



# NEW ZEALAND GOVERNMENT GAZETTE.

FOR THE  
PROVINCE OF NEW PLYMOUTH.

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NEW PLYMOUTH, SATURDAY, APRIL 15, 1854.

[No. 8.]

*Superintendent's Office;  
New Plymouth, April 15th, 1854.*

I HEREBY notify that the Provincial Council was prorogued on Saturday, the 8th instant, when I delivered the following address, which is published for general information.

CHARLES BROWN,  
SUPERINTENDENT.

MR. SPEAKER AND GENTLEMEN,

When I addressed you at the opening of this Session, I did so with the hope that the General Assembly would soon be sitting—had that hope been realized our legislation would have been more extensive. Feeling the delicacy of our position with regard to that body—a feeling in which you have shewn your lively participation—our legislation has been addressed to meet the immediate necessities of the Province, with the guiding principle that we should not assume for ourselves anything which ought to be granted by the General Assembly.

A recent Ordinance of this Province, to authorise the raising of a loan for the purchase of native lands, has been disallowed by his Excellency on the ground that, "as the General Assembly have absolute power over the Revenues of the Colony, any charge made upon the Revenues of a Pro-

vince by the Provincial Council, can offer no security." I regret that our legislation should have given cause for this remark, as my intention in recommending the Ordinance to you, and I think I may say yours in passing it, was, that the faith of the Province should be pledged, to make good by local means any deficiency in the General Revenue of the Province to meet the loan.

I have not submitted any permanent system of Audit to your consideration, as I consider it a subject best dealt with by the General Assembly, and that body will, I hope, pass a law which will place the Audit Department beyond the control of the Provincial Government, and secure it from the tendency to corruption and decay incident to Corporations and Governments, where public expenditure is unchecked.

The Despatch of the Secretary of State, which accompanied the Constitution Act, suggested that the Executive powers of the Superintendents should be delegated to him by the Governor, or defined by the General Assembly—concurring in that view, I have acted on the delegated authority conveyed by his Excellency in the transfer of Departments, and left the further definition of the Executive functions of my office to the General Assembly.

I have not recommended to your consi-

deration a course which has been adopted in all the other Provinces, the constitution of an Executive Council; in explanation I will offer a few remarks on my views of the form of Government given to us by the Constitution Act. We have, suited to the limited means for forming a Government, a single elective Legislative Chamber—and an elective Executive centred in one individual, on whom rests the sole responsibility, as you have defined it, of his own conduct, and of those acting under him, the working of this system will be, that, as the Representative of the whole body of electors, the Superintendent will feel it his duty to act as a check on the majority in the Council, when he considers the views of the minority and his own, coincide best with the interests and permanent prosperity of the Province. When this takes place, the exercise of the valuable privilege you possess, and of which I hope you will never be deprived, that of obtaining the removal of the Superintendent by petition, will be at your disposal, and will enable you to place the Superintendent at the bar of public opinion, that the acts of his administration may be approved or condemned.

While I see no reason to anticipate those wide differences of opinion which I have in illustration entertained the possibility of, I should regret to see those differences of opinion which lead to a wholesome discussion, compromised by my appointment of an Executive Council, and any further appointment of Provincial Officers from among your number. You will, I hope, agree with me that by preserving the independence of the Council, even from what may be termed insensible influence, and maintaining the responsibility of the Superintendent inviolate, the best results will be obtained. We should steadily keep in view the principle laid down by an eminent writer—"that whatever a man is expected to do, or does, it be known and seen whether he does it, and how."

Had the Superintendent been appointed by the Crown, my position would probably have been in the Provincial Council, where I would have added my efforts to those of my fellow settlers to obtain the responsibility by means of an Executive Council, which such an arrangement would have rendered necessary, and which at best would

have been far less than the undivided responsibility now accountable to you.

The New Zealand Company's debt is a heavy drag on the prosperity of the Province, independently of the share of the debt that may be imposed on us by the power of the British Parliament, as a punishment for having maintained a struggling existence through ten years of the quarrels of Government and Company in which the money was lost. The assets of all kinds that the Company left in this Province were not equal to the value of the claims of settlers and absentees on the Company, which the Province has now to purchase land to satisfy, at four times the price it could have been obtained for some years ago. This powerful Company has been unfortunately supported by the Home Government in this legalized plunder of the colony; but let us hope that the representations of the General Assembly and other Counsels prevailing in the Home Government, will obtain an equitable adjustment of the so called New Zealand Company's debt, now practically, the New Zealand Settler's debt.

