to.

Mr. Herrick moved—

That the Petition be printed.

Mr. Towgood seconded the motion.  
Motion agreed to.

Mr. Smith to move on next sitting day—

For leave to introduce a Bill intituled a “ Bill to constitute a Harbor Board for the Harbor of Napier.”

Mr. Ormond to move on next sitting day—

For leave to bring in a Bill intituled the “ Provincial Fencing Laws Empowering Act, 1874, Adoption Act, 1875.”

Mr. Ormond to move on next sitting day—

That the Council do resolve itself into a Committee of Supply.

Mr. Stuart to move on next sitting day—

That the “ Corporation Waterworks Act, 1872, Adoption Act, 1875,” be read a first time.

Mr. Stuart to move on next sitting day—

That the “ Market Reserves Act, 1875,” be read a first time.

Mr. Lee to move on next sitting day—

That this Council grant to the Supreme Court Library, Napier, the Law Journal Reports now in the Council Library, and that His Honor the Superintendent be authorised to transfer the same to the Supreme Court Library.

Mr. Ormond moved—

“ That Mr. Sutton be elected Chairman of Committees temporarily.”

Mr. Kinross seconded the motion.

Motion agreed to, and Mr. Sutton elected Chairman of Committees temporarily.

Mr. Smith, pursuant to notice, moved—

“ That a return be laid upon the table shewing the several parcels of Government land still unsold within the Province, and stating the area of each parcel, and the district where situated.”

Mr. Harding seconded the motion.

Motion agreed to.

Mr. Ormond moved—

“ That No. 26 and 27 of Standing Rules and Orders be suspended.”

Mr. Sutton seconded the motion.

Motion agreed to.

Mr. Ormond moved—

“ That the Council do resolve itself into Committee of Ways and Means.”

Mr. Sutton seconded the motion.

Motion agreed to, Council went into Committee, and His Honor the Superintendent made his Financial Statement.

The Chairman of Committees read the first item—

Auctioneers' and Publicans' Licenses Fees ..... £1750

Mr. Ormond moved—

“ That the Chairman do report progress and ask for leave to sit again next sitting day.”

Leave granted.

Mr. Ormond moved—

“ That the Council do adjourn until next sitting day, Wednesday, the 23rd inst., at 3 o'clock.”

Mr. Sutton seconded the motion.

Motion agreed to, and Council adjourned accordingly.

JOHN A'DEANE,  
Speaker.

G. T. FANNIN,  
Clerk of the Council.

WEDNESDAY, JUNE 23, 1875.

The Speaker took the Chair at 3 o'clock.

Present—All the members but Messrs. Johnston, Maney, and Canning.

The Minutes of the last meeting were read and confirmed.

Mr. Towgood to move in Committee of Supply—

“That the Provincial Engineer’s salary be increased from £400 to £700, so that the province may secure his entire services, and enable him to devote more time to the requirements of the northern end of the province.”

Mr. Dolbel to move in Committee of Supply—

“That His Honor the Superintendent be requested to place on the Estimates the sum of £50 to erect a jetty on the west side of the Mohaka harbor.”

Mr. Dolbel to move in Committee of Supply—

“That His Honor the Superintendent be requested to place on the Estimates the sum of £30 to erect a foot bridge over the Coquet Creek at Mohaka.”

Mr. Dolbel to move in Committee of Supply—

“That His Honor the Superintendent be requested to place on the Estimates the sum of £40 to metal the road north of the Coquet Creek, and also to rebuild several bridges which have been washed away by the late rains.”

Mr. Dolbel to move in Committee of Supply—

“That His Honor the Superintendent be requested to place on the Estimates the sum of £25 as remuneration for a man to assist and direct vessels coming in and out of the harbor of Mohaka, so as to prevent accidents, which have so often taken place by the shifting of the bar in the said harbor.”

Captain Russell to move on next sitting day—

“For the appointment of a Select Committee to enquire into the extent and value of the educational endowments in this province, with a view to its reporting on the advisability of adding thereto; such Committee to consist of His Honor the Superintendent, Messrs. Smith, Tanner, Lee, Sutton, Towgood, Colonel Herrick, and the mover.”

Mr. Burton to move on next sitting day—

“That His Honor the Superintendent be requested to obtain a report upon the state of the mouth of the Wairoa River; also any information that might prove beneficial in carrying out the object in view.”



Mr. Burton to move on next sitting day--

“Whether His Honor the Superintendent will state the number of acres reserved for the Pilot Station at the Wairoa Heads.”

Mr. Burton to move in Committee of Supply—

“That His Honor the Superintendent be requested to place a sufficient sum upon the Estimates to carry out the necessary improvements to the entrance of the Wairoa River.”

Mr. Bennett to move in Committee of Supply—

“That His Honor the Superintendent be requested to place on the Estimates the sum of £50 for the purpose of building a lock-up at West Clive.”

Mr. Towgood to move in Committee of Supply—

“That His Honor the Superintendent be requested to place the sum of £20 upon the Estimates as a bonus for a ferryman at the mouth of the Tongoio Lake.”

Mr. Stuart to move on next sitting day—

“That the ‘Market Reserves Act, 1875,’ be read a second time.”

Mr. Stuart to move on next sitting day—

“That the ‘Corporation Waterworks Act, 1872, Adoption Act, 1875,’ be read a second time.

Mr. Smith, pursuant to notice, moved—

“For leave to introduce a Bill intituled a ‘Bill to constitute a Harbor Board for the Harbor of Napier.’”

Mr. Sutton seconded the motion.

Captain Russell moved, as an amendment—

“That leave be not granted.”

Mr. Lawrence seconded the amendment.

Amendment negatived, and original motion agreed to.

Mr. Smith moved—

“That the Bill be read a first time.”

Mr. Sutton seconded the motion.

Motion agreed to, and Bill read a first time.

Mr. Smith moved—

“That the Bill be printed.”

Mr. Sutton seconded the motion.

Motion agreed to.

Mr. Smith to move on Friday next—

“That the ‘Harbor Board Bill’ be read a second time.”

Mr. Ormond, pursuant to notice, moved—

“ For leave to bring in a Bill intituled the ‘ Provincial Fencing Laws Empowering Act, 1874, Adoption Act, 1875.’ ”

Mr. Tanner seconded the motion.

Motion agreed to.

On the motion of Mr. Ormond, the Bill was read a first time, ordered to be printed, and made an order of the day for next sitting day.

Mr. Ormond, pursuant to notice, moved—

“ That the Council do resolve itself into a Committee of Supply.”

Mr. Kinross seconded the motion.

Motion agreed to, and Council went into Committee of Supply.

The Chairman put the first item on the Estimates for consideration—

Gaoler (Warden) ; also Master Lunatic Asylum, at £300 per annum.

Mr. Ormond moved—

“ That the Chairman report progress, and ask for leave to sit again next sitting day.”

Agreed to.

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

Leave granted.

Mr. Stuart, pursuant to notice, moved—

“ That the ‘ Corporation Waterworks Act, 1872, Adoption Act, 1875,’ be read a first time.”

Mr. Lyndon seconded the motion.

Motion agreed to.

Mr. Stuart moved—

“ That a Select Committee be appointed to enquire into the ‘ Municipal Corporation Waterworks Act, 1872, Adoption Act, 1875.’ Such committee to consist of Messrs. Ormond, Tanner, Smith, Russell, Sutton, and mover ; and moved that the report be brought up next sitting day,”

Mr. Lyndon seconded the motion.

Motion agreed to.

Mr. Stuart, pursuant to notice, moved—

“ That the ‘ Market Reserve Act, 1875,’ be read a first time.”

Mr. Lyndon seconded the motion.

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

Mr. Stuart moved—

“That a Select Committee be appointed to enquire into the ‘Market Reserves Act, 1875.’

Mr. Lyndon seconded the motion.

Motion agreed to.

Mr. Lee, pursuant to notice, moved—

That this Council grant to the Supreme Court Library, Napier, the Law Journal Reports now in the Council Library, and that His Honor the Superintendent be authorised to transfer the same to the Supreme Court Library.

Mr. Tanner seconded the motion, *pro forma*.

On a division being called for the Council divided—

Ayes 7.	Noes, 9.
Messrs. Smith	Messrs. Dolbel
Burton	Harding
Lawrence	Lyndon
Sutton	Bennett
Kinross	Stuart
Ormond	Tanner
Lee	Russell
	Herrick
	Towgood

Motion negatived.

Mr. Stuart, pursuant to notice—

“Brought up Report of Select Committee on the ‘Napier Municipal Revenues Ordinance, 1875,’ and moved it be read.

Mr. Lyndon seconded the motion.

Motion agreed to.

Mr. Stuart, pursuant to notice, moved—

That the “Napier Municipal Revenues’ Ordinance, 1875,” be read a second time.

Mr. Lyndon seconded the motion.

Mr. Ormond moved as an amendment—

“That the Bill be read this day six months.”

Mr. Lawrence seconded the motion.

On a division being called for, the Council divided—

Ayes, 10.	Noes, 6.
Messrs. Herrick	Messrs. Harding
Lawrence	Lyndon
Bennett	Smith
Burton	Sutton
Dolbel	Stuart
Lee	Towgood
Tanner	
Kinross	
Ormond	
Russell	

Amendment agreed to.

Capt. Russell moved—

“That the Council do adjourn until next sitting day,  
Thursday, the 24th, at 3 o'clock.

Mr. Tanner seconded the motion.

Motion agreed to, and Council adjourned accordingly,

JOHN A'DEANE,  
Speaker.

G. T. FANNIN,  
Clerk of the Council.

THURSDAY, JUNE 24, 1875.

The Speaker took the Chair at 3 o'clock.

Present—All the members but Messrs. Canning and Maney.

The Minutes of the last meeting were read and confirmed.

The Speaker laid on the table Provincial Auditor's Return.

Col. Herrick to move on next sitting day—

“That a Committee be appointed by ballot, to consider the petition of the Hon. H. R. Russell, for a right of road to his land at Motuotaria.”

Mr. Sutton to move on next sitting day—

“That this Council is of opinion that the Provincial Council should provide funds for the formation of the main road through Napier Swamp, in accordance with the vote of the late Council on 26th June, 1874.”

Mr. Bennett to move in Committee of Supply—

“That His Honor the Superintendent be requested to increase the item on the Estimates, viz., District Constable at Clive, from £25 to £110.”

Mr. Harding to move in Committee of Supply—

“That His Honor the Superintendent be requested to place the sum of £250 upon the Estimates, for the purpose of protecting the approach to Waipawa from the encroachments of the river.”

Mr. Lee presented the following Petition from Mr. Ferard, and moved it be read:—

“Your Petitioner humbly prays : That you will not pass the proposed Waterworks Bill without providing that any special rate to be made under the authority of the said Act, for the purpose of securing payment of the principal and interest of any loan, shall be chargeable only upon such ratable property as shall lie within the district to be supplied with water by the works upon which such a loan is to be expended ; or that you will be pleased to take such other steps as may be fitting to protect your Petitioner from injustice. And your Petitioner will ever pray, &c. B. A. FERARD.”

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

Mr. Lee moved—

“That the Petition be received.”

Mr. Sutton seconded the motion.  
Motion agreed to.

Mr. Lee moved—

“That the Petition be printed.”

Mr. Sutton seconded the motion.  
Motion agreed to.

Col. Herrick to move on next sitting day—

“For the appointment of a Committee by ballot to consider the petition of the Hon. H. R. Russell for relief of his alleged grievance in the matter of his land purchase at Motuotaria.”

Capt. Russell to move on next sitting day—

“That His Honor the Superintendent be requested to ask the General Government Agent to take the necessary steps to cause a shelter shed and platform to be erected at the stopping place of the train near Tareha’s Bridge, and to have the railway bridge near the boiling-down platform planked, so as to enable the residents at Papakura and Pakowhai to avail themselves of the railway.”

Captain Russell to move on next sitting day—

“Whereas by Clause XIII. of ‘The Toll-gate Act, 1867,’ it is provided ‘that all moneys to be collected by virtue of this Act, after deducting the charges of collection, shall be carried by the Provincial Treasurer to a separate account, to be called the Tolls Account, and to be applied as found necessary by the Superintendent towards the maintenance and repairs of the public road leading from Napier to Havelock, and also the road extending from Tareha’s Bridge to Puketapu ; and whereas that portion of the clause applying part of the money collected to the maintenance and repairs of that section of the road between Taradale and Puketapu has never been given effect to, His Honor

the Superintendent be requested to set aside out of the Tolls Account such a sum of money as will metal and complete that section of the road between Taradale and the Puketapu School-house.' ”

Capt. Russell, pursuant to notice, moved—

“ For the appointment of a Select Committee to enquire into the extent and value of the educational endowments in this province, with a view to its reporting on the advisability of adding thereto ; such Committee to consist of His Honor the Superintendent, Messrs. Smith, Tanner, Lee, Sutton, Towgood, Colonel Herrick, and the mover.” Report to be brought up on Wednesday, June 30.

Mr. Sutton seconded the motion.  
Motion agreed to.

Mr. Tanner to move on next sitting day—

“ For a Select Committee to enquire into the present state of the Hospital, and other matters connected with it ; such Committee to consist of Messrs. R. Stuart, Burton, Harding, J. A. Smith, and the mover.”

Mr. Tanner to move in Committee of Supply—

“ That His Honor the Superintendent be requested to place the sum of £25 on the Estimates for lining the Police Station at Havelock.”

Mr. Stuart, pursuant to notice, moved—

“ For leave to bring up report of Select Committee on ‘ Municipal Corporations Waterworks Act, 1872, Adoption Act, 1875, ’ ” and moved it be read.

Mr. Sutton seconded the motion.  
Motion agreed to.

Mr. Burton, pursuant to notice, moved—

“ That His Honor the Superintendent be requested to obtain a report upon the state of the mouth of the Wairoa River ; also any information that might prove beneficial in carrying out the object in view.”

Mr. Dolbel seconded the motion.

His Honor the Superintendent stated he would do all in his power to comply with the request of the mover.  
Motion agreed to.

Mr. Burton, pursuant to notice, asked—

“ Whether His Honor the Superintendent will state the number of acres reserved for the Pilot Station at the Wairoa Heads.”

Mr. Dolbel seconded the motion.

His Honor the Superintendent replied that there were 35 acres reserved for this purpose.

Mr. Stuart, pursuant to notice—

“Brought up report of Select Committee on ‘Market Reserves Act, 1875,’” and moved it be read.

Mr. Sutton seconded the motion.  
Motion agreed to.

Mr. Lee to move on next sitting day—

“For a Select Committee on ‘The Waterworks Adoption Act,’ and to consider Mr. Ferard’s petition. Such Committee to consist of Messrs. Lyndon, Tanner, Russell, Stuart, and the mover.

Mr. Stuart, pursuant to notice, moved—

“That the ‘Market Reserves Act’ be read a second time.”

Mr. Lyndon seconded the motion.

Mr. Lee moved, as an amendment—

“That the Bill be read this day six months.”

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

Mr. Stuart moved—

“That the Council go into Committee on the Bill.”

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

Mr. Ormond moved—

“That the words ‘in future’ be struck out in clause one, in the third line, and the words ‘from and after the 30th day of June, 1876,’ be inserted.”

Agreed to.

Mr. Lee moved—

“That the Schedule to the Bill be recommitted.”

On a division being called for the Committee divided—

Ayes, 10.  
Messrs. Lawrence  
Johnston  
Bennett  
Harding  
Tanner  
Dolbel  
Herrick  
A’Deane  
Ormond  
Lee

Noes, 6.  
Messrs. Lyndon  
Stuart  
Smith  
Kinross  
Russell  
Towgood

Motion agreed to.

Mr. Lee moved—

“That the Committee do adjourn until next sitting day.”

Agreed to.

Mr. Stuart, pursuant to notice, moved—

“The second reading ‘Waterworks Adoption Act, 1875.’”

Mr. Lyndon seconded the motion.

Mr. Stuart, by permission of the Council, postponed second reading until Tuesday, the 29th inst.

Mr. Ormond, pursuant to notice, moved—

“The second reading ‘Fencing Act, 1874, Adoption Act, 1875.’”

Mr. Sutton seconded the motion.

Motion agreed to.

Mr. Ormond moved—

“That the Council go into Committee on the Bill.”

On the motion of Mr. A’Deane, the consideration of the Preamble was postponed, and the Council was adjourned, with permission to sit on next sitting day.

Mr. Ormond moved—

“That the Council go into Committee jointly on Ways and Means and Committee of Supply.”

Agreed to, and Council went into Committee accordingly.

The Estimates of Revenue were passed and reported without amendments.

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

1.—JUDICIAL—

	£	s.	d.	£	s.	d.
<i>Gaol Department.</i>						
Gaoler (Warden); also Master Lunatic Asylum, at £300 per annum .....	300	0	0			
1 Turnkey at £135 per annum .....	135	0	0			
3 Turnkeys at £120 per annum .....	360	0	0			
1 Overseerhard-Labor Prisoners, at £120 per annum .....	120	0	0			
Rations for Prisoners .....	350	0	0			
Contingencies .....	250	0	0			
					1515	0 0

<i>Police.</i>						
Napier—1 Inspector, also Inspector of Weights and Measures, at £300 per annum .....	300	0	0			
1 Sergeant, at £140 per annum .....	140	0	0			
1 Corporal, at £130 per annum .....	130	0	0			
11 Privates at £120 per annum each .....	1320	0	0			
Horse Allowance for Inspector, at £52 per annum .....	52	0	0			
Horse Allowance for 6 Policemen, at £36 per annum .....	216	0	0			
District Constable at Porangahau, at £25 .....	25	0	0			
1 Constable at Clive .....	25	0	0			

On the motion of Mr. Bennett this item was increased to £110.

1 Constable at Clive .....	110	0	0			
Rations for Prisoners .....	30	0	0			
Expenses for Prisoners .....	60	0	0			
Contingencies .....	100	0	0			
					2483	0 0



## 2.—HOSPITAL &amp; CHARITABLE—

Maintenance of Hospital .....	750 0 0	
Charitable Aid .....	350 0 0	
Maintenance Allowance Destitute and Neglected Children .....	100 0 0	
Salary Attendants Lunatic Asylum .....	170 0 0	
Rations and Contingencies Lunatic Asylum .....	355 0 0	
	<hr/>	1725 0 0
<i>Coroner's Department</i>		
Contingencies .....	10 0 0	
	<hr/>	10 0 0

## 3.—ADMINISTRATIVE—

<i>Superintendent's Department.</i>		
Superintendent, at £425 per annum .....	425 0 0	
Superintendent's Clerk, also Clerk of the Council, at £300 per annum .....	300 0 0	
Messenger, also Messenger to the Provincial Council, at £120 per annum .....	120 0 0	
Contingencies .....	25 0 0	
	<hr/>	870 0 0
<i>Law Officer's Department.</i>		
Provincial Solicitor, at £100 per annum .....	100 0 0	
	<hr/>	100 0 0
<i>Treasury.</i>		
Provincial Treasurer, at £300 per annum .....	300 0 0	
Contingencies for Department .....	30 0 0	
Clerical Assistance .....	50 0 0	
	<hr/>	380 0 0

## 4.—HARBOUR DEPARTMENT—

Harbor Master and Pilot, at £275 per annum .....	275 0 0	
2 Boatmen, at £130 per annum .....	260 0 0	
Extra Men, in addition to Pilot's Crew, when required .....	25 0 0	
Contingencies .....	200 0 0	
Pilot Service at Wairoa .....	100 0 0	
Contingencies for Wairoa .....	25 0 0	
Life Boat Maintenance .....	50 0 0	
	<hr/>	935 0 0

## 5.—SURVEY DEPARTMENT—

Provincial Surveyor, also Provincial Engineer, at £400 per annum .....	400 0 0	
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Mr. Towgood moved—

“That this item be increased to £700.”

On explanation from His Honor the Superintendent, the motion was withdrawn.

Travelling allowance to Provincial Surveyor .....	100 0 0	
Draughtsman, at £300 per annum .....	300 0 0	
Additional Draughtsman, at £250 per annum .....	250 0 0	
Survey Laborers .....	300 0 0	
Survey Contingencies .....	100 0 0	
Surveys .....	2300 0 0	
Clerk in Land Office, at £150 per annum .....	150 0 0	
For laying out roads through Blocks in which road allowance will shortly lapse .....	500 0 0	
	<hr/>	4400 0 0

## 6.—LEGISLATIVE—

<i>Provincial Council.</i>		
Speaker, at £2 for each sitting day, and for seven days afterwards .....	75 0 0	
Country Members, at £1 per each sitting day .....	250 0 0	
Contingencies .....	90 0 0	
Printing Minutes of Council, Council Papers, Acts, &c. ....	100 0 0	
	<hr/>	515 0 0
<i>Returning Officer's Department.</i>		
Contingencies .....	20 0 0	
	<hr/>	20 0 0

## 7.—MISCELLANEOUS—

General Printing and Advertising.....	400	0	0
Insurance on Government Buildings .....	120	0	0
Materials for Prison Labor .....	25	0	0
Expenses Weights and Measures.....	5	0	0
Miscellaneous Contingencies .....	500	0	0
Athenæum .....	200	0	0

Mr. Lee moved—

“ That this item be struck out.”

On a division being called for, the Committee divided—

Ayes 8.	Noes, 9.
Messrs. Dolbel	Messrs. Ormond
Harding	Lyndon
Burton	Smith
Johnston	Lawrence
Lee	Tanner
Russell	Bennett
Herrick	Kinross
A'Deane	Stuart
	Towgood

Motion negatived.

Mr. Lee moved—

“ That the item be recommitted.”

On a division being called for, the Committee divided—

Ayes, 9.	Noes, 8.
Messrs. Dolbel	Messrs. Ormond
Harding	Lyndon
Burton	Smith
Johnston	Lawrence
Lee	Tanner
Russell	Kinross
Herrick	Stuart
A'Deane	Towgood
Bennett	

Agreed to.

Mr. Lee moved—

“ That the consideration of this item be postponed.”

On a division being called for, the Committee divided.

Ayes, 10.	Noes, 6.
Messrs. Ormond	Messrs. Johnston
Stuart	Bennett
A'Deane	Dolbel
Lyndon	Herrick
Smith	Towgood
Lawrence	
Burton	
Tanner	
Kinross	
Harding	
Lee	

Item postponed.

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

Leave granted.

Mr. Lee to move in Committee of Supply—

“That His Honor the Superintendent be requested to place on the Estimates the sum of £500, for the purpose of assisting in the reclamation of the Whare-o-maraenui Block.”

Mr. Russell moved—

“That the Council do adjourn until next sitting day, June 25, at 3 o'clock.”

Mr. Sutton seconded the motion.

Motion agreed to, and Council adjourned accordingly.

JOHN A'DEANE,  
Speaker.

G. T. FANNIN,  
Clerk of the Council.

FRIDAY, JUNE 25, 1875.

The Speaker took the Chair at 3 o'clock.

Present—All the members but Messrs. Canning and Maney.

The Minutes of the last meeting were read and confirmed.

Mr. Stuart presented a petition from 60 people of Napier, praying that Shakespeare-road might be widened opposite the Government Buildings and Domain, and moved it be read.

Mr. Sutton seconded the motion.

Motion agreed to.

Mr. Stuart moved—

“That the petition be received.”

Mr. Sutton seconded the motion.

Motion agreed to.

Mr. Johnston presented a petition from the Makaretu settlers, praying for an extension of time for improvements, and moved it be read.

Mr. Sutton seconded the motion.

Motion agreed to.

Mr. Johnston moved—

“That the petition be received.”

Mr. Sutton seconded the motion.

Motion agreed to.

Mr. Towgood to move on next sitting day—

“That His Honor the Superintendent be requested to lay upon the table of the Council all papers, letters, and documents, referring to or bearing on the construction of the proposed Bridge across the Ahuriri Heads.”

Mr. Towgood to move in Committee of Supply—

“That the sum on the Estimates for road from Petane to beach be increased to £100.”

Mr. Lee to move on next sitting day—

“For leave to bring in a Bill to be called the ‘Educational Reserves Act, 1875.’”

Mr. Lawrence to move in Committee of Supply—

“That His Honor the Superintendent be pleased to place on the Estimates the sum of £25 on the road from Patangata to Waipawa.”

Capt. Russell to move on next sitting day—

“That His Honor the Superintendent be requested to ask the opinion of the Provincial Solicitor whether it is lawful for a person to put up an embankment whereby the storm water of a river is liable to be thrown across a public road.”

Mr. Burton to move in Committee of Supply—

“That the sum on the Estimates, for road from Petane to Wairoa, be increased from £600 to £1000.”

Mr. Burton to ask—

“For leave to bring in a Bill to withdraw from the operation of the “Hawke’s Bay Waste Lands Act 1865” the unsold portion of Block No. 2 and 3, Wairoa, and to vest the same in Trustees for the improvement of the Wairoa River and other local purposes.”

Captain Russell to move in Committee of Supply—

“That His Honor the Superintendent be requested to place upon the Estimates the sum of £1500, as a grant in aid towards the erection of a bridge across the Tutaekuri, at Taipo.”

Captain Russell to move in Committee of Supply—

“That His Honor the Superintendent be requested to place upon the Estimates the sum of £400, to form roads in the Puketapu District.”

Col. Herrick to move in Committee of Supply—

“That an additional sum of £200 be placed on the Estimates for the road between Waipawa and Hampden.”

Col. Herrick, pursuant to notice, moved—

“That a Committee be appointed by ballot to consider the petition of the Hon. H. R. Russell, for a right of road to his land at Motuotaria.”

Mr. Towgood seconded the motion.

Motion negatived.

Mr. Sutton, pursuant to notice, moved—

“That this Council is of opinion that the Provincial Council should provide funds for the formation of the main road through Napier Swamp, in accordance with the vote of the late Council on 26th June, 1874.”

Mr. Lee seconded the motion.

On a division being called for, the Council divided—

Ayes, 6.		Noes, 10.
Messrs. Sutton		Messrs. Ormond
Johnston		Lawrence
Lee		Tanner
Lyndon		Kinross
Smith		Burton
Stuart		Russell
		Herrick
		Harding
		Bennett
		Dolbel

Motion negatived.

Col. Herrick, pursuant to notice, moved—

“For the appointment of a Committee by ballot to consider the petition of the Hon. H. R. Russell for relief of his alleged grievance in the matter of his land purchase at Motuotaria.”

Mr. Towgood seconded the motion.

Motion agreed to, and the following members were elected members of the Select Committee :—Messrs. Herrick, Ormond, Russell, Bennett, and Burton. Report to be brought up on Wednesday, 30th instant.

Captain Russell's notices of motion on the Order Paper were postponed until next sitting day.

Mr. Ormond moved—

“That the Council do adjourn until 7.30 o'clock.

Mr. Kinross seconded the motion.

Motion agreed to.

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The Council met pursuant to adjournment.

Mr. Tanner, by permission of the Council, moved—

“For a Select Committee to enquire into the present state of the Hospital, and other matters connected with it; such Committee to consist of Messrs. R. Stuart, Burton, Harding, J. A. Smith, and the mover.” Report to be brought up on Wednesday, 30th instant.

Agreed to.

Mr. Lee, by permission of the Council, moved—

“For a Select Committee on ‘The Waterworks Adoption Act,’ and to consider Mr. Ferard’s petition. Such Committee to consist of Messrs. Lyndon, Tanner, Russell, Stuart, and the mover. Report to be brought up on Wednesday, June 30, 1875.

Agreed to.

Mr. Smith obtained permission to postpone the second reading of the “Napier Harbor Board Bill” until Tuesday next, 29th instant.

The Council went into Committee on the “Market Reserves Bill,” which was passed and reported to the Speaker.

Mr. Stuart to move on next sitting day—

“That the ‘Market Reserves Bill’ be read a third time.”

Council went into Committee on the ‘Fencing Act, 1874, Adoption Act, 1875,’ which was passed and reported to the Speaker.

Mr. Ormond to move on next sitting day—

“That the ‘Fencing Act, 1874, Adoption Act, 1875,’ be read a third time.

The Council went into Committee of Supply.

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

Athenæsum ..... 200 0 0

Mr. Lee moved—

“That the item be reduced to £100.”

On a division being called for, the Committee divided—

Ayes, 9.	Noes, 7.
Messrs. Johnston	Messrs. Ormond
Bennett	Lyndon
A’Deane	Smith
Burton	Lawrence
Lee	Tanner
Dolbel	Kinross
Harding	Towgood
Herrick	
Russell	

Motion agreed to.

	£	s.	d.	£	s.	d.
Athenæsum .....	100	0	0			
Country Libraries .....	200	0	0			
Botanical Gardens .....	200	0	0			
Grant for Education Purposes .....	2150	0	0			
Grant for Acclimatization Society .....	300	0	0			
Government Offices, Firewood, &c.....	50	0	0			

This item was postponed.

Expense of collecting Dog Tax .....	35	0	0
Wangawehi Light .....	30	0	0
Bonus to Ferry at Waihua.....	25	0	0
Bonus to Ferry at Waikari .....	10	0	0
Bonus to Ferry at Nuhaka .....	10	0	0

Bonus to Ferry at Porangahau .....	20	0	0
Signal Staff, Napier .....	25	0	0
Maintenance of Napier Lighthouse for year .....	100	0	0
Salary of Lighthouse Attendants.....	180	0	0
Weighbridge, Taradale Road .....	150	0	0
Cranes for New Jetty .....	300	0	0
Maintenance of Slaughter House and Yards .....	100	0	0
Contingencies Crown Lands Office .....	200	0	0
		5335	0 0

## 8.—PUBLIC WORKS AND UNDERTAKINGS—

Moorings and Buoys .....	150	0	0
Life Boat Shed .....	140	0	0
Jetty on each side of the Wairoa River .....	200	0	0
Maintenance of Public Buildings .....	400	0	0
Maintenance of Public Fences .....	30	0	0
Addition to Hospital .....	300	0	0
Maintenance of Ground about Public Office.....	20	0	0
Fenders for Breastwork.....	250	0	0
Wharves .....	260	0	0
Searching Shed .....	250	0	0
		2000	0 0
Carried forward.....	£19,703	0	0

Mr. Ormond moved—

“ That the Committee do adjourn until next sitting day.”  
Agreed to.

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

Leave granted.

Mr. Sutton moved—

“ That the Council do adjourn until next sitting day, at 3 o'clock.”

Mr. Dolbel seconded the motion.

Motion agreed to, and Council adjourned accordingly.

JOHN A'DEANE,  
Speaker.

G. T. FANNIN,  
Clerk of the Council.

TUESDAY, JUNE 29, 1875.

The Speaker took the Chair at 3 o'clock.

Present—All the members but Mr. Maney.

The Minutes of the last meeting were read and confirmed.

Captain Russell presented a Petition from Mr. Heslop, praying that a former Grant-in-Aid for a road across the Tutae-kuri-waimati might be considered, and moved it be read.

Mr. Kinross seconded the motion.

Motion agreed to.

Capt. Russell moved—

“ That the Petition be received and printed.”  
Motion agreed to.

Captain Russell to move in Committee of Supply—

“That His Honor the Superintendent be requested to place £300 upon the Estimates as a grant-in-aid towards the erection of a bridge across the Tutae-kuri Waimate.”

Mr. Lawrence to ask on next sitting day—

“His Honor the Superintendent to grant (under the supervision of police) temporary accommodation in the Immigration Barracks, Waipawa, for workmen seeking employment where hotel accommodation is insufficient.”

Mr. Dolbel to move on next sitting day—

“That His Honor the Superintendent be requested to ask the opinion of the Provincial Solicitor whether it is lawful for the Provincial Government or Road Boards to leave a breach or opening on the banks of the rivers, whereby the storm water of a river is liable to be thrown across a public road.”

Mr. Smith to move in Committee of Supply—

“That His Honor the Superintendent be requested to put on the Estimates the sum of £20 as increase of pay for Thomas Murray, cockswain, Harbor Department.”

Mr. Bennett to move in Committee of Supply—

“That His Honor the Superintendent be requested to place the sum of £25 upon the Estimates as a grant-in-aid towards the coming Ploughing Match, to be held on the 24th May, 1876.”

Mr. Lee to move on next sitting day—

“For leave to bring in a Bill to amend the ‘Licensing Act, 1871.’”

Mr. Ormond to move on next sitting day—

“That whereas clause 9 of the ‘Hawke’s Bay Waste Lands Regulation Amendment Act, 1865,’ has only been availed of to a limited extent, and that it is desirable to determine, with the consent of the lessees, the leases entered into under its provisions, with the view of enabling the land to be sold, this Council is of opinion that the ‘Hawke’s Bay Waste Lands Regulations Amendment Act, 1865,’ should be amended by the repeal of clause 9.”

Mr. Canning presented a Petition, praying that a bridge might be erected over the Wainui, and moved it be read.

Col. Herrick seconded the motion.  
Motion agreed to.



Mr. Canning moved—

“ That the Petition be received and printed.’

Col. Herrick seconded the motion.

Motion agreed to.

Mr. Harding presented a Petition, praying that a certain parcel of land, at Waipawa, might be set aside as a burial ground, and moved it be read.

Mr. Smith seconded the motion.

Motion agreed to, and on the motion of Mr. Harding, the Petition was received.

Mr. Ormond to move on next sitting day—

“ For leave to bring in a Bill to amend the ‘ Cattle Trespass and Impounding Act, 1867.’ ”

Mr. Canning to move in Committee of Supply—

“ That His Honor the Superintendent be requested to place on the Estimates a sum of £500 to erect a bridge over the Wainui river ”

Mr. Stuart to move on next sitting day—

“ That the Petition presented on the 25th ultimo, by His Worship the Mayor, be referred to a Committee of the whole House.”

Mr. Towgood, pursuant to notice, moved—

“ That His Honor the Superintendent be requested to lay upon the table of the Council all papers, letters, and documents, referring to or bearing on the construction of the proposed Bridge across the Ahuriri Heads.”

Mr. Dolbel seconded the motion.

His Honor the Superintendent stated that there would be no objection to the motion, but the principal correspondence would be when they read the reply of the Engineer-in-Chief on the subject.

Mr. Lee, pursuant to notice, moved—

“ For leave to bring in a Bill to be called the ‘ Educational Reserves Act, 1875.’ ”

Mr. Smith seconded the motion.

Motion agreed to.

Mr. Lee moved it be read a first time.

Mr. Sutton seconded the motion.

Motion agreed to, and reading of the Bill fixed for Thursday next.

Captain Russell, by permission of the Council, withdrew his motion—

“That His Honor the Superintendent be requested to ask the opinion of the Provincial Solicitor whether it is lawful for a person to put up an embankment whereby the storm water of a river is liable to be thrown across a public road.”

Mr. Burton, by permission, postponed his motion—

“For leave to bring in a Bill to withdraw from the operation of the ‘Hawke’s Bay Waste Lands Act 1865’ the unsold portion of Block No. 2 and 3, Wairoa, and to vest the same in Trustees for the improvement of the Wairoa River and other local purposes.”

Capt. Russell, pursuant to notice, moved—

“Whereas by Clause XIII. of ‘The Toll-gate Act, 1867,’ it is provided ‘that all moneys to be collected by virtue of this Act, after deducting the charges of collection, shall be carried by the Provincial Treasurer to a separate account, to be called the Tolls Account, and to be applied as found necessary by the Superintendent towards the maintenance and repairs of the public road leading from Napier to Havelock, and also the road extending from Tareha’s Bridge to Puketapu; and whereas that portion of the clause applying part of the money collected to the maintenance and repairs of that section of the road between Taradale and Puketapu has never been given effect to, His Honor the Superintendent be requested to set aside out of the Tolls Account such a sum of money as will metal and complete that section of the road between Taradale and the Puketapu School-house.’”

Mr. Bennett seconded the motion.  
Motion agreed to.

Mr. Burton to move on next sitting day—

“For leave to bring in a Bill to vest Blocks 2 and 3, Wairoa District, in trustees, for the improvement of the Wairoa River, and other local purposes.”

Mr. Harding to move on next sitting day—

“That the Petition from the inhabitants of Waipawa be referred to a Select Committee, to consist of Messrs. Lee, Stuart, Johnston, Lawrence, and the mover.

Mr. Stuart, pursuant to notice, moved—

“That the ‘Waterworks’ Act’ be read a second time.”

Mr. Lyndon seconded the motion.

Mr. Lee moved—

“That the second reading be postponed until next sitting day.”

Mr. Dolbel seconded the motion.

Motion negatived, and Act read a second time accordingly.

Mr. Stuart moved—

“That the Council go into Committee on the Bill on Thursday next.”

Agreed to.

Mr. Smith, pursuant to notice, moved—

“That the ‘Napier Harbor Board Bill’ be read a second time.”

Mr. Lee seconded the motion.

Mr. Ormond moved, as an amendment—

“That the Bill be read this day six months.”

Mr. Kinross seconded the motion.

Mr. Smith, by permission of the Council, withdrew his motion.

Bill discharged.

Mr. Ormond laid upon the table return of lands in the possession of the Province unsold.

Mr. Stuart, pursuant to notice, moved—

“That the ‘Market Reserves Bill’ be read a third time.”

Mr. Lyndon seconded the motion.

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

Mr. Ormond, pursuant to notice, moved—

“That the ‘Fencing Act, 1874, Adoption Act, 1875,’ be read a third time.”

Mr. Canning seconded the motion.

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

Mr. Ormond moved—

“That the Council do adjourn until 7.30 o’clock.”

Agreed to.

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The Council met pursuant to adjournment.

The Council went into Committee of Supply.

Mr. Lyndon moved—

“That the item Athenæum (£100) be recommitted.”

On a division being called for the Committee divided—

Ayes, 10.	Noes, 8.
Messrs. Lawrence	Messrs. A'Deane
Ormond	Russell
Stuart	Dolbel
Smith	Herrick
Kinross	Lee
Lyndon	Johnston
Canning	Bennett
Towgood	Burton
Tanner	
Harding	
Agreed to.	

Mr. Lyndon moved—

“ That the item be increased to £200.”

