



# AUCKLAND PROVINCIAL GOVERNMENT GAZETTE.

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### PROCLAMATION.

By His Honour WILLIAM BROWN,  
Esq., Superintendent of the  
Province of Auckland.

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

Now therefore, pursuant to the authority in me vested in that behalf, I, the Superintendent of the Province of Auckland, do hereby proclaim and declare that the fourth Session of the Provincial Council shall be holden at Auckland, and shall commence on WEDNESDAY, the 15th day of August now next ensuing; and the members of the said Council are hereby warned to give their attendance at the said time and place accordingly.

Given under my hand at Auckland, this fourteenth day of July, in the year of our Lord one thousand eight hundred and fifty-five.

Wm. Brown,  
Superintendent.

THE following Circular has been addressed to the Members of the Provincial Council.

### CIRCULAR.

Superintendent's Office, Auckland,  
14th July, 1855.

SIR,—I have the honour to inform you, that a Proclamation has been signed this day, and will be immediately issued, calling the Provincial Council together on the fifteenth day of August next.

You are aware that I had applied for a Provincial dissolution, in order that the differences of opinion which have existed between myself and the majority of the Council might be submitted to the decision of the country.

The constituency of the Province would thus, should my own views be deemed erroneous, have been enabled to place another person at the head of the Executive; or would have been enabled to support me, should my views be approved.

His Excellency the Officer administering the Government has not been pleased to comply with my request.

But His Excellency has signified an opinion that another Session of the present Council should take place, and has also made the calling of the Council, for the purpose of further appropriating the Provincial Revenue, a condition upon which he will "favourably entertain any suitable proposition for relieving the Provincial Government, Executive and Legislative, from any difficulty in which they may find themselves involved."

As I am unwilling to forestall opinions which the Electors of the Province may soon be called upon to express, I shall restrict myself to laying before the Council a Bill for the further appropriation of the Revenue.

As the room in which the sittings of the Provincial Council have heretofore been held will be occupied, during the ensuing Session, by the Representatives of the Colony, it will be my duty, meanwhile, to provide the most convenient accommodation for the Council that can be obtained.

I have the honour to be,

Sir,

Your obedient servant,  
WILLIAM BROWN,  
Superintendent.

Superintendent's Office, Auckland,  
16th July, 1855.

THE subjoined Correspondence, supplementary to that which was published in the "Provincial Government Gazette," No. 13, dated May 9th last, is published for general information.

WM. BROWN,  
Superintendent.

Auckland, July 16, 1855.

SIR,—I have the honor to transmit for your information a copy of correspondence with the General Government having reference to Petitions (a copy enclosed herewith) for a Provincial dissolution.

I remain, Sir,

Your obedient servant,  
WILLIAM C. DALDY.

To His Honor  
The Superintendent.

The Petition of the undersigned inhabitants  
of the Province of Auckland,  
SHEWETH,

That your petitioners have observed with alarm and deep regret the injury to the Province, the retardation of progress, and the general confusion that has resulted from the antagonism which arose during the last session between the Provincial Council and the Superintendent.

That your petitioners, without offering any opinion as to which party was to blame, would express their firm conviction that another Session of the same Council can only tend to a similar result, in even an aggravated form.

That your petitioners believe that the sole constitutional remedy is an appeal to the country, by which the power of relieving the Province from difficulty is placed in the hands of the people themselves.

That your petitioners have been made aware, by your Excellency's answer to the Superintendent's application for a dissolution, that your Excellency objects to a general election taking place immediately before the completion of the Electoral Roll for the year, and that they submit to the decision that has been arrived at by your Excellency.

That as your Excellency's objection will terminate in the the course of next month, by the completion of the Electoral Roll for the year, and as it is of importance to the well-being of the Province that the present difficulty should be overcome without unnecessary delay, your petitioners would ask permission to observe that your Excellency, while maintaining your own decision, will be able to obviate delay by so timing a dissolution that the writs may be running during the intervening time, so that there may be no impediment to the election of Superintendent coming off almost immediately after the completion of the roll, and to the election of members of the Provincial Council coming off within a few days further time.

