

1875.

NEW ZEALAND.

PETITION OF SIR GEORGE GREY TO THE SECRETARY OF STATE,

(AND CORRESPONDENCE CONNECTED THEREWITH).

Presented to both Houses of the General Assembly by Command of His Excellency.

No. 1.

His Honor the SUPERINTENDENT, Auckland, to the Hon. the COLONIAL SECRETARY.

SIR,— Superintendent's Office, Auckland, 20th October, 1874.

Herewith I have the honor to transmit a petition addressed to His Excellency the Governor by Sir George Grey, K.C.B., of the Kawau, in this province, and forwarded to me for transmission, with a letter of which the enclosed is a copy.

I beg to recommend the substance and prayer of the petition to the careful and earnest consideration of His Excellency and his Responsible Advisers, with a view to the adoption of the prayer thereof.

I have, &c.,
J. WILLIAMSON,
Superintendent.

The Hon. the Colonial Secretary, Wellington.

Enclosure in No. 1.

Sir GEORGE GREY, K.C.B., to His Honor the SUPERINTENDENT, Auckland,

SIR,— Kawau, October 14, 1874.

I have the honor to enclose to you, for transmission through the proper channel, a petition to His Excellency the Governor, praying His Excellency, for the reasons therein stated, immediately to call together the General Assembly of New Zealand, and to adopt other measures to prevent Parliament from being hurried into taking any step for abolishing provincial institutions in these islands, or from authorizing their abolition, until the preliminary constitutional steps have in the first instance been taken.

I beg that you will give the prayer of this petition such support, or that you will obtain for it such support or signatures, as you may think right. Any recommendation in favour of the prayer, coming from yourself, as the Superintendent of so important a province, and as such the representative of so large a provincial constituency, must carry great weight with it.

In this part of the colony, we are a very scattered community, so scattered that I have not attempted to obtain signatures to the petition. I feel that if what I have stated is of no importance, that then no number of signatures ought to give it weight; whilst, if it is, as I believe, of vital importance, that then the matter contained in the petition, and not the number of signatures I might have obtained to it, is in truth what all candid men will consider.

But, under any circumstances, time so presses as to admit of no long delay for the purpose of obtaining signatures.

I should be glad that this petition should if possible be published, as I do not wish to take any important step in such a matter without my fellow colonists knowing what I am doing.

I have, &c.,
G. GREY.

His Honor the Superintendent of the Province of Auckland.

Sub-Enclosure to Enclosure in No. 1.

To His Excellency the Governor of New Zealand.

MAY IT PLEASE YOUR EXCELLENCY—

The humble petition of Sir George Grey, of the Island of Kawau, Auckland, respectfully represents as follows:—

That Her Majesty appoints the Governor of the Colony of New Zealand to exercise the powers belonging to the Queen by prerogative, as well as the powers conferred on the Governor of this country by or in pursuance of the New Zealand Representative Constitution Act.

That any acts performed by the Governor in excess or in violation of such above-stated powers are unconstitutional, in violation of Acts of Parliament, and of the rights and liberties of the people of this colony, and would, in your petitioner's belief, be hurtful to the interests, present and prospective, of Her Majesty's dominions.

That the New Zealand Representative Constitution Act establishes in New Zealand a Constitution of four Estates—the Crown or its Governor, a Legislative Council, a House of Representatives, and Provincial Governments. These are all creations of the same Act of Parliament. They have no powers but such as they derive from that Act. Their powers are all carefully balanced. They form one whole, which is the Representative Government of this colony.

That the Governor is bound by his duty to protect each of these Estates in the exercise and enjoyment of their respective powers and privileges; that he is for some acts responsible to the General Assembly, and for some acts responsible to the Provincial Governments; and that no advice given to him by one or more of these Estates will justify him in attempting, directly or indirectly, to deprive any other Estate or Estates of existence, or of powers or of privileges which the Representative Constitution Act assures to them. The fear, and that for obvious reasons, would always be that the Legislature which least truly represented the people would strive to destroy those bodies which were most truly representative and independent.