On a division being called for, the Committee divided—

Ayes, 10.	Noes, 8.
Messrs. Ormond	Messrs. Burton
Stuart	Russell
Kinross	Herrick
Lyndon	Dolbel
Smith	Johnston
Towgood	Lee
Canning	Bennett
Lawrence	A'Deane
Tanner	
Harding	
Motion agreed to.	

Athenæum.....	£200 0 0
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**ROADS—**

Meane and Taradale.....	1000 0 0
Waipukurau to 70-Mile Bush .....	300 0 0
Waipawa to Plains .....	300 0 0
Main Road Napier to Waipukurau .....	3000 0 0

Capt. Russell moved—

“ That the item be reduced to £2000.”

On a division being called for, the Committee divided—

Ayes 6.	Noes, 11.
Messrs. Dolbel	Messrs. Ormond
Towgood	Smith
Bennett	Kinross
Lee	Stuart
Burton	Lyndon
Russell	Tanner
	Canning
	Harding
	Johnston
	Herrick
	A'Deane

Motion negatived.

Waipukurau to Porangahau .....	1000 0 0
Petane to Wairoa.....	600 0 0
Road by Ohinepaka Valley .....	200 0 0
Road to open land sold on Deferred Payments .....	500 0 0

Grant in aid of Bridge over the Waipawa, near  
Homewood ..... 1000 0 0

A discussion ensued, and a division took place as follows  
for the item standing as read :—

Ayes, 15.	Noes, 3.
Messrs. Johnston	Messrs. Burton
Bennett	Smith
Lawrence	Tanner
Herrick	
A'Deane	
Ormond	
Kinross	
Lee	
Dolbel	
Towgood	
Harding	
Lyndon	
Stuart	
Canning	
Russell	
Grant in aid of Bridge over Ahuriri Harbor .....	3500 0 0
Roads to open land for sale in 70-Mile Bush .....	1000 0 0
Middle Road .....	300 0 0
Road Overseers .....	300 0 0
Grant in aid of Roads and Road Boards .....	400 0 0
Road Contingencies .....	500 0 0
Napier to Pohui .....	300 0 0
Roads at Porangahau .....	200 0 0
Road Porangahau to Wainui .....	150 0 0
Town Roads .....	2000 0 0
Wairoa Roads .....	300 0 0
Maraekakaho Road.....	100 0 0
Waipawa to Hampden .....	400 0 0
Oero Road to Wautukai .....	100 0 0
Te Mata to Pourerere .....	100 0 0
Roads Wainui Valley.....	100 0 0
Wautukai to Kaikora.....	30 0 0
Kereru Road .....	200 0 0
Redclyffe Cutting .....	100 0 0
Grant in aid Bridge over Maraetotara.....	200 0 0
Petane to Beach .....	100 0 0
Maintenance 70-Mile Bush Road.....	1200 0 0
Clive Roads .....	100 0 0
Tarawera to Pourerere .....	100 0 0
Tuki Tuki to Tarawera .....	100 0 0
Napier to Waitangi.....	100 0 0
Havelock to Hastings Station .....	250 0 0
Omahu Road .....	150 0 0
Road from Wairoaiti to Petane .....	200 0 0
Puketapu Cutting and Roads, Puketapu District ...	300 0 0
Wairoa River, clearing Snags .....	100 0 0
Road to Jetty, Mohaka .....	120 0 0
Patangata to Waipawa .....	25 0 0

£41,743 0 0

Mr. Ormond moved—

“ That the Chairman report progress, and ask for leave  
to sit again next sitting day.”

Agreed to.

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

Leave granted.

Mr. Ormond moved—

“ That the Council do adjourn until next sitting day, at  
3 o'clock.”

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

JOHN A'DEANE,  
Speaker.

G. T. FANNIN,  
Clerk of the Council.

WEDNESDAY, JUNE 30, 1875.

The Speaker took the Chair at 3 o'clock.

Present—All the members but Mr. Maney.

The Minutes of the last meeting were read and confirmed.

Mr. Johnston to move in Committee of Supply—

“That the sum of £100 be voted as a grant-in-aid of a teacher's residence at Waipukurau.”

Mr. Johnston to move in Committee of Supply—

“That, in the opinion of this Council, the time allowed to the holders of land on deferred payments, in which to make their improvements, should date from the completion of the survey.”

Mr. Lyndon to move on next sitting day—

“For leave to bring in a Bill, to be called “The Releasing Reserves Bill.” That the Superintendent be empowered to receive applications from such persons as may be desirous of re-releasing the same, and that the Superintendent be empowered to cancel existing leases, and re-lease the same upon such terms as may seem to him fit and reasonable.”

Mr. Tanner's motion to bring up report of Select Committee on the Hospital was, by permission, postponed until next sitting day.

Mr. Lee's motion to bring up report of Select Committee on “Waterworks Adoption Act” was, by permission, postponed until next sitting day.

Mr. Lawrence, pursuant to notice, asked—

“His Honor the Superintendent to grant (under the supervision of police) temporary accommodation in the Immigration Barracks, Waipawa, for workmen seeking employment where hotel accommodation is insufficient.”

His Honor the Superintendent replied that general instructions had been issued to use the Barracks for this purpose, and it had been acted upon to some extent.

Mr. Dolbel, by permission of the Council, withdrew his motion—

“ That His Honor the Superintendent be requested to ask the opinion of the Provincial Solicitor whether it is lawful for the Provincial Government or Road Boards to leave a breach or opening on the banks of the rivers, whereby the storm water of a river is liable to be thrown across a public road.”

Mr. Lee, pursuant to notice, moved—

“ For leave to bring in a Bill to amend the ‘ Licensing Act, 1871.’ ”

Mr. Sutton seconded the motion.

Motion agreed to.

Mr. Lee moved—

“ That the Bill be read a first time.”

Mr. Sutton seconded the motion.

Motion agreed to.

Mr. Lee moved—

“ That the Bill be printed.”

Mr. Sutton seconded the motion.

Motion agreed to.

Mr. Lee to move on next sitting day—

“ That the ‘ Licensing Act Amendment Act, 1875,’ be read a second time.”

Mr. Ormond, pursuant to notice, moved—

“ That whereas clause 9 of the ‘ Hawke’s Bay Waste Lands Regulation Amendment Act, 1865,’ has only been availed of to a limited extent, and that it is desirable to determine, with the consent of the lessees, the leases entered into under its provisions, with the view of enabling the land to be sold, this Council is of opinion that the ‘ Hawke’s Bay Waste Lands Regulations Amendment Act, 1865,’ should be amended by the repeal of clause 9.”

Mr. Tanner seconded the motion *pro forma*.

Motion agreed to.

Mr. Ormond, pursuant to notice, moved—

“ For leave to bring in a Bill to amend the ‘ Cattle Trespass and Impounding Act, 1867.’ ”

Mr. Sutton seconded the motion.

Motion agreed to.

The “ Cattle Trespass Act” was, on the motion of Mr. Ormond, read a first time, and made an Order of the Day for Thursday, 1st July.

Mr. Stuart, pursuant to notice, moved—

“That the Petition presented on the 25th ultimo, by His Worship the Mayor, viz., widening of Shakespeare-road, be referred to a Committee of the whole House.”

This motion was negatived.

Mr. Burton, for Mr. Lee, pursuant to notice, moved—

“For leave to bring in a Bill to vest Blocks 2 and 3, Wairoa District, in trustees, for the improvement of the Wairoa River, and other local purposes.”

Mr. Kinross seconded the motion.

Motion agreed to.

Mr. Lee moved it be read a first time.

Mr. Kinross seconded the motion.

Motion agreed to.

Mr. Lee moved—

“That the Bill be made an Order of the Day for next sitting day.”

Mr. Kinross seconded the motion.

Motion agreed to.

Mr. Harding, pursuant to notice, moved—

“That the Petition from the inhabitants of Waipawa be referred to a Select Committee, to consist of Messrs. Lee, Stuart, Johnston, Lawrence, and the mover. Report to be brought up on Friday, July 2.”

Mr. Lawrence seconded the motion.

Motion agreed to.

Capt. Russell, pursuant to notice, moved—

“That His Honor the Superintendent be requested to ask the General Government Agent to take the necessary steps to cause a shelter shed and platform to be erected at the stopping place of the train near Tareha's Bridge, and to have the railway bridge near the boiling-down platform planked, so as to enable the residents at Papakura and Pakowhai to avail themselves of the railway.”

Mr. Sutton seconded the motion.

Motion agreed to.

Capt. Russell, pursuant to notice, moved—

“To bring up report of Select Committee appointed to enquire into the extent of Educational endowments, &c., and moved it be postponed until next sitting day.”

Agreed to.



Captain Russell presented a Petition from the Meanee settlers re embankment, and moved it be read.

Mr. Towgood seconded the motion.  
Motion agreed to.

Mr. Russell moved—

“That the Petition be received.”

Mr. Towgood seconded the motion.  
Motion agreed to.

Mr. Johnston to move on next sitting day—

“That the Inspector of Schools be requested to report, during the recess, upon the position of the various school trusts throughout the province.”

The Council went into Committee of Supply.

*Sheep Department—*

	£	s.	d.
Inspector ... ..	350	0	0

Mr. A'Deane moved—

“That this item be decreased to £300.”

Amendment negatived.

Assistant Inspector ... ..	300	0	0
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Mr. Johnston moved—

“That this item—Assistant Inspector—be struck out.”

Agreed to.

Travelling Allowance to Inspector...	50	0	0
Contingencies—Dipping Expenses, &c.	100	0	0
Wages Shepherd at Boundary	130	0	0
Fences at Boundary of Province	70	0	0
Quarantine Buildings and Site at Port of Napier	200	0	0
Total ... ..	£1200	0	0

Mr. Ormond moved—

“That the Chairman report progress, and ask for leave to sit again next sitting day.”

Leave granted.

Mr. Ormond moved--

“That the Council do adjourn until next sitting day, July 1, at 3 o'clock.”

Mr. Kinross seconded the motion.

Motion agreed to, and Council adjourned accordingly.

JOHN A'DEANE,  
Speaker.

G. T. FANNIN,  
Clerk of the Council.

THURSDAY, JULY 1, 1875.

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The Speaker took the Chair at 3 o'clock.

Present—All the members.

The Minutes of the last meeting were read and confirmed.

Col. Herrick presented a Petition from Mr. Robertson praying that certain particulars of land purchased by him might be taken into consideration, and moved it be read.

Mr. Towgood seconded the motion.  
Motion agreed to.

Col. Herrick moved—

“That the Petition be received.”

Mr. Towgood seconded the motion.  
Motion agreed to.

Col. Herrick moved—

“That a Select Committee be appointed to report on the Petition. Report to be brought up on next sitting day. Such Committee to consist of Messrs. Lee, Canning, Towgood, Sutton, Johnston, and mover.”

Mr. Towgood seconded the motion.  
Motion agreed to.

Capt. Russell moved—

“That No. 26 and 27 Standing Rules and Orders be suspended.”

Mr. Tanner seconded the motion.  
Motion agreed to.

Captain Russell moved—

“For leave to bring in a Bill to amend the ‘Sheep Act, 1872,’ to be called the ‘Hawke’s Bay Sheep Act Amendment Act, 1875.’”

Mr. Tanner seconded the motion.

Motion agreed to, Act read a first time, ordered to be printed, and made an Order of the Day for next sitting day.

Captain Russell brought up a Petition from the Meanee and Taradale settlers, praying that the formation of embanking might be considered by the Council, and moved it be read.

This motion was agreed to, received, and ordered to be printed.

Capt. Russell to move on next sitting day—

“That the Meanee and Taradale petition be considered by a Committee of the whole Council.”

Mr. Ormond to move on next sitting day—

“Whereas the ‘Provincial Audit Act, 1866,’ provides that unless an address to the Superintendent to send to the Council a recommendation to grant a sum of money sufficient to meet the unauthorized expenditure shall be passed by an absolute majority of the entire number of the members of the Provincial Council, the Provincial Auditor shall commence suits in the Supreme Court to recover the penalties recoverable under the said Act for signing and issuing special orders for the issue of money without appropriation. And whereas it is necessary to release the Superintendent from the penalties to which he is liable from such unauthorized expenditure, the Council requests the Superintendent to submit to the Council a recommendation to grant a sum of money sufficient to meet the said unauthorized expenditure,”

Mr. Ormond to move—

“That the Superintendent request the Provincial Council to grant the sum of £2264 1s 9d to meet the unauthorized expenditure from the 1st June, 1874, to the 31st May, 1875, the same unauthorized expenditure having been incurred on account of the services hereinafter mentioned.”

Mr. Ormond to move on next sitting day—

“For leave to bring in the ‘Credit Act, 1875.’”

Mr. Ormond to move on next sitting day—

“For leave to bring in the ‘Appropriation Act, 1875.’”

Capt. Russell, pursuant to notice—

“Brought up report of Select Committee appointed to enquire into the extent of Educational endowments, &c., and moved it be read.”

Mr. Smith seconded the motion.  
Motion agreed to.

Capt. Russell moved—

“That the Report be received and printed.”  
Agreed to.

Capt. Russell to move on next sitting day—

“The Adoption of the report of Select Committee appointed to enquire into the extent of Educational endowments, &c.”

Mr. Tanner—

“Brought up report of Select Committee on the Hospital, and moved it be read.”

Mr. Towgood seconded the motion.  
Motion agreed to.

Mr. Tanner moved—

“ That the Report be received and printed.”

Mr. Tanner to move on next sitting day—

“ The adoption of report of Select Committee on the Hospital.”

Mr. Lee, pursuant to notice—

“ Brought up report of Select Committee on ‘ Waterworks Adoption Act,’ and moved it be read.”

Mr. Stuart seconded the motion.  
Motion agreed to.

Mr. Lee moved—

“ That the Report be received.”

Mr. Stuart seconded the motion.  
Motion agreed to.

Mr. Lee moved—

“ That the Report be considered when the Council went into Committee on the ‘ Waterworks Act, 1875.’ ”

Mr. Stuart seconded the motion.  
Motion agreed to.

Mr. Johnston, pursuant to notice, moved—

“ That, in the opinion of this Council, the time allowed to the holders of land on deferred payments, in which to make their improvements, should date from the completion of the survey.”

Mr. Harding seconded the motion.  
Motion agreed to.

Mr. Lyndon, pursuant to notice, moved—

“ For leave to bring in a Bill, to be called “ The Releasing Reserves Bill.” That the Superintendent be empowered to receive applications from such persons as may be desirous of re-releasing the same, and that the Superintendent be empowered to cancel existing leases, and re-lease the same upon such terms as may seem to him fit and reasonable.”

Mr. Stuart seconded the motion.

By permission of the Council, Mr. Lyndon withdrew this motion.

Mr. Stuart, pursuant to notice, moved—

“ That the Inspector of Schools be requested to report, during the recess, upon the position of the various school trusts throughout the province.”

Mr. Kinross seconded the motion.  
Motion agreed to.

His Honor the Superintendent laid upon the table a letter from the Inspector of Schools *re* his duties.

Mr. Tanner moved—

“That No. 26 and 27 of Standing Rules and Orders be suspended.”

Mr. Stuart seconded the motion.  
Motion agreed to.

Mr. Tanner, by permission of the Council, brought in a Bill intituled the “Hospital Endowment Act, 1875.” It was read a first time, ordered to be printed, and made an Order of the Day for next sitting day, viz., second reading.

Mr. Tanner, by permission of the Council, brought in a Bill intituled the “Napier Hospital Act, 1875.” It was read a first time, ordered to be printed, and made an Order of the Day for next sitting day, viz., second reading.

Mr. Burton moved—

“That No. 26 and 27 of Standing Rules and Orders be suspended.”

Mr. Kinross seconded the motion.  
Motion agreed to.

Mr. Burton moved the following resolution—

“It is resolved by this Council that it is expedient that Blocks 2 and 3, Wairoa District, be reserved from sale for purposes of public utility, and that His Honor the Superintendent be requested to carry this resolution into effect, with a view to the future declaration of such purposes by Act of this Council.”

Mr. Kinross seconded the resolution.  
Resolution agreed to.

Mr. Lee moved—

“That the second reading of the ‘Education Reserves Act, 1875,’ be postponed until next sitting day.”  
Agreed to.

The Council went into Committee on “Waterworks Act, 1875,” when the following amendments were made:—In the Preamble the words “subject to such amending as will adapt it to the special circumstances of the said Borough,” were added; in Clause I, after the word “shall” in the second line the following words be inserted—“subject to the provisions hereinafter contained;” and that the following be inserted as Clause II:—Provided that notwithstanding anything in the said Act contained any special rate to be made under section 29, shall be chargeable only upon ratable property lying within the

circuit of the places shewn upon the plans of the undertaking as intended to be supplied with water, and no land shall be regarded as intended to be so supplied unless upon the completion of the undertaking a house situate upon such land would be liable to water rate under section 35.

Mr. Stuart to move on next sitting day—

“That the ‘Waterworks’ Act’ be read a third time.”

Mr. Lee, pursuant to notice, moved—

“That the ‘Licensing Act 1875,’ be read a second time.”

Mr. Smith seconded the motion.

Mr. Harding moved—

“That the Bill be read this day six months.”

Mr. Tanner seconded the amendment.

On a division being called for, the Council divided—

Ayes 12.	Noes, 6.
Messrs. Dolbel	Messrs. Ormond
Stuart	Tanner
Lyndon	Smith
Canning	Kinross
Johnston	Harding
Herrick	Towgood
A’Deane	
Bennett	
Lee	
Burton	
Lawrence	
Sutton	

Amendment negatived, original motion agreed to, and Act read a second time.

The Council went into Committee on the Act.

The Council adjourned until 7.30 o’clock.

The Council met pursuant to adjournment.

The following was added to Clause II. :—“In addition to the license fee payable under ‘Wholesale Dealers in Spirituous Liquors Act, 1871.’”

The Chairman reported, and handed the Act as amended to the Speaker.

Mr. Lee to move on next sitting day—

“That the ‘Licensing Act, 1875,’ be read a third time.”

Mr. Ormond, pursuant to notice, moved—

“That the ‘Cattle Trespass Impounding Act, 1875,’ be read a second time.”

Mr. Kinross seconded the motion.

Motion agreed to.

The Council went into Committee on the Act.

The following was added as Clause 5:—"All regulations made under this Act shall be laid before the Provincial Council within one week after the making thereof if the Council be then in session, and if not then within one week after the commencement of the next session thereof."

The Act was reported to the Speaker, and ordered to be read next sitting day.

Mr. Burton, by permission of the Council, withdrew the "Wairoa River Bill, 1875."

The Council went into Committee of Supply.

Total Sheep Department	...	...	...	...	£900	0	0
					£	s.	d.
<i>Education—</i>							
Capitation Money for Scholars	...	...	...	...	1800	0	0
Bonus to Teachers	...	...	...	...	800	0	0
Inspector of Schools	...	...	...	...	100	0	0
This item was increased to £150.							
Travelling Allowance to Inspector	...	...	...	...	100	0	0
Grant in aid of Buildings	...	...	...	...	500	0	0
Books, Maps, &c. for Schools	...	...	...	...	50	0	0
School Libraries for Country Schools, Prizes for de-							
serving Pupils, and Contingencies	...	...	...	...	100	0	0
Total	...	...	...	...	£3500	0	0

Mr. Lee moved recommittal of Estimates, but subsequently withdrew the motion.

Mr. Lee to move on next sitting day—

"That this Council will indemnify His Honor the Superintendent for the expenditure of the sum of £500 for the purpose of assisting in the reclamation of the Whare-o-maraenui Block."

Mr. Tanner moved—

"That the Council do adjourn until next sitting day, July 2, at 3 o'clock."

Mr. Towgood seconded the motion.

Motion agreed to, and Council adjourned accordingly.

JOHN A'DEANE,  
Speaker.

G. T. FANNIN,  
Clerk of the Council.

FRIDAY, JULY 2, 1875.

The Speaker took the Chair at 3 o'clock.

Present—All the members but Mr. Maney.

The Minutes of the last meeting were read and confirmed.

Colonel Herrick's motion to bring up report of Select Committee was, on the motion of Captain Russell, put on the Notice Paper after the Orders of the Day.

Mr. Harding, pursuant to notice, moved—

“To bring up report of Select Committee *re* Burial Reserve, Waipawa.”

Mr. Lee seconded the motion.

Motion agreed to.

Mr. Harding moved—

“That the report be received.”

Mr. Lee seconded the motion.

Motion agreed to.

Mr. Harding to move on next sitting day—

“That the report of the Select Committee on the Waipawa Cemetery Petition be adopted by this Council.”

Col. Herrick moved—

“For leave to postpone until next sitting day report of Select Committee on Mr. Robertson's petition.”

Mr. Towgood seconded the motion.

Motion agreed to.

Mr. Ormond, pursuant to notice, moved—

“Whereas the ‘Provincial Audit Act, 1866,’ provides that unless an address to the Superintendent to send to the Council a recommendation to grant a sum of money sufficient to meet the unauthorized expenditure shall be passed by an absolute majority of the entire number of the members of the Provincial Council, the Provincial Auditor shall commence suits in the Supreme Court to recover the penalties recoverable under the said Act for signing and issuing special orders for the issue of money without appropriation. And whereas it is necessary to release the Superintendent from the penalties to which he is liable from such unauthorized expenditure, the Council requests the Superintendent to submit to the Council a recommendation to grant a sum of money sufficient to meet the said unauthorized expenditure,”

Mr. Towgood seconded the motion.

Motion agreed to.

Mr. Ormond, pursuant to notice, moved—

“That the Superintendent request the Provincial Council to grant the sum of £2264 1s 9d to meet the unauthorized expenditure from the 1st June, 1874, to the 31st May, 1875, the same unauthorized expenditure having been incurred on account of the services hereinafter mentioned.”



Mr. Lawrence seconded the motion.  
Motion agreed to.

Mr. Ormond, pursuant to notice, moved—

“For leave to bring in the ‘Credit Act, 1875.’”

Mr. Ormond to move—

“For leave to bring in the ‘Appropriation Act, 1875.’”

These Acts were, on motion, read a first time, ordered to be printed, and made an Order of the Day for next sitting day.

Mr. Stuart, pursuant to notice, moved—

“That the ‘Waterworks’ Act, 1875,’ be read a third time.”

Mr. Lyndon seconded the motion.

Mr. Sutton moved—

“That the Act be recommitted.”

Mr. Smith seconded the amendment.

On a division being called for, the Council divided—

Ayes 5.		Noes, 9.
Messrs. Stuart		Messrs. Ormond
Lyndon		Tanner
Sutton		Kinross
Smith		Towgood
Harding		Lee
		Lawrence
		Dolbel
		Russell
		Johnston

Amendment negatived.

Mr. Stuart moved—

“That the third reading be postponed until next sitting day.”

Mr. Lyndon seconded the motion.

On a division being called for, the Committee divided—

Ayes, 9.		Noes, 7.
Messrs. Ormond		Messrs. Lawrence
Stuart		Russell
Smith		Dolbel
Lyndon		Lee
Canning		Kinross
Harding		Towgood
Johnston		Tanner
Bennett		
Sutton		

Agreed to.

Mr. Lee moved—

“That the ‘Licensing Act, 1875,’ be read a third time.”

Mr. Smith seconded the motion.

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

Mr. Ormond, pursuant to notice, moved—

“That the ‘Cattle Trespass Impounding Act, 1875,’ be read a third time.”

Mr. Sutton seconded the motion.

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

Capt. Russell, pursuant to notice, moved—

“The second reading of the ‘Sheep Act Amendment Act, 1875.’”

Mr. Canning seconded the motion.

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

The Council went into Committee on the “Sheep Act Amendment Act,” 1875.

Mr. Lee moved—

“That Clause 4 of the ‘Hawke’s Bay Sheep Act, 1874,’ regulating the residence of the Chief Inspector, is hereby repealed.”

On a division being called for the Committee divided—

<p>Ayes, 9.</p> <p>Messrs. Ormond Kinross Lyndon Smith Burton Russell Dolbel Lee Bennett</p>	<p>Noes, 8.</p> <p>Messrs. Harding Tanner Towgood Canning Herrick Johnston A’Deane</p>
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Agreed to.

Mr. A’Deane moved—

“The following amendment to Clause 4 of the ‘Hawke’s Bay Sheep Act, 1874,’ :—After the words ‘Provincial Council’ in the eighth line the following words be inserted—‘and that the Chief Inspector attend daily, except Sundays, at his office, from 10 a.m. to 4 p.m., except when compelled to be absent by the duties of his office.’”

On a division being called for the Committee divided—

<p>Ayes, 10.</p> <p>Messrs. Johnston Lawrence Herrick A’Deane Towgood Harding Lyndon Canning Smith Tanner</p>	<p>Noes, 6.</p> <p>Messrs. Burton Ormond Lee Dolbel Bennett Russell</p>
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Amendment agreed to.

On the motion of Captain Russell the Act was reported with amendment to the Speaker, and notice given to move for the third reading next sitting day.

The second reading of the "Hospital Endowment Act, 1875," was postponed until next sitting day.

Mr. Tanner moved—

"That the 'Napier Hospital Act be read a second time.'"

Mr. Smith seconded the motion.

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

The Council went into Committee on the Act.

Capt. Russell moved—

"That the Chairman report progress."

On a division being called for the Committee divided—

Ayes, 13.	Noes, 4.
Messrs. Ormond	Messrs. Harding
Kinross	Tanner
Lyndon	Smith
Russell	Canning
Dolbel	
Lee	
Bennett	
Burton	
Towgood	
Herrick	
Johnston	
A'Deane	
Lawrence	

Motion agreed to, and Bill shelved.

Col. Herrick brought up report of Select Committee on Mr. Russell's petition, and moved it be read and printed.

Agreed to.

Col. Herrick to move on next sitting day—

"The adoption of the report."

Mr. Ormond moved—

"That the Council do suspend No. 2 Standing Orders, in order to make Saturday a sitting day."

Mr. Lawrence seconded the motion.

Agreed to.

Mr. Ormond moved—

"That the Council do adjourn until next Saturday at 3 o'clock.

Mr. Tanner moved—

"That this Council do adjourn until the usual sitting day, Tuesday, at 3 o'clock.

Mr. Smith seconded the motion.

On a division being called for the Committee divided—

Ayes, 7.	Noes, 10.
Messrs. Burton	Messrs. Johnston
Smith	Herrick
Tanner	Canning
Harding	Towgood
Lyndon	Ormond
Lee	Dolbel
Sutton	Bennett
	Russell
	Lawrence
	Kinross

Negatived.

Mr. Ormond moved—

“ That the Council do adjourn until next Saturday, at 3 o'clock.

Mr. Canning seconded the motion.

On a division being called for the Council divided—

Ayes, 10.	Noes, 7.
Messrs. Johnston	Messrs. Harding
Dolbel	Smith
Lawrence	Burton
Canning	Tanner
Bennett	Lee
Herrick	Lyndon
Ormond	Sutton
Kinross	
Towgood	
Russell	

Motion agreed to, and Council adjourned until 3 o'clock on Saturday, 3rd July, 1875.

JOHN A'DEANE,  
Speaker.

G. T. FANNIN,  
Clerk of the Council.

SATURDAY, JULY 3, 1875.

The Speaker took the Chair at 3 o'clock.

Present—All the members but Mr. Maney.

The Minutes of the last meeting were read and confirmed.

Mr. Harding, pursuant to notice, moved—

“ That the report of the Select Committee on the Wai-pawa Cemetery Petition be adopted by this Council.”

Mr. Lawrence seconded the motion.

Motion agreed to.

Col. Herrick, pursuant to notice, brought up report of Select Committee on Mr. Robertson's petition, and moved it be read.

Mr. Smith seconded the motion.  
Motion agreed to.

Col. Herrick moved—

“That Nos. 26 and 27 of Standing Orders be suspended.”

Captain Russell seconded the motion.  
Motion agreed to.

Col. Herrick moved—

“That the report be adopted.”

Mr. Lee seconded the motion.  
Motion agreed to.

Col. Herrick, pursuant to notice, moved—

“The adoption of report of Select Committee on Mr. Russell's petition.”

Capt. Russell seconded the motion.

Mr. Lee moved—

“That the latter half of clause 6 be struck out.”

Mr. Tanner seconded the motion, *pro forma*.

On a division being called for, the Council divided—

Ayes 3.	Noes, 8.
Messrs. Tanner	Messrs. Smith
Lee	Ormond
Lyndon	Lawrence
	Johnston
	Harding
	Russell
	Burton
	Herrick

Amendment negatived.

Mr. Lee moved—

“That Clause 5 be struck out.”

Mr. Lyndon seconded the motion.

On a division being called for, the Committee divided—

Ayes, 4.	Noes, 10.
Messrs. Lee	Messrs. Lawrence
Dolbel	Russell
Johnston	Kinross
Lyndon	Tanner
	Ormond
	Canning
	Harding
	Smith
	Herrick
	Burton

Motion negatived.

Mr. Lee moved, by amendment—

“That Clause 3 be struck out.”

Motion negatived.

Col. Herrick's motion was then put and carried.

Col. Herrick moved—

“That Nos. 26 and 27 of Standing Rules and Orders be suspended.”

On a division being called for the Council divided—

Ayes, 8.		Noes, 7.
Messrs. Johnston		Messrs. Dolbel
Herrick		Lyndon
Russell		Bennett
Lee		Kinross
Smith		Canning
Harding		Ormond
Lawrence		Tanner
Burton		

Motion agreed to.

Colonel Herrick moved—

“That the report be printed.”

Mr. Smith seconded the motion.

On a division being called for the Council divided—

Ayes, 8.		Noes, 7.
Messrs. Lee		Messrs. Dolbel
Smith		Bennett
Johnston		Kinross
Herrick		Canning
Russell		Ormond
Burton		Tanner
Harding		Lyndon
Lawrence		

Agreed to.

Capt. Russell moved—

“That the Meanee and Taradale petition be considered by a Committee of the whole Council.”

This was agreed to.

Captain Russell moved—

“The adoption of report of Select Committee appointed to enquire into the extent of Educational endowments.”

Mr. Stuart seconded the motion.

Agreed to.

Mr. Tanner's motion for the adoption of report of Select Committee on the Hospital was withdrawn.

Council adjourned until 7½ o'clock.

Council met pursuant to adjournment.

“The Credit Act,” “Appropriation Act,” “Education Reserves Act, 1875,” “Waterworks Act, 1875,” “Sheep Act Amendment Act, 1875,” and “Hospital Endowment Act, 1875,” were put and passed.

His Honor the Superintendent then, in a few words, prorogued the Council.





# Council Paper.

1875.

## REPORT OF INSPECTOR OF SCHOOLS.

Napier, June 1st, 1875.

SIR,—I have the honour to submit the Report of the Schools of the Province, both Public and Denominational, receiving Government aid, for the year ending May 31, 1875.

### *Number of Schools and Teachers.*

The total number of Schools at present in active operation is 25: viz. 8 Boys', 8 Girls', and 19 Mixed. Of these, 6 are in the Town, (viz. 2 Boys', 2 Girls', and 2 Mixed,) and 19 in the Country (viz. 1 Boys', 1 Girls', and 17 Mixed).

Three new Schools have been opened during the year; two in the Country and one in the Town. Those in the Country are, one, Denominational (Church of England), at Taradale; and one at West Ruataniwha: the one in the Town is also Denominational (United Methodist). The small new Public School at West Ruataniwha ("Te Ongaonga") has been established as a "half-time School,"—being the first of its kind here, and I hope to see many more of them ere long begun among the scattered settlers in the outlying Districts.

The School at Danneverk, which had been closed for more than a year through want of a Teacher, has been re-opened.

Two Teachers have recently resigned their situations; one, the Master of Norsewood School, whose place has been lately supplied; and one the Master of Kaikoura School, whose term ends with this present June quarter.

Those 25 Schools are conducted by 24 paid Teachers, viz. 14 Male and 10 Female; who are, however, in some of the larger Schools, assisted by others both Male and Female.

### *New Schools.*

In addition to the above number 25, a new School-house was erected during the summer at Hastings, for which the trustees are seeking an efficient Teacher; and another is now building at Patangata, which will soon, I hope, be completed and occupied.

### *School-houses and Teachers' residences.*

The School-houses are generally in good condition, but most of them are getting too small for the scholars; indeed, in a few even of the larger ones (both Public and Denominational) the scholars have nothing like room enough to write, or to do any exercise creditably. During the year the large new School-house with Master's residence for the Napier Boys' Trust School has been finished; also the extensive additions to the Napier Girls' Trust School, with the residence for the Mistress attached have been erected; and the School-house at Te Wairoa has also been very considerably enlarged. The School-houses at Norsewood and at Danneverk have been made much more suitable, together with the addition (long wanted) of a chimney to each. Masters' residences are also being built at Waipawa, Waipukurau, and Hastings. There still, however, remains much to be done, in the way of repairs, or lining, or small additions, to some of the Schools and Teachers' residences, in order to make them decent and comfortable (as I pointed out last year); which, as I take it, but for the dilatoriness of the trustees, or committees, should have been long ago executed.

### *School Attendance and State of the Scholars.*

Tables—showing the total number of scholars on the books, their attendance at the different Schools and an abstract of their ages; together with a condensed tabular view of the branches of education taught, and the number of scholars

of both sexes learning such branches,—will be given with this report. The total number of scholars on the books, is, boys, 641, girls, 446, total, 1087; the total average attendance is 886; being 106 in excess of the average number of last year. I think I should not omit to mention, that several private Schools in town and country have also been opened during the year.

*Reading.*

Generally the standard is much better than it was last year; this is particularly seen in the larger Schools,—and in some, too, of the smaller Schools where the scholars are elder and attend regularly.

*Writing.*

A large per centage of the scholars can write, and that quickly; but the writing taken as a whole is not so good as it should be. Most of the older scholars and best writers having left School to enter into busy life. Still, this fault is, in too many instances, partly owing to the scholars being so greatly cramped for room, that it is impossible for the best of writers so situated to write well;—partly, also, owing to the writing-desks (where fixed) not being fixed at a proper angle; or, to the unfixed desks being loose and rickety; and this latter evil (and *plague* to the poor scholars!) arises from the uses which are commonly made of the School-houses in the country for religious services on the Sunday, as well as for all public meetings,—on which occasions the loose desks are commonly taken outside for two nights and a day in sun or in rain! Indeed, in a few Schools, desks, which were formerly fixed and served pretty well, have been wrenched off and made to do duty in this wretched loose and rickety way, in order that there might be more room for those secondary purposes! This is a growing evil which I should like to see lessened, if not immediately put a stop to. Writing from dictation is now more commonly practised in all the Schools than it was formerly,—in a few of them very successfully; and English Composition in short essays on simple subjects and in letters have also been fairly initiated in several Schools.

*Arithmetic.*

This branch of learning is mostly well followed. In nearly all of the Schools—(all, except those few where the children are very small, or new at School)—there is much to please under this head; the scholars of both sexes generally being very assiduous at it,—“working with a will.” Several lads are far advanced in Fractions, Decimals, Square and Cube Root, Partnership, Double Rule of Three, &c. In some of the Schools Mental Arithmetic of a higher kind is performed in a quick and creditable manner. Unfortunately, however, both for the lads and their teachers,—just as they come to take a becoming pride and delight in their work, and are an ornament to the School, they have to leave to enter on other duties.

*Geography and the Use of the Maps.*

While the amount of real knowledge in this branch of learning is still less than I should like to see it, it is very much more (especially in the town and in the larger country Schools) than it was last year, particularly in New Zealand Geography,—and will, I have no doubt, still increase. It is both pleasing and surprising to see how readily even the *smaller* children take to the Maps, and the progress they also make, where they are regularly and lovingly taught,—as (for instance) at Te Waipukurau School. Nearly all the Schools are now well supplied with Wall Maps, and with New Zealand Geographies.

*Grammar.*

Last year I wrote,—“Excepting in the town Schools, and a *few* of the country ones but little is yet known (or comprehended) of this branch of learning; a commencement has, however, been made in nearly all; which, it is hoped, will lead on to good results.” And this, I am pleased to find, is now the case in most of the Schools; some of their scholars having a fair and ready discriminating knowledge of this valuable branch of learning. And where it is not so, I fear much has to be placed to the account of the Teacher, who either does not clearly understand it himself, or attempts to teach it in a crabbed heartless kind of way.

*History,*

Both British and General have been advantageously taken up in some of the larger Schools, and I hope to see it more extensively studied.

*Other Studies.*

Under this head I must not fail to notice approvingly,—Geometry classes at the two Boys' Schools in Napier; in which Schools there are also classes for Book-keeping, Drawing, and Mapping. Latin and Algebra are also taught at the Napier Boys' Trust School; and elementary Book-keeping and Mapping have been begun at Te Waipukurau School. English Composition, in short essays on simple subjects, and in letters, has also been commenced in some of the Schools. Singing, is also taught in a few of them.

*Order, Attention, Prompt Obedience, Quiet, Cleanliness.*

Here I must just report in the same words I did last year:—"These great and powerful efficient in true education are pleasingly found in several of the Schools, and that to a greater degree than would be supposed, considering the "rough and ready" manners of some of the children. A few, however, of the Schools have still a little to learn under this head: that the children in them are so much behind those of the other Schools in this respect is, in a great measure, the fault of their Teachers."

*Religious Instruction.*

As this is mentioned in the Hawke's Bay Education Act I notice it here. According to the monthly reports of the Schools sent in to me, such is given in a few only of the Schools (see Table, B.), and there only partly, (viz., in 4 of the Mixed Schools in the country,—and in the Mixed School at the Port; and also in the 3 Denominational Schools at Meanee and at Taradale, and in the United Methodist School in the town,) "either before or after school hours." Of course what that "Religious Instruction" is I do not know. (I have no need to repeat here what I particularly said under this head in my report for 1873.) A few other of the country Schools are either opened or closed with simple singing and prayer. In order, however, the better to get the letter and the meaning of the Hawke's Bay Education Act respecting "Religious Instruction" in Schools strictly carried out, I have had that part of the XVI. clause of the said Act, which refers thereto, printed on the monthly report forms for the Teachers' information; besides which every Teacher has received a copy of the Education Act.

