




# NEW ZEALAND GOVERNMENT GAZETTE.

(PROVINCE OF WELLINGTON.)

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By His Honor's command,

WILLIAM FITZHERBERT, *Provincial Secretary.*

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MONDAY, JANUARY 1, 1855.

[No. 1.

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## S P E E C H

OF

HIS HONOR THE SUPERINTENDENT

AT THE

OPENING OF THE THIRD SESSION OF THE  
PROVINCIAL COUNCIL OF WELLINGTON,

ON THURSDAY, 27TH DECEMBER, 1855.

MR. SPEAKER, and GENTLEMEN of the Provincial Council:—

If on this, as on a former occasion, I am obliged to admit, that unforeseen difficulties have arisen in carrying out the Constitution—that its machinery has not moved as smoothly as was anticipated—that, as far as the General Government is concerned, it has hitherto entirely failed to realize the expectations of its framers, or to fulfil the purposes of its creation, still, I see no reason to despair of the ultimate success, of the great experiment in which we are engaged; and the issue of which is watched by Statesmen at home, and by the leading minds in the neighbouring colonies, with a far greater interest, than has ever attended the inauguration of any previous Constitution.

When, indeed, it is remembered that during the very period, when the guidance of a firm and resolute hand was most needed, the reins of Government have been held by a mere *ad-interim* Administrator; that the chief offices have been filled by an irresponsible Executive, between whom and the General Assembly there has existed a state of constant collision, it can scarcely be a matter of surprise, that the wheels of Government should have been clogged, or that there has not been that harmonious action between the Central and Provincial Governments, which is essential to the successful working of the whole machine.

The arrival, however, (after an interregnum of nearly two years) of a Governor, who no sooner lands, than he avows his intention to govern by Ministers enjoying the confidence of the People's Representatives; who declares that the policy of the majority shall be his policy,—and that he will interfere only on points which involve Imperial interests; the desire he has evinced to make himself acquainted with the wants and requirements of the whole Colony, his anxiety to convene the General Legislature within the shortest possible period; above all, the promptness with which he has already redressed some of the most crying grievances of the Provinces,—may well inspire us with a hope, that His Excellency will, if he receives that support to which he is fairly entitled, not only vanquish and overcome the many difficulties and embarrassments bequeathed to him by his predecessors, but will establish the whole Constitution on a firm and lasting basis.

But if, as far as regards the working of the Constitution, there is necessarily some disappointment,—some cause for discouragement, no such feeling can well exist with respect to the progress of this Province; for the Census and other Returns which have been recently published, afford the most unmistakable evidence of its steady, if not rapid advancement in all the elements of wealth. If you compare these various returns with those of 1853, you will find, that there has been an addition to the population of nearly two thousand souls—that the flocks have increased from something under 100,000 to 193,000—the herds from 12,000 head to 18,000—that notwithstanding the dearth of labour two thousand additional acres have been fenced in—and that the value of the exports has augmented in a similar ratio; but after all, the most gratifying proof of its prosperity is, the rapidity with which its most distant parts are being peopled.

From the report of the Provincial Engineer you will learn, that during the last two years about sixteen miles of road have been made, nearly six of which have been executed during the present year; and further, that contracts have been accepted for opening out more than two miles of the Rimutaka within the next three months. When you consider, that to repair the damages which all the public works sustained at the commencement of the year, it was necessary to expend large funds, and to stop all works then in progress, you must admit, that the extent of road made under such circumstances, is of itself ample proof of the invaluable services rendered by Mr. Roy.

Nor is the financial position of the Province less satisfactory. The Provincial Government, as you are well aware, was launched little more than two years ago, not only with an empty Treasury, but with considerable liabilities in the shape of existing contracts. During the period which has since elapsed, above £25,000 have been expended on public undertakings; and yet I meet you now with a balance in the chest of upwards of £15,000. And here permit me to tender, on the part of the inhabitants of the Province, my warm acknowledgments to Governor Browne, for having immediately, on assuming the administration of the Government, ordered the payment of the debt, (so far as it was ascertained,) which has been so long unjustly withheld, to the grave embarrassment of the Local Government, and to the still more serious detriment of the Province. The amount already paid is £13,000; but I apprehend, that when the accounts are finally adjusted, the Province will be found entitled to a considerable balance.

Believing that until the relations of the General and Provincial Governments have been definitively settled, or at any rate, until we know the results of the approaching Session of the General Assembly, it would be unwise in us, unnecessarily to increase our legislation, I propose submitting but few Bills to your consideration, but shall more especially press upon you the prosecution of various public works.