Your petitioners therefore pray that a Provincial dissolution may take place at such early date as may admit of a Provincial Election being held on the completion of the Electoral Roll for the year 1855-56.

And your petitioners will ever pray, &c.

Colonial Secretary's Office, Auckland,  
2nd July, 1855.

SIR,—In acknowledging the receipt of your letter of the 25th ultimo, covering certain Petitions praying for the dissolution of the present Council of this Province, I am directed by His Excellency the Officer administering the Government to inform you that on the receipt of the supplementary petitions which you allude to, the subject matter of these documents will be taken into consideration of the Government.

I have the honour to be,

Sir,

Your obedient servant,  
ANDREW SINCLAIR,  
Colonial Secretary.

To W. C. Daldy, Esq.

Colonial Secretary's Office, Auckland,  
13th July, 1855.

SIR,—I have the honor, by the direction of His Excellency the Officer Administering the Government, to acknowledge the receipt of a Petition, bearing seven hundred and sixty seven signatures,—forwarded in your letters of the 25th ultimo and the 11th instant, praying for an immediate dissolution of the Auckland Provincial Council.

In reply, I am directed to state that His Excellency feels as much regret, as the Petitioners can, that the Province of Auckland should be suffering injury from the confusion into which its affairs have fallen, and would be equally glad with them to put an end to such an unfortunate state of things, but that, even if His Excellency were satisfied that a dissolution would be the appropriate remedy, he would not feel himself justified in complying with their request, because, the Act appropriating the Auckland Provincial Revenue having been allowed to expire, such compliance on His Excellency's part would render him a party, either, on the one hand, to breaking up the

Provincial Establishments necessary for the management of the Public affairs, and for the protection of the community, by rendering it impossible for the necessary funds to be lawfully applied to their maintenance; or, on the other hand, His Excellency would be thereby giving his sanction to the unconstitutional and illegal expenditure of the Public Money for an indefinite, but at all events, a lengthened period.

I have the honor to be  
Sir,  
Your most obedient humble servant,  
(For the Colonial Secretary)  
W. GIBBORNE.

To William C. Daldy, Esq.

Superintendent's Office, Auckland,  
7th July, 1855.

SIR,—When I had the honor of addressing your Excellency, about two months since, praying your Excellency, for the sake of the order and good Government of the Province, that a dissolution of the Council might take place; your Excellency came to the conclusion that it would be improper "to bring about a general election immediately before the completion of the Electoral Roll for the year, and probably, by that means, exclude by a few weeks only, a numerous and respectable body of Settlers from exercising, perhaps for years, any influence in the Government of the country." I have acted upon your Excellency's answer (according to its obvious interpretation,—namely, that when your objections should be removed by completion of the Electoral Roll, a dissolution would take place), in administration of the Provincial Government.

I have thought that it would be detrimental to the interests of the Province to summon the present Council to another Session immediately before an appeal to the country, from which great changes may be expected to result. But as the Provincial service requires that a Session should take place at an early period, I consider it my duty to inform your Excellency that the Electoral Roll for 1855-6 was completed on the 25th ult., and respectfully to ask that a dissolution may be now accorded.

I have the honour to be,  
Sir,  
Your Excellency's obedient servant,  
WM. BROWN,  
Superintendent.

His Excellency the Officer administering the Government, &c., &c.

Colonial Secretary's Office,  
Auckland, 13th July, 1855.

SIR,—I am directed by His Excellency the Officer administering the Government to acknowledge the receipt of your Honor's letter of the 6th inst., requesting a dissolution of the Auckland Provincial Council.

His Excellency regrets that you should have put an interpretation on the letter addressed by the Colonial Secretary to your Honor on the same subject, dated 8th May last, which it was

not intended to bear, and which the terms of it do not appear to His Excellency to warrant.

His Excellency had no intention of giving a promise that a dissolution should take place; but, at the same time, he did not wish that the answer to your Honor's application should be such as to preclude—after the Electoral Roll should be completed—another application, if circumstances should then require it.