*Sewing, &c.*

In all the Schools conducted by female Teachers (10), and in four of the country Schools under the charge of male Teachers, whose wives or daughters assist them in this important item of learning, the girls are taught the useful art of Sewing in all its branches; and, where the instruction so given is done heartily and regularly, it is a very pleasing sight to see those little ones so employed after the severer lessons of the day are over. Here the little girls really enjoy themselves. Crochet, and other ornamental thread work, and knitting is also taught, though more rarely; while at St. Joseph's Roman Catholic School in Napier, most elegant and useful specimens of ornamental coloured wool work, in addition to the foregoing, are charmingly executed by the scholars.

*Number of Schools Inspected, and the number of times.*

This year I have examined all the Schools with the sole exception of the School at Te Wairoa [see on, under that particular School], and the two newly-opened Denominational Schools; these, however, will be soon visited by me. Several of the Schools (including those which are the farthest off) have been inspected by me *twice* each during the year; and I should have examined all of them twice, but for the long and repeated sicknesses which have visited them (and us) generally, insomuch that, in not a few Schools, both Teachers and scholars have been seriously ill, and the Schools also closed. Other (slighter) causes have also hindered me, which I may just mention,—severe rheumatism, always increased by long or hard travelling,—a fall from my horse while visiting the Schools,—the long closing of the bar at the Wairoa River in the summer,—and the late continuous wet weather in May. On each examination I have given a whole day to each School, and to the larger Schools in town and country *two* days to each of them. The number of days wholly occupied in travelling and inspecting of Schools during this year, is 66; some of which, in the country, have been necessarily extra long,—from starlight in the morning till starlight, and later, at night.

*Usual Plan of Inspection.*

Generally I have come upon the School when wholly unexpected; (although I am not quite sure that this is altogether the better way,—it has its great

drawbacks;) on a very few occasions only have I informed the Teacher of the probable time of my visit,—never of the exact day. I have invariably taken each class and tested their various acquirements, sometimes alone, sometimes with the Teacher,—noting the progress and answers of the Scholars. On all occasions the Scholars have been individually patiently and fairly examined in the various branches taught in accordance with the Education Act;—and not unfrequently aided, or taught by myself while in the School, particularly in the smaller Schools.

*Special Detailed Reports on the different Schools.*

I have also added to this General Report a short Special Report on each School. I have not, however, done this without some hesitation; and (as far as any remarks of mine may apply, or be construed to apply, to any Teacher,) only by strictly endeavouring to *do justice to every one without partiality*. For I cannot but consider it justly due to the hard-working persevering Teacher interested in the advancement of his pupils, and often toiling on from day to day in seclusion,—unheeded, unnoticed, and, too often, unthanked!—that such praiseworthy conduct should be known. And as our Schools, I regret to say, are generally deficient in *trained* Teachers, (in not a few instances owing to the small number of their Scholars and the consequent limited pay,) I have exerted myself, both to bear with and to support every truly honest Teacher who *is striving to do his duty* to the children under his care to the utmost of his ability. Remarks also on the condition of the School buildings,—and on the general wants of the various Schools,—are severally made under this head.

*School and Country Libraries.*

Up to the present time only two of the Country Schools have made a subscription among their Scholars their parents and friends towards the formation of School Libraries,—viz. Tamumu, and Te Wairoa; these two have acted well in this matter, and they have already been aided by the Government. Other Schools are talking about doing something, and will, I hope, ere long shew signs of vitality. The liberal Vote for Country Libraries, so generously and thoughtfully made by the Provincial Council last year, will, I have every reason to believe, be found very useful and will be duly appreciated.

*School Prizes.*

Also, the Vote for “Prizes for deserving Pupils”;—which already has proved of service, although but few prizes have yet been awarded; many more however will be before the next Christmas vacation. In a few places in the Country some efforts are made to obtain a few Prizes for the scholars; and at Waipukurau in particular, (where Education seems to be more justly appreciated than in some other places,) during my last visit and examination, over £8 was collected (in part aided by a Lecture given) for that purpose. I intend offering to all the Schools additional *Money Prizes*, to be competed for by the Scholars during the coming half year:—1. For an *Essay on Kindness to Animals*, 5 prizes, from £1 to 5s.,—and 2. For *little Natural Collections*, 5 prizes, from £1 to 5s.,—full particulars of which will shortly be printed and circulated among all the Schools.

*Conclusion.*

It will be seen from the Tables, that an increase to nearly all the Schools has been made during the year; notwithstanding several of the elder Scholars—both male and female,—who were at many, if not all, of the Schools at the commencement of the year, have left School to enter on active life.

In nearly all the Schools there is much greater activity and diligence exhibited among the Scholars in applying themselves to learning than there was formerly; and where such is not the case it is mainly the fault of the Parents, or Teacher, or both. Indeed, my conviction is, (as I stated two years ago in my Report,)—“that the Scholars are on the whole far in advance of a similar number of children in the Old Country (taken promiscuously) in capacity and in desire of learning.”

No doubt the time will arrive when every Provincial Public School will not only have its *trained* Teacher, but when all the Teachers will act upon one improved system of teaching. But, while I repeat this, I must be clearly understood to mean, that a *trained* Teacher, as such, is only the more valuable to his School and to the Province, when he has also the especial *natural* qualifications of a Teacher, in him,—which no *mere* training can possibly

impart; otherwise the untrained though educated man, possessing the aptness the mind and the heart which enables him to love his work in its entirety and which peculiarly fits him for the office of teaching, will prove the better qualified and most useful man: such-an-one will be sure to gain the hearts of his pupils, and the corresponding advantages will be great and solid, and, though not so showy, will be seen.

I have the honour to be, Sir,  
Your most obedient Servant,

WILLIAM COLENZO,  
Inspector of Schools.

To His Honor the Superintendent of Hawke's Bay.

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## DETAILED REPORTS OF SCHOOLS IN THE PROVINCE OF HAWKE'S BAY, FOR THE YEAR ENDING MAY 31, 1875.

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### I. TOWN SCHOOLS.

#### 1. *Napier Boys' Trust School.*

ON Roll: Boys, 133; average attendance, 111. *Inspected*, December 16, 17 1874; present, each day, 100.

During the past year this School was removed from the old Store in Clive Square, where it had been so long sojourning, to the new and commodious School-house erected in Coote Road. From its commencement under the present able Master it has steadily progressed in number, and the Scholars generally have made good improvement. There is a pleasing heartiness and diligence in them, and many of them are good Readers and have a decent knowledge of English Grammar, and are far advanced in the higher rules of School Arithmetic, at which they are both quick and correct. A few are occupied with Algebra and Geometry (see Table B.); the Master has also a Latin class. In good writing, however, they were not generally proficient at my visit in the summer. The Master has two Assistant Masters; one of them being an experienced Teacher from England. Unfortunately this School has suffered rather severely during the long continued sickness,—and that not only in several of the Scholars being seriously ill, but the two Assistant Masters also. This is a flourishing and highly useful School; and (as I said in my last year's Report,) "we have good reasons for expecting much from it." I had the pleasure of awarding a few Government prizes to the head pupils of this School at the last Christmas Examination; and I have good reason to hope a still larger number of them may obtain some Government prizes at the next.

#### 2. *Napier Girls' Trust School.*

On Roll: Boys, 18; Girls, 49; total, 67; average attendance, 56. *Inspected*, December 7, 1874; present, 47.

This useful School has fallen off in the number of its Scholars, during the past 6 months; having had nearly 100 on the Roll at the beginning of the year, with a corresponding average attendance. This is partly owing to the general sickness, but mainly to the new United Methodist School on the opposite side of the way which has been recently built and opened, and is, of course, preferred by members of that Denomination. The Scholars here have now the great advantage of plenty of room in their new and substantial School-rooms; although they are not yet completed. The whole building including the Mistress' residence attached, is quite an ornament to the locality. In this School are several good Readers, and fair writers; and the children generally are advancing in learning all the various branches taught therein.—as a reference to Table B. will clearly show. Their attendance, however, in general, is not so regular as it should be, and this tends greatly to keep them back. The experienced and able Mistress, who is very active and useful, has two assistants. This is a highly interesting School.

#### 3. *St. Mary's R.C. Boys' School.*

On Roll: Boys, 110; average attendance, 101. *Inspected*, December 8, 9, 1874; present, 117.

This School continues in a general flourishing state, although, from its large number, an experienced Assistant Teacher is much required. It is got too

large now to be wholly looked after by any one man,—not even by its present able and energetic Master! notwithstanding the great help he receives in the School from his many vigilant Monitors. I am told that an Assistant Master is expected from England, and I am pleased to hear it. This School is, also, a most interesting and promising one. Order prevails within it; indeed, in this respect it is at the head of all our Boy or Mixed Schools. The Scholars are sharp and active, and several of the upper half are well advanced in all the higher branches taught in the School; a few are also learning Geometry and Drawing. (See Table B.) But the Scholars are too much crowded to do anything properly; how they get on so well as they do is quite a marvel. In common with most of the Schools this has suffered from the general sickness, the Master also having been for some time seriously ill. At the last Christmas vacation I had the great pleasure of awarding a few Government prizes to the head pupils of this School,—and I hope a still larger number of them will also obtain some Government prizes at the next Christmas Examination.

#### 4. *St. Joseph's R.C. Girls' School.*

On Roll: Girls, 80; average attendance, 53. *Inspected*, December 10, 1874; present, 62.

Of this School the same may be said as of the former one,—that it is in a general flourishing state, owing to its assiduous and kind Teachers. Many of the Scholars are clever and attentive in Reading, Writing, and Arithmetic, also in Grammar, Geography, and the use of the Maps. Here good Order and Discipline (so essential to the real prosperity of any School) prevail. The girls seem greatly attached to their affectionate Teachers, by whom also the Monitorial system is advantageously used. Besides the ordinary branches of plain and useful Sewing, and Knitting, much elegant and ornamental needlework in great variety is executed here,—a delightful book of description might be written about it. This is a very pleasing and useful School. Unfortunately it is still much less than usual in average attendance, owing to the long prevailing sickness.

#### 5. *Port School, Mixed.*

On Roll: Boys, 11; Girls, 18; total, 29; average attendance, 24. *Inspected*, Nov. 30, 1874; present, 19.

During the Summer the Mistress of this School was twice seriously ill, so that the School was for some time, and on two occasions, closed. It is now, however, in active operation, and is again steadily increasing in number, and progressing in learning;—the children being mostly very young. The Teacher is diligent and attentive; and the little ones are making satisfactory progress.

#### 6. *Emerson-street U.M. Mixed School.*

On Roll: Boys, 22; Girls, 28; total, 50; average attendance, 32.

This Denominational School was opened in January last in the capacious new School-room built by the United Methodist body, adjoining their place of worship in Emerson-street. Most of the children attending this School were formerly in our other Schools in this town. They are nearly all small, and seem to be progressing fairly under their new Teacher,—although, like all the rest, hindered greatly by the long prevailing Sickness. A reference to Table B. will show their position in the School as reported by her. I have not yet *Inspected* this new School (separately), but hope to do so shortly.

## II. COUNTRY SCHOOLS.

#### 7. *Meanee Township Mixed School.*

On Roll: Boys, 12; Girls, 20; total, 32; average attendance, 23. *Inspected*, December 2, 1874; present, 25.

This School is composed of very young children, two-thirds of whom are girls. The general sickness has hindered their attendance and progress,—still they are advancing in learning; a few of them pleasingly so. During the past year the old School-house, with Teacher's residence (which stood close to the Presbyterian Church at central Meanee), was removed hither and re-erected,—which is advantageous for both Mistress and Scholars; but the School-room sadly wants lining, also a chimney.

#### 8. *Central Meanee, St. Mary's R.C. Boys' School.*

#### 9. *Central Meanee, St. Mary's R.C. Girls' School.*

On Roll: Boys, 50; Girls, 26; total, 76; average attendance, 46. *Inspected*, Sept. 28, 1874; present, Boys, 39; Girls, 17; total, 56.

These are two good useful Schools, in which the sexes are kept distinct and taught in separate rooms, although both Schools are under one roof. The

wife of the experienced teacher (Mr. Huntley) has now the charge of the Girls' School. In some respects these Schools have been rather unfortunate in having had a large share of the general prevailing disorders, measles, &c., extending over a considerable time, insomuch that they were closed for a season in March. I was pleased with what I saw of the proficiency and improvement of many of the pupils when there last year,—only they were very much too cramped for room to do anything really well. As the building has only recently been erected, this is another apt instance of how quickly a School increases! The Master of this School has (among other choice things accessible to his pupils,) a superior compound Microscope which is always available to the scholars, and is often used by them; one of its consequences was, that at the Christmas vacation he had to give Pocket lenses to some as prizes instead of Books!

10. (A.) *Taradale Mixed School.*

*Inspected, December 4, 1874; present, 14.*

This was the former (Public) School at this place, mentioned by me in my Report of last year. On my visit of Inspection in the summer I found but a small number of Scholars, who were sadly deficient in general school knowledge,—evidently through great neglect on the part of the Teacher, or irregular attendance, or both. The School-room also was nearly destitute of all needful requisites. The Teacher resigned in December, in consequence of what I had said to him: and as the Denominational School-house in the township was then building, this former School has since ceased, being (*pro tem*) merged into this latter.

(B.) *Taradale Ch. of England Mixed School.*

On Roll: Boys, 33; Girls, 17; total, 50: average attendance, 40.

This, as a Denominational School, is entirely new; it supersedes the former one (A. *supra*), which was held temporarily in a very small rented cottage. (A Public School-house would have been long ago built at Taradale, but for the unfortunate disagreement which continually arose there about the Schools; and I still believe that such would have been vastly more suitable for the place.) Many of the Scholars at this present Denominational School were formerly at the Public Schools in this township and neighborhood, where I have seen them. This School was first opened in February last, and its present experienced Teacher took charge of it in March (only three months ago). I have not yet visited it, but hope to do so soon. I understand that there will be no mid-winter holidays at this School this year, there having been so much sickness among the children and so much time lost. The Tables will shew the ages and position of the Scholars in the School, as returned to me by the Teacher.

11. *Puketapu Mixed School.*

On Roll: Boys, 14; Girls, 10; total 24; average attendance, 19.  
*Inspected, December 14, 1874; present, 25.*

The number of Scholars at this School is less than that of last year. This, however, is mainly owing to the comparatively small number of children in this secluded locality; some of the bigger ones, too, who were formerly at School, having ceased to attend. This is a very quiet and orderly School, in which but small progress is made,—or, at least, is seen. A few of the elder Scholars, however, are advancing in Arithmetic, and the smaller ones in Reading and Writing. But here, as in other places, Boys of a certain age, in order to get on, should be placed at a Boys' School proper,—or, under an able Master. There are 6 Boys at this School, between the ages of 10 and 16, most of whom should be at a higher School. In saying this I should also add, that I am persuaded the present Mistress, who is very attentive, does her best for the Scholars. Their attendance, too, is not good, they come both late and irregularly.

12. *West Clive Mixed School.*

On Roll: Boys, 12; Girls, 25; total 37; average attendance, 25.  
*Inspected, December 1, 1874; present, 24.*

The children at this School are mostly very young, three-fourths of them being under ten years of age, and two-thirds of them Girls,—so that their progress is but slow,—still they are advancing a little in the various branches of learning taught in this School. The Master is regular and attentive to his duties; and his wife has her Sewing classes in the afternoon for both plain and ornamental work.

13. *East Clive Mixed School.*

On Roll: Boys, 22; Girls, 18; total, 40; average attendance, 29. *Inspected*, Dec. 21, 1874; present, 44; May 17, 1875; present 33.

There has been much sickness among the Scholars of this School during the Summer; several also, who were at it, have left the neighbourhood; still it is very fairly attended, and is pleasingly progressing, especially in Reading and Arithmetic. Good Order is kept in this School; and a pleasing diligence in their work is apparent among all the Scholars, who are mostly small. The Master is able, active, and attentive to his duties; notwithstanding a very severe accident he unfortunately met with during the past year, while engaged in the School, from which he is but slowly recovering.

14. *Havelock Mixed School.*

On Roll: Boys, 28; Girls, 6; total 34; average attendance, 26. *Inspected*, November 26, 27, 1874; present, 25.

The number of Scholars now attending this School is considerably less than it was some time back. This is owing,—to some of the bigger ones having left school—to some others having left the neighborhood,—and to a private Girls' School having been opened there (which also takes in small Boys). It is, however, one of our satisfactory Country Schools, which it is always a pleasure to visit; as no branch of learning taught in this School is ever allowed by its able and zealous Master to be superficially passed over. The Girls, especially the bigger ones who were formerly here, were among the best and foremost of the female Scholars in all our Schools, particularly in Writing and in Arithmetic. There is a pleasing healthy tone pertaining to this School; the Scholars are diligent and make good progress, and seem to understand well what they are taught, and what they do.

15. *Kaihoura Mixed School.*

On Roll: Boys, 8; Girls, 5; total, 13; average attendance, 10. *Inspected*, November 25, 1874; present, 12.

There is a very sad falling off in the number of Scholars of this School during the past year; mainly owing to the unhappy differences among the people of the village, and the dislike of many of them to the Master of the School,—through which the large majority of the children have suffered considerably in being wholly deprived of Scholastic education for a long time, having been taken away from the School. However, it is to be hoped that a better state of things will shortly take place there,—the Master having resigned his situation. There should be a good School here; the children are numerous and dwelling near,—and the locality is healthy and quiet. When I last *Inspected* this School, I saw several signs of improvement, though small, among the little Scholars, few though they were.

16. *Waipawa (or Abbotsford) Mixed School.*

On Roll: Boys, 40; Girls, 11; total, 51; average attendance, 40. *Inspected*, Nov. 23, 1874; present 38.

This is a steadily advancing School, and many of its Scholars are making fair progress;—the lower half (of mostly small children) in Reading, and the upper half in Arithmetic, Geography, &c. Several, however, of the bigger first-class Scholars, who were very well advanced, have left School. The Master is able and diligent, and regular and attentive to his duties. I am happy in being able to report, that a residence for him is now being built.

17. *Te Waipukurau Mixed School.*

On Roll: Boys, 27; Girls, 20; total, 47; average attendance, 37. *Inspected*, Nov. 16, 18, 1874; present, 51; April 14, 21, 1875; present, 46.

This is another flourishing School, to *Inspect* which is a real pleasure; there being better discipline and more order, attention, and tidiness, in it, than in many. It is also steadily progressing in number, (although several of its bigger Scholars—once its pride!—have left it during the past year to enter on other pursuits,)—and the Scholars generally are all making very fair progress in the various branches taught. The Master's wife has large Sewing-classes in the afternoons. I think the children of this quiet township have many advantages beyond those of others. The School-house is a very good one, and has been recently re-lined. The Master's residence, so long talked-of, with money granted for its building by the Government, has not yet been begun; it is much wanted, and ought to have been completed long ago.



18. *Tumumu Mixed School.*

On Roll: Boys, 7; Girls, 7; total 14; average attendance, 11. *Inspected*, November 17, 1874; present, 13.

It is also a pleasure to visit this very secluded School, to note its good order and discipline, and the general improvement of the Scholars. Unfortunately they are few in number,—less, indeed, than they were last year, owing to the bigger ones (and they were fine lads!) leaving School for the severer duties of active life. Much good has been effected in a short time in this isolated school,—mainly owing to both Master and Scholars working together “with a will”! A remarkable instance of this,—worthy of being recorded,—I found on my last visit here; a girl, who had never been at any School before, and who did not even know her letters when she came to this, had, in less than 7 weeks, learned both to read and to write tolerably well, and also to do easily simple sums in addition: I proved her myself in all three. Her first Copy book (not yet quite finished) was really unique, beginning with strokes and “pot hooks,” and ending with a fair running hand! This School is also praiseworthy kept open for 6 hours daily, and for half-a-day on Saturdays.

19. *Porangahau Mixed School.*

On Roll: Boys, 11; Girls, 13; total, 24; average attendance, 18. *Inspected*, April 16, 17, 1875; present, 23.

It is pleasing to see the general improvement in the children attending this School;—which is the more striking when the great drawbacks they have to contend with are also considered. During the whole winter the School was as good as closed, owing to the state of the Country around being such (so much under water!) that the children could not come to School; many of them having several miles to walk daily to and from School. I spent two days in this little school in April, and was much gratified with their general advancement in learning,—including the elementary part of Grammar, which I had scarcely expected. The School-house is altogether too small; and the portion of the building set apart for the Teacher's residence is smaller still, and wants repair's, (lining &c.,) and should be immediately attended to.

20. *Norsewood Mixed (Scandinavian) School.*

On Roll: Boys, 22; Girls, 23; total, 45; average attendance, 29. *Inspected*, Nov. 20, 1874; present, 36; April 23, 1875; present, 18.

I was pleased to find a general small advancement among the scholars of this school; still it was not so marked as I considered it ought to be. They, however, have their hindrances, and they have been great. The main one is, of course, that they do not use English at all when out of school,—in play, and at home, they all use only their own mother-tongue—Danish or Swedish. I scarcely see, as things are, how they are ever to learn to speak English both idiomatically and well, read it, they can; understand it, they do, a little; but when they get out into life (service, &c., among the English Settlers,) then their school learning will prove to be of great use and benefit. Their late teacher rather unexpectedly resigned his situation in April, and left the school (without a teacher) in May; but another Teacher has been appointed, who, being a female, and *not* speaking the Scandinavian language, will, I have little doubt, get those children on quicker. The School-house, which sadly wanted repair, has been repaired, and a chimney also built during the year; the Teacher's rooms have also been made much more suitable.

21. *Danneverke Mixed (Scandinavian) School.*

On Roll: Boys, 13; Girls, 13; total, 26; average attendance, 20; *Inspected*, April 22, 1875; present, 24.

This School, which had long been closed through want of a suitable Teacher, was re-opened in February in this year, and when I visited it in April, I was gratified in finding such a nice little party of children, endeavoring heartily to acquire the rudiments of English School learning, and who, in so short a time, had already made some progress. I feel sure that under their present active and able mistress they will get on rapidly, and soon shew the fruits of her teaching. The School-house here has also been repaired, and a chimney built (both much needed), but the Teacher's residence is still the same, and is utterly unfit for the purpose,—being but a very small single room, or box.

22. *Hampden Mixed School.*

On Roll: Boys, 9; Girls, 14; total, 23; average attendance, 15. *Inspected*, Nov. 24, 1874; present, 20; April 23, 1875; present, 19.

The children at this secluded school advance but slowly. It may be that irregular, or late attendance has something to do with it. The Teacher seems both willing and conscientious, and is attentive, but, I think, lacks system; this, I hope will in future be improved. Still some progress is being made, but not so quickly as it ought. Most of the children are very young, and several have some distance to travel daily to and from School. I regret to say, that the repairs and small additions to the Master's residence have not yet been done.

23. *West Ruatanivha (or, Te Ongaonga) Mixed School.*

On Roll; Boys, 5; Girls, 7; total, 12; average attendance, 11. *Visited and partially Examined, April 28, 1875.*

This is an entirely new School, which was established during the summer by the settlers living in that locality for the benefit of their children. It is situated pretty high up among the forests on the outer E. slopes of the Ruahine range, far away from civilization, and about 6 miles W. from Te Ongaonga. The School-house is pretty central for the little Scholars, who have, however, some distance to go to it,—a kind of “steeple-chase” on foot, over fences and through fern and bush,—no roads. The settlers chose their own Teacher, who had long been residing among them, and have agreed with him for 3 hours a day, from 10 to 1. And I have since arranged with him as a “half-time” Teacher. The little School has steadily progressed, in number and in learning, since it was opened; some of the little ones being able to read and to write. I shall not soon forget the day of my first visit! as, in riding thither, I had been thrown severely, my horse falling with me and treading on me, so that I got there in much misery, and late, after the School had been dismissed, and, consequently, only saw some of the Scholars who could be got together; besides I was in so much pain that I could scarcely do anything,—and still had many miles of rough riding (to Hampden) before that I could reach an accommodation house.

24. *Petane Mixed School.*

On Roll: Boys, 0; Girls, 5; total, 5; average attendance, 5. *Inspected, December 22, 1874; present, 11.*

This is another quiet and secluded School; and the few children at it make steady and pleasing progress in Reading, Writing, and Arithmetic. Unfortunately it has decreased very much of late, through there being but few children in the neighbourhood, and with little early likelihood of an increase. It has a nice School-house, which was only last year repaired,—the inhabitants of the valley contributing their fair quota;—it is kept very clean and tidy, and it seems a pity to abandon it.

25. *Te Wairoa Mixed School.*

On Roll: Boys, 35; Girls, 31; total, 66; average attendance, 54.

This School has also been unfortunate during the past year in the matter of health;—notwithstanding it has increased and is progressing. In the early summer, when about to visit it, I was informed by the Mistress, that “some of the Scholars had the measles, and that several others of them were consequently kept at home through fear of infection, so that the attendance was but small”; subsequently the bar of the river was closed, and I waited in hopes of its speedily opening, which it did not; then I heard from the Mistress that her own health was failing, and that she was going to try a voyage and visit to Napier for a short time in hopes of renovation; and, lastly, on my return from inland S. visiting early in May, intending to go forthwith to Te Wairoa, I accidentally heard from Mr. Burton (M.P.C. for that place, who had just arrived,) that the Mistress herself was ill and confined to her bed, and the School closed! (Since confirmed in a letter from her, on her recovery, stating, further, that it had been closed for a time under an order from Dr. Ormond, R.M., owing to the general sickness, but that it was again open.) I purpose, however, going thither shortly. From what I personally know of the active and able Mistress, (who is also so well known to the residents there,) and from her carefully prepared Monthly Returns, I have no doubt but that her School is doing well. Indeed a reference to Table B. will fully show this; as from it may be learnt the exact position of all her Scholars.

WILLIAM COLENZO,  
Inspector of Schools.

TABLE A.

Total and average attendance at Schools, and ages and sexes of Scholars.

SCHOOLS.	Under 5 Years.		From 5 to 10.		From 10 to 12.		From 12 to 16.		16 and upwards.		Total on Books, May, 1875.		Average attendance, May, 1875.		Total on Books, May, 1874.		Average attendance, May, 1874.			
	B	G.	B.	G.	B.	G.	B.	G.	B.	G.	B.	G.	B.	G.	B.	G.	B.	G.		
	T. M.		T. M.		T. M.		T. M.		T. M.		T. M.		T. M.		T. M.		T. M.			
Town: Napier Boys' Trust	1	..	81	..	35	..	16	..	..	..	133	..	111	..	90	..	70	..		
Napier Girls' Trust	..	..	12	..	39	..	10	..	..	..	18	..	36	..	12	..	83	..		
St. Mary's R.C. Boys'	..	..	47	..	47	..	15	..	1	..	110	..	101	..	71	..	94	..		
St. Mary's R.C. Girls'	..	..	30	..	35	..	12	..	..	..	80	..	53	..	82	..	57	..		
St. Joseph's R.C. Girls'	..	..	11	..	18	..	24	..	..	..	11	..	23	..	18	..	10	..		
Fort ..	..	..	11	..	22	..	..	..	..	..	23	..	20	..	..	..	..	..		
Ernson-street U.M.	..	..	11	..	19	..	1	..	..	..	50	..	23	..	13	..	..	..		
Country: Meance R.C. Boys'	..	..	27	..	9	..	14	..	..	..	50	..	46	..	85	..	21	..		
Meance R.C. Girls'	..	..	13	..	9	..	3	..	..	..	17	..	26	..	26	..	17	..		
Paradale, R.C. Girls'	..	..	26	..	4	..	2	..	..	..	33	..	10	..	16	..	13	..		
Puketapu	..	..	8	..	7	..	3	..	..	..	13	..	10	..	13	..	28	..		
West Clive	..	..	1	..	19	..	4	..	1	..	12	..	25	..	9	..	19	..		
East Clive	..	..	17	..	14	..	4	..	1	..	32	..	29	..	20	..	39	..		
Laycock	..	..	16	..	3	..	1	..	..	..	25	..	18	..	25	..	38	..		
Kaikoura	..	..	1	..	1	..	2	..	..	..	6	..	12	..	11	..	14	..		
Waipawa	..	..	24	..	8	..	8	..	..	..	40	..	39	..	39	..	46	..		
Te Waipukurau	..	..	20	..	12	..	4	..	..	..	27	..	27	..	32	..	41	..		
Porangahau	..	..	9	..	5	..	3	..	2	..	1	..	17	..	8	..	10	..		
Tanunu	..	..	4	..	2	..	1	..	..	..	7	..	10	..	7	..	17	..		
Norsewood	..	..	19	..	17	..	6	..	2	..	22	..	23	..	26	..	46	..		
Daneverk	..	..	8	..	8	..	5	..	..	..	18	..	13	..	24	..	28	..		
Hampden	..	..	6	..	10	..	1	..	..	..	9	..	11	..	11	..	14	..		
West Ruataniwha	..	..	4	..	7	..	..	..	..	..	5	..	17	..	11	..	27	..		
Teale	..	..	4	..	3	..	..	..	..	..	5	..	5	..	4	..	8	..		
Te Wairoa	..	..	24	..	25	..	6	..	1	..	35	..	31	..	34	..	65	..		
Total ..	17	18	396	289	159	106	68	31	1	2	641	446	1087	..	836	533	438	971	..	730

WILLIAM COLENSO,  
Inspector of Schools.

\* New, or newly-opened, and so no Special Return in 1874.  
M.—Means sexes mixed: in all attendance numbers in Mixed Schools the sexes are not distinguished.  
N.B.—In a few instances the numbers of average attendance for "May 1875," are taken from the *March* Quarterly Register, and not from the *May* monthly one;—as many Scholars in May were absent from several of the Schools through sickness and through wet.  
No Capitation allowance is granted by the Government for children under the age of 5 years, or above 16 years.



# Council Paper.

1875.

## REPORT OF INSPECTOR OF POLICE.

Napier, June 9th, 1875.

SIR,—I have the honor to report for your information on the Police Department under my charge in this Province for the year ending June 30th, 1875.

First, I may say that, considering the late great increase of population in this Province, a corresponding increase of crime might reasonably be expected, but I am happy to say such has not been by any means the case. This, no doubt, has been owing to the full employment which all have obtained who were willing to work. It is a congratulation that in the Town of Napier drunkenness appears to be on the decrease; the various public houses, excepting in one or two instances, are most respectably conducted, and the accommodation provided for the public is everything that can be expected.

I regret to say that many of the country houses are not conducted in so orderly a manner as is desirable, and that travellers do not always receive that amount of attention, and do not find that provision is made for their comfort, which they have a right to expect—in fact, some of these houses appear to be nothing better than mere drinking dens; the attention of the landlords being chiefly directed to the sale of their liquors, and not to the comfort of travellers. If I find no improvement in this state of things I intend, during the ensuing quarter, to report upon certain of these houses to the Licensing Bench, with a view to getting their license taken from them.

The present numerical strength of the police force, as shewn by the enclosed return, is not sufficient for the due and efficient performance of the very considerably increased amount of duty which they have to perform, owing to the great increase of population of late; therefore, I beg that I may be allowed to take on one more man in the Town of Napier.

I have the honor to be, Sir,  
Your most obedient Servant,  
THOMAS SCULLY,  
Inspector of Police.

To His Honor the Superintendent of the  
Province of Hawke's Bay.

### PROVINCE OF HAWKE'S BAY.

Return shewing the strength of the Police Force for the year ending the 30th June, 1875.

STATION.	RANK.	MOUNTED.	FOOT.	TOTAL.	REMARKS.
Napier ... ..	Inspector	1	„	1	
Napier ... ..	Sergeant	„	1	1	
Napier ... ..	Constables	„	5	5	
70-Mile Bush ...	Constable	1	„	1	
Waipawa ... ..	Constables	2	„	2	
Havelock ... ..	Constable	1	„	1	
Taradale ... ..	Constable	1	„	1	
Wairoa ... ..	Constable	„	1	1	
		Tl. 6	7	13	One Sergeant reduced to Constable for misconduct at Waipawa Station, from 1st June.

## Required for the ensuing Year.

STATION.	RANK.	MOUNTED.	FOOT.	TOTAL.	REMARKS.
Napier ... ..	Inspector	1	"	1	
Napier ... ..	Sergeant	"	1	1	
Napier ... ..	Constables	"	6	6	
70-Mile Bush ...	Constable	1	"	1	
Waipawa ... ..	Corporal	1	"	1	
Waipawa ... ..	Constable	1	"	1	
Havelock ... ..	Constable	1	"	1	
Taradale ... ..	Constable	1	"	1	
Wairoa ... ..	Constable	1	"	1	
		<u>7</u>	<u>7</u>	<u>14</u>	

THOMAS SCULLY,  
Inspector of Police.

# Council Paper.

1875.

## PROVINCIAL SURGEON'S REPORT, 1875.

Napier, June 8, 1875.

SIR,—

I have the honor to furnish you herewith my annual Report of the Hospital Department of the Province, as follows :

	Males.	Females.	Total.
Remaining in Hospital, May 31, 1874	5	3	7
Admitted during the year, to May 31, 1875	114	41	155
Total			162

—This is an increase of 170 per cent. over last year, owing to the thickening of our population by immigration, the ships Clarence and Fritz Reuter furnishing the Institution with over forty cases alone. There were—

	Males.	Females.	Total.
Discharged during the year	97	38	135
Died	10	1	11
Remaining, May 31, 1875	12	4	16
Total			162

—The cases admitted from the ship Clarence were mostly those having reference to the Dietary in the latter part of the voyage. Three children died soon after arrival, from diarrhœa, and many others resisted remedial agents for a long time. Those from the Fritz Reuter were convalescent cases of fever of a low type—all of which recovered. The latter ship arrived at a time when our town and neighborhood was stricken with low or typhoid fever. Deaths were rife amongst us, and every day swelled the number of the attacked. The cases from the ship in no way added to or increased the malignity or virulence of the disease. The latter was prevailing everywhere in the Colonies. Sydney and Melbourne, where there is little or no immigration, shared a like, if not a worse, fate. It is true the Scandinavians and Germans which have been placed interstitially in our midst, from their want of personal cleanliness, and their peculiar habits, have been prone, when attacked, to present this disease in its worst aspect; but it is not the less true that persons and families in affluent circumstances, apart from filth, swamp exhalation, or from foreign contamination, have furnished cases of as serious a character—and I feel confident in stating that immigration has neither originated nor, to any appreciable extent, propagated any of the disastrous visitations with which we have been afflicted; but that these are inseparable from the free and unrestrained commixture which facilities of transit offer, and from the results of which no isolation or preventive seclusion is practicable. The cases which have been under treatment call for no remark, as they present no features either of novelty or general interest, and the deaths have been from natural causes.

I would call your Honor's attention to the necessity of providing increased accommodation for patients. The vast addition to our laboring classes by the influx of immigrants renders this imperative. The Hospital staff (by which I mean additional attendants, washerwomen, &c.) will have to be enlarged. It has only been by canvas tents, and by the absorption of an additional building pre-existing, that accommodation has been in any way afforded during the heavy visitation with which we have lately been afflicted.

I have the honor to be, Sir,  
Your most Obedient Servant,  
THOMAS HITCHINGS,  
Provincial Surgeon.

To His Honor the Superintendent,  
Napier.



# Council Paper.

1875.

## REPORT ON SURVEYS.

Survey Office,  
Napier, June 9, 1875.

SIR,—The surveys executed during the present financial year comprise—

1. 16,500 acres, by Messrs. Ellison, in the Ahuriri Block, on the late runs of Colonel Whitmore.
2. 4,600 acres by Mr. Hallett, into sections, in the Seventy-Mile Bush.
3. 6,500 acres, by Messrs. Ellison, into sections, on the run of Messrs. W. Couper and M'Dougall, in the Ahuriri Block.
4. 6,400 acres, by Messrs. Ross, on the Makaretu Reserve, Ruataniwha Bush. Applications on deferred payments.
5. 4,200 acres, by Mr. Hallett, on the Porangahau Blocks, Educational Reserves, and applications on runs.
6. 17,500 acres, in small blocks, at Tautane, Mohaka, Waikari, Moeangiangi, Puketitiri, and Kereru.
7. 7,000 acres, (now under progress), by Mr. Rochfort, on the late runs of Messrs. Price, Porangahau Block.

The surveys have kept fully pace with the applications, and the amount of work now standing over does not exceed, in the aggregate, 6,500 acres, principally on the Makaretu Reserve and at Moeangiangi. The number of acres surveyed is not large, but a considerable portion is bush land, laid out into sections from 40 acres to 80 acres, which entails probably four times the labour of surveys of open lands.

The office work has made considerable headway during the year. 427 Crown Grants have been drafted, and not more than about 290 remain now to do; but very little progress has been made in re-

plotting old maps, as the time of the draughtsmen is greatly taken up with giving information.

In other Provincial Survey Offices a charge is made for examining maps for other purposes than obtaining information about lands open for sale. For making tracings of purchased blocks, obtaining areas and descriptions of boundaries, and for examining field books, &c., fees are charged upon a fixed scale; and I beg leave to suggest that, in the interest of the public service, similar rules may be established here, as I feel satisfied that the draughtsmen then would have more time for their legitimate work.

With regard to the requirements for the coming year, I beg to submit that, with the view of cutting up a considerable portion of the Ahuaturanga and other blocks in the Seventy-Mile Bush, at least £2500 should be appropriated for field work. In addition to this sum, provision should be made for the survey of roads through native Crown Grant blocks.

The Act provides that the right of taking roads must be exercised within 10 years from date of the Crown Grant, and as many grants date from 1866 and 1867, no time should be lost in marking out the roads.

I estimate that a surveyor will be able in six summer months, to do the required work, at a cost of £600.

I have the honor to be,

Sir,

Your most obedient servant,

CHARLES WEBER,  
Provincial Engineer.

To His Honor the Superintendent,  
Napier.



# Council Paper.

1875.

## REPORT OF INSPECTOR OF SHEEP.

Sheep Inspector's Office,  
Napier, 18th May, 1875.