That at the various elections for the General Assembly, the people of this colony have for many years past returned members of the House of Representatives to exercise the powers conferred upon such representatives by the New Zealand Representative Constitution Act, and no other powers, nor could the electors confer any other powers upon them; and any other powers which such representatives may exercise, or claim to exercise, or may have exercised, and all acts at any time done, or now about to be done, in pursuance of such assumed powers, are and always have been absolutely null and void, and of no effect whatever.

That by the said New Zealand Representative Constitution Act most valuable privileges, rights, and liberties were assured to the subjects of Her Majesty residing in these islands by the establishment of provinces therein, and of a provincial system under which they are allowed to elect their own Superintendents, or governors for a term of four years, for large districts of territory, in some instances exceeding in extent what are regarded as important British colonies.

That any parent in these islands may thus hope to see his child, if a deserving man, raised by his fellow colonists to a high and useful office. A worthy object of ambition is also opened out to all, which fact cannot fail in process of time to exercise a most important influence upon the character of the people of New Zealand, from whom, as being the inhabitants of a mere dependency of a great nation, many of the most worthy and ennobling objects of ambition are cut off.

That your petitioner and his fellow colonists have by these same institutions the very unusual right confirmed to them of making their own laws upon all local subjects, without such laws being sent Home for the confirmation of the Crown, whereby one great cause of probable danger of disputes ultimately arising between the Colony and the Mother Country is removed, and the inhabitants of provinces have assured to them the entire right of the expenditure of their own funds, and freedom from any interference on the part of the Home Government to compel them to incur any expenditure of which they may disapprove, which is a privilege not enjoyed by the General Assembly.

That, under the system of Provincial Government, a large portion of the population of these islands is trained to the discussion of political questions and to the exercise of political functions, whilst many of them are being educated in the art of government. This country also possesses, at convenient points, Councils composed of members chosen by the people, anxious to earn the approval of their fellows. These Councils possess perfect freedom of debate, and abuses can in them be at least exposed if not redressed. A few years of such a system of government must make all educated men, to some extent, statesmen; must call into existence an intelligent and contented community, prepared to meet any difficulties that may arise, with moderation, fairness, and enlightenment; whilst a perfect guarantee is afforded that the spirit of the population shall not be broken, or their lives embittered, by oppressive privileges being given to any separate caste.

That your petitioner confidently appeals to histories of all nations and of all times to show that it is to the want of the education of populations in and by such institutions, that practical slavery, misgovernment, persecution, ignorance, ferocity, bloodthirstiness, and a galling disparity in wealth and rank are mainly to be attributed.

That the provincial or federal system has been perfectly successful in this country. That under its influence prosperous communities have grown up, have marvellously increased in population, wealth, and enlightenment.

That vast and sometimes appalling difficulties have been met and overcome, and that general contentment and well-doing prevail.

That your petitioner hoped that this federal system might have helped to solve many of the political difficulties of the future. That happily, hereafter, the whole English-speaking race might have been welded together in some such federation, and a degree of peace, prosperity, and commerce thus insured for mankind, such as no previous age of the world has witnessed.

That your petitioner sees every person of the Russian race convinced that their country is marching on to a great future which they have before them. The same feeling prevails in the United States of America. The German and Italian-speaking races are federating into separate great empires, with a view to future progress. The dependencies of the British Crown alone appear to be utterly neglected, to be formed by degrees into isolated communities, often with questions unnecessarily created between them which are likely to give rise to future disputes. In some instances they are absolutely abandoned. For them no future is opened out, and your petitioner would dread to see a federal system abolished, which he trusted offered the prospect of a solution for these difficulties. Indeed, so successful had the federal system proved in this colony, that it was adopted in Canada. That it was ordered by Her Majesty's late Government, if possible, to be introduced into South Africa, although they had up to this time been opposed to that measure; and that the Governor of the Cape

Colony has recently stated, that if that Government had been allowed to re-unite the whole of South Africa when it might easily have been accomplished, he would have had very little apprehension for the future, but as it is, he is afraid federation is still far in the distance.

