

1883.
NEW ZEALAND.

THE GRANTING OF REPRESENTATIVE INSTITUTIONS TO THE COLONY

(DESPATCHES RELATIVE TO).

Return to an Order of the House of Representatives, dated 3rd day of August, 1882.

“That there be laid before this House printed copies of all despatches (with enclosures thereto) between the Secretary of State for the Colonies and the Governor of New Zealand, prior to the passing of the Constitution Act, on the subject of the granting of representative institutions for this colony.”—(*Hon. Sir J. Hall.*)

FROM THE GOVERNOR TO THE SECRETARY OF STATE.

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Cost of return, £158 15s. 6d.

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FROM THE GOVERNOR TO THE SECRETARY OF STATE.

No. 1.

COPY of a DESPATCH from Lieutenant-Governor GREY to Lord STANLEY.

(Separate.)

MY LORD,—

Government House, Auckland, 27th January, 1846.

There is one subject of much importance to this colony to which I am anxious to request your Lordship's early attention: this is the difficulty I foresee that I shall experience in administering this Government in such a manner as to satisfy Her Majesty's wishes, unless some change is made in the Constitution of the colony. If, in the present state of New Zealand, the framing and enacting of laws was left solely to the Governor and his Executive Council, it is possible that the Governor, by having a steamer at his disposal and frequently making visits to every portion of New Zealand, might administer the Government in such a manner as to be satisfactory to Her Majesty, and consonant with the interests of the colony. This, however, would be a very imperfect arrangement, wholly dependent for success upon the energy and health of the Governor. I am, however, now quite satisfied that I shall find great difficulty in carrying out the government of the whole Island, with my Legislative Council constituted as it is at present.

New Zealand is divided into several settlements, separated by long intervals, having in some respects interests totally different from each other, and none of them exceeding the other so much in wealth and importance as to possess a preponderating influence and recognized superiority. From the very limited nature of the society in these small settlements, I cannot hope to find in any one of them gentlemen of such extended information and acquaintance with the whole Island, and of such large views and forgetfulness of local interests and local clamours, as to be able in all instances to legislate with a view to promote the interests of these Islands as a whole, perhaps in some cases even to the apparent detriment of their own peculiar settlement, in which all their fortune is embarked. Nor can I at present indulge any hope of finding gentlemen in sufficiently affluent circumstances to abandon their homes for the purpose of repairing to another settlement, to fulfil protracted duties in the Legislative Council. Nor can I, referring to the very imperfect means of communication which at present exist, ever hope to be able to keep the inhabitants of the distant settlements so sufficiently informed upon the intended legislative measures of the Government as to enable them to acquaint me with their views and feelings with regard to such measures previously to their being passed into law. I beg further to state that I feel doubtful whether the creation of municipal bodies, with extended powers of passing by-laws, will remove these evils. I fear that this measure would rather increase them, and that the municipal bodies, feeling that just grounds of complaint existed regarding the imperfect mode in which the legislative body discharged its duties, would endeavour to usurp an authority and power which did not belong to them, and, neglecting their own duties, would busy themselves with those properly belonging to the Legislature. I also feel satisfied that they would soon contract large debts, the settlement of which would ultimately prove very embarrassing to the Government.

Upon the whole, a simple mode of avoiding the difficulties which exist in this respect would be to create a Lieutenant-Governorship in New Zealand. The Governor-in-Chief and his Council would then exercise supreme legislative jurisdiction in one portion of the Islands, whilst, in another portion, the Lieutenant-Governor, previously to assenting to any Bill passed by his Council, would, in the usual manner, transmit it to the Governor-in-Chief, in order that he might decide whether any amendment should be insisted on as a necessary condition on which alone the Lieutenant-Governor should assent to the Bill. I think it would be indispensable to the general welfare of the colony that

uniformity of legislation upon subjects connected with the aborigines, administration of public lands, and other matters of general interest to the whole Islands, should be secured by some provision of this nature. Undoubtedly some increased expenditure would, if this course were adopted, have to be incurred for the creation and maintenance of a separate Government establishment, but I think, by judiciously curtailing that now in existence, no very large additional expenditure would be necessary, and the executive, as well as the legislative, duties of the Government would be so much more efficiently performed, and the development of the resources of the colony would be so much more rapid, that there is every reason to think that the colony would, under the proposed arrangement, be able to defray the whole of its expenditure at a much earlier period than it could otherwise do; so that an ultimate saving would result to the British Treasury. Indeed, I feel quite satisfied that New Zealand will soon yield a large revenue.

I beg to assure your Lordship that, although I have thought it proper to bring this subject under your Lordship's notice, because no measure has appeared to me so likely to secure the future tranquillity, prosperity, and happiness of this country as that which I have proposed, I will nevertheless do my utmost to secure the efficient working of the existing form of government in New Zealand, as long as Her Majesty may consider that Her Majesty's interests are promoted by my remaining here and conducting the government of this colony with a legislative body as at present established.

I have, &c.,

G. GREY.

No. 2.

COPY of a DESPATCH from Governor GREY to the Right Hon. W. E. GLADSTONE.
(No. 103.)

SIR,—

Government House, Auckland, 7th October, 1846.

I had the honour this morning of receiving your despatch marked "Separate," of the 26th May last; and, as a vessel sails in a few hours direct for England, I am unwilling to lose this opportunity of making some few remarks upon the changes Her Majesty's Government propose to introduce into the Constitution of this colony, although I write under the disadvantage of being compelled to make these remarks in a very hurried manner, and with no certainty whether or not they may reach England in sufficient time to be of any use to Her Majesty's Government.

I suppose, in the first place, that Her Majesty's Government intend to divide New Zealand into two distinct colonies: whether they are both to be placed under one Governor-in-Chief, in the manner proposed in my despatch of the 27th January last, marked "Separate," or whether two totally distinct colonies are to be formed, is not material to my present purpose. I suppose also that it is the wish of Her Majesty's Government that representative institutions should be introduced into each of these colonies with the least possible delay, but that they should be so introduced as to insure, in as far as possible, harmony between the executive and legislative bodies, and thus to render these institutions available from the first moment of their erection, instead of a period of inutility and bitterness elapsing, during which disputed points would be contested between the Executive Government and the legislative body, and all the really essential business of the colony would be disregarded. In this view, I beg to state that I would recommend that, in the first instance, the Officer Administering the Government in each colony should be permitted to appoint a Legislative Council, composed, as at present, of official members and of nominees of the Crown.

I am not at present aware of any circumstance which need then prevent the immediate introduction of representative institutions into that colony, which would comprise the settlements in Cook Strait and in the Middle Island. All questions of a vexatious nature between the Government and the settlers in that part of the colony have now been finally set at rest; and, with a considerable acquaintance with British settlements, I can have no hesitation in recording it as my opinion that there never was a body of settlers to whom the power of local self-government could be more wisely and judiciously intrusted than the inhabitants of the settlements to which I am alluding. But there are a number of questions connected with the introduction of such institutions which I confess I think can only be properly determined by inquiry upon the spot; such as the limits of the various electoral districts, the proportion of members from town and country districts, the precise qualification of electors, the places for polling, and questions of a like nature. These questions, I think, the Officer Administering the Government in that colony should be required to determine, with the assistance of a Legislative Council, constituted in the usual manner. If the number of members in that Council was extended to ten—five official and five unofficial—and the members were judiciously selected, as I have no doubt they would be, the Officer Administering the Government would have the benefit of the best possible advice; and those questions of a really practical nature would be discussed upon the spot, and under such circumstances as would, I have no doubt, secure the efficient and satisfactory working of all the institutions which might be introduced, and which, when thus selected, would provide a legislative body which would forthwith replace that which had previously existed.

But with respect to the northern of the two colonies, I beg to state that, until the questions connected with the land claims which have arisen under the penny-an-acre Proclamation, as well as those which have arisen from the grants of land extended in opposition to the opinions of the Commissioners who heard them, have been finally and conclusively set at rest, I do not think that any attempt should be made to introduce representative institutions into it. I feel quite satisfied that, if such an attempt were made before these questions were disposed of, efforts would be made to return representatives, not to transact the real business of the country, but to agitate these claims; and from the number of Government servants who are directly or indirectly connected with them, from the influence of some of the missionaries who claim such large tracts of land, and from other circumstances, I fear that a period of confusion, probably of renewed rebellion, expensive both in blood and money, must under such circumstances inevitably take place. I would therefore recommend that, in the northern colony of the two, some period of time should yet elapse before any attempt should be made to introduce representa-

tive institutions: probably a period of two years may suffice to settle the questions to which I have alluded, and to prepare the colony for the contemplated change; but this would soon be ascertained from the reports of the Officer Administering the Government.

I should perhaps add that it is not in the least my wish to reflect upon the inhabitants of the northern portion of New Zealand, or to draw any invidious comparison between themselves and the people of the southern settlements: on the contrary, there are in the northern part of the Island many gentlemen for whom I entertain the highest respect and esteem; and I would yield to no one in my desire to promote, in as far as practicable, the prosperity and happiness of the colonists in this part of New Zealand. But, the troublesome questions to which I have alluded having arisen, and there being every probability, from the number and character of the Native population, that disturbances may arise from them, I believe that in making these representations to you, and in basing such recommendations upon them, I am taking the most certain means of securing the true interest of the inhabitants of this part of the Northern Island, and at the same time performing a paramount duty to Her Majesty's Government.

I have, &c.,

G. GREY.

No. 3.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(Confidential.)

MY LORD,—

Government House, Auckland, 3rd May, 1847.

Since I had the honour of receiving your Lordship's private letter of the 27th November last*, transmitting the drafts of the papers relative to the introduction of a new Constitution into this colony, which had been printed for the consideration of Her Majesty's Government, I have felt much concern lest any want of care upon my part in omitting to forward sufficiently detailed information of the circumstances of this portion of the colony should have left Her Majesty's Government in ignorance of various points which, I fear, were not under their consideration at the time they determined to introduce immediately into the Province of New Ulster a Constitution of the nature of that which is proposed. Should I have fallen into this error, the only excuse I have to offer is that, from the tenor of previous despatches from your Lordship's department, I did not think that any change would for some years be introduced into the form of Government of this portion of New Zealand, and I did not imagine that, in the first instance, the form of Government now proposed would have been introduced into any part of this colony.

My reasons for entertaining the apprehensions above stated are that Her Majesty's Government will, I fear, by introducing the proposed Constitution into New Ulster, not do that which, from your Lordship's despatch forwarding the Charter, I understand them to intend to do, but something different from it, and for which I believe (referring to the large number and present state of the Native population in this colony) no precedent has been established, either by Great Britain or by any other country: that is, by the introduction of the proposed Constitution into the Province of New Ulster, Her Majesty will not confer, as is intended, upon her subjects the inestimable advantages of self-government, but she will give to a small fraction of her subjects of one race the power of governing the large majority of her subjects of a different race. She will not give to her subjects the valuable privilege of appropriating, as they may think proper, the funds raised from themselves by taxation; but she will give to a small minority of one race the power of appropriating as they think proper a large revenue raised by taxation from the great majority of her subjects of another race. And these further difficulties attend this question: that the race which is in the majority is much the most powerful of the two; the people belonging to it are well armed, proud, and independent, and there is no reason that I am acquainted with to think that they would be satisfied with and submit to the rule of the minority, whilst there are many reasons to believe that they will resist it to the utmost. And then, it must further be remembered that the minority will not have to pay the expenses of the naval and military forces which will be required to compel the stronger and more numerous race to submit to their rule, but that, on the contrary, these expenses must be paid by Great Britain, whilst the minority to whom the new powers are to be intrusted will benefit largely from such expenditure, and will have a direct interest in rendering it as great as possible.

Before stating the reasons upon which these views are founded, I think it proper to mention that Her Majesty's Native subjects in this country will certainly be exceedingly indignant at finding that they are placed in a position of inferiority to the European population: they will undoubtedly argue, as they now frequently do, that they not only cheerfully ceded the sovereignty of their country to the Queen, but that when attempts have been made by some discontented tribes to throw off the sovereignty of Great Britain, and that at a period when, from the smallness of the British force in the country, they had apparently some hopes of success, the principal chiefs came forward, and freely gave the services of themselves and their people, and shed their blood in assisting to maintain for Her Majesty that sovereignty which they had yielded to her; whilst, on the contrary, they would justly regard the mass of the European population of this portion of the colony as having been attracted here solely by motives of personal benefit, such as a desire of carrying on trade with the numerous Native population, or of benefiting by the expenditure of the parliamentary grant-in-aid of the civil Government, or by the naval and military expenditure.

In illustrating the reasons which have induced me to form the opinions I have stated, I will take the population returns, published by my predecessor, for the year 1845. No great change has taken place in either the European or Native population since that period; in fact, the distresses of the country induced many European settlers to quit the colony, and no corresponding immigration has taken place; with the exception therefore of the troops and naval force which have been brought into the country, the European population does not much exceed in amount that which it was in 1845, although some changes may have taken place in the relative population of the British settlements from

* This letter is not on record.

persons having repaired from one settlement to another. And, as Auckland has been, as the seat of Government, the chief point of attraction, the population of that place, exclusive of the military, may perhaps be stated at nearly 4,000 souls. In 1845 the European population of the territory which would form the proposed Province of New Ulster was about 4,500 souls: the details are stated in the margin.* But, in point of fact, from circumstances connected with the position of the other settlements, the only persons who would have any real share in the proposed Constitution would be the settlers in the neighbourhood of Auckland.

The returns of Native population published at the same time would give for the probable Native population inhabiting the proposed Colony of New Ulster about 100,000 souls, the whole of whom would be excluded from all share whatever in the representation of the country by the proposed proviso in the Instructions, "That no person shall be capable of exercising the elective franchise who cannot read and write the English language."† At the same time, under the present system of taxation the large Native population (which, even if has been over-estimated by Mr. Clarke at 100,000, and is taken at only 60,000—although I believe this latter supposition is below the true amount,—still forms the vast majority of the population) contributes largely to the revenue, and each year, as they continue to advance in civilisation, will contribute still more largely to it; so that the proportion paid by the European population will form but a small part of the whole revenue.

Then it must be borne in mind that the great majority of the Native population can read and write their own language fluently; that they are a people quite equal in natural sense and ability to the mass of the European population;‡ that they are jealous and suspicious; that they now own many vessels, horses, and cattle; that they have in some instances considerable sums of money at their disposal, and are altogether possessed of a great amount of wealth and property in the country, of the value of which they are fully aware; that there is no nation in the world more sensitive upon the subject of money matters, or the disposal of their property; and no people that I am acquainted with less likely to sit down quietly under what they may regard as injustice.

A great change has also recently taken place in their position: the mutual jealousies and animosities of the tribes have greatly disappeared, and a feeling of class or race is rapidly springing up, and has been greatly fomented by the efforts which have been made by designing Europeans to obtain their lands from them for a merely nominal consideration. This feeling of nationality has been extended by many other causes. Some of their young chiefs of the highest birth and of great personal ambition have now received good educations; the habit they have acquired of letter-writing, which is a favourite custom with them, affords chiefs inhabiting the most distant portions of the Island the means of frequent and rapid communication with each other; the decay of their mutual jealousies has rendered it safe for the Natives to travel into all portions of the Island, and some of them are in a constant state of movement; so that their intercourse and power of forming extensive conspiracies, and of executing combined and simultaneous movements upon different points, is daily increasing. Indeed, so far has this spirit of nationality extended that it is a common object of contemplation amongst their young chiefs; and I feel satisfied that many of them have entertained the design, if a favourable opportunity offers, of endeavouring to set up some national Government.

It is, I think, doubtful, therefore, if it would be prudent to hazard the attempt to force upon a nation so circumstanced a form of Government which would at the same time irritate their feelings, and, I think, insult their pride, and which, there can be no doubt, would separate them from the Europeans, placing them in an inferior position as a race, and thus at once create this feeling of nationality, the consequence of which would, I fear, be so hurtful.

If the privilege of local self-government is one of such inestimable value, how much greater a privilege must it be deemed to confer upon so small a population (only a portion of the adult males of whom would really be the persons on whom this privilege was conferred) such extensive power over so large a number of their fellow-creatures, whose interests in many respects are totally opposed to their own. Then, if one examines the claims of the inhabitants of this portion of New Zealand to so vast and unusual a privilege, one feels much difficulty in seeing on what grounds such claims could rest; but it is certain that the majority of them have never quitted the immediate vicinity of the town, and know little more of New Zealand and its inhabitants and of their wants and real position than people living in England do; to permit therefore the inhabitants of this little town to return the representatives to the Lower Chamber does not really give to New Zealand the benefit of a representative Government in the ordinary sense of those words.

In reference to the other argument I have used—viz., that it should be remembered that the minority to whom it is proposed to intrust these powers are not required to, indeed cannot, pay the expenses of the naval and military force which their proceedings may at any time necessitate to be employed in this country—I beg to state that whilst I have been writing this despatch Lieutenant-Colonel Gold, the officer commanding the troops in the northern portion of this Island, has called upon me in reference to some recent proceedings here, to state his entire conviction that many most improper steps are taken by the European population of this colony with the sole object of compelling the Government to incur an increased naval and military expenditure. Captain Graham, C.B., the senior naval officer upon this station, some time since wrote me a letter in which he formally recorded it as his opinion that such was also the object of many Europeans here; and my own opinion entirely coincides with that of the two officers.

I beg further to point out that, although I entirely concur in the advisability of compelling the Natives, as soon as possible, to learn to read and write the English language, and will omit no means within my power of promoting these benevolent intentions of your Lordship, yet that I think that with a view of promoting this object, a necessary preliminary to giving such extensive powers over the funds raised by the taxation of a large Native population into the hands of the representatives

* Auckland, 2,754; New Plymouth, 1,115; Bay of Islands, 534; Hokianga, 179: total, 4,582.

† I do not know one Native who can read and write the English language.

‡ Out of 67 Natives who have been employed by the Ordnance Department, 66 can write their own language, and the whole of them can read it.

of so small a British population would be to require a by-law that a certain sum should annually be devoted to the maintenance of schools for the instruction of the Native population in the English language, and that some extensive system of national education should be introduced before the new Constitution is brought into operation, the permanency of which system should be secured by such a provision as I have above mentioned.

The foregoing arguments have been applied solely to the great Native population throughout the country, and to the general revenue raised from duties of customs; but they apply equally, perhaps even with more force, to the Natives who would reside within the limits of boroughs, and who would be subjected to direct taxation in the form of assessments, &c., which I fear might often be collected in a manner highly offensive to them, and who would speedily become discontented and exasperated if they had no voice upon the subject. The same arguments apply also equally to the naturalised Germans, who are likely to become a very numerous and important portion of the population, and who are at present contented and good citizens, whom I should be very sorry to see excluded from any privileges accorded to the rest of Her Majesty's subjects; whilst the inhabitants of the French colony at Akaroa, whom Her Majesty's Government have directed to be naturalised, will, in like manner, be wholly excluded from any share in the management of their own affairs, and will be placed in a position of inferiority in reference to the rest of Her Majesty's subjects.

I think it right to mention to your Lordship that even in the southern portion of this Island I did not contemplate immediately so extensive a change in the Constitution of the colony. I thought that a Council, in which the Governor presided, and which was composed of official and unofficial members, the unofficial members being elected by the inhabitants of the colony, would, viewing the peculiar circumstances of the Colony of New Zealand, particularly in reference to the Native population, have been that form of Government which, for the present, was best suited to the wants of the people; whilst I do not think it would have been in any respect repugnant to their feelings. This form of Government would also, as soon as the land questions have been adjusted, suit the circumstances of Auckland; particularly if the Government were empowered, from time to time, to name certain Natives who should have the privilege of voting at the elections for the return of representatives.

Whatever form of Government it may, however, be determined ultimately to bestow upon the northern colony of New Zealand, I beg to suggest that it would be desirable in the first place that it should not be such as to render it doubtful whether the large Native population will submit to it; and secondly, that so long as the Governor has so formidable and numerous a race to control, it is necessary not only that he should have the power by his negative of preventing any measures being passed which might result in rebellion, but that he also requires to be in possession of the active power of carrying such measures as are essential for the welfare and pacification of the Native race. For your Lordship will see that, under the proposed Constitution, any refusal of the Governor to comply with, perhaps, very impolitic demands of the Lower Chamber may involve a stoppage of the machine of Government, which will entail much evil not only upon those who return the representatives, but upon the large body of Natives who will be wholly unrepresented.

At present the Natives are quite satisfied with the form of Government now existing, and as the chiefs have always ready access to the Governor, and their representations are carefully heard and considered, they have practically a voice in the Government, and of this they are well aware; but under the proposed Constitution they would lose their power, and the Governor would lose his influence over them; in fact, the position of the two races would become wholly altered, and the Governor would, I fear, lose that power which I do not see how he can well dispense with in a country circumstanced as this.

The Natives are, at present, certainly not fitted to take a share in a representative form of government; but each year they will become more fitted to do so, and each year the numerical difference between the two races will become less striking, so that a great advantage would be gained by delaying even for a few years the introduction of the proposed Constitution into the northern parts of New Zealand.

The concluding passage of the despatch which your Lordship proposes to address to me, leaves to my own discretion the power of fixing the time at which I should promulgate the new Charter, with, however, so distinct an intimation of Her Majesty's pleasure that no unnecessary delay should take place in my doing so that I think it better to promulgate it with as little delay as possible after its arrival in this country; but that portion of the Instructions which relates to the introduction of representative institutions into the country cannot, under any circumstances, be carried into effect for nearly twelve months from this date, upon account of the numerous preparatory steps which, in the terms of the Instructions, must first be taken. And, as I am apprehensive that any attempt to introduce such a form of Government as that proposed into this portion of the colony would shortly give rise to renewed rebellion, I shall, under all circumstances, deem it my duty to refrain from giving effect, in the northern portion of New Zealand, to that portion of the proposed Instructions until I receive your Lordship's reply to this despatch. In the meantime, however, all the other portions of my Instructions shall be carried out as rapidly as possible, and no care nor exertions upon my part shall be wanting to render them as beneficial to the inhabitants of this country as your Lordship desires them to be. Whilst the delay in the introduction of representative institutions for a few months will at all events so strengthen the position of the British in this country that if Her Majesty's Government should, with the information contained in this despatch before them, still deem the introduction of the new Constitution into the Province of New Ulster indispensable, less probability will exist of extensive injury to British interests resulting from any discontent upon the part of the Natives. All my own experience in this country leads me, however, earnestly to request your Lordship to advise Her Majesty for the present to revoke that portion of the Charter which contemplates the introduction of the proposed form of representative institutions into the Province of New Ulster.

The Right Hon. Earl Grey, &c.

I have, &c.,
G. GREY.

No. 4.

(Confidential.) COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

MY LORD,—

Government House, Auckland, 13th May, 1847.

In reference to my confidential despatch to your Lordship of the 3rd instant, reporting my intention of delaying, until I had received your further instructions, the introduction of the proposed representative institutions into that portion of the colony which is most densely inhabited by Natives, I now beg to state that the intelligence recently received from the neighbourhood of Wanganui, which I have detailed in my Despatch No. 58, of the 11th instant, viewed in connection with the proposed introduction of the new form of Government, has made me feel more anxious than any occurrences which have previously taken place in this country.

The object of the older chiefs has always been to draw back the mass of the Native population to their old barbarous customs, on which alone the authority of their chiefs rested. These old customs of the Natives are probably the most murderous and horrible which have ever existed in the world, and I cannot but dread that if any steps are taken which should unite a large proportion of the Native population against us, no middle course will be left to the discontented, but they will be obliged to join their heathen countrymen, and fall back into the depths of barbarism; in this event the atrocities which would be committed upon the scattered European population of this country, whom no force could protect, would be of the most dreadful kind. Unfortunately also at the present moment the excitement which I had always feared would take place when the Europeans began to occupy the tracts which had been irregularly purchased under the penny-an-acre Proclamation, or which had been illegally granted under the system of extended grants, is beginning to show itself, and forms another ground of difference between the two races, which nothing but the most prompt and decided measures can check. Upon the whole, the present state of the country is I feel such as fully requires me to weigh carefully every step I may have to take in introducing the new Constitution into this colony, and to require me rigidly to adhere to the course of policy I have, in my confidential despatch of the 3rd instant, informed your Lordship I should pursue. I think that perhaps until this country is a little more settled down, your Lordship's views with regard to the government of it might be fully met if it were, as proposed, divided into two colonies, with such a General Executive Government, and Executive Government for each colony, as is now provided for in the recent Charter and Instructions; whilst for the present the legislative body of each colony should consist of one Chamber, composed of the Governor and official and unofficial members, the latter of whom might, in the southern colony, be at once elected by the people. The General Assembly might then in like manner consist of one Chamber, composed of all the members of the Legislative Council of each colony, and its meetings, mode of proceeding, &c., might all be conducted in the manner which is proposed.

If your Lordship should, under the disturbed circumstances of the colony, think proper to send out modified instructions to this or some similar purport, they would yet reach me in sufficient time.

I feel very great diffidence in making such suggestions to your Lordship, but at the present moment the great mass of the Native population is on our side, as the fact of their seizing the murderers at Wanganui and giving them up to justice fully shows, and I think, if nothing occurs now to alarm the Natives, that, after two or three more years of peace and tranquillity, the colony may be regarded as quite safe, and the lives and properties of the settlers would be in a state of complete security; whilst, upon the other hand, I cannot but view with the greatest alarm and anxiety the possibility of the frequent and extended recurrence of such scenes as that which recently took place at Wanganui. Until your Lordship's further instructions reach me I will proceed as rapidly as is practicable with the adjustment of all those difficulties which have arisen from the penny-an-acre Proclamation, and from the extended grants of land. I will also introduce, in the most conciliatory manner, all those portions of the new form of Government which confer real and lasting advantages upon this country of the most undoubted and obvious kind, such as the division of the colony, &c.; so that, even in the event of your Lordship determining upon the immediate and complete introduction of the whole of the proposed new form of Constitution, every preparation in my power shall be made for such a measure, and it is certain that, after so many difficulties have been removed, the country will be in a much better state for such an experiment than it is at present.

I have, &c.,

The Right Hon. Earl Grey, &c.

G. GREY.

No. 5.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 70.)

MY LORD,—

Government House, Auckland, 7th July, 1847.

I have the honour to acknowledge the receipt of your Lordship's Despatch No. 23, of the 23rd of December last, transmitting the new Charter for the Government of New Zealand, the Queen's Instructions under the Royal Signet and Sign-Manual, to which that Charter refers, and my own Commission as Governor-in-Chief of New Zealand and as Governor and Commander-in-Chief of each of the provinces into which these Islands will be divided.

I avail myself of this opportunity to express the sense I entertain of the confidence which Her Majesty has been pleased to repose in me in nominating me to these appointments, and to return my thanks to your Lordship for having mentioned me so favourably to the Queen. I beg, at the same time, to assure your Lordship that I will make every exertion to render your Lordship's views in reference to New Zealand as productive of prosperity and happiness to this country as your Lordship desires them to be.

I have, &c.,

The Right Hon. Earl Grey, &c.

G. GREY.

No. 6.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 106.—Finance.)

MY LORD,—

Government House, Auckland, 8th October, 1847.

I have the honour to solicit your Lordship's attention to an important point connected with the 12th Chapter of the Instructions under the Royal Signet and Sign-Manual which accompanied the New Zealand Charter of the 28th December, 1846, upon which point it would be desirable that I should receive further instructions from your Lordship. The difficulty which is likely to arise is this: The 12th Chapter of the Instructions alluded to provides that all taxes, rates, tolls, and assessments imposed or made payable in virtue of any Ordinances of the General Assembly of New Zealand shall, in the first place, be subject to certain necessary deductions for purposes specified in the Ordinance for defraying charges connected with the expenses of collecting, receiving, managing, and auditing sums raised under the authority of such Ordinances, &c.; and finally that, after the preceding deductions, the remaining proceeds shall be subjected to the appropriation of the respective Assemblies of the said provinces respectively.

The above provisions would, under the terms of the Act of the Imperial Legislature to make further provision for the Government of the New Zealand Islands, 9 and 10 Vict., cap. 103, apply to all Ordinances regulating all duties of Customs to be imposed at any port on the importation or exportation of any goods, the imposition of any dues or other charges on shipping at any port or harbour, &c.

By your Lordship's Despatch No. 35, of the 2nd February, 1847, I am informed that the occasions which will arise for calling together the General Legislature of New Zealand will probably be exceedingly rare, and that Her Majesty's Government conceive that my being compelled to summon that body at an early period after the intended change in the form of Government shall have been brought into operation might prove highly inconvenient. The necessity of the case also, I think, shows that a considerable period of time must probably elapse ere the Governor-in-Chief will be able to summon the General Assembly of these Islands.

In the meantime various Ordinances imposing the duties which are to be regulated by the General Assembly will be in force throughout these Islands under the authority of the previous Legislature; indeed these laws will afford the only source from which a revenue will be raised. The question therefore arises, Will such duties, taxes, rates, tolls, and assessments be subject to the rules laid down in the 12th Chapter of the Royal Instructions, in which the words used are "all duties, taxes, rates, tolls, and assessments imposed or made payable in virtue of any Ordinance of the General Assembly of New Zealand," whilst of course no such Ordinance can be in force until the General Assembly has met? Probably the intention was that the provisions of the 12th Chapter of the Royal Instructions should have reference to all laws of that kind which were subject to the sole control of the General Assembly, but I think the words used in the Instructions confine them specifically to Ordinances of the General Assembly.

The Right Hon. Earl Grey.

I have, &c.,

G. GREY.

No. 7.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 125.)

MY LORD,—

Government House, Auckland, 30th November, 1847.

In obedience to the Queen's Instructions under the Royal Sign-Manual and Signet which accompanied the New Zealand Charter, I have the honour to transmit a transcript of a Proclamation which I issued upon the 24th instant, proclaiming that the New Zealand Charter would take effect and come into operation throughout these Islands upon and from the 1st day of January, 1848.

I have, &c.,

G. GREY.

The Right Hon. Earl Grey, &c.

Enclosure in No. 7.

PROCLAMATION.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, and so forth, &c.

WHEREAS, in pursuance of an Act made and enacted in the Parliament holden in the ninth and tenth years of our reign, intituled "An Act to make further Provision for the Government of the New Zealand Islands," we have been pleased to issue certain Letters Patent, a copy whereof is hereinafter set forth (being the New Zealand Charter), under the Great Seal of the United Kingdom, and certain Instructions under our Sign-Manual and Signet accompanying the same:

And whereas, in and by the said Letters Patent, we did declare our will and pleasure to be that the said Charter should not take effect or come into operation in the said Islands of New Zealand until the same should have been published and made known to the inhabitants of the said Islands by a Proclamation to be for that purpose issued by the person commissioned by us to be Governor-in-Chief for the time being of the said Islands:

And whereas, by certain Letters Patent bearing date the twenty-third day of December, one thousand eight hundred and forty-six, we have commissioned and appointed George Grey, Esquire, to be Governor-in-Chief in and over the Islands of New Zealand:

Now we do hereby publish and make known the said Letters Patent (being the New Zealand Charter). And we do hereby further proclaim and declare that this our Proclamation shall take effect, and that the said New Zealand Charter shall take effect and come into operation upon and from the first day of January, in the year of our Lord one thousand eight hundred and forty-eight.

In testimony whereof we have caused this our Proclamation to be sealed with the Seal of our Colony of New Zealand.

Witness our trusty and well-beloved George Grey, Esquire, Governor-in Chief in and over the Islands of New Zealand, at Government House, Auckland, this twenty-fourth day of November, in the eleventh year of our reign and in the year of our Lord one thousand eight hundred and forty-seven.

By His Excellency's command.

ANDREW SINCLAIR,

Colonial Secretary.

G. GREY,

Governor-in-Chief.

GOD SAVE THE QUEEN!

No. 8.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 7.—Executive.)

MY LORD,—

Government House, Auckland, 9th March, 1848.

The enclosed petition* was recently transmitted to me in order that it might in the usual course be laid before Her Majesty, to whom it is addressed. Your Lordship will observe that it is signed by the Bishop, the Chief Justice, and other of the public officers of this colony. Upon the whole I thought it more prudent not to address any communication to the Chief Justice upon the subject of his signing this petition; but I have delayed forwarding it until I had seen and spoken to other officers of the Government who had signed it, and I find that they had not really carefully considered your Lordship's instructions, and had been misled by the statements made by other persons. I therefore merely stated that I thought for the future they had better abstain from signing petitions which censured the Government under which they were acting until they had acquired more accurate information upon the subject regarding which they intended to petition. In conclusion, I have only to state that I have repeatedly and in various ways drawn the attention of both Europeans and Natives to the fact that your Lordship has instructed me most scrupulously to fulfil whatever engagements have been contracted with the Natives, at the same time declaring it as your opinion "that no apparent advantage could be suffered to weigh against the evil of acting in a manner either really or even apparently inconsistent with good faith." I have, however, unfortunately found a small portion of the European population so influenced by prejudice that they could not understand even such language as I have above quoted. With the Natives upon the other hand I have had less difficulty, and I do not think that, at any period in the existence of this colony, their minds have been more free from suspicion and alarm than at the present moment.

I have, &c.,

The Right Hon. Earl Grey.

G. GREY.

No. 9.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 10.)

MY LORD,

Government House, Auckland, 10th March, 1848.

In obedience to Her Majesty's Instructions which accompanied the recent New Zealand Charter, I have the honour to enclose a transcript of a Proclamation which I this day issued, declaring what part of the Island of New Munster adjacent to Cook Strait should be excepted and excluded from the Province of New Ulster, and form part of the Province of New Munster; and I have the honour to request that this Proclamation may, in the usual manner, be laid before Her Majesty for confirmation or disallowance.

The Right Hon. Earl Grey, &c.

I have, &c.,

G. GREY.

Enclosure in No. 9.

PROCLAMATION.

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, and so forth, &c.

WHEREAS, in pursuance of an Act made and enacted in the Parliament holden in the ninth and tenth years of our reign, intituled "An Act to make further Provision for the Government of the New Zealand Islands," we have been pleased to issue certain Letters Patent (being the New Zealand Charter), and certain Instructions accompanying the same:

And whereas, in pursuance of the said recited Act, and in exercise of the powers thereby in us vested, we did by the said Charter grant, ordain, and appoint that the said Islands of New Zealand should be divided into two separate provinces, to be called respectively "The Province of New Ulster" and "The Province of New Munster;" and we did by the said Charter declare, ordain, and appoint that the limits of the said provinces respectively should be determined in manner and form prescribed and provided for in and by the said Instructions hereinbefore mentioned:

And whereas, by our said Instructions, we did ordain and appoint that the Province of New Ulster should comprise the whole of the Island hitherto called "The Island of New Ulster," with the exception of those parts of the said Island adjacent to Cook Strait which the Governor-in-Chief of New Zealand might by Proclamation, to be issued in manner in the said Instructions provided, except and exclude from the Province of New Ulster: And we did further ordain and appoint that the parts of the Island of New Ulster which might be so excepted and excluded, with all the remaining parts of the New Zealand Islands, should constitute the Province of New Munster; and, further, that the dependencies of New Zealand should respectively constitute a part of, and be considered as attached and belonging to, the respective provinces to which they may severally be most contiguous:

* This petition is not on record.

Now we do hereby proclaim and declare that so much of the said Island of New Ulster adjacent to Cook Strait, which lies to the south of a line commencing at the centre of the mouth of the River Patea where it joins the sea, and running thence due east until it reach the east coast of the said Island, shall be excepted and excluded from the Province of New Ulster, and shall form part of the Province of New Munster:

And we do hereby further declare and appoint that this our Proclamation shall take effect upon and from the date hereof:

In testimony whereof we have caused this our Proclamation to be sealed with the Public Seal of the General Government of New Zealand.

Witness our trusty and well-beloved George Grey, Esquire, our Governor-in-Chief in and over the Islands of New Zealand, at Government House, at Auckland, in the Province of New Ulster, this tenth day of March, in the eleventh year of our reign, and in the year of our Lord one thousand eight hundred and forty-eight.

By His Excellency's command.

ANDREW SINCLAIR,

Colonial Secretary.

G. GREY,

Governor-in-Chief.

GOD SAVE THE QUEEN!

No. 10.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 15.)

MY LORD,—

Government House, Auckland, 16th March, 1848.

I beg to state, for your Lordship's information, that, in my recent visit to the southern settlements, an opportunity offered of my examining a portion of the country lying in the vicinity of the Port of Otago, at which, I understand, a settlement is to be formed: indeed, I am informed that the first emigrants are already on their voyage from England for the purpose of occupying this locality. I am happy to be able to state that I have never seen any locality which appeared to me better adapted for the occupation of British settlers; and, from the fertility of the soil, the unequalled facilities which it offers for the depasturing of sheep and cattle, and its general remarkable advantages, there can be no doubt that the southern portion of the Middle Island offers prospects of the most cheering kind to the intending emigrants, of whose ultimate success there can be no doubt. The distance of this part of the Middle Island from Wellington leads me, however, to apprehend that the early settlers at Otago and in its vicinity will experience considerable disadvantages from the remoteness of the seat of Government, which will be situated in the Northern Island. I would therefore suggest to your Lordship that, should there be any probability of a large number of settlers proceeding to Otago, it would greatly promote their prosperity and increase their chance of escaping the difficulties which young and distant settlements have generally to undergo, if Her Majesty would authorise me to proclaim the creation of a third province in the New Zealand Islands, embracing in its limits about half the Middle Island, together with Stewart's Island, and the dependencies of New Zealand lying to the southward of that Island.

By the recent Charter Her Majesty is empowered to create such a province, and a provision has been made for reserving from its revenues a civil list of £6,000 per annum, which, under judicious management, would suffice to pay the salaries of the Lieutenant-Governor and the chief civil officers, together with a considerable portion of the incidental charges of the Government; and I believe that, with the advantage of possessing from its earliest days the presence of an efficient local Government, the progress of the settlements formed in this southern province would be so rapid that it would shortly yield a large surplus revenue.

It will be seen from Lieutenant-Colonel Bunbury's report to Governor Hobson, of the 28th June, 1840, that this officer, even at that date, fully reported the apparent capabilities of the southern portion of the Middle Island, and my own observations lead me entirely to concur in his views: in fact, I have never seen a country better adapted for the reception of immigrants; my only apprehension is the distance of this point from the seat of Government, from which cause I fear that very serious inconveniences, perhaps disasters, may spring. I have stated these views to the New Zealand Company's principal Agent, as embodying my only objection to the formation of the proposed new and distant settlement, and I at the same time acquainted him that I would bring under your Lordship's notice the subject of forming that portion of New Zealand into a separate province. I ought further to state, for your Lordship's information, that I think the adoption of this measure would be very beneficial to the whole of New Zealand, as there would then be no portion of these Islands which would be removed beyond the efficient reach and constant control of Government, a circumstance which, looking to the nature of the New Zealand coast line, and the facilities which this affords for smuggling, and at the same time considering the varied and peculiar nature of our population, is, in my belief, a matter of the utmost consequence to the peace and prosperity of all the settlements in these Islands.

Should your Lordship, upon a review of all these circumstances, determine upon adopting this measure, you may feel quite satisfied that the settlements established in the southern portions of New Zealand, if they are judiciously managed, will be extremely prosperous in themselves, and will tend greatly to promote the interests of the colonies already established in other portions of these Islands.

The Right Hon. Earl Grey, &c.

I have, &c.,

G. GREY.

No. 11.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 84.)

MY LORD,—

Government House, Auckland, 9th October, 1848.

It appearing to be an object of some importance that your Lordship should at the present time be minutely informed of all the circumstances which transpire in this colony in reference to the

form of legislative institutions which may be introduced into it, I have the honour to transmit copies of the only two addresses—each of which was numerously signed—which have been presented to me upon this subject, together with copies of the replies which I returned to those addresses. It was very gratifying to me to find, notwithstanding the violent attacks so constantly made upon me by that portion of the Press which is under the influence of the land claimants, and by some few of the officers of the Church Missionary Society, yet that upon so important and exciting a subject as that of representative Government, the most distinct recognition was made by so large and influential a portion of the inhabitants of this country of the discretion with which I had exercised the large powers with which I had been intrusted, and of the benefits which have resulted to New Zealand from the line of policy I had pursued.

The Right Hon. Earl Grey, &c.

I have, &c.,
G. GREY.

Enclosure 1 in No. 11.

ADDRESS from certain INHABITANTS of WELLINGTON to His Excellency GEORGE GREY, Esq.,
the GOVERNOR-IN-CHIEF of NEW ZEALAND.

SIR,—

We, the undersigned inhabitants of Wellington, being deeply impressed with the advantages that belong to a representative form of Government, and fully aware of the strong claims to free institutions which we, in common with other settlements, possess, respectfully submit to you the following considerations.

We beg to remind your Excellency that we at present exist under a form of Government more absolute than that of any other dependency of the British Crown, with the exception of Norfolk Island. In saying this we do not wish to assert or insinuate that your Excellency has misused the exorbitant powers vested in you, but we must at the same time state our belief that it would be much safer that the extensive powers of Government should be accompanied by their usual salutary checks.

Whilst we readily acknowledge the present prosperity of the colony as compared with its condition on your arrival amongst us, and attribute its due share to the circulation of British gold, yet we should be wrong did we permit your Excellency to indulge the belief that it had so utterly corrupted us as to render us indifferent to the possession of representative institutions.

We are aware that your Excellency's position renders it extremely difficult for you, unassisted by the representations of the main body of settlers, to arrive at their genuine wishes; but we warn you against mistaking for indifference their silence at your unexplained postponement of representative institutions—a silence which has arisen solely from the hope that you would ere this have volunteered some information to them of your intentions.

The prosperity of this colony is daily retarded, and labours under many disadvantages, owing to the want of representative institutions. These impediments we forbear now to enumerate under the impression that, if your Excellency receives the present address not unfavourably, you will court further inquiry of us; but, should we be unfortunately mistaken, we must then beg you will at least consider this address as a solemn protest, on our part, against the longer postponement of a representative form of Government.

Wellington, 12th September, 1848.

We have, &c.,
[Here follow the signatures.]

Enclosure 2 in No. 11.

REPLY of His Excellency the GOVERNOR-IN-CHIEF.

GENTLEMEN,—

In reply to the memorial which you have presented to me, I have to observe, in the first place, that I am hardly aware of what is meant by the statement that you at present exist under a form of Government more absolute than that of any other dependency of the British Crown, with the exception of Norfolk Island. In as far as I have any acquaintance with these subjects, this colony is under exactly the same form of Government as every other dependency of the British Crown, with the exception of New South Wales; although none of the adjacent colonies present the feature peculiar to New Zealand of being inhabited by a numerous, proud, and well-armed Native race.

I make these remarks because, whilst there is no real analogy between Norfolk Island and this colony either as regards their present condition or form of Government, I fear that the memorialists have unintentionally used expressions which, amongst those who are unacquainted with their incorrectness, might produce strong feelings, prejudices, and rouse hostile feelings, and thus prevent the subject from being viewed in that calm unimpassioned manner which its importance requires. No person can regret more than I do the extent of the powers with which I have been intrusted, and the heavy weight of responsibility which has been thrown upon me, and this in relation to a subject which involves the welfare of two races between whom but so recently collisions have taken place; which involves further the interest of so many settlements, and of Great Britain, and of the adjacent colonies no less than those of the New Zealand settlements.

I can only trust, amid so many and conflicting demands as will be made upon me, I may be enabled to exercise the powers conferred upon me in a manner which may in the greatest possible degree promote the happiness and prosperity of all. I will at least, to the best of my ability, endeavour so to discharge the trust committed to me as to attain this end.

In as far as the inhabitants of Wellington are concerned, I am sure that, in judging of the measures I may ultimately think proper to pursue, they will remember that, under the most trying circumstances, I have never shrunk from toil, anxiety, or responsibility, to promote their interests, and that I have hitherto, through both peace and war, so conducted their affairs as to secure them a con-

stantly-increasing state of tranquillity, security, and prosperity, whilst in as far as I am concerned, neither time nor circumstances will make me ever forget the friendly assistance and support I have hitherto received from them, and upon which I still rely for the favourable interpretation of those measures which I may have to adopt in reference to the future government of this province, which will be so essential to the future working of such measures.

Government House, Wellington, 12th September, 1848.

G. GREY.

Enclosure 3 in No. 11.

ADDRESS from certain of the SETTLERS at WELLINGTON to His Excellency GEORGE GREY, Esq., the GOVERNOR-IN-CHIEF of NEW ZEALAND.

WE, the undersigned inhabitants of Wellington, being deeply impressed with the great advantages and importance of representative institutions, beg respectfully to urge our claims to them on your Excellency.

While we cheerfully admit the present improved state of the colony, and attribute its increasing prosperity in a great measure to the sound policy of your Excellency's administration, and the discretion exhibited in the exercise of the extraordinary powers with which you have been invested, we feel assured that your Excellency will be desirous to relieve yourself in some degree from these weighty responsibilities by admitting the colonists to participate, by means of representative institutions in the direction of their local and internal affairs; and we are the more anxious to urge our claims upon your Excellency's attention, lest our silence should be mistaken for indifference.

From the increasing number and importance of the southern settlements, and the anxiety felt by their inhabitants for these institutions, we are persuaded that any further delay would be injurious to their interests; we therefore hope your Excellency may be induced speedily to confer upon us those representative institutions which it is admitted we are well fitted to receive, and of which it is believed in our fatherland we are in the actual enjoyment.

[Here follow the signatures.]

Wellington, 18th September, 1848.

Enclosure 4 in No. 11.

REPLY of His Excellency the GOVERNOR-IN-CHIEF.

GENTLEMEN,—

I have so recently delivered a reply to a memorial of the same purport as that which you have now placed in my hands, that I trust I shall be excused if I do not, upon the present occasion, address you at any great length. It may suffice for me to say that, in as far as depends upon me, the southern province of New Zealand shall, in the shortest practicable period of time, be in possession of a Legislative Council, and that, should the constitution of that Council prove unacceptable to the colonists, it will afford me much pleasure from time to time to modify it so as to render it suitable to the advancing circumstances of the colony.

At the present moment there is probably no portion of the world in which life and property are more secure than in New Zealand, nor is there any country which holds out greater promise of prosperity and happiness to intending emigrants.

The safety of yourselves and of your families, and of the numerous British population so widely and thinly scattered throughout the country, as also the maintenance of the now rapidly-increasing value of property, are necessarily to me objects of such near and dear concern, that I weigh, with the greatest care and anxiety, every step I take which might disturb or interrupt the present happy state of things. I thus, perhaps, may move more slowly and cautiously than some would desire; all I, however, ask of you is, to attribute my caution to the true motives, and not to any desire upon my part to thwart those very natural wishes which you have expressed in language for which I feel grateful, and which gives you a new claim to every exertion upon my part to promote your welfare and happiness, and, in as far as my duty permits, to consult your wishes.

Government House, Wellington, 18th September, 1848.

G. GREY.

No. 12.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 104.)

MY LORD,—

Government House, Auckland, 20th November, 1848.

I have the honour to report that upon the 18th instant I opened the Legislative Council at Auckland in order that I might bring before them a measure which would place in the hands of the authorities of the Province of New Munster the powers requisite to enable them to adopt such remedies as their local experience might point out as the best adapted to relieve the calamities which, from the despatches of Lieutenant-Governor Eyre, of the 19th and 21st ultimo, appeared to have fallen upon that province. I have the honour at the same time to transmit for your Lordship's information a copy of my address to the Legislative Council upon that occasion.

The Right Hon. Earl Grey.

I have, &c.,

G. GREY.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 106.)

MY LORD,

Government House, Wellington, 29th November, 1848.

I have the honour to transmit, in order that Her Majesty's pleasure may be taken thereon, an Ordinance which I have enacted, with the advice and consent of my Legislative Council, intituled "An Ordinance to Provide for the Establishment of Provincial Legislative Councils in the Colony of New Zealand."

2. As this Ordinance is only intended as an introductory step to the establishment of a complete Constitution, which I regard as that which is best adapted to the Islands occupied in the irregular manner in which these have been, and which are inhabited by such mixed and peculiar races; and as the whole merits of the Ordinance will depend upon Her Majesty's Government approving in the first instance of the form of Constitution which I propose should be ultimately adopted, and then upon their considering the present measure as a proper introductory step to such a Constitution, it will be necessary for me to explain in some detail my views upon this subject.