SIR,—I have the honor to furnish my annual report for the current year, and enclose for publication statement of Sheep Returns of 1st May, 1874, which show a total of 1,096,558 Sheep over six months old at that date, being an increase of 68,302 over the returns of May, 1873. The enclosed returns comprise 596,814 ewes, 486,942 wethers, and 12,802 rams, as against 584,371 ewes, 428,568, wethers, and 12,371 rams, in May, 1873. Whilst the increase thus shown is less than I anticipated, it can be accounted for in some measure by the increased provincial consumption, but chiefly owing to the fact that this province has supplied, and is still supplying, large drafts of sheep to stock new country taken up in Patea and the East Coast districts, in addition to continued shipments of fat stock for the Auckland market. Since the date of my last report no sheep have been introduced to this province overland, but the imports at Port Ahuriri, during the past twelve months, have been much the largest I have yet had to record, being 243 Merino rams, 2788 Merino ewes, 446 Long-wool rams, and 526 Longwool ewes, or a total of 4003, as against 769 for the corresponding period of 1873-74. With the exception of 1600 of the Merino ewes, these sheep were imported for stud purposes, many of them of a very high class, calculated to materially enhance the future value of our flocks. I have again much satisfaction in reporting the flocks in this Province free from scab. The double line of fence at the southern boundary of the province, together with the careful shepherding that locality receives from the boundary shepherd, discourages any apprehensions of stray sheep finding their way across, or scab being introduced at that point, other than by exceptional circumstances, such as settlers taking on shearers or station hands from scabby districts, a contingent which I regret to say has not been so rigidly observed as the risk incurred entitles it to; indeed I may remark that unless the settlers themselves will recognise the importance of unceasing vigilance to guard against its introduction in this way, all the measures already devised, and the most stringent provisions by Act, may fail to avert the transmission of this disease. Towards the northern boundary no present danger exists, a wide belt of clean country intervening between the Mahia and the infected East coast districts; but the increasing number of sheep yearly imported from other provinces, England and the Australian Colonies, demands careful supervision at Port Ahuriri to guard against the introduction of disease by sea-borne sheep. Foot rot has exhibited itself but slightly during the past year, and as the flocks partake more of the longwool crosses it will, I believe, become still less troublesome.

I regret that I have not been able to travel so much through the province during the past year as formerly, owing to the impossibility of finding a competent assistant disengaged at the times I have wanted one, so that, with the exception of two visits to the southern boundary, and one to the Mahia, my functions have been confined to Office work, and sheep inspection at the Port, nor do I see that this can be otherwise, so long as I am without a permanent assistant. Fortunately no emergency has arisen during the past year to call for my sudden departure to any distant part of the province, or for a protracted absence from Napier. Had such occurred, the chances were that the importation of sheep at the Port would have lacked satisfactory supervision. I should feel wanting in my duty did I not give due prominence to what may at any time prove an irremissible defect in the department, and would recommend that an efficient assistant be appointed; whether this view is affirmed by the Council or not, I think it right to call the attention of sheep owners to the matter. I hope some arrangement may be made this session of Council to relieve me of the Slaughter House duties, and, if possible, those of the more important office of Inspector of Cattle, under the Diseased Cattle Act, an office, I may add, for which I do not possess the necessary qualifications.

I have the honor to be,

Sir,

Your most Obedient Servant,

G. PEACOCK,

Inspector of Sheep.

His Honor the Superintendent,  
Napier.

RETURN OF SHEEP ABOVE SIX MONTHS OLD IN THE PROVINCE  
OF HAWKE'S BAY ON 1ST MAY, 1874.

NAME OF SHEEPOWNER OR PERSON IN CHARGE.	STATION OR LOCALITY.	NUMBER OF SHEEP	AMOUNT OF ASSESSMENT.
A'Dearne, J.	Asehatt	10,234	£ s. d. 10 13 2½
Avison, J.	Waipawa	1,732	1 16 1
Bridge, H. H.	Fairfield	7,500	7 16 3
Bell, M. S.	Tautane	9,000	9 7 6
Bee, F. and G.	Mohaka	6,050	6 6 0½
Bee, G.	Havelock	384	0 8 0
Brown, C. A.	Te Apiti	6,400	6 13 4
Burton, G.	Whakaki	9,200	9 11 8
Bullock, J.	Meanee and Pe- tane	5,100	5 6 3
Boyle, J.	Pukahu	1,412	1 9 5
Buchanan J.	Elishorpe	4,800	5 0 0
Barnes, C. S.	Puketitiri	1,886	1 19 3½
Bennett, J.	Omaranui	1,321	1 7 6½
Boyd, J.	Wairoaiti	2,017	2 2 0½
Bowden, A.	Kaikora	1,778	1 17 0½
Collison, E.	Pukahu	605	0 12 7½
Cox, E.	Tyhookura	8,200	8 10 10
Collins, J.	Waihikaki	1,856	1 18 8
Collins, E.	Abbotsford	4,785	4 19 8¼
Campbell and Meinertzhagen	Waimarama	16,106	16 15 6½
Campbell, H.	Poukawa	10,600	11 0 10
Chapman, F. M.	Poukawa	440	0 9 2
Carlyon, G. G.	Gwararas	12,000	12 10 0
Carrol and Richardson	Wairoa	4,000	4 3 4
Chambers, J.	Te Mata	18,000	18 15 0
Canning, J. D.	Oakburne, &c.	13,200	13 15 0
Condie, G. and D.	Redelyffe	1,808	1 17 8
Cowper, W.	Kauranaki &c	17,100	17 16 3
Carr, Messrs.	Petane	4,818	5 0 4½
Carwell, W.	Mount Alexan- der	8,075	8 8 2½
Cannon, W.	Clive	249	0 5 2½
Crail, R.	Porangahan	300	0 6 3
Chrystal, T.	Pukahu	353	0 7 4½
Crosse, T. E.	Porangahan	3,834	3 19 10½
Campbell, N.	Kaikora	1,334	1 7 9½
Collins, S.	Pukahu	38	0 0 9½
Cable and Drummond	Wakamahi	10,694	11 0 0
Douglas, W.	Whakatahara &c	16,396	17 1 7
Duff, H. A.	Whakarara	7,394	7 14 0½
Duff Brothers	Wairoa	5,200	5 8 4
Davis, E.	Meanee &c	2,404	2 10 7½
Dobel Brothers	Springfield &c	3,000	3 2 6
Duncan, J.	Waiapa	507	0 10 6½
Evans, R.	Kaikora	943	0 19 7½
Farnier, R.	Longlands	8,628	8 19 9
Fleming, D. S.	Boar Hills	1,860	1 18 9
Glenny, W.	Kopuawhara	1,360	1 8 4
Gollan, D.	Mangatarata	23,200	24 3 4
Gollan, K.	Tamumu	2,740	2 17 1
Grant, A.	Burnside &c	11,110	11 11 5½
Glenny, J.	Ongai	526	0 10 11½
Gollan and Drower	Eparaima	504	0 10 6
Harding, J.	Mount Vernon	17,095	17 16 1½
Harding, J.	Mount Eryn	7,200	7 10 0
Hamilton, G. D.	Mangatoro	5,600	5 16 8
Howard, J.	Hampden	1,824	1 18 0
Holden, J.	Tikokino	2,980	3 2 1
Hill, K.	Clifton	14,749	15 7 3½
Hill and Gordon	Karanu	4,500	4 13 9
Hunter, D. and W.	Parakehana	27,033	28 3 2½
Heslop, J.	Puketapu	3,300	3 8 8
Heslop, W. and G.	Poraiti	5,505	5 14 8½
Heslop, W. and G.	Chesterhope	3,515	3 13 2½
Herrick, J. L.	Forest Gate	6,536	6 16 2
Hutkinson, M.	Springvale	2,312	2 8 2
Herbert, J.	Wainui	654	0 13 7½
Herbert, J. and C.	Wainui	1,920	2 0 4
Healey, J.	Porangahan	202	0 4 2½

NAME OF SHEEPOWNER OR PERSON IN CHARGE.	STATION OR LOCALITY.	NUMBER OF SHEEP	AMOUNT OF ASSESSMENT.
Hirtzel, C. ....	Porangahan .....	106	0 2 2 $\frac{1}{2}$
Hassill, — .....	Waihua .....	5,054	5 5 3 $\frac{1}{2}$
Johnston, S. ....	Oruawhara &c .....	37,822	39 7 11 $\frac{1}{2}$
Joll, J. ....	Havelock .....	758	0 15 9 $\frac{1}{4}$
Knight, J. ....	Kaikora .....	1,500	1 11 3
Lambert, C. ....	Havelock .....	590	0 12 3 $\frac{1}{2}$
Lambert, A. ....	Porangahan .....	4,500	4 13 9
Lawrence, J. ....	Homewood .....	600	0 12 6
Lincoln, J. ....	Heavitree .....	3,495	3 12 9 $\frac{3}{4}$
Liepold, C. ....	Tutaekuri .....	253	0 5 3 $\frac{1}{4}$
Livingstone, A. ....	Kaikora .....	428	0 2 5
Lyon, J. ....	Poporangi .....	116	9 17 3
Lowry, T. ....	Okawa .....	9,468	19 18 2 $\frac{1}{2}$
Lampus, C. ....	Patangata .....	19,113	9 17 8
Logan, A. ....	Tamanu .....	700	0 14 7
Mackerey, J. ....	Tamanu .....	610	0 12 8 $\frac{1}{2}$
McHardy, A. ....	The Lake .....	5,662	5 17 11 $\frac{1}{4}$
Merritt, G. ....	Leslie Park .....	4,303	4 9 7 $\frac{3}{4}$
McKenzie, J. ....	Fardon .....	910	0 18 11 $\frac{1}{2}$
Morris, W. ....	Tamanu .....	706	0 14 8 $\frac{1}{2}$
Maney, R. D. ....	Tongio .....	2,369	2 9 4 $\frac{1}{2}$
McKenzie, H. ....	Omanu .....	27,500	28 12 11
McLean, H. ....	Glengarry .....	862	0 17 11 $\frac{1}{4}$
McLean, A. ....	Te Tahoke .....	7,218	7 10 4 $\frac{1}{2}$
McLean, D. ....	Tuki Tuki .....	9,764	10 3 5
McDougal, J. ....	Maraekakaho .....	30,000	31 5 0
McDougal, R. ....	Raukawa .....	7,447	7 15 1 $\frac{1}{2}$
McDougal, D. ....	Mangaware .....	15,560	16 4 2
McKinnon, J. ....	Pohi .....	2,940	3 1 3
McKay, A. ....	Arapuwani .....	3,500	3 12 11
Mathews, J. ....	Waipawa .....	400	0 8 4
Mullinder, G. ....	Hampden .....	404	0 8 5
McAnanama, J. ....	Patangata .....	183	0 3 9 $\frac{3}{4}$
Nairn, C. and J. ....	Waioa .....	191	0 3 11 $\frac{1}{2}$
Nelson F. and W. ....	Pouerere .....	34,224	35 13 0
Newman, A. ....	Mangateretere .....	4,530	4 14 4 $\frac{1}{2}$
Norris, G. H. ....	Arlington .....	11,200	11 13 4
Newbould S. ....	Karamu .....	905	0 18 10 $\frac{1}{4}$
Nicholson, J. ....	Papakura .....	600	0 12 6
Ormond, J. D. ....	Kaikora .....	718	0 14 11 $\frac{1}{2}$
Orr, W. ....	Wallingford &c .....	26,340	27 8 9
Orr, J. ....	Clive .....	503	0 10 5 $\frac{3}{4}$
Peacock, G. ....	Papakura .....	427	0 8 10 $\frac{1}{4}$
Parsons, J. ....	Brooklands .....	2,312	2 8 2
Parsons, W. and T. ....	Papakura .....	696	0 14 6
Powdrell, H. ....	Willowbrook .....	2,184	2 5 6
Powdrell, J. ....	Manee .....	600	0 12 6
Price, A. H. ....	Waioa .....	450	0 9 6
Richardson and Troubeck .....	Motutarua .....	11,074	11 10 5
Russell, T. P. ....	Petane .....	3,332	3 3 9
Russell Brothers .....	Woburn &c .....	17,715	18 9 0 $\frac{1}{2}$
Russell, A. E. ....	Flaxmere &c .....	22,570	23 10 2 $\frac{1}{2}$
Russell, H. B. ....	Mangakuri .....	15,598	16 4 11 $\frac{1}{2}$
Rich, F. D. ....	Mt. Herbert &c .....	19,164	19 19 3
Rathbone, W. ....	Matapiro .....	14,590	15 3 11 $\frac{1}{2}$
Reigner, E. ....	Waipawa .....	2,609	2 14 4 $\frac{1}{2}$
Rhodes, J. ....	Manee .....	1,543	1 12 1 $\frac{1}{4}$
Rhodes, R. H. ....	Edenham .....	13,128	13 13 6
Rhodes and Co., R. H. ....	Springhill .....	4,315	4 9 10 $\frac{3}{4}$
Routledge Kennedy and Co. ....	Risington .....	28,300	29 9 7
Stokes Brothers .....	Anatara .....	2,010	2 1 10 $\frac{1}{2}$
Saxby, G. H. ....	Milbourne .....	24,500	25 10 5
Spence, G. ....	Te Kopanga .....	11,280	11 15 0
Smith, H. W. P. ....	Wareponga .....	2,530	2 12 9 $\frac{1}{2}$
Sutherland and Stuart .....	Hawkeyille .....	19,324	20 2 7
Sealy, H. B. ....	Mohaka .....	3,440	3 11 8
St. Hill, A. ....	Papakura .....	233	0 4 10 $\frac{1}{2}$
Speedy, W. and G. ....	Mangamaire .....	19,004	19 15 11
Speedy, J. ....	Wahutu .....	3,260	3 7 11
Staden Brothers .....	Wahutu .....	1,550	1 12 3 $\frac{1}{2}$
Soley, J. ....	Grassmere .....	975	1 0 3 $\frac{1}{2}$
Stewart, T. ....	Kaikora .....	202	0 4 2 $\frac{1}{2}$
.....	Porangahan .....	558	0 11 7 $\frac{1}{2}$

NAME OF SHEEPOWNER OR PERSON IN CHARGE.	STATION OR LOCALITY.	NUMBER OF SHEEP	AMOUNT OF ASSESSMENT.
Sim, J. ....	Mohaka	2,715	£ s. d. 2 16 6 <sup>3</sup> / <sub>4</sub>
Sebley, J. L. ....	Waipawa	317	0 6 7 <sup>1</sup> / <sub>4</sub>
Stevens and Clark	Kaikora	604	0 12 7
Small, W. H. ....	Patangata	1,373	1 18 7 <sup>1</sup> / <sub>4</sub>
Shield, A. ....	Waikohini	7,603	7 18 4 <sup>1</sup> / <sub>2</sub>
Stevens, J. ....	Petane ...	202	0 4 2 <sup>1</sup> / <sub>2</sub>
Sutton, F. ....	Mangateretere	391	0 8 6 <sup>1</sup> / <sub>2</sub>
Tiffen, L. A. ....	Greenmeadows	5,114	5 6 6
Tiffen, F. J. ....	Elmshill	5,000	5 4 2
Towgood and Richardson	Waikokopu	5,049	5 5 2 <sup>1</sup> / <sub>2</sub>
Tanner, T. ....	Riverlea	12,103	12 12 1 <sup>1</sup> / <sub>2</sub>
Taylor, J. ....	Moangiangi	5,638	5 17 5 <sup>1</sup> / <sub>2</sub>
Twigg, H. J. ....	Petane ...	3,000	3 2 8
Towgood, E. ....	Tongoro	7,184	7 9 6
Tucker, E. ....	Sherwood	654	0 13 7 <sup>1</sup> / <sub>2</sub>
Turner and Galbraith	West Olive	7	0 0 1 <sup>1</sup> / <sub>2</sub>
Tod, J. ....	Kaikora	2,899	3 0 4 <sup>1</sup> / <sub>2</sub>
Tait and McIvor	Waikora	3,300	3 8 9
Tatham, F. ....	Te Aute	370	0 7 8 <sup>1</sup> / <sub>2</sub>
Tod, B. ....	Kaikora	494	0 10 3 <sup>1</sup> / <sub>4</sub>
Tuxford, A. ....	Petane ...	162	0 3 4 <sup>1</sup> / <sub>2</sub>
Villers, W. ....	Petane ...	700	0 14 7
Wait and Walker	Mahia ...	14,900	15 10 5
Watts, E. ....	Kaikora	1,511	1 11 6 <sup>1</sup> / <sub>2</sub>
Williams R. P. ....	Mangateretere	3,721	3 17 6 <sup>1</sup> / <sub>4</sub>
Willwood, R. ....	Karanu	2,920	3 0 10
Williams, A. ....	Kereru &c	17,008	17 14 4
Williams, J. N. ....	Frimley	13,586	14 3 0 <sup>1</sup> / <sub>2</sub>
Williams, J. N. ....	Apley ...	8,693	9 1 1 <sup>1</sup> / <sub>4</sub>
Williams, S. ....	Te Aute	17,570	18 6 0 <sup>1</sup> / <sub>2</sub>
Whitmore, G. S. ....	Olive Grange	8,400	8 15 0
Witherow, J. ....	Patangata	904	0 18 10
Waldrom, B. ....	Waipawa	302	0 6 3 <sup>1</sup> / <sub>2</sub>
Ward, A. ....	Porangahan	300	0 6 3
White, J. ....	Porangahan	1,130	1 3 6 <sup>1</sup> / <sub>2</sub>
White, R. ....	Porangahan	186	0 3 10 <sup>1</sup> / <sub>4</sub>
Walker J. ....	Poukawa	6,438	6 14 1 <sup>1</sup> / <sub>2</sub>
Fannin, E. ....	Mohaka	250	0 5 5
		1,096,558	£1142 4 11 <sup>1</sup> / <sub>2</sub>

# Council Paper.

1875.

## ANNUAL REPORT UPON PUBLIC WORKS.

Engineer's Office,  
Napier, June 5, 1875.

SIR,—The Public Works carried on during the financial year now closing, are as follow:—

1. The reclamation of 20 acres at Maori and Gough Islands, faced by a timber breastwork. This work, which had been commenced in the previous year, has been completed in March; the difficulty in obtaining the required totara piles has delayed the work considerably. The bulk of the timber had to be obtained from the north of Auckland, as our teams and saw mills were too fully engaged. The breastwork is 862 feet long, with a water frontage of from 3 feet to 11 feet at low water, and a rise of tide of 3 feet 4 inches. The depth of water is increasing now daily, as the stream has set fairly on to the breastwork, and I have very little doubt, that with a comparatively small outlay, it can be increased by 3 to 4 feet all along. The cost of this work has exceeded the estimated sum by £1350, but there is now on hand a large quantity of plant (19 trucks) and timber, of the aggregate value of £950. Owing to the above over-expenditure, the road leading along the quays has not been metalled. It is very desirable for the protection of the timber breastwork that hard-wood fenders should be planted on to the piles, which can be done for about £200.

2. The erection of test groins.—It was originally intended to place 3 sets of boxes, each set formed by a row of boxes placed 20 feet apart, but it was found that in this manner they could not resist the swell of the north-east gales; several boxes containing 55 tons of limestone and shingle were washed on shore and buried in the shingle. To get the boxes to stand, it was necessary to place them abutting each other, and facing north-east; in this manner 9 boxes were placed, forming a line 180 feet long. The operation took six weeks, and within a few days after completion the shingle had accumulated, and increased the width of the beach from the groin to Sturm's Gully on one side, and to Mr. Kinross's store on the other.

While the groin was being proceeded with, and a few weeks after the placing of the last box, it was found that the bar was not affected by easterly gales, but as soon as the beach between the groin and Sturm's Gully had extended to the line of the extremity of the groin, the bar changed as usual, with the weather. It was intended to place 5 boxes at the base of the Napier Bluff, but the uneven, rocky bottom precluded all prospect of the boxes standing in such an exposed position. To clear away the rocks at the depth of 6 feet below low water, would have required a diver with the necessary apparatus.

3. Narrowing entrance of Harbor.—A considerable quantity of timber and materials has been collected for this purpose, but on the advice of the Colonial Engineer-in-Chief, the work has been suspended until the condition of the tidal basin within the Heads is more accurately ascertained, to obtain the desired result. Tidal gauges have been fixed at different points from the toll-gate to Park's Island, the mouth of the Petane River, and the Eastern Spit, all gauges being placed to the same datum level, and men have been employed at different stations to note, during twenty-nine consecutive days at every hour during daylight, the water level; the result will give the average volume of water passing through the Heads at every tide, so as to be able to determine to what extent the distance between the Eastern and Western Spits can be reduced advantageously.

4. Police Stations have been built at Napier and Havelock, and the same are now under contract at Waipawa, and at Danevirk, Seventy-Mile Bush. The Meanee Station has been removed to Taradale, and has been enlarged.

5. Jetties are now under contract at the Township of Clyde, and on the north bank of the Wairoa River, at the end of the road to Te Kapu. This work has been delayed owing to the difficulty of procuring suitable timber, but it is expected that the jetties will be erected within two months, as the materials are upon the ground.

6. The vote for reclaiming the Napier

swamps has only been operated upon so far as the levels have been taken, so as to ascertain the quantity of material required for the reclamation of each section.

7. The vote for directing channel by wharf has not been drawn upon, as it was found that the tidal current is setting along the face of the breastwork, increasing the depth of water gradually.

The vote for the maintenance of public buildings has been ample to keep them in good condition.

The Hospital, the original wing of which has been erected in 1857, has had the house blocks renewed; the grounds have been newly fenced, and much needed outbuildings have been erected.

The building is in thorough good repair, but it is not roomy enough for present requirements, and the members of the Hospital Committee propose to add a wing to the east face, which can be done for about £300.

The only new building that appears urgently required is a Customs searching shed at the reclaimed land, which can be erected for about £250.

I have the honor to be, Sir,

Your most obedient Servant,

CHARLES WEBER,

Provincial Engineer.

His Honor the Superintendent,  
Napier.



# Council Paper.

1 8 7 5 .

## REPORT of Select Committee appointed to report on Educational Reserves in the Province.

THE Committee having held four sittings, and taken the evidence of Mr. Weber, recommend that the blocks of land set forth in the annexed memorandum, and comprising 20,710 acres, be vested in Trustees as Educational Reserves for general educational purposes.

W. R. RUSSELL,  
Chairman.

July 1, 1875.

1. Kopu-a-whara.—700 acres near the neck of Mahia Peninsula. Good soil, hilly, partly covered with scrub. If let on lease, will bring probably threepence per acre, which rent may be doubled after seven years.

2. Wairoa.—3000 acres adjoining suburban lands at Wairoa and Turoia, leased to Messrs. Drummond and Cable to the 23rd April, 1882, at  $\frac{1}{2}$ d. per acre; after the expiration of that least it will let easily at one shilling per acre, probably at a higher rate. The land is hilly; good sheep country.

3. Mangaharuru.—7760 acres, the Northern slopes of the Mangaharuru Range to Mohaka River. Soil varying from inferior to good. Leased to Mr. Cox till 21st April, 1884, at £16 3s. 0d. per annum. After expiration of this lease it should let at from 6d. to 1s. per acre.

4. Pohui Bush.—1000 acres, good matai and pine, with open spurs of the Waka Range. Soil, medium quality; intersected by ravines. No income to be derived from it at present.

5. Ruataniwha Bush.—1000 acres, comprises part of the Eastern slopes of the Ruahine, near the sources of the Waipawa. Covered with forest at the base; stunted forest and scrub in the middle; running out to bare hills near the crest. No income to be expected at present, but will become valuable when the lower bush land, taken up on deferred payment, has been cleared.

6. Puketoi, No. 3.—5000 acres, situated between the proper left bank of the Manawatu River and the Puketoi Range. Hilly, but very good soil, covered with medium quality bush. Not available for the present, but as it is only from six to ten miles from the railway line, it must become valuable ere long.

7. Moeangiangi.—900 acres, situate on the sea coast between the Moeangiangi River and the coast line. Very hilly, but good soil, and good sheep country. Leased to Mr. Taylor till 23rd April, 1882, at £2 2s. 0d. per annum. Will bring, probably, one shilling per acre rental on expiration of present lease.

### SCHEDULE.

Kopu-a-Whara ...	...	...	...	...	...	700 acres
Wairoa ...	...	...	...	...	...	3000 "
Mangaharuru ...	...	...	...	...	...	7760 "
Pohui Bush ...	...	...	...	...	...	1000 "
Ruataniwha Bush ...	...	...	...	...	...	3000 "
Puketoi, No. 3 ...	...	...	...	...	...	5001 "
Moeangiangi ...	...	...	...	...	...	990 "
Total ...	...	...	...	...	...	20,710 acres



## Council Paper.

1 8 7 5 .

### REPORT ON NAPIER GAOL.

Napier Gaol,  
June 7, 1875.

SIR,—I have the honor to submit the annual report on the state of this department, during the twelve months ending 30th June, 1875.

The daily average of prisoners and lunatic patients for the last twelve months has been 42, which is a large increase on the previous year; but I am glad to say that there has been no serious cases of crime. A large number of the prisoners confined during the year were for breaches of discipline aboard of vessels, and other minor offences.

The new building for the Lunatic Asylum will be completed about the end of the present month. It will be a great convenience, as provision has been made for the good accommodation and comfort of the patients, of which there has been a daily average of 14 during the last twelve months.

The prisoners have mostly been engaged in quarrying road-metal, excavating, and forming foundation for the new asylum, and assisting in erecting and painting the building; have also erected new fences in the prison yards, which enables me to classify the prisoners while in the yard. All the repairs to the premises have been performed by the prisoners, which is a great benefit, as it prevents bringing strange workmen about the place. All the boots used by the prisoners have been made on the premises, which is a great saving, as the work that they are employed on is very severe on the boots.

The conduct of the prisoners has been very satisfactory, and they have gone on steadily with their work.

The votes of the Provincial Council for the past year were £1665; of this sum £1644 4s have been expended, leaving a balance in favor of the establishment of £20 16s.

The total value of remunerative labor performed by the prisoners, together with the amount received and due for the maintenance of prisoners during the year, is £1532 19s 1d, which shows a sum of £111 4s 11d less than the total expenditure; but, if a fair proportion is deducted from the total expenditure for the maintenance of the Lunatic Asylum, a large balance would be found in favor of the gaol department.

The health of the prisoners has been extremely good, and there has not been a single case amongst the prisoners of the diseases that have been so destructive throughout the province. The Provincial Surgeon has been very attentive.

Divine service has been performed mostly every Sunday, by Church of England and Roman Catholic clergymen.

The officers have all been very united in carrying out the duties and discipline of the prison. The visiting Justices, in making their regular visits, have always expressed their entire satisfaction with the state of the prison.

I have the honor to be,

Sir,

Your most obedient servant,

W. MILLER,

Gaoler.

To His Honor the Superintendent.

Statement of the Napier Gaol Accounts, from the 31st July, 1874, to 30th June, 1875.

DR.			CR.		
	£	s. d.		£	s. d.
Labor performed by hard-labor prisoners, 5632 days, at 4s. per day ... ..	1106	0 0	Wages from the 1st July, 1874 to the 31st May, 1875 ...	792	18 4
For the month of June, 355 days, at 4s. ... ..	71	0 0	Required for the month of June ... ..	72	1 8
Labour performed as cooks and wardsmen, 815 days, at 3s. per day ... ..	122	5 0	Rations from the 1st July, 1874, to the 31st May, 1875	394	4 0
For the month of June, 57 days, at 3s. ... ..	8	11 0	Required for the month of June ... ..	35	0 0
Amounts received and due for maintenance of prisoners	217	9 7	Contingencies for 12 months	350	0 0
Amount received and due for work done in Penitentiary	7	5 6			
Balance ... ..	111	4 11			
<b>Total ...</b>	<b>£1644</b>	<b>4 0</b>	<b>Total ...</b>	<b>£1644</b>	<b>4 0</b>

WILLIAM MILLER,  
Gaoler.

# Council Paper.

1875.

## PROVINCIAL ENGINEER'S REPORT.

Engineer's Office.  
Napier, 9th June, 1875.

SIR,—The sums appropriated for roads and bridges for the present financial year have been large, but the increase upon the votes of former years has only been in proportion to the extension of settlement, and the increased traffic caused by the great addition to our population, and the extensive Railway Works now under progress.

The cost of materials and labour, which appeared to have reached its climax when I had the honor to submit my last yearly report, has steadily risen during the year; carriage, which was formerly about one shilling per ton per mile, averages now fully two shillings; and totara, that was three years ago delivered in Napier at fifteen shillings per hundred, cannot be had now under twenty-five shillings; the necessary effect of this general rise has been, that the cost of all Public Works has been increased in proportion.

Labour has been very scarce during the summer and autumn, and even now are all hands fully employed; the only part of the Province, where the reverse (to a very limited extent) is the case at present is in the town of Napier, where some married men, who cannot, or will not, leave their families, seem to want employment occasionally.

I will now proceed to refer to the condition and requirements of the principal roads separately.

1. The Town Roads, for the maintenance of which £1,000 have been appropriated, have been handed over to the Municipality on the 2nd May, with the unexpended balance of £200 14s 6d, and a stock of road metal and tools, to the value of £130.

The special votes for Town Roads, viz., road to Railway station, Burns street (from Battery Road to Napier Terrace), and road from Gough Island to Milton Road, have been expended; the two first named roads have been properly completed, but the £200 vote for the last proved insufficient to make the road to the proper width; however, it is open for wheel traffic.

2. Taradale Road.—Several months were lost owing to all tenders being above (considerably) the estimated sum, but, after calling three times for tenders for the repair and completion of this road,

a contract was entered into, and the work is now fairly under progress, and should be completed early in spring; a bridge 120 feet long has been erected nearly midway between Hyderabad road and the Tutaekuri, and the road has been carried to the bridge at the level of the Railway line; from the bridge the road dips gradually to one foot above ordinary high water, and retains that level for 600 feet, so as to allow passage for floods, and rises thence to the level of the Tutaekuri bridge; the lower level of the road is being faced on both sides with concrete, and covered with concrete pitching. The roadway is being made to the width of 22 feet, which is ample for two ordinary carts to pass; but the width is being increased at the low level to 30 feet, to provide for the passing of hay carts or wool teams.

3. The Meanee Roads, from Tareha's bridge to Puketapu Hills and to Redcliffe, have been maintained in good order, out of the Toll-gate funds, and the Meanee bridge and the smaller bridges have been re-planked.

4. The Napier-Havelock Road, with the exception of the portion between the Toll-gate and Waitangi, has been maintained in good order from the receipts of the Toll-gate. A special vote having been granted, for the portion between the town boundary and Waitangi, the ditches on the outer side of the road were filled up, with the view of preventing accidents, from horses shying at the passing trains; and the portion beyond the Toll-gate is now being clayed, which, after being rolled, will make a good road.

5. The main road from Havelock to Waipukurau has had the liberal allowance of £4,000, but even this sum was barely sufficient, as the soft limestone (the only material available between Paki Paki and Kaikora), is unable to withstand the heavy traffic which it has to carry. As it is very probable that the railway will be opened to Te Aute before the New Year, which will relieve the weakest portion of the road, the sum of £3000 should be sufficient for the coming year.

6. On the road from Waipukurau to Porangahau, for which £3000 is appropriated, three miles have been metalled, comprising the low levels at the southern base of the Waipukurau Terrace, and from the base of Puki Kura to Motuotaraia and through the bush to Nopera's

pah; the cost of this work has been very heavy, as from five to seven shillings per cubic yard had to be paid for the broken metal and from four shillings to seven shillings, for carting and spreading it, a great portion of it having to be drayed nearly 3 miles; the worst portions between Nopera's pah and Wallingford, where no metal could be got, even within 3 miles have been fascined and the road from Wallingford to Porangahau Flat has been reformed and generally improved. About 300 cubic yards of metal are in stock now, which could not be got upon the road before the tracks to the quarries became impassable from rain. I am sorry to have to add, that even after this heavy outlay, this road is not in a satisfactory state, as many very bad portions could not be metalled; nature has not favored the Porangahau district with facilities for making good roads, the soil is retentive clay, which absorbs during the winter more than its own weight of water, and suitable stone for metal is on many parts not to be reached within 6 miles. The low levels and the spongy nature of the soil, necessitate a very large number of timber culverts, the first cost of which is not only heavy, but which are very expensive to maintain.

An appropriation of at least £1000 will be required, to keep the road 28 miles in length, in its present state; but more than this should be done, as it will be one of the most important feeders to the railway at Waipukurau.

7. The road on the Porangahau Flat has been raised, where too low, and 20 chains of new road over very low ground have been made on the line to Blackhead; the whole of this line from Messrs. Hunter's gate to the township (nearly 3 miles) is now formed, in some portions 3 feet over the ordinary ground level, but without metal, which is not within reach, it could only be made a good summer road; during the winter it will be very heavy.

The whole of the formation of the new road from the township over the Porangahau Hill is now (in the hands of 12 lately arrived Scandinavians) under progress in small contracts and is likely to be finished within 6 weeks; the grades on the line are steep, but the saving of 2½ miles will outweigh the drawback.

8. On the road from Porangahau to the South Boundary of the Province, 42 chains have been formed in the Wainui Valley, but about 50 chains more should be made from the head of the Wainui Flat, through Doctor's Gulley to the base of the coast range.

9. The middle road, for which has been voted £1000, has been greatly improved; the road has been carried round the base of the two hills north of Mount Erin, and it has been formed and nearly all metalled to the southern boundary of the Havelock suburban lands, and a gang is now engaged in putting the upper portion of the road between the Kaokaoroa flats and Patangata in thorough repair. As the newly formed and metalled portions will require considerable attention during the coming winter, at least £400 will be needed for proper maintenance during the next year.

10. Oero to Wautukai and Kaikora road.—With the view, that as soon as the railway has reached Kaikora, the bulk of the traffic from the Oero district, will go to the Kaikora station, the road through the Oero bush has been improved, the necessary cuttings have been made from the bush to Wautukai and one gang of Scandinavians is now employed on the line over the Rangitoto range to Homewood Flat and another gang between Homewood and Patangata; the £900 estimated will make the most necessary cuttings and culverts, but it is insufficient to metal the new formation between Homewood and Kaikora and part of the low flat near the old Survey base. To do this will require an appropriation of £400 for the coming year.

11. On the road from Waipawa to Hampden the vote of £500 has been expended upon 130 chains, new formation (the greater part of which has been metalled) and upon the placing of a good many culverts which were needed owing to the spongy nature of the hills. To maintain this road at least £200 will be required.

12. The road from Waipawa to Ruataniwha has been placed in very fair order, in anticipation of the heavy timber traffic during the coming winter; it will require £300 to maintain it properly.

13. Waipukurau to Seventy Mile bush. On this line (which now forms portion of the main road to Wellington and Wanganui) about 2 miles between Waipukurau and the base of the Hill at the Tuki Tuki Gorge have been formed, and a dray road has been cut over the Gorge hill to the ford of the Maraekake, including 4 small bridges at the aggregate cost of £1750, which avoids the crossing of the Tuki Tuki and Makaretu rivers.

Part of the newly formed road which is unfit to carry the heavy traffic from the Takapau Saw mills, is now under contract for metalling by a grant in aid vote to the Waipukurau road board; even after this has been done, the road, I fear, will not be fit for the traffic it is expected to carry, as about ½ mile low flat on the hill road and about 2 miles of the same character on Mr. Johnston's run, urgently require metalling. The cost of this is estimated at £1200.

14. Out of the vote for roads to open up land for sale in the 70 mile bush only £800 has been expended in making a road line 3½ miles in length from the main road at Norsewood to the railway line. The rest of the vote will lapse, as the lands have been withdrawn from sale until the railway line is finally fixed.

15. The vote of £500 for making roads on the lands sold on deferred payment, has been expended upon clearing 20 miles of road lines to the width of 15 feet, so as to make the different sections accessible, at least for pack horses.

Nearly all the sections are opened up in this manner, and the lines to the few remaining ones are now being contracted for; all these lines have been cleared on the original Makaretu reserve, between the Makaretu and the Tuki Tuki. Nothing has been done as yet to open up the northern extension of this reserve, where about 3000 acres have been taken up;

as many selectors upon the original block are already living upon their lands, and evidently mean to make it their permanent home, and some of them are located over two miles from the clear land, it will be highly desirable to make some liberal provision, to give them better access to their holdings; the clearing of a track 15 feet wide is a poor apology for a road particularly in the Makaretu block, where from mile to mile, on the average, a deep gully is being met with, that ultimately must be bridged, but which for the present should at least be made crossable by proper side cuttings; with the exception of these gullies, the natural features are favorable for roads in that district.

The cost of making the most necessary cuttings on the original reserve will be about £500 and at least £300 will be required to open up the new block.

16. The vote of £200 for road by Makaretu to 70 Mile bush, has been expended in making dray road cuttings over the Mangatewhai and the Makaretu and in bridging the Mangapohia.

The works have not been made on the line as originally laid out, but on a diversion leading to the proposed railway station at Takapau (which was not thought of when the road was laid out,) to connect with the old Manawatu bush track. About £150 will be required, to make cuttings over the Tukipo and for bridging several small creeks.

17. Of the vote for Maraekakaho to Hampden, of £500, about £280 have been expended in metalling the portion from the Willow pah to the bridge pah, and the balance is being handed over to the north Ruataniwha road board for erection of a bridge over a branch of the Mangaonuku near Gwavas.

18. Napier to Pohui.—This line has been considerably improved by metalling the low parts near Mr. Villers' and in the Petane Valley; and the line along the beach has been thoroughly put in order. An appropriation of at least £300 will be required, to maintain the line during the coming year.

19. Petane to Wairoa.—The vote of £3000 has been sufficient to make the proposed diversions in this line of road and to make a fair dray road from the end of the Petane race course over the Bluff and on the soft shingle beach to Tongio; the diversions between Tongio and Wai-patiki and between that stream and Arapawanui and that from Moeangiangi to Tiwhanui will shorten the route fully 2 miles, but this saving in distance could be obtained at Tongio only at the sacrifice of the grades.

It will be desirable to keep the old track (which is now properly consolidated,) open at least during the next six months, as the new line, particularly in those parts where it has been carried through scrubby bush, will be rather soft during the first winter.