The first Bill will, in accordance with my pledge of last Session, be "to enlarge the Council." The Bill will, I fear, disappoint those who expected to find in it, proposals, for sub-dividing the existing electoral districts—for adopting a new principle of apportionment—or who looked for some scheme for representing the minority equally with the majority: but when the gravity of the principles involved in these questions—the important bearing they will exercise upon the future interests of the Province is considered—I am satisfied, that all who sincerely advocate an enlargement of the Council, will be prepared to admit, that these are precisely the very questions, which ought to be left to the deliberation and decision of the enlarged Council. I have therefore limited my proposal, to an addition of twelve Members, distributing them in proportion to the number of electors on the present Roll of each district. In the mean time, in order to obviate as far as possible, the inconveniences necessarily incidental to such extensive electoral districts, and to prevent the virtual disfranchisement which they unquestionably entail, I have multiplied the polling places in each district, and shall be prepared to establish additional ones, whenever the voters of any locality may desire it.

As some difficulty has been experienced in carrying out the provisions of the Road Act, another Bill will be submitted to you, the object of which is to condense the previous Act,—to simplify the machinery for working it,—and generally to render it more easily applicable in the hands of settlers in the rural districts, on whom the duty of putting it into operation devolves (in conformity with the decentralizing principle adopted by the Provincial Government,) and who cannot always refer to legal authorities, when administrative difficulties occur.

It is proposed to repeal the existing Cattle Trespass and Impounding Ordinances, which are in many particulars inconsistent; and on the interpretation of which many doubts have from time to time arisen; the principle of those ordinances was also, it is conceived, erroneous, casting on the injured party the obligation

of protecting himself against the acts of the wrong-doer, instead of carrying out that principle, equally well known to the civil law of Rome, and the common law of England, "that a man shall so use and keep his own property as not to injure his neighbour." It is proposed to restore parties to that position from which the early legislation of the colony departed; and at the same time to simplify the remedies for the infringement of the law by condensing and amending the provisions relating to impounding.

So many complaints and objections have been urged against the "Scab Act," as tending to discourage if not absolutely prohibit the importation of sheep—to give an unfair monopoly to the present flockowners—to raise the price of all meat to the consumer—and to inflict unnecessary injury upon those whose sheep are diseased, that I would recommend that the subject should be referred to a select Committee, with a view of ascertaining how far these objections are well founded, and whether a general system of dressing, calculated to eradicate the disease may not be enforced; and further, whether the restrictions at present imposed upon the removal of diseased or suspected flocks to fresh runs, and upon their importation, may not be modified with advantage to the public, and without injury to the owners of clean flocks. The present law is undoubtedly opposed to all the evidence adduced before a recent Committee of the Legislature of Victoria; for according to the report of that Committee, there is little difficulty in effecting a cure of the disease, if a proper system of dressing be made compulsory, and little or no danger in permitting sheep to travel for a certain specified time after dressing.

Being convinced that the chief business of Government can never be performed by the Executive of the Province; but that those matters which most influence the happiness of the inhabitants ought, in reality, to be transacted by Select men, or in the small Governments of Townships;—believing that the ultimate success of the Constitution will mainly depend, upon the mass of the people being accustomed to consider the social business, as an important item in every man's business, I am anxious to seize every opportunity of denuding the Provincial Executive of power, and of vesting it in local bodies. It is with this object, and in compliance with the wishes of the settlers at Wanganui, that a Bill will be brought in, to confer certain municipal powers, upon an elected Board, and to entrust to that Board, amongst other things, the expenditure of all monies which you may vote for their district purposes. But I repeat, that, holding as I do, that to the inhabitants of each district, no matter how few in number they may be, ought to be confided the management of everything connected with, and affecting the well-being of their neighbourhood, considered merely as a neighbourhood and unconnected either with the Province generally, or the districts or neighbourhoods immediately surrounding them;—advocating, on precisely the same ground, that I claim for the Local Government the exclusive administration of all affairs relating to the Province only, the conferring upon each district or township the exclusive management of all matters affecting itself alone,—I shall not be satisfied until a system similar to the American, under which, as soon as ever a few families are congregated together, they are empowered to raise local taxes, and to elect local officers, has been introduced into every part of this Province.