3. At the present moment the New Zealand Islands are only divided into two provinces, but recent despatches which I have received lead me to believe that they will shortly be divided into three, if not into four provinces. I have also received despatches which inform me that the boundaries of the provinces now existing are only to be regarded as temporarily fixed, and that they will probably be altered within a few months. It will be impracticable, therefore, until these details are adjusted, to attempt to introduce any system of representative government which would present a character of the slightest permanence. I apprehend, however, that within a period of four or five years the whole of these details will have been adjusted.

4. There is also every probability that within the same period of time the amount of European population within these Islands will have so much increased as not to present so striking a disparity in point of numbers, when compared to the Native race, as at present; that the supplies of arms and ammunition of the Natives will be exhausted; that their fondness for war will have declined; that they will have made great progress in civilisation, and that their jealousy and suspicion of the Europeans will have become extinct; and this is the more likely to be the case as by the period of time I have indicated there is every probability that all disputes connected with the subject of the lands of the Natives will have been satisfactorily and finally arranged.

5. As there is every apparent chance that within such a short period of time the measures which have been hitherto successful will have secured permanent prosperity and tranquillity to New Zealand, and as it is clear that, when the country is in such a state and can defray its own expenses, the European population will be very impatient under the form of Government at present in existence, I think it would be a wise and prudent line of policy on behalf of Her Majesty's Government, at the same time that they continue the exertions that they have already made for the permanent settlement of the country, to carry on concurrently with these, modifications in the existing form of Government, which should gradually prepare the way for a complete system of representative institutions which might be brought into full and complete operation at the time that the operation of the Act of Parliament which suspends the Constitution of this colony expires. By pursuing this policy your Lordship will, at the same time that you are completely adjusting the affairs of the country, be preparing a form of Government which will afford every practicable guarantee for the future maintenance of the state of tranquillity and prosperity to which the country will have been brought when it is introduced, whilst I fear that, unless some precautionary measures of this kind are taken, by some imprudent or hasty proceedings all the good which has with so much cost and trouble been effected may at a future period be speedily swept away.

The following is the outline of the form of Government which I would recommend should be ultimately adopted for these Islands:—

(1.) I would recommend that one General Assembly should be constituted for the whole of the New Zealand Islands, to consist of a Legislative Council of persons summoned thereto by Her Majesty; and of an Assembly to be composed of representatives returned by the several provinces into which New Zealand may be divided, in such proportions as the European population of each province may bear to the European population of the whole Islands, in as nearly as these several amounts of population can be ascertained.

(2.) I would further recommend that a Legislative Council, consisting of one Chamber, should be constituted in each province into which New Zealand may be divided, to be composed of persons summoned thereto by Her Majesty, and of representatives elected thereto by the electors of the province, one-third of the whole Council being appointed by Her Majesty and two-thirds being elected by the inhabitants of the province. In this Chamber the Governor or Lieutenant-Governor should not have a seat.

(3.) I would recommend that those towns or districts which desire to have municipal corporations should have such institutions bestowed upon them, but that a participation in the advantages of a Legislative Council should in no way be made dependent upon a town or district accepting a municipal corporation, or the contrary.

(4.) I would recommend that the General Assembly for the New Zealand Islands should possess in full all the powers of legislation which are usually conferred upon such Assemblies, and that the Governor-in-Chief, or person acting in that capacity, should have all the usual powers of giving or withholding his assent to Bills passed by the Assembly. And I would further recommend that the General Assembly should be empowered to make laws modifying or altering either the constitution or powers of the Provincial Legislative Councils. Provided always that such laws should not come into operation until they had been laid before Her Majesty in Council for the Royal assent.

(5.) I would recommend that the Provincial Legislative Councils should possess all the powers of legislation which are conferred on such bodies by the Ordinance herewith transmitted for Her Majesty's

approval or disallowance; that is, I would recommend that they should be allowed to make and ordain all such laws as they might judge expedient for the promotion of the peace, order, and good government of the province, with the following exceptions: That it should not be competent for the Provincial Legislative Councils to make any laws repugnant to the laws of England, or to any Ordinance made and enacted by the Governor-in-Chief and General Assembly of New Zealand; and that any law of a Provincial Legislative Council which might be repugnant to any law subsequently made by the General Assembly should cease to have any force or effect after the passing of the latter law. And that it should not be competent for the Provincial Legislative Councils to make or enact any law or Ordinance for any of the following purposes: (1st) For the regulation of duties of Customs to be imposed on the importation or exportation of any goods at any port or place in the said New Zealand Islands; (2nd) For the establishment of a general Supreme Court, to be a Court of jurisdiction or appeal from any of the superior Courts of any separate province; (3rd) For determining the extent of the jurisdiction, or of the course or manner of proceeding of such general Supreme Court, or of the said superior Courts; (4th) For regulating the current coin of the said Islands, or any part thereof, or the issue therein of any bills, notes, or other paper currency; (5th) For determining the weights and measures to be used in the said Islands, or in any part thereof; (6th) For regulating post offices, and the carriage of letters between different parts of the said Islands; (7th) For establishing laws relating to bankruptcy and insolvency; (8th) For the erection and maintenance of beacons and lighthouses on the coast of the said Islands; (9th) For the imposition of any dues or other charges on shipping at any port or harbour within the same; (10th) For regulating marriages within the same, or any part thereof; (11th) For affecting Crown lands, or lands belonging to the aboriginal native owners, or for imposing any disabilities or restrictions on persons of the Native race, to which persons of European birth or descent would not also be subjected. And I would further recommend that the Provincial Legislative Councils in making laws or Ordinances should conform to and observe all such instructions as Her Majesty should issue for their guidance thereon; and that such laws or Ordinances should be made subject to Her Majesty's confirmation or disallowance; and that no Ordinance of any Provincial Legislative Council should be assented to by the Governor or Lieutenant-Governor without the previous sanction of the Governor-in-Chief.

(6.) I would recommend that all the provisions respecting the appropriation and distribution of the revenue, and the reservation of the civil list in each province, which are contained in the New Zealand Charter, and are set forth in the Ordinance herein enclosed, should be retained in force, with the exceptions hereinafter stated, if they should meet with your Lordship's approval.

(7.) I would recommend that the members of the House of Representatives of the General Assembly should be returned by direct election by the voters of each province.

(8.) I would recommend that the representatives for each Provincial Legislative Council should in the same manner be returned for such Council by direct election of the voters of each province.

(9.) I would recommend that the right of voting at elections should be exercised by such European subjects of Her Majesty as can read and write; and who have either an estate of freehold in possession, in lands or tenements situated within the district for which such vote is to be given, of the value of £30, or who are householders within such district, occupying a dwelling within the limits of a town of the annual value of £10; or in the country, of the annual value of £5. And I would recommend that such right of voting should be exercised by such Native subjects of Her Majesty as are possessed of property in Government securities, in vessels, or in tenements, within the district for which their vote is to be given, of the clear value of £200, or who may be authorised to exercise such vote by a certificate granted to them for that purpose by the Governor-in-Chief. And I should also wish to see, if practicable, a power given to the Governor-in-Chief to change this Native franchise from time to time by Proclamation, such Proclamation being subject to be disallowed by Her Majesty.

The main features of the form of Government thus proposed to be introduced into these Islands are adopted from the Constitution your Lordship intended to have been given to New Zealand; and its intention may in general terms be said to be, to bestow on each province into which the Islands now are or may hereafter be divided, those large powers of self-government which their distance from the chief seat of Government, and the great difficulties at present experienced in communicating with the different portions of such extensive Islands, appear to render necessary, whilst at the same time an immediate means is provided of legislating, by means of a general Legislature, on all those subjects of general interest upon which it is most important that uniform laws should prevail throughout the whole territory. And as it might, ultimately, be a great misfortune to the whole country to be split up into so many independent sovereign States, it is proposed to provide in the General Assembly a body which may hereafter absorb into itself many of those powers which are in the first instance given to the Provincial Legislative Councils, by constantly increasing the number of subjects on which general laws for the whole of New Zealand are made, so that ultimately, as the means of communication become more perfect and the spread of population unites the now scattered settlements into one community, the Provincial Legislative Councils may gradually more and more merge into the form of District Councils, with extended powers of legislation.

The reasons which have induced me to recommend that the general Legislature of New Zealand should consist of two Chambers, a Legislative Council and a House of Representatives, are so obvious, that I need not trouble your Lordship by stating them here.

I have been induced to recommend that the Provincial Legislative Councils should consist of only one Chamber, because I doubt if in a young country it would be easy to procure a sufficient number of qualified persons to constitute two distinct Chambers, and because, ultimately, probably a single Chamber is that form of body which is best adapted for a District Council possessing extensive powers. It also appeared probable to me that the founders of the new settlements which are likely soon to leave England for New Zealand, such as the Free Church of Scotland Settlement and the Canterbury Settlement, might perhaps wish to avail themselves of the provisions of the Ordinance enclosed in this despatch, by having the members of their single Chamber (the Legislative Council) nominated by Her Majesty previously to their leaving the Mother-country, in which case they might agree on a con-

siderable number of local enactments before they left England, which they could pass immediately on their arrival in this country.

In reference to the proportions which I have recommended should be ultimately observed in the Provincial Legislative Councils between the number of members nominated by Her Majesty and those elected by the people, I should state that I thought it better to name in the first instance such a proportion rather than to name any specific number of persons as that which Her Majesty might call to these Councils; because in several provinces, with such various amounts of population, great differences must exist in the size of the respective Councils; and in those provinces in which the Native population is large it may be necessary to call to the Council the Native Secretary, the Surveyor-General, and other officers whose presence might not be required in the Councils of other provinces. Upon the whole, therefore, I thought it better to name the proportions I have done as those which should be first adopted, leaving it to the General Assembly, with the assent of Her Majesty, to make any alterations in those proportions which experience might hereafter point out as necessary.

It appears unnecessary for me to enter into any detail upon the subject of the various reasons which have led me to recommend that the several powers of legislation I have previously mentioned should be conferred respectively upon the General Assembly and the Provincial Legislative Councils. The general object I have in these respects had in view was, as I have before stated, to constitute one general Legislature for the whole territory, with complete powers of legislation, who upon all subjects of general interest could pass laws which would prevail throughout the whole of the New Zealand Islands; yet at the same time to make ample provision for the existing difficulties of communication and for the scattered state of the settlements by providing legislative bodies which, whilst they had large powers for the purposes of local legislation, were precluded from legislating upon subjects of general interest. It is also proposed to prohibit them from legislating upon points connected with the Natives, all such questions being reserved for the General Assembly, where the number of representatives from different provinces, some of which will be in no manner mixed up with Native questions, will probably insure an impartial and dispassionate consideration of such questions.

I have recommended your Lordship to sanction the principle of the direct election of the representatives to the several Chambers, instead of causing them to be returned through the intervention of another body, because the whole of my experience in these colonies induces me to think that the system which I have recommended will work far better in practice than any other, and because I believe it will be more agreeable to the wishes of the settlers themselves.

In the various provisions which I have introduced into the enclosed Ordinance, relating to the amount of the civil list which is to be reserved, its appropriation, &c., I have followed the exact words of the Constitution which was sent out by your Lordship, the whole of these provisions appearing to me, with one exception, to be most excellent. The one I allude to is the amount of the civil list to be reserved in each province; and in respect to that, looking to the large amount of the Native population, and the sums that they will contribute to the revenue, whilst they will be nearly wholly unrepresented, I think it might be more prudent upon the whole to reserve for the next few years a civil list of £10,000 per annum in each province. In fact, I think that the reservation of a larger civil list might enable representative institutions to be introduced into New Zealand at an earlier period than would otherwise be prudently done by reserving a sum which could be applied for the benefit of that large portion of the Native population who, whilst they will contribute largely to the revenue, will under a system of representative Government have no voice as to the mode in which it is to be applied, an evil which I confess I can never contemplate without a great degree of apprehension.

In proposing the rate of franchise which I have named in this despatch, I have been influenced by the desire of including among the voters all those persons who have acquired or are acquiring small properties on which they intend to reside themselves during the remainder of their lives, and to settle them on their children. Persons of this class have such a stake in the colony that they will sincerely desire its prosperity and welfare. They are also, generally speaking, an extremely religious well-conducted class of persons, and, as owners of property, are required to make themselves acquainted with a large class of subjects which are seldom brought under the notice of persons of their condition in England; I think, therefore, that the right of giving a vote may with great safety be left in their hands.

Having thus given an outline of the form of Government which I recommend should be ultimately introduced into these Islands, your Lordship will see that the measure which I have now transmitted for Her Majesty's approval makes all the necessary preparations for the introduction of such a Constitution. Parliament has already constituted in New Zealand a General Council, composed of persons to be nominated by Her Majesty, which possesses all the powers which I propose should be conferred upon the General Assembly, whilst the Ordinance I have now the honour to enclose creates Provincial Legislative Councils, composed of persons to be nominated by Her Majesty, which Councils will possess all the powers which I propose should be eventually conferred upon the Provincial Legislative Councils. In point of fact, therefore, the merits of the Constitution I propose should be ultimately introduced into New Zealand will, in so far as the working of the several legislative bodies is concerned, both for the whole territory and for the several provinces, be immediately tested by actual practice, and any errors which may have been committed in the faulty balancing of their respective powers can be readily adjusted; whilst, should Her Majesty think proper ultimately to confer upon New Zealand such a Constitution as I have recommended, there will exist, if the Ordinance I have now transmitted is approved, at the period of the introduction of such a Constitution—(1stly) A general Legislature for the whole Islands, which can adjust the details of the Constitution, by aiding the Governor-in-Chief with their advice as to the proportional number of representatives which should be returned from each province; and (2ndly) There would also exist in each province a legislative body who would aid in dividing the province into electoral districts, in proportioning the number of representatives to the several districts, in determining the polling places, and in many of the details which could not properly be adjusted without the intervention of some such bodies.

Your Lordship will see, from the foregoing observations, that the plan now submitted for your approval embraces an attempt—(1st) To provide an immediate effective Government for New Zealand. (2nd) To render that of such a form as to test the merits of a complete representative form of Government which, it is proposed, should ultimately replace it. (3rd) To constitute a temporary Government, which should hereafter settle all the details of that representative Government, for which it is to be a mere preparation, and that the form of Government which will be actually in operation in New Zealand, if Her Majesty should approve the enclosed Ordinance, and until such time as the Queen's pleasure regarding it is made known, will be a General Council for the whole Islands already constituted by Act of Parliament, composed of persons nominated by Her Majesty's directions, which possesses all those powers of legislation which it is proposed finally to vest in a General Assembly, and of a Provincial Legislative Council for each province, which would be constituted by the enclosed Ordinance, composed also of persons to be summoned thereto by Her Majesty, which Council would possess all those powers of local legislation which it is proposed finally to vest in the Provincial Legislative Councils to be created by the Constitution finally recommended for your Lordship's approval.

The form of Government, therefore, now in operation is the exact counterpart of that it is proposed finally to introduce, with the exception that it is at present composed wholly of persons nominated by Her Majesty instead of being composed partly of persons so nominated, and partly of persons elected by the voters of the colony; and, secondly, with this difference, that the General Council is composed of one Chamber instead of two.

But the present form of Government presents these advantages in reference to the immediate state of the country: (1st) The members of the various legislative bodies being nominated by Her Majesty, the present form of Government can be brought into immediate effective operation throughout the whole of New Zealand, without any regard to the number of inhabitants in any one province, or to its precise boundaries, and also without any reference as to whether it has or has not been divided into electoral districts. (2nd) The efficacy of the general laws which have been enacted by the General Council for the whole of the New Zealand Islands will be tested by some years' actual experience, and whilst this General Council is in its present simple form any additions or amendments to these laws, which that experience may point out as necessary, can be made, so that when a representative form of Government is introduced no immediate necessity will exist for summoning a General Assembly. (3rd) The mode in which an attempt has been made to apportion the powers of the General Assembly and the Provincial Legislative Councils, so as to meet the general and local requirements of the country, will also be tested by actual experience throughout the whole Islands, so that any errors in this respect will be discovered and be rectified before the proposed representative form of Government is finally introduced. (4th) A means of carefully introducing, at the proper time, a representative Government is provided by the creation of bodies which will have the requisite experience and knowledge to enable them to adjust those local details on the proper arrangement of which the success of the measure will so much depend.

The Right Hon. Earl Grey, &c.

I have, &c.,
G. GREY.

No. 14.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 107.)

MY LORD,—

Government House, Wellington, 6th December, 1848.

In your Lordship's Despatch No. 48, of the 29th June last, I find that the following points in reference to the proposed Canterbury Settlement in New Zealand are named as requiring my immediate report.

* * * * *

Secondly. Whether the district which may be selected for the proposed settlement can be formed into a separate province.

* * * * *

The second point upon which I am called on to report to your Lordship can be only satisfactorily answered when I am aware what district the agent of the Association may think proper to select as the site of the settlement; but the following general observations upon the subject may be found useful.

In as far as I can ascertain at present, both the Company's principal agent and the agent to the Association appear inclined to select Port Cooper, on the eastern coast of the Middle Island, as the site of the proposed settlement. It is generally believed that Port Cooper is a good harbour, and that very extensive tracts of good land exist in its vicinity: inquiries are now, however, being instituted on both these points, and, should these terminate satisfactorily, I think it most probable that Port Cooper will be the point chosen by the agent of the Association.

Should such be the case, there would be no difficulty in dividing the Middle Island into two provinces, the southern one of which would contain the settlements in the southern part of that Island and Stewart Island and its dependencies, whilst the northern of the two provinces would contain the Canterbury Settlement and the Nelson Settlement.

Should Port Cooper prove, therefore, upon examination, to be a good harbour, with so fertile a tract of country in its vicinity as it is believed to possess, the advantages it would offer to the Association would be these:—

Firstly. The whole of that portion of the Middle Island, with the exception of the Native reserves, is already the property of the Crown, and is known to be of a fertile character. An immense district is thus laid fully open to British industry and enterprise, without being embarrassed by any questions regarding Native title, so that there would hardly be a possibility of any differences arising with the Native race.

Secondly. There would be no difficulty in forming this district into a separate province from the date of the first establishment of the proposed settlement.

* * * * *

Should these advantages lead to the selection of Port Cooper as the site of the settlement, two questions would then remain to be adjusted:—

Firstly. Where should the capital of the new colony be placed—at Nelson, at Port Cooper, or at some other place?

Secondly. If Port Cooper should be selected as the site of the capital, would it not be just to Nelson, as it would then be placed under a Government so distant from it by sea, that some portion of the public works fund of the Canterbury Association should be expended in opening the road from Nelson to Port Cooper,—a line of road which would be of great advantage to both settlements,—whilst the public works fund of the Canterbury Association would be derived from the sale of Crown land in that province in which Nelson is situated, and possibly partly from the sale of lands which from their vicinity to Nelson might justly be regarded as attached to that settlement?

[The following paragraphs of this despatch allude to a possibility of the Manawatu District being selected as a site for the Canterbury Settlement.]

However, there can be no doubt that the agent of the Association will, after an examination of the Port Cooper District, maturely weigh the several points considered in this despatch previously to making his selection; and your Lordship may rely that, when his choice has been made, the local Government will do their utmost to secure the prosperity and advancement of the new settlement, at whatever point it may be located.

The Right Hon. Earl Grey.

I have, &c.,
G. GREY.

No. 15.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 4.)

My LORD,—

Government House, Auckland, 2nd February, 1849.

In reference to my Despatch No. 106, of the 29th November last, in which I detailed, for your information, the measures I had, in obedience to your commands, adopted for the introduction into this colony of a complete representative form of Government, if a Constitution of the nature I proposed met with your Lordship's approbation, I have now the honour to report the further proceedings which I have taken in reference to this subject.

In the despatch to which I have before alluded, I stated it as my opinion that at the end of about four years I had every reason to believe that a representative form of Government might with safety be simultaneously brought into operation throughout the whole of New Zealand; and my intention at the time I wrote that despatch was not to have promulgated in this colony the outline of the form of Government which I had recommended for your Lordship's approval until I had received your directions to lay my proposed plan before the Provincial Councils in these Islands, who might then have reported their opinions regarding it, and your Lordship, with these reports before you, could then have gone to Parliament for such a measure as, with the information before you, might have appeared best adapted to promote the prosperity of this country. I had calculated that in point of time the whole of these preliminary steps might have been taken in less than two years, which would then have left an ample period for the settlement of the details of the future Constitution, and for the necessary arrangements for its introduction before the expiration of the period which I still think should be allowed to elapse before an attempt is made to introduce a representative Government into these Islands.

Upon my arrival at Wellington, I found, however, that many of the persons who were most interested in the colony appeared to regard it as essential to its future welfare, and to the promotion of emigration to this country, that the nature of the plan I intended to recommend for your Lordship's adoption should at once be made known, and as this desire upon their part appeared to me to be reasonable, and as what I proposed was merely a modification of a form of representative Government which your Lordship wished to confer upon this country, but which, upon my recommendation, you had suspended, I thought that I should in no way embarrass Her Majesty's Government by at once making public the purport of my recommendations to your Lordship, and by allowing, at the earliest possible period, that public opinion should be expressed regarding them.

When, therefore, upon the 22nd of December last, the Legislative Council of the Colony of New Munster brought up to me an Address, the copy of which I have the honour to enclose, I felt justified in returning to them the reply, a copy of which is also enclosed. When my reply was delivered to the Council a long discussion ensued, which resulted in their unanimously adopting, upon the 26th December, the report of which a copy is enclosed. The Council at the same time passed unanimously the enclosed resolution, expressing their satisfaction at the exposition of my plans for the introduction of representative institutions into New Zealand.

Throughout the whole of these proceedings I understood that the form of representative Government which I had recommended for your Lordship's approval met with the cordial approbation of every member of the Council, with the exception of the single point alluded to in their report—viz., the number of persons who I proposed should be summoned to the Provincial Councils by Her Majesty, to which point I need not here allude, as my reasons for the recommendation I made on this subject are fully explained in my Despatch No. 106, of the 29th November last; and I should add that, after waiting to the present date, no representation adverse to the form of Constitution I have proposed has reached me from any quarter.

The only objection regarding any part of my general plan which was raised in the Legislative Council of New Munster was the time at which I proposed representative institutions should be introduced into this country, a feeling in favour of their almost immediate introduction being very

prevalent there, as it is amongst one party in the colony, although I believe that a large portion of the most intelligent members of the community feel with me that their immediate introduction would be impossible. The only other objection that I have heard raised is an objection to the constitution of the present Legislative Councils, composed of members nominated by the Crown, a very general feeling, I believe, existing that the inhabitants of the colony generally would rather be governed by a Governor and Executive Council alone than by a nominee Council, until representative institutions are introduced, as they think that, if they are to be bound by laws made by their fellow-colonists who are not Government officers, they should themselves choose which of their fellow-colonists should make the laws which they are to obey. On the latter point I had clearly no choice but to adopt the course I did, because Parliament already had created a nominee Council for the whole of New Zealand, the members of which, being composed of Auckland gentlemen, had no knowledge of the requirements or wishes of the inhabitants of other portions of New Zealand; and I was therefore, from the necessity of my position, compelled to govern by a nominee Council of this kind; and I cannot but think that I have substituted a less objectionable one in its place, and I have no doubt that it will be shortly generally admitted that I have done so, for I know that I in this respect carry with me the feelings of a large number of most intelligent persons.

The other point—namely, the objections which exist to the delay I propose in the introduction of a complete system of representative Government, appears to require more lengthened remark from me. Your Lordship will remember that all my previous recommendations to Her Majesty's Government for the introduction of representative institutions into New Zealand have been of a partial kind, being restricted to that portion of the southern province which embraces the district immediately surrounding the Town of Wellington and the Middle Island; and that, looking to the large number of Native inhabitants in the north of New Zealand, I have always expressed great doubts as to the period when representative institutions might safely be introduced there. But the state of continued tranquillity and prosperity which the whole of these Islands have now for some time enjoyed has led me to think that within the reasonable period of time I have stated to your Lordship it might now be possible to introduce throughout the whole of New Zealand a representative Government of the form which I have recommended; and the great advantage which would result to the whole of these Islands from a uniform system of Government continuing to prevail throughout their entire extent is one reason which makes me think that the plan I have recommended for adoption would be preferable to any attempt that might be made immediately to introduce representative institutions into the south of New Zealand, confining the province in which Wellington is situated to the district immediately round the town, and leaving the north of the Island under the same form of Government as now exists; a proceeding which would evidently defeat the whole of that portion of my much more extended plan, which contemplates the carrying out the recommendations which your Lordship has made, that New Zealand should be divided into four provinces of nearly equal extent, in that manner which the magnitude and system of colonisation about to be pursued in reference to this country appear to render necessary.

Another reason which makes me think that the introduction of representative institutions, even into the south of New Zealand, should be for the present delayed is that, from causes over which I had no control, my plans in reference to the completion of military roads, and the entire amalgamation of the interests of the Native population with those of the European, have not been completed within the period of time on which I had calculated, and cannot be so for a further period of three, or perhaps four years. These plans have, up to the present period, been, as I believe is admitted by all, completely successful; any sudden stoppage in them would render useless all that has been done, and would certainly entail a greatly-increased military expenditure upon Great Britain, besides again arresting the progress of the colony, and throwing it back into the state of difficulty from which it has emerged; whereas, when these plans are completed, there will be no future chance of any extraordinary military expenditure being rendered necessary by the Government being required to undertake offensive or defensive operations against the Natives; and even the ordinary military expenditure may then be much reduced by the withdrawal of a considerable portion of the troops now stationed in the country. The completion of these plans involves, however, the necessity of the continuance, for a short time, of the aid which has hitherto been received from Parliament, in order that the requisite expenditure may be defrayed; a considerable reduction in which expenditure can, however, be made during the year 1850, and rapid decreases in the expenditure can be carried on in each year subsequent to that date. It is always, however, difficult to make such reductions in the expenditure of a colony, particularly when it is defrayed by the Home Government, without creating great discontent, and this would be, I fear, especially the case if the Legislature of the colony were a representative one, which had been habituated for several years to see a great proportion of the civil expenses of the colony defrayed by the British Treasury. I think that such a Legislature could hardly fail to sympathise with their constituents, who would very unwillingly relinquish the advantages they at present derive from the Government expenditure. The misfortune of this country also is, that any great discontent on the part of the European population reacts upon the Native population, the turbulent amongst whom always become encouraged at any signs of weakness in the Government, and this discontent among the Native population would be heightened in the instance under consideration, from the fact of the Natives as well as the Europeans being equally interested in the continuance of the Government expenditure, and being certain equally to feel its reduction, unless that reduction is most judiciously conducted, and, considering the large number of Natives who would be thrown out of employment, this discontent might produce most dangerous results. I feel, therefore, that there is in the present instance great necessity for enforcing the rule, that the inhabitants of a colony should be required to defray the expenses of their own Government before a representative form of Government is granted to them, and I think that if a guarantee is afforded to them that such a form of Government as I have recommended should be introduced into this country so soon as they can defray the expenses of their own Government, that I could then make the requisite reductions in the Government expenditure, with the cheerful concurrence and co-operation of the great mass of the colonists, and that all danger of discontent and disturbance would thus be avoided.

Your Lordship will see, from the whole of the proceedings which passed in the Legislative Council of the Province of New Munster, that there appears to be a general desire that some guarantee should be given that a representative form of Government should be introduced into New Zealand at the period which I have named, and the best mode which has yet suggested itself for securing such guarantee is, that the provisions of the proposed form of Government should be embodied in an Act of Parliament, to take effect at the date named.

I think that, after having stated at such length as I have done above the reasons which induced me to recommend that the introduction of representative institutions into the whole of these Islands should be delayed till the period I have recommended, it will not be necessary for me to trouble your Lordship further on this subject, and this the more especially as in my Despatch No. 106, of the 29th November last, I detailed also at some length other reasons which made me think that the country was not in a fit state for the immediate introduction of a representative form of Government. I would, therefore, only add that, should Her Majesty's Government think proper to declare that a representative Government should be introduced into this colony at the period named, or at an earlier date, either throughout the whole colony or in any such province or provinces as may for that purpose be proclaimed by the Governor-in-Chief, I would neither shrink from the responsibility of declining to introduce such institutions into any province until I believe they can be safely conferred upon it; nor will I, on the other hand, for a single day unnecessarily delay obtaining for the inhabitants of the colony a boon which I am most anxious to see conferred upon them.

The Right Hon. Earl Grey, &c.

I have, &c.,
G. GREY.

Enclosure 1 in No. 15.

ADDRESS of the LEGISLATIVE COUNCIL of NEW MUNSTER to the GOVERNOR-IN-CHIEF of NEW ZEALAND.

SIR,—

The Legislative Council of the Province of New Munster, while they acknowledge the clear and comprehensive character of the Speech with which your Excellency opened the present session, desire nevertheless to address your Excellency, requesting that you will be pleased to afford such further information to the Council on the subject of the introduction of a representative form of Government into this province as may put them fully in possession of your Excellency's views, and of the plan which it is your intention to submit to Her Majesty's Government.

Had not Parliament conferred a Constitution upon this colony, and had not that Constitution been subsequently suspended at your Excellency's sole and urgent instance, the Council might perhaps have been satisfied with the general allusions to your intentions on this point contained in your Excellency's Address on the opening of the Council; but, having regard to all that has passed in Parliament and elsewhere on the subject of introducing representative institutions into the whole colony, and especially to the large probable increase of the population of this province at an early period by the foundation of important settlements, the Council would submit to your Excellency that, in their opinion, the Government would best consult the interests and feelings of the whole community, and most efficiently conduce to extensive immigration into the colony, by at once declaring as distinctly as possible in detail both the character and composition of the representative Government which your Excellency stated in general terms you should recommend for adoption by Her Majesty's Government; and also, whether your Excellency has it in contemplation to take any steps, in conjunction with the Executive Council, to secure that adoption at the earliest possible period.

The Council are unwilling to trouble your Excellency here with an enumeration of all the points on which they wish for information; but they submit that the questions which they more especially hope to receive an assurance upon are: First, the period within which the representative form of Government which your Excellency proposes shall certainly be introduced into this province; secondly, the principle upon which you propose the elective franchise shall be based; and, thirdly, the power and constitution of such representative Assemblies as will be created.

Relying, therefore, with confidence on your Excellency's consenting to afford the detailed information which they ask, the Council would respectfully request you to acquaint them, at the earliest opportunity, with the purport of the recommendations which your Excellency may have addressed to Her Majesty's Government on the subject.

Council Chamber, Wellington, 22nd December, 1848.

Enclosure 2 in No. 15.

REPLY of His Excellency the GOVERNOR-IN-CHIEF.

23rd December, 1848.

THE following Reply of his Excellency the Governor-in-Chief to the Address of the Legislative Council of New Munster, presented on Friday, the 22nd instant, was then delivered:—

I feel much pleasure in complying with the wishes of the Legislative Council, as expressed in their Address of the 22nd instant, by informing them—(1.) That I have reported to Her Majesty's Government as my opinion that a complete system of representative Government, of the form after mentioned, may with safety be introduced into the whole of the New Zealand Islands at the date when the Act suspending the Constitution recently conferred upon these Islands expires. (2.) That I have recommended that at that date a General Assembly should be constituted for the whole Islands consisting of a Legislative Council, composed of persons summoned thereto by Her Majesty, and of an Assembly, to be composed of representatives returned by the several provinces into which New Zealand may be divided, in such proportions as the European population of each province may bear to

the European population of the whole Islands, in so nearly as these several amounts of population can be ascertained. (3.) That I have further recommended that a Legislative Council, consisting of one Chamber, should be constituted in each province into which New Zealand may be divided, to be composed of persons summoned thereto by Her Majesty, and of representatives elected thereto by the electors of the province, in which Chamber the Governor should not have a seat. (4.) That I have recommended that the General Assembly for the New Zealand Islands should possess in full the ample powers of legislation which are usually conferred upon such Assemblies; and that I have further recommended that the Provincial Legislative Councils should have (until any alteration on that subject should be made by the General Assembly) the same powers of legislation as are conferred on the Provincial Legislative Councils by the Ordinance which provides for the establishment of Provincial Legislative Councils in the Colony of New Zealand. (5.) That I have recommended that those districts which desire to have municipal corporations should have such institutions bestowed upon them, but that the possession of the advantage of a Provincial Legislative Council should in no way be made dependant upon a district accepting a municipal corporation or not; on the contrary, I have recommended that the representatives should be returned by direct election, both to the General Assembly and to the Provincial Legislative Councils. (6.) That I have recommended that the right of voting at elections should be exercised by such European subjects of Her Majesty as have either a small estate of freehold in possession, in lands or tenements, situated within the district for which such vote is to be given, or are householders within such district, occupying a dwelling of a small annual value; and that I have further recommended that the right of voting at such elections should be exercised by such Native subjects of the Queen as are possessed of property in Government securities, in vessels, or in tenements, within such district for which such vote is to be given, of the clear value of £200, or who may be authorised to exercise such vote by a certificate granted to them for that purpose by the Governor-in-Chief. (7.) In reference to that portion of the Address of the Council in which they request me to state whether I have it in contemplation to take any immediate steps, in conjunction with the Council, to secure the adoption, at the earliest possible period, of the measures which I propose, I have to state that I shall be glad, in conjunction with this Council, to request Her Majesty's Advisers to cause the provisions of such a form of representative Government as I have detailed to be embodied in an Act of Parliament, to take effect from the period which I have named, or at such earlier date as may for that purpose be proclaimed by the Governor-in-Chief, if, in his opinion, the state of the colony would justify him in so doing; but upon this latter point I am anxious not to be considered as holding out any expectations which it may not be in my power to fulfil.

I have, &c.,
G. GREY.

Enclosure 3 in No. 15.

REPORT OF COMMITTEE OF LEGISLATIVE COUNCIL.

26th December 1848.

THE Committee of the whole Council, having taken into consideration His Excellency's reply to their Address of the 22nd instant, beg to report that they are of opinion: That the number of persons summoned by Her Majesty to the Provincial Council, in accordance with the third head of His Excellency's reply, should never exceed five, that being, in their opinion, a sufficient number of persons to represent the Government in the legislative body.

The Committee are not prepared to suggest any further alterations in the plan proposed by His Excellency. They would recommend the Council to request His Excellency to urge Her Majesty's Advisers to cause the provisions of such a form of representative Government to be embodied in an Act of Parliament, to take effect at the period named, or at such earlier date as may for that purpose be proclaimed by the Governor-in-Chief, the Committee being convinced that it is of the greatest importance to the Islands of New Zealand that representative institutions should be introduced at the earliest practicable date.

Enclosure 4 in No. 15.

RESOLUTION OF LEGISLATIVE COUNCIL.

ON the motion of Mr. Bannatyne, it was ordered that His Excellency's Address to the Council be printed.

The Governor-in-Chief gave notice that on Friday next he should propose a series of Standing Orders for the adoption of the Council.

Mr. Bell gave notice that, on Friday next, he should move: That this Council do address His Excellency the Governor-in-Chief, requesting that His Excellency will be pleased to afford such further information to the Council on the subject of the introduction hereafter of a representative form of Government into this province as will put the Council fully in possession of His Excellency's views, and of the plan which it is His Excellency's intention to lay before Her Majesty's Government. That this Council has much pleasure in expressing its satisfaction at the exposition by His Excellency the Governor-in-Chief of his plans for the introduction of representative institutions into New Zealand.

No. 16.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 5.)

MY LORD,—

Government House, Auckland, 6th February, 1849.

I have the honour to acknowledge the receipt of your Lordship's Despatch No. 53, of the 12th July last, drawing my attention to the modification which you suggest in the present boundary-line between the Provinces of New Munster and New Ulster,

I had previously received your Lordship's despatch of the 28th February, 1848, in which you drew my attention to the same subject, but I delayed replying to that despatch until the introduction of representative institutions came to be considered, the two questions being intimately connected together, as the boundary-line proposed in your Lordship's despatch of 28th February, 1848, would throw into the Province of New Ulster a large number of Natives and some very troublesome Native chiefs who are at present excluded from that province.

I beg to refer your Lordship to my Despatch No. 107, of 6th December, 1848, in which, in accordance with your Lordship's suggestions, I proposed the division of New Zealand into four provinces which appear calculated to meet the requirements of the new settlements about to be formed. And I have further the honour to report that, provided the introduction of representative institutions is likely to be for some time longer delayed, I can see no objection to the adoption of the boundary-line between the Provinces of New Munster and New Ulster which is proposed in your Lordship's despatch of the 28th February, 1848.

The Right Hon. Earl Grey.

I have, &c.,

G. GREY.

No. 17.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 23.)

MY LORD,—

Government House, Auckland, 15th March, 1849.

In my Despatch No. 106, of the 29th November last, in explaining the reasons which had induced me to recommend the adoption of the rate of franchise which I named in that despatch, I am afraid that I did not enter in sufficient detail into the state of society in these colonies; and as this is a point with which it is essential your Lordship should be well acquainted, I have thought it better to make the following additional remarks upon this subject:—

We have not in these colonies any class of society which at all corresponds with the poorer classes in England. Generally speaking every well-conducted family, however humble their circumstances may originally have been, acquire here in a few years a property of their own. I think also, as a general rule, that those persons of the humbler classes who emigrate from England may be regarded as being amongst the most enterprising and intelligent of the class to which they belong, who, feeling a capacity to raise themselves if a wider field were opened to them, determine to try their fortune in a new country, and have courage enough to carry out this idea. The acquisition of a property of their own in a new country is only accomplished by such persons after considerable exertions on their part, and by great self-denial, in a country where temptations to irregularity are so strong, and where, from their being separated from their former neighbours and their relatives, there are perhaps greater facilities for carelessness and irregularity than there would be in England.

Persons, therefore, of the humbler class who acquire property in these colonies are generally people of enterprise and intelligence, who have been in their youth made acquainted with want and privation, and who, to escape from this, have had sufficient courage to venture on an undertaking of considerable difficulty, and have then, with much toil and self-denial, succeeded in gaining a competency for themselves and their children. So soon also as they have succeeded in acquiring a landed property their minds are exercised upon an entirely new class of subjects. They have to become acquainted with the nature and form of title-deeds, to make settlements upon their wives and children, to consider the nature and effect of various laws which relate to their own interests, such as fencing Acts, impounding laws, laws relating to local assessments, &c., and they are brought into much more frequent relation with the civil Courts of the country and with the forms and manner of proceeding in these Courts than they could possibly have been in England.

From the almost total absence of an aristocracy, or of a class of old landed gentry, the small landed proprietors and artisans (who soon also become landed proprietors) are required to take upon themselves the almost entire management and control of the affairs of the church to which they may belong; and as there is no established church in these colonies, a great degree of activity and of interest in the affairs of their own church is found to exist amongst the inhabitants generally. The same circumstance secures them the advantage of very frequent intercourse with their own ministers, and has the effect of rendering them a very orderly and religious people. It should also be borne in mind that none of the small landed proprietors of the class which I am describing have any intention of quitting the country of their adoption, but, on the contrary, with a proper pride, desire to leave to their children the inheritance which they have gained for them; and they are generally desirous, by the propriety of their conduct and by the education they afford their children, to remove any disadvantages which the humbleness of their origin might produce for them. These circumstances have led me to regard individuals of the class I am alluding to as in every way well fitted to be trusted with the elective franchise; and I fear that any rate of franchise which is fixed so high as to exclude individuals of this class, and to take in principally the wealthy storekeepers in the towns, would entirely defeat the objects which would probably be in the contemplation of those who proposed such a measure. The storekeepers and merchants in the seaport towns have frequently little or no vested interest in the colony wherein they may temporarily reside; and as we have no old established mercantile houses such as exist in Europe, I think it would not be politic to deprive the *bonâ fide* country settlers of the right of franchise, and to vest too great a share of legislative power in the inhabitants of towns. The foregoing considerations are those which have chiefly led me to recommend the rate of franchise which I have named in my Despatch No. 106, of the 29th November last, and it was partly from these considerations that I was induced so strongly to press upon your Lordship the advantages that would result from a system of direct election in lieu of an indirect election by means of municipal corporations. In as far as my experience in these colonies enables me to judge, I feel confident that a rate of franchise such as I have named in my Despatch No. 106, of 29th November last, must ultimately be adopted in them, and

until it is adopted I do not think that any form of representative government will work satisfactorily or well. To delay its adoption, therefore, when a Constitution is first given to this colony, would not, I think, be productive of any advantage, whilst I feel quite certain that great inconveniences and disadvantages would spring from naming too high a rate of franchise.

The Right Hon. Earl Grey, &c.

I have, &c.,

G. GREY.

No. 18.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 27.)

MY LORD,—

Government House, Auckland, 22nd March, 1849.

I have the honour to state that I have been informed that a petition to Parliament has been forwarded by some of the settlers in the southern district of this colony praying, in opposition to the views I have expressed in my despatches named in the margin,* that representative institutions may be, without any further delay whatever, introduced into New Zealand. As I have not seen this petition, and am entirely unacquainted with its contents, it is not possible for me to make any remarks upon it. But still, as the subject is one of very great importance, and my only anxiety is that a correct and just conclusion should be arrived at regarding it, I have thought it my duty to enclose, for your Lordship's information, the accompanying returns, and at the same time to state that the following facts, which, without entering into detail, may be, in general terms, stated as follows, were in my contemplation when I expressed to Her Majesty's Government my opinion as to the period of time before the expiration of which I did not think that representative institutions could be fully and safely brought into operation within these Islands. I think, also, that these facts are of such importance as to be worthy of the most careful consideration by those who are to legislate upon so important a subject.

2. It will be found from the documents above referred to, and from the Blue Book enclosed in my Despatch No. 8, of the 9th ultimo, that in the northern half of the Northern Island, or in the Province of New Ulster—as your Lordship has proposed to fix the boundaries of that province—there are, exclusive of the military and pensioners, not more than about 2,388 males of all ages, not more than 1,500 of whom can be regarded as adults; and the above number of 1,500 adult males includes all the civil officers of the Government, the police, Customhouse officers, persons employed in military works or in the supply of the troops, and aliens, who here are numerous.

3. The number of males belonging to the regiments quartered here, and to the corps of pensioners, is 1,793—that is 293 in excess of the adult European male population of all other classes. The number of Natives may perhaps be stated, for all ages and sexes, at 80,000.

4. In the southern half of the Northern Island—that is in the Province of New Munster—the number of European males above twenty-one years of age, exclusive of the military, is 1,657; and in this number are included all the civil officers of the Government, the police, Customhouse officers, persons employed in military works or in the supply of the troops, and aliens. The number of males belonging to the troops quartered there is 1,155.

5. I have no means of calculating accurately the Native population within the same district, but those in immediate contact with the Europeans at Wellington, Taranaki, and Wanganui alone amount to about 7,000 souls, and I do not think that the whole of the Native population in the district named can be taken at less than 25,000 souls. The result, therefore, for the Northern Island of New Zealand would stand as follows:—

	Civil.		Military.		Natives.
Adult males	1,500	...	1,793	...	80,000
	1,657	...	1,155	...	25,000
	3,157	...	2,948	...	105,000

And this does not include the naval force. Owing to the paucity of women and children amongst the Natives, the number of males capable of bearing arms forms a very large proportion of the above-stated Native population.

6. The first thing which is clear from the above returns is that, out of the above population of 3,157 adult males, the civil officers of the Government, Custom-house officers, police, &c., have first to be taken to fill the employments rendered necessary by the civil population, the military population, and the large Native population, which employments must necessarily be much more numerous than they would be if the colony consisted of the European population alone; and from the residue of these adult males are to be taken the members of corporations, of the legislative bodies of the provinces, and of the General Assembly, as well as the Magistrates, &c., &c., a knowledge of which circumstances must necessarily be borne in mind by those who legislate regarding the form of Government which is to be introduced into New Zealand.

7. It is perhaps also not unworthy of consideration that, after all the Government employés have been taken from these 3,157 males, there are still left amongst them the numerous disappointed applicants for employment, whose influence, from the very small number of the European population, is perhaps greater here than in almost any other community; and in the same small residue are contained the disappointed land claimants, the aliens, and various persons arriving from the islands in the Pacific and other places, who, having led a lawless life for many years, and being frequently Americans, bear no attachment to the British Government, or probably to any Government whatever.

8. It is also to be remembered that by far the greater portion of the total sum raised by taxation is contributed by the military officers and men, by the naval force, and by the large Native population; and that it may, therefore, perhaps be doubted whether the giving to the population above stated the power of governing the country and of appropriating its revenues is not, in fact, something very different from giving them the power of self-government and of appropriating funds raised from themselves.

* No. 106, of 29th Nov., 1848; No. 4, of 2nd Feb., 1849.

9. It should also be borne in mind that none of the military or naval expenditure incurred by Great Britain on account of any war with the Natives would or could be paid by the Legislature of this country; whilst so soon as the government of the country, and the appropriation of its revenue, is placed in the hands of a representative body in this country, whose interest will very frequently be opposed to those of the Natives, and the Natives understand that this change has taken place, they will jealously watch the proceedings of such a body; and even violent speeches and continued threats uttered by persons believed by the Natives to be hostile to them, and known to possess considerable power, might be quite sufficient to bring about most serious disturbances.

10. The whole country is at present in a state of complete tranquillity, and continues to advance in prosperity and the Native population in civilisation. Past events have shown the disasters and expenditure which may result from rousing the Natives. The question, therefore, naturally rises, what advantage will be gained by immediately introducing representative institutions amongst so small a European population (many of whom do not desire that such a step should be taken), which would be at all commensurate to the risk incurred by such proceeding; and this when a course, which I believe to be a perfectly safe one, has been recommended to the Government which will accomplish all the objects contemplated after a very brief delay.

11. The foregoing arguments have been based upon a peace view of the question; but if Great Britain becomes involved in a war the matter will wear a graver aspect. I have in previous despatches pointed out to your Lordship that if a war does break out, New Zealand will be either one of the weakest and most expensive points of the British Empire, or one of the strongest, which could even afford considerable assistance to the neighbouring Australian settlements. In the plan I have proposed for the present and future government of these Islands, this point has been carefully weighed and considered, and my recommendations have been made in reference to it, and whatever line of policy Her Majesty's Government may determine to pursue on this subject, I think that this view of the case should not be lost sight of.

12. A review of the relative proportions of the civil, military, and Native populations of this country taken in conjunction with the fact of the extensive Native rebellions which have prevailed here, and of the temporary success with which these rebellions have been in some instances attended, and it being at the same time remembered that one British settlement was wholly destroyed, that the existence of two others was for several months in a most precarious state, can I think lead to no other conclusion than that the main question which Great Britain has hitherto had to deal with in these Islands has been the subjugation and civilisation of the Native race. I think also that for all practical purposes of colonisation this end is now being temporarily attained. But I conceive also that the consideration of the foregoing facts would lead to the conclusion that what has been done should be allowed time for its development and consolidation, until which ends are attained it would require but little to sweep away a great portion of what has been accomplished, and to render it necessary for Great Britain, after a period of great suffering and disturbance in this country, to enter anew upon the difficult and expensive task which has now been so nearly completed.

The Right Hon. Earl Grey, &c.

I have, &c.,
G. GREY.

No. 19.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 45.)

My LORD,—

Government House, Auckland, 7th April, 1849.

I have the honour to transmit a memorial to your Lordship, signed by nine gentlemen of the settlement of Nelson, praying that your Lordship would be pleased to direct me at once to introduce a representative form of Government into this colony.

2. I would request your Lordship's attention to the statements made by the memorialists as to the difficulties in which even their portion of the colony was so recently involved, as also to the state of tranquillity to which they admit it has been restored; and I think your Lordship will allow that, when the whole responsibility rests upon me of not bringing about a state of things which might lead to renewed war, and to the destruction of a race now rapidly advancing in civilisation, as also to a large cost of men and money to Great Britain, I must be expected to move with a slowness and caution which may appear unnecessary to those who are very anxious to obtain a thing they greatly desire, and upon whom no responsibility whatever rests.

The Right Hon. Earl Grey, &c.

I have, &c.,
G. GREY.

Enclosure in No. 19.

MEMORIAL from certain INHABITANTS of NELSON to the Right Hon. Earl GREY.

My LORD,—

Nelson, New Zealand, 12th February, 1849.