With reference to the control of the Waste lands, I hope the wishes of the Provincial Legislatures will have due weight with the General Assembly. The Land Regulations I consider as a great advance on the system which locked up the forest land of this Province, the principle I should wish to see introduced would be that of sales by auction, at a low upset price of not a particular spot of land, but of the first choice of an amount of land definable by the purchaser within certain limits as to extent, which would not subject the experience of the bona fide settler to the competition of the speculator.

The good feeling subsisting between the two races, and which has never been seriously interrupted in New Plymouth, it will be my object to promote with every feeling of confidence in your support, and that of the Province generally. Whether viewed from motives of justice or policy, every one must be sensible that as a civilized race we owe a helping hand to the population which surrounds us and is fast emerging from its primitive state, and that any serious misunderstanding must materially retard the progress of both races. Those who with me have seen the early days of the

settlement, will confirm what I say, that, the progress of the native race has been great. In this respect more has been done by the natives for themselves, than by others for them, for however well intentioned the efforts have been to raise the native in the scale of civilization, he has been unaided in his efforts to obtain individual rights of property. In this respect the New Zealander shews a capacity for the relations of civilized life which places him far above the savage, who comprehends no rights but common rights, and can be taught no others. The step recently taken by Mr. Commissioner McLean is the first which has been decisively taken in the right direction. The purchase from the natives of their common rights in the block last acquired with the understanding that they are to re-purchase individually at 10s: an acre what they may require, is a transaction replete with interest in its many bearings, and I anticipate it will lead to the alienation by the natives of the whole of their common rights in this Province, while they will secure individual rights, of which the beneficial effects will be incalculable:

With reference to Education, I look forward to the legislation of the General Assembly to enable the Province to deal with it on comprehensive principles.

The task at present imposed upon me, the Province may consider me unequal to fulfil; and should this be affirmed at any time by the election of any other gentleman to the position I now hold, my best endeavours will then be given, as they are now, to promote the prosperity of this Province and the colony at large. In the feeling shewn by Members of Council, Officers of Government, and the Electors of the Province, it has been recognised that the Constitution Act has placed a fresh point of departure for all parties and all opinions, I have fully felt the influence of this, and beg to thank you for the attention I have received, and the consideration my measures have met with, however we may have differed on them.

I have now to release you Mr. Speaker and Gentlemen from your labours for this Session, and prorogue this Council to the

first day of July next, and should no unforeseen exigency require your earlier meeting, I propose to extend the prorogation till some day in September.

CHARLES BROWN,  
Superintendent.

#### CONTRACTS FOR THE PROVINCIAL GOVERNMENT.

*Superintendent's Office,  
New Plymouth, April 12th, 1854.*

**T**ENDERS will be received at this Office until noon on Wednesday, the 26th instant, for the undermentioned works—further particulars can be obtained on application.

No. 1.—Omata Road, repair one chain in length where the same crosses the Herekawe.

No. 2.—To raise the Huatoki Bridge in Devon-street two feet, make approaches to the same, fix two wing-rails on the South side of Bridge, and one on the North.

No. 3.—To raise the Mangatuku Bridge in Brougham-street one foot.

No. 4.—To open surface drains for keeping the undermentioned portions of road free from wet, throwing the material moved in the centre of the road, removing inequalities, and giving the same a convex surface of one foot rise in every thirty feet width of road:—

Devon-street, from the top of the rise North of Currie-street to Robe-street.  
Brougham-street, from Powderham-street to King-street.

No. 5.—To cart and lay on the undermentioned portions of road, between the surface drains, as they are imbedded by traffic, 120 loads of sand-stone in two layers, and 60 loads of gravel or shingle in two layers:—

Devon-street, from Currie-street to the foot of the first hill South of the Huatoki.  
Brougham-street, from Devon-street to King-street.

*Superintendent's Office,  
New Plymouth, April 15, 1854.*

**T**ENDERS will be received at this Office until noon on Wednesday, the 26th instant, for supplying the undermentioned RATIONS as they may be required at the Gaol, New Plymouth, for five months from the 1st of May next.

Ration No. 1, at per Ration.  
" 2, "  
" 3, "

CHARLES BROWN,  
Superintendent.