It would have been satisfactory, had I been able to report, that the inhabitants of the Province had availed themselves to a greater extent than they have done, of the Educational machinery, and the pecuniary grant provided by you last session. The causes which have contributed to this result, (so much to be deplored) appear to be, 1st, general apathy,—the natural consequence of having been so long without the means of education, and which prevents too many from appreciating the vital necessity, of extending knowledge among a population possessed of democratic institutions; 2nd, the sparseness of the population in several parts of the Province, and the value of the labour of children in families struggling with the first difficulties of new settlements; and 3rd, political and sectarian opposition in certain quarters. That the last, though easily trace-

able in some instances, has not been the only cause of the want of success, may be inferred from the fact that while few schools have been founded on the Government plan, fewer still, it is believed, have been established on any other. Had there been no other impeding causes than political opinion or religious zeal, it is scarcely credible, that those who were actuated by such motives would not have endeavoured to substitute some schools of their own, in the place of those, which they prevented from being established on the Government plan; and it is therefore probable, that other causes, such as those alluded to, have combined to prevent, and will for many years continue to impede, the progress of education not only in this, but in every province of the colony. It is no doubt to be regretted, that the warm, but, I believe, conscientious, opposition of the clergy of certain denominations, compelled you last year to reject the recommendation of the Commissioners, that religious instruction should be admitted into the schools supported by the Government, and forced you to fall back on the secular system. It would be gratifying to the Government of this Province, if it could be assured that the public mind, while refusing to place its educational system on any other than a religious basis, had arrived at some harmonious decision, as to the extent and description of religious instruction, and the manner in which it might be given in the common schools. Any decision, at which a decided majority of the electors might arrive, having for its object the introduction of so much religious teaching, as embodied only truths common to all Christian sects, and which did not infringe on principles which the Government feels bound to maintain, would be gladly acquiesced in, by it. And while by such a course, the spirit of the recommendations of the Commissioners would be carried out, you would be able still to oppose those barriers, which you erected last year against the spirit of proselytism—against the interference of the clergy in the common schools—and against every attempt to introduce sectarian or denominational teaching.

It has long been a reproach to Wellington, and urged as one of its great drawbacks, that there is little or no available land within a reasonable distance; and yet there is probably scarcely any sea-port town in this colony in the immediate vicinity of which there is a greater quantity of agricultural land. The erroneous impression has been created by some of the best districts not having yet been opened out. Acting, however, upon the recommendation of your Select Committee of the first session, I propose that immediate steps should be taken for continuing the Karori Road to Makara, and for making a branch road from Porirua road to the Ohariu. These two districts, which may very properly be termed suburban, are distant only six miles from Wellington, and contain above 20,000 acres of rich agricultural land. The length of the two roads will, I understand, not exceed four miles, and their cost is estimated at about £5,000. As 7,000 acres are owned by absentees, and as these roads, which cannot be considered trunk lines, will raise their value some hundred-fold, it appears to me only reasonable that the land-owners should be called upon to contribute towards making them. A Bill has accordingly been prepared, which authorizes the Government to levy a tax of 2s. an acre upon all land within these two districts. Assuming that £1,000 will be thus raised, I suggest that £2,000 should be contributed out of the Provincial Revenue, an amount which will probably be repaid by the immediate sale of the land which is still unalienated.

Before proceeding to indicate the various public works for which grants will be proposed, I am happy to inform you that the funds which will be at your disposal, will, I believe, prove amply sufficient for all that can possibly be undertaken in the present state of the labour market.

Taking the balance in the hands of the Treasurer at £15,500—estimating the Customs Receipts at £15,000—Licenses and Fees at £2,100—Promissory Notes, due on account of Immigration, at £1,000—and other incidental receipts at £500—and believing that in the event of the sale of the township in the Wairarapa, we may calculate upon £4,000 from the Territorial Revenue; the total receipts for the financial year ending the 31st December, 1856, will not be less than

£38,000. As the cost of the several departments of Government will not exceed £10,000, there will remain a balance of £28,000 available for public works and undertakings.

While in distributing this balance, it is my desire to give to each district its fair proportion, there are yet certain works to which all attach a paramount importance. Our chief aim ought undoubtedly to be to connect the capital of the Province with its two extremities within the shortest possible period; for it is only by the practical lessening of distances—by opening up markets to distant places—by cheapening the transport of produce—that we can hope to maintain our connection with such remote districts as Hawke's Bay, or to make Wellington the emporium of the trade of the whole Province.

An expenditure of £5,000 upon the Rimutaka will complete the road to Burling's in the Wairarapa. A sum of £2,000 will enable us to open up a practicable dry road thence through the forty mile bush to the Rua Paniwha Plains, and an additional sum of £1,000 would extend the line to Napier,—thus diminishing the distance between Napier and Wellington by at least four days, and bringing Auckland and Wellington within eight days' journey of each other, at a cost wholly insignificant—not worth a moment's thought—when compared with the advantages gained.