We, the undersigned, members of a Committee appointed by a public meeting held at Nelson on the 2nd ultimo, have the honour to address your Lordship on a subject in which we feel the deepest personal interest, and upon which we have reason to believe that your Lordship's sentiments are in unison with our own. We allude to the subject of representative Government, the advantages of which we have now for some years seemed to be on the point of obtaining, yet which still eludes our grasp, whilst we are required to be contented with a dwarfish and mutilated caricature of that constitutional liberty which, in its full and fair proportions, every Englishman loves and is accustomed to look upon, the true characteristics of which no sophistry can teach him to forget.

Your Lordship's previous policy with regard to New Zealand has given signal encouragement to these feelings; the Charter of Government sent out by your Lordship in 1846, though not perhaps in all points suited to our present circumstances, would have been thankfully accepted by us, and the institutions conferred by it would, in pursuance of an authority contained in the Charter itself, have

been moulded into a form agreeing with our actual wants; but the Governor-in-Chief has intercepted the boon, and we are now regretfully compelled to protest most strongly against the policy which he has adopted.

Your Lordship will not impute it to fickleness or caprice that we, who so lately supported Governor Grey with our cordial approbation and encouragement, now find his actions arbitrary and his measures suspicious.

The cause of this change is to be traced to his altered conduct, not to our altered sentiments. The colony, when he arrived in it, was in a wholly exceptional state; the threatening attitude of the Natives and the unsettled state of the land question made it necessary that unlimited power should be placed in the hands of a single man, in order to secure that unity and energy of action which at such a crisis were all in all. Such powers were accordingly intrusted to Governor Grey; and, when we witnessed the manner in which he grappled with the difficulties which surrounded him, we gave him our earnest and sincere support, and thus confirmed, as it were, by our approbation the selection of the Home Government. It was as if we had said to him, "We are in a great difficulty; do you come and help us out of it, and we will for the time put ourselves entirely in your hands and obey your orders implicitly." But that exceptional state of things has passed away, and we are returned to the normal condition of an English community. Most opportune, therefore, as it appeared to us, was your Lordship's project of representative Government, which was to put an end to the temporary absolutism which circumstances had rendered needful, and to restore to us that right of self-government which we hold to be natural to and inherent in a community of Englishmen. But the Governor-in-Chief has prevented this plan from coming into operation, and the substitute which he has given to us is a Legislative Council for New Munster, composed, besides the official members, of nine persons sitting on his mere nomination, many of whom, to say the least, would never have been freely elected by us as our representatives, and by whom we scorn to be governed in any other way. We consented to the absolute Government of Captain Grey because we believed it to be for the time beneficial to the colony, but we will never consent to be governed by nine gentlemen who, however estimable they may be in private life, do not possess our confidence as public men, and whose only claim to make laws for us is that they are the Governor's nominees.

The only objection to our demand for free institutions which we think it necessary to notice is this: The upholders of the present system maintain that, so long as the colony receives an annual grant from the Mother-country, it has no right to ask for representative Government. Now, to this argument we would reply that we see no reason why, if the Mother-country is willing to expend a certain sum on the colony for the purpose of rendering it a desirable field for colonisation, she might not intrust the expenditure of that sum to the colonists themselves with as much propriety as to the Governor, who cannot be so much interested as they are in its economical application. But, if this be denied, and the bare alternative is put before us, we have no hesitation in declaring, freely and conscientiously, that, sooner than consent to the further postponement of the representative form of Government, we are willing to see the grant withdrawn.

That your Lordship may give a favourable reception to this appeal against the policy which has led to the formation of a nominee Council, and may speedily crown our earnest wishes by directing the Governor at once to introduce the representative form of Government amongst us, is the sincere prayer of your memorialists.

E. W. Stafford, J.P.

J. Nixon, J.P.

F. Otterson, J.P.

C. Elliott.

Hy. Bedborough.

Geo. White, J.P.

Geo. M. Rae.

Thos. Renwick.

J. P. Robinson.

No. 20.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.
(No. 76.)

MY LORD,—

Government House, Auckland, 22nd June, 1849.

There is one subject of some importance connected with the powers of the Legislatures of the provinces into which these Islands are divided upon which I think it very desirable that specific instructions should be issued by your Lordship.

2. The original General Legislature of New Zealand enacted several Ordinances which received the Queen's approval, and which made specific provision for the education of the Natives, or for providing for their peculiar wants and requirements. These Ordinances, not belonging to those subjects upon which the Legislatures of the provinces are prohibited from legislating, may be at any time amended or repealed by the provincial Legislatures, and a stop may be put to the system already established in New Zealand, or very diverse modes of treating with the Maoris in each province may be adopted, from which great discontent and dissatisfaction might arise.

3. I think that these difficulties might be avoided if a general instruction were issued to the Governor-in-Chief and to the Governors of the provinces to reserve for Her Majesty's assent or disallowance any Ordinances amending or repealing any law affecting the interests of the Native race to which the Royal assent had once been given.

4. If such directions were issued by your Lordship then, whilst full power would be left to the local Legislatures of making any amendments in existing laws, still the operation of the Ordinances now in force could not be suddenly or capriciously interfered with, but ample time would be left to the Natives, and to those interested in their behalf to make such representations to the Queen as would insure a deliberate and impartial consideration for the questions which might be involved in the new measures which it might be proposed to adopt.

5. Until your Lordship's further instructions reach me, I propose, in pursuance of the above recommendations, to reserve for the Queen's pleasure any Ordinances of the nature of which I have above alluded which may be enacted by the local Legislatures

The Right Hon. Earl Grey.

I have, &c.,

G. GREY.

No. 21.

COPY of a DESPATCH from GOVERNOR GREY to the Right Hon. Earl GREY.

(No. 93.)

MY LORD,—

Government House, Auckland, 9th July, 1849.

I had hoped by the present opportunity to have transmitted to your Lordship the Blue Books for the Provinces of New Ulster and New Munster; but that for New Munster not having reached me, I think it better no longer to delay forwarding the Blue Book for New Ulster, together with my annual report upon these colonies.

2. In order that this annual report may be understood, it is necessary to take the following view of the present state of these colonies:—

3. They are composed at present of what may be termed nine principal European settlements, besides smaller dependencies of these. The largest of the settlements contains about seven thousand European inhabitants, and their total European population may be stated at about twenty thousand souls. These settlements are scattered over a distance of about eight hundred miles of latitude; they are separated from each other by wide intervals; and communication, even for persons on horseback, exists only between three of them. Their inhabitants are chiefly British subjects; but there are amongst them many Americans, French, and Germans. The majority of them have never been trained to the use of arms. The settlers, both in the main colonies and the subordinate dependencies, have occupied the country in so scattered and irregular a manner that it would be found impossible to afford them efficient protection. They are generally without arms, and would probably be deprived of them by the aboriginal population if they possessed them at any remote stations.

4. The wide intervals between these European colonies are occupied by a Native race, estimated to consist of one hundred and twenty thousand souls, a very large proportion of whom are males capable of bearing arms. These Natives are generally armed with rifles or double-barrelled guns; they are skilled in the use of their weapons, and take great care of them; they are addicted to war; have repeatedly, in encounters with our troops, been reported by our own officers to be equal to any European troops; and are such good tacticians that we have never yet succeeded in bringing them to a decisive encounter, they having always availed themselves of the advantage afforded by their wilds and fastnesses. Their armed bodies move without any baggage, and are attended by the women, who carry potatoes on their backs for the warriors, or subsist them by digging fern-root, so that they are wholly independent of supplies, and can move and subsist their forces in countries where our troops cannot live.

5. I should correct here a popular fallacy which, if ever acted upon, might prove ruinous to these settlements. It has been customary to compare them to the early American colonies, and the Natives of this country to the North American Indians. There appears to be no analogy between the irregular manner in which these Islands were partially peopled by whalers and persons from all portions of the globe, and the Pilgrim Fathers who founded the early settlements in America. And I have been assured by many excellent and experienced officers, well acquainted with America and this country, that there is, in a military point of view, no analogy at all between the natives of the two countries, the Maoris, both in weapons and knowledge of the art of war, a skill in planning and perseverance in carrying out the operations of a lengthened campaign, being infinitely superior to the American Indians. In fact, there can be no doubt that they are, for warfare in this country, even better equipped than our own troops.

6. These Natives, from the positions which they occupy between all the settlements, can choose their own point of attack, and might even so mislead the most wary Government as to their intended operations as to render it extremely difficult to tell at what point they intended to strike a blow. They can move their forces with rapidity and secrecy from one point of the country to another; whilst, from the total absence of roads, the impassable nature of the country, and the utter want of supplies, it is impossible to move a European force more than a few miles into the interior from any settlement.

7. The Natives, moreover, present no point at which they can be attacked, or against which operations can be carried on. Finding now that we can readily destroy their pas or fortifications, they no longer construct them, but live in scattered villages, round which they have their cultivations, and these they can abandon without difficulty or serious loss, being readily received and fed by any friendly tribe to whom they may repair. They thus present no vulnerable point. Amongst them are large numbers of lawless spirits, who are too ready, for the sake of excitement and the hope of plunder, to follow any predatory chief. To assist in anything which might be regarded as a national war there can be little doubt that almost every village would pour forth its chiefs and its population.

8. With these characteristics of courage and warlike vagrancy, the Maoris present, however, other remarkable traits of character. Nearly the whole nation has now been converted to Christianity. They are fond of agriculture, take great pleasure in cattle and horses; like the sea, and form good sailors; are attached to Europeans, admire their customs and manners; are extremely ambitious of rising in civilisation, and of becoming skilled in European arts; they are apt at learning; in many respects extremely conscientious and observant of their word; are ambitious of honours, and are probably the most covetous race in the world. They are also agreeable in manners, and attachments of a lasting character readily and frequently spring up between them and the Europeans.

9. A consideration of these circumstances will, I think, lead to the conclusion that any attempt to form, in those portions of these Islands which are densely peopled by the Natives, an ordinary European settlement, the inhabitants of which produced all they required, and were wholly independent of the Native race, must end in failure. The Natives in the vicinity of such a settlement, finding themselves excluded from all community of prosperity with its inhabitants, would soon form lawless bands of

borderers, who, if they did not speedily sweep away the settlement, would yet by their constant incursions so harass and impoverish its inhabitants, that they would certainly soon withdraw to the neighbouring Australian settlements where they could lead a life of peace and freedom from such incursions. Upon the other hand, however, it would appear that a race such as has been described could be easily incorporated into any British settlement with mutual advantage to both races; the Natives supplying agricultural produce, poultry, pigs, and a constant supply of labour (although yet rude and unskilled), whilst, upon the other hand, the Europeans would supply the various manufactured goods required by the Natives, and provide for the manifold wants created by their increasing civilisation. Such a class of settlements might easily grow into prosperous communities, into which the Natives, with characters softened by Christianity, civilisation, and a taste for previously unknown luxuries, would readily be absorbed.

10. The questions to be solved have therefore been, how to incline the Native race cordially to assist in the attempt to create so desirable a state of things; and how to provide the funds requisite for governing so many isolated settlements, spread over so vast a tract of difficult country, the intervals between which are occupied by so warlike a race over whom it was necessary to exercise some control. It is worthy of remark here, that the united population of New Zealand is as large as that of New South Wales has until very recently been, and that it is a population, from its mixed and peculiar elements, infinitely more difficult to govern than that of New South Wales, whilst the cost of the machine of government is greatly increased from the number of the settlements and their distance from each other. In point of fact the several settlements are distinct colonies, and both in the difference of feelings and interests of the Europeans, and of the respective Native tribes inhabiting each, differ much more widely from each other than many British colonies do. It appears, therefore, that it would be imprudent and unjust to attempt to draw any parallel in these respects between New Zealand and any other British colonial possession.

11. In carrying out any plan having for its object the amalgamation of the two races, the following difficulties have, until recently, presented themselves: (1.) Hostile encounters had taken place between the settlers and the Natives in the south of New Zealand, and between Her Majesty's forces and the Natives in the northern portion of the country, in all of which the number of killed and wounded on our side had been comparatively so large and the loss of the enemy so small, that they had been led to form an exaggerated notion of their own prowess and strength, and a desire of emulating the example of those chiefs who were imagined by their countrymen to have gained great successes, had excited a spirit of exultation and dissatisfaction throughout the greater portion of the islands; so that whilst a rebellion was actually raging in one portion of the Islands, it was too probable that the Natives would speedily break out into similar excesses in other portions of them. (2.) Disputes existed between the settlers and the Natives in various places regarding their respective rights to certain lands. These disputes, relating to the personal interests of the parties concerned, created between them a feeling of hostility and bitterness which was gradually raising race against race, and which threatened ultimately to become a feeling which could only be put a stop to by the extermination of one party or the other. (3.) As a necessary result of the difficulties existing under the two previous heads, the revenue had almost disappeared, and, by the issue of paper money, a large debt had been contracted; there was thus an absence of the funds requisite for the re-establishment of order and good government, whilst the settlers had also, to a great extent, lost all confidence in their future prospects, and were in a disheartened and desponding condition. (4.) A very great difficulty had been created by the Crown's right of pre-emption having been waived in favour of certain individuals over large tracts of land, and by the inordinate demands of other persons to extensive tracts of country having been entertained by the Government; the result of which was that a party of land claimants had been called into existence who made demands so extravagant and illegal that no Government could accede to them; nor did it appear practicable to make a settlement of these claims, even upon the most liberal basis, without incurring for the Government such a degree of hostility from a large number of persons as would probably exceedingly embarrass and impede any subsequent Administrations.

12. In determining the line of policy the Government should pursue in reference to the first class of the difficulties above named, that is in reference to the war which existed in New Zealand and the rebellion which appeared likely to break out, the following considerations seemed naturally to present themselves:—

13. It appeared to be clearly the duty of the Government, in a firm and decided manner, to crush the existing rebellion, and to put down without delay any disturbances which might afterwards break out; but yet it also seemed clear that its ruling line of policy should be not to embark in any operations in which an absolute certainty did not exist of speedy and complete success, and rather to delay engaging in hostilities which might appear necessary than hurriedly to embark in any contest the result of which could not be foreseen.

14. Indeed, delay in engaging in hostilities was, wherever practicable, obviously the first duty of the Government of this territory. No knowledge of the country of such a nature as to enable an officer to move with certainty a body of troops, even to a few miles from any of our settlements, was possessed by the Government. The number of persons who possessed a competent knowledge of the Native language was so few that it was impossible to secure the services of the requisite number of interpreters. The two races had so recently been brought into close contact that their ignorance of their respective appearance, of their language, customs, and manners, filled them with mutual distrust, whilst their disputes in relation to land embittered their feelings of hostility. It appeared very probable that as the two races became more accustomed to each other, as their knowledge of each other's language and customs increased, and as their private differences were adjusted, so would all necessity for war and conflict between them wear away; whilst, should these anticipations of a delay in military operations rendering a war unnecessary prove correct, it would clearly have been an uncalled-for measure of severity to hurry on a contest with the Natives. And in the case of each individual who fell in such a conflict it might have been said that from his ignorance a man had been destroyed whom a few months' enlightenment would have rendered a good subject, a valuable con-

sumer of British-manufactured goods, and a contributor to the revenue. The loss to Great Britain by engaging in an unnecessary war would also have been great; every hundred soldiers that had fallen must have cost at least £10,000. Moreover, Great Britain, in dispatching two regiments to this country, had made great exertions, which it could not continue or repeat without considerable inconvenience to the public service. Yet even a very few false movements might have entailed so considerable a loss upon the small force in this country as to have rendered large and continued reinforcements necessary. It is perhaps not too much to say that during a considerable period of time any signal failure in an operation which had been entered upon would have led to a simultaneous and almost general rising, the effects and cost of which may easily be conceived.

15. It was also certain that even if the anticipations which had been formed of the benefits which might spring to both races from delaying military operations had not been realised, and it had proved ultimately necessary to embark in a war, yet that each month's delay, by increasing our knowledge of the country and of the Native language, and by enabling us to complete our roads and to consolidate our establishments, would be of the greatest advantage to Great Britain, by enabling it to enter on the contest with greater means and more certainty of success.

16. Mercy, justice, and prudence all appeared therefore to point to delay as the general rule on which the Government should act. This line of policy has therefore been in all instances unswervingly pursued, and the result has quite equalled the anticipation which might reasonably have been formed; for whilst the rebellion which existed, and the disturbances which naturally sprang from that rebellion, have been in all instances crushed, the total loss, of all ranks, sustained on our side through so long a period of time has amounted to only twenty-eight killed and fifty-three wounded; and, in as far as human judgment can form an estimate of such matters, no probability exists of any extensive rebellion ever hereafter breaking out in the country, and even should such disturbances again unhappily break out, our knowledge of the country is now so much more accurate, our alliances with the Natives have become so much more numerous, our military roads have already been so far completed, the number of persons acquainted with the Native language and customs so increased, and the Natives' supplies of arms and ammunition have been so much diminished, that we should enter on such a contest with infinitely greater advantages than we formerly possessed.

17. The efforts which have been made by the Government of this country for the removal of the second class of difficulties alluded to were of two kinds: (1) The resumption of the Crown's right of pre-emption, which had unfortunately been abandoned; and (2) The adjustment of many of the almost innumerable land questions which existed. The task of resuming the Crown's right of pre-emption appeared to be one of great difficulty and danger, but the natural good sense of the Natives, and their continually increasing confidence in the Government, have rendered its accomplishment much less difficult than was anticipated. The various steps which have been taken for the adjustment of the disputes in reference to land have been so fully detailed in the despatches from the various authorities, and the large mass of documents which have been transmitted to the Home Government, that it may be unnecessary to say more than that, with very few and trifling exceptions, every land question in the southern province has been already disposed of, whilst in the northern province nearly all questions connected with lands have been also arranged, with the exception of those which, resting upon grants issued by the Crown, can only be dealt with by our Courts in the ordinary manner.

18. The measures taken to remedy the difficulties detailed under the third head—namely, the want of a revenue, the existence of a depreciated paper currency, and the failure which had taken place in the confidence and expectations of the settlers, have also all been fully detailed in the despatches which relate to those subjects. The objects contemplated by the Government, in reference to these subjects, may be generally stated to have been the imposition of duties which, by a system of indirect taxation, might raise from the Native as well from the European population, a revenue which would increase with every successive step of their advancement, and yearly yield the means for their more efficient control and government, whilst in aid of and in connection with these plans the depreciated paper currency was partly withdrawn, and the remaining portion of it was converted into a funded debt.

19. In order to remedy, in as far as possible, the evils enumerated under the fourth head—namely, the difficulties which had been created by the Crown's right of pre-emption having been waived in favour of certain individuals over large tracts of land, and the claims of others having been entertained to enormous tracts of country—every effort has been made to adjust these claims upon the most liberal terms, and to carry out these arrangements in the most conciliatory manner. This being, however, one of those cases in which individuals have been led to form extravagant expectations which it was impossible for any Government to realise, no efforts could probably have prevented much disappointment and bitterness of feeling ensuing, and it is probable that nothing but time can completely eradicate this evil, although, from the settlement of so large a number of these claims and from the arrival of so many disinterested persons in the colony, the proportionate number of individuals whose expectations have been disappointed is gradually decreasing, and their influence as a party will soon cease to be felt.

20. But little would, however, have been accomplished if the Government had confined itself simply to an attempt to remove the various evils under which these Islands were labouring. It was necessary that active measures should at the same time be taken without delay for the amalgamation of the two races; that the confidence of the Natives should be won; that they should be inspired with a taste for the comforts and conveniences of civilised life; that they should be led to abandon their old habits; that the chiefs should be induced to renounce their right of declaring peace and war; and that the whole of the Native race should be led to abandon their barbarous modes of deciding disputes and administering justice, and should be induced for the future to resort to our Courts for the adjustment of their differences and the punishment of their offenders.

21. Thoroughly to accomplish a change of this nature would require a long series of years and a succession of generations.

22. The utmost, therefore, that any Government could hope to do was to establish institutions which might imperceptibly, but certainly, lead to so complete a change of manners in a barbarous nation as was contemplated; and to secure these institutions by such laws and by such a constitution as appeared to afford a reasonable guarantee for their perpetuity: the first step to be taken to ensure

these ends appeared to be to convince the Natives that our laws were better than their own, as affording more perfect security for life and property, and a much more ready means of adjusting differences which might arise either between Natives and Europeans or amongst Natives themselves.

23. To attain these ends the Resident Magistrate's Ordinance was passed, and mixed Courts were constituted for the settlement of disputes betwixt Natives. At the same time a considerable number of their young chiefs and most promising young men were enrolled in an armed police force, and thus habituated to act as actual administrators in the lowest offices of the law, and were made acquainted with the practical administration of the law in our inferior Courts. This latter measure, at the time it was introduced, excited unbounded ridicule, yet probably no measure has been so totally successful in its results. The Native armed police force has furnished gallant men who have led our skirmishing parties, and who have fallen like good soldiers in the discharge of their duty; and it has furnished intelligent, sober, and steady constables, whose services, under various circumstances, have been found of great utility. The actual result of the two measures combined is sufficiently attested by the number and importance of the cases in which Natives were concerned which have been recently decided by our tribunals, to which until lately the Natives never resorted.

24. To bring the Natives under the influence of the Government, and to gain their confidence and attachment, various measures have been resorted to by the Government. Hospitals have been established in the principal districts to which both races have been equally admitted, and in which they have been tended with equal care; savings banks have been instituted for the benefit of both races; a considerable number of Natives have been employed in the minor offices of the Government establishments; pensions have been conferred on those chiefs who, during the first rebellion, were most distinguished by their gallantry, fidelity, and devotion to the British cause. Large numbers of Natives have been employed on public works and in the construction of roads, thereby securing to the colony the advantage of excellent lines of communication, whilst from the discipline maintained amongst those employed upon public works, those works formed in fact industrial schools, in which the Natives were trained to European habits of order and obedience, were accustomed to use European tools instead of their own rude implements, and were thus gradually trained to become useful labourers for the colonists. The Natives have also been encouraged to pursue improved modes of husbandry; to construct mills, to acquire vessels, to attend to the breeding of cattle and horses, and a newspaper is fortnightly published by the Government for the purpose of giving them useful information and plain practical directions on all those points to which the Government is anxious they should direct their attention.

25. These various measures may be, however, said to aim only at the present improvement and advancement of the Native race, and to make no adequate provision for their continual advancement in the arts of civilised life and for the education of the Native children upon such a system that they might have a prospect of standing on terms of equality with the European race, and of understanding and speaking their language.

26. Fortunately the task of the Government in this respect has been an easy one. There existed in this country three missions, established by different Christian denominations, amongst whom there is perhaps an emulation as to which should achieve the greatest amount of good; and it may reasonably be doubted whether at any period of the world there has existed in one country, amongst so large a number of men who have devoted themselves to the holy calling of a missionary, so many persons who were eminently qualified by piety, ability, and zeal to discharge the functions of the office upon which they had entered. The result has been that these gentlemen, scattered throughout the country, have exercised an influence without which all the measures adopted by the Government would have produced but little effect. Won by their teaching, the Natives have almost as an entire race embraced Christianity, and have abandoned the most revolting of their heathen customs. Instructed by the missionaries, probably a greater proportion of the population than in any country in Europe are able to read and write; and, encouraged by the precept and example of the same gentlemen, they have, in all parts of the Islands, made considerable progress in the rougher branches of civilized life. The Government, therefore, in establishing schools, thought it most desirable not to attempt to set up a system of its own which might have required years for its development (during which a generation might have melted away, and an opportunity have been lost which could never be recalled), but rather to join its exertions to those of the missionaries, and to endeavour, whilst it established its own educational institutions, to render the system of the missionaries more complete and effective than hitherto. It therefore provided considerable funds which should be set apart for educational purposes, but determined that these funds should be applied under the direction of the heads of the different denominations who had missions established in New Zealand, it being provided that the several institutions which received any portion of these funds should be conducted upon the industrial system; that the English language should be taught there, and that a sound, religious education should be imparted to the pupils. Provision was also made for the appointment by the Government of Inspectors, who will examine into the state of the schools, and will ascertain that the various requirements which are imposed by the laws relating to these institutions are strictly complied with.

27. All these measures appeared calculated to secure a permanent and constantly increasing, instead of a scanty and superficial, civilisation for the Native population; and, in order still further to increase the chances of success, two laws were passed, the first of which prohibited the Natives from procuring arms or ammunition, and the second of which debarred them from the use of spirituous liquors. These regulations appeared stringent, and likely to create discontent, but it was thought probable that, united with so many other measures of a character which were agreeable to the Natives, and clearly calculated to promote their welfare, their strong natural good sense would lead them to see that these more distasteful restrictions had originated in the same care for their welfare as had suggested the other portions of the system; and the result has justified the anticipations which were formed, as they have, without complaint, acquiesced in these regulations, and generally and cheerfully acknowledged their beneficial tendency.

28. In the course of the past eighteen months the Natives have on several occasions shown in the most striking manner their increasing confidence in our institutions, and their knowledge of the rights they have gained by their incorporation into the British Empire, by carefully considering the effect

that proposed measures are likely to have upon their future welfare, and by evincing their gratitude or dissatisfaction by forwarding congratulatory addresses for benefits received, or by transmitting memorials against proposed measures to the Queen, on whose justice and desire to promote their welfare they evidently relied with the most implicit confidence.

29. The most cursory consideration of the large number of objects which the Government propose to itself in carrying out the system of policy which has just been detailed, must have shewn that it relied upon receiving, at least for some years, considerable moneyed assistance from some extraneous source, until the improvement which might naturally be looked for in the internal traffic and external commerce of the colony had so far improved the revenue that it would suffice to defray the necessary expenditure of the Government.

30. Such assistance was, in point of fact, most generously supplied by the Imperial Parliament, and it hence became an important object for the local Government so to conduct the financial operations of the colony, that it might, at the earliest possible period, dispense with the assistance which was afforded to it, and thus cease to be a burden upon the parent State, which had so liberally aided it during its early struggles. This end may be said to be so far attained that, in the ensuing year, the resources of the country will suffice to defray the whole of its expenditure, with the exception of £15,000, if the proposed financial operations are approved of which were detailed in the Despatch No. 52 (20th April, 1849), whilst, as in each succeeding year an increase of revenue may be looked for and no corresponding increase in the expenditure will be requisite, the amount of assistance received from Great Britain can be still further rapidly diminished in each year subsequent to 1850.

31. In order that every guarantee might be afforded that the state of prosperity to which these colonies were attaining might have a character of permanency, it was still necessary that institutions should be devised which would ultimately constitute a form of Government which was likely to be adapted to the circumstances of this country, and to be satisfactory to its mixed and peculiar population. It also appeared to be a matter of great importance that continual advances should be made towards such institutions, so that their introduction might be gradual, and that they might, as it were, imperceptibly grow with the growth of the colony.

32. Such a form of institutions had already in their main outline been sketched by your Lordship, and these in their main features presented a Constitution than which nothing better could be devised here, although alterations in the details appeared necessary to adapt them to this country and to the feelings of its inhabitants. These alterations were made, and the form of Constitution which appeared best adapted to New Zealand was fully reported on in the Despatches No. 106 (29th November, 1848), No. 4 (2nd February, 1849), No. 23 (15th March, 1849), and No. 27 (22nd March, 1849), whilst several steps preparatory to their introduction have already been taken in this country; and, in point of fact, with the exception that the Assemblies, instead of being elective, are nominated by the Crown, the proposed system may be said already to be in full operation in New Zealand. The great error which the local Government is in this respect thought by one party in the colony to have committed is too great a delay in introducing the elective principle. It may perhaps, upon the other hand, be urged that, looking to the peculiar condition and population of this country, it is better to err on the side of prudence, and not to incur the risk of the fearful evils which would ensue from another rebellion for the sake of acquiring one or two years earlier that which must certainly within so short a period be obtained.

33. The foregoing sketch of the policy which has been pursued by the local Government, and the reasons upon which that policy has been based, will probably, when taken in conjunction with the various despatches which I have written upon the several subjects alluded to (and which fill up the present outline), form so complete an exposition of the recent proceedings of the Government in these colonies as will make your Lordship fully to understand the returns contained in the Blue Book for New Ulster. I can only trust that I have not omitted to forward information upon any subject which your Lordship may deem important, although amongst so large a mass of matter it is difficult not to fall into the error of too hastily passing over subjects which may be only imperfectly understood in England.

The Right Hon. Earl Grey, &c.

I have, &c.,
G. GREY.

P.S.—I this morning received from the Lieutenant-Governor of New Munster a copy of the Blue Book for that province, together with the usual annual report; it is fortunately, therefore, still in my power to forward these documents to your Lordship, together with the Blue Book for New Ulster.—
G. G.—10th July, 1849.

RETURN of KILLED and WOUNDED in NEW ZEALAND.

Date.	Name of Place.	Killed.	Wounded.
<i>From the 4th March to the 2nd July, 1845.</i>			
March 4, 1845	Kororarika	4 soldiers, 6 seamen	1 soldier, 8 seamen.
May 8, 1845	Okaihau	13 soldiers	39 soldiers and seamen.
July 1, 1845	Ohaiowai	32 soldiers, 2 seamen	60 soldiers, 2 seamen, 4 pioneers.
<i>From the 11th January, 1846, to the 20th July, 1847.</i>			
January 11, 1846	Ruapekapeka	3 soldiers, 9 seamen, 1 pioneer	11 soldiers, 17 seamen, 2 pioneers.
May 16, 1846	Boulcott's Farm, Valley of the Hutt	7 soldiers	3 soldiers.
June 16, 1846	Valley of the Hutt	1 soldier	4 soldiers.
September 10, 1846	Horokiwi	2 soldiers, 1 seaman	6 soldiers.
May 10, 1847	Wanganui	1 soldier.	
July 19 and 20, 1847	Wanganui	3 soldiers	10 soldiers.

Total killed from the 4th March to the 2nd July, 1845, 57; wounded, 114. Total killed from the 11th January, 1846, to the 20th July, 1847, 28; wounded, 53.

Grand total from 4th March, 1845, to 20th July, 1847, 85 killed and 167 wounded.

No. 22.

EXTRACT from a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 120.)

Government House, Auckland, 24th September, 1849.

I HAVE the honour to transmit, for your Lordship's information, the copy of a despatch which I received yesterday from Lieutenant-Governor EYRE, enclosing the published copy of a letter addressed to your Lordship by a Mr. John Dorset, in which are enclosed certain resolutions of a so-called "Settlers' Constitutional Association." It was stated that this letter was to be forwarded to your Lordship through me, but no copy of it has yet reached me. . . .

Enclosure in No. 22.

EXTRACT from a DESPATCH from Lieutenant-Governor EYRE to Governor GREY.

Government House, Wellington, 30th August, 1849.

. . . . "Having observed in the *Wellington Independent* of yesterday's date (a copy of which I enclose) a printed article, which professes to be a copy of a letter and of certain resolutions emanating from the chairman and members of an association designating themselves 'The Settlers' Constitutional Association,' and of which it is stated the originals are to be transmitted to the Right Honourable the Secretary of State for the Colonies through your Excellency, I have deemed it my duty to make a few remarks in reference to the statements contained in these documents. Assuming, then, that the version printed in the columns of the *Independent* is in reality what it purports to be—a literal transcript of the documents which are to be transmitted through your Excellency to Earl Grey—I think two circumstances should be strongly pointed out to his Lordship.

2. The first is that several inaccuracies exist in the statements put forth as absolute facts, whilst others, substantially true, are so put as to lead to very incorrect inferences. I will instance some of these. In Resolution 6 it is stated that, "out of £26,750 awarded to this province for the year 1848, from the Parliamentary grant, only £15,573 had been applied to public roads, the remainder having been frittered away in the support of those useless offices which Sir George Grey has created." In refutation of this statement, I enclose a copy of a return showing the total revenue and expenditure of the province for the year ending the 31st December, 1848. From this return Earl Grey will notice that several very important services were provided for unconnected with the public roads, or with any offices created by your Excellency. Amongst the most prominent of these may be mentioned the repayment to the Commissariat of an outstanding debt for drawback, contracted prior to January, 1848, amounting to £2,434 19s. 8d. (part of the sum of £4,980 5s. 2d. shown in the return); the payment of £1,355 7s. 5d., for additions to and repairs of the building, purchased with a view to its being converted into a Government House; the payment of debentures issued under the administration of Governor Fitzroy, and of interest upon ditto to the amount of £1,083 16s. 1d.; the payment of £1,402 16s. 3d. for land purchases; various remittances to Nelson and Akaroa, amounting to £2,372 16s. 4d., chiefly for public works or in liquidation of outstanding arrears; besides highly important circumstances connected with the Military, the Militia, the Natives, the Special Land Commission, &c.

3. In the same resolution occurs the following paragraph: "Nor has the wastefulness of the existing Government stopped short of bankruptcy, notwithstanding that the Provincial Government received, about the 1st April, 1849, the sum of £6,000 of the Parliamentary grant for the year ending April, 1850. Yet the amount was so far forestalled before received, and so many financial difficulties existed, that in the beginning of May it had publicly to suspend payment." This was not the case, as Earl Grey will observe from the subjoined letter of the Colonial Treasurer. The Government never "had publicly to suspend payment," although some slight embarrassment was temporarily caused about the time referred to by the New Zealand Company's principal Agent having repudiated the liability of that body to meet the expenses incurred in effecting purchases of land from the Natives on their account, and at the same time having refused to meet the instalments which became due on account of the Porirua and Wairau purchases, for both of which districts grants had been issued to the Company. Owing to these causes, the local Government had been suddenly called upon to make heavy payments, for which they had made no provision; and to accomplish this it became necessary temporarily to defer paying the salaries of some of the principal officers of Government—viz., from the first of the month to the eighth (the first of each month being the day on which salaries are, as a mere matter of convenience, usually paid, although officers are not entitled to claim payment oftener than once a quarter). And this is the utmost suspension of payment that ever took place; for all the salaries of the subordinate officers, and all the contingent and other current expenses were liquidated in the usual manner and on the usual days. Not a single public account, therefore, was turned away or left unsettled, as is unjustly insinuated in the paragraph I have quoted.

4. The same paragraph goes on to state: "A few weeks afterwards, the further sum of £4,000 was received from the same source, of which a part is understood to have been forestalled and the residue immediately expended." This is again quite incorrect; the £4,000 referred to was received about the latter end of June, and now, at the close of August, a considerable balance remains on hand, whilst the local Government have no outstanding unsettled accounts, although out of the amount alluded to they have provided themselves with Courthouse, Council Chamber, Colonial Secretary's office, Treasury, and various other offices; have kept up in a state of good repair during the winter months the whole of the Hutt line of road, and have continued their operations under Captain Russell in constructing that of Porirua and Horokiwi, besides a variety of other minor services which it is unnecessary to particularize.

5. In Resolution 7 it is implied that the Provincial Council of New Munster unanimously passed a resolution to the effect that the Parliamentary grant spent in this province on public works has not been productive of so much benefit to the colony as under a different system of application it might have been, and that the Council recommended that for the future, as far as practicable, the system of contracts should be resorted to in the construction of all public works. The resolution was not passed unanimously, and of the members who voted for it, few, I believe, had taken the trouble to visit and examine the works which the resolution professed to condemn, but took their impressions from what they heard from others, as one of the Nelson members very candidly admitted. They might, therefore, be led into the error of supposing that work could always be done in the best and cheapest manner by contract, owing to their being unable to judge of the difficulties the Government had to contend with in getting works of such magnitude and importance executed in the unoccupied parts of a country like New Zealand, amidst steep and rugged mountains, deep ravines, and impenetrable forests, away from the vicinity of all settlers or others, who as residents might have been willing to undertake contracts at moderate prices on lines of road near to them. On this subject I would refer your Excellency more particularly to my Despatches No. 117 of 20th November, 1848, and No. 119 of 21st November, 1848, and to the enclosures contained in those despatches. I would also beg to remark that the Government have always endeavoured, as far as possible, to get public works of every description executed by contract, and that in most cases (excepting the roads) this has been done; whilst even as regards the roads, a variety of services have been so executed, as will be shown by a return herewith enclosed. But it is often impossible to obtain contractors on reasonable terms, and the Government are then compelled to make the best arrangements they can.

6. In Resolution 7 reference is made to a passage in Mr. FitzGerald's report, dated the 1st May, 1849, to the effect that, in that officer's opinion, the non-completion of certain repairs on that part of the Porirua Road which was within three or four miles of Wellington would have the effect of stopping every description of traffic between Wellington and Porirua during the winter season. I can only say that Mr. FitzGerald's opinion was a most inconsiderate one, and has not been borne out by facts, the traffic having been continued uninterruptedly during the whole winter; nor has a single instance come under my notice in which any difficulty of importance has arisen, although undoubtedly the portion of the road referred to much needed repair. Nor could I give a much stronger illustration of this than by stating that within the last day or two (the end of August, or nearly the close of the winter, and consequently that period at which the roads might be supposed to be in the worst state) the charge made to Captain O'Connell, of Her Majesty's 65th Regiment, for carriage of goods between Wellington and Porirua, a distance of fourteen miles, was only 2s. per hundredweight.

7. With regard to the statements implied in the same resolution to the effect that a flagstaff erected in the Government Domain had cost £123 6s., and that it was of no manner of use, I would only remark that, as the return of expenditure incurred on account of Government House Domain flagstaff, &c., was laid before the Legislative Council of the province in the latter part of June, it would have been easy for any of the parties connected with the Constitutional Association to have ascertained its actual cost through some member, and they would then have found that it was little more than one-half the sum so recklessly asserted to have been spent, and might have learnt too that the erection of a flagstaff was part of the original plan, estimated and sanctioned in the latter part of 1847, at the same time as the additions and alterations to the buildings intended as a Government House. The utility of the flagstaff, independent of its ordinary use as a flagstaff, will consist in its being a repeating signal station, from which the signals made at the signal station near the Heads will be repeated for the benefit of the town, as those signals are not discernible from many parts of the town, and can only be made out clearly by the aid of a good telescope, nor will any extra expense be entailed upon the public by this additional convenience, as the signals will be worked by the messenger attached to Government House.

8. In the same resolution (7), when speaking of the Government departments, it is stated that there are for this settlement, and independently of Nelson and other places, a Collector (of Customs, I presume), and several subordinate officers, a Treasurer, and two clerks, and an Auditor-General, and one clerk, to perform the duties, which in 1842, with a revenue only £2,700 less than at present, were performed by the Collector of Customs and his clerks alone. In the first place, there is a mis-statement in reference to the Treasurer's department; only one clerk is attached to that office, and not two, as erroneously asserted; but in the next, and this is a much more important point, the fact is altogether kept out of view that in 1842 there was no separate local government in the South, and that Wellington was then only a dependency upon Auckland, to which place all the accounts were sent to audit, and from which all authorities and instructions relating to the southern district emanated, so that the Wellington Collector of Customs and his clerks did not in 1842 perform the whole of the duties now discharged by the Department of Customs, Treasury, and Audit, as is stated by the resolutions to have been the case. Again, in asserting that the present revenue of Wellington is only £2,700 more than it was in 1842, the parties doing so state that which is not the fact; taking their own version of the revenue at Wellington, 1842, it appears that a sum of £9,758 was collected. Comparing this with a return which I subjoin, showing the actual net received up to the end of August of this year (eight months only of the twelve), Earl Grey will at once perceive that the present revenue of Wellington does exceed by much more than £2,700 the sum stated to be the revenue of 1842; and yet a statement to the contrary is deliberately put forward in Resolution 7; after public promulgation in the *Government Gazette* of the fact that for the financial year ending 31st March, 1848, the Wellington net revenue was £13,432 17s. 3d., or £3,674 17s. 3d. in excess of the sum stated to be the revenue of 1842, and for the financial year ending the 31st March, 1849, £14,400 17s. 8d., or £4,642 17s. 8d. in excess of its being nearly one-half more for this latter year than for the year 1842; and this ratio of increase is going on steadily and progressively, as will be evident from the return now sent of the revenue receipts up to the present time.

9. I must now explain upon what grounds the Settlers' Constitutional Association make their assertions and comparisons with regard to the revenue to which I have referred in the preceding

paragraph. It is stated by them that the revenue of Wellington for the year 1848 was £12,474 4s. 9d. This is substantially true in fact, but the inference deduced from it is the very reverse of true; the period which has been expressly selected is the year ending 31st December, 1848, though such is not stated, but his Lordship should be informed of what appears to be studiously kept out of view—viz., that the last quarter of this year was the earthquake period, during which great temporary depression existed, and scarcely any shipping visited the harbour with exciseable goods; to institute a fair comparison, therefore, the subsequent three months should have been included, and then correct data would have been given of the progress the colony was really making, and such are given in the returns for the financial years ending the 31st March, 1848–49, of which I have stated the summary in paragraph 8.

10. In Resolution 12 the Association quote the items of the Civil List laid by me before the Legislative Council in May, 1849, and comment, in tone of censure, upon some of the items appearing in it; as, for instance, the salary of the Government gardener, &c.; but they omit to state, as I did to the Council, that the reason of such items appearing in the Civil List was that, upon my quitting England in 1847, the Lords of the Treasury had, at the instance of the Secretary of State for the Colonies, sanctioned an allowance of £400 a year to the Lieutenant-Governor in lieu of a house, &c., to enable him to meet the expenses of horses; but that on my arrival in the colony, as a building had been purchased for a Government house, the £400 a year was, under the Governor-in-Chief's instructions, withdrawn, and the use of the house, a gardener, and forage allowance, sanctioned instead; so that, in reality, the gardener's salary is paid out of the allowance to the Lieutenant-Governor, and was, on this account, placed on the Civil List. For the future, however, this item will not appear on the estimates at all, as recent instructions from the Secretary of State have fixed the Lieutenant-Governor's allowance at £250 (the amount recommended by your Excellency), out of which he is bound to pay a gardener to keep up the Government garden and domain. The Association have also omitted altogether to state that, upon a wish being expressed by some of the members of the Council that the items alluded to should not be in the Civil List, I at once struck out those which related to myself personally, and left the Council to vote the amounts of the Civil List thus amended, and which, in reality, is the true Civil List for 1849–50. I append a copy for Earl Grey's information. His Lordship will observe that, whilst the Association quote the Civil List first laid upon the table, they omit to state that that list was withdrawn, and one essentially differing from it substituted prior to the estimates being gone into.

11. In Resolution 13, complaint is made that the despatches of your Excellency to Earl Grey, named in the margin, on the subject of the Constitution which your Excellency had recommended Her Majesty's Government to introduce into this colony, were not laid on the table of the Legislative Council until the last day of the session—viz., the 28th June (misstated in the resolution to be July). In justice to myself I beg to state that your Excellency's Despatch No. 22, 15th March, 1849, enclosing copies of the two despatches referred to, was received by me late in April, and I at once laid them before the Executive Council in accordance with your Excellency's permission, in order that I might have the benefit of their advice as to whether I could with propriety lay the despatches to Earl Grey before the Legislative Council after the very strong terms used in your Excellency's despatch, and repeated again in a postscript, impressing upon me the impropriety of publishing them unless some grave necessity should arise for doing so. My Council, as reported in my Despatch No. 50, 22nd May, 1849, were unanimously of opinion that I ought not, under the circumstances, to make the despatches to Earl Grey public, for reasons which I stated in that despatch, and because they did not consider any greater necessity had arisen up to April, 1849, than existed in December, 1848, when your Excellency was at Wellington, and forbore to make public the one dated the 29th November, 1848, that being in reality the despatch which contained the recommendations objected to by the Constitutional Association. Before the close of the session, however—in fact upon the very last day of it—inquiries were made by one of the members of the Council which materially altered my position, and created a necessity which I considered justified me in exercising the discretionary power vested in me, and laying before the Legislature the two despatches in question, a course which I am happy to find has met with your Excellency's approval.

Sub-Enclosure 1 to Enclosure in No. 22.

[Extract from the *Wellington Independent*, Wednesday, 29th August, 1849.]

WE print to-day the resolutions of the Settlers' Constitutional Association, in reply to Sir George Grey's despatches to the Home Government, recommending the postponement of representative Government in New Zealand. The resolutions were most fully discussed at three several sittings, which were attended by most respectable and numerous assemblages of the members. The names of the gentlemen who moved and seconded the resolutions are a guarantee for their expressing the opinions of all classes of the community: Captain Daniell, J.P., the largest resident land purchaser and one of the earliest colonists; W. Fitzherbert, Esq., J.P., one of the most enterprising of our merchants, and an old settler; A. McDonald, Esq., J.P., the manager of the Union Bank of Australia; W. Fox, Esq., J.P., Principal Agent of the New Zealand Company; F. Weld, Esq., J.P., a partner in the largest sheep-station in New Zealand; W. B. Rhodes, Esq., a most extensive stockowner, merchant, and contractor; J. Johnston, Esq., of the firm of Hervey, Johnston and Co., one of the leading merchants; R. Waitt, Esq., J. Wallace, Esq., and J. Smith, Esq., also leading merchants; Messrs Samuel and Joseph, most extensive importers and exporters; John Wade, Esq., to whose energy and enterprise the colony in its infancy was so much indebted, and present owner of the Wellington Brewery; W. Dorset, Esq., a large landowner, and shareholder in the New Zealand Company; A. de Bathe Brandon, Esq., a solicitor of the Supreme Court; Mr. R. Wallace; Mr. M. M'Beth, one of the most extensive retail dealers; Mr. Roe, formerly sub-editor of the *New Zealand Gazette*; Mr. Marriott; Mr. M'Donnell, a large stockowner; Messrs. Vincent and M'Kenzie, editors and proprietors of the *Independent*; and the Committee appointed to draw up the resolutions, consisting of W. Lyon, Esq.,

and Dr. Featherston, present an array of names which leaves no doubt as to the weight due to the resolutions, and which affords conclusive proof of the determination of the settlers to persevere in agitating the question of self-government till justice is done and their birthright restored. The perfect unanimity with which the resolutions were carried, not a single dissident being found to one of them, and the zealous expression of feeling which they called forth were most satisfactory, and would have convinced Sir George Grey, if he had witnessed it, that he made a great mistake in attempting to delude the colonists of Port Nicholson by fair words and pledges never intended to be fulfilled—such as his promises of steam, of immigration, of roads, and of the assembling of General Councils at Wellington; and that he had made a still greater mistake in holding out such threats as are referred to in Resolution No. 3. Nay, we suspect that Sir George Grey must, without these resolutions to enlighten him, have long ere this become thoroughly convinced that he sadly under-estimated the character, independence, and integrity of the southern settlers when he laid the flattering unction to his soul that he would meet with the same success with them as with some of the present officials, and induce them either by bribes or threats to desert all their principles and abandon the great question of self-government. Let Sir George Grey remain yet another year in New Zealand and a most wholesome lesson will be taught him, a lesson which may not merely prove of incalculable service to him in his future career, but which may serve as a beacon to succeeding Governors to warn them against treading in his Excellency's footsteps—against trifling with and trampling upon the best feelings of a whole community, but especially against endeavouring to accomplish their ends by a systematic recourse to cunning, artifice, and misrepresentation, instead of acting in that spirit of candour and good faith which British subjects have in all quarters of the globe a right to expect from the representative of the Queen. The resolutions form but one link of that long chain of evidence which has been brought forward to stamp the utter untrustworthiness of His Excellency's despatches. As additional links in the same chain, we may refer to Archdeacon Williams's unanswered and unanswerable dissection of the celebrated "Blood and Treasure Despatch," to Mr. Forsaith's recent refutation of one of His Excellency's statements—a refutation so complete that His Excellency was under the necessity of apologizing; and, in short, to the answers which have been called forth by almost every despatch which has as yet found its way back to this colony. Whether Earl Grey, when he finds how grievously he has been played with and deceived by Sir George Grey, with what contempt his instructions have been treated, upon what unfounded representations he has been induced to cancel and recal the great boon of representative Government, will tamely submit to such an unworthy abuse of the confidence he has hitherto so generously but too blindly reposed in His Excellency, remains yet to be seen.

