

may not satisfy the requirements of the temporary order of things, it is intended that power should be given to yourself to add to its number. I have, however, already remarked that I am uncertain whether at the time when this despatch reaches you, you may not already have authorised the election of the House of Representatives for New Munster, and perhaps called the Provincial Assembly together. I feel also that, in addition to the precautions which this contingency renders necessary, it may be very important for the welfare of the colony that during the period of the suspension of the new Constitution each of the provinces should enjoy the benefit of a separate Legislature. On this subject I need not repeat the reasons which I adduced in favour of the measure in my despatch of the 23rd of December, 1846, accompanying the Charter, more especially as I gather from your present despatches that you concur in the views I have there stated. It is therefore proposed that the Legislative Council should be empowered to constitute two subordinate Provincial Legislative Councils during the period for which the operation of the existing Charter is to be suspended. As this measure is avowedly temporary only, it is not intended to suggest the imposition of any restrictions on the Legislative Council in this respect, but rather to leave that body itself to determine the number of the members of such Councils, and from time to time to make additions to it as may seem expedient. It will also be left in their power to determine whether or not members of their own body shall be also, and at the same time, capable of being members of the Provincial Legislative Councils. It will also be in the power of the Legislative Council, should it so deem advisable, to introduce representative members into either Provincial Council, and to determine their constituency and the manner of their election. If two Provincial Legislatures should be found to be necessary when constituted in this manner it is proposed that they should perform all the functions and exercise all the powers which by the Acts, Letters Patent, and Instructions are vested in the intended Provincial Legislative Assemblies, leaving it to the reconstituted Legislative Council of 1840 to perform the functions and to exercise the powers confided by those instruments to the intended General Assembly.

I am sensible that such a delegation of authority to constitute legislative bodies is a very unusual measure. But the great interval of time which passes between the sending of a despatch from New Zealand and the receipt of a reply, rendering it impossible to feel confident that directions given here in consequence of your account of the state of affairs will be applicable to that state of affairs which may exist when those directions reach you, and the peculiar circumstances of the colony with which only those on the spot can become thoroughly acquainted, make this appear to me the only safe course for our present purpose.

With the insight which former despatches have given you into the views of Her Majesty's Government, and with your own knowledge of the requirements of the community under your charge, you will be able to carry into effect these general directions so far as their execution depends on yourself. For instance, if, when you receive this despatch, you should have already constituted the Provincial Assembly of New Munster, the powers of that body will be inevitably arrested for the present by the operation of the suspending Act. In that case you may consider it advisable that the Legislative Council should exercise the powers conferred upon it by keeping on foot the already constituted Provincial Assembly, and conferring on it those powers of legislation which would belong, according to the plan explained above, to the Provincial Legislative Council. If, on the other hand, the Provincial Assembly of New Munster should not have been already constituted, you may consider it advisable that the Legislative Council for that province should contain, nevertheless, some admixture of representative members which you may deem it best to withhold from New Ulster. Lastly, should you for any special reasons esteem the establishment of Provincial Councils premature, and that the legislative functions of the general Council are sufficient for the wants of the colony during the interval which is to elapse before the Charter comes into effect, you can exercise your discretion on this subject also, remembering that the functions of Government may be lightened by the establishment of the Town Councils; and that if the Legislative Council feels itself able to place at the disposition of those bodies whatever portion of the general revenue may not be required for general purposes, they may effectually manage all matters of purely local concern. On these points, I shall rely with confidence on your judgment in proposing such measures as you shall deem expedient, and on the zealous co-operation of the Legislative Council in considering them, and passing the necessary Ordinances.

I have also carefully considered the objections which you suggest to the immediate execution of that portion of the Charter which relates to the establishment of Municipal Corporations, and the result is, that these objections have appeared to me rather to apply to the exclusive enjoyment by British settlers of municipal privileges to which the Natives were not admitted than to the creation of municipalities. It certainly would be a grievance calculated to excite just discontent if Natives resident in the boroughs, possessing property in them which would be liable to rates and so much advanced in intelligence as you describe some of them to be, should be subjected to the burthens of a municipal system while excluded from the municipal franchise. It has, however, appeared to me that this objection would be better met by admitting the Natives to the franchise, subject to the precautions which will presently be detailed, than by deferring the creation of these municipal bodies, together with that of the representative Assemblies; for the delay which it is found necessary to interpose before the people of New Zealand can be admitted to exercise the higher functions of self-government seems rather to furnish an additional reason for establishing at once those subordinate institutions which have been justly regarded as affording the best preparation for the enjoyment of political rights.

The following is the substance of the fresh Instructions which I have thought it advisable to cause to be issued to you regarding the municipal franchise. That franchise is vested by the Charter in every male person occupying a tenement within a borough. It is now proposed to confine it to tenements of such value as the Legislative Council may fix as qualifying to vote. The franchise is also by the Charter made subject to the following restriction: That it is not to be enjoyed "by any person not able to read and write in the English language." I have, upon the whole, thought it best to advise not that this Charter should be altered by removing this restriction, but that you should have a discretionary power to dispense with it. You will, therefore, be empowered to grant to such persons as you may consider to deserve that privilege certificates that, although they may not be able to read and to write the English language, they are good and faithful subjects of Her Majesty, possessing the intelligence