That the before-mentioned privileges and other rights confirmed to the inhabitants of New Zealand for watching and controlling the public expenditure, and for guarding against an unjust and partial alienation of public lands, by the scrutiny of a local freely elected Legislative body, are of the greater value to them, because in the General Assembly of the colony, which is composed of three Estates, a Governor, a Legislative Council, and a House of Representatives—which form of Legislature was imposed upon this country by or under an Act of Parliament in which its inhabitants were not represented—the Crown reserved to itself the right of nominating two out of the three Estates of such Legislature, viz. the Governor and the Legislative Council, the members of which body are nominated by the Crown for life.

That your petitioner and his fellow-colonists are thus only directly represented in one branch of the said Legislature, and are subjected to a Constitution repugnant to that of Great Britain. That the Crown derives no advantage from this power of nomination being reserved to it. For it has here no rights or privileges to protect against popular encroachment, and can but have in view to secure the welfare and preserve the affection and attachment of its New Zealand subjects; and that this power of nomination, reserved to the Crown, really obliges the Crown to identify itself with parties in this country, and to give its aid in party strife, which must result in its becoming ultimately obnoxious to some portion of its subjects in this country.

That your petitioner believes that the entire freedom the inhabitants of this colony enjoy in the election of their own Superintendents or Governors and in their own Provincial Institutions, and the means they thus possess of rewarding eminent public men, are of greater value to them on account of steps recently taken by the Colonial Department to reward the public men of this country by the creation of two new honors, each of which, both in an Imperial and Colonial point of view, is open to serious objection, and one of which, being repugnant to law and constitutional usage, and apparently in violation of the New Zealand Representative Constitution Act, is probably void and useless. That an attempt was made to introduce into Great Britain an Upper House only in small part similar to the Legislative Council established here, and that such proceeding was declared to be illegal, was strenuously resisted by a large majority in each House of Parliament, and by almost the entire nation, and was abandoned as being unconstitutional and contrary to law.

That the Crown having been made by Act of Parliament the nominator of two Estates out of three of the General Assembly, the British Parliament is to a certain extent responsible for the acts of that Assembly, and ought therefore to continue any protection to weak truly representative bodies of Her Majesty's subjects against the encroachments of such Assembly, which Parliament has hitherto afforded to them; and that Her Majesty's Advisers should therefore be carefully guarded, by those who represent Imperial interests in this country, from unconstitutionally, hurriedly, or without full information, taking steps in this matter, as their doing so must involve them in serious Parliamentary difficulties.

That for the better preservation and security of the rights and liberties of the people of this colony, the British Parliament enacted that the General Assembly should only have power to constitute new provinces in New Zealand, to alter the boundaries of existing provinces, and to make laws respecting the election of members of Provincial Councils and the powers of such Councils, and the distribution of the surplus revenue between the several provinces of New Zealand. In other words, that body which, inasmuch as two out of its three Estates were nominated by the Crown, whilst part of the remaining third Estate was in various ways brought under the influence of the Crown, or of those holding the powers of the Crown in this country, could only be said to represent the people of New Zealand in a remote and imperfect manner, was by special enactment restrained from destroying or attempting to destroy those bodies which, together with their elected Superintendents, did represent the inhabitants of New Zealand in the most perfect, complete, and thorough manner that could be desired; and this was a wise and necessary precaution, as the very independence of the latter bodies was almost certain to excite the ill-will of a more powerful body so differently constituted from themselves.

That relying upon this Act of Parliament, and contented with the great freedom which they enjoyed under Provincial Institutions, your petitioner and many of his fellow-colonists have industriously and quietly occupied themselves with their own pursuits, and have taken no part in political affairs.