The business of the Association, however, was not limited on the evenings of its session to the refutation of Sir George Grey's despatches. Most interesting discussions on the subject of flax, introduced by W. B. Rhodes, Esq., and on the subject of the iron-sand of New Plymouth, by W. Fitzherbert, Esq., took place, and steps towards the development of these important resources of the colony were taken. A number of the merchants present pledged themselves to give as an upset price at auction £12 a ton for flax dressed according to the samples exhibited; while a subscription to erect a forge and to test the quality of the iron-sand was entered into; and the experiments are already commenced. The subject of immigration was also brought forward, the thanks of the Association given to the New Zealand Company for the liberality of their recent offer, and measures taken to give it publicity, and to enable the settlers to avail themselves of it to the fullest possible extent. It is pleasing to contrast these useful labours of our little self-elected Parliament with the useless and inefficient proceedings of Sir George's nominee Council. On the one hand, we see the colonists manfully standing up in defence of their rights, exposing the fallacies and sophistry of that arch-sophist, Sir George Grey, and ingeniously and intelligently endeavouring to develop the resources of the colony. On the other hand, we see the nominees meanly sacrificing the liberties of themselves and fellow-colonists, maintaining the local Government in a wasteful and enormous expenditure, neither attempting nor apparently dreaming of anything which is likely to promote the welfare of the colony. Look on this picture and on that, and then estimate the good of which Sir George is depriving us by his postponement of free institutions.

The resolutions will be forwarded to Earl Grey, through the Governor-in-Chief, by the "Pilgrim," which sails for Auckland in a fortnight; a duplicate copy will go by the "William Alfred" at the same time by way of Sydney, to prevent those little accidents which are apt to happen to distasteful documents in their transit through Government offices. Dr. Evans and Mr. Clifford have been deputed to wait upon Earl Grey and support the statements contained in the resolutions by the necessary documents. Copies will also be sent to the Directors of the New Zealand Company, to Sir W. Molesworth, to all the leading members of Parliament, and other persons interested in the colony.

[Then follows a letter from Mr. J. Dorset, 27th August, 1849, and the resolutions of the Association, which will be found printed as enclosures to Governor Grey's Despatch No. 126.]

Sub-Enclosure 2 to Enclosure in No. 22.

SIR,—

Treasury, Wellington, 3rd September, 1849.

I have the honour to acknowledge the receipt of your letter of the 30th ultimo, requesting me to state officially whether a statement in the *Wellington Independent* newspaper to the effect "that in the beginning of May, in the present year, the Government had publicly to suspend payment" was correct. In reply, I beg to state that the only payments that were suspended were the salaries of certain officers of the Government, which were delayed, as directed by His Excellency the Lieutenant Governor, a copy of whose minute is enclosed.

I have, &c.,

HENRY W. PETRE,
Colonial Treasurer.

The Hon. the Colonial Secretary, Wellington.

Sub-Enclosure 3 to Enclosure in No. 22.

[Memoranda may be shown to applicants.]

THE Colonial Treasurer is requested to withhold payment of the undermentioned salaries until further instructions, and to inform the gentlemen filling the offices below named that, in consequence of the New Zealand Company's Agent having refused to provide certain funds to enable the Government to complete arrangements with regard to land purchases which had been entered into with the Natives by the Government for and on behalf of the New Zealand Company, the Government have been compelled to advance those funds themselves, and thereby temporarily to inconvenience the public service. I trust, however, that in the course of a few days, at the furthest, it may be in my power to direct the payment of the salaries temporarily withheld, to enable the Government to keep faith with the Natives in the arrangements above alluded to.

Officers whose salaries and allowances are to be withheld until further instructions, &c.: Lieutenant-Governor (salary, £66 13s. 4d.; forage, £9), £75 13s. 4d.; Native Secretary, £16 13s. 4d.; Clerk, Private Secretary's office, £10 8s. 4d.; Colonial Secretary, £33 6s. 8d.: total, £136 1s. 8d.

Sub-Enclosure 4 to Enclosure in No. 22.

RETURN of the REVENUE and EXPENDITURE of WELLINGTON, Province of NEW MUNSTER, for the Year ended 31st December, 1848.

Revenue.			£ s. d.			Expenditure.			£ s. d.		
Customs—						Civil—					
Spirits			7,588	16	7	Lieutenant-Governor and establishment ...		1,439	10	6	
Cigars and snuffs			153	4	0	Colonial Secretary's Department ...		757	12	1	
Tobacco—						Colonial Treasurer's Department ...		599	11	2	
Manufactured			2,072	16	0	Audit		399	7	6	
Unmanufactured			106	19	0	Survey		582	16	0	
Ad valorem duty			3,898	8	5	Registrars		376	18	4	
Fines and Fees—						Customs		995	5	2	
Fines—						Harbour		516	8	11	
Supreme Court			0	5	0	Police		3,726	15	7	
Resident Magistrate's, Wellington ...			32	10	3	Medical		990	3	6	
Resident Magistrate's, Petre ...			19	17	0	Post-office		325	12	6	
Fees—						Land Commission (special) ...		32	16	9	
Supreme Court			125	8	6	Judicial—					
Resident Magistrate's, Wellington ...			131	10	8	Supreme Court		926	10	5	
Resident Magistrate's, Petre ...			7	12	6	Resident Magistrate's Court ...		508	8	7	
Resident Magistrate's, Waikanae ...			2	18	0	Crown Solicitor		290	5	0	
Registration of deeds			41	14	2	Sheriff		567	16	7	
Births, deaths, and marriages ...			10	13	6	Court of Requests		57	10	0	
Licenses—						Coroner		20	15	3	
Auctioneers'			120	0	0	Miscellaneous—					
Publicans' (town)			600	0	0	Public Works—					
Publicans' (special)			57	18	6	Government House and Domain ...		1,355	7	5	
Post-office (collections)			637	6	6	Roads		15,573	8	6	
Total ordinary revenue			15,687	18	7	Pound at Hutt Bridge		25	0	0	
Accidental—						Stationery		153	14	8	
(Recovered) rations supplied to military prisoners			143	6	6	Crown prosecutions		35	16	11	
Subsistence-money from patients in Colonial Hospital			22	13	0	Charitable aid		128	2	3	
Miscellaneous			55	4	10	Aborigines		278	18	3	
Receipts in aid—						Printing		466	9	0	
Advances from Commissariat paid to 31st March, 1849			27,750	0	0	Postage and freight		24	3	11	
						Militia		187	11	8	
						Military		20	15	0	
						Passages of two convicts to Van Diemen's Land		40	0	0	
						Travelling expenses		82	17	9	
						Rent, public offices		115	0	0	
						Remittances, Nelson and Akaroa ...		2,372	14	4	
						Ferries, West Coast		7	5	0	
						Miscellaneous		52	5	4	
						General charges—					
						Establishment of His Excellency the Governor-in-Chief		7	3	6	
						Debentures cancelled—		13	10	0	
						25 per cent. in cash on old debentures ...		433	15	0	
						Interest on above, paid under special authority		327	9	10	
						Interest		309	1	3	
						Land purchases (instalments)		1,100	0	0	
						Expenses attending negotiation ...		302	16	3	
						Refund of revenue—					
						To Commissariat upon spirits supplied to Her Majesty's troops		4,980	0	0	
						Drawback on imports re-exported ...		69	19	9	
						Disbursements on account of Wanganni ...		436	15	5	
						Disbursements on account of Otago ...		138	14	3	
						Disbursements on account of Nelson ...		83	6	3	
						Disbursements on account of Akaroa ...		23	14	4	
						Advances on account of the local Government of New Ulster		312	18	4	
Total receipts			£43,579	2	11	Total expenditure		£42,573	16	5	

Audit Office, Wellington, 8th March, 1849.

GODFREY J. THOMAS,
Auditor-General.

Sub-Enclosure 5 to Enclosure in No. 22.

RETURN of WORKS and SERVICES EXECUTED by CONTRACT under H. Fitzgerald, Surveyor, from March, 1846, to 1st September, 1848.

Nature of Work or Service.	Locality.	Date of Contract.	Amount.
			£ s. d.
Hutt Bridge over river, 134 feet wide ...	Valley of the Hutt	April, 1846 ...	445 0 0
Felling bush on Porirua Road ...	Near Mr. Boddington's farm	Aug., 1846 ...	25 12 0
Repairing Petoni Road for winter months ...	Between Kaiwara and Hutt	June, 1846 ...	70 0 0
Felling bush on Wairarapa Road, done by private contract at different times, by different persons, about the close of the year 1846 ...	Between Hutt Bridge and Gorge	...	132 11 0
Forming bed of road in Lower Hutt ...	Near Taita ...	May 6, 1847	180 0 0
Fencing done in Lower Hutt to road ...	Near Second River	June, 1847 ...	18 5 0
Metalling Lower Hutt Road ...	Ditto ...	June 5, 1847	59 10 0
Bridges built on Lower Hutt Road ...	At Second River and Creek	June 14, 1847	90 0 0
Forming bed of road in Lower Hutt ...	Near the Taita ...	July 21, 1847	328 0 0
Small bridges on Lower Hutt Road ...	...	...	117 5 0
Forming bed of road ...	Near Mr. Donough's Creek	...	47 18 9½
Metalling road ...	Ditto ...	...	110 5 0
Repairing Beach Road ...	Town of Wellington	Oct., 1847 ...	80 3 0
Bridge over Mungaroa River, 75 feet wide ...	...	Sept. 28, 1847	250 0 0
Felling bush over Rimutaka Range ...	Near Wairarapa ...	Feb. 10, 1848	88 11 0
Building wall to road near ...	Ngahauranga ...	Dec., 1848 ...	414 9 4½
Repairing foundation of Hutt Bridge ...	...	Mar. 19, 1849	180 0 0
Repairing road between Ngahauranga and ...	The Gorge ...	July 21, 1849	50 10 7
			2,688 1 7

5th September, 1849.

T. H. FITZGERALD, Surveyor.

Memorandum.—There are also three contracts now going on—viz., one for building a sea-wall on the Hutt Road, and two for keeping in repair certain portions of that line of road.—E. EYRE.

Sub-Enclosure 6 to Enclosure in No. 22.

RETURN of REVENUE of WELLINGTON from the 1st January, 1849, to 31st August, 1849, exclusive of Arrears and Receipts in Aid.

Heads of Revenue.

	£	s.	d.	£	s.	d.
Customs ...	11,919	1	3			
Deduct drawback paid to the Commissariat from 1st January to 31st August ...	1,674	7	3			
				10,244	14	0
Fines ...				147	12	9
Fees ...				357	6	3
Licenses (publicans') ...				684	9	1
Licenses (auctioneers') ...				160	0	0
Postages ...				280	11	4
Total ordinary ...				11,874	13	5
Incidental ...				37	16	11
				£11,912	10	4

GODFREY J. THOMAS,
Auditor-General.

Wellington, 6th September, 1849.

The drawbacks were for the March and June quarters, and the month of July.—G. J. T.

[N.B.—The receipts here given must not be considered as a fair average for eight months, because the first or March quarter of the year was the one succeeding and that in which the earthquakes occurred, the latter being a period of great depression, and the March quarter being the one in which the reaction took place, and consequently showing an unusually large revenue for those three months. If about £1,500 be deducted on this account, then the balance or gross sum of about £10,412 10s. 4d. may be considered as a fair average revenue for the eight months; this would give a net annual revenue to Wellington of £15,600, and in the estimates for 1849–50 it was assumed at £15,000.—E. EYRE.]

Sub-Enclosure 7 to Enclosure in No. 22.

SCHEDULE A.—Showing the Estimated Expenditure for the Province of New Munster proposed to be provided for out of the Civil List of £6,000, reserved by Charter of 1846, for the year 1849-50.

Establishment of His Excellency the Lieutenant-Governor.

	£	s.	d.
His Excellency the Lieutenant-Governor	800	0	0
Native Secretary and Interpreter	200	0	0
Colonial Secretary's Department: Colonial Secretary	400	0	0
Colonial Treasurer's Department: Colonial Treasurer	400	0	0
Attorney-General's Department: Attorney-General	400	0	0
Auditor's-General's Department: Auditor-General	300	0	0
Customs Department: Collector of Customs	400	0	0
Medical Department: Colonial Surgeon	200	0	0
Supreme Court Department: His Honour the Judge	800	0	0
Registrar-General's Department: Registrar-General	300	0	0
Resident Magistrates' Department:			
Resident Magistrate, Wellington	300	0	0
" " Waikanae	200	0	0
" " Wanganui	100	0	0
" " Akaroa	200	0	0
Survey Department: Surveyor	250	0	0
Ecclesiastical: Colonial Chaplain	200	0	0
Superintendent's Department, Nelson: His Honour the Superintendent	500	0	0
	<u>£5,950</u>	<u>0</u>	<u>0</u>

No. 23.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 126.)

MY LORD—

Government House, Auckland, 25th September, 1849.

Since I yesterday addressed your Lordship, in my Despatch No. 120, upon the subject of a letter to your Lordship from a Mr. John Dorset, a copy of that gentleman's letter has reached me, and is herewith enclosed.

2. Your Lordship, I am satisfied, will not expect me to notice the personal attacks made upon myself, the Government, and the members of the Legislative Council of New Munster, in that letter and its enclosures; the nature of the misrepresentations contained in which has already been sufficiently alluded to by the Lieutenant-Governor of New Munster; but as these papers relate to the form of Constitution which it is proposed to introduce into these Islands, and as this is a subject of vast importance to the future interests of this country and regarding which the wishes of its inhabitants should be carefully ascertained, I have felt it to be my duty attentively to consider the enclosures in Mr. Dorset's letter, that I might ascertain what objections, if any, were entertained by those of the settlers who are connected with these papers, to the form of representative institutions which I had recommended for your Lordship's adoption.

3. I find that they apparently make but four objections to the recommendations I have made: First. They do not think it proper that the Provincial Councils, in making laws, should be required to conform to and observe all such instructions as may from time to time be issued by Her Majesty for their guidance, nor do they think that such laws should be subject to the approval or disallowance of Her Majesty, nor that the Lieutenant-Governor should be directed not to assent to such laws without the previous sanction of the Governor-in-Chief; and lastly, under this head, they think it wrong that the Provincial Councils should be prevented from making laws which are repugnant to the laws of England. After fully considering the subject, I still think it my duty, in the present state of the colony, to adhere to the recommendations on this subject which I have already made to Her Majesty's Government, for reasons which must be obvious, or to which I have alluded in my previous despatches. Their second objection to the recommendations I have made, is the nature of the franchise which I have proposed should be adopted for the Native population. On this head, I can only state that I made the best recommendations to your Lordship which my experience and knowledge permitted. If any better franchise for the Natives can be devised, I should be glad to see it adopted; but the settlers connected with the enclosed papers, although they have censured my recommendations on this subject, have not made any others in lieu of them, and I cannot myself devise any better expedient than that which I have recommended for adoption. The third objection to my recommendations is, that I have proposed that only one-third of the members of the Provincial Council should be elected by the settlers, and that two-thirds of the members, should be nominated by Her Majesty. I, however, really recommended that these proportions should be exactly reversed, the words of the recommendation to your Lordship in my original Despatch No. 106, of the 29th November, 1848, being "one-third of the whole Council being appointed by Her Majesty," and two-thirds being elected by the inhabitants of the province. Unfortunately, in the copy of this despatch, which was laid before the Legislative Council of New Munster by the Lieutenant-Governor of that colony, from some mistake on the part of the clerks, the words which I have underlined were omitted, so that it was made to appear that my recommendation was that of "one-third of the whole Council being elected by the inhabitants of the province." Your Lordship will, therefore, see that, as the objections in the enclosed resolutions, and the personal attacks upon myself, originated in an error for which I was

in no way responsible, the subject does not require me further to allude to it. The fourth objection to my recommendations is the amount of Civil List which I have advised should be reserved from the revenues of each province. I concur with those who make this objection in the case of those provinces in which the Native population is not very large; but I think I must in my various despatches have made it clear to Her Majesty's Government that I only recommended so large a Civil List to be reserved for Native purposes; and I introduced this recommendation into my Despatch No. 106, of the 29th November, 1848, subsequently to my writing the draft of it, from my earnest desire to comply with the wishes of the colonists by introducing representative institutions at the earliest practicable date, and in the belief that by securing an ample provision for the wants of the Natives I might be able to do so within a much shorter period of time than under other circumstances I could have ventured to have done.

4. In the papers now transmitted to your Lordship there is a detail given of a civil list proposed by the Lieutenant-Governor of New Munster. That appropriation of the Civil List was not, however, made on my recommendation, nor has it received my approval; and your Lordship is aware that I have not yet submitted any proposed appropriation of the Civil List for the approval of the Lords of the Treasury. I have delayed so doing until I ascertained what were the ultimate intentions of Her Majesty's Government regarding the amount of the Civil List, and what were the actual requirements of the Native population for the support of schools, hospitals, &c., which amount can only be determined after the institutions alluded to have been for some time in operation.

5. I have now, in so far as I understand them, noticed all the objections urged in the enclosed papers to the form of Constitution I have recommended to be bestowed on these Islands. There are, however, two other points in the enclosed papers on which I wish to remark. First, that in several instances I am stated to hold views which I never held, and to have proposed to derive advantages from certain proceedings which I never proposed to derive from them. I trust, therefore, that your Lordship, in perusing the enclosed papers, will remember that such is the case, and that I am not the author of those views which the proposers of the resolution censure. Secondly, I wish to state that in the ninth resolution there is a statement to the effect that my Government has been marked by a total neglect of the true interests of the Natives as a body, a recent instance of which is said to have been mentioned by the Lieutenant-Governor in the Legislative Council—namely, that a high official, enjoying already a salary of above £300 a year, was allowed to pocket the whole of the proceeds of the Native reserves in the Settlement of Wellington, amounting to nearly £400, as a commission for the bare act of receiving it. This I regard as a charge of misappropriating public funds, which is capable of proof or refutation. It is a tangible point, and I shall, for your Lordship's information, require the Lieutenant-Governor to furnish a full and complete explanation of the subject.

The Right Hon. Earl Grey, &c.

I have, &c.,
G. GREY.

Enclosure in No. 23.

Mr. J. DORSET to the Right Hon. Earl GREY.

MY LORD,—

Wellington, New Zealand, 27th August, 1849.

As chairman of "The Settlers' Constitutional Association" in this settlement, I have the honour to enclose to your Lordship a copy of certain resolutions, passed unanimously by that Association, commenting on the despatches of His Excellency Sir George Grey, the Governor-in-Chief of this colony, to your Lordship, dated the 29th November, 1848, and 2nd February, 1849, in reference to the postponement of representative institutions recommended by him.

The Association I represent was called into existence by His Excellency's attempt to deprive the colonists of New Zealand of the boon of self-government which your Lordship had determined to bestow. That your Lordship has reluctantly sanctioned even the temporary suspension of a free Constitution we believe is owing to the confidence reposed by you in Sir George Grey, and to your belief in his honesty of purpose.

I am requested to assure your Lordship that more especially on the question of self-government, it would have been better for the colonists if your confidence in Sir George Grey had been less, and your determination to carry out the great principles developed in your Constitution had not been shaken by his representation; and I am desired most respectfully but earnestly to entreat your Lordship to put aside the specious reasoning of His Excellency, and to look at this question from such a point of view as you may conceive a colonist who has embarked his property, his family, his career in the colony would do, and not to regard it through the eyes of one who sees in the colony only a stepping-stone to personal aggrandisement or the gratification of ambitious schemes.

I have, &c.,
JOHN DORSET,
Chairman.

The Right Hon. Earl Grey, &c.

Sub-Enclosure to Enclosure in No. 23.

RESOLUTIONS of the SETTLERS' CONSTITUTIONAL ASSOCIATION.

Resolution 1.—Moved by Mr. Fitzherbert, J.P.; seconded by Mr. John McBeth: "That the attempts of Sir George Grey in his various despatches to conceal the complaints and dissatisfaction of the colonists, to mislead Her Majesty's Ministers, and to avail himself of the distance which separates the colony from the parent country for the purpose of obtaining, by means of suppression and misrepresentation, the sanction of the Home Government to measures having for their object his own maintenance in the possession of despotic power, and calculated seriously to retard the prosperity of the colony, render it the imperative duty of this Association publicly to protest against the unfairness and dishonesty of His Excellency's conduct, and to bring under the notice of Her Majesty's Principal

Secretary of State for the Colonies the general untrustworthiness of his despatches, more especially of those dated the 29th November, 1848, and 2nd February, 1849, recommending the postponement for four years of the long-promised representative institutions, and the substitution in the interval of Councils which consist exclusively of Government officials and nominees, the colonists having no voice, influence, or control in the making of the laws by which they are governed, or in the expenditure of the revenue which they contribute."

Resolution 2.—Moved by Mr. McDonald, J.P., and seconded by Mr. McKenzie: "That Sir George Grey's assertion in the Despatch of 2nd February, 1849, that he was induced 'by the solicitations of those most interested in the colony' to make known the nature of the plans he intended to recommend to Earl Grey for its future government, gives a false gloss and colour to his proceedings." The actual fact was that, previous to the meeting or even formation of the Council of the southern provinces, he himself urged the nominees *in petto*, to ask for such publication of his views; suggested to them, and even to some who had refused seats, the terms in which the request should be made; stated the nature and purport of his intended answer; and, it is believed, ultimately suggested, or rather dictated, the very words of the resolution passed by his Council, which is enclosed and paraded in the above despatch; that, in fact, the whole details of the explanation referred to as having been so satisfactory to the Council, were concocted, arranged, and manœuvred by His Excellency previous to the meeting of the Council, with the twofold object of attaching to the nominees a show of independence and of adding weight to his own representations. There is no pretence for saying that, after learning that representative institutions were to be withheld for four years, any of those "most interested in the colony" felt anxiety, or were solicitous to learn Sir George Grey's views on the form of Government which he considered best adapted for introduction at the end of that remote period; nor is there any doubt that, so far from their soliciting information, it was designedly thrust forward and its favourable reception designedly contrived by arrangements between Sir George Grey and certain members of his nominee Council.

Resolution 3.—Moved by Mr. John Wallace, seconded by Mr. Roe: "That, in omitting all allusion to the difficulties he encountered in endeavouring to form his Council, and of the means he employed, and by affirming that 'a large portion of the most intelligent members of the community felt with him that the immediate introduction of representative Government was impossible,' His Excellency has not merely concealed a series of most important facts adverse to himself, but has also deliberately misrepresented the feelings and opinions of the colonists;" in proof of which this Association refers to the following facts: (1.) In September, 1848, when His Excellency's intention of violating his own pledges and those of Her Majesty's Ministers and the British Parliament, and setting aside the institutions which had been bestowed by Lord Grey's Charter, was suspected in consequence of the delays he interposed to their introduction and some hints he had let fall, two public meetings, which represented all parties in the Settlement of Wellington, were held, when memorials urging the immediate introduction of free institutions were unanimously adopted, and deputations appointed to wait upon His Excellency. These deputations complained of the deception he had practised upon the community in his endeavours to secure the suspension of Lord Grey's Constitution, and of his having, while aiming at getting it set aside, repeatedly assured them, and by various acts led them to believe, that he intended to bring it into immediate operation; and these deputations strongly protested against a nominee Council. (2.) On his return to Wellington, in December—the nominee Provincial Council Ordinance having been passed in the interval, against the votes and protests of all the non-official members of the Auckland Council—another public meeting was held, at which a protest against the Ordinance was unanimously adopted and laid before Sir George Grey. (3.) Finding, after a most persevering but undignified canvass, his offers of seats in the nominee Council spurned and refused by all parties, he threatened to withdraw the Parliamentary grant, to stop the formation of the military roads; and actually gave orders to suspend the purchase from the Natives of the districts required by the New Zealand Company to enable them to complete their engagements with their land purchasers. He also held out promises, in quarters where they were likely to have weight, that he would immediately introduce steam vessels; that he would make certain roads which were desired; and held out other similar baits to induce parties to support his measure. On their refusal he threatened to withhold these boons; and though he ultimately did, after a fashion, by such threats and bribes, succeed in forming a Council, he has not yet fulfilled one of the promises he made in the course of his canvass. (4.) In spite of all the influence he could bring to bear, seven out of the thirteen to whom he offered seats refused to accept; and of the six who ultimately were persuaded, three several times refused. (5.) Immediately upon the formation of the Council petitions to both Houses of Parliament, complaining of Sir George's conduct, and praying for the immediate introduction of representative Government, were signed by 780 male adults in the Settlement of Wellington—there being at the time on the jury list only 839. (6.) The enthusiasm of the public in favour of representative institutions, and their abhorrence of Sir George's nominee Council, was further demonstrated by above two hundred persons attending a reform banquet given to celebrate the departure of the petitions. (7.) Most of the above facts—and certainly the fact that the opinion of the community was opposed to his measures—must have been known to Sir George Grey at the date of the latter of his despatches under consideration, yet they are all entirely suppressed; and, for anything he allows to appear, he had met with no difficulties, and had all the intelligence of the community on his side.

Resolution 4.—Moved by Mr. W. Fox, J.P., Principal Agent, New Zealand Company; seconded by Mr. Waitt: "That the assertion that the inhabitants of the colony would rather be governed by a Governor and Executive Council until representative institutions are given, rests upon no other foundation than a feeling expressed by many that their concurrence in the nominee system was calculated to defer the introduction of self-government, while they were satisfied that the arbitrary form of Government which was the alternative, would not be suffered long to exist." What the community feels on the subject is this: that the worst form of Government is that of a Governor and nominee Council, because, while it relieves the Governor of much responsibility, it practically leaves all power in his hands; that the absolute government of one man would be more tolerable, because the power and

responsibility being on the same shoulders, their possessor would be more amenable to public opinion and the control of the Home Government. But nothing can exceed their detestation of the latter form of Government except their detestation of the former; nor is it to be for one moment supposed that they are in the least degree satisfied with either form, only of two immense evils they would choose that which, by reason of its probable shorter continuance, is the least.

Resolution 5.—Moved by Mr. Brandon, seconded by Mr. Fitzherbert, J.P.: "That Sir George Grey's allegation that 'he had no other choice than to adopt the course he did,' that is, to establish nominee Provincial Councils, has no foundation in fact, as appears by reference to the 4th section of the Act suspending Lord Grey's Constitution, which enables him to create 'Provincial Councils' in both or either province, to be appointed or 'elected,' or appointed 'and elected,' in such manner as he might direct." Lord Grey, in his despatch to Sir George Grey announcing the suspension of the Constitution, points out that the Governor had power to provide for an intermixture of representatives in the Provincial Council of New Munster; and Her Majesty's Judge Advocate (Mr. C. Buller), in reply to a question from Lord Lincoln, stated in the House of Commons on the 9th February, 1848, that "under the 4th clause he took it that the Governor would have power to propose an Ordinance constituting Provincial Legislative Councils to be nominated by him, or to be elected by the people, or by the Municipalities," in which statement he was corroborated by Mr. Labouchere and the Attorney-General.

Resolution 6.—Moved by Dr. Featherston, seconded by Mr. Lyon: "That the various reasons assigned by Sir George Grey for postponing the introduction of free institutions, though very specious and peculiarly adapted to find acceptance with the Home Government (which, by reason of distance from the colony and of certain prejudices to which Sir George has addressed himself, is not in a position to form an independent opinion), yet they are in truth entirely without foundation, and based on premises, expressed or implied, which are the very reverse of fact." The Association will examine these reasons in detail. (1.) It is urged by Sir George Grey that under representative institutions it would be difficult to effect the retrenchments which he proposes to commence in 1850. In reply, this Association would observe that the colonists have always protested against Sir George's creation of a multitude of most useless and expensive offices which, if it were in their power, they would immediately abolish. They have also repeatedly condemned his misappropriation of the Parliamentary grant, and have as frequently remonstrated against the measures by which Sir George was involving the whole colony, but especially the southern province, in financial difficulties. In support of their complaints against his Excellency's most wasteful expenditure, and of the absolute necessity of giving the colonists a control over the whole public expenditure, the following statement, based upon official returns, has been already and is now again submitted to the public—viz., that in 1842 the amount of the revenue in Wellington was £9,758, in 1848 £12,474 4s. 9d.; the civil expenditure in 1842 was £4,409, in 1848 above £16,000; which shows that, while the population has continued stationary, the revenue has increased by only about £2,700, while the civil expenditure under Sir George Grey has been increased by nearly £12,000 a year. Of the portion of the Parliamentary grant, amounting to £26,750, awarded for the year 1848 to this province for the purpose of constructing roads, a sum of only £15,573 has been so applied, the remainder having been frittered away in the support of those useless offices which Sir George Grey has created, but which the colonists would be the first to reduce, and on other objects void of all public utility. Nor has the wastefulness of the existing Government stopped short of bankruptcy. Notwithstanding that the Provincial Government received about the 1st April, 1849, the sum of £6,000 of the Parliamentary grant for the year ending April, 1850, yet the amount was so far forestalled before received, and so many financial difficulties existed, that in the beginning of May it had to suspend payment. A few weeks afterwards the further sum of £4,000 was received from the same source, of which a part is understood to have been forestalled, and the residue immediately expended, while the province can be entitled to no more Parliamentary aid till April, 1850; and yet in the Appropriation Bill, passed in the nominee Council in June, a sum of £21,000 was voted for the ordinary civil expenditure of the province, being nearly £2,000 in excess of the estimated revenue. That the Association therefore conclude that it is childish to suppose that it will prove an easier or more congenial task to the existing Government to reduce the expenditure than it would be to one acting by representative Councils. And in connection with these financial arguments this Association takes occasion to deny the existence of the rule—the enforcement of which Sir George urges—that colonies should be required to defray their own expenses before receiving representative Government. Various instances might be cited, at all events, where such rule, if it existed, has been disregarded; where, under the name of loans, immediate sums have been advanced by Parliament to colonies possessing self-government, the repayment of which was never either seriously intended or expected. But they would refer particularly to the fact that the present Parliamentary grant was made at the instance of Lord Grey at the same time as he obtained the sanction of Parliament to the immediate introduction into New Zealand of a Constitution based on what amounted to all but universal suffrage. Besides which the grants which are bestowed on New Zealand are almost entirely for military or Imperial purposes, and afford no reason for withholding from the control of the colonists that portion of the revenue which is raised in the colony, as well as the power of legislating in all local matters affecting their welfare. That portion of the expenditure of the grant which can be considered as intra-colonial is so small and ill-administered by the despotic Government in existence, that no worse consequences could follow its administration by the local representative Legislatures if submitted to their control.

Resolution 7.—Moved by Mr J. Smith, and seconded by Mr Marriott: "That the statement of Sir George Grey that the delay in completing the great military roads (which he urges as a reason for the non-introduction of self-government) has arisen from causes entirely beyond his control, is not intelligible to this Association nor consistent with facts." The principal cause of delay has been the wasteful and profuse manner in which the Parliamentary grant has been expended on other objects, and the thriftless method of executing the work by day labour instead of the economical method of contracts which, in the few cases resorted to, has proved much the most beneficial. In the late session

of the Provincial Council a resolution was carried by Sir George's own officials and nominees (unanimously, as far as appears from the *Government Gazette*) to the effect "that the Parliamentary grant spent in this province on public roads has not been productive of so much benefit to the colony as under a different system of application it might have been;" and the Council recommended to His Excellency the Lieutenant-Governor, "that, for the future, as far as practicable, the system of contracts should be resorted to in the construction of all public works." It appears also from the official reports of Mr. Fitzgerald, the Government Engineer, published in the *Government Gazette* (New Munster, Vol. ii., p. 93), that a particular portion of the most important military road of the province then in course of construction could have been completed for the sum of £123 6s., but that, owing to its non-completion (which continues to the present day), the traffic between Wellington and the important military post of Porirua, fourteen miles off, and in fact the whole coast beyond to Wanganui, "must be stopped for the winter season;" yet, at the date of that report, the Lieutenant-Governor was engaged in the erection of an unnecessary bauble of a flagstaff at Government House—a mere child's plaything, of no sort of use—which is understood to have cost the amount specified by Mr. Fitzgerald, or thereabouts. The nominee Council was at the same moment voting a salary of £200 a year to a Colonial Chaplain, £80 a year for a gardener for the Government Domain, forage for horses for various officers who have no equestrian duties to perform, and generally disposing of the public money upon a variety of unnecessary and unproductive objects, as if the public purse had no bottom. To take, as an instance, the department engaged in collecting and distributing the revenue: there are for this settlement, and independently of Nelson and other places, a Collector and several subordinate officers, a Treasurer and one clerk, and an Auditor-General and one clerk, to perform duties which in 1842, with a revenue only £2,700 less than at present, were performed by the Collector of Customs and his clerks alone. Surely the above are causes over which Sir George Grey had control, and which he ought to have controlled. If for such causes the colonists are to be debarred from self-government their case is indeed hopeless; for, so long as they are despotically governed, it is certain that such or similar causes will exist.

Resolution 8.—Moved by Captain Daniell, J.P., and seconded by Mr. Joseph: "That, bearing in mind that the whole of the Parliamentary grant for the year 1849–50 has already been expended; that the ordinary civil expenditure for the same year recently voted by the nominee Council for the southern province is £2,000 in excess of the estimated revenue; and that Sir George Grey himself asserts that 'any sudden stoppage in his plans in reference to the completion of the military roads at present commenced would render useless all that has been done, and would certainly entail a greatly increased military expenditure upon Great Britain, besides again arresting the progress of the colony,' &c., this Association cannot but regard His Excellency's promise that a considerable reduction in such expenditure may be made during the year 1850 as not merely altogether impossible to be realised, but as eminently calculated, if not expressly intended, to mislead Her Majesty's Government—to conceal his own mal-administration of the public funds, both Home and colonial, and to throw discredit upon his successor in the government of the colony by involving it in financial embarrassments of no ordinary magnitude; thus treating his successor with the same unfairness, illiberality, and injustice which he has so notoriously exhibited towards his predecessor, Captain Fitzroy. To show the utter hopelessness of effecting any such reduction as that promised by His Excellency, this Association submits the following facts in connection with the military road in course of formation between Wellington and the Wairarapa: In an official report dated the 16th July, 1847, and published in the Auckland *Government Gazette* of the 7th August, 1847, Mr. FitzGerald, the surveyor for the southern province, stated in reference to this road, that, "judging from what has already been executed, making the most liberal allowance for all contingencies, and including expenses of every description, the total cost will not exceed £14,136 16s. 8d., or £9,991 13s. 4d. in addition to what has already been expended; and I have no doubt whatever but that the whole road will be completed by May, 1848." In December, 1848, the amount (according to the official returns) expended upon the road exceeded £16,000, being £2,000 more than Mr. FitzGerald's estimate of the preceding May; and yet, upon an estimate being made in December, 1848, of the further sum required to complete it, it was ascertained that an additional £20,000 would have to be expended before a dray could pass from one end to the other.

Resolution 9.—Moved by Mr. John Wade, and seconded by Mr. Robert Wallace: "That Sir George's plea for delay on account of the state of the Natives is an illustration of what a great writer has happily termed the hobgoblin fallacy—addressing itself not to the reason, but the ignorance, the prejudices, and the fears of parties at so great a distance as the Home Government is from this colony." Considering that, as Sir George states, the southern province would consist of a narrow district round the Town of Wellington and of the Middle Island, it is evident, from the paucity of the Natives interested, that it can have little or no foundation here; and in reference to the position of this province with regard to the Native population, this Association thinks it desirable to point out the fact that, according to official returns which have been published from time to time, the European population is fully equal in number to, if not actually in excess of, the Native, and that no reason exists on that ground for withholding from the colonists the privileges of self-government; and they protest against that species of logic which, to suit the purpose of the arguer, treats of the colonists of this province at one time in reference to their limited local character and at another would inflict upon them the consequences attributable to the more extended relations of the whole Islands. But the plea is altogether untenable on other grounds. (1.) The Natives would be represented by the officials in a representative Council equally as they are in the nominee one. (2.) The Governor would still retain his veto on all measures affecting their interests. (3.) That, to whatever extent the franchise might be bestowed upon them, they would have an infinitely more direct influence in a representative than in the existing nominee Council, while their desire to obtain the franchise would have a proportionately civilising effect. (4.) That it is monstrous to assume, as Sir George Grey does, that the settlers, whose prosperity entirely depends upon the advancement of the colony and especially upon peace being preserved between themselves and the aboriginal inhabitants, are less desirous or less capable of devising measures calculated to promote and insure the permanent

welfare of both races than a Governor, who necessarily arrives ignorant of every subject connected with the colony; who, holding his office only for a period of five or six years, is not merely prevented from acquiring the knowledge and experience necessary to administer the Government with advantage to the inhabitants, but is almost unavoidably obliged to have recourse to such measures of a purely temporary nature, instead of adopting and carrying out a policy based upon broad and comprehensive principles; and who moreover can seldom feel any personal interest in the colony, except so far as it may serve as a stepping-stone to some better and more lucrative appointment. (5.) That such disputes and disturbances as have arisen among the Natives hitherto have been distinctly traceable to the despotic form of Government in existence, each succeeding Governor invariably adopting a policy different to, and subversive of, that of his predecessor, thereby creating feelings of suspicion and distrust in the mind of the Natives; and the acts of the Government which have led to the past wars have always been objected to by the colonists. Nor does this Association concur in Sir George Grey's congratulatory assertion that his plans for ameliorating and quieting the Native race have hitherto been entirely successful, which he urges as a reason for longer continuing despotic power in his hands. On the contrary, they consider that his treatment of the Natives has been, like most other acts of his Government, a succession of temporary makeshifts, distinguished by no broad or constitutional views, and affords no grounds for their permanent or progressive improvement. It has been marked by an entire neglect of their true interests as a body, a recent instance of which was mentioned by His Excellency the Lieutenant-Governor in the Legislative Council—namely, that a high official, enjoying already a salary of above £300 a year, was allowed to pocket the whole proceeds of the Native reserves in this settlement, amounting to nearly £400, as a commission for the bare act of receiving it. The advance which the Natives have made in civilisation has, in the opinion of this Association, been owing partly to the tranquillity consequent on the presence of a large body of troops in the colony (a circumstance due to the Home, not the local Government), to the creation of markets for Native produce, to the practice of enlarged agricultural operations which they have adopted from the colonists, and generally to their intercourse with them. As regards the military operations which at one time were undertaken against the Natives, this Association believes that they would have been much more successful, less protracted, and less productive of injury to the settlers, if Sir George Grey had not personally interfered in their direction. A remarkable proof of this (but only one of many which might be offered) is to be found in the disapproval and censure by Sir George of a movement recommended by Major Richmond, with the intention and considerable probability of destroying Rangihaeata's force, and his own subsequent adoption, when it was too late to be effective, of the very manœuvre recommended, but without acknowledgement of his error or withdrawal of his censure of Major Richmond. (See Parliamentary papers, correspondence of Sir George Grey, 1847, pp. 2, 27, and 42.) That Sir George Grey's assertion that the stoppage of the public works, on which some Natives have been employed, might lead to disturbances among them, is frivolous. In the first place, out of a population of 100,000, not 500 have, it is believed, ever been employed on the works, and these belonged to different and hostile tribes who would not combine for any purpose. But further, on repeated occasions large bodies of these Natives have, under very provoking circumstances, been dismissed from the public works and shown no symptoms of discontent, but returned to their usual employment. And at the present time, owing to the suspension of the operations of Government by reason of its bankrupt condition before alluded to, the works on the two great military roads on which the Natives have hitherto been employed are and have for some time past been stopped. On the Wairarapa Road not a Native is employed, and on the coast road only thirty to forty, yet no symptoms of dissatisfaction have been manifested. And should the colony progress, as it is sure to do under representative Government, the Natives would find far more employment in other quarters than Sir George Grey's Government has given them. At this moment the agent of the Canterbury Settlement has sent to Cook Strait for sixty Natives, who have readily engaged to go down to Port Cooper, in the Middle Island, to work on the roads; and as other new settlements are founded, of which there is little hope until the colony enjoys better institutions, similar openings for Native employment will arise, to say nothing of what they will receive from individual settlers. And, lastly, supposing that Sir George Grey's apprehensions on this subject had any foundation, it is not in the power of the local Executive to avert the consequences apprehended, seeing, as has been often stated, that the proportion of the Parliamentary grant due to this province for the year ending April, 1850, has already been expended; that the local revenue is unequal to the ordinary civil expenditure; and that, consequently, the local Government will be unable to provide any employment for the Natives on the roads during the ensuing year.

Resolution 10.—Moved by Mr. Weld, J.P., and seconded by Mr. Samuel: "That the advantages proposed by Sir George Grey to be derived from the four years' acquaintance with the practice of legislation which he imagines his nominee Council will have before representative institutions are conceded, are entirely fallacious. Any skill in the art of legislation supposed to be thus attained must necessarily be merely personal. But it is certain that scarcely one, probably not one, of those whom Sir George has persuaded to sit in his nominee Council will be returned by the suffrages of their fellow-colonists to the future representative Councils, and the fruits of their four years' experience would thus be entirely lost." Nor, indeed, is there much chance of such skill being attained. Men never learn to do the work of freemen by wearing the despot's livery. "Many politicians," as one of the most distinguished of Her Majesty's Ministers has observed, "are in the habit of laying it down as a self-evident proposition, that no people ought to be free till they are fit to use their freedom. The maxim is worthy of the fool in the fable, who resolved not to go into the water till he had learned to swim. If men are to wait for liberty till they become wise and good in slavery they may indeed wait for ever." This is the answer, and a most conclusive one, to all the insinuations of Sir George Grey that the colonists are to learn the art of freedom and the craft of legislation by contemplating the acts or joining the deliberations of his nominee Councils. If proof of the position be required, it is to be found in the fruitlessness of the late session of the nominee Council of this province, when the lame attempts at legislation, the want of intelligence, and total absence of independence displayed drew down the contempt and laughter of the whole community.

Resolution 11.—Moved by Captain Rhodes, seconded by Mr. Johnston: "That, notwithstanding Sir George Grey's professions, this Association is convinced that he is not, and never really was, favourable to representative institutions; and that his treatment of the question of their introduction into this colony has been marked by the most subtle diplomacy and an entire absence of that straightforwardness which the colonists are entitled to expect from the representative of Her British Majesty." When the question was first mooted, the feeling of the colonising public in England had been openly and strongly expressed, in Parliament and elsewhere, in favour of the immediate introduction of self-government into New Zealand. This was followed by Lord Grey's very decided outline of a Constitution which Sir George was directed to introduce at once into the colony. Echoing the feeling which was manifested at Home, Sir George expressed, in a very emphatic manner, his conviction of the expediency of immediately introducing self-government into the colony, and of the remarkable fitness of the colonists and Natives to receive immediately such a boon; but he took care not to introduce it; and, in order to gain time and take his chance of the chapter of accidents, referred the question Home on points of detail. Public ardour having somewhat cooled at Home, and the Home Government having suspended Lord Grey's Constitution, giving Sir George a *carte blanche*, he determined to take the bold step of postponing representative institutions till he should have quitted the colony, while at the same time he would take credit for having framed a free Constitution to be prospectively introduced; so, putting out of sight altogether his previous convictions of the fitness of the colonists and the propriety of the time, he unwrites all he had written; and, overlooking the fact that all the reasons against the immediate introduction of self-government now urged by him existed, if at all, more strongly when he expressed himself in favour of it, he becomes the most determined opponent of what he before pretended to advocate. Down to the month of February, 1848, though seeking to obtain the postponement of self-government, he professed to adhere to his intention of immediately introducing representative institutions. In that month—having previously proclaimed Lord Grey's Charter—he appointed to high offices in the local Government three gentlemen who had previously been known chiefly for their advocacy of self-government, and who, in the innocence of their hearts, continued such advocacy on public occasions after their appointments; and from them he not only concealed his intention of declining to introduce representative institutions, but he led them to believe that they would be immediately bestowed. In September he was compelled, by the public deputations before referred to, to avow his intention of postponing self-government. These various movements have convinced this Association that Sir George never intended to introduce free institutions during his tenure of office—a supposition in accordance with his diplomatic turn of mind, which renders it easier for him to conduct the affairs of the colony by individual influences than by fairly meeting the demands of large or popular bodies. The same conclusion is arrived at from the internal evidence to be found in Sir George Grey's proposed Constitution. He recommends that the "Provincial Councils, in making laws, shall conform to and observe all such instructions as may from time to time be issued by Her Majesty for their guidance; that such laws shall be subject to the approval or disallowance of Her Majesty; and that no Ordinance of the Provincial Council shall be assented to by the Lieutenant-Governor without the previous sanction of the Governor-in-Chief." Moreover, the laws enacted "must not be repugnant to the law of England," a term to which, as an able legal writer has observed, "no sensible meaning can be attached"—a term which has admitted of the existence of the various slave laws of the West Indies, and which has never obtained any other authority than the wavering policy of the Home Government may from time to time have found convenient to allow, "and which consequently places it in the power of the Home Government, in innumerable instances, to disallow, for technical objections, laws of practically vital importance to the colony. Hedged round with so many restrictions, the limits of self-government are narrowed to a degree altogether incompatible with true freedom—limits which no man who sincerely desired to bestow "the inestimable boon of self-government" would have thought of imposing. Nor is Sir George Grey's anxiety to retain power in the hands of the Governor less obvious in his proposal to make the franchise of the Natives dependent upon a Government certificate, and to give the Governor a right to alter that franchise from time to time; a skilful exercise of such power placing the elections entirely in the Governor's hands. But above all is his insincerity evidenced by his proposal to postpone the introduction of self-government to a period when, according to the usual term of the official tenure, he will have quitted the colony. There is no other magic in the particular period of four years—no particular events which turn upon that date, the only incident which can be predicted with certainty likely to affect the question being that before that period Sir George will be elsewhere than in New Zealand. Admirably does his position illustrate the remark of the great jurispudent, that "this is a sort of argument or observation we so often see used by those who, being hostile to a measure, are ashamed or afraid of being seen so. They pretend, perhaps, to approve of it; they only differ as to the proper time of bringing it forward; but it may be a matter of question," says he, "whether this argument was ever used by a man whose wish it was not that the measure should remain excluded for ever." Nor must this Association omit to allude to the various and inconsistent arguments used in the different settlements by Sir George, in his endeavour to persuade parties to support his measure, evidencing as they do his hollowness and insincerity. At Auckland he informed his Council, while the Provincial Council Ordinance was under discussion, that the settlers in the South "would be well pleased with such a measure," though, not six weeks before, the two deputations at Wellington above mentioned had expressed their determination to be satisfied with nothing less than immediate self-government. At Wellington he shifted his ground, and urged the unsettled state of the Natives in the North, and the land question there, as reasons for delay; while to Nelson settlers he said that, if all the colonists were like them, he would not fear to give them self-government; but the number of contractors which existed at Wellington, whose interest it might be to prolong military operations, deterred him. Yet among his own Wellington nominees, three at least out of six were deeply interested in Government contracts.

Resolution 12.—Moved by Mr. J. Johnston, seconded by Mr. W. Dorset: "That the despatch of the 29th November exhibits a suppression of two facts so flagrant that this Association cannot characterise it by any term which the proprieties of social usage would justify them in employing.

The first is found in the recommendation, revealed only on the publication of that despatch when laid on the table on the last day of the sitting of the Provincial Council, that the Civil List for each province should be increased from £6,000 to £10,000, which recommendation, made by Sir George in November, 1848, he entirely concealed from his nominee Council, individually and collectively, while professing in December, 1848, his readiness to give them the fullest and frankest account of his recommendations to the Home Government on the future Government of the colony." And, while touching on the subject of the Civil List, this Association protests against, not merely the monstrous proposal of Sir George Grey to retain £10,000 of the revenue of each province, which must for years to come reduce any representative institutions they may obtain to a mere shadow of self-government, but they also protest against the present amount of £6,000, as an unduly large proportion of an ordinary revenue of about £13,000. Should new provinces be created it is probable that for a considerable time even £6,000 would absorb by much the largest part, if not the whole, of the revenue of each province, practically withdrawing all control of the public purse from the colonists, who are expected to be satisfied with a mere mockery of self-government. This Association conceives that the Civil List of a free colony should embrace no other object than the salaries of the Governor and Judges whose tenure of office ought not to be dependent on political change; or at most of the salaries, in addition, of the heads of the three or four principal executive departments; and even that would be a sacrifice of the principle of responsible Government. The extravagance of the ideas of the local Government on this subject is evident by the Civil List laid by Lieutenant-Governor Eyre before his late Council, which embraces even the Government gardener, the Colonial Chaplain, and the Private Secretary's confidential clerk. The entire list was as follows, showing the estimated expenditure for the Province of New Munster, proposed to be provided for out of the Civil List of £6,000, reserved by Charter of 1846, for the year ending 1849-50: His Excellency the Lieutenant-Governor, £800; forage allowance to His Excellency, £109 10s; Private Secretary and Clerk to the Executive Council, £200; confidential clerk in Private Secretary's office, £125; Native Secretary and Interpreter, £200; Colonial Secretary, £400; Colonial Treasurer, £400; Attorney-General, £400; Auditor-General, £300; Collector of Customs, £400; Colonial Surgeon, £200; forage allowance to Colonial Surgeon, £54 15s.; his Honour the Judge, £800; Registrar-General, £300; Resident Magistrate, Wellington, £300; Resident Magistrate, Waikanae, £200; Government gardener, £70; contingencies, £12; Colonial Chaplain, £200; his Honour the Superintendent, Nelson, £500: total, £5,971 5s. Further, this Association conceives that the history of colonies, and particularly recent events, have proved that there is no more certain source of dissension between a colonial Governor and his Legislative Council than the reservation of a large Civil List, and that if Governor Grey had endeavoured to sow the seeds of disunion between his successor (to whom he leaves the task of introducing self-government) and the people of this colony, he could not have contrived a more effectual means than the increase, by nearly double its amount in each province, of a Civil List already, even in the opinions of his own nominees, unnecessarily large. The other fact suppressed in his recommendation is that only one-third of the Provincial Council should consist of representatives, while he told his Council in December that he had recommended two-thirds of representatives. This the Association would gladly attribute to a clerical error or misprint in any other case, but after the unmistakable deception practised in reference to the Civil List they felt that so charitable a supposition would, in Sir George Grey's case, be puerile.