The long delayed Waitaha bridge has been completed during this year and a new ferry punt has been built at Mohaka

in place of that carried to sea by flood; the punt is larger than the last and capable of carrying four horses at a time.

Considerable improvements have been made in the road through the lower part of the Ohinepaka Valley and at Turiroa, but the means did not allow of building five small bridges in the upper portion of the Ohinepaka Valley; these bridges, which are necessary to make this road safe during the winter, and the general maintenance for the year, will absorb £800.

20. On the Wairoa roads, which comprise those in the township and the bridle track to Turiroa, the principal portion of the main street has been formed and likewise 40 chains of Lahore street, and a bridge has been erected on Lucknow road, leading to the cemetery.

In addition to this a considerable sum has been expended in cutting the approaches to the ferry punt, which was placed early in the year, and a bridge over the Tawhara creek is under contract, the timber having been sent to Wairoa. Levels have been taken over the flats, the result of which shows that they can readily be drained by deepening the Tawhara and Waiparapara creeks and using them as main drains.

No further action could be taken in this matter, which appears of the greatest importance to the district, as these creeks run through private property, some of the owners of which object to the deepening of the creeks 7 or 8 feet, on account of the severance of their properties.

The road leading from the township towards Turiroa along the Wairoa river and has repeatedly been encroached upon by the crumbling away of the river bank, and as this abrasion cannot be stopped without incurring very heavy expense, it appears advisable to make the road along the south boundary of the native block. The ground there being rather low and very wet in winter, it will be necessary to raise the road about 2 feet and fascine it, as no metal is convenient, while manuka is close at hand. The road drains will have to be carried about half a mile to the Tawhara creek to keep the road dry. The cost of this road will be about £200 and the maintenance of the town roads and the bridle track to Turiroa will require about £150.

The grant in aid votes for bridges over Ahuriri harbour, over the Waipawa at Homewood, and over the Ngaruroro at Omaha have not been drawn upon as yet. but contracts have been entered into lately for the erection of the last named bridge, and it appears very probable that that over the Waipawa at Homewood will likewise be contracted for before the close of the financial year.

I have the honor to be,

Sir,

Your most obedient servant,  
CHARLES WEBER,  
Provincial Engineer.

His Honor the Superintendent,  
Napier.





# Council Paper.

1875.

## MR. CARRUTHERS' REPORT ON PORT AHURIRI.

Napier, March 29, 1875.

SIR,—

I have the honor to report, in reference to the Port of Ahuriri, that it would be, in my opinion, injudicious to undertake any work near the Spit which could have the effect of lessening the influx of tidal water, until complete tidal sections have been first taken, without which it is quite impossible to foretell the effect which any such works would cause.

I have left with Mr. Weber a full description of the manner of taking the sections.

The experimental groin which has been put at the Spit, conclusively shows that it would be impossible, on account of the travelling shingle, to keep open the mouth of a harbour at Napier without the assistance of the tidal water flowing into the Bay of Port Ahuriri, but I am convinced that by increasing this influx to the greatest extent possible, the depth of water on the bar may be increased to about 16 feet at high water, or perhaps even more.

The means necessary to effect this cannot be designed until the sections above alluded to have been taken, and I beg to recommend that they be made with as little delay as possible.

(Signed) I have, &c.,  
JOHN CARRUTHERS,  
Engineer-in-Chief.

To His Honor the Superintendent.



# Council Paper.

1875.

## *Report of Select Committee on the Hon. H. R. Russell's Petition.*

Your Committee having considered the petition, and having taken lengthened evidence thereon, beg to report as follows:—

That the allegations in the petition, as to the circumstances connected with the lodging of the application, are in the main correct.

That it has been shown that it is the rule of the Receiver of Land Revenue to close his office on Saturday at 2 p.m. The rule seems to the Committee a right one, and to have been the practice of the office.

That as all applications are open to the public from the time they are lodged, the committee see nothing improper in the communication furnished by the Commissioner to Mr. Kinross.

That the statement contained in the petition that £3522 10s was paid into the provincial chest, and remained there about twenty months is correct, but it appears all applicants for purchase of land have to lodge the purchase money subject to the decision of the Commissioner, and that interest is not allowed upon sums so

lodged, there seems no reason why the rule should be departed from in this case. Further, it appears to the Committee, Mr. Russell should at once have taken the necessary steps to obtain possession of his purchase.

That the Committee is of opinion that the evidence offered tended to show an intention on the part of the petitioner to take other legal proceedings, and that your Committee therefore had to use great circumspection as to what evidence they should record.

That your Committee is of opinion that the Commissioner of Crown Lands was guaranteed all costs and expenses to which he might be put in resisting the petitioners claim. That the Commissioner of Crown Lands did wrong in accepting any such guarantee, but should have relied upon the support of Government.

Annexed hereto is evidence taken before this Committee.

JASPER L. HERRICK.  
Chairman.

Committee-room, July 2, 1875.



## Council Paper.

1 8 7 5.

### *REPORT of the Select Committee appointed to consider and report upon the Petition of the Hon. H. R. Russell, of Mount Herbert, Waipukurau.*

**Y**OUR COMMITTEE having considered the Petition, and having taken lengthened evidence thereon, beg to report as follows:—

That the allegations in the Petition as to the circumstances connected with the lodging of the application are in the main correct.

That it has been shown that it is the rule of the Receiver of Land Revenue to close his office at 2 p.m. on Saturdays. The rule seems to the Committee a right one, and to have been the practice of the office.

That, as all applications are open to the public from the time they are lodged, the Committee see nothing improper in the communication forwarded by the Commissioner to Mr. Kinross.

That the statement contained in the Petition that £3522 10s was paid into the Provincial chest, and remained there about twenty months, is correct; but it appears all applicants for purchase of land have to lodge the purchase money, subject to the decision of the Commissioner, and that interest is not allowed upon sums so lodged. There seems no reason why the rule should be departed from in this case: further, it seems to the Committee Mr. Russell should at once have taken the necessary steps to obtain possession of his purchase.

That the Committee is of opinion that the evidence offered tended to show an intention on the part of Petitioner to take other legal proceedings, and that your Committee therefore had to use great circumspection as to what evidence they should record.

That your Committee is of opinion that the Commissioner of Crown Lands was guaranteed all costs and expenses to which he might be put in resisting the Petitioner's claim. That the Commissioner of Crown Lands did wrong in accepting any such guarantee, but should have relied upon the support of Government.

Annexed hereto is evidence taken before this Committee.

JASPER L. HERRICK,  
Chairman.

Committee-room, July 2, 1875.

*Minutes of the Evidence taken before the Committee appointed to consider the Petition of the Hon. H. R. Russell, of Mount Herbert, near Waipukurau.*

MONDAY, 28th June.

The Hon. H. R. RUSSELL in attendance, said: I wish in the first place to explain that when I applied that counsel might be heard in this matter, it was with a view not to lengthen, but to shorten, the proceedings, and would wish the investigation to be confined to the matters included within the four corners of the Petition. I therefore ask the Committee to reconsider their decision on that point. The main questions are, in the first place, the amount of damage I have sustained, and then how the official information, of which I have complained, was given. These, I fancy, are the only questions which may be controverted. In Committee No. 97 of the Legislative Council, the Chairman suggested that it would shorten the proceedings materially if counsel were employed, and such, in fact, was found to be the case.

Mr. Russell then retired, and the Committee decided not to hear counsel.

Mr. Russell again in attendance, said: I put in my petition as my general statement, and propose to supplement it by a short statement of loss and damage sustained by me through the action of the Commissioner. In the first place, I move for all correspondence between the Provincial and General Governments and myself, and Mr. Kinross, on the matter, previous to the commencement of the suit. I may state that in the Appendix to the Journals of the Legislative Council for 1873 that correspondence has been printed. If a copy could be found, it would save a good deal of trouble. (The volume of the Appendix containing the Papers referred to is put in.) I further hand in a copy of the case laid before the Court of Appeal, as arranged by counsel in the case *Russell v. Sealy*. I would also ask for all correspondence between Mr. Sealy and the Government, General and Provincial, myself and the Government, and Mr. Kinross and the Government, not contained in the papers handed in. I propose to call as witnesses, Mr. Sealy, Commissioner of Crown Lands, Mr. Parker, clerk to the Crown Lands Office, Mr. Jarman, draughtsman, Mr. Weber, Chief Surveyor, Mr. Tylee, Receiver of Land Revenue, Mr. Kinross, and Mr. Price, Mr. Kinross' manager. I also may have a few questions to ask Mr. Ormond. In support of my alleged grievance and loss sustained by the action of the Commissioner, I put in a statement of the amount of loss, and how estimated. I was prevented from occupying the land for two complete wool seasons—from the 5th April, 1873, to the end of 1874. I estimate my loss thus:—

	£	s.	d.
Wool of 3000 sheep, first year, 1873	600	0	0
Wool of 3500 sheep, second year, 1874	700	0	0
Profits of grazing, independent of wool, say each year £300	600	0	0
Estimate of damage sustained in not being able to subdivide and sow land in grass seed in the autumn and winter of 1873, which would have enabled me in 1875 to keep at least another thousand breeding sheep during last winter, which sheep the severity of the season made it necessary for me to sell to relieve my flock generally, thereby losing wool and increase, say	400	0	0
<b>Total</b>	<b>2300</b>	<b>0</b>	<b>0</b>
Less expenses	300	0	0
<b>Leaving</b>	<b>2000</b>	<b>0</b>	<b>0</b>
Subject to interest 7 per cent. on purchase money, therefore deduct	386	0	0
<b>Leaving</b>	<b>1614</b>	<b>0</b>	<b>0</b>
Costs out of pocket in litigation, say	150	0	0
<b>Total</b>	<b>£1754</b>	<b>0</b>	<b>0</b>

—This is all the statement I have to make at present. I should like the witnesses to be examined in the order in which I have mentioned their names.

Mr. H. B. SEALY in attendance, examined by Mr. H. R. Russell.

Do you remember my application, on the 5th April, 1873, for land at Motuotaria?—I remember you making an application on that day.

Was Mr. Brandon with me at the time?—He came in with you; I think he did not remain in the office the whole time.

Will you state to the Committee what passed?—You called me out of the back office and handed me the application, and I stated to you that I had just received two other applications. I then retired to the back office with your application, and

proceeded with those presented previously. You called to me several times, urging me to make haste; I told you I was doing my utmost, and that you were delaying me by your urgency. I then handed Mr. Kinross in order the two receive orders for the applications which I had received from him just before you came in. The second of these, I should state, was not completed till after 2 o'clock, the ordinary time of closing the office. I then went on with your receive order, and as soon as I had it made out handed it to you.

You say you were busy with applications from Mr. Kinross. For what land?—I do not remember exactly, and could not say without reference to the application book. One application, I believe, was for land in his own occupation; the other for land for Mr. Gollan.

Were these two applications for land already applied for?—I am unable to answer without consulting the books.

Were either of these applications for the same land that I applied for?—No; they did not lap it in any way. I may perhaps add that at the time I had not time to examine the map. My impression at the time was that they were in conflict.

Mr. Ormond: You afterwards found they were not?—Yes.

Mr. Russell: Do you recollect whether these two applications were for land already applied for at five shillings?—I could not say.

Did I tell you when I presented the application that Mr. Tylee talked of shutting his office at 2, and urge you to haste?—I believe so, but the matter has been so often discussed since that I cannot say with certainty. My impression is that you did so.

Did I ask you to send Mr. Tylee word that an application was lodged by me, for which you would write a receive order?—I think you stated that in Court, but I have no recollection of it; I think Parker was out then, and that there was no one else who could have gone. I did not send, certainly.

About what hour did you hand me the receive order?—I see by correspondence written at the time that it was at seven minutes past 2.

You received the application before 2 o'clock?—I did.

At what stage do you consider an application public property, and open to inspection?—As soon as I receive it. Such has always been the practice.

That is to say, that supposing any one in the office at the time saw another person hand in an application, and asked you to let him see what it was, he would be entitled to do so at once?—That is a nice legal point, which has never arisen, but my impression is, that as soon as I have examined the application myself, I should not be justified in refusing to allow any one else to see it.

What do you mean by examining it?—Looking through it to see that it was in due form, and what it was about.

And that the land was there?—In your case I did not think it necessary; I took it on Mr. Jarman's authority.

When did you get Mr. Jarman's authority?—I believe you made it out with Mr. Jarman. Anything I have written in the papers, as printed in the journals of the Legislative Council, is more likely to be correct than my present recollection, as it was written within a month of the time. Now you remind me, I remember that the application was for all the unpurchased land on the run, and that I knew without having to make reference, that there was unpurchased land there.

Then how did you ascertain the acreage?—From the application. Had the time not run so extremely close, I should have gone into the office to examine the map; but by so doing I should have delayed the application, and I was extremely anxious to get the applications made out in time.

Did any one ask to see the application on the Saturday?—No.

No one but yourself saw it up to 2 p.m.?—Parker and myself; no one else saw it, so far as I can remember.

Did I tender you a marked cheque for the price of the land, and did you see it?—I remember you handing me a cheque in Mr. Brandon's presence, purporting to be for the amount; but I refused to accept it, as it was not my duty to receive the money.

About what time on Saturday did Mr. Kinross lodge his applications?—I had scarcely commenced them, when you entered; Mr. Kinross was just passing out as you came in.

What passed between us on the Monday morning, before you left for Waipawa?—I do not remember anything passing between us that morning; it has never been brought to my recollection.

Did you give Parker any instructions before leaving?—Yes.

What were they?—I gave him general instructions that an application then being prepared was to be received. I had had a conversation with Mr. Kinross on the subject, and had virtually received his application. I had decided to receive it, and the remainder was mere clerical work, which did not require any attention.

Did you discuss the matter of my application with Weber or any one else on Saturday, after office hours?—I may have spoken of it in the Survey Office; I cannot really say after this interval of time. I stayed to complete your application, and I am not sure whether the Survey Office was open when I left.

Had you any communication with Mr. Kinross or others on Sunday?—Yes. While I was dressing on Sunday a note was brought me from Mr. Kinross asking some questions as to the particular locality of the land—what part of the run you had bought. The note shewed quite clearly that Kinross was aware that you had made a purchase hostile to or conflicting with his interests.

Did you return the note?—I just turned up a corner, and wrote in pencil, as near as I can remember, "All Joe Tanner's run at 10s.," and sent it back.

Did you consult the Superintendent on Monday before leaving town about these applications?—I have no recollection of doing so, and do not think it likely.

You received no instructions from him?—I believe not.

Is it usual to give information after office hours?—I may say that you yourself have spoken in very warm terms of my not doing business as Registrar of Deeds out of office hours. You considered it a great grievance.

Is it usual to give information out of the office about land applications?—That is a difficult question to answer. If a person asked me a question in the street which I could answer without going back to the office, and it was a legitimate and proper question, I should answer it in the street.

Did Mr. Kinross pay in cash or a marked cheque?—I know by hearsay that it was a marked cheque; but I did not receive it.

Did you consult him as to the employment of counsel and line of defence?—On that occasion nothing more was done than his guarantee that he would hold me harmless. Some time afterwards, when I received the injunction, I consulted with him.

And at other stages of the case?—Yes; when the pleas were put in.

Did you make it a stipulation that he should hold you free before you made it a simultaneous application?—No; though I believe it was done on the same day. I saw the prospect of its becoming a big thing, and I said I would have to resign. If you mean to ask whether my decision depended on his assurance, I shall answer at once in the negative. Mr. Kinross said he would have to go to law, and it was a question I had to decide which side to espouse. I had two reasons which principally led me to take Kinross's side rather than yours. The one was that by so doing I endorsed the act of the Receiver of Land Revenue, which I believed to be perfectly correct; the other, that the interest of the land revenue was entirely on Kinross's side.

Did you apply in the first place to the General or Provincial Government to defend you, or pay the expenses of litigation?—How could I? The matter had to be settled there and then.

Did you apply to the Provincial or General Government to defend you or pay the expense of the suit raised by me against you as Commissioner of Crown Lands?—I do not think I did in that particular instance, because a provincial injunction was served upon me to answer at very short notice, and from previous correspondence knew it would not be done in time.

What was the time given you for answering the injunction?—I forget: a few days. It was very limited, and we had to apply to get it extended. I am not positive that we did get the time extended—I may be confusing this with another case. I know we were run very close, and much inconvenienced on account of the shortness of time.

Mr. Hart was your solicitor, I think. Who was your counsel?—The late Attorney-General—the present Chief Justice.

Did you ever suggest or press that the case should go to a jury?—The matter was a subject of correspondence between myself and Mr. Hart, but I do not think I am called upon to answer the question. I believe the suggestion that a special case should be prepared for the Court of Appeal emanated from your side.

Did you understand Mr. Justice Johnston to decide that there was no case to go to a jury, as the facts were substantially agreed upon, and that it was entirely a question of law?—No; I certainly did not understand anything of the kind.

Did you ever object to its going to the Court of Appeal?—No. I agreed, and am very sorry that I did agree.

Will you say why?—Because I do not think the facts were sufficiently brought before the Court of Appeal. My impression was that I was placed at a disadvantage by my case being conducted in Wellington, and the insufficient time I had for communication.

After the judgment in the Court of Appeal, were you asked by any one to carry the case to a higher Court, and were you offered a guarantee for your expenses if you agreed?—No; I was never asked anything about it. I considered the judgment of the Court of Appeal to be final.

Did you pay any costs of the action?—I have never paid any costs yet. I have a bill for them, and consider myself still liable. About a week ago I received a note from Hart and Buckley—a reminder that the costs were still outstanding.

Then the costs are still unpaid?—Yes.

If you are responsible to Hart and Buckley for costs, have you a claim on Kinross for repayment?—I claim my costs from the Government, as I acted in my official capacity. If the Government ultimately refuse to reimburse me, I shall look to Kinross.

Have you any guarantee against further proceedings for damages in consequence of your decision and defence of the action?—I think you are placing me at a disadvantage if you have any idea of taking further proceedings. I object to the question, as it may be put with a view of prejudicing a future case.

I submit that if a public officer takes a guarantee of the kind, he is not doing his duty to the public. I wish to ask if you, a public officer, took a guarantee against all future proceedings?—I have no guarantee beyond what I have already explained. I have already stated, as nearly as I can remember, the terms.

At what date did Kinross take back his money?—As soon as the decision of the Court of Appeal was given.



Could you give the time?—I believe I could. The Receiver can give you the exact date. As soon as I saw the decision of the Court of Appeal I considered the case closed.

When did you inform me that I might take possession?—Whenever you applied. You were the first who handed me the decision of the Court of Appeal. From that moment there was no impediment whatever placed in your way.

H. B. SEALY.

Mr. Sealy applied to be present and examine witnesses.

The Committee refused.

Committee adjourned at 1.15 p.m.

Committee resumed at 2 p.m.

Mr. J. T. TYLER in attendance. Examined by Mr. H. R. Russell :—

You are Receiver of Land Revenue?—Yes.

Did you see Mr. Brandon and myself on the 5th April, 1873, before 2 p.m., in your office?—Yes.

Did I inform you that I was about to make an application for land, and that I had a marked cheque to pay for it?—You told me you were going to make an application for land; but I do not remember anything about the marked cheque.

What passed after I told you this?—I do not remember anything particular, except that I told you I would not be there after 2 o'clock.

Was Mr. Kinross making applications on the same day for himself or clients?—Mr. Kinross lodged a cheque with me for £2500, and said he was going to make applications for land, and that this was to pay for it.

You do not know what the applications were?—I did not know then. I knew afterwards, but cannot say from memory, beyond that one was for land on Gollan's run.

How long before 2 p.m. did he hand you the receive order?—It was before you and Mr. Brandon came to the office that he lodged one of the applications; the cheque was lodged before either application. One of the applications was for land of the value of £1650.

Were all his applications of Saturday completed on that day?—No: one was not.

The money—that is, the paper—was in fact with you?—Yes.

Was the receive order for the second application lodged with you before 2 o'clock?—No; if it had been, the application would have been completed.

When was the receive order handed to you?—Some time late that afternoon when I was again in the office. It was sent to me in an envelope; I do not know by whom. I opened it and found what it was.

What was the date of the receive order you issued for that second application?—Monday, 7th April.

Did you see Mr. Kinross on Saturday, after office hours?—I do not believe so. If I did it was merely in the street, and not to speak to him. I do not remember having any communication with him.

Did you leave off sharp at 2 o'clock?—No; at seven minutes past.

Was the office closed at 2?—No; it was seven minutes past when I locked the door.

Up to that time would you have received any receive orders?—I was waiting there for yours.

By what clock was your time regulated?—By the Telegraph clock, I believe; if not, by Brewer's, the only public clock before the telegraph clock was put up.

Do you not regulate your time by the clock in the survey office?—No.

Did anything lead you to think that Kinross's application and mine were conflicting?—No; nothing at all.

Is it your usual practice to close punctually and rigorously at the exact hour, and to refuse to receive any payment unless tendered before the hour?—It is not my custom always to lock the door at 2 o'clock; but as far as land is concerned, I do not take money after office hours.

Then in fact you would not have taken my money after 2 o'clock?—No; I kept the office open a few minutes longer that day by accident; in waiting for you I did not know that the time had passed. As soon as I knew it was past 2 o'clock I closed the door.

Have you never said to any one that suspecting there was going to be some conflicts of application between Kinross and myself, you resolved to close at 2 precisely?—Not that I remember.

Did you on the 5th April complete all receipts and entries for applications for which receive orders were tendered to you before 2 o'clock?—Yes.

Is it your practice to leave your office before completing all transactions of the day?—If you mean entering them up in my office books, I say yes. Generally speaking, I finish them up as far as possible. I have to make seven copies of the receipts before they are completed. All that is necessary to be completed at the time is generally done in the office before the applicants go away.

Do you remember taking a receive order from Mr. Sheehan as late as a quarter past 4?—I remember taking the order, but do not remember the hour. Generally speaking, the office is now open till half-past 4 o'clock. By the regulations now in force a person cannot make an application after 3 p.m.

Do you remember how many applications you had to complete after 2 p.m. on that Saturday?—No, I do not.

How long does it take you to complete a single transaction after receiving the receive order?—About a quarter of an hour, generally.

That is, before the applicant can receive his receipt?—Yes.

Supposing several applications came into your office just before the hours of closing, would you consider it your duty to remain and hand the applicant his receipt, supposing, for instance, he lived at a distance in the country?—I should take the money in the order in which the applications were given to me. I should ask the people what they wanted done with their receipts, and tell them when they would be ready for them. People often ask me to leave the receipts at the Bank; when they have an account at the Bank that is the general custom; and then the Bank people sign the attested copies.

Would you give the applicant any memorandum or acknowledgment of his money?—No. I have never been asked to do so. I do not know that a man may not be entitled to it, but I should rather object to give it; I would tell him to wait and get his receipt.

Have you ever completed any transactions on the following day, and given a receipt of the date of the Commissioner's receive order, which may not have been handed to you till next day?—No; decidedly not.

At what time did I call at your office on Monday, the 7th April?—About 10 o'clock.

Did I hand you a marked cheque?—I believe so: I should not have taken it otherwise; it is a rule of the office not to do so.

Did you give me my receipt immediately?—No.

What reason did you assign for not doing so?—I cannot recollect. I may have told you I would give it to you as soon as I could.

Did you not tell me that before you could give me my receipt you would have to finish up all previous transactions, involving writing a great many copies of each receipt, and that it would take a considerable time to do so; and on my asking you how long, did you not say about two hours hence?—Very likely I did. I know there was one of Kinross's in which I had to take first, and I had other work to do—Treasury work. It was early in the month; I had several payments to make; and if I told you two hours, it was simply that I would have it ready then; not that I would not have it ready sooner.

Did you before my first calling on the 7th, or on Saturday, after two o'clock, hold any communication on the subject of my application with Mr. Kinross, Mr. Sealy, Mr. Weber, or any other person?—I did not see Mr. Kinross; I certainly did not see him previous to Monday. I saw Mr. Sealy, but do not remember seeing Mr. Weber—certainly not to have any conversation with him. I had some conversation with Mr. Sealy.

On that subject?—Mr. Sealy told me what the application was; that was all.

Did you mention the subject in any way to any other person before Monday?—On Sunday I might.

Have you any objection to name the person to whom you mentioned it?—The information did not reach Mr. Kinross through me.

Then you decline to mention the parties?—Unless the committee require it.

Do you think it a right thing to mention such matters out of the office?—Not if I thought it would do any mischief. I went away in the country, and therefore Mr. Kinross would not get it in that way.

Had you any communication with any one on the subject after I saw you on the Monday, and before you gave me my receipt?—I do not remember. I do not know that I had.

Did you not consult His Honor the Superintendent about it?—No. I do not think I saw him on the Monday at all.

You took no advice from any one as to whether you should issue the receipt or not?—No, certainly not. I do not see how I could have refused to issue the receipt. I have always been very scrupulous not to consult His Honor on any subject, unless it is a matter in which he could give me authority. I am careful not to mix him up in any such matter, and in fact I do not suppose he would have interfered.

Have the public a right of access to all information procurable by inspection of books and documents in your office?—Certainly not.

Under whose control and direction are you?—As Receiver of Land Revenue I am under the General Government. I receive instructions sometimes from the Receiver-General, and sometimes from the Treasury. I do not know what department really I am under. I sometimes receive instructions—as, for example, to refund monies—from the Commissioner of Crown Lands.

Have you no general instructions from the General Government as to the duties of your office?—Only the Rules of the Civil Service.

Nothing special, relating to your duties in the Commissioner's office?—Nothing that I know of.

At what time on the Monday did Mr. Kinross hand you the two applications?—I do not know.

Was it not close on 4 o'clock?—It may have been.

Were the amounts paid in cash, or by marked cheque?—By marked cheque.

Can you inform the Committee at what date Kinross paid back the money?—Not without reference to my books.

Have you ever known cheques not marked to be taken in payment for land?—Yes.

Have you ever known such cheques to be dishonored?—No.

What is your rule in deciding whether to accept them or not?—I have only done it in one or two instances; but I do not treat it as payment until the cheque is cashed.

J. T. TYLEE.

TUESDAY, 29th June.

The Committee met at noon. Present—All the members.

Mr. H. R. RUSSELL in attendance. The Chairman read to Mr. Russell the resolution of the Committee, defining the subjects to which evidence is to be limited.

Mr. C. H. WEBER in attendance, examined by Mr. H. R. Russell :—

You remember the 5th April, 1873, when Mr. Kinross made application for some land?—It was on a Saturday; I do not remember the date.

Do you remember what the applications were?—I believe they were made on D. Gollan's run. I do not remember any other.

Did you assist Mr. Kinross with any maps or plans?—I did not on that date.

Did you see Mr. Kinross on the Saturday?—I did.

Before the office closed?—Yes.

Did he say anything about further applications for land at Motuotaraia?—No; I had no conversation with him; I was very busy in the office that day.

Did you hear anything on the 5th April, before or after office hours, of my application for Motuotaraia?—I heard it, as I always do on making inquiries, that applications had been made by you and Mr. Kinross.

Before or after office hours?—Just at the closing of the office I heard it?

Who informed you?—I believe I looked over the application book. If not, Mr. Jarman informed me. Generally one of the last questions I ask is—Have any applications been made?

Did you go into the Land office and look at the application book, or did you hear it from Jarman?—I cannot remember; but I know that when I left the office I was aware that applications had been made by you and Kinross.

Did you know the particulars of the application?—Your application, I believe, was for the whole of the unsold land on the Motuotaraia run.

Did you understand that Kinross and I had applied for the same land?—No; I knew it was not the same. I only remember now his application for Gollan's run, though he made others at the time.

Did you mention the subject of my application in any way to any one on Saturday?—Not to my knowledge.

Are you positive?—I can only say that I have no knowledge. I may have mentioned it in conversation, as I should have been perfectly justified in doing. If I had met His Honor the Superintendent I might have told him that we had sold fifteen or sixteen thousand acres of land, or I may have mentioned it to other people.

Were you aware that Mr. Tylee had not completed the transaction by receiving the money?—I do not know that I was positively aware of that; but I knew there was some question as to whether you were in time or not.

Do you think it right to mention an uncompleted transaction before it becomes a public record?—There was nothing in it. I do not think I should volunteer such information; but if I were asked the question I should consider myself bound to give the information.

I wish you to consider that this was viewed in the office at the time as an incomplete transaction, and that it might have prejudiced me unfairly if Mr. Kinross had obtained a knowledge of the application, which, as the office closed at 2 p.m., he had no official means of doing until Monday, and that on Monday he might not have gone to the office to see what I had been doing.—Under these circumstances I should not have volunteered the information; but if asked the question should have considered myself in duty bound to answer it straightforwardly.

Were you asked by any one what land I had been buying?—Not to my knowledge.

The matter caused a great stir; surely if you had named it you would have remembered?—I do not think I mentioned it; but if any one had asked me I would have given the information.

You will not say positively that you did not mention it?—I will not say positively.

Did you see Mr. Price that Saturday afternoon?—I do not remember.

You do not remember any conversation with him?—I do not remember seeing him.

Did you see Mr. Kinross on Saturday evening?—I may have done so; but I had no conversation with him about this matter.

You did not see my application on Saturday?—I am not positive that I looked at the application book, but I was aware of it.

CHARLES WEBER.

Mr. J. G. KINROSS in attendance, examined by Mr. H. R. Russell :—

You made some applications for land on Saturday, 5th April, 1873?—Yes.

Do you remember what they were?—One was for a block of land on my own run; the other, as agent for Mr. Gollan, was for a block of land on his run.

When did you conclude your business that day at the Commissioner's office?—I got the last receive order from the Commissioner a minute or two after 2 o'clock. I got the former before 2.

At what time did you conclude your business at the Receiver's office?—I got only one receive order in, immediately after I got it from the Commissioner—about two minutes before 2.

Had you before 2 o'clock on Saturday any communication with either the Commissioner or the Receiver about the probability of my putting in conflicting applications, or applications for land at Motuotaraia?—In making my applications I said that I feared you would be putting in applications for Motuotaraia—that is all the communication I had.

To whom did you say that?—At this interval I cannot speak certainly—it is probable that I may have said it to both the Commissioner and the Receiver.

What led you to suspect that I might be putting in applications for Motuotaraia?—I heard that you wanted to borrow money to buy the land. It must be borne in mind that I do not volunteer this information.

You have already stated the same thing in Council. Will you inform me who told you?—If you say my information was not correct, I will give you my authority; if not, I decline.

At what time did you hear this?—A considerable time before.

This was what led you to think, when you saw me at the office, that I might be putting in competing applications?—Yes.

But in fact the application I put in was not competing?—It was not.

Were you informed on Saturday, after the office closed, that I had put in an application for Motuotaraia?—I heard that you had done so; but not from any one connected with the office.

But did you understand that the information came from the office?—No; I did not.

Will you mention from whom you heard it?—From various people. One was Mr. James Burnett.

Where is he now?—In Victoria. I am not sure that it was not the talk in Britten's hotel on Saturday evening.

Did Mr. Burnett say how he got the information?—No: I do not think so.

Do you remember the substance of what he did say?—I cannot repeat his exact words. He told me that an application had been made by you for land at Motuotaraia which I leased.

Can you recollect any one else in particular who gave you the information?—I recollect now that Mr. Burnett mentioned that he had heard it from Mr. Augustus Carlyon.

Mr. Carlyon is dead, is he not?—Yes.

Did any one else mention the fact to you?—A number of people spoke to me about it; but at this distance of time I cannot recollect all.

It is important that you should, as grave suspicion, at any rate in my mind, rests upon the office.—I do not think that in the minds of people in general there is any such suspicion.

Did you see Mr. Price, your manager, on Saturday?—I did.

In the forenoon or afternoon?—In the afternoon.

After 2 o'clock?—Yes.

Did he say he had heard a rumor of my purchase?—I am not sure; but do not think he did at the time.

Did you tell him, or did he tell you?—You may draw things out that I would not otherwise mention. He told me he had seen you, and that you had been so full of offers of assistance that he was quite sure you were up to some mischief.

Mischief regarding Motuotaraia?—Yes.

Do you say positively that that conversation occurred on the Saturday?—Yes; I mentioned to him that I had seen you at the Land Office at 2 o'clock, when I bought the unbought land on my run, and that I suspected that you were applying for the land at Motuotaraia; but that your application would be late, and that I would be able to cover it on the Monday.

Had you any communication with Mr. Sealy on Saturday after two o'clock about the application?—No.

With Mr. Weber?—No.

Did you see him at all, or have any communication with him whatever?—No.

You wrote a note to Mr. Sealy on the Sunday morning?—Yes; I did so hearing that the application was for the unsold land on Joseph Tanner's run.

Did any conversation pass between you and Mr. Sealy on Monday regarding the application?—Yes.

Will you relate the substance of that conversation?—I asked for the application book, and went into the office and saw it. I told Mr. Sealy I was going to put in an application to cover yours. He asked me on what ground, and I told him on the ground that you had not completed your purchase; that I knew from the fact of one of my own applications being incomplete that yours must be in the same position. He said he was sure that you would dispute that I said I could not help it; that if I had a right to apply I should of course use it. In giving this conversation I cannot repeat the exact expressions used; only the substance. He mentioned that very expensive law proceedings might arise, and that he as Commissioner might have to bear the brunt of them; that in former instances he had applied to his superiors, to the Superintendent and the General Government at Wellington, to be relieved of personal responsibility for his decisions; but that each put him off on to the other. I told him he was bound to exercise his office; that that would be no reason to applicants for land that they should not be allowed to exercise their rights; that I felt perfectly convinced that the Government would

not desert him if he acted to the best of his judgment in protecting the revenue, as he would be doing in this case; and that it would be such an unfair thing that I would consider myself bound in honor to see that he was not personally made liable for the costs of any suit. That is, as near as I can recollect, the substance of the conversation.

Did Mr. Sealy then agree to accept your application?—He did.

And treat it as simultaneous?—He did.

Did he require any written guarantee?—I gave him one.

Do you recollect the terms of the guarantee?—No: I cannot say that I do.

Have you a copy of it?—I kept no copy.

Have you paid the costs of the legal proceedings?—No. I do not consider myself liable.

Not to Mr. Sealy?—Not unless he is personally made liable to the Government?

Did the Government employ counsel or solicitor in the case?—I suppose the Government was consulted.

Were you not consulted?—Yes.

Did you give any instructions to solicitors or counsel?—Mr. Sealy, in giving instructions, very often advised with me.

Did you give no direct instructions?—Not except under the direction of Mr. Sealy.

Did you communicate with solicitors and counsel under the directions of Mr. Sealy?—I have no doubt I did.

Have you received any bill of costs?—No; it was sent to Mr. Sealy.

Have you seen it?—Yes.

Have you been applied to to pay it?—No.

Have you had any private business in the matter which you have paid for yourself?—Yes? I have paid for some private consultation which could not properly be charged to Mr. Sealy.

Do you remember if the indemnity contained a guarantee against all consequences of Mr. Sealy's action in the matter?—I should think not; I do not recollect. My notion is that it referred only to the suit. I had no other consequences in my mind.

At what time did you receive back your money from the Treasury?—Very soon after I heard of the decision in your favor. No doubt Mr. Tylee's note, giving the date as 30th November, 1874, is correct.

Did you receive any interest on the deposit?—No; merely the bare sum.

J. G. KINROSS.

Mr. Alfred PRICE in attendance, examined by Mr. H. R. Russell:—

Did you inform Mr. Kinross on Saturday, 5th April, 1873, that you had heard of my purchasing part of Motuotaraia?—No.

Did you see him on the morning of that Saturday?—Yes; about 11 or 12 o'clock.

Did anything pass regarding land purchasing?—No.

Did you not say that I was up to some mischief?—I do not know whether I used those words. I may have said something similar.

Do you recollect any of the remarks which led to it?—I told him I had reason to believe you had hostile intentions with regard to his interest in Motuotaraia. I had no idea that you were going to buy; I only suspected it.

You had not heard?—No.

Did Mr. Kinross tell you on Saturday or Sunday that he had heard a rumour regarding it?—On Sunday morning he told me that you had applied.

Was that after he received a note from Mr. Sealy?—Yes.

Do you remember the time that the stock was cleared off Motuotaraia?—A week previously to my receiving notice that the case had been decided in your favor. When Mr. Kinross heard the decision he gave me immediate instructions to remove all the sheep; but we had already mustered for shearing, and they were off a week before that time.

ALFRED H. PRICE.

Mr. S. G. BRANDON in attendance, examined by Mr. H. R. Russell:—

Do you remember marking a cheque for me on Saturday, 5th April, 1873?—I remember the circumstance, but am not sure of the date.

It was tendered in payment for land at Motuotaraia?—Yes.

Can you state the amount?—Not from memory: on the acreage being ascertained a slight alteration was made in the amount. The original cheque was destroyed, and another marked in the presence of Mr. Sealy.

Was not the amount of the largest cheque £3,500?—I believe so.

Mr. Ormond: When was the second cheque initialled?—Within seven or eight minutes after the first cheque was marked at the Bank. We arrived at Mr. Sealy's office at about ten minutes to 2; there was a little delay in ascertaining the acreage, and I believe the second cheque was marked at about 5 minutes to 2.

You then left?—No; I went into Mr. Tylee's office, and had some conversation with him.

S. G. BRANDON.

Mr. J. T. TYLER, recalled, examined by Mr. H. R. Russell:—

You said in your evidence that you mentioned the purchase of Motuotaraia on Saturday afternoon. By the permission of the committee you have been recalled to ask to whom you gave that information.—I did not say I gave the information on Saturday.

To whom, then, did you give it on Sunday?—Mr. Richardson and I went out on Sunday to Mr. Towgood's. On the road, when beyond the toll-gate, I mentioned to Mr. Richardson that there was an application on Joseph Tanner's run.

When you mentioned this to Richardson, were you aware of any communication having taken place between Sealy and Kinross?—No.

You were not at the time aware that the thing was known to Mr. Kinross?—No.

J. T. TYLER.

Mr. Russell applied that the guarantee given by Mr. Kinross to Mr. Sealy should be put in.