That the General Assembly of New Zealand has, however, recently proceeded to consider the question of the abolition of the provinces in the North Island of New Zealand, and to pass resolutions, and to take other steps in relation thereto, which, if carried out, your petitioners believe will result in the total abolition of the system of Provincial Government throughout New Zealand.

That your petitioner is also now credibly informed that the Premier of New Zealand has recently gone to England, and that one of the objects of such proceeding on his part is to endeavour to obtain an alteration, by the British Parliament, of the New Zealand Constitution Act, in order that powers may be conferred upon the General Assembly of New Zealand, enabling it to abolish, either in whole or in part, the existing provinces and Provincial Governments in New Zealand.

That the Imperial Government, which has so many weighty duties to discharge, ought not to be drawn unnecessarily into interfering in a local question of this kind with an important colony, and that every good subject will strive to keep Her Majesty and Her Majesty's Advisers clear of such questions.

That the British Parliament ought not to be led, without due warning, without the full knowledge of the people of this country, and without the several and separate Provincial Governments being first heard, to pass an Act which would destroy complete representative institutions in this colony, and would therefore greatly augment the responsibility of the British Parliament to the inhabitants of New Zealand for the consequences which may flow from the measures of the General Assembly.

That the only manner in which your petitioner and his fellow-colonists can become aware of the representations already made, or about to be made, to the British Government to induce Parliament

to alter the New Zealand Constitution Act, and of your Excellency's recommendations and suggestions in relation thereto, which must have a very important influence, is by all the papers connected with this subject being laid without delay before the General Assembly, accompanied by explanations from the present Ministry.

That, unless such information is at once afforded, it will be impossible now to devise and take measures in time to prevent Parliament from hurriedly taking a step which it would certainly hereafter regret having taken, and which, if taken, would create a feeling between this colony and Great Britain which would ultimately bear ill-fruit.

That your petitioner believes that there is no instance (unless it has been accomplished by tyranny or by a revolution) of independent freely elected Legislatures, established by law, amongst an inoffensive and industrious people, being swept away without the consent of each of such Legislatures, and consequently of those whom they represent, having previously been obtained by an Act passed by itself.

That any Provincial Government that might in that manner abdicate its functions would probably only do so upon condition that the whole New Zealand Constitution be re-cast, so that the General Assembly might be composed in a manner more consonant with popular rights and English feelings; at the same time, stipulating upon an equivalent for rights resigned, and for losses past and prospective.

That your petitioner would therefore deem any attempt to induce Parliament to lend itself without full information, and without the consent of the people of the provinces having been previously obtained, in a lawful and constitutional manner, to any plan for the destruction of the provincial institutions now enjoyed by the people of this country, as wrong, as in breach of public faith, and as a bad public example to the whole Empire.

That your petitioner therefore humbly hopes that your Excellency may feel that it is your bounden duty to your Queen and country, no less than to New Zealand and the Provincial Governments, to whom by law your Excellency owes independent duties, to prevent Parliament from being surprised into an act so fraught with momentous consequences for the present and future of the colony, and for its relations with the Mother Country, by at once summoning the General Assembly of New Zealand to meet with the least possible delay, in order that all necessary information may be afforded to the inhabitants of this colony.

That your petitioner humbly prays that your Excellency will be graciously pleased so to summon the General Assembly of New Zealand.

That your petitioner further prays that a copy of this his humble petition may at once be transmitted to Her Majesty's Government, with a respectful request that it may be laid before Parliament.

That your petitioner further humbly prays that your Excellency may be pleased immediately to send a telegraphic message to Her Majesty's Government, pointing out that at the present time there is no person constitutionally or in point of law qualified to negotiate or communicate with Her Majesty's Government on the subject of the abolition of the provincial institutions of this country, and that any negotiation for such a purpose at present entered upon would be an illegal and unconstitutional act on the part of both parties to such a negotiation, in violation of the rights, liberties, and privileges assured to the people of New Zealand by the Act giving a Representative Constitution to this colony, and an unnecessary public error, as there are proper and constitutional means of settling the whole question.