Resolution 13.—Moved by Mr. Vincent, seconded by Mr. McDowell: "Lastly, that this Association complains of the despatches having been so long withheld, being written in November and February, laid on the table of the Council Chamber on the last day of the session in July, and published in the *Government Gazette* of the 20th July. They also consider that the conduct of the nominees in not requiring their production, though rumours of their existence were current and had been noticed by the Press for several weeks, is conclusive as to want of proper independence among those officials, and of their fear of offending the Government which they serve. And they think it proper solemnly to express their unanimous feeling that a course of conduct such as Sir George Grey has exhibited on the question of self-government in New Zealand, terminating with the suppression of his recommending to increase the Civil List and his misstatement of the number of representatives, is calculated to lower the dignity of the British Government, to destroy all faith in the veracity of its servants, and to weaken those ties of loyalty and affection by which the colonists would desire ever to be bound to the land of their birth." Nor must this Association conclude their remarks without alluding to the repeated occasions on which Sir George Grey has lowered the character of the Home Government for consistency and power by treating the positive instructions of Her Majesty's Ministers with ill-concealed contempt. As instances, they would refer to the manner in which he has departed from Lord Grey's instructions in reference to the settlement of the land question in the North, and which remains yet as unsettled as ever; and to his present refusal to give even the smallest semblance of representative Government—the two most important matters prescribed by the Home Government. In short, if with every despatch from Lord Grey, Sir George had received one from his Lordship's political adversaries, and, putting the former into the fire, had carried out the instructions of the latter, some clue might be found to the course pursued by him; but, as it is, such course, in the opinion of this Association, has been irregular, injudicious, and dishonest equally towards the Home Government and the colonial public. This Association feels convinced that Sir George Grey's reputation rests much more on his skilfully-written despatches than on his acts, and they think that his aversion to representative institutions may be traced in a great degree to his fear lest independent Councils of the settlers should expose the numerous fallacies and misrepresentations they contain, and give a different colouring to the agreeable pictures of his administration which he habitually paints.

JOHN DORSET,
Chairman.

No. 24.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 149)

MY LORD,—

Government House, Auckland, 22nd October, 1849.

Adverting to your Lordship's Despatch No. 54, of the 13th July, 1848, authorising me to take whatever steps I might deem advisable for the formation of a third province in the Middle Island, so as to include the settlement founded at Port Otago, I have the honour to state that hitherto the fact of the population at Port Otago not having amounted to a thousand souls, and the probability which has arisen of the establishment of a settlement at Port Cooper, and the creation of a fourth province in these Islands under the auspices of the Canterbury Association, have rendered it most advisable to refrain from taking any steps in reference to declaring the portion of the Middle Island which lies in the vicinity of Otago a new province.

2. I wish also to point out to your Lordship that it is most probable that there is at present no authority in New Zealand which is legally competent to proclaim any new province in addition to the two now existing.

3. By the Act of Parliament, 9 and 10 Vict., c. 103, intituled "An Act to make further provision for the Government of the New Zealand Islands," it was declared to be lawful for Her Majesty to divide the Islands of New Zealand into two or more separate provinces; and by the third section of the New Zealand Charter, of the 23rd December, 1846, Her Majesty did, in pursuance of the above-mentioned Act, ordain and appoint that the Islands of New Zealand should be divided into two separate provinces, to be called respectively the Province of New Ulster and the Province of New Munster; and the Governor-in-Chief was empowered by the fourth chapter of the Instructions, under the Royal Signet and the Sign-Manual which accompanied the Charter, to determine the boundaries of the two provinces, by excepting and excluding from the Province of New Ulster certain portions of the Northern Island adjacent to Cook Strait, which power having been exercised by Proclamation by the Governor-in-Chief, all powers vested in him for the purpose of the division of the Islands into provinces expired, and I apprehend that before he could now proclaim any further provinces in these Islands it would be requisite that he should be empowered to do so by Instructions under the Royal Signet and Sign-Manual, after the necessary alterations had been made in the New Zealand Charter.

4. But I further think that, before the Islands of New Zealand are divided into other provinces, it would be extremely desirable that some alteration should be made in the second chapter of the Royal Instructions which accompanied the New Zealand Charter, by which an Executive Council is constituted for each of the provinces into which New Zealand may be divided, which Executive Council is made to consist necessarily of the Colonial Secretary, the Attorney-General, the Colonial Treasurer, and the senior officer of the military forces within the province.

5. An Executive Council of this kind renders necessary the formation of an expensive Government establishment, as it is necessary that the remuneration given to officers holding seats in the Executive Council should bear some proportion to their rank and the responsibility thrown upon them; whilst the duties of the Executive Council, by withdrawing them from the duties of their offices, renders necessary the employment of additional persons in the Government departments.

6. I think, therefore, that it might be found very advantageous, instead of the rule laid down in the existing Royal Instructions, to provide that the Executive Council of each province might be composed of all the persons at present named, or of any two of them, provided always that the principal officer in command of the military forces within the province, being a field officer, should be one of them.

7. Should your Lordship think proper to permit this alteration to be made in the Royal Instructions I think it might be found possible, in establishing new provinces, to keep the expenditure upon account of their several Governments within very narrow limits, and even considerably to reduce the expenditure on account of the Government establishments in the existing provinces by transferring officers to the provinces which might hereafter be established.

The Right Hon. Earl Grey, &c.

I have, &c.,

G. GREY.

No. 25.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 161.)

MY LORD,—

Government House, Auckland, 30th November, 1849.

Upon the 29th November, 1848, and the 2nd February, 1849, I had the honour of addressing to your Lordship two despatches upon the subject of the form of Government it was proposed to bestow upon these Islands, and I then stated it as my opinion that, in a period of about four years, all the necessary preliminary steps would have been taken to enable a system of representative institutions to be brought into complete operation throughout the whole Islands.

2. Since the dates of those despatches the state of tranquillity which has continued to prevail in these Islands has altogether surpassed my expectations, as have also the continued advances of the Natives in civilisation and submission to our laws. A very great increase to the European population has also taken place, and continues to take place, especially in the northern province. Your lordship will also have perceived from my Despatches No. 39, March 27, 1849, and No. 130, of October 1, 1849, that the northern province has been divided into hundreds, which are authorised to elect wardens with certain municipal powers, which scheme appears to work well, and by which an advance has already been made towards representative institutions. Again from my Despatches No. 101, July 24, 1849, and No. 131, October 3, 1849, your Lordship will find that a general measure has been passed, apparently with the complete concurrence of all parties, for the settlement of the questions connected with the old land claims; whilst those which had arisen under the ten-shillings-an-acre and penny-an-acre Proclamations had been previously adjusted. Moreover, the Government expenditure is rapidly being reduced within the limits I have already reported to your Lordship.

3. By the English mail which arrived upon the 26th instant, I learnt that the Bill for the constitutional Government of the Australian Colonies had been withdrawn, and was to be again brought forward in the ensuing session. It therefore appears probable that it would be most convenient to Her Majesty's Government, at the same time that the question of the future form of Government for the Australian Colonies is disposed of, finally to settle the questions connected with the introduction of representative institutions into New Zealand.

4. I think it therefore my duty to apprise your Lordship that should Her Majesty's Government think proper to adopt this step, I apprehend that, if a law were passed for this purpose—which would probably not reach this colony until November next, so that the proposed institutions would not be brought actually into operation until the beginning of 1851—no serious difficulty would be encountered in introducing representative institutions into these Islands at the beginning of that year, provided the powers of the General Assembly and of the Provincial Councils were respectively of the nature which I have recommended.

5. This opinion is, of course, based upon the supposition that the present state of tranquillity will continue to prevail, and that the colony will progress as rapidly as heretofore; but, in as far as I can form an opinion upon such subjects, I see no reason to doubt that such will be the case, and I think your Lordship would be fully justified in acting upon this supposition.

6. It would, however, I think, be necessary, if it be determined to introduce representative institutions into the colony at the date named, to take care that the boundaries of the northern and southern provinces in this Island were finally settled before this was done. And I think it should be further provided that, if any new province or provinces were established, the Provincial Council of any such province should, in the usual manner, be nominated by the Crown until its European inhabitants amounted to such a number as might be decided by Parliament, when it would be replaced by a representative Legislative Council.

7. The only alteration in the form of Constitution which I have recommended, which my experience up to the present time enables me to suggest, is that I think, instead of providing that no Ordinance of any Provincial Legislative Council should be assented to by the Governor or Lieutenant-Governor without the previous sanction of the Governor-in-Chief, it would be better to provide that it should be in the power of the Governor-in-Chief to suspend the operation of any Ordinance passed by such Provincial Legislative Council until Her Majesty's pleasure had been taken regarding it. I think that the arrangement now proposed would be more convenient than the one now in force.

8. The reasons why I should justify conferring such a power upon the Governor-in-Chief are, that very large powers are given to the Provincial Councils which may be regarded as municipalities with extended powers; that a large Native race will be subjected to their laws, and that it will be absolutely requisite on some subjects in which the Natives are concerned to secure uniformity of legislation throughout the whole Islands; and I do not see how this can be done without either very much restricting the powers of the Provincial Councils or conferring on the Governor-in-Chief the power I now recommend, and probably the last mode of proceeding will be deemed the least objectionable.

I have, &c.,

The Right Hon. Earl Grey, &c.

G. GREY.

No. 26.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 123.)

My LORD,—

Government House, Auckland, 24th October, 1850.

I have to acknowledge the receipt of your Lordship's Despatch No. 89, of the 22nd December last, informing me that your Lordship entirely concurred in my views and proposals respecting the future introduction into the New Zealand Islands of representative institutions by the creation of legislative bodies such as I had described, exercising the same functions respectively as the General and Provincial Councils which I had constituted.

2. In the same despatch your Lordship informs me that you did not, however, think it advisable that Parliament should interfere by passing at present any new Act for the purpose of giving effect to my views, because it did not appear that I proposed that any changes should immediately be brought into operation in the then existing form of Government, beyond such changes as I was empowered to make with the advice of the General Legislative Council, by the Act of 11 and 12 Vict., c. 5.

3. About the same time that your Lordship addressed this despatch to me—that is upon the 30th of November, 1849—I addressed a despatch to your Lordship (No. 161), reporting that from the continued tranquillity which had prevailed in these Islands, and from their augmented European population, their general advancing wealth and prosperity, the diminution in the annual expenditure incurred by Great Britain upon account of these colonies, the large reduction which was being carried out in the naval and military force stationed here, and the rapid progress in civilisation which the Native population continued to make, I thought that representative institutions might probably with great safety be introduced into these Islands in the year 1851, unless some unforeseen disastrous events took place.

4. A short notice of the proceedings in the House of Commons upon the 13th of May last has lately reached me, from which I perceive that Lord John Russell had informed Parliament of the receipt of this despatch, and had expressed an approval of my recommendations, and the intention of Her Majesty's Government to act upon them during the course of the next session.

5. In the meantime all my expectations regarding the continuance of the tranquillity in the colony, and of its continued increase in wealth and population, have been fully realised; and the contemplated reduction in the naval and military force, and in the annual expenditure incurred by Great Britain upon account of New Zealand, have been carried out. There appears, therefore, no reason why the necessary preliminary steps for the introduction of representative institutions should not as soon as possible be taken. On the contrary, perhaps, it would appear prudent to begin at

once to introduce such great changes in such a manner as to carry them out slowly, and whilst the presence of the reduced force at present serving in the country, and the expenditure of the reduced amount still allowed by Great Britain in aid of the revenues of the colony, permit changes to be made in the Constitution of so peculiarly circumstanced a country with the less risk of danger than if the European population were left quite unprotected, or than if the country was left wholly dependent upon its own revenues.

6. In my Despatch No. 98, of the 20th September last, I also transmitted to your Lordship a series of despatches from the Lieutenant-Governor of New Munster, detailing the difficulties which had arisen in that province with several members of the Provincial Council, which, I think, would have convinced your Lordship that it would be wiser of me—viewing also the other arguments I have used in this despatch—at once to begin taking here the preliminary steps for the introduction of representative institutions.

7. Acting upon this view, I propose to avail myself of the powers vested in me by the Act 11 and 12 Vict., c. 5, which empowers me, with the advice of my Legislative Council, to constitute Provincial Councils, composed of appointed or elected members, or of both of them, for any province in these Islands by submitting to a general Legislative Council, which I propose immediately to convene at Wellington, the Bill for this purpose, the draft of which I have the honour to enclose for your Lordship's information; and this proceeding on my part will be entirely in conformity with the terms of your Lordship's Despatch No. 89, of the 22nd of December last.

8. I do not think that in adopting this course I shall in any manner interfere with the action of Parliament, as I simply act in conformity with the powers conferred upon me by Parliament, by the 11th and 12th Vict., c. 5, and because all the provisions of the enclosed Bill, with the exception of two or three points, have already been fully detailed in previous despatches which have been published and laid before Parliament, and have received the sanction of Her Majesty's Government. And, finally, when Parliament considers the question of the form of the general Government of these Islands, which still must necessarily be done, it will be in the power of Parliament to reject the whole of this measure, or any portion of it, which may be disapproved of.

9. Your Lordship is already aware, from my Despatch No. 4, of the 2nd of February, 1849, that the Council of New Munster has expressed its full approval, by a series of resolutions, of all the most important principles of this measure. I anticipate, therefore, that it will be passed by that body without undergoing any material alteration in its general features. Indeed, I have not yet from any portion of the colony heard any material objections raised to the proposed form of Constitution, although it has now been for so long a time under the consideration of the public.

10. In your Despatch No. 89, of the 22nd December last, your Lordship recommended a modification in any amendment which might be made in the existing Provincial Councils Ordinance, by reserving the power of legislating upon certain additional subjects of general interest to the Central Legislature. Your Lordship will observe that, with the exception of one of the points named in your despatch, your instructions on this subject have been attended to in the enclosed Bill, and it is my intention to bring this reserved point under the consideration of the Council. Indeed, I only refrained from embodying it in the Bill from experiencing a difficulty regarding the language which should be used for this purpose, so as only to include the subjects intended by your Lordship, and nothing more.

11. The only one of your directions I think it will be difficult to carry out is that which contemplates the passing of laws for the purpose of making permanent provision for the efficient maintenance of the various establishments which have been created for the benefit of the Natives, who contribute so largely to the revenue. I still think that for the next few years it would be better to reserve a sum for these purposes in the form of a Civil List, which the Executive Government might apply for such institutions and for such purposes connected with the improvement of the Native race as it thought most desirable. The fact being that at the present moment not even a third part of the institutions which ought to be established for the benefit of the large Native population have yet been established, so that new charges will have annually to be incurred upon this account, whilst in the case of several of those institutions already established, large endowments having been settled upon them, they are already, to some extent, defraying their own cost, and in a very few years will cease to entail any charge upon the public revenue, so that it appears difficult, for the next two or three years, to frame and submit, for the consideration of the Legislature, laws for the purpose of making permanent provision for the maintenance of establishments for the benefit of the Native race. I have, indeed, in all instances tried, as far as possible, to provide for these from endowments intended equally to benefit all races of Her Majesty's subjects, with the express object of hereafter avoiding the frequent discussion before the Legislature of questions connected with the providing funds for the benefit of the Native race, the discussion of questions of which class, in a country occupied by different races, might be attended with grave inconvenience.

12. In reporting generally upon the form of Council proposed to be created by the enclosed Bill, I beg to point out that it is in fact proposed to create in each province a District Council with very extensive powers in the first instance, but which powers can be continually absorbed by the central Legislature of these Islands, as this body may think proper to do so. This point has been kept in view by only requiring the laws enacted by the Provincial Councils to be submitted for the approval or disallowance of the Governor-in-Chief, instead of requiring them to be transmitted for the approval or disallowance of Her Majesty, thereby following the analogy of by-laws made by a municipal body; and the same point has been kept in view by limiting the duration of the Council to two years, and in various other minor provisions of the measure.

13. I also beg to bring under your Lordship's notice the following remarks connected with the details of the Bill: Regarding the constitution of the Council, and the proportion to be observed between the members to be elected or nominated by the Crown, I should report that I have exactly carried out the recommendations I have previously made on this subject, and which have been approved by Parliament. A most wide and unfettered discretion is left to the colonists for the selection of

their own representatives; and I think that in a country inhabited by so many various races as this, and where such difficult questions will constantly arise, the Crown should be able to guide such an Assembly by being certain of securing the presence in it of some of the most able and virtuous men in the country, without reference to their party views or to their holding office.

14. I have already in my Despatch No. 23, of the 15th March, 1849, which was laid before Parliament, stated in detail the grounds on which I justify the low rate of franchise adopted in this measure. Your Lordship will observe that I propose that the same amount which qualifies an elector should qualify a person to be returned as a member of the Council. I might justify this by the analogy of Scotland, where such a system has worked well; but there are additional reasons for adopting such a rule in a colony where frequently most able and deserving men are by no means rich. In fact, my object throughout has been to leave to the colonists the most unlimited power of selecting those men whom they may judge to be most able and the most fitted to represent their interests; and to the Crown, upon the other hand, the most unlimited power of selecting those it may deem most qualified to guide and direct the country; and, with this view, your Lordship will observe that I have not even adopted the usual clause which only enables the Crown to nominate one-half of the non-elective members from holders of office under the Crown, compelling it to nominate the other half from gentlemen in no way connected with the Crown, as I could see no good reason why, when such very liberal concessions are made upon the one hand, the Crown should not, upon the other hand, have the most unqualified and unlimited power of selecting members for their ability or excellence alone, without any view to the fact of their holding office, or the contrary. Indeed, in such a limited community as this is, it seems a matter of the greatest importance to place as few restrictions as possible upon the power of choosing members for the Council from the whole talent of the community.

15. It is with a view to the same object that I have proposed that the expenses of members should be paid. In no other manner would it be possible in New Zealand to obtain the attendance of country members, and I am sure that without the adoption of this rule the whole plan would break down. Although, therefore, the amount to be paid to members, and the proposed details, may be modified by the Council when the measure is laid before them, I have no doubt that they will affirm the general principle as embodied in the enclosed Bill.

16. In the draft measure now transmitted the rate of franchise for the Natives is different from that which I had previously recommended to your Lordship. It is now proposed to get over the difficulty by only constituting certain electoral districts in those portions of the province densely inhabited by Europeans, and in those districts a common rate of franchise is fixed for all races; whilst Europeans or Natives who may reside without such districts are equally disfranchised. Upon the whole I have at present come to the conclusion that this is the best mode of settling a very difficult question, and I think it is one which will be regarded by both Europeans and Natives as satisfactory.

17. I think I have now furnished a report upon all those points connected with the enclosed measures regarding which your Lordship is likely to require information. I ought, however, to state, in reference to the General Assembly for these Islands which is to be constituted by Parliament, that I have nothing to add to the recommendations I have already made upon this subject, except that I think that provision should be made for the payment of the expenses of the members. I should also add that I am quite unaware what may be the state of public feeling in England upon the subject of members of the Upper House of Assembly being elected by persons possessing a higher rate of qualification than that which entitles persons to a vote for members of the Lower House, but I think that if there is no constitutional objection to such a mode of returning members to the Upper House, it would work well in New Zealand, not only at present, but even for a very long period of time.

The Right Hon. Earl Grey, &c.

I have, &c.,
G. GREY.

Enclosure in No. 26.

PROVINCIAL COUNCILS BILL.

In the fourteenth year of the reign of Her Majesty Queen Victoria. Session, No.

Analysis.

Title.

Preamble, reciting division of colony into provinces, and 11 Vict., c. 5, and Ordinance No. 1, Session IX; Ordinance No. 1, Session IX., repealed as to Provinces of New Ulster and New Munster.

I. Constitution of the Council and the election, &c., of members.

1. A Legislative Council to be established in every province.
2. One-third of the members to be appointed, and two-thirds to be elected.
3. Electoral districts; and time, place, and mode of elections.
4. Qualification of members.
5. Qualification of electors.
6. Disqualification.
7. Appointment of non-elective members.
8. Duration of office.
9. Resignation of Councillors.
10. Seats in Council, how forfeited.
11. Councillor sitting by *virtute officii* to vacate his seat when out of office.
12. Questions of vacancy, how to be determined.
13. Vacancies, how to be filled up.
14. New elections, how to be made.

15. Duration of Council.

16. Council to meet at least once a year.

17. First meeting of Council.

18. Time and place of meeting.

19. Prorogation, &c., of Council.

20. Expenses of members.

II. Jurisdiction, &c., of Council.

21. Jurisdiction.

22. Laws to be subject to disallowance of Her Majesty by the Governor-in-Chief.

23. Council to conform to Her Majesty's instructions.

24. Laws not to be repugnant to laws of England.

25. Appropriation of revenue.

26. Cost of collection.

27. Subject thereto, surplus to be appropriated by Council.

28. Apportionment between the several provinces.

29. Subjects on which Council prohibited from legislating.

30. Any Ordinance on any such subject to be void.

III. Proceedings, &c., of the Council.

31. Speaker to be elected.

32. Speaker to preside.

33. Majority of Council a quorum.

34. Majority present to decide.

35. Standing rules to be made.

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| 36. And minutes to be kept. | 46. Assent of Governor-in-Chief to be entered on Journals. |
| 37. Laws to be styled " Ordinances." | 47. Assent to reserved Ordinances to be given within one year. |
| 38. Ordinances, when to take effect. | 48. Also, if to take effect, from time to be fixed by Governor-in-Chief. |
| 39. Fines, penalties, &c., to be reserved to Her Majesty. | 49. Reserved Ordinances, when deemed to be disallowed. |
| 40. Governor may propose laws. | 50. Effect of disallowance. |
| 41. Ordinance to be presented to Governor. | 51. Construction of Ordinances to be passed by Provincial Council. |
| 42. Power to Governor to assent to, disallow, or reserve Ordinances. | 52. Construction of this Ordinance. |
| 43. When assented to, to be sent to Governor-in-Chief. | 53. Commencement of Ordinance. |
| 44. Power to Governor-in-Chief, on behalf of Crown, to disallow Ordinances. | |
| 45. "Reserved" Ordinances. | |

AN ORDINANCE to provide for the Establishment of Provincial Legislative Councils, and for the Election, &c., of Members to serve therein.

[Passed the day of .]

WHEREAS, in pursuance of the provisions of an Act made and enacted in the Parliament holden in the ninth and tenth years of the reign of Her Majesty Queen Victoria, intituled, "An Act to make further provision for the Government of the New Zealand Islands," Her Majesty, by certain Letters Patent under the Great Seal of the United Kingdom, bearing date on the twenty-third day of December, one thousand eight hundred and forty-six, did ordain and appoint that the said Islands of New Zealand should be divided into two different provinces, to be called respectively the Province of New Ulster and the Province of New Munster: And whereas by an Act made and enacted in the Parliament holden in the eleventh year of the reign of Her Majesty, intituled, "An Act to suspend for five years the operation of certain parts of an Act of the tenth year of Her present Majesty for making further provision for the Government of the New Zealand Islands, and to make other provisions in lieu thereof," it is, amongst other things, enacted that it shall be lawful for the Governor-in-Chief of New Zealand, by and with the advice and consent of the Legislative Council thereof, by Ordinance to constitute, within and for any of the provinces into which the Islands of New Zealand were then or might thereafter be divided, a Provincial Legislative Council, to be appointed or elected, or appointed and elected, in such manner by such person or persons as by such Ordinance shall be provided in that behalf, and that the Provincial Legislative Council or Councils so constituted shall have all such rights, provision, jurisdiction, and authority as shall be granted in that behalf to the said Provincial Legislative Council or Councils, or either of them, by such Ordinance, and none other: And whereas by an Ordinance enacted by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof (9th September, 1848, No. 1), intituled "An Ordinance to provide for the Establishment of Provincial Legislative Councils in the Colony of New Zealand," it is, amongst other things, enacted that, for each of the provinces into which the Islands of New Zealand then were or might thereafter be divided, there shall be a Legislative Council of not less than nine members, to consist of the members of the Executive Council of the province, and of such other persons as the Governor or Lieutenant-Governor might summon and appoint to be members of such Legislative Council: And whereas it is expedient that in the Province of New Ulster and in the Province of New Munster a portion of the members of the said Council be elected by the inhabitants of the said provinces respectively; and in any province which may hereafter be constituted, that a portion of the members of such Council should also be elected so soon as electoral districts can be defined therein for the purposes of such election and other necessary provisions can conveniently be made in that behalf: Now therefore be it enacted by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, that the said recited Ordinance, so far as relates to the Provinces of New Ulster and New Munster, be repealed on the passing hereof; and so far as relates to any new province as aforesaid, that the said recited Ordinance shall be repealed at such time as the Governor-in-Chief, by Proclamation in the New Zealand Government *Gazette*, shall for that purpose direct and appoint.

I. *Constitution of the Council, and the election, &c., of members.*

1. For each of the provinces into which the Islands of New Zealand now are or may hereafter be divided there shall be a Legislative Council, to consist of such number of members—not less than nine—as the Governor-in-Chief shall by Proclamation in that behalf from time to time direct and appoint. And every such Legislative Council shall have such power and authority, and be subject to such limitations and restrictions, as are hereinafter provided.

2. One-third of the members of every such Council shall be appointed by the Governor of the province, and two-thirds of the members of every such Council shall be elected by the inhabitants of the province, as hereinafter provided.

3. It shall be lawful for the Governor-in-Chief, until provision be made by law in that behalf, by Proclamation to be published in the New Zealand Government *Gazette*, to constitute within every such province convenient electoral districts, and to appoint and declare the number of members to be elected for each such district, and to make provision for the registration and division of lists of all persons qualified to vote at the elections to be holden within such districts, and for the appointing of Returning Officers, and for the issuing, executing, and returning the necessary writs for such elections, and for taking the poll thereat, and for determining the validity of all disputed returns, and otherwise for ensuring the orderly, effective, and impartial conduct of such elections: Provided always that the mode of election be by open voting, and that the voting shall finally close at four of the clock in the afternoon of the day on which the election shall commence: And provided also that, in determining the number and extent of such electoral districts, regard shall be had to the population and wealth of the same; and that, in determining the number of members to be elected for each district, regard be had to the number of electors within the same, so that the number of members to be assigned to any one district may bear to the whole number of the elective members of the said Council the same proportion as the number of electors within such district shall bear to the whole number of electors within the limits of the province.

4. Every person within the province who shall be legally qualified as an elector, and duly registered as such, shall be qualified to be elected a member of the said Legislative Council: Provided always, that it shall not be necessary that he reside or possess the qualification in the particular district for which he may be elected to serve as a member.

5. The elective members of every such Council shall be chosen by the votes of the inhabitants of the province who may be qualified as hereinafter mentioned—that is to say: Every man of the age of twenty-one years or (except as hereinafter mentioned) upwards, and having a freehold estate in possession situate within the district for which the vote is to be given of the clear value of £50 above all charges and incumbrances, and of or to which he has been seized or entitled either at law or in equity for at least six calendar months next before the last registration of electors; or being a householder within such district, occupying a dwelling-house within the limits of a town (to be proclaimed as such by the Governor-in-Chief for the purposes of this Ordinance) of the clear annual value of ten pounds, or without the limits of a town of the clear annual value of five pounds, and having resided therein six calendar months next before such registration as aforesaid; or having a leasehold estate in possession, situate within the districts for which the vote is to be given, of the value of ten pounds per annum, held upon a limit which at the rate of such registration shall have not less than three years to run, shall, if duly registered, be entitled to vote at the election of a member or members for the district.

6. Provided always that no person shall be entitled to vote at any such election who is an alien, or who at any time theretofore shall have been attainted or convicted of any treason, felony, or infamous offence within any part of Her Majesty's dominions.

7. The non-elective members of every such Council shall be appointed in manner hereinafter mentioned—that is to say: It shall be lawful for the Governor of the province by Letters Patent under the Great Seal of the province, from time to time to appoint such persons as he may think proper to be personally or by virtue of their office non-elective members of any such Council: Provided always that no such appointment shall be made until the return of the writs for the election of the elective members.

8. Every non-elective member of any such Council shall hold his seat therein for two years from the day of his appointment, or until the Council shall be sooner dissolved.

9. It shall be lawful for any Legislative Councillor—elective or non-elective—by writing under his hand, addressed to the Governor of the province, to resign his seat in the said Council, and upon such resignation the seat of such Legislative Councillor shall become vacant.

10. If any Legislative Councillor shall for two successive sessions of the Legislature of the province fail to give his attendance in the said Council, or shall become bankrupt, or take the benefit of any law relating to insolvent debtors, or become a public defaulter, or be attainted of treason, or be convicted of felony, or any infamous offence, or shall become *non compos mentis*, his seat in such Council shall thereupon become vacant.

11. If any person who shall have been designated as a non-elective member of any such Council as the holder of a public office shall cease to hold such office, his seat in the said Council shall thereupon become vacant.

12. Any question which shall arise respecting any vacancy in the said Council on occasion of any of the matters aforesaid, shall be heard and determined by such Council on such questions being referred to them for that purpose by the Governor of the province, and not otherwise.

13. Whenever it shall be established to the satisfaction of the Governor of the province that the seat of any Legislative Councillor hath become vacant, such Governor shall forthwith issue a writ for the election of, or shall appoint a new member (as the case may require) to serve in the place so vacated during the remainder of the term of the continuance of such Council, and no longer.

14. Every such new appointment or election shall be made in manner hereinbefore provided.

15. Every such Legislative Council shall continue for the period of two years from the day of the return of the writs for closing the same and no longer, subject nevertheless to be sooner prorogued or dissolved, as hereinafter mentioned.

16. There shall be a session of every such Council once at least in every year, so that a greater period than twelve calendar months shall not intervene between the last sitting of the Council in one session to the first sitting of the Council in the next session.

17. The first writs for the election of members of such Council for the provinces of New Ulster and New Munster shall be issued at some period not later than twelve calendar months after the passing of this Ordinance. And the first writs for the election of members of such Council for any such new province as aforesaid shall be issued at some period not later than twelve calendar months after this Ordinance shall be proclaimed, to come into operation within the same as hereinafter provided.

18. It shall be lawful for the Governor of the province for the time being, by Proclamation in the Government Gazette, to fix such place or places within the limits of the province, and such times, for holding the first and every other session of the said Council as he may think fit, and from time to time in manner aforesaid to alter and vary the same as he may judge advisable and most consistent with general convenience.

19. It shall also be lawful for the Governor of the province to prorogue the said Council from time to time, and by Proclamation or otherwise to dissolve the same whenever he shall deem it expedient so to do.

20. Every member of the said Council whose ordinary place of abode shall be more than twenty-five miles from the place where any meeting of such Council may be holden shall be entitled to receive, and there shall be paid over to him, on the first day of each session, by the Clerk of the Council, the sum of £50 for and towards defraying the travelling and other expenses incurred by such member in attending the meeting of the Council, and all sums so paid shall be chargeable upon and payable out of the general revenue of the province.

II. Jurisdiction of the Council.

21. It shall be lawful for the Governor of the province, with the advice and consent of the Legislative Council thereof, to make and ordain all such laws and Ordinances as may be required for

the peace, order, and good government of the province, subject nevertheless to the exceptions, limitations, and restrictions hereinafter contained.

22. All laws and ordinances to be made by the said Council shall be subject to the confirmation or disallowance of the Governor-in-Chief on behalf of Her Majesty in such manner and according to such regulations as Her Majesty shall from time to time prescribe in that behalf.

23. In the making of such laws and Ordinances the said Council shall conform to and observe all such instructions as Her Majesty shall from time to time make for their guidance therein.

24. No such law or Ordinance shall be repugnant to the law of England or to any Ordinance to be made and enacted by the Governor-in-Chief, with the advice and consent of the Legislative Council of New Zealand, or by any General Assembly thereof.

25. All duties, taxes, rates, tolls, and assessments imposed and made payable by virtue of any Ordinance now in force, or which may hereafter be imposed or made payable by virtue of any Ordinance to be made by the Governor-in-Chief, with the advice and consent of the Legislative Council of New Zealand, or by any General Assembly of the colony, shall be appropriated to such specific purposes as by any such Ordinance shall be prescribed in that behalf, and to no other, save as hereinafter excepted.

26. The first application of any such duties, taxes, rates, tolls, and assessments shall be towards defraying all the expenses of the collecting, receiving, managing, and auditing the same.

27. Subject to such deduction as aforesaid, and to any charge which by any law or Ordinance now in force may have been made on the general revenue of New Zealand, or of the provinces into which the colony may be divided, the proceeds of all such duties, taxes, rates, tolls, and assessments shall be paid over to the respective Treasuries of the said provinces for the public uses thereof, and be subject to the appropriation of the respective Legislative Councils of the said province respectively.

28. In the apportionment of any such ultimate surplus between the said provinces the part of the surplus to be assigned to each shall bear to the whole of such surplus the same proportion which the part of the gross proceeds raised and collected within such province may have borne to the total amount of the gross proceeds of any such duty, tax, rate, or assessment.

29. It shall not be competent for the said Council to make or enact any law or Ordinance for any of the purposes hereinafter mentioned—that is to say: (1.) For the regulations of duties of Customs to be imposed on the importation or exportation of any goods at any port or place in the said Islands of New Zealand. (2.) For the establishment of a general Supreme Court, to be a Court of original jurisdiction or of appeal from any of the Superior Courts of any such separate province as aforesaid. (3.) For determining the extent of the jurisdiction, or the course or manner of proceeding of such General Supreme Court, or of the said Superior Courts. (4.) For regulating the current coin of the said Islands, or any part thereof, or the issue therein of any bills, notes, or other paper currency. (5.) For determining the weights and measures to be used in the said Islands, or in any part thereof. (6.) For regulating the post offices within, and the carriage of letters within the said Islands. (7.) For establishing laws relating to bankruptcy and insolvency. (8.) For the erection and maintenance of beacons and lighthouses on the coasts of the said Islands. (9.) For the imposition of any duty or other charges on shipping, at any port or harbour within the same. (10.) For regulating marriages within the same or any part thereof. (11.) For affecting Crown land or lands belonging to the aboriginal native owners, or for inflicting any disabilities or restrictions on persons of the Native race to which persons of European birth or descent would not also be subjected. (12.) For inflicting the punishment of death or transportation for any crime or offence. (13.) For regulating the course of inheritance of real or personal property, or for affecting the law relating to wills.

30. And any Ordinance or pretended Ordinance which may be made by the said Council for any of the purposes hereinbefore set forth shall be absolutely null and void to all intents and purposes.

III. *Proceedings, &c., of the Council.*

31. Every such Legislative Council shall immediately on their first meeting, and before proceeding to the despatch of any other business, elect one of their members to be the Speaker thereof, which election, being confirmed by the Governor of the province, shall be valid and effectual during the continuance of such Council, except in case of vacancy in the said office by death, resignation, or otherwise, in which case the election shall be repeated and confirmed as hereinbefore provided.

32. The Speaker, so to be elected as aforesaid, shall preside at all meetings of the said Council.

33. The said Council shall not be competent to the despatch of any business unless a majority of the whole number of members be present.

34. All questions which shall arise in the said Council shall be decided by the majority of votes of those members of the Council who shall be present other than the Speaker; but in all cases wherein the votes shall be equal the Speaker shall have a casting vote.

35. The said Council, at their first meeting, and from time to time afterwards as occasion may require, shall prepare and adopt such standing rules and orders as may be best adapted for the orderly conduct of the business of such Council, which rules and orders shall be laid before the Governor of the province, and, being by him approved, shall become binding and in force.

36. Minutes shall be kept of all the proceedings of the said Council by the Clerk thereof, and such Council shall not proceed to the despatch of business until the minutes of the last meeting have been read over and confirmed or corrected, as may be necessary.

37. All laws to be enacted by the said Council shall be styled Ordinances, enacted by the Governor (or the Lieutenant-Governor, as the case may be) of the Province of _____, with the advice and consent of the Legislative Council thereof.

38. Every such Ordinance shall take effect from a time to be therein for that purpose appointed.

39. All Ordinances made for levying moneys and for imposing fines, penalties, or forfeitures shall grant or reserve the same to Her Majesty, her heirs and successors, for the public uses of the province and the support of the Government thereof in such manner as by such Ordinances may be directed. And no such money shall by any such Ordinance be made issuable save only by warrants to be granted in pursuance thereof by the Governor of the province.

40. It shall be lawful for the Governor of the province to transmit to the said Council, for their consideration, the draft of any such law as it may appear to such Governor desirable to introduce, and any amendments which he shall desire to be made in any Bill presented to him for the assent of the Governor-in-Chief, and such proposed law shall thereupon be considered by the Council in like manner as if the same were a Bill which had originated therein. And it shall be lawful for the Council to return any Bill to which the Governor shall have so made any amendments, with a message signifying to which of the amendments the Council agree, and those to which they disagree, and thereupon the Governor of the province shall give or withhold his assent to or reserve such Bill at his discretion, as hereinafter provided.

41. Every Ordinance which may have been passed by the said Council, and also every law proposed by the Governor of the province which shall have been passed by the said Council, whether with or without amendments, shall be presented to the Governor of the province for the assent of the Governor-in-Chief.

42. It shall be lawful for the Governor of the province, at his discretion, to declare that he assents to such Bills on behalf of the Governor-in-Chief, or that he withholds the assent of the Governor-in-Chief, or that he reserves such Bill for the signification of the Governor-in-Chief's pleasure thereon: Provided that all the Bills altering and affecting the divisions and extent of the several districts and towns which shall be represented in the said Council, or establishing new or other divisions of the same, or altering the number of the members of the Council to be chosen by the said districts and towns respectively, or altering the number of the members of such Council, shall in every such case be so reserved as aforesaid.

43. Whenever any Ordinance which shall have been presented to the Governor of the province for the assent of the Governor-in-Chief shall by such Governor have been assented to in behalf of the Governor-in-Chief, the Governor of the province shall, by the first convenient opportunity, transmit to the Governor-in-Chief an authentic copy of such Ordinance so assented to.

44. It shall be lawful for the Governor-in-Chief at any time within twelve calendar months after any such Ordinance shall have been received by him, by Proclamation in the *Government Gazette*, to declare his disallowance of such Ordinance, and such disallowance shall make void and annul the same from and after a day to be named in such Proclamation as aforesaid.

45. The Ordinance which shall be reserved for the signification of the pleasure of the Governor-in-Chief thereon shall not have any force or authority within the province until the Governor of the province shall signify either by Speech or Message to the said Council, or by Proclamation as aforesaid, that such Ordinance has been laid before the Governor-in-Chief, and that the Governor-in-Chief has assented to the same.

46. An entry shall be made in the Journals of the said Council of every such Speech, Message, or Proclamation as aforesaid; and a duplicate thereof, duly attested, shall be delivered to the Registrar of the Supreme Court, or other proper officer, to be kept among the records of the province.

47. The Ordinance which shall be so reserved as aforesaid shall not have any force or authority in the province unless the assent of the Governor-in-Chief thereto shall have been so signified as aforesaid within the space of twelve calendar months from the day on which such Bill shall have been presented to the Governor of the province for the assent of the Governor-in-Chief as hereinbefore provided.

48. If any such Ordinance shall be made to take effect from the time of the signification of the pleasure of the Governor-in-Chief thereon, then, unless such confirmation thereof shall have been signified within twelve calendar months next after the date thereof, every such Ordinance shall, from and after the expiration of that time, be considered as being disallowed.

49. If any such Ordinance shall be reserved by the Governor of the province for the signification of the pleasure of the Governor-in-Chief, as hereinbefore provided, then in like manner such Ordinance shall be considered to be disallowed unless the confirmation thereof shall have been signified, as hereinbefore provided, within twelve calendar months next after the date of the same.

50. If any such Ordinance shall be, or be deemed to be, disallowed by the Governor-in-Chief, the said Ordinance shall cease to have any operation or effect either upon and from such lapse of time as aforesaid or from a day to be named in the Proclamation signifying such disallowance, but no such disallowance shall have any retrospective operation, or shall render invalid or void any act done under the authority or in pursuance of any Ordinance before such signification of the disallowance thereof as aforesaid.

51. In the construction of all such Ordinances so to be made as aforesaid, the word "Governor" shall be taken to include the Lieutenant-Governor, and any word or words importing the singular number or the masculine gender only shall respectively be understood to include several persons, matters, and things, as well as one person, matter, or thing, and females as well as males, unless there be something in the subject or context repugnant to such construction.

52. In the construction of this Ordinance the term "Governor-in-Chief" shall be deemed to include the person for the time being acting in that capacity; and the term "Governor" shall be deemed to include the Lieutenant-Governor.

53. This Ordinance shall come into operation, as far as relates to the Provinces of New Ulster and New Munster, on the passing hereof, and so far as relates to any such new province as aforesaid, at such time as the Governor-in-Chief, by Proclamation in the *New Zealand Government Gazette*, shall for that purpose direct and appoint.

No. 26.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 133.)

MY LORD,—

Wellington, 23rd December, 1850.

1. I have the honour to transmit a despatch which I have this day received from the Lieutenant-Governor of New Munster, covering a letter from the Chairman of a Settlers' Constitutional Associa-

tion at Wellington, containing certain resolutions which they are anxious to have transmitted to your Lordship.

2. As the despatch of the Lieutenant-Governor affords apparently the information which your Lordship would require upon the greater number of the resolutions of the Association, it is only necessary for me to report upon those to which I now proceed to allude.

3. In their fourth resolution they state that I refused to allow the Legislative Council of this province to hold their annual sittings. Your Lordship must be well aware that I should never have dared to commit such an act as this, but my Despatch No. 98, of the 20th September last, will have put your Lordship in possession of the circumstances under which the Lieutenant-Governor had found it impracticable to assemble a Council at the period he desired.

4. In the sixth resolution the Association affirm that Sir George Grey's act, in taking the intestate estates funds out of the hands of the Registrar of the Supreme Court and placing them at the disposal of the Treasurer of the General Government, is calculated to destroy public confidence in their safe keeping, &c. It was with great pain I read this statement, made personally against myself by name, and deliberately assented to by Mr. Fox, the New Zealand Company's Agent, who is a lawyer. The letter from the Colonial Treasurer, enclosed in the Lieutenant-Governor's despatch, will inform your Lordship that the very reverse of that stated by the resolution is the fact. It was the Judges who ordered that these funds should for safe custody be paid into the Colonial chest; and one of my first acts was to pass in the Council the enclosed orders (which are published in the collection of Colonial laws) to meet this case, directing that no such moneys should be received by the Treasurer except upon a Judge's order; and that, having been once received, they should not be again paid out except upon the production of a Judge's order for that purpose.

5. I beg further to call your Lordship's attention to the Lieutenant-Governor's remarks upon the eighth resolution. The Government have here been by law deprived of all power over public lands or resources derived therefrom, and whilst the Principal Agent of the Company has neglected his most obvious duties to the public, he has, in the present instance, endeavoured to divert attention from himself by attacking the Government for not doing that which he really was alone able to do.

I have, &c.,

The Right Hon. Earl Grey, &c.

G. GREY.

Enclosure 1 in No. 26.

Lieutenant-Governor EYRE to the GOVERNOR-IN-CHIEF.

(No. 96.)

SIR,—

Government House, Wellington, 3rd October, 1850.

I have the honour to transmit to your Excellency, at the request of Mr. John Dorset (as chairman of the Settlers' Constitutional Association, Wellington), a letter addressed to Earl Grey, forwarding to his Lordship certain resolutions said to have been unanimously passed by the Settlers' Constitutional Association of this place.

2. The resolutions alluded to are, many of them, so similar in character to those which were transmitted by the Constitutional Association last year (commented upon in my Despatch No. 111, of the 30th August, 1849) as to require but little additional remark from me now, and especially so as most of the subjects to which the resolutions relate are rather of a general character and relating to the General Government, than of a local nature and relating to the Provincial Government.

3. Some of the subjects touched upon, however, being of a local nature, will require a few observations; and here I would first call your Excellency's attention to the statement that the resolutions were passed unanimously, and, in doing so, to bring under your notice a letter published in the following number of the *Wellington Independent*, 24th August, 1850, herewith transmitted from Mr. Godley, guarding himself against a misconception which might possibly arise as to the significance of his presence at the meeting of the Settlers' Constitutional Association on the 19th August, 1850, stating that his object in desiring to become a member of the Association, and in attending the meeting of Monday, was simply to identify himself in the most complete manner with those among his fellow-colonists who were seeking to obtain by legitimate and constitutional means the inestimable benefits of political freedom, and that he wished to be understood as assenting only to the first five of the resolutions passed on Monday as being those in which the principle above referred to is affirmed and illustrated.

4. The 6th resolution asserts that the local Government had twice suspended payment during the past year, and states by implication that the local Government "had appropriated for general purposes a considerable sum of money lying in the hands of the Sub-Treasurer of Nelson to the credit of the Intestate Estates Fund."

In reference to the first of these statements, I beg to refer your Excellency to the enclosed letter of the Colonial Treasurer of the province, from which your Excellency will observe that the local Government have never once suspended payment, but have in two instances deferred paying the salaries of their own superior officers for a few days as a mere matter of convenience, whilst such deferred payments have never in any case exceeded the period of one month, so that even the officers in question have never been a longer period than two months without receiving their salaries in this province (three-monthly or quarterly payments being the ordinary ones in New Ulster).

As regards the second statement, that the local Government had appropriated for general purposes a considerable sum of money lying in the hands of the Sub-Treasurer of Nelson to the credit of the Intestate Estates Fund, I can only say that no such appropriation has ever been made by my authority or directions, or with my consent or knowledge, whilst my Despatch No. 64, of the 15th August, 1850, with its enclosures, would have fully put your Excellency in possession of the circumstances upon which this statement is founded.

5. With regard to the 8th resolution, asserting that "the late melancholy accident at the Wairapa Lake is attributable to the neglect by the local Government of its proper and legitimate duties,"

I need scarcely remind your Excellency that the district in which that lake is situated has never been acquired from the Natives, whilst they have always refused their permission to any European keeping a ferry there. I would, however, point out that, even if the Government had had the assent of the Natives, the means from which the outlay necessary in establishing ferries—viz., the Land Fund—ought to come are in the hands of the New Zealand Company, whose Agent in the colony is thus taking a part in casting a stigma upon the Government for not doing that which ought properly to be done out of a fund over which either he or the body he represents have the whole and sole control.

6. With regard to the 9th resolution, on the subject of a gaol, I have already addressed your Excellency in the following despatches: No. 21, 12th March, 1849; No. 60, 9th June, 1849; No. 65, 19th August, 1850.

His Excellency the Governor-in-Chief, &c.

I have, &c.,

E. EYRE.

Sub-Enclosure 1 to Enclosure 1 in No. 26.

Mr. DORSET to the Right Hon. Earl GREY.

MY LORD,—

Wellington, New Zealand, 6th September, 1850.

I have the honour to forward to your Lordship certain resolutions unanimously passed by the Settlers' Constitutional Association of this place.

I have, &c.,

JOHN DORSET,

The Right Hon. Earl Grey, &c.

Chairman of the Settlers' Constitutional Association.

Sub-Enclosure 2 to Enclosure 1 in No. 26.

RESOLUTIONS of the SETTLERS' CONSTITUTIONAL ASSOCIATION.