Committee adjourned till noon on Wednesday.

WEDNESDAY, June 30.

Committee met at noon.

The Committee, having considered Mr. Russell's application, decided that the guarantee having been admitted, its production was unnecessary.

Mr. J. T. TYLER recalled, examined by Mr. H. R. Russell:—

When was the money paid to the Provincial account?—On the 9th April, 1873.

What rate of interest was allowed on the balance during the years 1873-4?—2 per cent. from date of application to 30th June, 1873; 3 per cent. from 1st July, 1873, to 30th June, 1874; 5 per cent. from 1st July, 1874, to 30th June, 1875.

Were there not large credit balances during these years?—Yes; much exceeding the amount of these deposits.

When was Mr. Kinross' money refunded?—The cheque was dated 28th November, 1874; but the money, I believe, was not paid till the 30th.

What amount was refunded?—£3282 10s.

Did he pay depasturing fees?—Up to the date of the application to purchase; not after.

Was any interest paid on the money refunded?—No; there never is to anybody.

Has Mr. Kinross paid any depasturing rent during that period?—No.

Is no further claim to be made on Mr. Kinross for depasturing rent?—I do not know; I think not. The matter is one for the Commissioner of Crown Lands.

J. T. TYLER.

His Honor Mr. J. D. ORMOND, examined by Mr. H. R. Russell.

Is Mr. Kinross allowed the use of the land in dispute for twenty months without any payment to the province?—That is a question with which I have nothing to do.

Would it not be the duty of the Superintendent to call the Commissioner's attention to the recovery of this sum if he believed it to be a just claim?—I do not think this question comes within the limits to which this inquiry is confined. It is a question of administration, and I do not see that it has anything to do with your claim to relief.

On the question being pressed by Mr. Russell, the Chairman ruled that it was beyond the limits of the inquiry.

At the time of the applications being made, either on Saturday or Monday morning, were you waited on by either Messrs. Sealy, Kinross, or Tylee on the subject of my Saturday's applications?—No.

Were you informed on the Monday morning of the dispute between the Land Office and myself?—I do not think I knew of it within a day or two, though I may have done so.

You gave no advice to Mr. Sealy or other parties as to how to act in the matter?—None whatever.

Were you consulted by Mr. Sealy in regard to his defending any action by me?—I was asked by Mr. Sealy—I cannot say when—whether he would be guaranteed the expenses of his action by the province.

It was not on that Monday?—No; I knew nothing of it until after the decision was given.

Then you were not consulted by either Kinross or Sealy about that guarantee at all?—No. I heard nothing of the guarantee until long after.

J. D. ORMOND.

Committee adjourned till 11 a.m. on Thursday.

THURSDAY, July 1.

Committee met at 11 a.m.

Mr. TYLER and Mr. H. R. RUSSELL in attendance.

Mr. H. R. RUSSELL, examined by Mr. Tylee:—

Did I not distinctly inform you that I would not keep open after 2 o'clock?—I have no recollection of any such conversation; but if I made such an inquiry it

was simply with a view of ascertaining the ordinary hour of closing the office; but not as to the office being kept open later than the ordinary hour of closing to complete any application lodged with the Commissioner of Crown Lands before his hour of closing.

Was the cheque you paid me on Monday the one you had in the Commissioner's office when making the application?—It was; the cheque was altered in the Commissioner's presence, and initialled by Mr. Brandon. It was altered from £3500 to the exact sum required to pay for the area of land in the receive order.

Mr. Tylee applied that the committee order the cheque to be produced.

Mr. TYLEE, examined by Mr. Ormond :—

Are applications ever received by the Commissioner subject to after-consideration?—Yes.

Do the applicants in such cases lodge the purchase-money of the land?—Yes.

In the event of such applications being ultimately disallowed, does the applicant receive back his purchase money?—Yes.

Is interest allowed on the money so lodged?—No.

In the case of simultaneous applications, when is the purchase money refunded to the party who does not get the land?—As soon as the person brings me the order from the Commissioner to refund, which is generally after the auction sale.

Is any interest allowed in such cases?—No; and it has never been asked for.

Do you remember any cases in which you have received applications after the fixed time of closing?—None, that I remember.

On this occasion, why did you receive the order seven minutes after two?—I did not receive it; that was the time I closed the office.

Was Mr. Kinross's second receive order received that day?—It was in the office; but was not treated as received till Monday. I had the money on Saturday; but did not enter it up in my books, and did not treat the receive order as received till Monday.

Then Mr. Kinross's second application was treated in exactly the same way as Mr. Russell's, and did not become completed till Monday?—Yes.

J. T. TYLEE.

Mr. Brandon, recalled, says :—

I produce the cheques asked for. I find on reference that Mr. Russell paid the amount in two cheques—one for £3000, and the other for the balance. The smaller cheque was altered.

Mr. Ormond: Were these the original cheques?—No; the originals were destroyed, and these substituted.

Where were these drawn?—In Mr. Sealy's office.

Were the originals destroyed in Mr. Sealy's office?—Yes.

Mr. Bennett: What was the object of the alteration?—I cannot be sure; it may have been that they knew the amount was over £3000, but did not know the precise amount.

S. G. BRANDON.

Mr. Tylee made the following statement :—

About 11 a.m. on the 5th April, 1873, I went to the Bank of New Zealand to lodge such Government money as I might have in hand, which is always done on a Saturday. While I was there, Mr. Russell came out of the manager's room, and asked me what time my office would close, and how late I kept open on Saturdays. I distinctly told him 2 o'clock sharp—not one minute after. Before 2 p.m. Mr. Russell and Mr. Brandon walked into my office, and Mr. Russell told me that he was going to make an application for land. I recommended him to go and do it at once, as the time was going on. Finding it getting very close to the time, I went into Sealy's office with Mr. Brandon, in order to see if there was any chance of the application being completed in time. When I was in there, Mr. Russell called Mr. Brandon's attention to the fact that the cheque was not for the correct amount; and said, "What shall we do? Shall we alter it?" Mr. Brandon said, "It's of no consequence; destroy it, and make another." I fancy that the cheque was then and there torn up by Mr. Russell, but cannot say positively. I then went back to my own office, and Mr. Brandon went with me. He stayed some time in conversation. I remarked to him that it was too bad for Mr. Russell to be asking me to do a thing that he knew was irregular, and which he would be the first to find fault with me for doing for any one else—that was, to wait and receive his money after the proper hour. Mr. Brandon remarked that I would not be justified in treating one person differently from another; that I ought to treat all alike. I said, "I will not wait one minute after the proper time." We then looked at our watches, and I found that it was seven minutes past two. I jumped off my stool and locked the door. Mr. Brandon said, "Let me out first." I said, "No; we will go together; let me just put this away first." From under my blotting-pad I pulled out a cheque and receive-order, which I locked up in the chest. I said, "That is the way the land is going—£2500 from Kinross." Mr. Brandon asked me where the land was, I told him I did not know. I had seen the cheque, but had not then looked at the receive order, and did not know until I got back to the office that the receive order was not for the full amount of the cheque. Mr. Brandon and I then left the office together immediately. I think we walked together as far as the Bank of New Zealand; but I am not certain. I went away,

had a glass of beer and a sandwich, and went back to my office to work. I do not know where Mr. Brandon went: perhaps he went back to the Commissioner's office and marked the amended cheque; but certainly when we left the office no amended cheque had been made out.

J. T. TYLEE.

Mr. Brandon made the following statement:—

As far as my recollection goes, Mr. Tylee's statement is entirely wrong. I went to the Commissioner's office with Mr. Russell; he made his application, and the Commissioner said he was very busy with other work, and could not give it immediate attention. He came out of his inner office shortly after, and in conversation with Mr. Russell it was found that the cheque had been initialled for a wrong amount. I cannot say exactly what took place, but I know that the cheque was destroyed, and the two cheques I now produce, amounting together to the correct sum, were drawn and initialled. I remember going to Mr. Tylee's office, in company with Mr. Russell. I do not remember what took place. I remember afterwards being in Mr. Tylee's office when he closed the door. On his letting me out I returned to Mr. Russell, and told him that Mr. Tylee had closed his office.

Mr. H. R. Russell: You say you were twice in Mr. Tylee's office, once with me, and once by yourself?—Yes.

Was it on the first occasion of your being to the Commissioner's office that the cheques were marked, or after Mr. Tylee had closed his office and gone?—Before that; it was on the first occasion.

Can you recollect if I asked you to go to Mr. Tylee's office and tell him to stop, as the receive order was being made out?—I believe so; I believe that was the reason of my return.

Did you hear me ask Mr. Sealy to send to Mr. Tylee, and tell him I was just coming?—No; I cannot recollect that.

Mr. Tylee says that you and he had some conversation, when he said I wanted him to do an improper thing, and that I would be the first to find fault if he did it for anyone else. Do you recollect that?—I do not recollect that part of the conversation at all.

Captain Russell: After the first cheque was destroyed have you any idea where the blank cheque came from?—I cannot say.

S. G. BRANDON.

Mr. Tylee pointed out that the numbers of the cheques were so close to each other as to make it appear that they were from the same cheque-book, there being only one interval between the numbers.

Mr. BRANDON, examined by Mr. Tylee:—

Are you positive that I was not in Mr. Sealy's office when Mr. Russell pointed out the mistake to you?—To the best of my recollection and belief you were not present. I believe the mistake was pointed out by Mr. Sealy.

You cannot say that I was not present?—No; but to the best of my recollection you were not.

S. G. BRANDON.

Mr. TYLEE, examined by Mr. H. R. Russell:—

You state that you never took money on a receive order after the regular hour of closing?—I do not remember ever doing anything of the sort.

Not on the application of Mr. Peters?—No; nor any one else. If it was ever done, it was through ignorance of the time; but I am generally cautious to look out for the proper time.

You say you were in Mr. Sealy's office and saw the cheque altered?—No. I said it was not altered while I was there.

Had you any conversation with Mr. Brandon or myself while in the Commissioner's office?—Not that I remember; I merely went in to see if there was any chance of the thing being completed.

How did you ascertain that there was no chance of its being completed?—You told me, I believe, that you would be in directly. I went back, put aside all other work, and waited for you.

Was it in the Commissioner's office that I led you to believe I would be in directly?—I believe it was.

Will you state positively that you were in the Commissioner's office in the interval between Brandon and I seeing you in your office and the second time when Brandon went to the office?—No.

Will you state positively that you were in the Commissioner's office at all?—Yes, certainly.

Mr. Burton: Do you remember the date at which the office hours were extended to 4.30 p.m.?—I do not remember, and have not had time to look it up.

J. T. TYLEE.

Mr. SEALY recalled.

The Chairman informed Mr. Sealy that Mr. Russell had applied for all correspondence between himself and the General and Provincial Governments in his possession, relating to this inquiry.

Mr. Sealy replied that subject to the permission of the Secretary for Crown Lands, which he would ask by telegram, he was willing to place all correspondence before the committee; provided that Mr. Russell would give a written undertaking to abide finally by the decision of the Provincial Council. But as Mr. Russell had threatened further legal proceedings, he could not of course assist him in preparing any case.



Mr. Russell said he should not expect the Committee to ask him to give any undertaking of the kind; and with regard to the production of the correspondence, if he should resort to further legal proceedings against Mr. Sealy, he could always be served with legal notice to produce such documents in Court.

Mr. SEALY, examined by Mr. H. R. Russell:—

You remember my coming into your office with Mr. Brandon?—I have already answered that question.

While I was waiting for you to commence the receive order, did Mr. Tylee come in?—I do not remember seeing him. At the same time it must be borne in mind that I was in the back office nearly the whole time.

Then so far as you recollect he was not present when the cheque was altered and initialled?—I think not.

Mr. ORMOND: Was the cheque shown to you a single cheque for the whole amount?—My impression is that there were two cheques, and I think one was altered in the office.

Do you receive applications subject to after consideration?—Yes, sometimes, if the circumstances require it. In the case of unsurveyed lands, I do not know that any application can be considered as final.

Do applicants in such cases pay the purchase money of the land?—Yes. Sometimes where there is great doubt, the application is received with a qualification.

In the event of an application being subsequently disallowed, does the applicant receive back his money with or without interest?—Without interest. I do not remember any claim on that account ever being made.

Do these rules apply to simultaneous applications?—There have been very few cases of simultaneous applications. I cannot recall any instance where interest has been paid.

How long do these cases sometimes stand over?—Some months, I think.

Had you time, after Mr. Russell's application, to go to the map, and ascertain if the application was in every respect correct and in order?—I could not have done so with any prospect of getting it completed before 2 p.m.

Mr. BURTON: Is it unusual to grant applications without examining the map?—The applications are commonly made out by Mr. Jarman; but in a case like this, where all the unpurchased land in a block was applied for, there did not appear to be the same necessity for examining the maps.

Capt. RUSSELL: Was the original cheque destroyed, or merely altered?—I cannot say.

H. B. SEALY.

Committee adjourned to 11 a.m. on Friday.

FRIDAY, July 2.

Mr. WEBER in attendance, stated that he had no questions to ask Mr. Russell.

Mr. KINROSS recalled, examined by Mr. Ormond:—

When you were at the land office on the 5th April, 1873, did Mr. Russell lodge an application?—Yes.

Where were you then?—Standing at the door of the Survey office, which just adjoins the Land Office. There is not much room inside, and I was waiting at the door to get my own receive order from Mr. Sealy.

Had you any idea that the application would interest you?—I had a pretty strong suspicion that it would.

What time was this? How long before the closing of the office?—About five minutes I should say.

Was there time for you to have examined that application and protected your own interests?—There was plenty of time to have seen the application and handed in another; but not time to have finished it if the Receiver closed punctually at 2. I could have inaugurated the application.

Were you of opinion that the rules of the office precluded you from making such an application?—I was. I was distinctly told by the Receiver in the early part of the day that the office would be closed punctually at 2 o'clock.

You had made applications before on that day?—Yes.

How many?—Two.

Were they made prior to Mr. Russell's?—Yes.

Were they both completed on that day?—One was completed and handed in, and the receive order with the money handed in to Mr. Tylee. The receive order for the other I got from the Commissioner about two minutes or so after 2 o'clock. It was then too late for presentation at the Receiver's office.

Then your second application was not completed?—Not until Monday.

Owing to the rules of the office?—Yes.

Mr. BENNETT:—Did you consider the uncompleted application as liable to be treated as simultaneous on the Monday following?—Yes, certainly.

Mr. H. R. RUSSELL: When you received the second receive order did you go to the Receiver's office?—Yes, and tried the door. I found the office closed.

At what time was this?—About two minutes past 2 o'clock.

Were you quite certain of the time?—No; except by the Survey Office clock.

When did you send the receive order to the Receiver?—On the Saturday evening.

At the time I lodged my application you would have been in time to have protected yourself by covering it before the Commissioner closed his door?—Yes.

How long was it before closing?—About five minutes.

What about a marked cheque or cash to pay for the land?—In getting the

marked cheque for the two applications from the manager of the Union Bank, he told me that he would be about if I wanted another cheque, and I could within a few minutes have obtained it from him.

J. G. KINROSS.

Mr. H. R. Russell then read and put in a written statement.

Mr. H. R. RUSSELL, examined by Mr. Ormond :—

At whose instance was the question referred directly to the Court of Appeal?—I cannot say; my case was left entirely in the hands of my lawyers. I believe, too, that I was absent at the time.

Can you say whether Mr. Justice Johnston decided that there was no case for a jury? and if so, on what information did he so decide?—When in Auckland, about the end of April or beginning of May, I had a communication from Mr. Wilson to that effect. I think he stated that the Judge had so decided, and that he would hear the case himself in Wellington on his return from the sittings of the Court at Napier. I communicated immediately with my lawyer, and objected most strenuously to the course proposed by the Judge, on several grounds, which I desired my lawyers to urge; but I expressed my perfect willingness to have the case tried either before a jury, or before the Court of Appeal. All I objected to was that Mr. Justice Johnston alone should hear my case.

On what grounds do you state that if the Court of Appeal had known that Mr. Kinross had given Mr. Sealy a guarantee, that your costs would have been allowed you?—On the assurance of my Wellington lawyers, when I returned from Australia, a few days after the decision.

Can you inform the Committee how the reference to the Court of Appeal came to be made?—I do not remember, I was ill at the time, and took very little interest in the case. Though I had heard of the guarantee before I left Napier, I did not mention it to my lawyers, who were quite ignorant of the fact when the case was heard.

H. R. RUSSELL.

*Statement submitted by Mr. H. R. Russell in reference to the enquiry held upon his Petition about Motuotaraia Purchases.*

The Committee having kindly permitted me to submit a statement at the close of the enquiry, I now avail myself of that permission. I do not propose to enter into any arguments as to the merits of the case, or as to the effect of the evidence; nor do I propose to make any reference to the unfounded statements injuriously affecting myself, which were made by persons interested in the enquiry in privileged places, which statements have gone abroad uncontradicted to the public, and may, for aught I know, have even now some weight with the Committee itself. I shall take another and more fitting opportunity of dealing with that phase of the question.

In regard to the actual statements of the Petition, those contained in paragraphs 1, 2, 3, 4, 6, 7, 8, 9 and 10, are substantiated by evidence or admitted. That being the case, all the essential and material facts of my Petition are established, and, as I contend, my claim to compensation is fully proved.

With reference to paragraph 5, the statements made therein are also admitted, excepting the charge of improperly furnishing information. Upon this point I would desire to point out to the Committee—

1. That such information could only have come either from Mr. Brandon or myself, on the one hand; or (2) from the officials of the Waste Lands Office, on the other.

It has not been attempted to be shown that such information was given by Mr. Brandon, and I can only repeat my statement already made, that no person, except Mr. Brandon, knew from me anything about my application until the Monday forenoon.

In regard to the second point, while it is true that the evidence has failed to establish direct communication between the Waste Lands Office and Mr. Kinross, on the Saturday afternoon, yet it is admitted that Mr. Kinross did receive information of the contents of my application on the Sunday. I consider that this circumstance alone is sufficient proof of the correctness of the belief expressed by me. Mr. Kinross should only have asked for such information during office hours, or, at most, on days when the office was open for business; and Mr. Sealy should not have given the information to Mr. Kinross, but should have told him to apply at the office on the Monday morning. Turning now to the question of how the matter transpired on the Saturday :—It is very unfortunate that although Mr. Kinross was told of the fact of my application having been made by several persons, he can only recollect the names of two, one of whom is dead, and the other absent from the colony. Further enquiry in that direction is therefore choked off. But there is strong evidence of the existence of very lax practice in matters of this kind in the evidence given by the officers of the Department. Thus Mr. Weber says, in reply to the question whether he mentioned the matter of my application to any person on Saturday :—I can only say that I have no knowledge. *I may have mentioned it in conversation, as I should have been perfectly justified in doing.* If I had met His Honor the Superintendent I might have told him that we had sold fifteen or sixteen thousand acres of land, or *I may have mentioned it to other people*, and he admits that he knew on the Saturday afternoon that there was some question about my being in time or not.

Mr. Tylee admits that he mentioned the matter on the Sunday to Mr. Richardson. I would respectfully point out to the Committee that these statements show that it is highly probable that the information leaked out from some official on the Saturday afternoon. I would desire to add that it appears to me that even if my application had been completed on the day on which it was put in, it was not a proper subject of conversation for officials, either in the streets or among their private friends. But the impropriety of such proceedings becomes clearly manifest when it is borne in mind that the department did not consider my application closed. Then, at all events, the strict rule should have been adhered to, of giving only such information as the law allowed, during office hours.

The question involved here is one which is full of interest to the whole public of the province, and its investigation should not be left to either myself or the Committee, but should, in justice to the Department and to the people of the province, be made the subject of special enquiry by the proper authorities.

The next point to which I shall refer is the question of guarantee. It is clear from the evidence that Mr. Sealy had a written indemnity from Mr. Kinross before as he himself puts it, he agreed "to espouse Mr. Kinross's cause." I do not overlook the awkwardness of Mr. Sealy's position under two masters, each of whom is anxious to put the responsibility in questions of this kind on each other's shoulders, but I leave it to the Committee to say what they think of that state of things under which an officer discharging substantially judicial functions is compelled to interview one of two disputants before him, and to obtain an indemnity for costs before proceeding.

Under this head I may refer to the grounds upon which Mr. Sealy says he based his decision. The first is—that thereby he confirmed the action taken by the Receiver of Land Revenue, which he believed to be correct. The reply to that is the short and conclusive one that the Court of Appeal has decided that both the original decision of the Receiver and the confirmature of such decision by Mr. Sealy were wrong. His second ground is in substance that by giving Mr. Kinross the benefit of any doubt, it would lead to competition for the land, and thereby favor the Revenue. As to this, I would say that no such consideration should have been allowed to affect the case. The Commissioner should deal with these matters judicially. He should administer the existing law as he finds it, and not attempt to alter its policy or effect by his decision. The Assembly and the Provincial Council, which made the laws, can alter them, if it be deemed necessary, to protect the revenue, but an official cannot justify a decision otherwise doubtful or wrong by a plea of this kind.

Mr. Kinross has also relied upon this view of the matter, and no doubt it will be urged upon the Committee when the question of the relief to which I am entitled is under discussion. I beg to state that I refused an offer made to me on Mr. Kinross's behalf, to divide the land in dispute. If I had consented the revenue would have suffered just as it actually has done, while, by leaving the question to a competent tribunal, I gave the revenue the chance of a decision confirming the ruling of the Commissioner. This proposal of Mr. Kinross's came to me through Mr. Wilson, solicitor.

Before concluding, I wish to make a few remarks on the questions, 1st, of the limitation of the enquiry to the four points notified to me in writing; 2nd. The elimination of evidence already taken. I say, with all respect to the decision of the Committee on these matters, that the fullest latitude should have been allowed in an enquiry of this important nature, and considerations of time or expense should not prevail against the all important one of getting at the truth. If the enquiry had not been limited, considerable light might have been thrown on the administration and working of the Waste Lands Office. As it was, a good deal of pertinent evidence had already been taken, which, I observe, has been ordered to be deleted.

While I am thankful to the Committee generally for the forbearance and consideration shewn during the progress of this enquiry, I cannot help saying that the above two decisions ought not to have been come to without my being heard. I should not have been placed in a worse position than if I had appeared by counsel, and counsel would surely have been heard before the decision had been made.

Upon the question of compensation, I submit respectfully that I ought not to be prejudiced by any technical questions as to whether the Commissioner and Receiver are officers of the Colonial or General Government. I contend that they are the servants of both Governments, but it is the Provincial Government which gets the financial benefit of the administration and sale of waste lands.

As to the question of interest upon my money, I would only point out that I consider that if I am entitled to interest at all, such interest ought to be the current rate then ruling for investment of amounts similar to that which I paid to the province, and not the rate which the province may have been receiving from the bank. It might have been that the provincial account was not bearing interest, surely it would not then be contended that I should not receive interest either. The province had the use of my money, whilst it failed to give me the consideration for which that money was paid.

With regard to the production of the correspondence between Mr. Sealy, and the General and Provincial Governments, or Mr. Kinross and myself, I understood Mr. Sealy to say that, subject to the permission of the Secretary of Crown Lands, which he would ask for by telegram, he would be willing to produce it, provided I would, in the first place give a written undertaking that I would abide absolutely by the decision of the Provincial Council in the matter under enquiry. Such stipulation was, I conceive, most unwarrantable.

The Committee also have ruled that it was unnecessary to produce the written guarantee given by Mr. Kinross to Mr. Sealy, as it was admitted there was a written guarantee. I submit the terms of that guarantee should have been before the Committee.

H. R. RUSSELL.

Napier, July 2, 1875.

# Estimate of Revenue

Of the Province of Hawke's Bay, from 1st July, 1875, to the  
30th June, 1876.

**ORDINARY & MISCELLANEOUS—**

	£	s.	d.	£	s.	d.
Auctioneers' and Publicans' License Fees .....	1750	0	0			
Pilot, Harbour, Wharf Dues, and Boat Licenses ...	2500	0	0			
Slaughter Licenses .....	240	0	0			
Wholesale Spirit Dealers' Licenses .....	200	0	0			
Capitation Allowance .....	2000	0	0			
Miscellaneous and Incidental .....	2200	0	0			
Estimated balance in hands of Provincial Treasurer on June 30, 1875 .....	12000	0	0			
				20890	0	0

**TERRITORIAL—**

Crown Land Sales, Assessments, and Leases on Runs .....	16700	0	0			
				16700	0	0

**SPECIAL—**

Rent Educational Reserves .....	800	0	0			
Balance to credit of Education Fund .....	500	0	0			
Sheep Assessments and Dipping Fees .....	1270	0	0			
Balance to credit of Sheep Fund .....	800	0	0			
Rent Toll-bar, Tareha's Bridge, and Meanee and Taradale Road .....	1000	0	0			
Rent Harbor Reserves .....	200	0	0			
				4570	0	0
				£42,160	0	0



# Estimate of Expenditure

Of the Province of Hawke's Bay, from 1st July, 1875, to the  
30th June, 1876.

**1.—JUDICIAL—**

	£	s.	d.	£	s.	d.
<i>Gaol Department.</i>						
Gaoler (Warden); also Master Lunatic Asylum, at £300 per annum .....	300	0	0			
1 Turnkey at £135 per annum .....	135	0	0			
3 Turnkeys at £120 per annum .....	360	0	0			
1 Overseer hard-Labor Prisoners, at £120 per annum .....	120	0	0			
Rations for Prisoners .....	350	0	0			
Contingencies .....	250	0	0			
				1515	0	0

<i>Police.</i>						
Napier—1 Inspector, also Inspector of Weights and Measures, at £300 per annum .....	300	0	0			
1 Sergeant, at £140 per annum .....	140	0	0			
1 Corporal, at £130 per annum .....	130	0	0			
11 Privates at £120 per annum each .....	1320	0	0			
Horse Allowance for Inspector, at £52 per annum .....	52	0	0			
Horse Allowance for 6 Policemen, at £36 per annum .....	216	0	0			
District Constable at Porangahau, at £25 .....	25	0	0			
1 Constable at Clive .....	110	0	0			
Rations for Prisoners .....	30	0	0			
Expenses for Prisoners .....	60	0	0			
Contingencies .....	100	0	0			
				2483	0	0

**2.—HOSPITAL & CHARITABLE—**

Maintenance of Hospital .....	750	0	0			
Charitable Aid .....	350	0	0			
Maintenance Allowance Destitute and Neglected Children .....	100	0	0			
Salary Attendants Lunatic Asylum .....	170	0	0			
Rations and Contingencies Lunatic Asylum .....	355	0	0			
				1725	0	0

<i>Coroner's Department.</i>						
Contingencies .....	10	0	0			
				10	0	0

**3.—ADMINISTRATIVE—**

<i>Superintendent's Department.</i>						
Superintendent, at £425 per annum .....	425	0	0			
Superintendent's Clerk, also Clerk of the Council, at £300 per annum .....	300	0	0			
Messenger, also Messenger to the Provincial Council, at £120 per annum .....	120	0	0			
Contingencies .....	25	0	0			
				870	0	0

<i>Law Officer's Department.</i>						
Provincial Solicitor, at £100 per annum .....	100	0	0			
				100	0	0

<i>Treasury.</i>						
Provincial Treasurer, at £300 per annum .....	300	0	0			
Contingencies for Department .....	30	0	0			
Clerical Assistance .....	50	0	0			
				380	0	0

Carried forward ..... £7083 0 0

	Brought forward.....	£7083	0	0
<b>4.—HARBOUR DEPARTMENT—</b>				
	Harbor Master and Pilot, at £275 per annum .....	275	0	0
	2 Boatmen, at £130 per annum .....	260	0	0
	Extra Men, in addition to Pilot's Crew, when re- quired .....	25	0	0
	Contingencies .....	200	0	0
	Pilot Service at Wairoa .....	100	0	0
	Contingencies for Wairoa .....	25	0	0
	Life Boat Maintenance .....	50	0	0
			935	0
<b>5.—SURVEY DEPARTMENT—</b>				
	Provincial Surveyor, also Provincial Engineer, at £500 per annum .....	500	0	0
	Travelling allowance to Provincial Surveyor.....	100	0	0
	Draughtsman, at £300 per annum .....	300	0	0
	Additional Draughtsman, at £250 per annum .....	250	0	0
	Survey Laborers .....	300	0	0
	Survey Contingencies .....	100	0	0
	Surveys .....	2300	0	0
	Clerk in Land Office, at £150 per annum .....	150	0	0
	For laying out roads through Blocks in which road allowance will shortly lapse .....	500	0	0
			4500	0
<b>6.—LEGISLATIVE—</b>				
	<i>Provincial Council.</i>			
	Speaker, at £2 for each sitting day, and for seven days afterwards .....	75	0	0
	Country Members, at £1 per each sitting day .....	250	0	0
	Contingencies .....	90	0	0
	Printing Minutes of Council, Council Papers, Acts, &c. ....	100	0	0
			515	0
	<i>Returning Officer's Department.</i>			
	Contingencies .....	20	0	0
			20	0
<b>7.—MISCELLANEOUS—</b>				
	General Printing and Advertising.....	400	0	0
	Insurance on Government Buildings .....	120	0	0
	Materials for Prison Labor .....	25	0	0
	Expenses Weights and Measures.....	5	0	0
	Miscellaneous Contingencies .....	500	0	0
	Athenæum .....	200	0	0
	Country Libraries .....	200	0	0
	Botanical Gardens .....	200	0	0
	Grant for Education Purposes .....	2150	0	0
	Grant for Acclimatization Society .....	300	0	0
	Government Offices, Firewood, &c. ....	50	0	0
	Expense of collecting Dog Tax .....	35	0	0
	Wangawehi Light .....	30	0	0
	Bonus to Ferry at Waihua.....	25	0	0
	Bonus to Ferry at Waikari .....	10	0	0
	Bonus to Ferry at Nuhaka .....	10	0	0
	Bonus to Ferry at Porangahau .....	20	0	0
	Bonus to Ferry at Tongoio Lake.....	20	0	0
	Bonus to Ferry at Mohaka .....	15	0	0
	Signal Staff, Napier .....	25	0	0
	Maintenance of Napier Lighthouse for year .....	100	0	0
	Salary of Lighthouse Attendants.....	180	0	0
	Weighbridge, Taradale Road .....	150	0	0
	Cranes for New Jetty .....	300	0	0
	Maintenance of Slaughter House and Yards .....	100	0	0
	Contingencies Crown Lands Office .....	200	0	0
			5370	0
<b>8.—PUBLIC WORKS AND UNDERTAKINGS—</b>				
	Moorings and Buoys .....	150	0	0
	Life Boat Shed .....	140	0	0
	Jetty on each side of the Wairoa River .....	200	0	0
	Maintenance of Public Buildings .....	400	0	0
	Maintenance of Public Fences .....	30	0	0
	Addition to Hospital .....	300	0	0
	Maintenance of Ground about Public Office.....	20	0	0
	Fenders for Breastwork.....	250	0	0
	Wharves .....	260	0	0
	Searching Shed .....	250	0	0
	Lock-up, Clive .....	25	0	0
			2025	0
	Carried forward.....	£20,448	0	0



Brought forward .....£20,448 0 0

## ROADS—

Meance and Taradale.....	1000	0	0
Waipukurau to 70-Mile Bush .....	300	0	0
Waipawa to Plains .....	300	0	0
Main Road Napier to Waipukurau .....	3000	0	0
Waipukurau to Porangahau .....	1000	0	0
Petane to Wairoa.....	600	0	0
Road by Ohinepaka Valley .....	200	0	0
Road to open land sold on Deferred Payments .....	500	0	0
Grant in aid of Bridge over the Waipawa, near Homewood .....	1000	0	0
Grant in aid of Bridge over Ahuriri Harbor .....	3500	0	0
Roads to open land for sale in 70-Mile Bush .....	1000	0	0
Middle Road .....	300	0	0
Road Overseers .....	300	0	0
Grant in aid of Roads and Road Boards .....	400	0	0
Road Contingencies .....	500	0	0
Napier to Pohui .....	300	0	0
Roads at Porangahau .....	200	0	0
Road Porangahau to Wainui .....	150	0	0
Town Roads .....	2000	0	0
Wairoa Roads .....	300	0	0
Maraekakaho Road.....	100	0	0
Waipawa to Hampden .....	400	0	0
Oero Road to Wautukai .....	100	0	0
Te Mata to Pourerere .....	100	0	0
Roads Wainui Valley.....	100	0	0
Wautukai to Kaikora.....	300	0	0
Kereru Road .....	200	0	0
Redclyffe Cutting .....	100	0	0
Grant in aid Bridge over Maraetotara.....	200	0	0
Petane to Beach .....	100	0	0
Maintenance 70-Mile Bush Road.....	1200	0	0
Clive Roads .....	100	0	0
Tarawera to Pourerere .....	100	0	0
Tuki Tuki to Tarawera .....	100	0	0
Napier to Waitangi.....	100	0	0
Havelock to Hastings Station .....	250	0	0
Omahu Road .....	150	0	0
Road from Wairoaiti to Petane .....	200	0	0
Puketapu Cutting and Roads, Puketapu District ...	300	0	0
Wairoa River, clearing Snags .....	100	0	0
Road and Jetty, Mohaka .....	120	0	0
Patangata to Waipawa .....	25	0	0
	<hr/>		
		21295	0 0
		£41,743	0 0



# Estimates Special.

*Sheep Department—*

	£	s.	d.
Inspector ... ..	350	0	0
Travelling Allowance to Inspector...	50	0	0
Contingencies—Dipping Expenses, &c.	100	0	0
Wages Shepherd at Boundary ... ..	130	0	0
Fences at Boundary of Province ... ..	70	0	0
Quarantine Buildings and Site at Port of Napier ...	200	0	0
<b>Total ... ..</b>	<b>£900</b>	<b>0</b>	<b>0</b>

*Education—*

Capitation Money for Scholars ... ..	1800	0	0
Bonus to Teachers ... ..	800	0	0
Inspector of Schools ... ..	150	0	0
Travelling Allowance to Inspector ... ..	100	0	0
Grant in aid of Buildings ... ..	500	0	0
Books, Maps, &c. for Schools ... ..	50	0	0
School Libraries for Country Schools, Prizes for de- serving Pupils, and Contingencies ... ..	100	0	0
<b>Total ... ..</b>	<b>£3500</b>	<b>0</b>	<b>0</b>



# Council Paper.

1875.

## OPENING SPEECH OF HIS HONOR THE SUPERINTENDENT

(Delivered on Friday, 11th June, 1875).

MR. SPEAKER AND GENTLEMEN OF THE  
PROVINCIAL COUNCIL,—

Having been re-elected Superintendent of the province, I take advantage of my privilege of addressing you, to call your attention to some questions of general interest.

When I met the Council last year, I had the pleasure of speaking of the very prosperous condition of the province, and on this occasion I can point with satisfaction to the progress made during the past year. The increase in our population, the extended area of our improved lands, and the very considerable increase in our exports and imports, are unmistakeable evidences of advancement, and it is satisfactory to find from statistical and Customs returns that in these respects the progress made by this province bears satisfactory comparison with any part of the colony.

During the past few months, Hawke's Bay has suffered in common with the rest of New Zealand, and indeed all Australasia, from exceptional sickness, attended by a large mortality. As might be expected under such circumstances, various opinions have been expressed as to the causes. For instance, the unusual amount of sickness at Napier has been attributed to the swamps and infectious diseases brought here by immigrants; but enquiry will satisfy anyone that other towns in the colony, which have no swamps, have suffered more than Napier, and that in the Colony of Victoria, which has had no immigration system in operation, the rate of mortality has been greater than in any other part of Australasia. With such evidence before us, whilst we deeply sympathise with the sufferers, we cannot reasonably attribute our late visitation to local causes.

You will have seen with satisfaction the traffic returns for the Napier and Paki Paki Railway; the monthly receipts are larger up to the present time than on any other line in the North Island. This fact is evidence of the wealth of the community, and considering that the railway does not yet catch the bulk of the inland traffic, it may confidently be expected that when it is extended to Te Aute, Waipawa, and Waipukurau, most satisfactory returns may be looked for, which will be still further increased when the Seventy-Mile Bush is tapped. The timber trade that

will then be opened by the railway will afford employment to a large population, and Napier will then draw its timber supplies from its own forests. Another effect which I confidently anticipate is the cutting up and disposal of the large properties and the settlement of the inland district in the neighborhood of the railway by a considerable population. I have recently been in communication with the Hon. the Minister for Public Works respecting the progress of the railway, and he has assured me every exertion will be used to open the line as far as Te Aute by Christmas. If this is accomplished, as the formation of the remainder of the line to Takapau is either in a forward state or finished, it may be hoped the line will be open to the Seventy-Mile Bush before next winter.

Another question of large importance is that of an improved harbor at Napier. Last session the Provincial Council authorised me to obtain reliable professional advice as to the feasibility of constructing a breakwater at this Port, and as it was known Sir John Coode, the greatest authority on Marine Engineering, had undertaken to advise the Provincial Government of Canterbury, as to Harbor Works for that province, I waited the arrival in the colony of Sir John Coode's representative, in the hope of being able to arrange for an opinion on our harbor. This, I regret to say, I was unable to do, as the engagement with the Canterbury Government necessitated Mr. Elliot's speedy return to England, with the information collected for Sir John Coode to frame his opinion upon. No other professional advice likely to carry the necessary weight with the General Assembly has been available; I therefore took advantage of a late visit the Engineer-in-Chief of the colony paid to Napier to ask the favor of his opinion on the subject. Mr. Carruthers spent some time in taking observations, and I shall lay before you the letter he has addressed to me. I regret to say that the Engineer-in-Chief's opinion is adverse to a breakwater at the Bluff, but he considers the inner harbor capable of great improvement, and has promised to report thereon as soon as he is supplied with certain requisite information. This has since been collected, and I shall lose no time in asking Mr. Carruthers to give his opinion. I had intended to have moved during the present session for the appointment of a Harbor Board, but in the absence of any

definite scheme I think it will be better to postpone the consideration of the Harbor Board Bill until we have the Engineer-in-Chief's report before us, and can estimate the cost of such works as may be proposed. It would also be desirable to ascertain before the constitution of a Harbor Board what funds will be required, and to what extent the General Assembly will authorise borrowing for the purpose. The subject is one of very great importance, and should receive the most careful consideration. I desire to take this opportunity of stating that whilst I recognise the necessity of doing all in our power to provide improved harbor accommodation at Napier, I am not prepared to support any scheme that is not based on sound professional advice, and before anything is done I think the scheme, its cost, and the means of providing for it should be considered by the Provincial Council.

