

fourth resolution is inaccurate in point of fact if it be thereby meant that the Governor is able to confer representative institutions or enact laws without the advice of the Legislative Council, the very reverse being the case. (See 11 and 12 Vict., c. 5.) If, therefore, there had been no personal objections to the nominee it would not have been advisable, the committee think, to go so far as to request him not to accept the Governor's nomination.

With this exception the committee think the resolutions were, in the main, called for by the circumstances in which the settlers found themselves placed. It was necessary for them not so much to declare their preference of representative institutions as to avoid the appearance of indifference to them, an imputation to which they would have exposed themselves by silent acquiescence when, for the first time, a nominee Legislative Councillor was selected from among them, which nominee and *quasi*-representative was avowedly unfriendly to the principle of popular election.

The community of Otago, however, having then vindicated that principle, and unequivocally expressed their opinion as to the kind of Constitution they regard as suited to them and as their inalienable right, and Her Majesty's Government having resolved on establishing Provincial Councils, to consist chiefly of elective members, the committee would deprecate any further opposition to a nominee taking his seat in the Legislative Council at the present conjuncture, when, if a law shall not have already been passed conferring powers of local legislation by representatives, the most important business of the existing Legislative Council will relate to the framing and passing of such a measure, which, be it observed, can be done only by the Imperial Government, or by the Governor, with the advice of his Legislative Council, as at present constituted.

The committee feel persuaded that the people of Otago would reprobate any attempt to increase, and would consider it their duty rather to lighten if they could, the difficulties the Governor has to encounter in the discharge of his arduous and responsible duties. On the other hand it is not unreasonable in them to expect that His Excellency will consult their interests and feelings, and, should he again see meet from among them to select a member of the Legislative Council, will make choice of one who is acquainted with and willing to represent the feelings, habits, and modes of thought of the great bulk of the community, and especially whose sentiments, in a matter so essential to their and their children's happiness as the organising of institutions for self-government, are in harmony with their own. By so doing His Excellency will only act in accordance with what the Imperial Government assented to before the first party of settlers left this country, and has since then recommended. The committee have only further to say that a copy of this despatch has been forwarded to Earl Grey.

I have, &c.,

William Cargill, Esq.

JOHN MCGILSHAN.

Sub-Enclosure 2 to Enclosure 1 in No. 17.

[Extract from *Otago Witness*, dated Dunedin, 24th May, 1851.]

PUBLIC MEETING.

A PUBLIC meeting was held in the schoolroom, Dunedin, on Tuesday evening, the 13th instant, at 6 o'clock p.m., in terms of a requisition signed by forty-six inhabitants of Dunedin.

On the motion of Mr. James Macandrew, Captain Cargill was called to the chair. The following requisition calling the meeting was then read: "A public meeting is hereby requested to assemble in the schoolhouse of Dunedin, on Tuesday evening, the 13th instant, at 6 o'clock p.m., for the purpose of requesting William Henry Valpy, Esq., not to accept his nomination to be member of the Legislative Council of New Zealand; it being inconsistent with the feelings and principles of the Otago settlers, as unanimously expressed in their resolutions at the public meeting of the 3rd of December last, to have anything to do with an exclusively nominee Council, or that they should have the *remotest appearance* of being represented without their *actually* being so." [Here follow the signatures.]

The Chairman begged to state at the outset his conviction that every one present would concur with him in the expression of the highest respect and esteem for the gentleman referred to in the requisition, and that there was not a man in the colony who would not delight in showing honour to Mr. Valpy. (Applause.) The Chairman then stated: It was not my intention to have taken any part whatever in the present meeting, but about half an hour since a letter was put into my hands, which has overruled every objection and compelled me, under a sense of duty, to yield to its demand. He then read the following letter: "To Captain Cargill. Sir,—With reference to the meeting to be held this evening in the schoolhouse, we, the undersigned, considering that the subject thereof is one which deeply affects the interests of the colony, beg respectfully to request that you, as leader of the settlers and founder of the settlement, and as representing the Otago Association, will occupy the chair at said meeting." [Here follow nineteen signatures.] Under all the circumstances in which I am placed I shall abstain from any remark or explanation whatever on the subject to be introduced. I am here for the sole purpose of maintaining regularity and securing a full and candid hearing for any man who may wish to address you, and in which I feel confident the chair will be duly supported; and, further, that you will come to a dispassionate and rational conclusion upon the subjects to be proposed. From the paper put into my hands, I beg to call upon Mr. Napier.

Mr. Napier said: I think it will be almost unnecessary for me to say a word on this subject. It is one which speaks for itself. You have all no doubt a clear recollection of the meeting which took place on the 3rd December, 1850, and the resolutions which were then so unanimously passed. Allow me to say that I think we should prove ourselves guilty of a great piece of inconsistency were we, after such meeting, to sanction or countenance in any way the adoption of a system so diametrically opposed to the nature of those resolutions as that of nominee representation; and I would fain hope that they who expressed their opinions so decidedly on that occasion will do so on this. The question about to be discussed—and fairly, I hope—is one, you will all agree, of vital importance to this settlement. It is a subject which should urge upon every thinking individual the necessity of looking closely into, examining and judging for himself, and of coming boldly forward unbiassed in any way and uninfluenced by any circumstance or position of whatever kind, and expressing those sentiments and feelings which, after a calm and deliberate consideration of the subject, most naturally suggest them-