Wellington, New Zealand, 30th August, 1850.

At a meeting of the Settlers' Constitutional Association, held at Barrett's Hotel on Monday, the 19th August, the following resolutions were unanimously passed:—

1. Moved by William Fitzherbert, Esq.; seconded by J. R. Godley, Esq.: "That the Association approves and reciprocates the sentiments of the Colonial Reform League as expressed in the prospectus of that body, and learns the fact of the creation of that society with feelings of great satisfaction, believing that it is calculated to promote not only the welfare of the colonies, but the permanency and strength of the Imperial power; since its views, if carried out, would exhibit the latter no longer in the aspect of a harsh stepmother, interfering in the affairs of her offspring only to irritate, thwart, or annoy, but as a kind and judicious parent, whose sole desire is to contribute to the happiness of her progeny by aiding in their establishment in the world, satisfied with the tribute of their affection, though their advancement involves, as it necessarily does, relaxation of parental control."

2. Moved by John Johnston, Esq.; seconded by J. H. Wallace, Esq.: "That in accordance with the recommendation of the Colonial League, this Association do appoint agents in London, and that C. B. Adderley, Esq., M.P., and Sir William Molesworth, Bart., M.P., be requested to accept of the office."

3. Moved by John Wallace, Esq.; seconded by Mr. George Waters: "That a corresponding committee, consisting of Messrs. Fox, Godley, Fitzherbert, Featherston, and Lyon, be appointed to communicate from time to time with the Colonial Reform League and the agents of the settlements, as well as with the settlers in other parts of New Zealand and the Australian Colonies; and that such committee shall act without previous reference to the Association, but shall lay their correspondence before the next general meeting."

4. Moved by A. de B. Brandon, Esq.; seconded by Mr. John McBeth: "That the Appropriation Ordinance for the year ending the 1st July, 1850, having expired, and Sir George Grey having directed the Lieutenant-Governor not to summon a Legislative Council, as the latter proposed, for the purpose, among other things, of submitting to it in the usual manner the annual estimates, the expenditure of the revenue of this province since 1st of July last without the sanction of the Legislature on the mere warrant of the Lieutenant-Governor is illegal, unconstitutional, and arbitrary. And this Association considers that Sir George Grey's refusal to allow the Council to hold its annual sittings affords additional proof how mere a pageantry and make-believe that Council is, since the Executive authorities are able thus to prevent its reassembling, and to assume to themselves the uncontrolled disposal of the revenue without consulting it."

5. Moved by W. B. Rhodes, Esq.; seconded by K. Samuel, Esq.: "That the nominees are placed in a most humiliating light, but in one which is perfectly just, by Lord Grey, who, in his published despatch of the 22nd December last, addressed to the Governor-in-Chief, informs the latter 'that it is practically immaterial what official salaries are charged to the Civil List so long as the revenue is appropriated by himself, with the aid of a Legislative Council nominated by the Crown and acting under the direction of Her Majesty's Government,' thereby clearly implying that any attempt of the nominees to act independently will not be countenanced or permitted, but that his Lordship intends them to be (as they most undoubtedly are) the mere puppets and obedient servants of Sir George Grey, in conformity with whose wishes they are bound on all occasions to act."

6. Moved by William Dorset, Esq.; seconded by Mr. Rowland Davis: "That, remembering the usual financial position of the local Government and the fact that during the past year it has twice suspended payment, this Association has heard, without the least surprise, of its having appropriated for general purposes a considerable sum of money lying in the hands of the Sub-Treasurer at Nelson, to the credit of the Intestate Estates Fund. That so gross a breach of a most sacred trust affords but little evidence of the fitness of the local Government for the office of regulating the public currency and receiving large sums of money in the exercise of that prerogative. That the former practice in reference to intestate estates, by which their proceeds, till distribution, were deposited in the hands of the Registrar of the Supreme Court, was one which ought never to have been departed from. And that Sir George Grey's act, in taking such funds out of the hands of the Registrar and

placing them at the disposal of the Treasurer of the General Government, is calculated to destroy public confidence in their safe keeping, ending, as it is apt to do and has done in this instance, in their being appropriated to the general purposes of the Government, instead of being kept as a sacred trust for widows and orphans, whose private property, and perhaps sole source of maintenance, they are."

7. Moved by William Fox, Esq.; seconded by Jacob Joseph, Esq.: "That the establishment of a Government Bank of Issue, which has lately been effected by the Governor-in-Chief, is a measure totally uncalled for and unnecessary in the circumstances of this colony. Without entering upon a discussion of the arguments in favour of the Government being the sole maker of paper money, it is sufficient to observe that the principal guarantee against the abuse of the prerogative which its most ardent advocates admit to be essentially necessary—namely, a representative Assembly, to scrutinise its operations—is wanting in New Zealand. Nor is this the only objection; it is a fundamental principle laid down by the supporters of such a system that on no account should the Government have power to discount bills. But Sir George Grey, contrary to the express instructions of the Lords of the Treasury and of Lord Grey, has established the New Zealand Government Bank by means of an Ordinance, which gives him full power to discount, in as much as it provides for the investment of the funds of the bank on such colonial securities as the Governor may think sufficient, which may, for anything in the Ordinance to prevent it, be private bills, or the Government might lend the funds of the bank to itself. Sir George's disregard of instructions in this matter leads necessarily to the conclusion that he does intend to make some such improper use of the funds of the bank. But, further, when the unscrupulousness of a needy colonial Government, in appropriating to its use any funds on which it can lay its hands, is considered, to say nothing of the risk of embezzlement by the officers intrusted with the charge of the public money, of which serious instances have already occurred in New Zealand, and repeated instances elsewhere, this Association cannot regard the Government Bank as entitled to public confidence, at all events till brought under the check and control of a popular Assembly."

8. Moved by William Lyon, Esq.; seconded by Mr. T. McKenzie: "That the late melancholy accident at the Wairarapa Lake is attributable to the neglect of the local Government of its proper and legitimate duties, and that this Association desires to express its warmest sympathy with the surviving relatives of the parties drowned."

9. Moved by Robert Waitt, Esq.; seconded by Kenneth Bethune, Esq.: "That in a young colony the first object on which the Government should expend the revenue are roads, bridges, and ferries. Accidents have before occurred at the Wairarapa, and the Government have been appealed to to establish a ferry there without effect. This is the more to be observed upon, because, though the Wairarapa stockowners contribute largely to the revenue, not one single farthing of it is expended either among them or for their benefit. For eighteen months past the Government has carried on no public works of any sort in this settlement, while such as had previously been partly executed go to ruin; yet, in this province a revenue of nearly £21,000 is spent by it solely in maintaining official establishments. Of what use those official establishments are, except to receive the revenue and pay their own salaries out of it, it were difficult to say. Nor among its other neglects must the want of a proper gaol in this settlement be omitted. On repeated occasions for two years past have grand juries and Justices of the Peace denounced the existing gaol as a disgrace to humanity and the worst in the British dominions, yet the Council meets, separates, and never notices it, never proposes to place a new gaol on the estimates, while it cheerfully votes the large revenue of the province towards official salaries. But it were useless, when all the proper functions of Government are neglected, to specify any particular neglect. Suffice to say that we hand over in taxes £21,000 a year, and get in return no single thing which we value, wish for, or require."

10. Moved by Mr. W. E. Taunton; seconded by Dr. Dorset: "That a copy of these resolutions be forwarded to the Lieutenant-Governor for transmission to Lord Grey, and another to the Colonial League."

Sub-Enclosure 3 to Enclosure 1 in No. 26.

The Hon. the COLONIAL TREASURER to the Hon. the COLONIAL SECRETARY.

SIR,—

Treasury, Wellington, 7th October, 1850.

I have the honour to acknowledge the receipt of your letter of the 3rd instant, calling my attention to the sixth resolution of the Settlers' Constitutional Association, published in the *Wellington Independent* of the 21st August, 1850, and requesting to be informed whether the local Government had suspended payment twice during the past year; and, if such suspension did occur, in reference to what account and under what circumstances it arose; and whether the imputed suspension of payment has reference only to the deferring of the payment of the official salaries beyond the usual monthly periods. My attention being directed in the first place to the resolution (a copy of which I enclose), I beg to state in reference thereto that the usual financial position of the local Government is certainly not such as to lead to the improper appropriation of such a sum as that referred to—namely, £269 16s. The change of system referred to, respecting the custody of such moneys, was effected by new rules laid down by the Chief Justice and Mr. Justice Chapman, approved by the Governor in Council 17th December, 1845; and made part of Ordinance No. 12, Session VII., passed 5th November, 1846. A reference to further regulations appended to the same Ordinance, though not forming part of it nor signed by the Judges, will show that the very reverse of that stated by the resolution is the fact. The Judges made a rule placing the intestate funds under the control of the Colonial Treasurer. The Governor-in-Council made a regulation restricting the authority over the funds to the Judges only.

The suspension of payment presumed to be referred to extended only to the delay in two instances of the monthly payment of the salaries of the heads of departments: in the one instance from the 1st to the 30th of the month, in the other from the 1st to the 8th.

The above remarks will have given you the desired information upon all points called for but one, and that is, under what circumstances the suspension of payment referred to took place. The circum-

stances that led to the temporary suspension of payment are pointed out by the Executive Council at a meeting held on the 16th April, 1850, in considering a statement laid before them by the Colonial Treasurer. The cause of the suspension is further illustrated, upon the same principle, by looking to the result of a similar statement for the whole financial year ending 30th June last, when it would be seen that, whilst the current estimated expenditure was £13,919, the current ordinary revenue was £16,312 9s. 7d.; that whilst the balance on the 1st July, 1849, and arrears of revenue amounted to £1,062 11s. 11d., the arrears of estimated establishments amounted to £2,111 1s. 4d. The supplementary expenditure current and arrears was for the year £6,060 15s. 9d., the receipts in aid were £6,100, which left only £39 4s. 3d. towards the payment of the arrears on the 1st July, 1849; so that the current revenue would be taxed to the extent of £1,009 5s. 2d., when the estimates presumed that assistance would be necessary to enable the fixed expenses to be met.

I have, &c.,

HENRY W. PETRE,
Colonial Treasurer.

The Hon. the Colonial Secretary, Wellington.

Sub-Enclosure 4 to Enclosure 1 in No. 26.

[Extract from the *Wellington Independent*.]

To the Editor of the *Wellington Independent*.

SIR,—

Wellington, 23rd August, 1850.

I am anxious to guard myself against a misconception which may possibly arise as to the significance of my presence at the meeting of the Settlers' Constitutional Association on Monday evening last; and I trust that the flattering prominence given by you to the part which I took in the proceedings on that occasion may exculpate me from the charge of presumption if I trespass, very briefly, on the attention of your readers for that purpose.

Many of the resolutions which are described as passed "unanimously" have reference to local questions which I have not had an opportunity of considering, and on which I do not wish to express any opinion. I beg, therefore, to say that my object in desiring to become a member of the Association, and in attending the meeting of Monday, was simply to identify myself in the most complete manner with those among my fellow-colonists who are seeking to obtain, by legitimate and constitutional means, the inestimable benefits of political freedom; and that I wish to be understood as assenting only to the first five of the resolutions passed on Monday as being those in which the principle above referred to is affirmed and illustrated. I have no idea of objecting to, or dissenting from, the resolutions passed subsequently to the first five; I merely abstain from identifying myself with them. I have again to apologise for intruding upon you with a matter personal to myself; but I hold that every person who takes part in the proceedings of a public meeting becomes responsible for the whole of its formal results, unless he expressly guards himself against such an inference.

I have, &c.,

JOHN ROBERT GODLEY.

Enclosure 2 in No. 26.

SUPREME COURT RULES ORDINANCE.—GENERAL RULES OF THE SUPREME COURT.

1. EVERY Registrar or Deputy-Registrar of the Supreme Court shall, on the first day of every month, or so soon thereafter as may be, submit to the Judge acting in the district of such Registrar or Deputy-Registrar an account or balance-sheet, which shall be signed by him, and shall show his aggregate receipts and payments within the month last preceding in respect of every estate under his official administration, and the balance in hand at the end of such month in respect of every such estate. The Judge shall compare the balance-sheet with the "Receiver's Book" kept by such official administrator, and, being satisfied of the correctness thereof, shall make an order in writing at the foot thereof for payment of the several balances therein stated into the hands of the Colonial Treasurer (if in the District of Auckland), or of the Sub-Treasurer of the district (if elsewhere).

2. When, upon the final passing of the accounts of any estate under official administration, there shall be found a residue of such estate after payment of all debts due therefrom, the Judge before whom such accounts shall have been passed shall thereupon make an order in writing for payment of such residue into the hands of the Colonial Treasurer in whatever district such accounts may have been passed. Also, when any such residue shall have been deposited with the New Zealand Banking Company at Auckland, or any branch of the Union Bank of Australia, under the general rule of this Court (Administration Rule 12) such residue shall (as soon as may be after the approval of these rules by his Excellency the Governor-in-Council) be directed, by an order in writing, signed by the Judge in whose district such residue shall have been deposited, to be paid into the hands of the Colonial Treasurer, in whatever district such deposit may have been made.

3. Where any money shall be paid into Court to abide the event of any suit, the Judge shall, by such order as aforesaid, direct the Registrar or Deputy-Registrar to pay the same into the hands of the Colonial Treasurer (if in the District of Auckland) or of the Sub-Treasurer of the district (if elsewhere).

In the exercise of the powers to us given by the Supreme Court Ordinance (Session III., No. 1, 25th December) the foregoing rules have been settled and approved.

WILLIAM MARTIN, C.J.
H. S. CHAPMAN, J.

Approved by the Governor-in-Council this 17th day of December, 1845.—J. COATES, Clerk of Councils.

THE following regulations, though not forming part of the schedule appended to the Ordinance, &c., are inserted for general information:—

Regulations to be observed in keeping accounts between the Colonial Treasurer and the Registrar of the Supreme Court, or other official administrators of intestate estates.

1. Whenever any official administrator shall be directed by an order of a Judge of the Supreme Court to pay over the residue of any estate into the hands of the Colonial Treasurer, or any monthly balance in respect of any estate into the hands of the Colonial Treasurer or of any Sub-Treasurer, the Treasurer or Sub-Treasurer will receive the same accordingly, and give a receipt for the same, and will also enter every such balance to an account to be called "Official Administration Account—Estate of A. B."

2. When any money paid into Court to abide the event of any suit shall have been ordered by a Judge of the Supreme Court to be paid into the hands of the Colonial Treasurer or of any Sub-Treasurer, the Treasurer or Sub-Treasurer will receive and give a receipt for the same, and will also enter every sum so received to an account to be called "Supreme Court Account—Suit of A. B., plaintiff, against C. D., defendant."

3. Moneys so received as aforesaid by the Colonial Treasurer or any Sub-Treasurer will be paid out upon production of an order for that purpose under the hand of a Judge of the Supreme Court to the person named in such order as authorised to receive the same. No such moneys, nor any part thereof, will be paid out except upon the production of such order as aforesaid.

Approved by the Lieutenant-Governor in Council this 13th day of December, 1845.—J. COATES, Clerk of Councils.

No. 27.

COPY OF DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 134.)

MY LORD,—

Wellington, 24th December, 1850.

1. I have the honour to transmit a letter addressed to your Lordship, on behalf of a Constitutional Association at Wellington, by Mr. John Dorset. This letter, having passed me on my journey from Auckland to this place, only reached me yesterday. It consists chiefly of comments on a despatch (No. 27) which I addressed to your Lordship on the 22nd March, 1849.

2. I wrote that despatch under the feeling of responsibility which necessarily rested upon an officer of the empire who was charged with very important duties. The Queen had, a few years before, intrusted to me the administration of the affairs of a country which was inhabited by distinct races, one of which (the aboriginal one) was still in a state of comparative barbarism, was by far the most numerous of the two, and was then in a state of active, successful, and increasing rebellion against British authority. Upon me, therefore, rested the responsibility, when peace had been established, of advising Her Majesty's Government, to the best of my ability, not to permit anything to be done which might either bring about renewed disturbances or might entail upon Great Britain the odium of having only obtained possession of this country by the infliction of unnecessary wars upon its inhabitants.

3. I have before also pointed out to your Lordship that, in the event of Great Britain being involved in a war with foreign Powers, it would depend upon the state of our relations with the Natives whether or not New Zealand was one of the weakest or strongest points in the British Empire; and I felt, therefore, during the recently disturbed state of Europe, that I was responsible to my Queen and country if possible to take care so to conduct affairs that, in the event of a war, the Government intrusted to me might not only maintain against an enemy its own territory, but might even afford the means of aiding other contiguous portions of the empire, or of assailing any enemy in this part of the world. Opinions formed by me under such weighty responsibilities must necessarily have been sometimes opposed to the opinions of those upon whom no such responsibilities rested, and who were very anxious to obtain a particular object which they much desired. Her Majesty's Government acted upon the opinions which I expressed; and I have the satisfaction of knowing that I at least led them to take no imprudent step; for, disastrous as was the state of these colonies a few years since, it is certain that, at the present moment, there is no portion of the empire in which a greater degree of tranquillity and prosperity prevails than in New Zealand.

4. I have just reperused the despatch upon which the enclosed letter comments, and I can see nothing in it that I am not glad I wrote, that I do not think it was my duty to have written.

5. The writers of the enclosed letter state that I have had recourse to what they term an ingenuity, and ask, Can the cause be an honest one which has recourse to a proceeding of this sort? This assertion of theirs rests wholly on a misunderstanding; they overlook the fact that, in the second paragraph of my despatch, I distinctly begin my argument by stating, "In the Province of New Ulster, as your Lordship has proposed to fix the boundaries of that province;" and I then throughout the despatch speak of the provinces with the divisions your Lordship had proposed, calling the provinces as proposed to be defined when representative institutions were introduced, by the names of the provinces now existing with their present boundaries. I was writing to the person who had proposed certain boundaries, and who was anxious to see them established; I think, therefore, there can be no doubt I could not in this respect have deceived your Lordship.

6. I beg further to state on this subject that I did not, although they contend the contrary, omit in my statistics any settlement from the province to which it properly could belong under the proposed division of New Zealand; and the statistics themselves were carefully taken from the latest documents then in my possession.

7. From the misunderstanding before alluded to, the return of Native and European populations in the enclosed letter from Dr. Dorset must, apart from their other causes of error, be wholly incorrect for the provinces with the boundaries it is proposed to fix. For instance, in regard to the Native population, the whole of the population of Taranaki, of the country to the north of Taranaki, between Wanganui and Taranaki, as well as the population of Wanganui, of Rotoaira, &c., are all omitted from the Province of New Munster by the writers of the enclosed letter.

8. The remarks made in the enclosed letter upon the proportions of the revenue contributed by the different classes of Her Majesty's subjects, containing an obvious error, have appeared to me to require only a marginal remark.

9. But the remarks made in the enclosed letter regarding the treatment of the Natives by the Government and the missionaries require some observations. It might be imagined, from the language of the writers of this letter, that they desired to see an incorporation of the two races and of their interests brought about, whilst the Government desired the isolation of the Native race and their separation from the Europeans; that they (the writers of the letter) desired the instruction of the Natives in the arts of industry; that the Government desired to maintain them in the habits of sloth; whilst it must be well known to all persons who had considered the subject that the Government has constantly laboured for the incorporation of the two races, and for the instruction of the Natives in the arts and habits of industry.

10. The writers of the enclosed letter make, however, this statement: "The Government neither possesses the means nor makes any attempt of the slightest consequence directly to improve their condition or to promote their civilisation." A sufficient answer to this might be to refer to the Police Force, to the savings-banks which have been established, to the hospitals and schools erected by the Government, and at one of the latter of which no fewer than 150 children are maintained, educated, and trained in habits of industry; but, as I consider the enclosed letter strikes really at the root of all missionary enterprise in New Zealand, and gives a most unjust representation of what has been already achieved, and of the labours and intentions of, I really believe, as noble and devoted men as the world has ever seen, I enclose to your Lordship the only two letters having relation to this subject which reached me on the same day as the enclosed letters from Dr. Dorset, and the testimony thus given from two distant points will afford your Lordship an idea of what is going on in many parts of this country.

11. The first of these is from a missionary at Otawhao, dated the 28th October, from one of those men whom the writers of the letters now transmitted to your Lordship represent as appealing in evidence of the success of their tutelage of the Natives to their fervency of spirit. It will be found (although Mr. Morgan's letter in itself says little) from the accompanying returns which he transmitted with it that, although he, no doubt, rejoices much in the fervency of spirit of his little flock, of that he says not a word, but encloses returns showing that the Native inhabitants of his village had last year 1,036½ acres under cultivation; that their crops were worth £11,151 5s. 7½d.; and that they have this year 1,317 acres of land under cultivation; that they possess 56 horses, 13 cows, 6 ploughs, 5 drays and carts, and 1 harrow. Such an amount of wealth in a single village will also afford a good idea of what the probable contribution of the Natives to the revenue is. At Mr. Morgan's station a school for half-castes is established, where the children are boarded and trained to industrial pursuits. It is working well, and numbers already more than forty pupils. I enclose with Mr. Morgan's letter a short extract from the journal of a recent traveller, giving a brief account of this school.

12. The second letter is from the Rev. Mr. Maunsell. He also conducts a boarding-school, which numbers about sixty children. They are likewise being trained in habits of industry, although the soil in his neighbourhood is but ill adapted for agricultural operations. It will be found that he also says nothing about the fervency of spirit of his flock, although he says that they are about to overcome the unfavourable nature of the soil by going through the laborious operation of making land. It will be further found from his letter that his pupils tend cattle and sheep, milk and churn, act as masons, manage horses, and learn to plough.

13. I have only taken these two letters because they reached me on the same day as the one from Dr. Dorset, which it is my duty to transmit. They are both from members of the Church Missionary Society; but did I recount what is daily done by missionaries of all denominations for the instruction of these Natives in the habits of industry I should only weary your Lordship.

14. With regard to the two precise Native villages alluded to by the writers of the enclosed letter—namely, Otaki and Motueka—I should state that I shall leave to Archdeacon Hadfield, the missionary at Otaki, to answer for his own Natives if he thinks proper to do so; and I have called for returns which will, I think, enable me to show in another despatch that the same aid has been afforded by Government and missionaries to Motueka as to other places, and that without taking from the settlers of that place or elsewhere their due share of praise; that the Government has in various ways aided their efforts and those of the Motueka Natives, so that the advancement which has been made is, to some extent, to be attributed to the Government. The point of Otaki and the Natives in this vicinity ought not to have been selected by the writer of this letter in any accusation thus brought against the Government of neglecting the interests of the Natives, because one of the parties concerned in this letter, or at least a leading member of the Association from which it emanates, is Mr. Fox, the Principal Agent of the New Zealand Company, who has for the last two years exercised by law in this province all the powers of the Crown over the public lands of New Munster.

15. Now the Government cannot properly aid in the civilization of the Natives unless it can grant lands for sites for schools and similar purposes, and unless from funds derived from the Land Fund it can aid such schools and assist efforts which are made for the advancement of the Natives. It has, therefore, in this part of New Zealand been cut off from one of the main sources of usefulness, whilst the person in whose hands they are invested has not only not aided the Government in these respects, but has thrown various difficulties in their way.

16. One of the complaints made in the enclosed letter relates to a fence which surrounds a pa at Waikanāe and where it is said there are still standing posts covered with gigantic figures of the most obscene design. For this, if true, I am in some degree responsible. The Natives have nearly all abandoned the pa alluded to. I never examined these posts particularly, but those I did look at, although they consisted of unclothed figures, did not seem to me to deserve the description here given of them. On the contrary, I felt anxious to have some of them sent to the museums in Europe as specimens of New Zealand carving. Having acquainted the Natives with my wishes, they presented me with these posts for this purpose, and promised to leave them standing that the captain of any

vessel of war who called for them might select the best; and the senior officer on this station nearly two years since requested the captain of any man-of-war who passed to remove the best figures for the purpose of being taken to England.

The Right Hon. Earl Grey, &c.

I have, &c.,

G. GREY.

P.S.—I think it right further to call your Lordship's attention to a statement made in the appendix to Dr. Dorset's letter, which might lead to the belief that the Native chief Te Puni had not been justly encouraged by the Government, and that Te Rauparaha had not been punished sufficiently. It would perhaps be impossible to show that a Native chief had been sufficiently encouraged by the Government. I can only state that between Te Puni and myself the most friendly intercourse has always existed, and that I believe the old man regards me with greater feelings of personal esteem and affection than he does any other European in New Zealand. With regard to the punishment inflicted on Te Rauparaha, I enclose for your Lordship's information, in the original language, with translations of them by Mr. Domett, the Colonial Secretary, two Maori laments for the capture of Te Rauparaha, which will not only show the light in which the Natives regarded the punishment inflicted on him, but will also exhibit the martial spirit and feeling of the Native race which can compose such songs, and chant them as they do throughout the entire country, over the whole of which they spread in a very few weeks.—G. G.

Enclosure 1 in No. 27.

Mr. DORSET to the Right Hon. Earl GREY.

MY LORD,—

Wellington, New Zealand, 8th October, 1850.

It is little more than a year since I had the honour to forward to your Lordship, through the local Government, a series of resolutions passed by the Settlers' Constitutional Association of Wellington, in which Sir George Grey's despatches to your Lordship, assigning reasons for the postponement of self-government in this colony, were examined and replied to. We then endeavoured to convince your Lordship, by a train of argument which we hope was not altogether inconclusive and by an array of facts of which we have seen no refutation, that the reasons assigned by Sir George for such postponement were futile, his statements untrustworthy, and the course proposed by him inexpedient. We have more recently been made acquainted with his subsequent despatch to yourself of the 22nd March, 1849, which has reached us through the medium of the "Further Parliamentary Papers for 1850," among which it is printed, as is also your Lordship's reply expressive of your concurrence in Sir George's views. That despatch has created great dissatisfaction among the colonists in this part of the Islands [I have never previously heard of this discontent.—G. G.], involving them as it does in groundless imputations very injurious to their character, while it exhibits a disingenuousness in argument and recklessness of assertion which when exposed must, we conceive, convince your Lordship that Sir George has addressed himself to the subject more in the heated temper of a partisan than with the cool judgment which we should expect in one who was officially tendering advice to the British Government, and on whose counsel depended the bondage or liberty of the entire colony.

2. It appears from his own statement that the despatch in question was written by Sir George before the petition to Parliament which induced him to write it had been seen by him, and while he was entirely unacquainted with its details. We will not dispute this statement, although the petition had been printed in the colonial newspapers nearly a month before the date of his despatch, and had, we presume, been seen by those who informed him of its existence, and who, it might reasonably be supposed, would have informed him of its contents. Nor will we enlarge on the want of dignity exhibited by him in his attempting, before he had seen the petition, to disparage those from whom it emanated, and to forestall its contents, of which he professed ignorance. [I in no way whatever either desired or attempted to disparage those from whom it emanated. The arguments I used were general ones, and had no relation to those which the petition might have contained.—G. G.] But we may be permitted to observe that such a course was not indicative of much confidence in the force of argument used by him in his previous despatches of November and February, nor in the goodness of his cause. Nor if, as he states, he had in his contemplation when he wrote those earlier despatches the facts contained in that under comment, do we understand why he omitted them from the former laboured and most carefully-written documents. We are inclined rather to attribute their subsequent appearance to that feeling which induces one fighting a desperate battle to aim at his adversary any blow with any weapon which he may be able to snatch in the heat of the contest, without considering whether the one or the other is consistent with the rules of honourable combat.

3. We regret to observe in the despatch under consideration several passages which appear to have been written with no other intention than that of misleading your Lordship, and which, though they evince some ingenuity and cleverness, are entirely unworthy of an officer filling a high appointment and enjoying the confidence of Her Majesty's Ministers. Sir George's cue appears to have been so to confuse the circumstances and statistics of the two provinces as to oppose to a petition, emanating from the southern only, all the objections which could be found to exist in either, and, by jumbling the whole together, to make it appear in many parts as if what belonged to the North solely really had application to the South also, and in the South specially. He confounds the boundaries and extent of the several provinces; leaves out whole settlements when it suits his argument, and again inserts whole settlements where properly they have no place; at one time referring, with every appearance of precision, to authentic returns, at another contenting himself with vague generalities and loose guesses; while the whole is so ingeniously put together that we defy any person not personally and minutely acquainted with the colony to detect the fallacy of the argument or avoid falling into the snare set for his understanding. [These remarks are all replied to in the despatch which accompanied this memorial.]

4. In the 4th paragraph of Sir George's despatch he writes, "In the southern half of the Northern Island—that is, in the Province of New Munster—the number of European males above twenty-one years of age, exclusive of the military, is 1,657," &c. Now this, we submit, can only be

understood as asserting that the Province of New Munster and the southern half of the Northern Island are identical and coterminous, and that the number of adult males given are those of the whole province. But that province in reality includes, in addition, the whole of the Middle and Stewart Islands—a district of above 50,000,000 acres, containing the three European settlements of Nelson, Akaroa, and Otago; while the male adult population of the whole province amounts, according to the Government census taken seven months before the date of Sir George's despatch, to 2,274 instead of 1,657, as stated by him—an amount larger by upwards of a third than that which he gives. Your Lordship will observe that Sir George's argument rested entirely on the small number of European adult males, and that the fewer he could make them appear to be the more weight his reasoning would be entitled to; but it seems hardly fair in him to secure such a result by leaving out four-fifths of the province in extent, two of the largest settlements in the colony, and a third of less importance; nor can we omit to point attention to the ruse practised in the 4th and 5th paragraphs, where, apparently to catch the eye of the hasty reader and make the alleged disproportion more striking, Sir George places in opposition not male adults and male adults, or totals and totals, but male adults only of Europeans and total population of Natives. [Nothing else could be done. The Government had no estimate of the Native population which divided them into sexes or ages; and I expressly stated that I could only probably estimate the number of fighting males.—G. G.]

5. Again, in the next instance which we shall give, Sir George had for his aim to make the number of Natives relatively to the Europeans appear as large as possible. Instead, therefore, of leaving out four-fifths of a province and three settlements, he extends the boundaries of a province, and drags into it a whole district which does not belong to it. [These points, and the error into which the writers of this letter have fallen, are explained in my despatch which accompanies this letter.—G. G.] This misrepresentation of his occurs in paragraphs 4 and 5, when read together, as follows: "4. In the southern half of the Northern Island"—that is, in the Province of New Munster—"the number of European males above twenty-one years of age is 1,657," &c. "5. I have no means of calculating accurately the Native population within the same district, but those in immediate contact with the Europeans at Wellington, Taranaki, and Wanganui alone amount to about 7,000 souls; and I do not think that the whole Native population in the district named can be taken at less than 25,000 souls." Would any person reading the above suppose for a moment that Taranaki was not in the southern half of the Northern Island or in the Province of New Munster, but in the northern half and in the other province, as is the case? But Taranaki borders on a district populous with Natives; and it suited Sir George's argument, while endeavouring to forestall a petition from the southern province, to make it appear as if it belonged to that province. [It is well known to your Lordship that I had been directed to include Taranaki in New Munster, and that it is to be so included the moment representative institutions are introduced, and it was to that time that my arguments applied.—G. G.] Can it be an honest cause, my Lord, to maintain which it is necessary to have recourse to an ingenuity of this sort? Will your Lordship adopt advice or give weight to opinions which rest on a foundation so easily overthrown?

6. Whether the district named is to be understood as signifying the Province of New Munster exclusively, or that province with Taranaki added, we are prepared to show that Sir George's estimate of 25,000 Natives is a great exaggeration, the number in either case not exceeding one-half of that stated by him. We are not aware why Sir George was without the means of calculating the number, a census having been published by the local Government of this province fully two years before the date of his despatch, and which, though it has by later returns been proved to have overstated the actual number of Natives, did not approach Sir George's estimate by a great deal, for which reason, possibly, he declined using it, and preferred the vagueness of his own surmises. It appears from the following table, compiled from authentic official sources, that the actual number of Natives in the whole southern province, of all ages and both sexes, amounts only to 9,202 souls:—

Northern Island.

Wairarapa to Rangitikei, both inclusive (Kemp)	...	...	...	4,711
Turakina to Wangachu (estimated)	...	...	...	250
Wanganui (Grimstone)	...	...	...	596
From Wanganui to Otumatua * (Grimstone)	...	...	...	950
				6,507

Middle Island and Stewart Island.

From Cape Farewell to Wairau, inclusive (Government census)	...	...	...	1,408
Thence to Kaiapoi (estimated)	...	...	...	50
Kaiapoi to Otago (Mantell)	...	...	...	637
Otago (Government census)	...	...	...	150
Ruapuke (Hamilton)	...	...	...	200
Foveaux Strait and Stewart Island (Hamilton)	...	...	...	150
West Coast (Brunner)	...	...	...	100
				2,698

Total, southern province	...	...	...	9,202
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7. In the 7th paragraph Sir George, without admitting that there is any distinction between the character of the two provinces, adverts, as a ground for withholding self-government, to the "numerous disappointed applicants for employment, whose influence, from the very small number of the European population, is perhaps greater than in almost any other community;" and in the same

* *Vide* Appendix I., p. 62.

residue, he says, "are contained the disappointed land claimants, the aliens, and various persons arriving from islands in the Pacific and other places who, having led a lawless life, and being frequently Americans, bear no attachment to the British Government, or perhaps to any Government whatsoever." Whether this disparaging picture has its reality in any part of New Zealand we cannot pretend to say. That it is in any respect true as a representation of any part of the society of the southern settlements we respectfully but most emphatically deny. Disappointed applicants for employment possessing any influence we believe to be fewer in number than those who have rejected Sir George's overtures of official advancement because they disapproved of his attempts to govern without constitutional forms; of disappointed land claimants we know not one; while the whole of the foreigners in the province only amount to 224 souls, nearly the whole of whom are naturalised Germans, true colonists and honest subjects of the British Crown. But the best refutation of this statement, if intended to apply to the southern province, is Sir George's own assertion, made on a previous occasion, and which he has never attempted to explain away, "that of all the colonists he had ever known those in Cook Strait were the best fitted for self-government, and that no reason existed [three years ago] for delay in its introduction."

8. In paragraph 8 Sir George says, "It is to be remembered," as if he were announcing a well-ascertained and undisputed fact, "that by far the greater portion of the total sum raised by taxation is contributed by the military officers and men, by the naval force, and by the large Native population; and that it may, therefore, perhaps be doubted whether the giving to the population above stated the power of governing the country and of appropriating its revenues is not, in fact, something very different from giving them the power of self-government and of appropriating funds raised from themselves." This assumption of Sir George's, unsupported as it is by any evidence, we might meet by a simple denial; but it is better to prove to your Lordship, by a careful calculation, how far from the truth his statement is; and we undertake to show that, instead of the classes named by Sir George contributing "by far the larger part" of the revenue, they do not contribute more than one-fourth. In the first place we will take the military class. In the year terminating with the date of Sir George's despatch there were paid between £4,000 and £5,000 for duties on spirits consumed by the soldiers of the two regiments in both provinces of New Zealand. But as this amount was immediately refunded by way of drawback to the commissariat chest, and as since that date no duties have been levied on their spirits, the item forms no part of the net revenue, and has no bearing on the question under discussion. The only other duty of any consequence paid by them which we are able to discover is on flour. Supposing that all they consumed was imported, and that each man was allowed 10 lb. per week—which is over the actual quantity—this would only produce to the revenue £750 a year. There is no duty on any sort of provisions consumed by them, nor on any military stores, clothing, or the like; their private expenditure is altogether inconsiderable, each soldier having about three halfpence a day to spend, or £3,600 a year in both regiments, affording a contribution to the revenue (if all spent in consumable articles) of only £360. Then as to the officers: taking them at forty to each regiment, which it is believed will include staff, commissariat, Artillery, Engineers, and all sorts; considering how many of them are lieutenants and subalterns, and how quietly and inexpensively they live in colonial quarters, they cannot be estimated to expend in the colony more than an average annual income of £250 a year each. Of this (their wine and spirits being duty free by a local Ordinance), certainly not more than £50 a year each is expended on customable articles. [Every article imported into New Zealand is subject to an *ad valorem* duty. The writers of this letter have omitted all indirect taxation. My statements were quite correct.—G. G.] This would give a contribution to the revenue of from £400 to £500. These figures may at first appear low, but the Military receiving duty free nearly all the principal articles of consumption on which civilians pay duty, we do not doubt the accuracy of the estimate. Here then is the whole amount of the contribution of Military, officers, and men: On flour, £750; soldiers' pocket money, £360; officers' expenditure, £500: total, £1,610. If we allow for the navy as much as makes up that amount to £2,000, we are confident that we are not at all below the proper estimate. (*Vide* Appendix II.) We will now ascertain the probable amount of contribution by the Natives. In a recent very careful return made by Mr. Kemp (*vide* Appendix III.), the Native Secretary of this province, he estimates the expenditure of the Natives on articles of British manufacture in the district, which has Wellington for its emporium, and where they, no doubt, consume a much larger proportion than in more remote places, at £1 5s. per annum. This, for the 9,202 Natives of the southern province, would give about £1,100 contributed to a revenue of about £21,000. It is certain that the Natives in the northern province, most of whom live far apart from any European settlement, consume a very much smaller amount of customable goods per head. But taking them at 80,000 souls (which we believe is much over the mark), and allowing them to expend £1 per head on imported articles (which also we believe excessive), it would give £8,000 as their contribution to a net revenue of about £24,000. Nearly the same result is arrived at by another process. The net revenue of the northern province, after deducting the drawbacks paid to the commissariat chest and the amount of military and naval contributions for that province, as fixed by the above estimate, would be £23,323 contributed by Natives and European civilians. Now of this sum, £7,863 was levied on spirits (exclusive of those consumed by the military, allowed for above), and as the Natives drink none, that item is to be placed entirely to the credit of the European civilians. Add only half the duty on tobacco (£1,907), and half the *ad valorem* duties (£6,232) and we have a total of £16,003, which, deducted from £23,323, leaves £7,320 as contributed by the Natives, somewhat less than the result by the other process; but approximating sufficiently to prove the general accuracy of both. We will take the medium between the two—£7,660. This will complete the calculation: Military and naval contributions, £2,000; Natives in south province, contributions, £1,100; Natives of north province, contributions, £7,660: total, £10,760. The entire revenue raised in New Zealand in 1848, excluding a small sum on the Land Fund, was: Northern province, £26,223; southern province, £20,973. Deduct military duties on spirits as before, say, £5,000: net total, £42,196. And of this sum of £42,196 the military, naval, and Natives contributed but £10,760, or rather more than one-fourth, instead of "by far the larger part," as boldly

asserted by Sir George; while, if we take the southern province alone, the contribution of those classes was only one-eighth part of the whole.

9. We are prepared with further calculations in corroboration of the foregoing, but it is unnecessary to trouble your Lordship with them, since a less complete scrutiny than we have already given ought to suffice as an answer to an unproved assumption such as that on which Sir George rests his case. But as we have already quoted Sir George's opinion of our fitness for self-government in 1846 to confute his opinion in 1849, we may on this question of revenue also call him as a witness to contradict his own statement. If your Lordship will be pleased to refer to Sir George Grey's despatch to yourself, dated the 17th March, 1848, you will there find him dilating on the increasing prosperity of the several European settlements, and citing as a proof of that prosperity the revenue levied in each, without hinting for a moment that "by far the larger" (or indeed any) portion of it was contributed by soldiers, sailors, and Natives. [I should have thought that barbarous tribes submitting to taxation, and largely contributing to the revenue, was a great proof of the prosperity of the country; if I omitted these subjects in the one despatch mentioned, I am sure I have often alluded to them.—G. G.] And we may also refer your Lordship to the official returns for 1842 and 1843, when not a single soldier or ship of war was in the province, when the Natives had scarcely acquired the habit of consuming any imported goods, and when the settlers were comparatively ill off. In those years the revenue of this province amounted to £13,154 and £12,592 respectively. The European population is now more than a third larger than at these dates; it is very much wealthier than then, as proved by Government returns of agriculture and stock; and yet Sir George Grey would persuade your Lordship that its contributions to the present revenue of, say, £21,000, are very much smaller than they were seven years ago; for on no other supposition can he give his statement the semblance of truth. [That is usual in the first years of a colony, but the revenue subsequently much decreased.—G. G.] Supposing that their contribution to the revenue has only increased in the proportion in which the population has increased, they must now contribute at least £17,000 towards a total of £21,000, leaving only £4,000 for the military, navy, and Natives, a sum very far from representing by far "the larger part."

10. But indeed if his statement had been correct, it would not demonstrate the inexpediency of giving the colonists self-government. For the question is not whence does the revenue arise, but how may it be spent most beneficially for the colony? Will it be more beneficially expended by a Governor wielding despotic power and having no personal stake in the colony, or by the elected representatives of the colonists, whose welfare depends in a great degree on its right expenditure, and who are awake to all those local interests a consideration of which is likely to lead to its judicious application? Sir George's argument proves too much, for, if the colonists have no right to administer funds which they did not contribute, whence arises his right and that of his nominees to do so? The revenue was certainly not contributed by him or them. According to Sir George's views, the soldiers, sailors, and Natives are the parties entitled to expend it. But it is unnecessary to expose the fallacy of his conclusions, when we have already refuted the premises on which they rest.

11. It is with difficulty that we have been able to control the feelings of indignation with which we read the tenth paragraph of this despatch. Parading the existing tranquillity of the colony, for which Sir George always takes exclusive credit to himself, attributing it in no degree to the good feeling of the colonists towards the Native race, he says, "Past events have shown the disasters and expenditure which may result from arousing the Natives. The question, therefore, naturally arises, what advantage will be gained by immediately introducing representative institutions amongst so small a European population, which would be commensurate to the risk incurred by such a proceeding?" This clearly intimates that self-government would risk a war with the Natives, who would be "aroused" by the colonists. [I am sure I shall not be expected to reply to this ungenerous remark. The most cursory perusal of my despatches would show that I have never attempted to take such credit to myself.—G. G.] Why, we would ask, should such a result occur, and how is it consistent with "past experience"? Had we representative institutions when Heke destroyed the flagstaff, when Wanganui was sacked, or the Hutt occupied by a military force? Who "aroused" the Natives on those occasions? Was it colonists governing by representative institutions, or Governors and their nominees? The colonists may well make it their boast that the necessity of employing military force against the Natives in New Zealand, which has occurred on three occasions in different parts of the Islands, has in no respect been attributable to themselves, but rests solely with the Government. The first occasion was in 1845, when Heke cut down the flagstaff at the Bay of Islands as an overt act of rebellion against British authority, which he followed up by sacking and destroying that settlement. No differences about land or anything else existed between the colonists and the Natives. Heke expressly declared that what "aroused" him was the presence of Government authorities at the bay. The second occasion when the sword was drawn was at the Hutt, when the Government undertook to expel certain Natives from land of which they had repeatedly admitted they were not the owners, and for which the true owners had been three times paid. They were in no respect "aroused" by the colonists, whose forbearance with their aggressions was most praiseworthy and remarkable. [The writers have omitted to mention the first occasion when the sword was drawn, at the Wairau, in June, 1843.—G. G.] The third occasion was at Wanganui, where the necessity of employing the military originated in the barbarous murder of the Gilfillan family by five Natives, as a retaliation for an accidental wound inflicted on a Native chief by a midshipman of the "Calliope" amusing himself with a pistol. And yet Sir George alludes to "past experience" as a proof of the danger of intrusting the colonists with the management of their own affairs. If he had referred to it as a proof of the mischief which irresponsible Governors and nominee Councils might be the cause of, he would have been nearer the mark.

12. And as to this part of the subject, we feel bound, most respectfully but most earnestly, to invite your Lordship's particular attention, for the argument which of all others seems to have had most weight with the English public, and which Sir George has taken good care to urge constantly in his correspondence with your Lordship, though he has never dared to advance it in the colony, is the danger of permitting the colonists to legislate for the Natives, and the importance of adhering to the

present despotic form of Government as the best guarantee for the protection of the Native race, and the best means of advancing their civilisation. The argument was answered in the resolutions of the Settlers' Constitutional Association in August last, by which it was shown that the colonists were quite as likely to care for the welfare of the Natives, and much more capable of promoting it, than an arbitrary Government, which, after all, so far from having done anything towards civilising the Natives, had by its vacillating and mistaken policy been the originator of three rebellions and the principal means of retarding the advancement of the Natives and the amalgamation of the races. In urging this reply, the colonists have surely the best of Sir George Grey; because, while he can only appeal to his fears for the future and rest his case on predictions of what he thinks likely to come to pass, they appeal to facts, and rest their case on ascertained events. They assert boldly that the Natives have not prospered in consequence of the patronage and guardianship of the Government; that nearly all the evils which have existed in reference to them are traceable to their mismanagement under the present system; that little or no provision for their permanent or general benefit has been, or is likely to be, made by the present Government. And further, they contend that there is every reason to believe, if the settlers had the control of their own affairs, the impediments to Native civilisation would be much removed, and many more steps be taken to secure it than have ever been thought of by their present patrons. We are confident that, in the mouth of Sir George Grey, this argument about Natives is merely made a stalking-horse, by means of which he hopes to impede the introduction of self-government; that, even if it were clear to him that the institutions bestowed on us would raise them in the scale of humanity, so great is his dread of self-government and so strong his determination to resist its introduction till he can escape from the colony, that he would still oppose it. But as we write not to convince Sir George so much as those whom his statements have misled, we trust that your Lordship will not consider us trespassing too long on your attention while we offer some additional illustrations of the position taken in the resolutions before referred to.