And your Excellency's humble petitioner as in duty bound will ever pray.

G. GREY.

Kawau, 14th October, 1874.

No. 2.

The Hon. the COLONIAL SECRETARY to His Honor the SUPERINTENDENT, Auckland.
(No. 449.)

SIR,—

Colonial Secretary's Office, Wellington, 31st October, 1874.

I have the honor to acknowledge the receipt of your letter No. 3641, 1874, of the 20th instant, covering a petition from Sir George Grey, K.C.B., to His Excellency the Governor, with a copy of a letter addressed by the petitioner to your Honor.

His Honor the Superintendent, Auckland.

I have, &c.,

DANIEL POLLEN.

No. 3.

The Rev. F. A. HARE to Sir G. GREY, K.C.B.

SIR,—

Government House, Wellington, New Zealand, 30th October, 1874.

I am directed by the Governor to acknowledge his receipt, through the Hon. the Colonial Secretary, of a petition to His Excellency, signed by you, and forwarded by the Superintendent of the Province of Auckland, together with a copy of a letter addressed by you to his Honor. His Excellency does not deem it necessary to reply through that channel.

The prayer of your petition is, that His Excellency will "at once summon the General Assembly of New Zealand to meet with the least possible delay;" and "further, that a copy of your petition be at once transmitted to Her Majesty's Government, with a respectful request that it be laid before Parliament, and that His Excellency will immediately send a telegraphic message to Her Majesty's Government, pointing out that at the present time there is no person constitutionally or in point of law qualified to negotiate or communicate with Her Majesty's Government on the subject of the abolition of the provincial institutions of the country."

It appears to His Excellency that, in praying him to summon the General Assembly immediately, and transmit your petition to Her Majesty's Government, you propose that he should act independently of, if not in opposition to, his Responsible Advisers, a course which would be justified only by great and exceptional emergencies.

The object to be gained by pursuing such a course is, in your opinion, that the Imperial Parliament might not be led without due warning to pass an Act which would destroy complete representative institutions in this colony. As His Excellency is aware that there is not, on the part of the Government of New Zealand, any intention to make application to the Imperial Government to propose any such measure to Parliament, or that there is any necessity for so doing, to enable the General Assembly in the exercise of its legitimate functions to carry out in its next session, by specific legislation, the constitutional changes which by resolution in its recent session it declared to be advisable, His Excellency hopes that, with further information on this point, you will be satisfied that the prayer of your petition ought not to be complied with; and that it is also needless to make telegraphic communication to Her Majesty's Government of a fact, which must be known to them, as it might be supposed to be known to every person in this colony, that there is no person "qualified," if by that expression in your petition is meant accredited, to negotiate or communicate with Her Majesty's Government on the abolition of provincial institutions.

His Excellency is very sensible that your experience is far greater than his own in the duties of a Colonial Governor, but it is nevertheless incumbent upon him to act according to his own view of his duty; and considering, as he does, that to transmit your petition in its present form to Her Majesty's Government, with a request that it be laid before Parliament, would be in some measure to accept as matters of fact the premises upon which it is based, he is constrained to decline to accede to your prayer in this particular.

His Excellency desires to assure you that, regarding as he does with the greatest respect and consideration any expression of opinion on the public affairs of New Zealand by one so highly qualified as yourself, he will most willingly and promptly transmit any representation which you may desire to make directly through him as the appointed channel to Her Majesty or Her Majesty's Government, in regard to those affairs.

I have, &c.,

FRANCIS A. HARE,
Private Secretary.

Sir George Grey, K.C.B., &c.

No. 4.

