

Sub-Enclosure in Enclosure No. 1.

MY LORD,—

Superintendent's Office, Auckland, 5th June, 1876.

I have only just had an opportunity of seeing in the public prints your Lordship's despatch of the 17th February last to the Governor of this colony.

As Superintendent of the Province of Auckland, I gratefully thank your Lordship for expressing your opinion so unmistakably in favour of delaying so important a measure as the Bill for the Abolition of the Provinces in this colony until the general election afforded the constituencies an opportunity of expressing their opinion regarding it.

No such opportunity, as in a free country is allowed to its inhabitants of expressing their opinion upon the destruction of their Constitution, and the substitution of another for it, has yet in this case been afforded to the inhabitants of New Zealand.

But on this occasion I wish, before the departure of the mail, to call your Lordship's attention to a most important point. There are in this colony Provincial Governments and Provincial Legislatures. These Legislatures are subordinated to the legislation of the General Assembly in the same manner that the legislation of Colonial Legislatures is subordinated to that of the Imperial Parliament.

That great Parliament has never taken from a colony (unless in case of rebellion) a free representative constitution which had once been given to it, without the assent of the Colonial Legislature having been previously obtained to such a course being taken.

We claim here the same right, namely, that the Provincial Legislature, after an appeal to the constituencies, should be consulted before their executive and legislative privileges are taken from the people of this province by the General Assembly.

This right is essential to the inhabitants of this province, for they have suffered great financial wrongs which they can only hope to get fairly adjusted by making terms with the General Assembly before assenting to their own abolition, if they do assent to that, upon a full consideration of the whole question.

I, with my advisers, and many of the most able and distinguished men of this province, are satisfied that, in law, the General Assembly has no lawful or constitutional right or power, even if there is a small majority in favour of the present Colonial Ministry, counting the members of all parts of New Zealand, to carry out the high-handed measures in regard to the provinces which are contemplated.

The very great majority of the members returned by the inhabitants of this province to the General Assembly are opposed to its Executive Government and Representative Legislature being abolished, until an appeal is made to its constituencies. The same fact holds good in the great Province of Otago.

The population of the Province of Auckland is about one-fourth of the population of all New Zealand; that of Otago is about one-third of the whole population of the colony. The number of the inhabitants of these two provinces thus exceed one-half of the whole population of New Zealand.

For the reasons I have stated to your Lordship, it is my intention, as Superintendent of the Province of Auckland, if the present Government of New Zealand persevere in the course they have entered upon, to appeal to the Courts of this country, to ascertain if the General Assembly, constituted as it is, and deriving its existence and its powers, as the Provincial Legislatures also do, from an Act of the Imperial Parliament, can, under that Act, lawfully exercise the power of abolishing the Provincial Executives and Legislatures without the consent of such Legislatures having been previously obtained.

Her Majesty's loyal and dutiful subjects here conceive that they are doing no wrong in thus resorting to the Queen's Judges and Courts in this country, to protect, if possible, rights which they highly value, and which are conferred upon them by an Act of the Imperial Parliament. They are unwilling to abandon these rights until the Courts have decided the legal questions I have alluded to, because they believe such rights cannot be lawfully taken from them without their own consent, and they are entirely satisfied that this cannot be constitutionally done.

Upon the 3rd instant, to my great regret, I heard that there was a probability of our not being allowed to pursue the peaceful and proper course we proposed to adopt. I heard that in two parts of the colony reports had been circulated that Her Majesty's seamen and marines are to be used to put down, by armed force, all opposition to the Ministry; and I find it stated in a local newspaper of this morning, "That within the last few weeks the people of Auckland have been warned by the supporters of the Ministry in Auckland, that opposition to the Ministry might involve the city being cannonaded by the men-of-war in the harbour."

I am so entirely satisfied of the honour and good faith of the paper from which I quote, that I feel sure there are substantial grounds for the statement it contains.

Such allegations of the intentions of the Imperial authorities, circulated as they are here, do much harm. The people are so loyal, that no resistance would be made to any force clothed in the British uniform. The mere apprehension of such events damps their energies in defence of rights which they value; and I earnestly request your Lordship, in that spirit of justice and fair-play which I am confident animates you, to send a telegraphic message to the Governor, which will dispel all apprehension of Her Majesty's forces being used for such a purpose. This message will reach New Zealand during the approaching session of the General Assembly, and will satisfy the public mind in this province that its inhabitants will be fairly left to protect their rights by all lawful and constitutional means.

In compliance with the instructions of your Lordship's department, I transmit this letter through the Governor.

The Right Hon. the Earl of Carnarvon, Colonial Office,
Downing Street, London.

I have, &c.

G. GREY.