13. The treatment of the Natives on the two opposite sides of Cook Strait has differed most materially, and, while it illustrates two different systems, has been attended with results most widely different. On the northern shore, extending from Cape Palliser to Wanganui, paternal Government, by means of the protector and missionary system, was established soon after the commencement of the colony. Under these influences the Natives have generally declined to sell the land; and, with the exception of the small portion constituting this settlement and the Rangitikei lately purchased, have continued in occupation of the whole territory on this side of the Strait to the almost total exclusion of the colonists. At Waikanae and Otaki, fifty and sixty miles from Wellington, a central point as regards this district, there have been established the southern head-quarters of the Church Mission, where, under the superintendence of two energetic missionaries and a Resident Magistrate, it has been attempted to spread whatever good their system possesses for the civilisation of the Native race. The number of Natives within the district, including the Wairarapa, which is visited by a missionary from Hawke's Bay, is, according to the recent Government returns of Mr. Kemp, about 5,000. They may be considered as living under Government and missionary guardianship, and, with the exception of a small number near Wellington, are removed almost entirely from contact with the colonists and the influence of colonisation. On the southern shore of Cook Strait, extending from Cape Farewell to the Wairau, within the limits of the Nelson Settlement, the Natives early sold by far the greater part of their lands, leaving themselves nothing but the reserves made for them by the New Zealand Company. No protectorship, and scarcely any missionary influence, has been brought to bear on these Natives; for, though Mr. Thompson, who fell in the Wairau massacre, held the office of Sub-Protector for a few months, it was allowed to continue vacant after his death in 1843; while two missionaries (Church and Wesleyan) devoted their services almost entirely to the colonists in the Town of Nelson, residing there, and very seldom visiting the Natives, none of whom lived nearer than fifteen miles, and the majority between that and fifty miles. On the northern shore of Cook Strait, we have referred to Waikanae and Otaki as the focus of Native civilisation and Government missionary influence. In the latter of those locations a ground survey of a village or town has been effected by the Government; the Natives removed to it from their previous residence nearer the sea, and there, apart from all colonising operations, remote from all European settlements, their instruction is carried on by the two missionaries before referred to. On the southern shore of Cook Strait the focus of civilisation is to be found in Blind Bay, at the Motueka, a place about seventeen or eighteen miles from the Town of Nelson, where nearly all the Natives in that bay, amounting to about 400 souls, reside on reserves set apart for them by the New Zealand Company. It happened that, at the very commencement of that settlement, a considerable body of settlers, two or three hundred souls, since much increased, located themselves in the immediate neighbourhood of the Motueka reserves. We know of no instance in which the juxtaposition of the two races, by intermixture of land and proximity of dwellings, in accordance with the plan originally devised by the New Zealand Company, has received any fair trial except in that locality. There, apart from Government influence and missionary control, in direct contact with European colonists, we see the exact reverse of the Waikanae and Otaki establishments, and have the materials afforded for a fair comparison between the two systems. It was an observation of Sir Fowell Buxton's that, in the endeavour to christianise and civilise aborigines, it is of little use to send the Bible unless you send the plough with it. This principle was well known to Elliott, the apostle of the Indians, and perhaps the most successful of the missionaries. It was acted on equally by a man of like attainments, and with nearly as great success—John Williams, of the London Independent Missionary Society, who lost his life among the Polynesian groups a few years ago. We believe that the progress of civilisation, and the religious advancement of the Natives also, may with great nicety be tested by the amount of their agricultural industry. Indolence is the besetting vice of savages, the foundation of nearly all their savage habits, and it is only as it is replaced by steady industry that evidence can be found or hope entertained of their civilisation. So long as "slothfulness in business" continues the prominent feature in their character, but little reliance is to be placed on the assurances of the "fervency of spirit" to which their well-meaning but too often not very judicious patrons are in the habit of appealing as evidences of the success of their tutelage. We

should entertain a better opinion and a better hope of a Native who never entered a chapel, but had his two or three acres of wheat and a good barn, than we should of one who might attend the church service twice a day, but spent the rest of his time in lounging in the sun, or galloping a broken-down mare about the country. In examining, then, the relative success of the two experimental systems of Native civilisation above described we shall adopt Sir Fowell Buxton's test of the plough. Down to the end of 1844 there was very little cultivation in progress in the Nelson Settlement. No Native on that side of the Strait had, we believe, grown a bushel of wheat. The decision of the Land Claims Commissioner at that date in favour of the Company's title to Blind Bay and Massacre Bay put an end to the expectations previously entertained by the Natives of getting further payment for the land, which had, more than anything else, contributed to maintain them in habits of indolence. The same event, removing the insecurity which had previously attached to the title of the colonists, induced them to commence cultivation with great activity, particularly in the district where the bulk of the Natives resided and their reserves were situated, and the result was soon visible in a multitude of small farms, carefully cultivated, chiefly by men of the labouring class. The Natives, no longer relying on the hope of living on the sale of their lands, set about the cultivation of their reserves, imitating the practices of the white settlers, and often hiring them and their teams to plough for them (*vide* Appendix). The very next season they had about forty acres of wheat at the Motueka alone. The example was soon followed in Massacre Bay, then at the Waitoi and other parts of the Sound, till, in 1848, the entire Native population on that side of the Strait, amounting to 1,400 souls, exhibited in the Government returns 1,000 acres of wheat, besides 600 of maize and other produce. By much the larger part of this amount of cultivation exists in Blind Bay and Massacre Bay—chiefly in the former, from the very centre of which the whole of the agricultural enterprise of that side of the Strait emanated and spread. The contrast between this and the agricultural progress on the northern side of the Strait is most remarkable. With a Native population of 4,711, as returned by Mr. Kemp, extending from the Wairarapa to Rangitikei, both inclusive, there are only two hundred and forty acres of wheat, and only 1,268 acres of cultivation of all sorts, wheat included; while at Otaki, in particular, the Government village and head-quarters of the mission, with a population of 664, there are but five acres of wheat, and only one hundred and forty-three acres of all sorts. The following table shows the relative proportions at a glance:—

—	Wheat in acres.	Cultivation of all sorts.	Population.	Proportion of acres in Wheat.	Proportion of all sorts.
South side	1,000	1,600	1,400	$\frac{3}{4}$	$1\frac{1}{2}$
North side	240	1,268	4,700	$\frac{1}{20}$	$\frac{1}{4}$
Otaki	5	143	664	$\frac{1}{133}$	Less than $\frac{1}{4}$

There may possibly be some points of the case, to which we have not adverted, which may require explanation; but of its general bearing and its completeness as an answer to Sir George Grey's assertions and insinuations, we think there can be no misunderstanding. Your Lordship has two entire districts before you, similar in most respects, inhabited by Natives of the very same tribes. One has been left to itself, and the intercourse between the races permitted to produce its legitimate results; the other has been made the special object of a different system, the focus of its power being removed from the colonists, and resting its hope of success, in a great degree, on such separation. We take the plough as the test of progress, and we find the result immensely in favour of that district in which the colonists and Natives have been most closely intermixed, and in which the latter have received their civilisation from the former. Your Lordship may easily conceive how much good feeling, and how many opportunities of friendly intercourse exist in such a state of society—a state which it would be the earnest desire, no less than the strongest interest, of the colonists at all times to promote. Such a fact is worth ten thousand of Sir George's predictions of evil, and his aspersions of the character of his fellow-countrymen as unfitted to be trusted with the institutions of freedom, lest they should oppress the Native race. Nor are other tests wanting to prove the superior civilisation of the Natives on the southern shore of Cook Strait over those on the north, as well as the superiority of constant intercourse with white men, as an instrument of their civilisation, over the system adopted by the Government and the missionaries. For instance, the fence which surrounds the pa at Waikanae continues to this day ornamented (if it may be so called) with a series of gigantic figures of the most obscene design, though within a mile or so of the missionaries' house, within a hundred yards of the church, and not five hundred yards from the habitation of the Resident Magistrate. As we cannot suppose the Government authorities or the missionaries to have wanted the will to abate so demoralising a nuisance, we can only infer that their influence with the Natives was too weak to enable them to effect it; but what shall we think of the civilisation of those Natives (which has been more boasted of than that of any in the Islands), when it advances no farther than this? Now, we believe, not a single instance of such moral degradation will be found on the southern shore of the Strait; certainly there is not one to be found anywhere in juxtaposition with any considerable body of colonists. Nor can we omit alluding to another important fact as demonstrating the feebleness of the influence of the Government on the mind of the Natives. In this province there are several wide and dangerous rivers and a lake, which the avocations of the settlers constantly require them to cross. The only means of transport consists in frail and most insufficient canoes, kept by the Natives at the places where travellers usually cross. Owing to the irregularity of the Native attendance, the exorbitance of their charge, and other circumstances, the greatest inconvenience is experienced by those who use these ferries, and loss of life has occurred in repeated instances, no less than from twenty to thirty valuable colonists having been drowned at these places for want of proper ferries within the last six or eight years. The Government has been repeatedly appealed to on the subject; but, though the right of establishing ferries is undoubtedly a branch of the prerogative

of the Crown, and clearly included in the surrender of "territorial and sovereign rights" of the Natives by the Treaty of Waitangi, they persist in refusing to allow the Government to establish ferries at these dangerous rivers and lake; nor is it able, either by the assertion of its undoubted prerogative or by persuasion, to obtain for itself the power of exercising this right, so necessary for the convenience and safety of the colonists. One instance exists within ten miles of Wellington, another within forty miles, and another within sixty miles, all on lines of road constantly traversed by the colonists, whose complaints to the local Government and to Sir George Grey in person have been both repeated and loud, but attended with no result, on the avowed ground that the Government cannot get the consent of the Natives to so reasonable a proposition. We repeat then, my Lord, that in our opinion the whole, or very nearly the whole, of the advancing civilisation of the Natives is attributable to their intercourse with the colonists; that the Government neither possesses the means nor makes any attempt of the slightest consequence directly to improve their condition or to promote their civilisation. And we repeat our belief that the intercourse between the races may safely be trusted to the good feelings of the colonists and their manifest interest, without any such danger as Sir George pretends to foresee as likely to arise from the introduction of the institution of self-government. We repeat, that all the past disturbances, to which Sir George Grey alludes, have originated in the fickle, changing, and ill-judged policy pursued by the Governors who have successively held the reins of absolute power in New Zealand, while they have been in no degree attributable to any act of the colonists, much less to their exercise of the privileges of self-government, which they have never possessed.

14. It is not easy to understand how, if the objections to the immediate introduction of self-government urged by Sir George be sound, he can see his way to their removal at the end of the limited period of four years from the date of his despatch. Will the relative proportion of the two races be by that time so changed as to obviate the evil consequences which he foresees while they exist at present? Will that short period suffice for the civilisation of the bulk of his "80,000 and 25,000 savages, nearly all fighting men"? Will the contribution of the colonists to the revenue be so proportionately greater as to entitle them as a matter of right to control the expenditure of a revenue supplied by themselves? We do not hesitate to express an opinion that in none of these particulars will the period fixed by Sir George effect any material change, and that, if credence be given to his statements now, all we can look forward to at the end of that period will be a further postponement on the same grounds for an indefinite term of the long-promised institutions of freedom. The only particular in which we can with confidence predict a change is that Sir George's term of office will have expired, and he will have left to his successor either the task of doing what he fears to do himself, or the odium of again disappointing the hopes of the colonists. [Many months before this letter was written I had recommended your Lordship to sanction the introduction of representative institutions into New Zealand.—G. G.]

15. In conclusion, my Lord, we appeal most respectfully, but most earnestly, to you against the reasoning, the statements, and the policy of Sir George Grey in this matter. We believe in your Lordship's entire sincerity when you expressed in your place in the House of Commons, in 1845, generous, manly, and most sensible opinions in reference to this question—opinions which were echoed by the gentleman who has now the honour to act as your Lordship's Under-Secretary. That you have been turned aside from pursuing the policy you then avowed is a subject of regret to your political admirers, who would gladly have seen the son of that nobleman who secured a new charter of liberty to the parent-country restoring to the colonists of New Zealand the privileges of self-government, of which, by an unconstitutional anomaly, their emigration had deprived them. It is no less to be deplored by us that your Lordship should now appear as the power which stands between us and our rights; for, judging by the repeated vacillation in Sir George Grey's previous counsels, we feel fully convinced that if he were not assured of your Lordship's countenance, constitutional pressure from without would induce him to yield the desired boon. While, however, his arguments find that acceptance with your Lordship to which we have endeavoured in this letter to show they are not entitled, we have no hope of such a result. We therefore earnestly implore your Lordship to withdraw from him in this matter that countenance which, if our arguments have not altogether proved futile and unconvincing, it is impossible you should longer continue to extend to him.

I have, &c.,

JOHN DORSET,

The Right Hon. Earl Grey, &c.

Chairman of the Settlers' Constitutional Association.

APPENDIX.

1. THE estimate, in fact, includes a small portion of the northern province, the boundary line being, by the Proclamation of the 10th March, 1848 (in force when Sir George wrote), from the centre of the north of the Patea River to the East Coast, some miles south of the Otumatua. But in the returns the number of Natives for this part of the coast is not given in detail. If the boundary fixed by the late Proclamation, determining the jurisdiction of the Supreme Court, be hereafter adopted for general purposes, it will add some 1,500 Natives more to the southern province, making a total of less than 11,000. In the Settlement of Taranaki and the neighbourhood, in anything like immediate contact with the colonists, there are only (according to Government returns) 800 Natives. If, therefore, we give Sir George the benefit of his forcible abduction of that settlement from its province and its introduction into this, with the 1,500 between Taranaki and Otumatua, the total is only 11,800, or less than one-half of the number stated by him.

2. Since the date of Sir George's despatch the troops are reduced one-half, and the navy also.

3. Mr. Kemp is the son of a missionary in the northern Island, and has resided nearly all his life, we believe, in the country. He has been in the employment of the local Government at Wellington for some years past, and the returns quoted above were made after a most careful personal investigation of several months' duration. They are, we do not doubt, by far the most correct, probably the only correct, returns which have yet been made in this part of the province. The diminution in the number of Natives, extent of cultivations, &c., exhibited by them, when compared

with former less careful estimates, confirms the belief of great exaggeration in the latter. Many of the best informed persons in the colony doubt whether there are at this moment more than from sixty to seventy thousand Natives of all ages and sexes in its whole extent, and if the loose estimates which have been made in the North are reducible in the same proportion as Mr. Kemp's return has reduced them in the South they are not more than that number at the outside. Mr. Kemp's returns are printed in the *Government Gazette*, August 21, 1850.

4. The only instance of the use of the plough among the Natives on the northern shore of Cook Strait known to us is exhibited by E Puni, who has undoubtedly adopted it from the settlers on the Hutt, among whom he lived, and amidst whose cultivations his own and his people's are interspersed. E Puni has, from the first hour of their landing, been the staunch friend of the colonists, but seems to have been little esteemed (less even than the treacherous and blood-stained Rauparaha) by the Government and missionaries. In 1846 Major Richmond was reprimanded by Sir George Grey for proposing to employ him and his followers as armed allies during the Hutt rebellion, at their request, though Puaha, a Native of very questionable fidelity, was so employed in this district, and Nene Walker and others in the North. The mistakes which the Government has repeatedly made in reference to the characters of particular Natives, as in the case of Heke in 1845, and Rauparaha in 1846, when the strongest assurance of the fidelity of each was entertained till irresistible facts proved them traitors, was owing, no doubt, to the practice of estimating their civilisation by false tests. The strongest instance was that of Rauparaha, in whose reformation none of the colonists, or even of the Natives, ever believed, but whose fidelity Sir George Grey was induced, by high missionary authority, to rely upon, and to report in his despatches Home, at the very time that he was plotting the destruction of the military force, and engaged in treasonable practices with Rangihaeata.

Enclosure 2 in No. 27.

From the Rev. Mr. MORGAN to the GOVERNOR-IN-CHIEF.

SIR,—

Oatawhao, 28th October, 1850.

I beg leave to inform your Excellency that the flour for the "Exhibition of the Industry of All Nations" will be forwarded to Auckland by the first opportunity. As, however, it is probable that the flour will not reach town before the other articles from Auckland for the Exhibition have been shipped for London, I shall feel obliged if your Excellency will direct the Hon. Mr. Dillon to forward the flour on its arrival in town.

I am happy to inform your Excellency that on Saturday last I contracted for the sawing of the timber for the second wing of the schoolhouse, and I trust that the new building will be completed before the winter sets in. It will add very much to the children's comfort.

I omitted to say, before I left town, that should it please your Excellency to appoint a medical man for this district and as an assistant in our school (as proposed by your Excellency), that we shall feel happy in receiving him with his family into our house until a house can be erected for him. Also that I will make all arrangements for his journey up the country either by the return of one of the flour-canoes or by sending down a party of Natives, if your Excellency will allow Mr. Cooper to inform me when the appointment takes place.

I cannot express to your Excellency the gratitude I feel for the assistance and encouragement I have received from the Government.

I have, &c.,

JOHN MORGAN.

EXTRACT from Brigade-Major GREENWOOD's Journal.

... We started off across a level fern-country towards the residence of the Rev. Mr. Morgan, at Otawhao, which we reached in three hours and a half. Most kindly were we received by this gentleman, and shortly after our arrival the rain began to descend in torrents, rendering impossible any further travelling for the day. Mr. Morgan has established at this station a school for half-caste children, of whom some forty or fifty of both sexes are now in course of learning English reading and writing and various industrial occupations. No project could be more laudable than this. How many half-castes, for want of such institutions, have been brought up in the barbarous habits of the dark race from which they derive half-kindred, presenting too often the painful picture of an Anglo-Maori with all the tastes, habits, and feelings of the savage. In the evening we attended the school, and were much gratified by hearing these interesting young people sing several hymns in the English language, which they pronounced with great purity of accent. Mr. Morgan informed us that he found singing the most efficacious way of teaching them English. Being fond of the practice, they soon catch the sound of the European words, and thus easily is instruction blended with amusement. May the worthy missionary's truly Christian scheme meet with all the success it deserves. . . .

RETURN of STOCK, FARMING IMPLEMENTS, and PRODUCE (1,317 acres in crop) at RANGIAWHIA,
21st October, 1850.

Stock—				Crops—continued.			
Horses	...	...	56	Maize (acres)	...	...	40
Cows	...	...	13	Potatoes (acres)	...	...	345
Implement—				Kumaras (acres)	...	...	200
Ploughs	...	...	6	Onions (acres)	...	...	8
Drays and carts	...	...	5	Orchard and garden (acres)	...	...	10
Harrow	...	...	1	"	...	...	44
Crops—				Pumpkins (acres)	...	...	36
Wheat (acres)	...	...	600	Melons (acres)	...	...	20
Barley (acre)	...	...	1	Cucumbers (acres)	...	...	14
Oats (acre)	...	...	1				

NOTE.—Harness for fourteen horses, one water-power flour-mill, and three more ploughs are expected immediately. The aborigines propose purchasing four or five more carts and several horses with flour now being ground at their mill. The decrease in the number of cows has arisen from the sale by the aborigines of nine head.—THOMAS POWER.

RETURN of AGRICULTURAL PRODUCE and FARMING IMPLEMENTS at RANGIAWHIA, in the Year 1849, being the exclusive property of the aboriginal inhabitants of that place.

Crops.	Acres.	Yield per Acre.	Value of Crop.	Total Value.	Remarks.
		Bushels.	£ s. d.	£ s. d.	
Wheat	480	19	0 3 10	1,748 0 0	Wheat was introduced into the district in the year 1840 by the Rev. J. Morgan. A few quarts of seed-wheat were given to Kahawai and other chiefs in 1841.
Barley	$\frac{1}{2}$	35	0 4 9	3 5 7 $\frac{1}{2}$	From 35 to 40 bushels per acre will be the average produce.
Oats	...	...	...	...	Have not yet been introduced.
Maize	60	40	0 2 6	300 0 0	Maize was formerly sown in larger quantities previous to the introduction of wheat.
Potatoes	260	6	4 0 0	6,240 0 0	This may appear a high estimate, but the crop is particularly good.
Kumaras	110	5	5 0 0	2,750 0 0	The Natives value the kumara more than the potato.
Onions	6	...	...	100 0 0	Estimated value as near as can be ascertained.
Orchard and garden...	10	...	...	10 0 0	English fruits were first introduced by the Rev. J. Morgan in the year 1840. The Natives are now generally acquainted with the art of grafting and budding fruit-trees.
Carrots, cabbage, hue, melons, pumpkins, and cucumbers	110	...	...	...	These crops, being grown in detached pieces, renders it impossible to ascertain their exact quantity or value.
Total	1,036 $\frac{1}{2}$	...	...	£11,151 5 7 $\frac{1}{2}$	Estimated at Auckland prices.

FARMING STOCK.—Number of horses, 44; cows, 20; ploughs, 2; dray, 1; water-mill, 1.

None of these horses were broken-in to the plough or cart until the year 1849. Two of the horses were given by His Excellency Sir George Grey, also the first plough. The second plough was provided by the Rev. J. Morgan. The first dray and three sets of harness were also given to the Natives by His Excellency Sir George Grey.

N.B.—Wheat grown at Rangiawhia in 1846, scarcely twenty acres; in 1847, about fifty; in 1848, one hundred and twenty. The large increase in 1849 is to be attributed to the erecting of a water-power flour-mill and the introduction of European farming implements presented to the aborigines by Sir George Grey. The wheat would probably average twenty-four bushels per acre, but in consequence of the inexperienced manner in which it has been reaped and harvested, the average is put down at nineteen bushels per acre. They are rapidly improving in their agricultural pursuits.—THOMAS POWER.

Enclosure 3 in No. 27.

The Rev. Mr. MAUNSELL to His Excellency the GOVERNOR-IN-CHIEF.

MY DEAR SIR,—

Waikato Heads, 9th November, 1850.

Knowing the interest you take in our little institution, I shall make no apology for trespassing upon your kind attention.

The kind offer made to me through the Civil Secretary of allowing us the services of a farm servant for six months lays me now under the obligation of making a kind of report to you of those services during that period unto near its expiration. His chief employment has been ploughing and harrowing, draining, trenching, and ditching, working the cattle in drawing up fencing, timber, stones, and lime for our houses, and in washing and shearing the sheep. The ground in the rear of our station is very stiff clay, and a large portion of it was covered with a strong vivacious rush (*wiwi*). This our farm servant has, with the boys, twice ploughed and harrowed. It has been laid out as follows: Under wheat and barley, two acres; under potatoes, two acres; Indian corn and Native vegetables, five acres; ready for

crop, one acre. He is engaged in preparing more land for the plough; after that we contemplate covering the large flat by the side of our settlement with soil from the adjoining ridge of clay, and preparing it for light crops for next year. In all his labours one or more of the boys have been associated with him. Some of them can manage horses very well, particularly two, who can make a fair attempt at ploughing.

I am happy to report that my young people take great pleasure in agricultural labours. As far as my experience goes they seem to prefer them to handicrafts, such as carpentering, &c. They are particularly partial to the management of cattle. I feel more than ever satisfied that, whether we regard the benefit done to the people themselves or the desirability of supplying the colony with trained labourers, no measure can be compared with that of grafting industrial training upon our missionary labours. The two objects admirably dovetail into each other. The good effected is not to be contemplated as merely confined to the scholars themselves. These labours afford an example and stimulus to the surrounding population; even already the people in our neighbourhood are talking of ploughing their land.

We still keep close to our average number of sixty. Of these thirty-five are boys and men, the rest are women and girls. I find the Native teachers most valuable and efficient assistants. In order that your Excellency may form some idea of the different branches of our labours, in most of which we have been more or less assisted by the farm servant, I will briefly enumerate the chief duties of my four head teachers, who have all the boys divided amongst them. The duty of No. 1 is to take care of the schoolhouse and all the cooking and eating utensils, take care of the provision store, weigh all the meat and other provisions that are brought for sale, receive from the store the monthly issues of sugar, candles, soap, and issue them with the meat and bread to the different parts of the establishment; always laying before me in the morning, on a slip of paper, a copy of the entries in his books. I find him for the most part very careful and accurate. By these services he much relieves me, and gains also, I consider, very useful habits and knowledge. No. 2, with his boys, takes care of the sheep, of which we have now of our own 200; of others, on thirds, 100. Besides marking them, &c., he keeps a regular entry in his book of the names, numbers, and marks. His business also is to take care of the general store, issue the monthly rations, and purchase provisions that have been weighed and reported by No. 1. He acts also as accountant of the labour of the school at Mr. Whytlaw's factory, laying always before me his report in the morning as No. 1. No. 3 takes very good care of the cows (of which we have upwards of thirty in all); with his boys he milks and churns. The surplus milk and butter he sells to our neighbour, Mr. Whytlaw, for which he keeps a book, and presents his accounts monthly. No. 4, a very excellent rising young man, is our mason and gardener. I hope yet to have the pleasure of seeing your Excellency here, and showing you two chimneys of his erection. He received instructions from a mason I had in employ for two months here.

We have twelve lads whose ages range from fifteen to eighteen. These I have endeavoured, as much as possible, to keep under the instruction of the European labourer. I have made many efforts to get some of my lads taught carpentering, but have not yet succeeded to any extent, from the difficulty of procuring competent teachers and steady employment.

Your Excellency will, I trust, see from this short report that the assistance which you have bestowed upon us has not been without some fruit. I indulge great hopes that every succeeding year will see an increasing improvement in our proceedings. Want of proper assistants and proper accommodation retards us much at present. Still I am free to confess that I at least fancy that I see considerable progress in every branch; certainly not near what it ought to be, but still to increase the interest which I take in this work. We contemplate building more houses this year, and the sawyers are now all at work. This will draw largely upon our scanty resources, and may render it a question whether we can yet maintain the farm labourer from our own funds. A prolongation of his service from the Government would indeed be most acceptable; but I can scarcely venture to ask it after the many acts of liberality that we have already received. Whether this, however, be practicable or not, I shall always, I hope, feel thankful for the very acceptable assistance that I have received from the Government, and shall ever remain,

His Excellency the Governor-in-Chief.

Your Excellency's much obliged,

R. MAUNSELL.

Enclosure 4 in No. 27.

Archdeacon HADFIELD to the Hon. the COLONIAL SECRETARY.

SIR,—

Otaki, 26th December, 1850.

I have the honour to acknowledge the receipt of your letter of the 24th instant covering certain extracts from a letter of Dr. Dorset to the Secretary of the Colonies, in which he animadverts on the missionaries and Natives of this place; and further, to forward to you, for the information of His Excellency the Governor-in-Chief, certain observations which I have thought it necessary to make on his animadversions.

It is not easy to ascertain what Dr. Dorset, and the persons whom he represents, are endeavouring to establish in the remarks they have made. It appears, however, to be that the improvement and civilisation of the Natives are more rapid when they are in contact with the settlers alone, than when they are under the influence of the Government and missionaries. I do not wish to misrepresent them; if this is not their meaning I am unable to say what it is. Assuming then that this is their meaning, I shall endeavour to show that the statements contained in their letter are very little to their purpose, even though they can prove, what I very much doubt, that the Natives of Motueka are in a more improved and civilised state than those of Otaki. Besides, I think I shall be able to make it manifest that their statements are not altogether correct; in fact, that the writers have but very limited information on the subject on which they write. The writers say: "In examining, then, the relative success of the two experimental systems of Native civilisation above described," &c. Here, then, they assume that two distinct systems have been pursued with a view to the civilisation of the Natives. If a

different system has really been pursued at Motueka from that at Otaki it would be important to ascertain what that system was and by whom carried on, for the word "system" must be meant to convey something more than the accidental contact of the Natives with the settlers. But I altogether deny the assumption that a different system has been carried on there. The writers seem to have wholly overlooked the fact that the Natives there have been under the guidance and influence of missionaries. Within a very few months after the establishment of the settlement at Nelson a missionary of the Church Missionary Society, the late Rev. C. L. Reay, was located there, and he made it his constant practice to encourage the Natives in the district in habits of industry; and during the last three years the Rev. T. L. Tudor has been residing in their immediate neighbourhood and assisting them with his advice and encouragement. They had also, previous to the arrival of settlers, been some years under the instruction of missionaries, though no missionary resided among them. Moreover, in reference to the very subject the writers of the letter have chosen as a test of civilisation—the cultivation of wheat—I have a distinct recollection that Mr. Reay, in a letter published some years ago at Nelson, but to which I have not now access, asserted that the Natives of Motueka had been taught and encouraged to grow wheat by Natives who went there from this district who had seen it grown here; and I am able myself to mention the Native who went from Waikanae, and who was their principal instructor in agriculture; his name is Himiona te Wehi. He was an excellent ploughman, having received his instruction on the Mission Farm at Waimate, near the Bay of Islands. Therefore, it is not a fact that two different systems have been pursued, and consequently the great quantity of wheat grown at Motueka proves nothing in support of the proposition contended for in the letter. It was not the result of mere contact with settlers, however advantageous that may have been.

As to the statements concerning Otaki, I can only say that some clerical error must exist in the official returns as to the wheat grown here on which those statements seem to be grounded. Five acres is mentioned as the quantity grown last year. But the fact that a water-mill with two pairs of stones, which has been erected at the cost of several hundred pounds by the Natives, and that another is in progress, all the materials having been purchased and being on the spot, must be sufficient to convince anybody that "five" acres is not the average annual amount of wheat cultivated at Otaki. But supposing the case, as stated in the letter, to be generally correct, are there no reasons why the Natives of Motueka may have grown more wheat than those of Otaki without having recourse to the imaginary ones therein advanced? The writers, indeed, anticipate this very obvious question by saying, "Your Lordship has two entire districts before you, similar in most respects, inhabited by Natives of the very same tribes." I must here remark, in the first place, that the country at Motueka is much more available for the plough than that at Otaki, where large stumps must be removed before a plough can be used at all. Did the writers not know this? I will now refer to the official statistics for 1848 for the cultivation of wheat by the settlers of Wellington and Nelson respectively. It will be there seen that the former grew only 350 acres of wheat, while the latter grew 1,435 acres, the population of the former place being nearly double that of the latter, and the settlement two years older. What inference would they draw from this? That the people of Nelson were ten times as industrious as those of Wellington? Absurd as this may appear, if they are accurate in their reasoning they can arrive at no other conclusion. Why do the writers of this letter, who reside at Wellington, take no notice of the place in which they reside, and of which they might be presumed to know something, in order to institute a comparison between the Natives of Otaki and those of Motueka? How is it that they "knew of no other instance in which the juxtaposition of the two races by intermixture of lands and proximity of dwellings, in accordance with the plan originally devised by the New Zealand Company, has received any fair trial except in that locality," when the same trial has been made at Wellington, where the Natives are in closer and more immediate contact with the settlers, and where the selections of their lands has been more "in accordance with the plan originally devised by the New Zealand Company," these having been thoroughly intermixed with those of the settlers, than at Motueka, which is seventeen or eighteen miles from Nelson, and where their land was judiciously selected for them by a person not connected with the New Zealand Company, but an officer of the Government, in a continuous block, though they have some settlers in their neighbourhood? Are they really anxious to establish their own inferiority to the settlers of Nelson, or have they selected Motueka because the wooded nature of the land near Wellington has been the same impediment in the use of the plough as it has at Otaki, and therefore would not have suited their purpose of misrepresentation? On what principle of fairness can a comparison be instituted between agricultural progress in an open country and in a wooded district?

But in addition to what I have now stated, His Excellency the Governor-in-Chief will remember that there have been many reasons why the Natives of this part should not have advanced so rapidly as those of Motueka, even supposing their inferiority in this respect. While war around them, with which they had no immediate connection, disturbed the Natives here and discouraged them from extending their cultivations, the Natives on the other side of the Strait were living in security, and until the late road from Porirua to Wellington was made, the people of this place saw no prospect of conveying their wheat to Wellington with any certainty at a moderate cost; now they can take it to Porirua in canoes, and have it carted at a small cost to that place.

But there is an assumption in the endeavour to prove the superiority of the Natives of Motueka to those of Otaki which I can by no means allow to pass unnoticed: namely, that the cultivation of wheat is the chief or only test of progress in civilisation. It has already been shown that this would be no test as to the relative prosperity of Wellington and Nelson. Apply the same test to New South Wales, a woolgrowing colony, and would it be a fair criterion of its relative prosperity as a colony? This assumption is grounded on a saying of Sir Fowell Buxton's. I do not feel inclined to gainsay that dictum if interpreted as it doubtless was intended to be, that is: that habits of industry must accompany progress in Christianity. But to say literally that the "plough" must accompany it is an absurdity, and not what the author of the remark intended. This, however, is the way in which narrow-minded persons, unable to grasp a principle, ever mistake the sayings of great and wise men. It should be remembered, in considering this question, that agriculture is not the direct object of the

missionary; it is only an adjunct to his—in his opinion, at least—far more important work, and that the operations of the two missionaries alluded to extend from Wellington to the upper part of the Manawatu River (a river from which I may mention, by-the-by, there was last year exported £5,000 of produce in flour, timber, and flax), a distance of 120 or 130 miles, including at least forty villages. The Natives of Otaki probably know what suits their interest better than those who, with very little or no information beyond their own immediate spheres, presume to animadvert on their proceedings. If they find it more to their advantage to rear cattle and pigs, to grow maize and barley and oats, and to prepare flax, which is both shipped in the raw state and in wool-lashing from this place to Sydney, it would not be easy to show why they should abandon these for the purpose of growing wheat as extensively as the Natives of Motueka.

I have found it difficult to ascertain the drift of the paragraph beginning, "Indolence is the besetting vice," &c. Do the writers wish to assert that slothfulness is encouraged by missionaries at Otaki? If so, I can only give a peremptory denial to such an unfounded assertion, and say that, whatever charges can be brought against the people of this place, the very last that could be brought against them, by any one having the slightest knowledge of their habits and the least regard for truth, would be that of indolence. I am not acquainted with half-a-dozen idle persons here. Again, what is intended by such a sentence as this: "We should entertain a better opinion and a better hope of a Native who never entered a chapel, but had his two or three acres of wheat and a good barn, than we should of one who might attend the church service twice a day but spent the rest of his time in lounging in the sun or galloping a broken-down mare about the country." If it proceeded from professed heathens, who knew nothing of Christianity and its effects, one might suppose that such a remark as this had been occasioned by some perverted account of it. Is there any antagonism between Christianity and agriculture? or, if the writers please, between that Christianity taught by the missionaries and the cultivation of wheat? Or does it necessarily follow that, because a man attends the church service twice a day, he must be idle during the rest of it? If the writers had any knowledge of this place, they would be aware that there are here many Natives who "attend the church service twice a day," and, notwithstanding, have "two or three acres of wheat and a good barn." But the remark is contemptible for the ignorance which it manifests on more points than one. Does food grow spontaneously here? Have the Natives of this country nothing to do in order to obtain subsistence that they can afford to lounge in the sun "all day"? Is not the life of both men and women a life of toil? By what figure of speech then can these laborious people be said to pass the "day lounging in the sun"? Is not such language as this the index of some other feeling than anxiety for the improvement of the Natives? Does it not evince such hostility to their real welfare as must throw discredit on the motives which actuate the writers? The Natives of this place, actuated by higher motives than their maligners can appreciate or perhaps even conceive, have, on removing to their new village and providing themselves with hastily-built houses, devoted themselves in the first place to the erection of a church—a building which gives evidence of something more than mere outward profession of religion: a building the labour bestowed on which is estimated by the Government Surveyor—a gentleman who, being a Romanist, can have no object in exaggeration—at what he considered the lowest rate, £2,500. Is such a work as this a confirmation of the truth of the remark, "So long as slothfulness in business continues the prominent feature of their character but little reliance is to be placed in the assurances of the fervency of spirit to which their well-meaning but too often not very judicious patrons are in the habit of appealing as evidence of the success of their tutelage"? But the charge of indolence could never have been brought against the Natives of Otaki except by persons utterly ignorant of them; and the fact of their having raised their crops by manual labour without a plough, if it be a proof of their want of civilisation (and if so, it must prove the same against nearly all the settlers in the vicinity of Wellington who have forest land to contend with), is at least no proof of their indolence and slothfulness.

There are some other remarks contained in the letter to which I must briefly allude. Otaki is described as a "Government village," and under "Government influence." It is difficult to deal with these very vague statements. I am not aware that there has been any Government influence exerted here that has not been exerted elsewhere; indeed, I am quite at a loss to know to what allusion is made. A grant was indeed made last year in aid of the school, but I cannot conceive that that can be supposed to have had any connection with the amount of wheat sown the previous season. Besides this, three or four chiefs of this place, in common with others elsewhere, received a few presents from the Government some years ago for slight services rendered during the war. It is stated that a "ground survey of a village or town has been effected by the Government;" but did not those who made this statement know that the same has been done for several other places, and that Motueka is included among them? Motueka is nearer to the "Government influence," being only seventeen or eighteen miles from Nelson, than Otaki, which is fifty miles from Wellington, although there is a Resident Magistrate twelve miles distant, at Waikanae. What meaning then is to be attached to the expressions, "Government influence" and "Government village"? Surely those who use such expressions must be under some misapprehension; they could not have intended a wilful misrepresentation.

There is now only one subject remaining on which I deem it needful to say a few words more. As an instance of the slight advance made in civilisation, it is said, "The fence which surrounds the pa at Waikanae continues to this day ornamented (if it may be so called) with a series of gigantic figures of the most obscene design, within a mile or so of the missionary's house, within a hundred yards of the church, and not five hundred yards from the habitation of the Resident Magistrate." From this language it would hardly be believed that the missionary's house is twelve miles from the pa; that the pa has long since been deserted and the church likewise (it being their intention to remove the latter and reconstruct it), three-fourths of the Natives having gone to Taranaki, and the remaining fourth having removed to a place two miles distant. The only pa inhabited which at all answers the description given is a small one belonging to a man who is the most extensive grower of wheat on this side of the Strait, but who unfortunately does not attend the church services "twice a day," or at all.

The hideous figures alluded to were erected in time of war, when it was the object of the inhabitants to express significantly to their opponents—those in rebellion against the Government—that they, notwithstanding they were Christians, were serious in their intention of fighting, if compelled by the conduct of their opponents to do so. Never having myself noticed these figures, which were erected at a time when neither of the missionaries now engaged in this district were here, I am unable to say how far the description given of them is accurate.

I beg, in conclusion, to acknowledge the courtesy of His Excellency the Governor-in-Chief in affording me an opportunity of answering the statements concerning Otaki contained in the letter on which I have been commenting.

I have, &c.,

OCTAVIUS HADFIELD,
Archdeacon of Kapiti.

The Hon. the Colonial Secretary, Wellington.

Enclosure 5 in No. 27.

COPY of a MINUTE from His Excellency the LIEUTENANT-GOVERNOR to the ATTORNEY-GENERAL of NEW MUNSTER.

THE Attorney-General is requested to report his opinion on the following points:—

1. Is there at present any power of issuing grants of land in the Province of New Munster to any other parties than the New Zealand Company; and, if so, in what instance can such be done?
2. In whom does the power of issuing grants in New Munster vest, in the Governor-in-Chief solely, or has the Lieutenant-Governor that power also; and in what cases can the Lieutenant-Governor, if he has that power, execute it; also, in what cases is he excluded from so exercising it?
3. In what manner and by whom can grants be made to—(1.) Bishop of New Zealand; cemetery land? (2.) Heads of other religious denominations, or to two or three persons officially connected with such as trustees; land for churches, chapels, or cemeteries? (3.) Heads of religious denominations (other than Episcopalian, Roman Catholic, or Jewish), as trustees of a public cemetery? (4.) Persons to be named as trustees (in what way to be named) of a mechanics' institute or other similar society; land for the purposes of such association?

The Attorney-General has already seen the opinion of the Attorney-General of Auckland upon one of these points; but as some doubts were expressed at a meeting of the Executive Council whether that opinion was correct under the many changes and suspensions which have taken place in reference to the Charter and Instructions, as far as New Munster is concerned, the Attorney-General is requested to report his opinion fully, and to state the reasons or grounds upon which his opinion, in reference to the points raised, is based.

1st May, 1849.

E. EYRE.

Sub-Enclosure to Enclosure 5 in No. 27.

OPINION of Attorney-General WAKEFIELD.

I HAVE read the above opinions of the Attorney-General for New Ulster, and, after a careful consideration of them as well as of the Acts of Parliament bearing on the question, I have come to the following conclusion: I think that, although the Charter granted in pursuance of the 9 and 10 Vict. and by the 14th section gives power to the Governors of the provinces to make grants of land either to private persons or to bodies corporate, and by the 22nd section gives to the Lieutenant-Governor all the powers given to the Governors, such power cannot now be exercised in the Province of New Munster, because there is nothing for it to operate upon; that is to say, that by the 10 and 11 Vict., c. 112, all the demesne lands of the Crown in the Province of New Munster are vested in the New Zealand Company. I say *all* the demesne lands, because the scope, aim, and end of the whole Act, as well as the meaning of the clear and comprehensive words of the second clause, is to convey the whole estate of the Crown in New Munster to the New Zealand Company, and no conveyances would hold that a good title could be made to any portion of it by any one except by that body.

The construction of my learned friend, the Attorney-General for New Ulster, that the words of the Act "ought to be construed to include such lands only as could be available for the purposes of sale," may have a specious appearance, but is only a construction without the sanction of a competent Court of judicature; it is merely a gloss which would not warrant a departure from the manifest intent and gist of an Act of Parliament. The safer course is to read the Act simply, in doing which the intention of the Legislature, and the mode by which that intention is to be carried into effect, cannot be mistaken. Adhering therefore to the words of the Act 10 and 11 Vict., c. 112, it will be seen that the power to grant land conferred by the 10 and 11 Vict.—the Act to make further provision, &c.—is a barren right in the Province of New Munster. Did, however, any land exist respecting which the power could be exercised, it could not be exercised in the way pointed out by the Attorney-General for New Ulster, as section 18 of chapter 13 of the Royal Instructions is suspended by the 10 and 11 Vict., c. 112.

The question, "Is there at present any power of issuing grants of land in the Province of New Munster to any other parties than the New Zealand Company?" is answered, as regards lands for public uses, by the 4th clause of the 10 and 11 Vict., c. 112, which says that "it shall be lawful for the said company to convey any part or parts of the lands hereby vested in them to any person or persons, or any body or bodies corporate, in trust for any public purpose or uses (sanctioned and approved by the Governor-in-Chief of New Zealand for the time being, or by one of Her Majesty's Secretaries of State) without any money consideration for the same." By this clause the company may convey, with the sanction of the Governor-in-Chief, any land in New Munster to any private person or body corporate. This would be an indisputable title as proceeding from both the company and the Crown. Of course I agree with my learned friend, the Attorney-General of New Ulster, "that the company would hold as much of the land as had been formerly appropriated to special purposes, public reserves, Native reserves, &c., subject to a trust for which they have been set apart;" and, moreover a Court of equity would compel the company to make transfers of such lands to the parties entitled to

them. There is, I apprehend, a distinction between these lands and lands reserved for the Government which became the property of the Government in virtue of a reservation for the purpose made by the company previous to the passing of the Act vesting the demesne lands of the Crown in the Province of New Munster in the company. Such reserves have been the property of the Crown ever since the Native title was extinguished, and are so now.

As already mentioned, the 4th clause of the Act points out the mode by which the New Zealand Company may grant land, with the sanction of the Governor-in-Chief, for public uses to any private person or body corporate. Under this clause grants might be made to—(1) The Bishop of New Zealand for cemetery; (2) heads of religious denominations, or trustees for such persons; (3) heads of religious denominations as trustees for a public cemetery; (4) trustees for a mechanics' institute, to be named by themselves.

3rd April, 1849.

D. WAKEFIELD,

Attorney-General.

Enclosure 6 in No. 27.

LAMENT on the CAPTURE of RAUPARAH, composed by HINEWHE, and supposed to be sung by Rangihaeata.

I.*

Alas! my heart is wild with grief:
There rises still
The frowning hill
Of Kapiti, in vain amid the waters lone!
But he, the chief,
The key of all the land, is gone!

II.†

Calm in the lofty ship, O ancient comrade, sleep,
And gaze upon the stillness of the deep!
Till now, till now,
A calm was but a signal unto thee
To rise in pride, and to the fray
Despatch some martial band in stern array!
But go thy way,
And with a favouring tide
Upon the billows ride,
Till Albion's cliffs thou climb, so far beyond the sea.

III.‡

Thou stoodst alone, a kingliest forest tree,
Our pride, our boast,
Our shelter and defence to be.
But helplessly, ah! helplessly wast thou
Plucked sword-like from the heart of all thy host,
Thy thronging "Children of the brave,"
With none to save.
Not amid glaring eyes;
Not amid battle cries,
When the desperate foes
Their dense ranks close:

Not from the lips of the terrible guns
Thy well-known cry resounding o'er the heath,
"Now, now, my sons!
"Now fearless with me to the realms of death!"
Not thus, not thus, amid the whirl of war,
Wert thou caught up and borne away afar!

IV.§

Who will arise to save?
Who to the rescue comes?
Waikato's lord—Tauranga's chief,
Thy grandsons, rushing from their distant homes,
They shall avenge their sire—they shall assuage our
grief;
While you, the "Children of the brave,"
Still sleep a sleep as of the grave,
Dull as the slumbering fish that basks upon the summer
wave.

V.||

Depart, then, hoary chief! thy fall—
The pledge forsooth of peace to all—
Of heaven's peace, so grateful to their God above,
And to thy kinsmen twain, by whom
Was brought us from the portals of the "land of gloom,"
This novel law of love—
This law of good;
Say, rather, murderous law of blood,
That charges its own crimes upon its foes,
While I alone am held the source whence these disasters
rose!

LAMENT of RANGIHAEATA, addressed to RAUPARAH, a Prisoner on board H.M. Ship "Calliope."

My brave canoe!***
In lordly decoration lordliest far,
My proud canoe!
Amid the fleet that fleetest flew—
How wert thou shattered by the surge of war!
'Tis but the fragments of thy wreck,
O my renowned canoe,
That lie all crushed on yonder war-ship's deck!
Raha!†† my chief, my friend,
Thy lonely journey wend;
Stand with thy wrongs before our God of battle's face;
Bid him thy foes requite!
Ah me! Te Raukawa's foul desertion and disgrace—
Ah me! the English rulers might!
Raha!†† my chief of chiefs,
Ascend with all thy griefs
Up to their Lord of peace—there stand before his face—
Let him thy faith requite!

Ah me! Te Toa's sad defection and disgrace—
Ah me! the English ruler's might!

One counsel from the first I gave,
"Break up thy forces, comrade brave,
Scatter them all about the land
In many a predatory band!"
But, Porirua's‡‡ forest dense,
Ah, thou wouldst never stir from thence;
"There," saidst thou, "lies my best defence."
Now, now, of such design ill-starred,
How grievously thou reapst the full reward!
Hence vain lamentings—hence, away!
Hence all the brood of sorrow born!
There will be time enough to mourn
In the long days of summer, ere the food
Is cropped, abundant for the work of blood.
Now I must marshal in compact array,
Great thoughts that crowding come of an avenging day!

* Te Rauparaha, the chief, on whom depended the permitting people to occupy land, being gone, the mountain of the Island of Kapiti stands uselessly in its place, as there is no warrior to prevent it being desecrated by strangers.

† Te Rauparaha, living on the shores of Cook Strait, had always availed himself of calms in those stormy seas to despatch his warriors in their war-canoes on some expedition.

‡ These verses (3 and 4) alluded to his having been captured by a surprise.

§ Alluding to his own tribes siding with the Government against their chief.

|| Alluding to Te Rauparaha's only son, Thompson, and Rangihaeata's nephew, Martin, going to the north of New Zealand (whence the spirits of the departed are supposed to take their flight) for the purpose of bringing down a missionary to Cook Strait to instruct them in Christianity. Archdeacon Hadfield actually accompanied them down, and introduced Christianity amongst them, to the great annoyance of the heathen chiefs.

*** The captured chief Te Rauparaha is here compared to a war-canoe which has been dashed to pieces in the surf.

†† The capture of a chief is by the New Zealanders regarded as being so disgraceful to him as to be equivalent to death. Te Rauparaha, under the familiar shortening of his name "Raha," is addressed as a dead man, and the two tribes from which he was descended on father's and mother's side, the Ngatitokawa and the Ngatitua, are taunted for deserting their chief and siding with the British.

‡‡ Porirua is the place where Te Rauparaha remained with the principal chiefs of the Ngatitua Tribe, and where he was captured.

No. 28.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 135.)

MY LORD,—

Wellington, New Zealand, 27th December, 1850.

I have the honour to transmit to your Lordship a memorial from the settlers at Nelson, expressing their gratitude to your Lordship and to Her Majesty's Government generally for the anxiety which has always been evinced to learn what form of representative Government would be most acceptable to the settlers of each colony, and requesting that, if practicable, the measure for bestowing representative institutions on New Zealand may be delayed until the inhabitants of Nelson have an opportunity of making your Lordship acquainted with their wishes on so important a subject.

The Right Hon. Earl Grey, &c.

I have, &c.,
G. GREY.

Enclosure in No. 28.

MEMORIAL from NELSON SETTLERS.

MY LORD,—

Nelson, New Zealand, 8th November, 1850.

We, the undersigned inhabitants of the Settlement of Nelson, in New Zealand, have learnt within the last few hours that it was the intention of Her Majesty's Ministers to introduce early in next session a Bill establishing the representative form of Government in this colony. We have also observed, with a deep sense of gratitude, the frequent expression, in the course of the debates on the Australian Colonies Government Bill, of a desire on the part of your Lordship and of other members of the present Ministry to become acquainted with the wishes of the colonists, that from a knowledge of them you might be enabled to adapt the proposed legislative measures to the requirements of the colonies.

In the belief, therefore, that such a proceeding will be in entire accordance with the wishes of your Lordship, it has been resolved to hold a public meeting of the inhabitants of this settlement on as early a date as may be consistent, with due notice of such meeting having been given in the different districts comprised within the limits of the Nelson Settlement. But, as in this settlement the inhabitants are much dispersed and are but rarely assembled in one place in any numbers, some time must necessarily be afforded them for a calm deliberation upon the various provisions of a measure which may be considered to be the fundamental charter of their future liberties, in order that they may arrive at that unanimity of sentiment which would alone warrant their directing your Lordship's attention to a recorded expression of their opinions. It has, therefore, been deemed advisable that this intimation of the intentions of the inhabitants of Nelson should be forwarded to your Lordship without delay, in the hope that it may arrive before the New Zealand Government Bill is passed, and that the resolutions and memorial which may emanate from the proposed public meeting should be transmitted to your Lordship by the "Lord William Bentinck," now under engagement to Her Majesty's Government to sail on the 20th January next from Wellington to London, where she consequently may be expected to arrive by at furthest the middle of May. And there is every reason to believe that memorials on the same subject from other settlements in New Zealand will be despatched to your Lordship by that vessel.

