

are drawn nearer to each other in boundaries and interests, they will very probably assume more and more of a municipal character, while the functions of the General Legislature will increase. But I do not think it would be advisable to introduce any special provision either to accelerate or retard such a gradual change. Anticipations as to the course which political affairs may hereafter take are everywhere liable to be disturbed by many unforeseen events, and most of all in new and advancing societies. Hence it seems to be the wisest course to rest satisfied with adapting the institutions which are to be established as well as may be practicable to the existing state of things, leaving their future development, and the alterations which a change of circumstances may hereafter require, to be effected by the local authorities thus created.

13. Without seeking, therefore, to determine whether the course of events will lead to an extension or restriction of the powers now about to be conferred on the Provincial Councils, it is proposed for the present to confer upon them a general power of legislation, subject to certain specified exceptions which will be the same, or nearly so, as those established in your Provincial Councils Ordinance. The powers of the General Legislature, on the other hand, it is not intended to limit to any particular subjects. Its enactments alone would thus have the force of law on the subjects reserved to it, and they would also have paramount and superseding force on all those other subjects over which both it and the local Legislatures are meant to have authority. By this arrangement no conflict of powers can arise, since that of the General Legislature will always prevail whenever it may be exerted, and it will be left to experience and to the judgment of the colonists themselves to determine to what extent this power should be used and the action of the subordinate Legislatures consequently restricted.

14. As to the constitution of these Provincial Legislatures, Her Majesty's Government have adopted for the most part the model established by your Ordinance. There is, however, one important exception—namely, the introduction of a proportion of members nominated by the Crown. It has appeared to them that the general objections to the constitution of a single Chamber wholly elective, apply to these Councils, however local in their character. The power of nomination affords the means of introducing at times persons whose services are of great value. Under the Constitution recently established in South Australia a nominated member has recently been elected by the Council to the office of Speaker, a strong proof how highly his services were appreciated by the general body.

15. It has been further thought advisable to extend the duration of the Provincial Councils from two years to four.

16. It has been also thought necessary materially to alter the provisions concerning the reservation of laws for allowance. For reasons already explained to you in my despatch of the 2nd April last, Her Majesty's Government cannot approve of the absolute exercise of that power by the Governor. The laws of the Provincial Councils are not meant to be in the nature of mere by-laws or local regulations. They would be, in the fullest sense of the word, legislative enactments within the limits of the respective provinces; and as such should not be exempted from the general prerogative of the Sovereign. Nor does experience show that any real inconvenience arises from reserving the ultimate power of disallowing colonial laws to the Crown. This power is practically exercised very rarely indeed, and as the laws come into immediate operation when assented to by the Governor the colony has all the benefit of immediate legislation when it is required.

17. Her Majesty's Government are also unable to concur in the proposal (paragraph 63 of your despatch) that the Superintendents of the province should be elective. If so they could hardly be made removable by the Crown, nor could the power of suspending them from office till the pleasure of the Crown should be declared, like all other executive offices, be conferred on the Governor. But it is difficult to understand how it would be possible for the Governor to exercise any effective control by means of officers thus independent of him over the Provincial Executive Governments. It is a fundamental principle of the British Constitution, and one from which I am not aware that any departure has ever taken place (in modern times), that all executive authority, except that which, in the strictest sense of the word, is merely municipal, must emanate from the Crown. Her Majesty's Government are not prepared to recommend to Parliament that a different principle should be adopted in New Zealand.

18. I must add that I think it the more necessary to adhere in this respect to what is the usual practice because it appears to me that your demarcation of the respective powers of the Governor and the Superintendents is far too vague to be introduced into a law; and that it will be far better to leave the extent of authority to be intrusted to these officers to be determined, as in other cases, by their commissions. For this reason it is proposed not to notice them in the Bill, but to vest their intended functions in yourself with a general power of delegation.

19. In declining to adopt your recommendation upon this point it is, however, far from being my intention to express any dissent from your opinion that the local Provincial Governments should be established at as small a cost as possible. On the contrary, on this point your views are entirely in accordance with those of Her Majesty's Government. We think that the persons to be placed at the head of the Executive Government should be chosen from the colonists themselves, and that their salaries should be on a very moderate scale. This being the case, it seems certainly desirable that these officers should have some other title rather than that of Lieutenant-Governor. I see no objection to the title of Superintendent, which you have suggested. It would be also in accordance with your proposal of conferring office on them only for two years, that they should hold this title.

20. Of the General Legislature it is not necessary that I should say much, because the heads of the Bill itself will sufficiently develop the intentions of Her Majesty's Government in proposing them. In its general features it will resemble that which it was intended to establish in 1846, except that it is proposed that the members of the General Assembly should be elected directly by the inhabitants; those of the Council by the Provincial Legislatures, under provisions intended for the purpose of securing to the minority in any Provincial Legislature the benefit of not being wholly excluded from representation in the General Legislature. It has been thought advisable to give the Governor power to appoint the President of the Legislative Council, and to authorise him to make such appointment either out of the body of the Council itself or by adding a distinct member to it.