You will be gratified to learn that his Excellency proposes to take immediate steps for establishing a postal communication by this route between these two capitals, and has instructed Mr. M'Lean to exert his influence in obtaining the assistance of the Natives in making the road through the forty mile bush. As it will probably facilitate his Excellency's postal arrangements if some portion of the expense were borne by this Province, I recommend that a sum of £500 should be voted for this service.

As it appears probable that even after the Rimutaka road is completed the greatest portion of the agricultural and pastoral wealth of the Wairarapa will be more cheaply brought to Wellington, by being shipped at Te Kopi, and having at the same time regard to the large sums which the purchasers of land in that valley have contributed to the Revenue, I have deemed it right to place a sum of £400 on the Estimates for improving the communication with that boat harbor. Knowing, further, your desire to foster the Small Farm Settlements—settlements which after a personal inspection I can safely say have made a far greater progress than could have been reasonably anticipated, considering the disputes which have occurred respecting their boundaries, and the delay in completing the Rimutaka road,—I feel that I am only forestalling your wishes by recommending that £400 should be expended in forming the road between Greytown and Masterton.

Provision having thus been made for completing the communication between Napier and Wellington, I have, in order to connect this town with Wanganui, to propose a vote of £2000 for the road between Rangitikei and Wanganui, and a similar sum for the Ngahuranga line, upon which operations (so far as felling the bush) have already commenced.

The recommendations of your Select Committee on Ferries on the North Western Road either have been carried out, or will shortly be so. A large punt, built at the expense of Government, has been placed on the Wanganui river; a similar one will within a few weeks be established at the Rangitikei; and you will be gratified to learn that Mr. Commissioner M'Lean,—(thanks to the Governor having provided the requisite funds,)—has succeeded within the last few days in obtaining a lease from the Natives for 10 years of the ferry at the Manawatu; so that as soon as the necessary arrangements for letting this ferry are completed, all the dangers hitherto attendant upon crossing the rivers up that coast will be obviated and removed, and the communication between Wellington and the thriving settlement of Wanganui will be rendered practicable for vehicles of any description the whole distance.

Grants will be proposed for widening the Karori, for making the Ohio, and for metalling the Beach Roads.

Before dismissing the subject of internal communication, I would remind you that the execution of the various works I have proposed will necessarily

depend upon the state of the labour market. With respect to the Makara, Oharu, Ngahuranga, and other roads in the vicinity of the town, I do not apprehend that there will be any difficulty in inducing the settlers within their respective districts to take contracts; but for the execution of the most distant lines, we are almost wholly dependent upon the Natives, and upon immigration.

In order, therefore, to prove that no exertions have been wanting on the part of the Government to remedy this dearth of labour, and to introduce a steady stream of Immigration, I may mention, that in addition to the contracts explained in a former address, and under which above five hundred persons have been introduced during the present year, we have made arrangements within the last few months with several mercantile firms and ship owners, which, if carried out, will I trust effectually supply the labour at present so urgently required both for public and private works. One firm at Melbourne has agreed to introduce within the next few weeks from 40 to 500 Immigrants, and to take payment in Provincial Debentures at the rate of £8 for every adult. As the Immigrants are to give Promissory Notes for the amount of their passage, payable on demand, but of which payment will not be required, if they remain in the Province, except by two equal instalments at six and nine months respectively, you will perceive that not only will such an Immigration be conducted without any present expense to the Province, but also that by their repayment of the cost of their passage in cash, funds will be supplied for their employment on the public works. For example—if the firm in question fulfil their agreement, the Province will pay £4000 in Debentures for the introduction of 500 labourers, and will in the course of nine months be entitled to receive £4000 in cash. Precisely similar arrangements have been entered into with six or seven vessels trading between the ports of this Province and the neighbouring Colonies. But further, understanding that in consequence of the completion of certain railroads in New South Wales, a large number of the class of persons required for the roads have been thrown out of employment, I have contracted with two different parties for the immediate introduction of one hundred navvies (exclusive of their wives and families) guaranteeing them employment for twelve months at a specified rate of wages. This Immigration is to be paid for in cash; but the parties are required to give Promissory Notes on the same conditions as in the other case, being at liberty to quit the employment of the Government at any time upon refunding the amount of their passage money.