The Officer administering the Government very much regrets the state of confusion into which the affairs of the Province of Auckland have unhappily fallen, and His Excellency is most anxious to take any steps which he could, with propriety adopt for the purpose of restoring those affairs; but he cannot entertain the question of a dissolution at present; as the Appropriation Act, passed in April last, having expired, there is now no lawful authority for the expenditure necessary to keep the Police Force, Gaol, and other establishments absolutely requisite to secure the good order and government of the Province, and they must, therefore, either be broken up, or maintained by illegally dealing with the public money.

If His Excellency were now to dissolve the Auckland Provincial Council, he would become a party to, and sanction such a state of things, and moreover, be the means of forcing its continuance for some months longer, by rendering it impossible that any legal appropriation of the Provincial Revenue could be made till a new Superintendent and Council should have been elected.

His Excellency is quite ready to admit that circumstances may exist, which may render so unconstitutional a course indispensable, but, as yet, no means have been taken with a view to obviate its necessity, as the Provincial Council has not been asked by your Honor, and may not be unwilling to make provision for the Public Service during that interval.

It appears to his Excellency that before he could with propriety take any steps, which would have the effect of rendering any further legal appropriation of the Revenue impossible for so long a period, some effort should be made on the part of your Honor to obtain a legal sanction for the expenditure necessary to carry on the Provincial Government,

His Excellency thinks the proper course to be that the Auckland Provincial Council should be called together for the purpose, if for no other, of affording them, at least, an opportunity of rendering lawful the expenditure of the public money.

After this shall have been done, his Excellency will be glad to favourably entertain any suitable proposition for relieving the Provincial Government, Executive and Legislative, from any difficulty in which they may then find themselves involved.

I have the honor to be,  
your Honor's  
Most obedient humble servant,  
W. GIBBORNE,  
(For the Colonial Secretary.)

His Honor the Superintendent of  
Auckland,

Superintendent's Office, Auckland,  
July 16, 1855.

SIR,—I have the honour to acknowledge receipt of the reply to my second request that His Excellency the Officer administering the Government would be pleased to grant a Provincial dissolution.

His Excellency again declines compliance, and likewise causes me to be informed, in reference to the reason which you assigned for his non-compliance with my first request, that his intention had been misunderstood by me.

I receive His Excellency's decision with that deference which it is my duty to observe; and ask leave to state my regret that the words in which His Excellency's intention was intimated should have conveyed to my mind an idea different to that which they were meant to express.

His Excellency has intimated an opinion that the present Council should be called together. I have the honour to state that I have signed a proclamation summoning the Council for the 15th day of August next.

His Excellency has expressed his willingness, after the condition of calling the Council together shall have been fulfilled, favourably to entertain any suitable proposition for relieving the Provincial Government, Executive and Legislative, from any difficulty in which they may then find themselves involved.

I have to thank His Excellency for this manifestation of his desire to serve the Province, and to observe that I feel assured of the New Zealand ministry (should ministerial responsibility, as there is reason to expect, be established within the next few weeks) being willing to carry out His Excellency's present intention.

To you, sir, on account of the censure apparently implied in the observations with which you accompany the announcement of His Excellency's refusal, I may offer some additional remarks.

You speak of "The Appropriation Act passed in April last having expired," of Provincial establishments which must "either be broken up or maintained by illegally dealing with the public money," of a dissolution if granted forcing the continuance of such a state of things "for some months longer," and of the propriety of affording the Provincial Council "at least an opportunity of rendering lawful the expenditure of the public money."

By going more closely into particulars, a very different impression would be conveyed.

I am compelled to vindicate the Provincial Government by remarking:—

Firstly,—There you would have been more strictly exact had you stated that only Schedule B of the Appropriation Act had expired; by far the greater portion of the Revenue, including the sums voted for the public works in Schedule C, having been appropriated so as

to render its expenditure lawful at any time soever.

Secondly,—That the sums contained in Schedule B, appropriated until the 30th of June last, are mainly for the payment of official salaries, which would not again become due in the ordinary course until the 1st of August next.