The SUPERINTENDENT, Auckland, to the Hon. the COLONIAL SECRETARY.

SIR,—

Superintendent's Office, Auckland, 4th December, 1874.

Adverting to your letter of the 31st October last, No. 449, in which you acknowledge the receipt of a petition addressed to His Excellency the Governor by Sir George Grey, K.C.B., and forwarded by the petitioner to this office for transmission, I have now the honor to transmit to you the enclosed copy of a letter received by me yesterday from the petitioner, together with an unopened communication addressed to him by His Excellency's Private Secretary, and presumed to contain a reply to the petition.

I have, &c.,

J. WILLIAMSON,
Superintendent.

The Hon. the Colonial Secretary.

Enclosure in No. 4.

SIR,—

Kawau, 11th November, 1874.

On the 14th ultimo, I transmitted, through your Honor, a petition addressed to the Governor in reference to certain proposed changes in the Constitution of this Colony, by which the provinces in the North Island were to be swept away.

In sending that petition relating to a vital provincial question, through you, the Superintendent of the Province in which I reside, I followed the proper constitutional course.

You were so good as to send it on through the Colonial Secretary, making the prayer of my petition your own by recommending its adoption. I feel very grateful to you for this. Such a recommendation, coming from the Superintendent of this important province, who is elected by so large a constituency, ought to have carried great weight with it, and would undoubtedly have done so with Her Majesty's Ministers and the British Parliament, if the papers had, in obedience to Her Majesty's commands on such subjects, been sent on to them. The whole question would then have been brought to a fair and open issue before Parliament, to whom the appeal must ultimately lie. My memorial would not have stood alone: your recommendation would have supported it.

I now gather from your letter of the 5th instant that the only reply you have received to my petition, and to your own request, is a dry acknowledgment of the receipt of those papers.

At the same time I have received the accompanying packet from the Government (I enclose it to you unopened), which I presume contains the reply to my petition. I beg that you will be so good as to send it on to the Colonial Secretary with a copy of this letter, for I believe that I am entitled to a reply to my petition through the same channel through which I transmitted it, and that you were, at the same time, entitled to a proper reply to your letter, stating whether your recommendation was to be complied with or not, and, if not, the grounds on which your request was refused. I cannot myself treat with the very slightest want of respect the Superintendent who represents so large and important a community, nor ignore your position and rights, thereby relinquishing the whole question for which I have contended. On the other hand, I cannot too earnestly declare that I have no intention of

treating the Government, or any person, with disrespect in the course I am pursuing; but where the whole future of New Zealand is involved, and the interests and welfare of its inhabitants for all time, every man must act fearlessly according to the best of his judgment.

I have, &c.,
G. GREY.

P.S.—Having heard that the Governor was immediately to leave the colony, I delayed sending this letter to you until he had left New Zealand, so that I might carefully avoid giving any personal offence to him.

G. G.

December 1st, 1874.

No. 5.

The Hon. the COLONIAL SECRETARY to His Honor the SUPERINTENDENT, Auckland.

SIR,— Colonial Secretary's Office, Wellington, 29th December, 1874.

I have submitted to His Excellency the Marquis of Normanby your Honor's letter of the 4th instant, enclosing one from Sir George Grey, K.C.B., to your Honor, upon the subject of the reply which His Excellency Sir James Fergusson had directed to be made to the petition which Sir George Grey had addressed to him in reference to certain resolutions adopted by the House of Representatives during the last session of Parliament.

Sir George Grey forwards to your Honor, with his letter under consideration, the reply to his petition, which he has not opened, but on the subject of which he animadverts.

In reply, I am directed by the Marquis of Normanby to inform your Honor that no answer can be given to the petition, other than that contained in Sir James Fergusson's letter, which still remains unopened, and can be sent back to Sir George Grey, should he desire it.

I have, &c.,
DANIEL POLLEN.

His Honor the Superintendent, Auckland.

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