

New Zealand upon this subject at as early a period as possible, they have now under consideration a measure for granting representative institutions to the colony. This measure it is the intention of Her Majesty's Government shortly to submit to the consideration of Parliament, but the state of public business at this time prevents my feeling confident that the Bill will be passed during the present session.

Governor Sir G. Grey, &c.

I have, &c.,

J. S. PAKINGTON.

No. 20.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON, to Governor GREY.
(No. 32.)

SIR,—

Downing Street, 16th July, 1852.

I have now to transmit to you the Act to grant a Representative Constitution to the Colony of New Zealand, which has received the Royal assent.

2. When the seals of this department were committed to me in the early part of the session of Parliament which has just terminated, I found the heads of a Bill for the same purpose already in preparation under the directions of my predecessor, Earl Grey; and, on full consideration of the subject, Her Majesty's Government did not hesitate to adopt the general outlines of the measure thus originated, which appeared to them calculated to fulfil the expectations of the people of New Zealand, and to confer on them constitutional rights in a form the most adapted to their peculiar circumstances.

3. The intentions with which that measure was framed were explained by my predecessor in a draft despatch intended to accompany it; that draft has been printed for Parliament with a view to the discussions on this Bill, and I fully adopt the views set forth in the first thirteen paragraphs of that draft, explaining the general purposes of the Bill and the relation in which the central Legislature will stand to the Provincial Councils, the only difference which it is necessary to note being that Her Majesty's Government have thought it advisable to add New Plymouth to the number of separate provinces.

4. It has appeared, however, to Her Majesty's Government that the almost necessary effect of this subdivision into six provinces, when effected, will be to supersede the present division into two provinces, and along with it the existing two Lieutenant-Governorships. The Commission and Instructions issued to you under the present Act will be framed with a view to this change. I do not offer any opinion whether the present system has worked in a satisfactory manner, but it was in its nature temporary only, and New Zealand will, as far as I am able to judge, be better governed in future under a single head, with the assistance of local officers in the several settlements only. This change will at all events have the effect of diminishing, in some degree, the civil expenditure of the colony, a result which I am anxious to effect.

5. In the remaining portions of the Act there are some important differences from the scheme of the late Government; and, without entering into these in great detail, I shall proceed to give some explanation of the measure in the shape which it has now assumed.

6. It has been thought advisable that the Provincial Councils should consist of a single Chamber consisting wholly of elected members. They have been led to this conclusion by the comparatively unimportant nature of the functions of these Councils, which will be limited to local objects, such as would be considered here to be of a municipal character rather than partaking of the higher attributes of legislation.

7. For the same reason Her Majesty's Government determined on submitting to Parliament another suggestion originated by yourself, although not actually reduced by you into practice: that of rendering the Superintendents of provinces elective. They are aware that this is an innovation on ordinary usage, inasmuch as these officers have one function at least of a higher and more independent character than the elective chief magistrate of an English municipality—viz., that they are to possess a negative voice in the passing of local Ordinances. But they have not on this account thought it necessary to withhold what they have every reason to believe will be regarded by the colonists as a valuable concession; while they feel a confident hope that the electors will form the best judgment as to the persons qualified to serve the public interest in offices for which a knowledge of the wants and circumstances of each particular locality is peculiarly requisite.

8. After the best consideration which Her Majesty's Government have been able to give the subject, Parliament has determined, under their advice, to insert in the Act no provision respecting the payment of the Superintendent, considering it a subject best left to the decision of the Provincial Councils. I may here add that they have in a similar way omitted all provision for payment of members either of the Provincial Councils or the House of Representatives, not from having formed any judgment adverse to such a regulation, but from feeling satisfied that the manner and amount of such payment, if any is thought necessary, will be best settled by those respective bodies.

9. Nor have provisions been inserted giving executive authority of any kind to the Superintendents. This is a point on which Her Majesty's Government did not feel that they had sufficient information to adopt any definite course, while the general prerogative of the Crown and the powers of the general and local Legislatures seemed amply sufficient to provide whatever might be ultimately deemed advisable.

10. It is, however, my wish that any such executive powers as may be found necessary in order to carry on the functions of government in the respective settlements may be intrusted to these officers. This may be done by your own authority as representing the Crown, or by Act of the central Legislature, as the case may require; but they should at all events be always included in the Commission of the Peace for their respective localities.

11. Another point in which you will observe that your own suggestions have been adopted is the leaving the power of allowance and disallowance of provincial Ordinances in the Governor instead of the Crown.