But should the Provincial Government, following the occasional practice of Governor Grey, order such payments to be made quarterly, instead of monthly, they would not become due until the 1st of October next.

It would therefore seem that your observations concerning the breaking up of Provincial establishments might properly have been expressed in less general terms.

Thirdly,—That my first application for a dissolution was made on the second day of May.

Allowing six weeks (practically speaking, an ample, even a superfluous time,) for the return of the writs, a new Provincial Council might have met any time after the 13th of June following.

Assuming the inexpediency of any election prior to the completion of the revised Electoral Roll, still, by so timing a dissolution that the writs might have been running during May and the earlier part of June, the polling might have taken place shortly after the 25th of June.

Supposing dissolution to have been postponed until the completion, on the 25th of June, of the revised Electoral Roll, a Council might still meet any time after the 6th of August next.

You make especial reference to the expenditure necessary to keep up the Police Force and Gaol. These certainly, together with the Hospital, are not to be classed with mere official salaries, which brook reasonable delay, inasmuch as they involve not only the security of the citizens, but human suffering and even life itself.

By your allusion, in terms conveying the impression of censure, to the management of the Provincial Revenue, you entitle me to remind you that the present expenditure of the General Government is not only without the sanction, but partly in direct opposition to the expressed opinion of the Representatives.

I may also remind you that while only a portion of the Provincial appropriation is at an end, the whole of the appropriation of the General Government has terminated.

Had the Provincial Government been made aware, from the beginning, that no dissolution would be allowed, much difficulty might have been avoided.

But it was firstly intimated—that no dissolution could take place before the completion of the revised Electoral Roll.

Secondly,—In answer to petitions from the country presented with an announcement of others being yet to come—that the question would be considered when the supplementary petitions should be received.

Thirdly,—On my informing the General

Government of the completion of the revised Electoral Roll—that the Provincial appropriation had now expired.

And also,—that entertainment of the question must be postponed until after another Session of the Provincial Council.

I have made these observations. Sir, with reluctance, but feel that the Provincial Government would have been compromised by suffering your letter to pass entirely without remark.

I have the honour to be,

Sir,

Your obedient, humble servant,

Wm. BROWN,  
Superintendent.

The Honourable  
the Colonial Secretary.  
&c., &c.. &c.

### SLAUGHTER HOUSE LICENSES.

Superintendent's Office, Auckland,  
16th July, 1855.

THE following Licenses for keeping Slaughter Houses have been granted.

ONEHUNGA—Messrs Bennett & Hill, Onehunga Beach.

OTAHUHU—Mr. John Hill, in Otahuhu.

ELLERSLIE—Mr. Wm. Walters, at Ellerslie.

HOWICK—Mrs. Ann Foulkes, Allotment No. 20, Howick; Mr. James White, Allotment No. 19, ditto; Mr. John Trimmer, Allotments No. 1, 2, 3, 4, and 5, ditto.

Wm. BROWN,  
Superintendent.

### NEW ZEALAND, PROVINCE OF AUCKLAND.

RETURN of IMMIGRATION and EMIGRATION at the Port of AUCKLAND during the Quarter ending 30th June, 1855.

Places.	IMMIGRATION.				EMIGRATION				REMARKS
	Male Adults.	Female Adults.	Children.	Total.	Male Adults.	Female Adults.	Children.	Total.	
England .....	49	27	13	89	0	0	0	0	Balance in favour of Immigration 280
New South Wales.....	112	36	27	175	145	35	32	212	
Melbourne .....	174	75	63	312	52	17	20	89	
Van Diemens's Land....	18	5	10	33	1	0	0	1	
San Francisco.....	0	0	0	0	15	1	1	17	
Pacific Islands.....	0	0	0	0	7	3	0	10	
Totals.....	353	143	143	609	220	56	53	329	

This Return does not include the Military.

S. KEMPTHORNE,  
Acting Immigration Agent.

Superintendent's Office,  
Auckland. July 14, 1855.