During the past 12 months 2457 immigrants have been introduced; the readiness with which they have been absorbed shows the necessity that existed for their introduction, and it is manifest that had not the labor market been partially supplied in this way the public works could not have been carried on and private enterprise would have been checked. I am glad to say that on the whole the class of immigrants introduced has been satisfactory. As was to be expected the influx of so considerable an addition to the population has caused a severe strain upon the hospital accommodation, an increase to which is requisite.

The report of the Inspector of Schools will be laid before you. From it you will find that the number of schools is increasing, as also is the attendance of scholars, and that the progress is on the whole satisfactory. I am glad to say that there is a general feeling in favor of the employment of a high class of teachers, and I believe this is largely due to the fact that efficient inspection has clearly demonstrated the happy results in those schools, where experienced and earnest teachers preside.

I shall ask you to provide again for the cost of education during the ensuing year out of general revenue. This course will obviate the necessity of calling into operation the rating clauses of the Education Act, and I venture to express my hope that the force of public opinion will before long necessitate the education question being dealt with by the General Assembly on a uniform system, the cost of which will be defrayed out of colonial revenue.

The block of land first thrown open for selection on the deferred payment system has been taken up, and for the most part by *bona fide* settlers. To meet the requirements of this class it became necessary to open another block, which will soon be occupied. I believe it will be requisite to extend the time for compliance with the regulations for occupation in the case of the first block opened, as considerable delay occurred in effecting the surveys required before the settlers could be put in possession of their lands, and as this delayed their operations it will be but fair to take it into consideration. What I recommend is to give the utmost consideration to all real *bona fide* settlers on the land, but not to extend this to speculators.

The reclamation works on Gough Island have been completed, and the new breast-work affords increased wharfage accommodation, which was badly wanted. I regret to say a large expenditure in excess of the vote had to be incurred on this work. None of the reclaimed land has yet been sold, but situate as it is in the immediate neighborhood of the railway terminus, and with the best wharfage frontage in the inner harbor, it must soon be occupied. A largely increased value will be given to this property, if it is determined to improve the inner harbor.

The votes authorised last session for public works have been given effect to as far as possible, but some important works, such as the bridge to connect the Eastern and Western Spits, and the bridge over the Waipawa River, near Homewood, have not been carried out, in consequence of the conditions under which the votes were given not having been complied with. I shall ask you to re-vote the sums set apart last year for these objects. Another work which has not been carried out is the reclamation of the Napier swamps. The last Council authorised a loan for this purpose, which was to be expended only on condition that the owners of the lands to be reclaimed entered into proper engagements to recoup the money; although I used every exertion to get the conditions of this vote complied with, I was unable to do so, owing to the absence of some of the owners from the colony, and the unwillingness of others to enter into the necessary engagements. I regret that the present finances of the province will not admit of a loan being now given for this purpose, but steps are being taken by the city authorities to oblige the owners of the swamp lands to effect their reclamation.

I am sorry to say that the revenue estimated to accrue during the year now ending has not been fully realised. The ordinary revenue has exceeded the estimate, but the territorial revenue has fallen short. After providing, however, for all expenditure to the 30th of this month—the end of the financial year—there will remain a balance in hand of about twelve thousand pounds.

Estimates for the ensuing year will shortly be laid before you. I shall then give a full statement of the finances. I will now only state that I anticipate the revenue for the year will meet actual requirements, but that strict economy is necessary.

You will be glad to hear that I have only one Bill of any importance to submit to you, and that is a Bill to take advantage of the "Provincial Fencing Laws Empowering Act, 1874," and enable the provisions of the "Hawke's Bay Fencing Act" to be given effect to.

I present to you the following annual reports and papers:—Reports of the Provincial Engineer on Roads and on Public Works, Report of the Chief Provincial Surveyor on Surveys, Report of the Inspector of Schools, Report of Provincial Surgeon, Report of the Inspector of Sheep, Report of the Inspector of Police, Report of the Gaoler, Letter from the

Engineer-in-Chief on the Harbor, Correspondence with Banks respecting Provincial Government Accounts.

In conclusion, I will briefly refer to the great political question which is occupying the attention of the colony at the present time, viz., the proposed abolition of the provinces. As you are aware, the Government is pledged to propose the abolition of the provincial system so far as this island is concerned, but it is evident that public opinion is in favor of applying the proposed alteration in the constitution to the whole colony, and there is little doubt this will be done.

The most important functions that formerly devolved upon the provinces, viz., the conduct of immigration and public works, have already been assumed by the Colonial Government, and the purely local matters that remain to be dealt with by the Provincial Councils would, I believe, be more efficiently and economically administered under a more direct form of local self-government.

Gentlemen, I will not detain you further, and now declare this Council open for the despatch of business.

J. D. ORMOND,  
Superintendent.





# Council Paper.

1875.

## FINANCIAL STATEMENT,

(Made by His Honor the Superintendent on Tuesday, 22nd June, 1875.)

MR. CHAIRMAN,—

I take this early opportunity of making the usual statement of the finances of the province, because, as there is very little other Government business, it is probable the Estimates will receive early consideration.

It will be most convenient to deal first with the accounts of the present year.

Taking then the Estimated Revenue, it is satisfactory to note that in the case of nearly every item of Ordinary Revenue the receipts have exceeded the estimate. This, however, has not been the case with the Territorial Revenue, the receipts under this head not having realised the amount estimated. This is chiefly accounted for from none of the reclaimed land at Gough Island having been disposed of, whereas a large sum was estimated to be received on that account. I will lay on the table a return showing the revenue received to the 31st May, and estimated to be received during the present month. From this return it will be seen that the receipts under the head of Ordinary and Miscellaneous amounts to £56,527, in place of £41,269 as estimated. This excess is, however, chiefly accounted for from the balance in hand on the 30th June, 1874, amounting to £47,000, in place of £34,334 as estimated. It must not, however, be understood that the whole balance in hand on the 30th June, 1874, was available for services of the present year, the explanation being that many accounts for services executed during the previous year were not presented or paid on the 30th of June, and thus the balance in hand exceeded the estimated balance, which in reality was approximately the amount available for expenditure during the current year. Among the items under the head of Ordinary in which a marked increase has taken place during the year may be named pilot, harbour, and wharf dues, which were estimated to realise £1350, whilst the receipts have been £2495, showing a large increase in the trade of the port. Another considerable item is interest on bank balances, on which account £1950 has been received. There is also a steady increase on nearly every item of Ordinary Revenue, caused, no doubt, by the large addition to the population which has taken place.

The receipts under the head of territorial have amounted to £22,041 in place of £34,650, as estimated, the chief cause being, as I before stated, that nothing has

been realised from the sale of the reclaimed land at Gough Island, from which a considerable sum was expected. The receipts under the head Special require little comment. The amount received from rents of Educational Reserves has been naturally increased from a number of the reserves set apart last session for educational purposes having been let. The sheep assessment and dipping fees are steadily increasing; the only item on which a decrease has taken place, is from the rents of toll bars, the receipts from which have fallen off in consequence of the railway to Paki Paki having largely reduced the traffic on the road. Taking the revenue on all accounts for the year, £85,419 has been received; the estimated revenue having been put down at £80,494.

Turning from the receipts to the expenditure, for the same period, the last Council authorised an expenditure of £87,252. The return I will lay before you shows £44,442 expended in accordance with votes on the 31st May, £16,492 estimated to be expended during June, and £1600 unauthorised expenditure, making a total expenditure to the end of the financial year of £62,534.

The principal reason for the authorised votes not having been fully given effect to is that in the cases of several costly works, such as the filling up swamp, town of Napier, Bridge over Harbor, Hampden Tramway, and other like items, the conditions on which the votes were authorised have not been complied with; where no such difficulties have existed the works authorised have as far as possible been carried out. Of the works completed during the past year the new wharf and reclaimed land at Gough Island is the most important. The wharfage accommodation afforded by the new breastwork was much needed, and must greatly facilitate the trade of the Port.

I will not, however, enter into a detailed description of the works carried out. It is sufficient to say that a great deal has been done to improve existing communication, as well as open new roads in several districts.

With respect to the expenditure under the head Special, the votes have proved sufficient for the purposes they were devoted to. The report of the Inspector of Schools contains detailed information as to the education departments. The number of schools have increased, and also the attendance of scholars, although the sick-

ness which has been so prevalent until lately materially interfered with the attendance of scholars during the last two quarters. I will lay on the table a return showing the expenditure on education, and also the expenditure under the "Toll-gate Acts," and for the sheep department.

I will also lay before you a return showing the apportionments of the General Government Road Board grants. The Road Board system is working better, and there is greater readiness to take advantage of the grant than was the case in previous years.

That finishes what I have to say with respect to the receipts and expenditure of the year ending on the 30th of this month. It remains for me to submit estimates of revenue and expenditure for the ensuing year. In preparing those estimates I have had unusual difficulty, for whilst the increase of population and the requirements of the country district are increasing, the revenue is falling off. As you are aware, the chief source of revenue in past years has been the land fund, and for some time we have been accustomed to large receipts under this head. During the year just ended, this province, in common with nearly every province in the colony, has seen a diminution in the territorial receipts, and during the ensuing year but a moderate sum can be expected from land sales. I estimate the revenue from all sources for the year commencing on the 1st of July at £42,166. This sum is made up as follows:—From ordinary and miscellaneous, including the estimated balance at the termination of the present year, £20,890; from territorial receipts, £16,700, and I believe I have estimated quite the extreme sum likely to be realized under this head; from special sources, £4570. This last amount is, however, appropriated to special purposes; so that £37,590 is the actual sum I estimate as likely to be available for appropriation for the services of the province for the ensuing year.

The Estimates of Expenditure have been framed with great care. The ordinary services have first been provided for, and then the most necessary public works. I am aware that many districts have wants in excess of those provided for, but in the absence of means I have been unable to see my way to propose expenditure which in many cases I know to be desirable. I will not enter into any detailed explanation of items, but will confine myself to stating that the estimates of expenditure will be found to provide for the efficient carrying on of the ordinary services of the Provincial Government, including

gaols, police, hospital and charitable, administrative, harbor, surveys, and legislative, at an estimated cost of £12,337; whilst the proposed expenditure on public works, miscellaneous, and roads, is estimated at £26,005.

I shall be glad to give fuller explanations in Committee of Supply, when the Estimates are under consideration.

The Special Estimates require no especial explanation, as I have already stated I propose to provide the funds required for education in excess of the ordinary receipts from endowments out of general revenue. I now lay on the table the following returns:—

1. A Comparative Return, showing in detail the revenue estimated for the year ending June 30, 1875; the amounts realised to the 31st May; the amounts estimated to accrue in June; the receipts in excess of estimates; the excess of estimates over receipts; and the total amount of receipts.
2. A Comparative Return, showing in detail the amounts voted under the "Appropriation Act, 1874-75;" the sums expended to the 31st May; the estimated expenditure during June; the excess of expenditure over vote; and the unexpended balance.
3. An abstract of the expenditure from the 1st July, 1874, to the 31st May, 1875, and the estimated expenditure for the month of June, 1875.
4. Return of grants and rents for Educational purposes and expenditure during the year ending 30th June, 1875.
5. "Sheep Department"—Return of receipts and disbursements from 1st July, 1874, to 31st May, 1875, and estimated receipts and disbursements during June, 1875.
6. "Toll Gate Acts, 1867-72"—Return of receipts and disbursements from 1st July, 1874, to 31st May, 1875, and estimated receipts and disbursements during June, 1875.
7. Return of receipts and expenditure Road Board Fund for the year ending June 30, 1875.
8. Estimate of revenue for the year 1875-76.
9. Estimate of expenditure for the year 1875-76.
10. Estimate of expenditure on Special Account for the year 1875-76.

I now beg to move the consideration of the Estimated Revenue.

## Council Paper.

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1 8 7 5 .

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### REPORT OF SELECT COMMITTEE ON PETER ROBERTSON'S PETITION.

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THE Committee report that they have taken the evidence of the Petitioner, Mr. Weber, Mr. Jarman, and Mr. W. Parker. Mr. Sealy's public duties prevented his attendance before the Committee. They find that an application was made in the year 1859, by G. Worgan, for land bounded by the Waipawa River, and that a Grant was issued in 1862 for 231 acres, having the river for the boundary.

That on a survey being made in the first place in 1860, by Mr. Weber, he looked upon the land which is now claimed by the Petitioner as river bed, and therefore not available for sale.

That in the Grant of the land to Mr. Worgan the diagram does not include the land claimed by the Petitioner, although the written boundary is the river. It would appear that if the land claimed by the Petitioner is sound land, there is an excess in the Grant which is unpaid for.

That the Committee cannot understand why, on the Petitioner making his application, reference was not made to the Application Book and Crown Grant in the first instance, and a definite reply have been given to the applicant at once.

That the Petitioner has suffered considerable damage in loss of time and for travelling expenses, by the delay for 20 months to give him a final reply.

The Committee recommend that the Superintendent be authorised to compensate the Petitioner for his losses to a reasonable amount, and the Council indemnify the Superintendent for such expenditure to an amount not exceeding £100.

JASPER L. HERRICK,  
Chairman.

July 3, 1875.



## Council Paper.

1875.

*To His Honor J. D. Ormond, Superintendent  
of Hawke's Bay.*

THE PETITION of the undersigned,

HUMBLY SHEWETH—

That owing to there being no bridge over the Wainui River great inconvenience is inflicted on the settlers of the neighborhood, and much risk entailed on travellers when crossing into the Province by the coast line of road.

This inconvenience to the settlers is caused by the impossibility of getting across the river at the usual ford when, as at present, its waters are banked up through its outlet to the sea being closed up by a bar of sand, which is the case every summer. The risk of loss of life to travellers arises from some one attempting to cross at the customary ford when unaware of the great depth of water. Your Petitioners are aware that there is a ferry for the benefit of travellers, but they are also painfully aware that when travellers are given to understand that they can ford a river they generally attempt it.

In presenting this Petition to Your Honor your Petitioners are not so much influenced by feelings of individual interests, as the conviction that the erection of a bridge over the river is absolutely necessary as a public benefit, inasmuch as it detracts from the acknowledged credit of the province the public interests of which you have so ably administered, when at its very threshold so serious an obstruction to progress exists.

We therefore humbly beg Your Honor that you would direct such steps to be taken as will remedy our grievance by the erection of a bridge on the said Wainui River.

And your Petitioners will ever pray.

[Here follow the signatures.]



## Council Paper.

1875.

*To His Honor the Superintendent and the  
Members of the Provincial Council of  
Hawke's Bay in Session assembled.*

**T**HE Petition of the undersigned residents of Taradale and  
Meanee

RESPECTFULLY SHEWETH—

I. That your Petitioners believe and fear that a bank, which has been placed across what has hitherto been a way of escape for at least half the river water during floods and freshes of the Tutaekuri River, will have the effect of forcing this portion of the river through our district to the great detriment and damage of our lands, crops, and live stock.

II. Your Petitioners are—many of them—small owners who have occupied their land beneficially for many years, who, on account of their position and means, are unable to obtain any redress except through your Honorable Provincial Council of Hawke's Bay.

III. Your Petitioners further submit that this bank not only threatens the dangers enumerated, but is carried across one public road, has also made impassable, by the accumulation of water against it, the road from Meanee Bridge through the Papakura Block towards Omaha.

Your Petitioners therefore pray that your Honorable Council will be pleased to take this Petition into consideration, and will pass such resolutions as may relieve our present necessities, and recommend to the Legislative Assembly an Act for the conservation of the district, and for the prevention of individual action in obstructing the customary overflow of the Tutaekuri River.

And your Petitioners, as in duty bound, will ever pray.

THOMAS POWDRELL  
HARVEY SLADEN  
JAMES HALLETT  
LEONARD ROPER  
EDWARD RABONE  
ALEXANDER TODD  
B. FLANDERS  
JOHN CALES  
SARAH CHEER  
THOMAS ACTINS, (HIS MARK)  
JANE CARSWELL  
ISRAEL TRASK, (HIS MARK)  
ELIZABETH CARR  
A. W. JONES  
THOMAS MITCHELL  
HANNAH MANEY  
F. GELLEYHER  
ROBERT MARSHALL  
STEPHEN SCRAGG  
WILLIAM HARRIS  
M. N. BOWER  
JOSEPH M'CONOCHIE

DAVID VAUGHAN  
WILLIAM LORD  
JAMES LOPDELL  
E. REIGNIER, C.P.  
RICHARD MARTIN  
WILLIAM BURTON  
JOHN MARSHALL  
JOHN STEWART  
JAMES DALEY  
GEORGE SNELLER  
DENIS DONOVAN  
BARTHOLOMEW LORIGAN  
D. R. MACDONNELL  
RICHARD NEAGLE  
E. H. BEAUCHAMP  
THOMAS GEBBIE  
E. ST. BARBE SLADEN  
JAMES NEAGLE  
H. S. TIFFEN  
ALEXANDER ALLANACH  
R. GUPPY





## Council Paper.

1 8 7 5 .

### *To the Honorable Members of the Provincial Council of Hawke's Bay, in Session assembled.*

**T**HE Petition of Peter Robertson, of Ruataniwha, in the said Province, farmer,—

HUMBLI SHEWETH,—

I. That on or about the month of October, 1873, I applied at the Waste Lands Office, Napier, to purchase forty acres of land on the banks of the Waipawa River, Ruataniwha district, and abutting on Mr. Joseph Rhodes' run, and duly paid for the said land the sum of Twenty Pounds, being the price thereof under the Waste Lands regulations.

II. That at the time I so purchased, the said forty acres, with other lands adjoining, were distinctly shewn on the official maps of the district as being open for selection and sale.

III. That my purchase was made subject to investigation and survey, but as such investigation or survey was made up to the month of May, 1874, in which month I applied for another block of forty acres adjoining my previous selection, and paid the price thereof, Twenty Pounds on the same conditions as the first purchase.

IV. That at the time of my making my second purchase, Mr. Weber raised a number of objections to the receipt of my application, and said that it would not be fair to take away the river frontage from the run, but the Commissioner said he would not allow that consideration to interfere, but would award me the land if it was found to be available.

V. That between my first and second purchase I had repeatedly applied for the promised investigation and survey to take place, without avail, and when completing my second application, I offered to pay Five Pounds towards cost of investigation, if same were undertaken at once.

VI. That, failing in my endeavours to get the Waste Lands Office to move, and acting under a suggestion contained in a letter from the Commissioner, I employed a surveyor at my own expense, and he was instructed by the Commissioner to increase the boundaries of the land, and then to apply for further instructions.

VII. That the surveyor traversed the boundaries of the land, and informed me that the result showed a larger excess than the eighty acres applied for by me at the place where my blocks were situate.

VIII. That the surveyor receiving no further instructions from the office, was obliged to desist from proceeding with such survey and investigation.

IX. That I began to make preparations for fencing the land, and sent Mr. Rhodes notice to fence, and was informed by him in reply, that he claimed the whole land on which my sections were situate.

X. That I called upon the Commissioner and showed him Mr. Rhodes' letter, and he advised me to write to the Superintendent and inform him of the matter, and I did so. I received no reply, and afterwards waited on him personally, when he told me that the Commissioner should settle the matter, as he had full power to do so.

XI. I then again applied to the Commissioner several times, and at last I was informed by him that he had reported fully on the question to the Superintendent, and could take no further step until he should hear further from the Superintendent.

XII. That I continued to press for a definite settlement of the question until February, 1875, when I was told by the Commissioner that he would not ratify my purchases without the sanction of the Superintendent, and by the Superintendent that it was not within his power to give the Commissioner any such authority.

XIII. That about the end of February last, being over sixteen months from the date of my first application, I received a letter from the Commissioner, informing me that the land applied for by me had a long time ago been in some way included in an application made by one Worgan, for two hundred and eighty acres, although the said Worgan had only received a grant for one hundred and eighty acres, and had only paid for that acreage, and that it had been decided that I could not have the land, and my money would be returned.

XIV. That besides losing the land applied for, and the use of the money paid for it, I lost a whole season's work, and was put to a great expense and trouble in visiting Napier on several occasions, and in conducting a lengthy correspondence on a matter which, in fairness to me as a struggling settler of limited means, ought to have been determined within a month or two after my application was received.

Wherefore I pray that your Honorable Council will take my case into consideration, and will cause enquiry to be made into the reason why I have not been allowed to complete my purchase, and generally into the whole of the circumstances connected therewith, and grant me such relief as, under the circumstances, may appear just, and I, your Petitioner, will ever pray.

PETER ROBERTSON.

## Council Paper.

1875.

*To His Honor the Superintendent and the  
Members of the Provincial Council of  
Hawke's Bay in Council assembled.*

THE humble Petition of BINGHAM ARTHUR FERARD, house-  
holder and ratepayer in the Borough of Napier,

SHEWETH—

I. That a Bill, intituled "The Municipal Corporation Waterworks Act, 1872, Adoption Act, 1875," is now being promoted before your Honorable Council by the Corporation of the Borough of Napier.

II. That your Petitioner is informed, and believes, that if the said Bill becomes law, the said Corporation intend to raise a loan, under the authority of the said Act, for the purpose of constructing Waterworks, which will benefit a small portion only of the Borough.

III. That any loan to be raised under the authority of the said Act must, your Petitioner believes, be secured by a special rate upon all rateable property in the Borough.

IV. That the said Act was (as appears by the third section thereof) intended to provide for the case of waterworks constructed for the supply of the whole of a borough with water.

V. That it would, as your Petitioner humbly submits, be unjust that a loan for the construction of Waterworks for the supply of a particular portion only of a borough should be chargeable upon rateable property lying beyond the system of water supply.

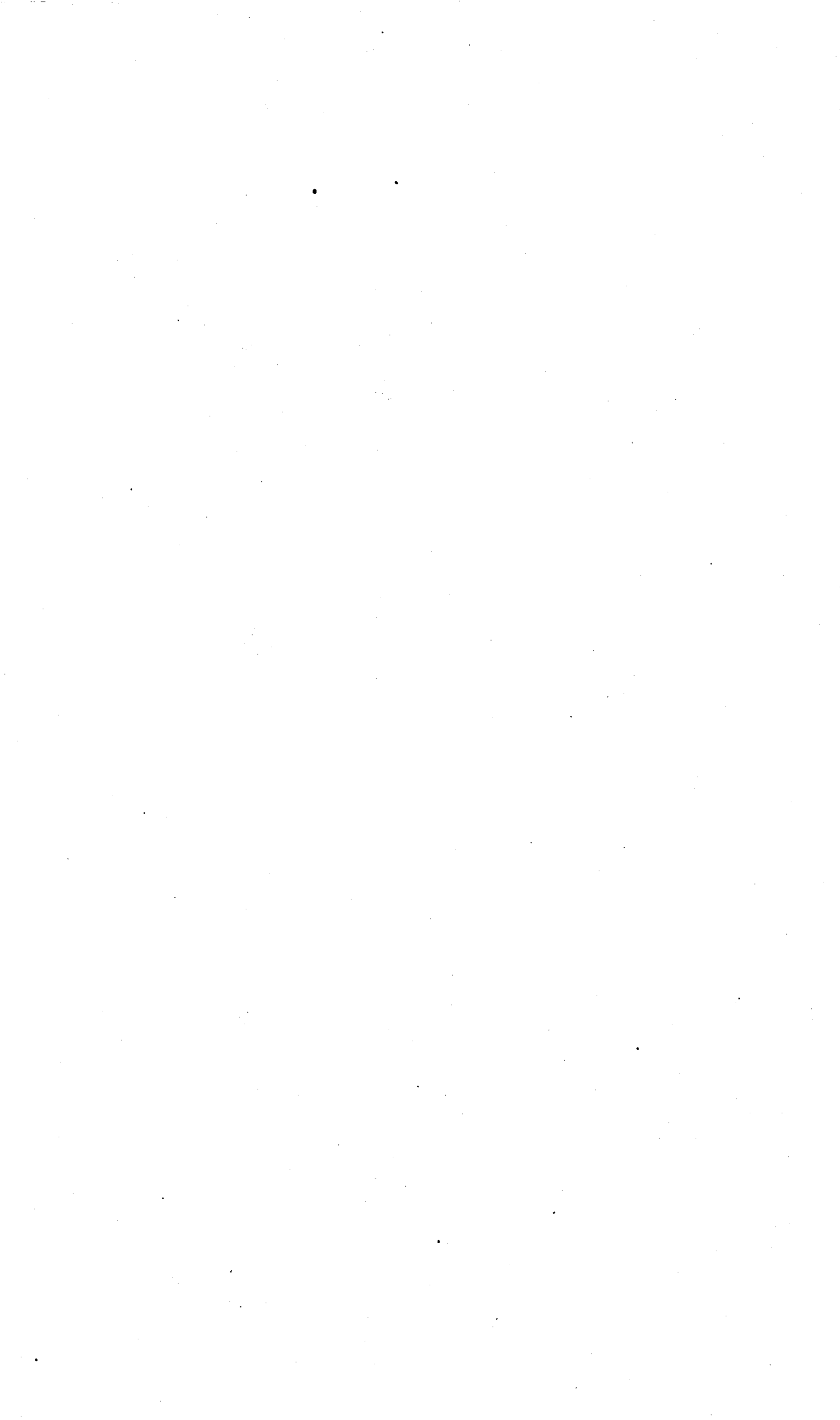
VI. That the provisions of the said Act are not, as your Petitioner submits, applicable without modification to the circumstances of a Corporation intending to construct such a partial system of Waterworks.

VII. That if the said Act be adopted without modification, your Petitioner, and many other ratepayers of the Borough, will be subject to a heavy annual charge without any corresponding benefit.

Your Petitioner therefore humbly prays: That you will not pass the proposed Bill without providing that any special rate to be made under the authority of the said Act, for the purpose of securing payment of the principal and interest of any loan, shall be chargeable only upon such rateable property as shall lie within the district to be supplied with water by the works upon which such loan is to be expended; or that you will be pleased to take such other steps, as may be fitting, to protect your Petitioner from injustice.

And your Petitioner will ever pray, &c.

B. A. FERARD.



## Council Paper.

1875.

### PETITION OF HENRY ROBERT RUSSELL, OF MOUNT HERBERT, NEAR WAIPUKURAU.

*To the Honorable the Members of the Provincial Council of Hawke's Bay in Session assembled.*

THE Petition of Henry Robert Russell, of Mount Herbert,  
near Waipukurau,

HUMBLY SHEWETH—

I. That your Petitioner, on or about the fifth day of April, one thousand eight hundred and seventy-three, applied for and became the purchaser from the Crown Lands Commissioner of the Province of Hawke's Bay of six thousand six hundred and forty-five (6645) acres of land, or thereabouts, situate at Motuotaraia in the said Province, and being all the then unsold portions of Joseph Tanner's run.

II. That your Petitioner paid for the said land to the Receiver of Land Revenue for the said Province the sum of three thousand three hundred and twenty-two pounds ten shillings (£3322 10s. 0d.), and is now entitled to a Crown Grant of the said land as from the fifth day of April, one thousand eight hundred and seventy-three, and has entered into possession of the said land.

III. That no legal available road exists by which the said block of land purchased by your Petitioner can be reached from any existing main line of road, and your Petitioner being desirous of making extensive and permanent improvements upon the said block, is unable to do so in consequence of having no legal means of access thereto.

IV. That your Petitioner respectfully submits to your Honorable Council that he is entitled to have provided for him by the Government sufficient means of legal access to the said block by means of a road or roads.

Wherefore your Petitioner prays that your Honorable Council will cause enquiry to be made into your Petitioner's case, and grant him such relief as to your Honorable Council shall seem fit.

And your Petitioner will ever pray.

H. R. RUSSELL.



## Council Paper.

1875.

### PETITION OF HENRY ROBERT RUSSELL, OF MOUNT HERBERT, NEAR WAIPUKURAU.

*To the Honorable the Members of the Provincial Council of Hawke's Bay, in Session assembled.*

THE Petition of Henry Robert Russell, of Mount Herbert, near Waipukurau, in the said Province,

HUMBLY SHEWETH—

I. That on the fifth day of April, one thousand eight hundred and seventy-three, your Petitioner duly made an application to the Commissioner of Crown Lands, at Napier, for all the unsold lands on the run known as Mr. Joseph Tanner's run, situate at Motuotaraia, in the said Province.

II. That on the same day your Petitioner informed the Provincial Treasurer of the said province at his office that he had lodged the said application, and that he had with him a marked cheque on the Bank of New Zealand, Napier, for the sum of three thousand three hundred and twenty-two pounds ten shillings sterling, being the price, according to law, for the area of six thousand six hundred and forty-five acres, being the official estimate of the unsold land within the said run.

III. That the said Provincial Treasurer, who was also Receiver of Land Revenue for the said province, although he was informed that the application had been lodged and was being recorded by the said Commissioner, refused to wait after the hour of two to receive the said monies, and when your Petitioner, having received the necessary papers from the Commissioner, proceeded to the office of the said Provincial Treasurer to pay the said money, the office was closed.

IV. That afterwards, on the morning of Monday, the seventh day of April, your Petitioner attended at the office of the Provincial Treasurer, and duly paid the said sum of three thousand three hundred and twenty-two pounds ten shillings, and obtained a proper receipt therefor.

V. That on the said Monday, and after your Petitioner had so paid the said money, John Gibson Kinross, of Napier, in consequence, as your Petitioner verily believes, of information improperly furnished to him, the said John Gibson Kinross, either on the afternoon of Saturday, the said fifth day of April, or on Sunday, the sixth day of April, attended at the Waste Lands Office, and lodged an application for the same or the greater portion of the same land included in your Petitioner's application, and paid in an amount sufficient to cover his application.

VI. That, on being applied to by your Petitioner, the said Commissioner declined to complete the sale of said land to your Petitioner, and decided that the applications of your Petitioner and of the said John Gibson Kinross were simultaneous, and that the land must go to auction between the applicants.

VII. That your petitioner protested against such decision, and wrote a statement of the whole facts to the Secretary for Crown Lands, and the Secretary for Crown Lands replied in substance that the management of Crown

Lands within the province was matter of provincial administration, and that he could not interfere.

VIII. That your Petitioner, finding that he could not obtain redress from either the Provincial or Colonial authorities, took legal steps to enforce his claim, and ultimately the question was argued in the Court of Appeal, at Wellington, and decided in favor of your Petitioner, but the Court declined to allow the costs of the proceedings, mainly on the ground that the Commissioner had acted according to the best of his judgment, and was not given any specific instructions by which he might safely determine points similar to those raised in the case.

IX. That the results to your Petitioner of this wrong decision of the Commissioner were that he was kept for twenty months out of possession of six thousand six hundred and forty-five acres of land to which the highest legal tribunal in the country has decided that he was lawfully entitled; that he lost the use and benefit of the sum of three thousand three hundred and twenty-two pounds ten shillings, for the said period, the province having the use and benefit of your Petitioner's money, as well as of the monies paid by the said John Gibson Kinross during the whole of the said time, and he incurred in the substantiation of his lawful claim costs out of pocket to the extent of about one hundred and fifty pounds.

X. That your Petitioner has been informed, and verily believes, that the said Commissioner was guaranteed by the said John Gibson Kinross all costs and expenses to which he might be put in resisting your Petitioner's claim, and your Petitioner feels certain that if this circumstance had been known at the time that the judgment was given by the Court of Appeal the costs of your petitioner would have been allowed by the Court.

Wherefore your Petitioner humbly prays that the honorable Council will take into consideration, and cause full enquiry to be made into all the circumstances thereof, and grant to your Petitioner such relief as to your honorable Council may seem meet.

And your Petitioner, as in duty bound, will ever pray.

H. R. RUSSELL.



## Council Paper.

1875.

*To His Honor the Superintendent and the  
Members of the Provincial Council of  
Hawke's Bay in Session assembled.*

THE Petition of the undersigned,

HUMBLY SHEWETH—

That in the year 1873 a sum of £300 was voted as a grant in aid for the erection of a bridge across the Tutaekuri-Waimate River; that your Petitioners were unable to take advantage of the sum then placed at their disposal owing to want of funds; that the channel cut by the Ngaruroro River is deepening, rendering communication with Napier every year more dangerous to life during the whole winter, and constantly impassable for weeks together, as no communication with the mainland exists, except across the Tutaekuri-Waimate.

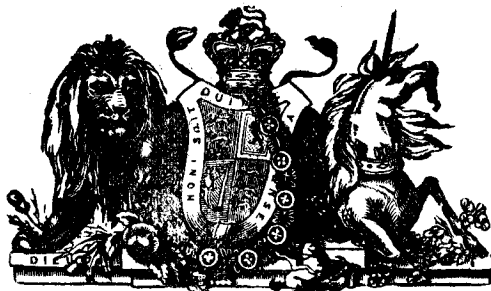
That your Petitioners are now better prepared to undertake the erection of a bridge than at the date when the sum of £300 was voted as a grant in aid.

That the necessities for a bridge have increased in proportion to the dangers of crossing the river, and your Petitioners therefore humbly pray you will take the hardship of their case into your favorable consideration, and, as in duty bound, will always pray.

[Annexed are the signatures.]



Province of Hawke's Bay.



MARKET RESERVE ACT 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER  
MAJESTY QUEEN VICTORIA.

SESSION XXII. NO. 1.

ANALYSIS.

Title.  
Preamble.

1. Rents of Market Reserve to be paid to Corporation.
2. Repeal.
3. Short Title.

AN ACT *to provide for the management and administration of a certain Reserve in the Town of Napier formerly known as the Market Reserve.*

WHEREAS by an Act of the Provincial Council of Hawke's Bay Session XXI No. 1 intituled "An Act to enable the Superintendent to manage and administer certain Reserves by granting leases thereof and for other purposes" the said Superintendent was empowered to demise and lease amongst other lands the parcel of land described in the Schedule to this Act and by the Act now in recital it was provided that the monies to be received by way of rent in respect of the said lands should be applied in conformity with the provisions contained in "The Hawke's Bay Education Act 1873" with respect to the application of rates levied under the provisions of the said Act and for the purposes in the same Act expressed.

And whereas it is expedient that the rents henceforth to be received in respect of the parcel of land described in the Schedule hereto should be paid to the Corporation of the Town of Napier.

BE IT THEREFORE ENACTED by the Superintendent of the

Province of Hawke's Bay by and with the advice and consent of the Provincial Council thereof as follows:—

Rents of Market Reserve to be paid to Corporation.

I. The monies henceforth to be received by way of rent in respect of the parcel of land described in the Schedule to this Act shall from and after the 30th day of June 1876 be paid by the Treasurer of the Province to the Corporation of the Town of Napier or its authorised Treasurer or Collector.

Repeal

II. "The Educational Reserves Act 1874" is hereby repealed in so far as it provides that rents to be received in respect of the said parcel of land described in the Schedule hereto shall be applied as stated in the preamble hereto but not further or otherwise.

Short Title

III. The short title of this Act shall be "The Market Reserve Act 1875."

#### SCHEDULE.

Section bounded by Tennyson Emerson and Hastings-streets Napier containing by admeasurement 2 roods and 20 perches more or less bounded towards the north-east by Hastings-street 250 links towards the south-east by Emerson-street 250 links towards the south-west by section No. 171 250 links and towards the north-west by Tennyson-street 250 links formerly called the Market Reserve and now numbered 603 on the Government Plan of the Township of Napier.

J. A'DEANE,

Speaker.

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

J. D. ORMOND,

Superintendent.

Province of Hawke's Bay.



THE PROVINCIAL FENCING LAWS  
EMPOWERING ACT 1874 ADOPTION  
ACT 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER  
MAJESTY QUEEN VICTORIA.

SESSION XXII. No. 2.

ANALYSIS.

- |  |   |
|--|---|
| Title.                                       | 2. Disputes how to be determined                  |
| Preamble                                     | 3. Act of General Assembly brought into operation |
| 1. Repeal of 12th Clause of Fencing Act 1874 | 4. Short Title.                                   |

AN ACT *to bring into operation the provisions of a certain Act of the General Assembly of New Zealand intituled "The Provincial Fencing Laws Empowering Act 1874."* Title

WHEREAS it is expedient to bring into operation within the Province of Hawke's Bay the provisions of a certain Act of the General Assembly of New Zealand intituled "The Provincial Fencing Laws Empowering Act 1874" and to repeal the 12th clause of an Act of the Superintendent and Provincial Council of Hawke's Bay intituled "The Fencing Act 1874." Preamble

Be it therefore enacted by the Superintendent of the said Province of Hawke's Bay by and with the consent of the Provincial Council thereof as follows:—

I. From and after the passing of this Act the 12th clause of the said Fencing Act of the Superintendent and the Provincial Council of Hawke's Bay 1874 is hereby repealed. Repeal of 12th Clause of Fencing Act 1874

Disputes how to be determined

II. All matters or questions arising between owners or occupiers of land liable to the provisions of any Act or Ordinance regulating the erection and maintenance of dividing fences within the Province of Hawke's Bay including all claims for money as contribution or share of expenses of erecting or repairing fences may be heard and determined before any Resident Magistrate or Court of Petty Session notwithstanding that the decision of any such matter or question shall be beyond the ordinary jurisdiction of such Resident Magistrate or Court of Petty Session.

Act of General Assembly brought into operation

III. From and after the passing of this Act all and singular the provisions of the said Act of the General Assembly of New Zealand intituled "The Provincial Fencing Laws Empowering Act 1874" shall be in operation within the said Province of Hawke's Bay.

Short Title

IV. The short title of this Act shall be "The Provincial Fencing Laws Empowering Act 1874 Adoption Act 1875."

J. A'DEANE,

Speaker.

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

J. D. ORMOND,

Superintendent.