With respect to Immigration from England, which has been conducted with eminent success, and, I have reason to believe, to the entire satisfaction of those who have sent for their friends and relatives, I would recommend that it be continued on the same conditions, with the single exception that one half of the passage money should be paid on arrival, and the remainder twelve months after. This alteration would enable the Government to extend its operations, and would scarcely I conceive inconvenience the parties who may desire to avail themselves of its aid. As promissory notes to the amount of about £900 will become due within the next six months, and an equal amount twelve months afterwards, a considerable stream of Immigration may be kept up without any further grants; but still, if you desire to satisfy the applications already registered, it would be necessary to authorize a further expenditure of £2,000, especially as the present system effectually secures to the Province the repayment of every shilling advanced.

In consequence of several accidents having occurred to vessels in passing the bar of the Wanganui river, a signal station has already been erected, and a code of signals will be immediately established, and a pilot appointed, so that vessels may be informed of the practicability or otherwise of entering the river, and of the channel they must keep; but to afford still further protection it will be necessary to provide a whale boat, and either to engage a permanent crew, or to make provision for the payment of occasional hands. The first outlay will not exceed £150, and the annual expense will be under £200. His Excellency the Governor having consented to impose a pilotage, or due of 6d. a ton upon all vessels (except coasters) on entering and leaving the river, there is every reason to believe from the

number of vessels already frequenting the port, and from its rapidly increasing commerce with Australia, that the cost of the establishment will in a great measure be met by the dues.

It not having been in the power of the Provincial Government, owing to the delay of the General Government in paying its debt, to take any steps for building Police Stations and Court Houses at Wanganui and Napier, and the magistrates of those districts having recently made urgent representations on the subject, I trust you will not object to the sums voted last session being replaced on the Estimates for the ensuing year.

The Superintendents of Nelson and Canterbury having repeatedly urged upon me the desirableness and expediency of having one Lunatic Asylum for the whole of the Southern Provinces, and having expressed their readiness to pay for the maintenance of any patients they may send, I would ask you for a vote of £500 to enlarge the building so as to meet their views and wishes. And I do so the more readily, because I believe that by adopting their suggestions you will not only be enabled to provide its unfortunate inmates with all the means calculated to promote their recovery, but that the Institution would in no long time become self-supporting, and a credit to the Province.

There is one other measure which I would press urgently on your attention. Although I myself have long since come to the conclusion that no human means can possibly prevent the extinction at no distant date of the Native Race (an extinction attributable to causes which had their origin in their own savage customs and habits), still humanity and sound policy equally plead in favour of our doing our utmost to retard that event, and especially to prevent them falling victims to those epidemic diseases which colonization appears to have introduced, and which are now of annual recurrence. I recommend therefore an appropriation of £500 towards securing medical attendance for the Natives in the different parts of the Province; this amount only to be expended in the event of the General Assembly failing to provide for this service out of the £7,000 set apart by the Constitution Act for Native purposes.

The General Government having declined to give effect to the Resolutions of the House of Representatives that the surveys should be placed under the control of the Provincial Government, I regret that I shall be unable to recommend you to appropriate any part of the Revenues towards the cost of the Survey Department in this Province. The present state of the Surveys is no doubt a great bar to its progress and prosperity, but until the department shall have been absolutely handed over to the Province, so as to give to the Provincial Government full control over it, no sufficient guarantee exists for its greater efficiency. His Excellency the Governor has indeed taken steps to place the department under the control of Mr. Park as Chief Surveyor within the Province, yet as that officer will be responsible to the Surveyor General of the Colony, and will report to him through the Land Commissioner, and will not be an officer, or under the authority of the Provincial Government, I cannot regard the arrangement as satisfactory. As however, it is probable that before the year elapses the Survey Department may be transferred by the General Assembly to the Provincial Government, it may appear to you desirable to place upon the Estimates a sum of money to provide for such contingency.

Without touching upon other topics, or specifying other public undertakings, which will be fully explained when the Estimates are brought forward, you will readily perceive that the great question before you is that of Internal Improvement.

I will only add, that though the present session may not be marked by the enunciation of any great principles, or by the passing of any important measures, (such as have characterized your previous meetings), yet if the public works, which I have thus briefly brought under your notice, be carried out during the next twelve months, if the arrangements already made for the promotion of Immigration be only attended with a moderate degree of success, I feel assured that no session will ever have been productive of more beneficial results, or will have tended more to promote and secure the future progress and prosperity of the Province—that there will never be one to which we shall refer with feelings of greater pride and satisfaction.