# Province of Hawke's Bay.



## THE LICENSING ACTS AMENDMENT ACT 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER  
MAJESTY QUEEN VICTORIA.

SESSION XXII. No. 3.

### ANALYSIS.

- |                                   |                                |
|-----------------------------------|--------------------------------|
| 1. Title.                         | 4. Treasurer to issue license. |
| 2. Bottle license may be granted. | 3. Short Title.                |
| 3. License Fee.                   |                                |

**AN ACT** to authorise the issue of *Bottle Licenses* within the Province of *Hawke's Bay*.

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

I. From and after the passing of this Act it shall be lawful for any retail grocer carrying on business in Hawke's Bay to apply to the Licensing Court of his district for a certificate for the issue of a Bottle License to him pursuant to the provisions of the Acts of the General Assembly of New Zealand intituled "The Licensing Act 1873 and the Licensing Act 1873 Amendment Act 1874."

II. The fee for such license shall be £40 per year in addition to the license fee payable under the "Wholesale Dealers in Spirituous Liquors Act 1871."

III. Upon any certificate being granted by such Licensing Court pursuant to the said Acts the Provincial Treasurer shall

upon receipt of the said certificate and upon payment of the said license fee issue to the person named in the certificate a Bottle License in the form prescribed by the said Licensing Act 1873 Amendment Act 1874.

Short Title

IV. The short title of this Act shall be "The Licensing Acts Amendment Act 1875.

J. A'DEANE,

Speaker.

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

J. D. ORMOND,

Superintendent.



# Province of Hawke's Bay.



## CATTLE TRESPASS AND IMPOUNDING ACT AMENDMENT ACT 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER  
MAJESTY QUEEN VICTORIA.

SESSION XXII. NO. 4.

### ANALYSIS.

Title.	4. Interpretation.
1. Short Title.	5. Regulations made to be laid before the Provincial Council.
2. Superintendent to make regulations for notices in the Maori language.	6. Commencement of Act.
3. Regulations to be notified in Gazette.	

### *AN ACT to amend the "Cattle Trespass and Impounding Act 1867."* Title

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

I. The Short Title of this Act shall be "The Cattle Trespass and Impounding Act Amendment Act 1875." Short Title

II. It shall be lawful for the Superintendent from time to time to make amend alter and revoke regulations for any of the following purposes that is to say Superintendent to make regulations for notices in the Maori language

1. For providing that notices shall be given in the Maori language of all or any of the impoundings of cattle under the said Act.
2. For directing the manner in which such notices in the Maori language shall be given.
3. For fixing and appointing the fees or charges which shall be imposed and taken for the preparation publishing and delivery of all such notices and for determining the persons by whom such fees or charges shall be paid.
4. For providing for all such other matters and things within the scope and meaning of this Act which shall be proper and necessary to give full force and effect thereto.

Regulations to be notified  
in *Gazette*

III. All regulations to be made hereunder and all alterations amendments and revocations thereof shall be notified by the Superintendent in the *Government Gazette* of the Province and shall come into force at the expiration of fourteen days from the date of publication of the *Gazette* in which the same shall be notified.

Interpretation

IV. The words "the said Act" wherever used throughout this Act shall mean the said "Cattle Trespass and Impounding Act 1867" and this Act and all regulations duly made thereunder shall be deemed and taken to be part of the said Act and to be incorporated therewith.

Regulations made to be  
laid before the Provincial  
Council

V. All regulations made under this Act shall be laid before the Provincial Council within one week after the making thereof if the Council be then in session and if not then within one week after the commencement of the next session thereof.

Commencement of Act

VI. This Act shall only come into force on and after a day to be fixed by proclamation by the Superintendent in the *Government Gazette* of the Province of Hawke's Bay.

J. A'DEANE,

Speaker.

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

J. D. ORMOND,

Superintendent.

Province of Hawke's Bay.



THE MUNICIPAL CORPORATIONS  
WATERWORKS ACT 1872 ADOPTION  
ACT 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER  
MAJESTY QUEEN VICTORIA.

SESSION XXII. No. 5.

ANALYSIS.

Title.  
Preamble.  
1. Act brought into operation.

2. Special rate upon what chargeable.  
3. Short Title.

AN ACT *to bring into operation within the* Title  
*Borough of Napier "The Municipal Cor-*  
*porations Waterworks Act 1872."*

WHEREAS by an Act of the General Assembly of New Preamble  
Zealand made and passed in the thirty-sixth year of the  
reign of Her Majesty Queen Victoria intituled "The Municipal  
Corporations Waterworks Act 1872" it is provided that the  
said Act may be brought into operation in or for any Borough  
within any Province by an Act or Ordinance of the Superinten-  
dent and Provincial Council of such Province. And whereas  
it is desirable that the said Act should be brought into force  
within the Borough of Napier subject to such amendments as  
will adapt it to the special circumstances of the said Borough.

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

I. From and after the passing of this Act "The Municipal Act brought into opera-  
Corporations Waterworks Act 1872" shall subject to the tion

provisions hereinafter contained be in operation in and for the Borough of Napier in the Province of Hawke's Bay.

Special rate upon what chargeable

II. Provided that notwithstanding anything in the said Act contained any special rate to be made under section 29 shall be chargeable only upon rateable property lying within the circuit of the places shewn upon the plans of the undertaking as intended to be supplied with water and no land shall be regarded as intended to be so supplied unless upon the completion of the undertaking a house situate upon such land would be liable to water rate under section 35.

Short Title

III. The Short Title of this Act shall be "The Municipal Corporations Waterworks Act 1872 Adoption Act 1875."

J. A'DEANE,

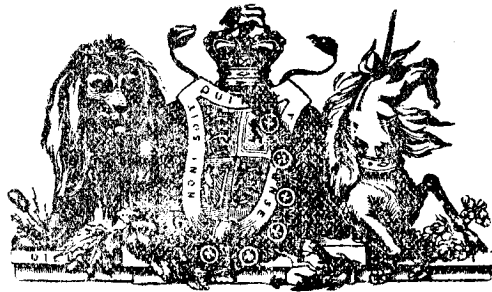
Speaker.

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

J. D. ORMOND,

Superintendent.

# Province of Hawke's Bay.



## HAWKE'S BAY SHEEP ACT AMENDMENT ACT 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION XXII. NO. 6.

### ANALYSIS.

Title.  
Preamble.  
1. Short Title  
2. Repeal clause

3. Payment of Assessment  
4. Superintendent may appoint Inspector of Sheep and Registrar of brands

AN ACT *to amend an Act of the Provincial Council of Hawke's Bay intituled "The Hawke's Bay Sheep Act 1874."* Title

WHEREAS it is expedient to amend the Hawke's Bay Sheep Act 1874. Preamble

BE IT ENACTED as follows:—

I. The short title of this Act shall be "The Hawke's Bay Sheep Act Amendment Act 1875." Short Title

II. Clauses IV. and XI. of "The Hawke's Bay Sheep Act 1874" are hereby repealed. Repeal clause

III. Every sheepowner shall in the month of August in every year pay to the Inspector on demand an assessment at the rate of one penny for every eight Sheep above six months old as returnable by such owner under Clause X. of the Hawke's Bay Sheep Act 1874 if such sum or sums be not paid before the first day of October in every year the said sum or sums shall be recovered in a summary way in the mode provided Payment of assessment

by "The Resident Magistrate's Act 1867" or if the amount be beyond the jurisdiction of such Court then in any Court of competent jurisdiction.

Superintendent may appoint Inspector of Sheep and Registrar of brands

IV. The Superintendent may from time to time by proclamation in the *Hawke's Bay Gazette* appoint an Inspector or Inspectors of Sheep for the purposes of this Act as also a Registrar or Registrars of Brands and may at any time annul such appointments and make others and shall proclaim a principal office in Napier for such Inspector or Inspectors Registrar or Registrars Provided always that the salaries of such officers shall be voted by the Provincial Council and that the Chief Inspector attend daily (except Sundays) at his office from 10 to 4 except when compelled to be absent by the duties of his office.

J. A'DEANE,

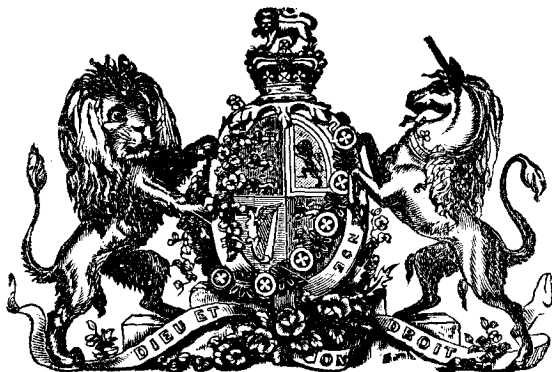
Speaker.

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

J. D. ORMOND,

Superintendent.

# Province of Hawke's Bay.



## CREDIT ACT 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER  
MAJESTY QUEEN VICTORIA.

SESSION XXII. No. 7.

### ANALYSIS.

Title.  
Preamble

1. Treasurer to be credited with payments on account  
of services specified  
4. Short Title.

### *AN ACT to credit the Provincial Treasurer with certain charges.*

Title

**WHEREAS** the Treasurer of the Province of Hawke's Bay hath  
under Warrants under the hand of the Superintendent made  
certain payments from the 1st June 1874 to the 31st May 1875 in ex-  
cess of the sums authorised by the "Appropriation Act 1874" to the  
amount set forth in the Schedule hereto.

Preamble

**AND WHEREAS** in manner directed by the "Provincial Audit  
Act 1866" and "Provincial Audit Act Amendment Act 1868"  
resolutions were duly passed by an absolute majority of  
the entire number of the members of the Provincial Council re-  
questing the Superintendent to grant the sum of Two Thousand Two Hun-  
dred and Sixty-four Pounds One Shilling and Ninepence being the  
amount of such unauthorised expenditure.

**AND WHEREAS** an address in the terms of the resolution last recited  
and signed by the Speaker of the Council has been presented to the Su-  
perintendent.

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

**I.** The Treasurer of the Province shall in his accounts be allowed  
credit for the said sum of two thousand two hundred and sixty-four

Treasurer to be credited  
with payments on ac-  
count of services specified

pounds one shilling and ninepence being the amount expended on certain services as hereinafter specified—

	£	s	d.
Police Department ... ..	8	6	8
Crown Lands Office ... ..	12	10	0
Test Groins ... ..	533	9	2
General Printing and Advertising ... ..	24	12	1
Printing Minutes of Council ... ..	25	18	3
Reclaiming Land ... ..	979	15	9
Purchase of Life Boat ... ..	255	2	3
Hyderabad Road ... ..	165	16	0
Kereru and Aorangi Board ... ..	200	0	0
<i>Special.</i>			
Sheep Department Contingencies ... ..	58	12	7
Total ... ..	£2264	1	9

Short Title

II. The Short Title of this Act shall be "The Credit Act 1875."

J. A'DEANE,

Speaker.

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

J. D. ORMOND,

Superintendent.



# Province of Hawke's Bay.



## APPROPRIATION ACT 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER  
MAJESTY QUEEN VICTORIA.

SESSION XXII. NO. 8.

### ANALYSIS.

<p>Title. Preamble. I. Appropriating of the sum of £46,143 to defray the charges of the Government of the Province for the period from 1st July 1875 to 30th June 1876</p>	<p>2. Sum appropriated to be issued and paid in accordance with the Audit Act 1866 and the Provincial Acts Amendment Acts 1868 and 1869. 3. Short Title</p>
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*AN ACT to appropriate the Revenue of the Province of Hawke's Bay for the period commencing the 1st day of July 1875 and ending the 30th day of June 1876.*

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

I. That out of the revenue of the Province there may be issued and applied for defraying the charge of the Government of the Province of Hawke's Bay for the term of twelve months commencing on the 1st day of July 1875 and ending the 30th day of June 1876 the sum of Forty-six Thousand One Hundred and Forty-three Pounds in any sums not exceeding the several sums for the several purposes hereinafter particularly specified that is to say—

	£	s.	d.
Total Judicial ... ..	3998	0	0
Total Hospital and Charitable ... ..	1735	0	0
Total Administrative ... ..	1350	0	0
Total Harbour Department ... ..	935	0	0
Total Survey Department ... ..	4500	0	0
Total Legislative Department ... ..	535	0	0
Total Miscellaneous ... ..	5370	0	0
Total Public Works and Undertakings ... ..	23320	0	0
Total Sheep Department ... ..	900	0	0
Total Education ... ..	3500	0	0
Total ... ..	£46,143	0	0

Title

Preamble

Appropriating of the sum of £46,143 to defray the charges of the Government of the Province for the period from 1st July 1875 to 30th June 1876

Sum appropriated to be issued and paid in accordance with the Provincial Audit Acts Amendment Acts 1868 and 1869

II. The said several sums hereby appropriated shall be issued and paid for the purposes herein mentioned and in the manner prescribed by the "Provincial Audit Act 1866" and the Provincial Audit Acts Amendment Acts 1868 and 1869."

Short Title

III. The Short Title of this Act shall be the "Hawke's Bay Appropriation Act 1875."

J. A'DEANE,

Speaker.

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

J. D. ORMOND,

Superintendent.

# Province of Hawke's Bay.



## EDUCATIONAL RESERVES ACT 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER  
MAJESTY QUEEN VICTORIA.

SESSION XXII. No. 9.

### ANALYSIS.

Preamble	8. Chairman casting vote	Three to be a Quorum
1. There shall be a Board	9. Board to make bye-laws	
2. Constitution of Board	10. Treasurer's Duties	
3. First Board	11. Lands to vest in Board	
4. Retirement and election of Members	12. Power to Board to lease by auction.	Notice to be given in <i>Gazette</i>
5. Vacancies to be filled up	13. Existing leases confirmed	
6. In case of neglect to elect member of Board Superintendent empowered to do so.	14. Application of Rents	
7. Superintendent to fix first Meeting	15. Short Title	

**AN ACT** to enable the Superintendent to vest certain Reserves in a Board of Commissioners and to provide for the leasing and managing thereof. Title

**WHEREAS** under and by virtue of "The Public Reserves Act 1854" the Governor of the Colony has by certain grants 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 said deeds of grant in the first Schedule to this Act set forth and described to hold unto the said Superintendent and his successors in trust for educational purposes. Preamble

**AND WHEREAS** it is expedient to make provision for the management and administration of the said parcels of land by granting leases thereof.

**AND WHEREAS** by an Act of the Provincial Council of Hawke's Bay No. 6 of Session XI. intituled "An Act to enable the Superintendent of the Province of Hawke's Bay to manage and administer by sale or lease certain Public Reserves" the said Superintendent was empowered to demise and lease certain lands in the Schedule to the said Act and in the second Schedule to this Act described.

**AND WHEREAS** by the additional land regulations of the Province of Wellington dated the 15th day of February 1855 it is provided that it shall be the duty of the Superintendent to make in every district a

reserve not exceeding one-thirtieth part of the public lands for the purposes of education such lands to be vested in a Board of Commissioners for educational purposes.

AND WHEREAS it is expedient to make provision for the management and administration of the said parcels of land in the second Schedule of this Act described by granting leases thereof and to confirm all leases of the said parcels of land or of any parts thereof made in pursuance of the Act of the said Provincial Council No. 6 of Session XI. before recited and to make provision for the application of the monies to be received by way of rent in respect of the lands so to be leased.

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

There shall be a Board

I. From and after the passing of this Act there shall be constituted a Board of Commissioners for Educational Reserves for the Province of Hawke's Bay which Board is hereinafter designated "The Board."

Constitution of Board

II. The Boards shall consist of six members of whom the Superintendent shall be one *ex officio*. The other members shall be elective members.

First Board

III. The first Board shall consist of Messrs. John Davies Ormond John Alexander Smith George Edmund Lee William Russell Russell Thomas Tanner, and Thomas Kennedy Newton.

Retirement and election of Members

IV. That at the end of every three years from the passing of this Act two of the elective members shall retire by ballot and two new members be elected in their stead all members of the Board shall be eligible for re-election.

Vacancies to be filled up

V. The death resignation refusal to act or absence from meetings of the Board for twelve consecutive months of any member not being an *ex officio* member shall create a vacancy of his seat and vacancies so occurring shall be filled up as hereinafter provided.

In case of neglect to elect member of Board Superintendent empowered to do so

VI. The Provincial Council shall from time to time upon any vacancy occurring as aforesaid elect a new member of such Board and in case of failure to make such election the Superintendent shall fill up the vacancies so occurring.

Superintendent to fix first Meeting

VII. The Superintendent of the Province of Hawke's Bay shall have power to fix the time and place of the first meeting of the Board.

Chairman casting vote. Three to be a Quorum

VIII. At all meetings of the Board the Superintendent or in his absence such member as the members assembled shall choose shall be Chairman. The Chairman shall have a deliberative vote and in cases of equality a casting vote also. Unless three Members be present no meeting of the Board shall be constituted for the transaction of business.

Board to make bye-laws

IX. The Board may from time to time make such bye-laws as it shall think fit for regulating the manner in which and times when its meetings shall be called and held its place of meeting the appointment remuneration and duties of its officers and generally for regulating the conduct of the business and proceedings.

Treasurer's Duties

X. The Provincial Treasurer shall be appointed Treasurer to the Board and he shall have the custody and control of its funds and all receipts on account of such funds shall be paid into a separate banking account to be kept in the names of the Board and no funds shall be issued or paid except by authority of the Board.

Lands to vest in Board

XI. Upon the appointment of the said Board the Superintendent shall vest in the said Board and its successors by conveyance the lands set forth in the Schedules hereto as Educational endowments.

XII. The Board shall have full power to demise and lease all or any part of the lands comprised in the first and second Schedules to this Act for any term or terms of years not exceeding twenty-one years to take effect on possession at yearly rents to be fixed in manner herein-after mentioned without taking any fine or premium for the granting of the same and subject to such terms and conditions as to the said Board 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 Board 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.

Power to Board to lease by auction. Notice to be given in *Gazette*

XIII. All leases already granted by the Superintendent by virtue of the Act before recited No. 6 of Session XI of the Provincial Council of Hawke's Bay in respect of the lands in the second Schedule to this Act are hereby confirmed.

Existing leases confirmed

XIV. All monies to be received by way of rent in respect of the lands comprised in the Schedules to this Act so to be leased as aforesaid or already leased or henceforth to be leased by virtue of the Act before recited No. 6 of Session XI shall be applied in conformity with the provisions contained in "The Hawke's Bay Education Act 1873" with respect to the application of rates levied under the provisions of the said Act and for the purposes in the same Act expressed. The Treasurer of the Province shall keep a separate account of all monies so received and disbursed and shall exhibit a balance sheet at the end of each financial year.

Application of Rents

XV. The Short Title of this Act shall be "The Educational Reserves Act 1875."

Short Title

#### FIRST SCHEDULE TO WHICH THE FOREGOING ACT REFERS.

##### *Town of Napier.*

Town section 523 containing by admeasurement 1 rood more or less bounded to the north by Colin-street 100 links to the east by Section 525 255 links to the south by Crown lands 105 links to the west by a public reserve 220 links.

##### *Town of Clive.*

Town Section 368 containing by admeasurement 20 perches more or less bounded to the north and north-west by Town Section 367 135 links to the east and south-east by Cook-street 200 links and to the west and south-west by Clive Road 240 links.

Town Section 369 containing by admeasurement 1 rood 20 perches more or less bounded to the north and north-west by Clive Crescent 260 links to the east and north-east by Town Section 325 180 links to the south and south-east by Town Section 343 250 links and the south and south-west by Peel-street 120 links.

Town Section 370 containing by admeasurement 38 perches more or less bounded to the north by Clive Crescent 195 links to the east by Albert-street 70 links to the south by Town Section 268 250 links and to the west by Town Section 281 150 links.

Town Section 371 containing by admeasurement 1 rood 4 perches more or less bounded to the north by Clive Crescent 333 links to the east and south-east by Town Section 263 214 links and to the south and south-west by Albert-street 255 links.

Town Section 372 containing by admeasurement 1 rood 31 perches more or less bounded to the north by Richmond-street 220 links to the east by Bridge-street 201 links to the south by Town Section 32 225 links and to the west by Town Section 31 200 links.

Town Section 373 containing by admeasurement 1 rood 27 perches more or less bounded to the north and north-west by Town Section 174 250 links to the north and east by Town Section 186 100 links to the east and south-east by Town Section 173 262 links to the south by Clive Road 35 links and to the west by Peel-street 200 links.

*Township of Clyde.*

Town Sections 467 468 469 470 471 472 473 637 638 639 640 641 642 and 643 containing by admeasurement 3 acres 2 roods more or less bounded to the north by Outram-street 500 links to the east by Kopu Road 700 links to the south by Rose-street 500 links and to the west by Apatu-street 700 links.

Town Sections 651 652 653 654 655 656 657 815 816 817 818 819 820 and 821 containing by admeasurement 3 acres 2 roods more or less bounded to the north by Outram-street 500 links to the east by Apatu-street 700 links to the south by Rose-street 500 links and to the west by M'Lean-street 700 links.

Suburban Section 829 containing by admeasurement 2 acres more or less bounded to the north by Suburban Section 828 500 links to the east by Kopu Road 400 links to the south by Fitzroy-street 500 links and to the west by Apatu-street 400 links.

Suburban Section 13 containing by admeasurement 6 acres 2 roods 29 perches more or less bounded to the north by Lucknow-street 811 links to the north-east by a public road 390 links to the south-east by Suburban Section 14 1000 links to the south-west by a public road 425 links and to the west by native land 600 links.

*Motuotaraia.*

All that parcel of land containing by admeasurement 469 acres more or less situate in the Porangahau District bounded on the north-west by Motuotaraia Rural Section No. 18 3280 links on the north-east by Block No. 18 8000 links and 5613 links on the south by the Taurekaitai Stream and on the south-west by the Upokopaowa Stream.

*Porangahau.*

All that parcel of land containing by admeasurement 1155 acres and 3 roods more or less situate in the Porangahau District bounded on the north-east by Porangahau Rural Sections 7 and 11 5950 links and 7650 links respectively and by a public road 500 links on the south-east by Porangahau Suburban Sections Nos. 61 and 57 3013 links and 2100 links respectively and by a public road 100 links on the south-west by Porangahau Suburban Sections Nos. 70 77 and 78 1775 links 2984 links and 2257 links respectively and by a public road 5000 links on the south by Porangahau Suburban Sections Nos. 74 75 and 76 4740 links and 5280 links and on the north-west by Porangahau Rural Sections Nos. 4 and 3 9600 links and by Porangahau Rural Section No. 7 950 links.

*Peka Peka.*

All that parcel of land in the Patoka District containing by admeasurement 100 acres more or less bounded to the north by Block 7 Patoka District 4000 links to the east by Block 7 2100 links to the south by a public road and to the west by Block 7 Patoka District 2600 links.

*Turiroa.*

All that parcel of land containing by admeasurement 54 acres 3 roods 36 perches more or less known as Section 3 Turiroa bounded to the north-west by Section 2 Turiroa 3116 links to the north-east by the Turiroa Stream to the south-east by the Wairoa River and to the south-west by Section 38 Turiroa 1000 links and Section 4 Turiroa 1270 links.

*Kereru Bush Sections.*

Sections 16 and 25 containing by admeasurement 60 acres more or less bounded to the north by Sections 17 and 26 Kereru Bush 5600 links to the east by a public road 100 links to the south-east by Block 3 Gwawas District 1925 links to the south by section 15 Kereru Bush 3800 links and to the west by the Poporangi Stream.

Sections 34 and 35 containing by admeasurement 40 acres more or less bounded to the north-east by Section 76 Kereru Bush 2500 links to the south-east by Crown Land 1600 links to the south-west by Section 33 Kereru Bush 2500 links and to the north-west by a public road 1600 links.

*Waihua.*

All that parcel of land in the Poututu Block containing by admeasurement 40 acres more or less bounded on the north-east by Rural Section 18 Poututu 1320 links and on the south-east and south-west and north-west by the Waihua Stream.

All that parcel of land known as the Ferry Reserve at Waihua containing by admeasurement 100 acres more or less bounded to the north-east by Crown Land 2740 links to the south-east by Rural Section 18 Poututu 1700 links Toha's purchase and the Waihua Stream on the west by the Waihua Stream and on the north-west by Rural Section No. 1 Waihua 3365 links.

*Pakiaka.*

Rural Sections 33 34 35 36 37 38 39 and 40 containing by admeasurement 669 acres more or less bounded to the north by a public road to the east by a public road to the south by the Mangarangiora Stream to the south-west by the freehold of R. H. Rhodes and Co. and to the north-west by a public road.

Rural Sections 29 30 and 31 containing by admeasurement 274 acres more or less bounded to the north by Rural Section 32 Pakiaka 2550 links and by a public road to the north-east and east by a public road to the south and south-west by the Mangarangiora Stream and to the west by a public road and Rural Section 32 Pakiaka 3500 links.

Rural Section 23 containing by admeasurement 42 acres more or less bounded on the north by Rural Section 25 Pakiaka on the east by the Mangaone Stream on the south by a public road and on the west by Rural Section 22 Pakiaka.

*Puketitiri Bush.*

All that parcel of land containing by admeasurement 525 acres more or less situate in the Patoka District bounded on the north by the original Puketitiri Reserve 10250 links on the east by the original Puketitiri Reserve 5980 links on the south by the Mangatutu River and J. Hallett's freehold 6140 links and on the west by the original Puketitiri Reserve 5650 links.

*Tautane.*

All that parcel of land containing by admeasurement 9700 acres more or less situate in the Tautane District bounded on the south-west by the Reserve for Quarantine Ground about 78000 links on the east by Crown Land about 47500 links and on the north-east by native land about 45500 links.

*Township of Mahia.*

Town Section 1 containing by admeasurement 1 rood 5 perches more or less bounded to the north-west by Newcastle-street 250 links to the north-east by Argyle-street 100 links to the south-east by Town Section No. 2 320 links and to the south-west by a public road 122 links.

Town Section 16 containing by admeasurement 2 roods more or less bounded to the north-west by Fortescue-street 100 links to the north-east by Town Section 17 500 links to the south-east by Lochiel Road 100 links and to the south-west by a public road 500 links.

Town Section 25 containing by admeasurement 2 roods 4 perches more or less bounded to the north-west by Town Section 24 500 links to the north-east by Town Section 14 100 links to the south-east by Lochiel Road 570 links and to the south-west by a public road 122 links.

Town Section 29 containing by admeasurement 2 roods more or less bounded to the north-west by Mahia Signal Reserve 250 links to the north-east by a public road 200 links to the south-east by Newcastle-street 250 links and the south-west by Town Section 28 200 links.

Town Section 41 containing by admeasurement 1 rood 16 perches more or less bounded to the north-west by Newcastle-street 100 links to the north-east by Town Section 42 350 links to the south-east by Victoria-square 100 links and to the south-west by Town Section 40 350 links.

Town Section 45 containing by admeasurement 1 rood 16 perches more or less bounded to the north-west by Newcastle-street 78 links to the north by Newcastle-street 23 links to the north-east by Town Section 46 355 links to the south-east by Town Section 72 100 links and to the south-west by Town Section 44 350 links.

Town Section 63 containing by admeasurement 2 roods more or less bounded to the north-west by Town Section 36 100 links to the north-east by Town Section 64 500 links to the south-east by Fortescue-street 100 links and to the south-west by Town Section 62 500 links.

Town Section 74 containing by admeasurement 1 rood 16 perches more or less bounded on the north-east by section No. 75 350 links on the north-west by a Government Reserve 100 links on the south-west by a Government Reserve 350 links and on the south-west by Fortescue-street 100 links.

Town Section No. 85 containing by admeasurement 2 roods more or less bounded on the north-east by Section No. 86 500 links on the north-west by section No. 54 100 links on the south-west by Section No. 84 500 links and on the south-east by Fortescue-street 100 links.

Town Section No. 99 containing by admeasurement 1 rood 38 perches more or less bounded on the north-east by Ratan-street 450 links on the north by Ratan-street 70 links on the north-west by Newcastle-street 50 links on the south-west by Section No. 98 500 links and on the south-east by Fortescue-street 100 links.

Town Section No. 105 containing by admeasurement 2 roods more or less bounded on the north-east by Section No. 106 500 links on the north west by Fortescue-street 100 links on the south-west by section No. 104 500 links and on the south-east by Lochiel Road 100 links.

Town Section No. 114 containing by admeasurement 2 roods more or less bounded on the north-east by section No. 115 500 links on the north-west by Fortescue-street 100 links on the south-west by section No. 113 500 links and on the south-east by Lochiel Road 100 links.

Town Section No. 130 containing by admeasurement 2 roods more or less bounded on the north-east by section No. 131 500 links on the north-west by Fortescue-street 100 links on the south-west by section No. 129 500 links and on the south-east by Lochiel Road 100 links.

Town Section No. 145 containing by admeasurement 2 roods and 37 perches more or less bounded on the north by section No. 146 370 links on the east by section No. 139 280 links on the west by the sea beach 203 links and on the south by section No. 144 345 links.

**SECOND SCHEDULE TO WHICH THE FOREGOING ACT REFERS.**

Section numbered 66 Town of Napier containing by admeasurement 39 perches more or less bounded towards the east by Faraday-street 150 links towards the south by section No. 65 165 links towards the west by section No. 37 150 links and towards the north by section No 67 163 links.

Section at corner of Hyderabad Road and Main-street Town of Napier containing by admeasurement 1 rood more or less bounded towards the north-east by section No. 7 100 links towards the south-east by Main-street 250 links towards the south-west by Hyderabad Road 100 links and towards the north-west by section No. 6 250 links.

Sections 106 and 107 in the Town of Napier containing by admeasurement 2 roods more or less bounded towards the north-east by Milton Road 200 links towards the south-east by Tennyson-street 250 links towards the south-west by section No. 105 200 links and towards the north-west by section No. 108 250 links.

Section 111 in the Town of Napier containing by admeasurement 1 rood more or less bounded towards the north-east by section No. 112 200 links towards the south-east by Tennyson-street 125 links towards the south-west by Milton Road 200 links and towards the north-west by section No. 110 125 links.

*Kopu-a-whara.*

All that parcel of land in the Province of Hawke's Bay known as part of the Kopu-a-whara Block containing by admeasurement 1000 acres more or less bounded to the North by the boundary of the Province 183,000 links to the East by the Kopu-a-whara Stream to the South by Crown land 182,000 links and to the West by Crown land 55,000 links.

*Mangaharuru.*

All that parcel of land in the said Province known as the Mangaharuru Block containing by admeasurement 7760 acres more or less bounded to the North by Native Lands 36,300 links to the East by the Tutira Block 3600 links by the Waipapa Stream by the Opowene Lake and by the Te Awa Tamatea Stream to the South by Native Lands 36,400 links to the west by the Waitara Block 17,000 links.

*Moeangiangi.*

All that parcel of land in the said Province known as the Moeangiangi Reserve in the Moeangiangi District containing by admeasurement 990 acres bounded to the North by the Moeangiangi Block 73,000 links to the East by the sea to the South by a Native Reserve and the Moeangiangi River and to the West by the Napier-Mohaka road.

*Pohui Bush.*

All that parcel of land in the said Province situate in the Patoka District containing by admeasurement 1000 acres more or less bounded on the North by Crown lands 6600 links and 1400 links on the East by Sections Nos. 6 7 8 9 10 11 12 13 14 15 16 and 17 Pohui Bush and a public road 13300 links on the South by Sections Nos. 26 and 35 Pohui Bush 8000 links and on the West by Section No. 39 Pohui Bush and by Crown lands 8400 links and 4900 links.

*Puketoi.*

All that parcel of land in the said Province situated in the Puketoi District containing by admeasurement 5000 acres more or less bounded to the North by Crown lands 42,000 links to the East by the Otawhai Block 11,000 links and by the Otopo Stream to the South by the Kaitaki Block 32,450 links and to the West by the Mangatoro Block 19,150 links and by Crown lands 4000 links.

J. A'DEANE,

Speaker.

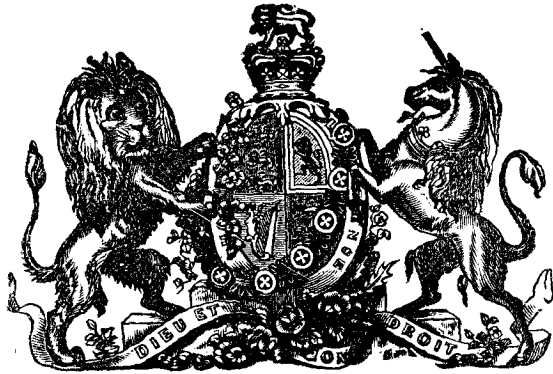
I do hereby declare that I reserve this Bill for the signification of the Governor's assent thereto.

J. D. ORMOND,

Superintendent.



# Province of Hawke's Bay.



## THE HOSPITALS ENDOWMENT ACT 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER  
MAJESTY QUEEN VICTORIA.

SESSION XXII. No. 10.

### ANALYSIS.

Title.	4. Power to appoint Trustees in case of vacancies.
Preamble.	5. Land to be held in trust for Hospitals.
1. Land in Schedule A to be endowment for Napier Hospital.	6. Power to Trustees to lease by auction, three months notice to be given in <i>Gazette</i> .
2. Land in Schedule B to be endowment for all Hospitals.	7. Application of rents.
3. Superintendent to convey to Trustees.	8. Short Title.

AN ACT to endow Hospitals in the Province of Hawke's Bay with certain parcels of land. Title

WHEREAS under and by virtue of "The Public Reserves Act 1854" the Governor of the Colony of New Zealand has by a Grant sealed with the Public Seal of the Colony granted to the Superintendent of the Province of Hawke's Bay amongst other land a certain parcel of land in the Schedule to this Act set forth and described to hold unto the said Superintendent and his successors in trust for purposes of public utility. Preamble

AND WHEREAS it is expedient that the said parcel of land should be appropriated as an Endowment for the Napier Hospital being a purpose of public utility and whereas it is also expedient other parcels of lands should be appropriated as an endowment for the Napier Hospital and Hospitals which may hereafter be established in the Province of Hawke's Bay.

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

Land in Schedule A to be endowment for Napier Hospital

I. The said parcel of land as described in Schedule A to this Act shall henceforth be appropriated as an endowment for the Napier Hospital.

Land in Schedule B to be endowment for all Hospitals

II. The parcels of land described in Schedule B to this Act shall henceforth be appropriated as an endowment for the Napier Hospital and Hospitals which may hereafter be established in the Province of Hawke's Bay.

Lawful for Superintendent to convey to Trustees.

III. It shall be lawful for the Superintendent to convey the said parcels of land as described in the Schedules to this Act unto trustees viz. :—John Davies Ormond Thomas Kennedy Newton John Alexander Smith George Edmund Lee Henry Stokes Tiffen and Thomas Tanner.

Power to appoint Trustees in case of vacancies

IV. On the death or absence from the Province for a period of eighteen months or on the bankruptcy or resignation of any such Trustee or Trustees it shall be lawful for the Provincial Council from time to time to appoint some other person or persons in the place of the person or persons so dying being absent from the said Province becoming bankrupt or resigning as aforesaid.

Land to be held in trust for Hospitals

V. The said land shall be held by the said Trustees and their successors in trust for the purposes of Hospitals in the Province of Hawke's Bay.

Power to Trustees to lease by auction, three months notice to be given in Gazette

VI. The Trustees shall have full power to demise and lease all or any part of the lands comprised in the Schedule to the "Napier Hospital Endowment Act 1875" for any term or terms of years not exceeding twenty-one years to take effect on 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 Trustees 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 Trustees 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.

Application of rents

VII. All monies to be received by way of rent in respect of the lands comprised in the Schedule so to be leased as aforesaid shall be applied for the erection and maintenance of Hospitals in the Province of Hawke's Bay.

Short Title

VIII. The short title of this Act shall be "The Hospitals Endowment Act 1875."

#### SCHEDULES TO WHICH THE FOREGOING ACT REFERS.

##### SCHEDULE A.

All that parcel of land in the Province of Hawke's Bay in the Town of Napier known as the Hospital Reserve containing by admeasurement one acre three roods bounded to the North by Harvey-road to the South-east and to the South by Suburban Section No. 61 and to the West and North-west by Town Sections Nos. 413 414 and 415.

##### SCHEDULE B.

###### 1. *Kopu-a-whara.*

All that parcel of land in the Province of Hawke's Bay situate in the Kopu-a-whara District containing by admeasurement 1000 acres more or less bounded to the East by the Kopu-a-whara Creek to the South by Crown lands 18,200 links to the West by Crown land 5650 links and to the North by Crown lands 18,200 links.

###### 2. *Wairoa.*

All that parcel of land in the said Province situate in the Wairoa district containing by admeasurement 1000 acres more or less bounded to the West by

sections Nos. 27 and 33 Turiroa 5850 links and 1000 links to the North-West by Crown lands 21,100 links to the South-East by rural sections Nos. 5 6 7 and 8 Potutu 5630 links and to the South-West by Crown lands 13,150 links.

3. *Mohaka.*

All that parcel of land in the said Province in the Mohaka district containing by admeasurement 5000 acres more or less bounded to the North by the Mohaka River to the East by Crown lands 31,200 links being a straight line starting from the mouth of the Taumukaha Creek bearing South South-West to the South by Crown lands 15,200 links and to the West by Crown lands 23,800 links.

4. *Puketitiri Bush.*

All that parcel of land in the said Province situate in the Patoka District containing by admeasurement 500 acres more or less bounded to the North by Crown Lands 11,800 links to the East by Crown Lands 4,800 links to the South by Block No. 91 being an Educational Reserve 10,250 links and to the West by Crown Lands 4,500 links.

5. *Maharahara.*

All that parcel of land in the Province of Hawke's Bay situate in the Woodville District containing by admeasurement 3,000 acres more or less bounded to the North by the Tamaki Block 34,800 links by the Mangapukaukahui Stream to the South-East by Tahoraiti Block No. 1 11,000 links to the South by Crown Lands 29,500 links and to the West by the Western boundary of the Province 9,200 links.

J. A'DEANE,

Speaker.

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

J. D. ORMOND,

Superintendent.