The same apparent necessity which has led to this address to your Lordship has induced us to embrace the opportunity afforded by the despatch of a mail to England *via* Sydney in a couple of days, to forward it direct to your Lordship without incurring the delay, perhaps of many weeks, necessarily consequent upon its transmission through the Governor-in-Chief *via* Auckland; but a copy of it will be forwarded through the ordinary official channel by the next opportunity. With feelings of sincere gratification at the near advent of what we have ever been accustomed to regard as a right inherent in the sons of Englishmen, and as essential to our feelings of self-respect as members of a great nation, and our prosperity as a community,

We have, &c.,

EDWARD W. STAFFORD, J.P.

The Right Hon. Earl Grey, &c.

[And 40 other signatures.]

No. 29.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 4.)

MY LORD,—

Wellington, New Zealand, 9th January, 1851.

I have the honour to transmit, for your Lordship's information, a copy of five resolutions which were passed at a public meeting held at the Settlement of Otago upon the 3rd of December last upon the subject of the form of Provincial Council which the inhabitants of that settlement would desire to see established. Your Lordship will find from these resolutions that the form of Government which the inhabitants of the Otago District desire to see introduced is nearly that which I have stated to be the one which seems to me best adapted to the circumstances of New Zealand, consisting of a general Legislature of two Chambers, and of Provincial Councils of one Chamber possessing extensive powers of local legislation.

The Right Hon. Earl Grey, &c.

I have, &c.,
G. GREY.

Enclosure 1 in No. 29.

PROVINCIAL COUNCILS BILL (1850).

A BILL for the Establishment of Provincial Legislative Councils, and for the Election, &c., of Members to serve therein, in which it is provided, in addition to ample powers for local legislation, that the surplus revenue of the district shall be at the disposal of the Council, and of which Council two-thirds are to be elected by the people and one-third appointed by the Governor-in-Chief.

A PUBLIC meeting is requested to assemble in the schoolroom, Dunedin, on Tuesday, the 3rd December next, at 6 o'clock p.m., for the purpose of considering: 1st. The foregoing Bill and such temporary modifications of it as may appear necessary for the purpose of adapting it to this settlement in the present limited state of our population and revenue. In the opinion of the requisitionists, the Bill is liberal and well conceived, and capable, with certain modifications, of adaptation to the circumstances of any province in New Zealand, present or prospective. Only one copy of the Bill (not yet passed into law) was yesterday received by Captain Cargill, and would have been published had the Otago Press been able to print it in time; but the copy received may be read at Captain Cargill's office between this and the day of meeting. 2nd. To express the opinion of the settlers upon documents published in the *Otago News* of 30th October (No. 86), so far as the subject-matter of these documents may appear to affect the interests of the settlers, the satisfaction of their friends at Home, and the future well-working of the Otago scheme.

Dunedin, 20th November, 1850.

W. H. VALPY, J.P.,
[And 67 other signatures.]

Enclosure 2 in No. 29.

RESOLUTIONS passed at a Meeting of INHABITANTS of OTAGO DISTRICT.

At a public meeting held in the school-house, Dunedin, on the 3rd December, 1850, in terms of the requisition as published in the *Otago News* of the 30th November, and very numerous attended, Captain Cargill, being called to the chair, explained: that a meeting of requisitionists was held on the 30th ultimo, who had appointed a small committee of their number to make arrangements for the meeting and prepare resolutions, and which committee was also instructed to apply to Mr. Valpy (now present) to take the chair, which he had declined; that the committee then unanimously applied to Mr. Digby Mackworth, who had cordially assented, but afterwards apologised, in consequence of having found it impossible to detain the vessel in which he sailed this forenoon for the Auckland Islands. Captain Cargill then briefly stated the circumstances that had given rise to the meeting, and its being held on so short a notice.

It was then proposed by Mr. McGlashan, seconded by Mr. Bain, and resolved unanimously: "That with reference to that clause of the Address to his Excellency the Governor-in-Chief of 19th November last, in which application was made for a Municipal Charter, giving power to authorities elected by the people, and unsalaried, first to legislate and rule within the whole boundaries of the Otago Block; and secondly to dispose of the surplus revenue of the district; as it appears from the verbal reply of His Excellency at the time, and his subsequent remarks thereon, that these powers, and especially the disposal of the public revenue, could not be held under a Municipal Charter, but that they might be largely obtained under a modification of the Provincial Legislative Councils Bill, a copy of which has been sent by His Excellency 'for any observations which the settlers may wish to make thereon;' it is therefore resolved: "That the application for a Municipal Charter is hereby withdrawn, and that the meeting proceed to consider the foregoing Bill with a view to suggest modifications, by separate enactment, so as to adapt its provisions to the present limited state of the population and revenue of this district."

Proposed by Mr. Cutten, seconded by Mr. A. Anderson, and resolved unanimously: "That the modifications suited to the circumstances of the district (or province) would require to be as follows—namely: 1st. The provisions of the Bill for placing the powers of local legislation and Government, together with the disposal of revenue, under an officer appointed by the Governor-in-Chief, and a Legislative Council of which two-thirds to be elected by the people and one-third appointed by the Governor-in-Chief, is satisfactory in principle; but, with a view to necessary economy, it is proposed that the officer so appointed by the Governor-in-Chief should be designated 'superintendent,' or such other name as should imply a salary much less than that of a Lieutenant-Governor (the limited salary, however, is alone insisted on); and also, that no other appointments be made, but the public duties of the district be left in the hands of the aforesaid officer and Council to be provided for by such appointments and small appropriations of revenue as from time to time shall be found requisite, excepting, however, that the Customs and Post Office departments do stand as at present. 2nd. That the salary of the principal officer holding appointment from the Governor-in-Chief, the salaries of the Customs officers, Deputy-Postmaster, and the Police establishment, so long as the latter shall remain on its present footing, be paid from the Civil List of _____, and that the contribution from the Otago revenue to that Civil List be fixed and defined by the amount of such salaries, so as to leave the remainder of the Otago revenue at the disposal of its Legislative Council for necessary expenses and public improvements. 3rd. That the appointment and salary of a Judge being altogether disproportioned to the means and population of Otago, his salary ought to be provided from some other source. Highly as the settlers do prize and esteem his residence among them, they yet think that his exalted office should include some larger sphere, and the salary, so far as they are concerned, be at most but rateably laid upon the Otago District. Only one criminal case has occurred since the arrival of the first ship, and that so unimportant as to have left a general impression that it might have been adjudicated by a bench of Justices; but certain it is that the establishment of Quarter Sessions, in addition to the powers of Justice of Peace Courts under the Resident Magistrate's Ordinance, would leave little or nothing for reference to a higher Court until the community shall have largely increased. 4th. That the allowance of £50 to each member of Council, whose residence shall exceed twenty-five miles from the place of meeting, as provided in clause 20 of the Bill, is uncalled for in this district, and should be withdrawn. 5th. That the dwellinghouse qualification in towns, as per clause 5, be reduced from £10 to £5."

Proposed by Mr. Napier, seconded by Mr. Cutten, and resolved unanimously: "That the meeting takes this opportunity to record the grateful sense of the settlers for the munificent and well-timed donations of His Excellency, from funds at his disposal, of £400 for the erection of a hospital; £150 for the extension of the jetty at Dunedin, and of £50 towards the removal of a difficulty on the Taieri Road.

W. CARGILL, J.P.,
Chairman of the Meeting.

No. 30.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 5.)

MY LORD,—

Wellington, 9th January, 1851.

My Despatch No. 135, of the 27th December last, will have made your Lordship acquainted with the fact that several of the settlers at Nelson had addressed a petition to your Lordship stating that they had been made aware, by an announcement from Lord John Russell in the House of Commons on the 13th of May last, that it was the intention of Her Majesty's Government, in the course of next session, to introduce a Bill into Parliament for the establishment of representative Government in New Zealand, and that they earnestly requested that the introduction of the proposed measure might be for a short period delayed until they had an opportunity afforded them of making known to your Lordship their views and wishes on this important subject.

2. I yesterday received from Nelson an account of the proceedings of a public meeting which had been held there for the purpose of taking this subject into consideration, and at which the thirteen* enclosed resolutions were carried. [These resolutions will be found printed at page 74, Enclosure 1 in No. 31, as enclosed in Sir George Grey's Despatch No. 15, of the 29th January, 1851.]

3. I understand that this public meeting was numerously attended, that it lasted for many hours, and was conducted with the greatest decorum; so that the resolutions emanating from it are entitled to all the weight which can be given to the decisions of a public meeting on such a subject; although it cannot be forgotten that in such public assemblies resolutions are only carried by the majority of those who may be able or willing to attend, and that when they relate to the questions involved in such a difficult subject as that of the form of Government which should be introduced into so peculiarly circumstanced a country as this is, which questions but very few of the persons attending the meeting can have had either the time or opportunity to consider with reference to the whole of New Zealand, it is difficult to think that, however well-informed and eloquent the speakers themselves may be, that they can, in so short a time as the duration of a public meeting, teach to so large an assemblage things of such great difficulty in so perfect a manner that the majority should be certain to justly decide the several questions submitted to them.

4. As a vessel is to sail direct for England in a few days, and I am uncertain when I may receive officially a copy of these resolutions, I have thought it better, in order that no delay may take place, to transmit to your Lordship a Nelson newspaper (*Nelson Examiner*, 21st December, 1850), which contains the thirteen resolutions alluded to, with the following report upon these resolutions.

5. Upon the first resolution I do not think it necessary to make any remark.

6. One part of the second resolution is to this effect: That the Governor (who it is proposed should be appointed by the Crown) should be removed on a vote for an Address to the Crown, praying for such removal, being passed by two-thirds of the whole number of members of each House.

7. At present I presume that if such a large proportion of both legislative bodies prayed the Crown to remove a Governor there can be no doubt that, unless the conduct of the Governor was such as to merit and require the approbation of the Crown and his country, the Address of the legislative bodies would be favourably entertained, and the Governor would be removed accordingly; and I should have thought that this would have been the best footing on which to leave the question. To pass into law the resolution carried by the public meeting at Nelson would be to enact that, although a Governor appointed by the Crown was acting in the most meritorious manner and in accordance with his duty to the Crown and the empire, and in such a manner as to have and to merit the approbation of Parliament, still that, upon the carrying of an Address by a certain proportion of the colonial Legislature, the Crown would be compelled to be the instrument of inflicting disgrace and punishment upon an officer who might deserve its favour and protection.

8. It is more than probable that, in a country with such a peculiar population as this has, and which must for some years be dependent upon assistance from Great Britain for the repression of internal outrage, questions will arise in which the interests of Great Britain will be opposed to the wishes of perhaps a temporary large majority in the Assemblies. Such questions will chiefly be connected with the Native race, the mode of dealing with their lands, the reduction of the military force serving in the country, the entering upon a war with the Native race, &c. If, therefore, the remarks I have above made have any force as applied to colonial dependencies generally, they have still greater force as applied to New Zealand in particular.

9. Upon the third resolution I have only to remark that, relating as it does to the General Legislature of New Zealand and not to the Provincial Legislatures, I think the General Legislature should be elected for a longer period than two years, and that it should not be necessarily required to assemble every year whether the requirements of the country rendered it necessary to convene it or not.

10. Upon the fourth and fifth resolutions I have only to remark that I do not think that universal suffrage and vote by ballot are at present suited to the very peculiar circumstances of this country.

11. The sixth and seventh resolutions do not appear to require any particular observations.

12. The eighth resolution, in the form in which it stands, I hardly understand. It simply states that the powers of the colonial Parliament shall be absolute in all local matters. In this country I do not think that Great Britain can for some years to come divest herself of certain duties. She cannot, for example, allow a war of races (to end in the extermination of one race or the other) to arise. If ever the British Government are led, by any undertaking on the part of the colonists to defend themselves, to withdraw the entire military force from this country, my opinion is that, if this step is hurriedly and inconsiderately taken, such a war of races will arise, and Great Britain, from motives of humanity and of duty to the people from whom she accepted the sovereignty of the country, must again interfere, and that at a greatly enhanced cost of men and money. So long then as Great Britain has this pecuniary interest in the country I do not see how she can renounce all control over the management of its internal affairs.

*The resolutions eventually carried were ten, and are those enclosed in No. 15, of 29th January, 1851. There were several meetings held at which resolutions were discussed, and the one referred to in this despatch is evidently one anterior to that at which the resolutions were finally decided on.

13. I am not aware of any single case which has arisen in which the disallowance by the Home authorities of any law enacted by the local Legislature has created discontent in the colony.

14. At present the colony can make laws upon any subject; but if any law so made is repugnant to the general interests of the empire, it is disallowed. This causes no general discontent; it only raises questions connected with one specific enactment. It would be found very difficult to define what subjects a colony might legislate absolutely upon as being of only local interest, and what subjects it should be entirely prohibited from legislating upon as being Imperial questions; and even if this is finally and generally done, then the grievance ceases to be the disallowance of some one law which only interests one colony, and it becomes the general grievance that all colonies are prohibited from legislating at all upon certain specified subjects, amongst which some one or two would probably be found which they would all desire to be permitted to legislate upon; and on these points the discontent of all the colonial dependencies would be general and simultaneous. It appears, therefore, that any attempt to legislate upon this subject should be conducted leisurely and with extreme care.

15. The remaining five resolutions which were passed by the public meeting at Nelson do not appear to require any remarks from me in addition to those which I have already made in the previous portions of this despatch.

The Right Hon. Earl Grey, &c.

I have, &c.,
G. GREY.

No. 31.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 15.)

MY LORD,—

Wellington, New Zealand, 29th January, 1851.

Adverting to my Despatch No. 5, of the 9th January, I have now the honour to enclose a copy of the resolutions passed at a public meeting held in Nelson on the 27th December, 1850, as also the copy of the memorial to your Lordship which accompanies these resolutions. These documents only reached me yesterday. I have already in my Despatch No. 5, of the 9th January, made all the observations on the enclosed resolutions which it appeared requisite for me to bring under your Lordship's notice. But I should state that I gather from the public papers that another memorial, addressed to myself, is in the course of signature which, it is stated, has been signed by the greater part of the Nelson settlers of influence and property, which upon several points wholly differs from the views advocated in the enclosed memorial. I will lose no time in transmitting to your Lordship a copy of this additional memorial when it reaches me in order that the expression of the views and wishes of the Nelson settlers may be placed before Her Majesty's Government in the most complete form.

I have, &c.,
G. GREY.

The Right Hon. Earl Grey, &c.

Enclosure 1 in No. 31.

RESOLUTIONS passed at a public meeting held in Nelson on the 27th of December, 1850, called to consider what provisions, suited to the requirements of New Zealand, should be submitted to Her Majesty's Ministers, with a view to their being introduced in the Bill for the government of the colony, proposed to be introduced in the next session of the Imperial Parliament. Francis Dillon Bell, Esq., J.P., in the chair.

PROPOSED by E. W. Stafford, Esq., J.P.; seconded by Mr. D. Moore: (1.) "That in the opinion of this meeting the Legislature of New Zealand should consist of a Governor and two Houses of Representatives, to be called respectively the Upper and Lower House, all the members of which should be elective except certain civil officers of the Crown, not exceeding four in number, who should be necessarily *ex officio* members of such Legislature, and one at least of whom should sit in each House; but that no such *ex officio* member should sit in more than one House; and that such *ex officio* members, or any one or more of them, should vacate his or their seats and office on a vote of want of confidence in such member or members being passed by a majority of not less than two-thirds of the whole number of members of both Houses; and that such Governor and the two Houses together should be called the Parliament of New Zealand." Carried almost unanimously.

Proposed by G. White, Esq., J.P.; seconded by Mr. Vickerman: (2.) "That in the opinion of this meeting the Governor should be appointed by the Crown, and paid from the Treasury of the United Kingdom; and should be removed on a vote for an Address to the Crown praying for such removal being passed by two-thirds of the whole number of members of each House." Carried almost unanimously.

Proposed by Mr. H. Adams; seconded by Mr. Watts: (3.) "That in the opinion of this meeting population should alone be regarded in determining the number of members of the Parliament of New Zealand to be returned by each district; and that, subject to the proviso hereinafter contained, every registered elector should be eligible to be elected a member of either House, provided that such elector should, as regards the Upper House, possess the qualification which it may be deemed expedient to require in members of that House; and that the following qualifications for members of that House appear to be most suitable to the circumstances of this colony—namely, where the elector shall not be less than thirty years of age, or where, not having attained that age, he shall have sat as a member of the Lower House for at least two sessions; or where, not having attained that age, he shall have held an *ex officio* seat in either House, provided he shall have previously resigned the office in right of which he held such *ex officio* seat. But that it should not be necessary in any case that members of either House actually reside in the district for which they may be elected to serve." Carried unanimously.

Proposed by Mr. Joseph Ward; seconded by Mr. Wastney: (4.) "That in the opinion of this meeting every adult male who should have resided in the district in which he claims to vote for six months previously to the day of registration should be qualified to vote in the election of members; provided always that no person should be entitled to vote who is an alien, who is of unsound mind, or

who at any time theretofore should be attainted or convicted of treason, felony, or any other infamous offence, in any part of Her Majesty's dominions." Carried almost unanimously.

Proposed by J. W. Saxton, Esq., J.P.; seconded by the Rev. T. D. Nicholson: (5.) "That it is the opinion of this meeting that in the election of members the mode of voting should be by ballot." Carried by a considerable majority.

Proposed by Mr. Travers; seconded by Mr. Beecham: (6.) "That in the opinion of this meeting no Parliament for New Zealand should sit for more than three years from the return of the writs, and that no longer period than twelve calendar months should elapse between one session and the next; that the powers of such Parliament should be absolute in all questions not affecting the prerogatives of the Crown, or being Imperial questions; but nevertheless that such Parliament should have full power to repeal or alter any of the provisions of the Act passed for the Government of the colony, provided that any vote in favour of such repeal or alteration respectively should be passed by a majority of not less than two-thirds of the whole number of members of each House; and that no Act of the Parliament of New Zealand not affecting such prerogatives and Imperial questions shall be referred to the Home Government, but that the Governor shall be required to declare his assent to or dissent from every Bill passed by the New Zealand Parliament before the close of the session in which such Bill was passed." Carried almost unanimously.

Proposed by J. Nixon, Esq., J.P.; seconded by Mr. Outridge: (7.) "That in the opinion of this meeting all Bills for raising and appropriating the revenue of the colony should originate in the Lower House; and that no salaries of any officers of the Colonial Government should be reserved from the control of the Parliament of New Zealand except those of the Governor (if not, as already recommended, paid from the Treasury of the United Kingdom) and of the Judges, after the salaries of the latter have been fixed at the period of their appointment." Carried unanimously.

Proposed by Mr. C. Elliott; seconded by Mr. Watts: (8.) "That it is the opinion of this meeting that in case the peculiar circumstances of the Province of New Ulster as at present constituted, more particularly as regards the aboriginal native population thereof, should prevent the adoption of one general Executive for the whole colony, it is expedient that there should be but one general Executive for the Province of New Munster, as at present constituted, and which should be as central as possible." Carried unanimously.

Proposed by Mr. J. M. Hill; seconded by Mr. Humphries: (9.) "That a memorial embodying the wishes of this meeting on the subject of the future government of this colony, as expressed in the resolutions adopted by this meeting, be forwarded with those resolutions to Her Majesty's Principal Secretary of State for the Colonies; that copies of such memorial be sent to such members of the Imperial Parliament as have shown an interest in colonial questions; and that a committee of seven persons be forthwith appointed to prepare such memorial."

Proposed by Mr. Vickerman; seconded by Mr. Packer: (10.) "That the following gentlemen be appointed to prepare and forward such memorial: Messrs. Stafford, Travers, Saxton, Elliott, Robinson, Adams, and White." Carried unanimously.

True copy of the resolutions.

F. D. BELL, J.P., Chairman of the meeting.

Enclosure 2 in No. 31.

MEMORIAL OF NELSON SETTLERS.

To the Right Hon. Earl GREY, Her Majesty's Principal Secretary of State for the Colonies.

MY LORD,

Nelson, 31st December, 1850.

We, the undersigned members of a committee appointed by a public meeting held in Nelson on the 27th December last for the purpose of declaring what form of Government was most suited to the requirements of this colony, with the intention of submitting such form of Government to Her Majesty's Ministers, in the belief that it would be considered in preparing the Bill for the future government of New Zealand, proposed to be introduced in the next session of the Imperial Parliament, have the honour to forward to your Lordship the resolutions adopted by that meeting.

That your Lordship may clearly comprehend to what degree of attention these resolutions are entitled, in so far as they may be taken to represent the almost unanimous opinion of the inhabitants of this settlement, it will be necessary for us to allude both to the feeling that has for a considerable period existed in the minds of the inhabitants of this part of New Zealand as to the form of Government which they desire to see established in this colony and to the mode adopted in the present instance to obtain as general an expression as possible of the opinions of all.

With regard to the first question it may be briefly stated that, on the arrival of the Charter of 1846, the recognition contained in it of the right of the British colonists to possess the power of legislating for themselves by means of elected representatives created a feeling of universal satisfaction. The suspension of this Charter for the term of five years was consequently productive of a corresponding amount of discontent, which was still further increased when his Excellency the Governor-in-Chief, in pursuance of the powers given to him by the Act of Suspension, introduced an Ordinance establishing Provincial Councils composed entirely of *ex officio* members and nominees of the Crown. Since the institution of these Provincial Councils a determination, steadily increasing in force, has existed on the part of the colonists never to rest satisfied until they had obtained that right to which, as British subjects, they deemed themselves justly entitled.

The constant political discussions arising out of the various changes to which the government of the colony has for the last five years been subjected, and the numerous public meetings and memorials which they have originated, have led to an interchange of opinions amongst all classes of the inhabitants which might not otherwise have occurred, and have ended in producing a greater degree of unanimity of sentiment on public questions than is perhaps to be found in any other community of the same numerical amount. As respects the mode adopted in the present instance to elicit the fullest

expression of opinion on the form of Government desirable to be recommended to the consideration of Her Majesty's Ministers, your Lordship will be aware from the receipt of an address forwarded to your Lordship from Nelson on the 8th November last, that the inhabitants of this settlement, on learning that the Bill alluded to above was in contemplation by Her Majesty's Government, determined to hold a general public meeting for the purpose of affording to all classes of the community an opportunity of recording their opinions on a subject, to them, of such vital importance. And they were the more encouraged to do so from having observed in the reports of the debates on the Australian Colonies Government Bill the very frequent expression of a desire on the part of your Lordship and other members of the Ministry to become acquainted with the wishes of the colonists before passing the Bill by which they were to be governed.

A general public meeting, to be held in the courthouse of the Town of Nelson, was accordingly called for the 27th instant; but, as on an occasion of such great and lasting moment to all it was imperatively required that every facility should be given for the calm consideration of the principles to be contained in the resolutions which might be adopted at that general meeting, various meetings of the public were previously held in the rural districts and in the Town of Nelson, at which these principles, which have been adopted by the final meeting, and which are embodied in the accompanying resolutions of that meeting, were submitted *seriatim* to the inhabitants of each separate district, having previously been published in the local newspaper.

The proceedings at these several meetings, equally with the features which characterised the final one of the 27th instant, deserve to be particularly noticed. They were attended, with scarcely an exception, by every male adult residing in the district where each was held, comprising magistrates, clergymen of different persuasions, and individuals of every class, profession, and pursuit, most of whom took a part in the discussions and in the voting by which the successive resolutions were carried. At all of these meetings the most earnest attention was afforded to the subjects discussed, none of which were hastily disposed of, but were in turn subjected to the most acute criticism, in which their present and future influence on the circumstances of the colony was considered in all its bearing. The intelligence and grave reflection displayed on these occasions; the temperate tone of language, and the in every respect decorous conduct of all present were in themselves most convincing proofs, if such were wanting, of the fitness of the inhabitants of Nelson to enjoy in its most uncontrolled form the power they so eagerly seek to obtain of governing themselves.

The final meeting, held in Nelson, by which we have been deputed to address your Lordship, was attended by a larger number of the inhabitants of the settlement generally than had ever before been assembled in Nelson for any public purpose, deeply impressed with a belief of the magnitude and lasting importance of the subject they had met to record their decisions upon, and with a full knowledge of the responsibility which would attach to these decisions. At this meeting, which lasted from noon until an hour after midnight, the same principles which had been discussed at the previous meetings were adopted either unanimously or by large majorities, the only resolution which encountered any considerable amount of opposition being that in favour of voting by ballot. With respect to all the other resolutions, so great an amount of unanimity was shown as most justly entitles them to be considered as representing the deliberate sentiments of the inhabitants of this settlement, although, as a matter of course, there were, as there ever will be in any community, some dissentients to some of them. While, therefore, we believe that the most perfect means were taken to arrive at the opinions of all, we are equally convinced that to no other principles of Government as a whole would such a very general assent have been afforded.

Your Lordship will perceive that the first of these resolutions recommends that there should be one general Legislature for the whole colony, composed of two Houses, both elective, in both of which certain members of the Executive would have an *ex officio* seat, which seat, together with their office, they would vacate on the passing of a vote of want of confidence by two-thirds of the members of both Houses. It is also suggested that this general Legislature be styled the Parliament of New Zealand. The reasons which appear to recommend that, as a general principle, the Legislature of a British colony should consist of two Chambers are so obvious and must be so familiar to your Lordship that it will be incumbent upon us to notice this question but very briefly. We believe that it is universally admitted that where one Chamber only exists there will be, during periods of excitement, a tendency towards impulsive and hasty legislation, which is still more likely to occur where the Legislative Assembly, as must for some time be the case in New Zealand, is composed of but a small number of members, over whom occasionally one individual may exercise such a predominating influence as in effect to counteract many of the advantages which ought to arise from a representation of the views of the several constituencies. Where, however, it is required that any Act of one Chamber should be assented to by another, that jealousy of external dictation which is universally found to exist between separate bodies of men would effectually cause every measure to be well sifted before it was confirmed by the second House; new arguments would be brought to bear upon the question, which would be considered from a different point of view by those who were asked to agree to it from that which would attend it where it was originated. It may be thought that materials for two Houses do not as yet exist in so young a colony; but we believe that where materials exist for one House they are equally present for two; for it is necessary for us to represent to your Lordship that the advocates of two Houses do not desire that the Upper one should be an hereditary House or that the members should be elected for life. A future resolution points out what might be required as a qualification for the members of this House; and, whether this qualification is adopted or not, we are inclined to hope that the principle recommended may not be lost sight of, especially as we have observed that it is insisted upon in the Report of the Lords Commissioners of Council for Trade and Plantations, dated the 4th April, 1849, as being a most desirable element in the constitution of government for a colony; and further, that Her Majesty's present Ministry, in the debates on the Australian Colonies Government Bill during the session of Parliament just passed, have frequently expressed a belief that it was the best form of Legislature, which they stated they were only prevented from establishing in the new Constitution for the Australian Colonies out of deference to the supposed wishes of the inhabitants of

those colonies; and the contemplated introduction of it in the Constitution for the Cape of Good Hope demonstrates that, where no such restraints existed, it had been decided to adopt it. We submit that no such restraints exist here; nay, that the colonists are desirous that it should be a component part of their future Charter. But we must respectfully submit to your Lordship that it is clearly understood and desired that the members of the Upper as of the Lower House should be, as is proposed at the Cape, elective. One Chamber only of elected members would be infinitely preferred to two where one of these two was composed of nominees. So strong and general a feeling exists against the power of legislation being conferred on any persons save those elected by the inhabitants of the colony that the presence of any persons not so elected in the Legislature, whether composed of one or two Chambers, would cause an amount of dissension, distrust, and irritation impossible to be quieted until the cause had been removed. The presence of nominees in either Chamber would be considered as significant of the fact that Her Majesty's Government had not sufficient confidence in the loyalty, capacity, or judgment of the colonists to accord to them the same uncontrolled form of legislation which, in the parent-country, they had been accustomed to regard with respect as a fundamental part of the British Constitution, and which confidence in their good conduct it is respectfully submitted no act of the colonists has caused them to forfeit.

In relation to the seats proposed to be held by the *ex officio* members, it is apparent that some mode of communication between the legislative and executive portions of the Government is required for the purposes of explanation, and of enabling the Government to introduce any Bills they may deem necessary; a certain amount of responsibility also on the part of the *ex officio* members is equally essential, and the plan recommended of requiring their removal on a vote passed by two-thirds of the Houses in which they themselves would have a voice appears to be the method most suited to the present circumstances of the colony; by this plan the Government may select where it pleases the members of the Executive Government, who would only be removed upon a proved unfitness for the office in right of which they possessed a seat. The more direct mode in force in Great Britain, by which the Ministry retain office only so long as their measures receive the approbation of a majority of the Parliament, would, however, be preferred here whenever the state of the colony would warrant its adoption, and the system now suggested is only meant to be provisional. As to the name by which the future Legislature should be styled, it may be remarked that the one suggested is recommended out of deference to those early ideas of a supreme Legislature which the colonists have hitherto been accustomed to entertain.

The second resolution recommends that the Governor should be paid from the Treasury of the United Kingdom, and should be removed on a vote for an Address to Her Majesty to that effect being passed by two-thirds of the whole number of members of both Houses. It is the desire of the colonists that they should have no control over the salary of the Governor, and it has appeared the simplest mode of avoiding interference that his salary be paid by the British Treasury. With respect to the power of removal, although it may at first sight appear to your Lordship to be an unusual request, we submit that no well-founded argument has ever been advanced against what appears both reasonable and certain to work well. We can most confidently state that we believe that this power would not be more frequently exercised than is the power of withholding the supplies by the British House of Commons; in evidence of which belief we may instance that a similar power, possessed by the East India Company, has, we believe, been but once exercised—viz., in the recent case of Lord Ellenborough. And whenever it might be so exercised—which would only occur on the deliberate vote of two-thirds of the whole number of members of both Houses, including the *ex officio* members, in itself a sufficient guarantee against the indiscriminate use of this power—it would be found that an infinitely greater amount of danger and difficulty had been prevented than would have ensued had no such power existed; for it must be remembered that the power sought to be obtained would be vested in those who were most competent, from their local experience and from the great attention naturally paid by them to the welfare of the country in which their whole future interests were bound up, to decide upon the measures most conducive to the prosperity of that country. And how does the question stand in a better light in the event of an irreconcilable hostility at any time occurring between the Governor and the Legislature? Instead of a speedy settlement of the question and a return to that calmness and evenness of temper essential to the well considering of the measures brought before their notice, an increasing feeling of irritation, subversive of all good government, would ensue, which would lead too often to the commission of acts much to be regretted, and which would have the effect of gradually alienating that feeling of mutual regard between the Mother-country and her offspring which it is the aim of all well-thinking men to preserve; and the very distance which separates this colony from England renders it doubly imperative that such a fatal state of contention should not be unnecessarily prolonged. It has been advanced against this request that, if this power were granted to the Legislature, an inconveniently frequent change of Governors might ensue; but it will be evident to your Lordship that this argument is more specious than true; that it is unfair, both to the Governor and the Legislature, to conceive that their wishes, which must on both sides be supposed to be influenced by what may appear calculated to benefit the colony at large, should necessarily be so antagonistical as to lead to an unreasonable contention between them—a supposition so unworthy alike of a British Governor and of the representatives of a British colony that we can with difficulty bring ourselves seriously to entertain it. It was also stated, by an opponent of the recommendation, that this power, if exercised in one instance, would, instead of benefiting us, become a source of injury and annoyance; that we might expect a succession of King Logs and King Storks. We are unfeignedly happy to be able to state that this assertion met with no response from those to whom it was addressed; that, on the contrary, it was felt to be an unwarrantable aspersion upon the character of any British Government to deem them capable of pursuing such an undignified course, and of so wantonly exercising the authority intrusted to them by the British nation as to make it an engine for the oppression of a loyal and faithful community of Englishmen, at present forming but an insignificant section of a mighty empire, and from that very insignificance entitled to look for protection from a British Ministry rather than insult or oppression.

In the third resolution, the recommendation that population alone should determine the amount of members sent from each district recognises the only method by which the several settlements can fairly be represented. The adoption of their mutual contribution to the revenue as the ground upon which the number of members elected by each should be based would be entirely fallacious as an evidence of the prosperity or importance of any particular settlement; the actual degree of healthy and progressive prosperity of any community to be found in New Zealand at the present time has, paradoxical as it may seem, almost been in an inverse ratio to the sum of the revenue raised in it, as the circumstances of a large amount of Customs duties, from which source the revenue is almost entirely derived, being collected in any particular settlement, is merely indicative of the fact that the presence of a large body of troops, with the addition of frequent visits from ships of war, causes a large military and commissariat expenditure in that settlement, followed by a correspondent absorption in trading pursuits of the great bulk of the population, which, however specious an appearance of wealth and progress it may for the moment create, in effect really retards that unostentatious but real prosperity which, in those settlements not containing military garrisons, results from the attention and capital of the inhabitants being directed to the task of developing the agricultural and pastoral resources of the country and the other unpretending pursuits of a quiet and healthy industry.

That there should be no qualification for members of the Lower House beyond that required for electors is also peculiarly suited to the circumstances of this colony for many reasons; amongst which it may be stated that, if a property qualification were required, the frequent changes in the species of property, as from real to personal or the contrary, in which capital may be temporarily invested, which is a ruling feature in every young colony, would render it very difficult to ascertain who were or who were not qualified to sit as members. An individual might one day possess the necessary qualification, the next day lose it from the sale of one kind of property and the purchase of another not conferring this qualification; and again, a few days after he might by another purchase be requalified. But the very time devoted to legislation, and thus abstracted from the supervision of their own affairs, would in reality be equivalent to a high property qualification for the members, which would be still further increased in the case of those members not residing at the seat of Government, and who could only visit that place or remain there during each session at a very considerable expense, which would be very much augmented from the absence of any frequent and regular means of communication between the settlements which at present prevails and which must continue until steam vessels, running between the various harbours round which these scattered settlements are formed, are introduced. The instance of Scotland, where no qualification for members is required, may be quoted in illustration of the system now advocated.

The qualification suggested for members of the Upper House would insure their being of a mature age and possessed of that experience in public affairs desirable in those whose principal duty would consist in judging of the probable effects for good or evil of the measures submitted for their consideration, and which, if assented to by them, might fairly be assumed as likely to be beneficial in their operation. The mode of election of these latter members, as your Lordship will perceive, has been left to the judgment of Her Majesty's Ministers to determine.

In requesting your Lordship's attention to the fourth resolution, which recommends that the franchise should be conferred on every adult male, with the limitations therein expressed, who shall have resided in the district in which he claims to vote six months previous to the day of registration, it is necessary to state that this recommendation is intended to apply to those of European birth or descent only, as the aborigines of New Zealand are not yet sufficiently advanced in civilisation to be able to exercise the franchise with but very few exceptions. We believe it to be admitted as a principle of the British Constitution that every member of the community should have a vote in the election of those delegates to whose charge is committed the disposal of his property, his liberty, and his life; and that the only true reason which has ever been advanced for requiring any property qualification in voters in England is to exclude such persons as are in so mean a condition that they are esteemed to have no will of their own, and may therefore be tempted to dispose of their votes under some undue influence. We need not offer any arguments in favour of the principle of universal suffrage as adapted to countries very differently circumstanced, but we will confine ourselves to the reasons which appear to exist in favour of the application of that principle to this colony. Here, as in all new colonies, the domestic, the labourer, and the mechanic are quite as independent as their employers in consequence of the scarcity and increasing demand for their labour, of the high rate of wages which they necessarily command, of the plenty and cheapness of the means of subsistence, and of the facilities afforded them, by the abundance and low price of land, of recurring to agricultural pursuits. At every public meeting which has been held in this settlement, whether for the discussion of political questions or for any other purpose in which the working classes have had an interest, the proceedings have accordingly been characterised by the utmost independence on their part; and that independence, coupled with the great degree of intelligence which, as a body, they have invariably exhibited and undoubtedly possess, is satisfactory evidence that they are not subject to or likely to be acted upon by any of those pernicious influences to which voters in the Mother-country are so notoriously exposed. We moreover believe that neither the power nor the motives for exercising those influences exist in any such degree in this colony as to warrant the apprehension that any attempt at corruption will be made; and in the actual state of society here any individual who would attempt so gross a breach of political honesty would be held in the utmost scorn by every section of his fellow-citizens.

In order to satisfy your Lordship how completely the principle now recommended is approved of, and how greatly the establishment of that principle in the Government of this colony is desired by all classes in this settlement, we can assure your Lordship that at the meeting held on the 27th instant not one person in forty of those present voted for an amendment in favour of a property qualification. In preparing the resolutions in question the qualification recommended by His Excellency the Governor-in-Chief in his despatch to your Lordship, dated the 29th November, 1848, No. 106, was carefully considered, and it was found that, although that qualification might in the abstract be deemed a low one, it would, at the present time, practically exclude a large proportion of the owners and occupiers of

land and houses in this settlement. It was found that a considerable portion of the rural land in the settlement was let in allotments of from ten to thirty acres at a present average rent insufficient to confer the proposed franchise. It was also found that very many of the houses in the Town of Nelson, which are hastily constructed of the cheapest materials, chiefly wood, and are of the smallest possible dimensions, do not yield a rent of £10 per annum. But it was not found that, in point of independence or intelligence, any of the persons paying the lower rents were inferior in the slightest degree to those who occupied larger portions of land or more expensive dwellings. We need only mention these facts, which can be substantiated with the greatest facility and precision, to demonstrate to your Lordship the unfairness (so far at least as this settlement is concerned) of establishing a property qualification for voters; and we trust, therefore, that in any Bill which may be passed by the Imperial Parliament for the government of this colony the principle recommended in the fourth resolution may be adopted as a right claimed by the colonists, which they are perfectly fitted to possess.

The suggested test of residency in the settlement, where the vote is given for six months previous to the day of registration, would insure a sufficient amount of interest in and experience of the requirements of the settlement, as no elector could vote in any case until he had lived eight or nine months in the settlement; while it would generally happen, from the fact of the period of registration not occurring for some time after the expiry of the six months following his arrival or from no election taking place for some time after the day of registration, that each voter would have had the benefit of from one to three years' experience of the affairs of the colony before he gave his vote.

With respect to that part of the exceptional clause in the resolution in question which relates to convicts or attainted persons, your Lordship will observe that it is proposed to entirely exclude from the privilege of voting any person "who at any time" should have been convicted or attainted as therein mentioned. The vicinity of the penal settlements and the number of convicts having tickets of leave who from time to time have and may come to this colony, render this provision essentially necessary in order to prevent persons who have been degraded by the commission of gross crimes from obtaining any voice in the administration of the public affairs; and it is the earnest wish of the inhabitants of this settlement that this provision should, under any circumstances, form part of the Act which may be passed for the future government of the colony.

With respect to the fifth resolution, which recommends that the mode of voting be by ballot, there are many reasons which render it applicable to the constituencies of New Zealand; and the attentive consideration of its own merits has obtained for it here a very general and increasing approval, the progress of which may be illustrated by a recital of what took place at the several public meetings before alluded to, in which every shade of opinion on this as on the other subjects considered was elicited during the discussions, throughout which this question seemed pre-eminently to excite the greatest amount of controversy; and the decisive majority in its favour at the conclusion of these discussions, notwithstanding many adverse indications at first, is the most convincing testimony of the strong impression created of its perfect adaptation to the feelings and wants of the settlement. At the first of the preliminary public meetings there was a small majority against it, at the second there was a majority of one in favour of it, at the third and fourth it was carried by large majorities; and at the final and general public meeting, after a most animated and adjourned debate, involving a most patient discussion, which extended over many hours and which was characterized by an attention and amount of good temper which could not have been exceeded in any assembly, it was again carried by a majority consisting of considerably more than two-thirds of the voters.

It is our duty, on a question which caused such a prolonged discussion, to notice at considerable length the arguments which were advanced most prominently during these discussions. The advocates of the ballot found it difficult at first to divest the subject of certain association of ideas which existed in the minds of several of those opposed to it, and which, without being at all relevant to the question, formed almost the whole strength of a very vigorous opposition. The abstract truth was at first lost sight of that secrecy and privacy of voting are compatible with the fullest exercise of the judgment, with freedom of choice, and with honesty of intention—that a man had an equal opportunity for choosing well as ill in voting by ballot as in open voting, while he was much more likely to choose well than ill when left to his own unbiassed judgment. The opponents of the ballot assumed that secrecy was only compatible with hypocrisy; that the ballot would be but a means for exercising a species of Athenian ostracism, which gave in former days to base men the power of banishing their benefactors, as in the recorded case of Aristides. This objection led to a misrepresentation of the real merits of the principle, and rendered the ballot obnoxious to the epithets of unmanly, un-English, &c. This objection found a ready response in the minds of several who saw, in the opposite system of open voting, a pretension to the opposite qualities of manliness, honesty, and straightforwardness, totally omitting to recognise the existence of those various abominations so universally practised at all elections conducted upon the principles of open voting, comprising intimidation, bribery, and every species of corruption which can be brought to bear upon the weaker voters during the open struggle of the hustings, and which abominations no laws hitherto enacted have been able to reach or control. The difficulty which the advocates of the ballot found in leading the minds of their earliest opponents to the consideration of the real merits of the principle was further increased by the very circumstances which has just been advanced, as the strongest plea for the extension of the suffrage to every adult male—namely, the independence of the working class. Such has been the advancement and good conduct of this class that they are fully conscious of their improved position and of their escape from that power of domination over them by the higher classes which once so painfully repressed them. To many of these the principle of open voting seemed to offer an opportunity for the assertion of their newly-acquired independence; or, in other words, of showing that they were manly, and afraid of no man, there being at present no parties to be afraid of, as in these settlements there is as yet no wealthy upper class, although property is in many instances accumulating, and there may be considerable concentrations of it before long. With such a temptation to prefer open voting where the voters are undoubtedly at present in an independent position, it becomes the more remarkable that a preference for voting by ballot should finally have prevailed, this feeling being gradually confirmed from a recollec-

tion of the various evils of open voting which many persons present had witnessed in Great Britain, and from which some of them had personally suffered; and their various reminiscences of these evils, which were publicly narrated by them, had a very great effect upon the meetings. For although the working classes here are independent at present, they are not without apprehension that a change may in time occur which may render the protection of the ballot necessary. But, in addition to any abstract view of the question, there are reasons which are worthy the attention of your Lordship as being more peculiarly apposite to this colony. The constituencies of New Zealand will generally be found to exist in detached districts of the widely-separated settlements, and will consist of comparatively small communities comprising less differences of station than will generally be found to exist elsewhere, and therefore naturally disposed, under ordinary circumstances, to a kindly and intimate intercourse with each other, and anything which would tend to cause a breach in these personal relations would be an unmitigated evil. Where men are personally well known to each other their friendships and enmities are generally strong; and whatever would tend to preserve the former and exclude the latter would be a valuable social boon. Voting by ballot appears eminently conducive to both these very desirable ends, as promising a peaceable mode of deciding those political contests which must arise with every public election. To select between the comparative merits of strangers involves but little difficulty and but few after-consequences; but to decide upon the relative merits of friends is at once invidious and likely to cause estrangement as long soever as human nature continues to be what it is, and there is always a corresponding amount of elation or mortification as preference or rejection may have occurred, which is shared by all the connections of the candidates. The ballot from its privacy would prevent or allay all such excitement as completely as any human contrivance could possibly do, whilst at the same time every voter would have exercised the utmost freedom of choice in accordance with the dictates of his own conscience, and there would be every reason to believe that the best man had been selected as far as each voter was able to judge. Voting by ballot will become still more necessary for the insurance of peace and good-will if the suffrage should be extended as suggested in the accompanying resolutions. With a household qualification there would be but one vote in each family, but under the contemplated extension of the suffrage to every adult male there would generally be many—as fathers, sons, brothers, servants, sometimes lodgers—all sharing in the differences of opinion which will ever exist in the external community; and at the period of elections there would be needed some mode of recording these differences of political opinion which might divest the expression of them of all offence in so far as all appearance of offence can be removed. As the act of balloting excludes all outward expression of opinion, it must therefore tend to remove all that offensive appearance of bravado which often characterises open voting on any exciting occasion.

Another circumstance, more strictly peculiar to our constituencies, has arisen from the past existence and operations of the New Zealand Company. A large proportion of the available land of the southern settlements has been sold by this company to purchasers resident in England, whose interests here are attended to by agents of their appointment to whom necessarily the very highest powers have been intrusted, and thus there has been created a very objectionable and dangerous political anomaly. Were each absentee owner of land to direct his own separate influences amongst the voters at the elections no particular evil might arise, as, from their numbers and the probability that they would individually range themselves on different political sides as severally disposed, there would be every likelihood of a tolerable and fair balance of opinion on any disputed point; but, when all or many of these influences and powers are deputed to agents, and these agencies are again concentrated and centred in one or two, or at most in but a very few, individuals, the chances of any such safe balance of opinion is so much narrowed that, although there is yet a total absence of all experience of such ill effects, we may fairly predict and justly apprehend that some such evil as preponderating influences would immediately arise whenever an occasion occurred for the operation of them. In pointing out this danger there is no desire to impugn the character or liberality of those gentlemen who now represent these agencies, either in this or in the other settlements, and for whom there is here, or there may be elsewhere, felt a very general respect; yet, whatever may be the confidence we may feel ourselves in them as individuals, our feelings may not be equally shared by the numerous present or future tenants over whom these gentlemen may happen to have any control. Tenants are often in arrears of rent, or may indulge in expectations of favours, or may be apprehensive of the withdrawal of them, or feel otherwise under the pressure of some obligation or otherwise necessitated to consult their private interests rather than their political inclination. To a large class of voters, therefore, the possession of such great powers in the hands of a few individuals will always be a cause of great anxiety, and must appear to be a very serious and formidable engine of oppression, the more especially if these collective powers should ever be possessed by men less disposed to act fairly than are, as we sincerely believe, the gentlemen in whom they are here at present vested. It is therefore conceived that some such provision as the vote by ballot should be permitted were it but for the purpose of quieting such apprehensions and of interposing a sufficient safeguard against any possible abuse of such extensive and powerful influences.

It now only remains to adduce the general arguments in favour of the ballot, and which are now advanced at the risk of troubling your Lordship, to whom, no doubt, they are familiar, for the purpose of completing the whole series of pleas which ought to have weight in any fair hearing of the case. The ballot offers to the weaker voters, who generally are a large proportion of all constituencies, an almost perfect emancipation from all those tyrannies to which they are usually subjected wherever open voting is the practice. It is thus protective. It checks those disposed to bribe by the absence of all guarantee that the object sought to be attained by a bribe would be secured. If it at all checks this unprincipled traffic it must needs be moral in its tendency. By its privacy and consequent freedom of choice it enables every voter who, from greater experience or from more matured judgment, should see reason to correct his former views, to retrace his steps, and thus to rectify his errors without a fear of the charge of inconsistency or of being a traitor to his former party. It thus frees men from the tyranny and bondage of party, and therefore emancipates. It has before been shown that it enables voters to select amongst friends without offence, but it also gives to every man an opportunity of answering

curiosity by a quiet declaration of his desire to avail himself of the privacy of the ballot, and it enables those more nearly connected with each other to express silently their differences of opinion: it is therefore amicable. It leaves a man open to all the appeals of reason and of argument: it is therefore rational. It is used as the mode of election for the officers and managers of an infinite variety of societies: it is therefore practicable.

From all these preceding considerations it would appear that voting by ballot may justly and emphatically be characterised as fair, rational, protective, amicable, and conducive to moral and peaceable conduct, efficient for every elective purpose, and almost innocent of all evil. It might, therefore, be safely recommended and proposed for its own inherent merits; but it has also the additional recommendation that it is in accordance with the innate and undoubted right of every man to his own opinion, for which he is responsible to none but his own conscience only; and there seems to be no mode, except that of the ballot, which could in all cases secure to a voter the unmolested enjoyment of this most sacred right.

There may possibly remain in your Lordship's mind one objection to the introduction of the ballot into New Zealand on the ground that it would become a precedent. It may be readily admitted that it would be a great experiment to make amidst the mass of poverty and discontent which pervades the old countries, and that it would there meet with the strong opposition of a great variety of vested interests which are now able to retain their supremacy by the influence which they are able to exert over all classes of constituents by means of the principle of open voting; but the introduction of the ballot into New Zealand would scarcely amount to a precedent for such other places, as there is, in fact, no similarity in the cases, inasmuch as there are here neither vested interests nor even as yet any party spirit beyond what casually arises with each temporary occasion; but instead a clear and undisturbed field for the experiment to be tried—an experiment which would operate solely amongst small and isolated communities, consisting chiefly of members of the working classes in a state of great comfort and independence and desirous of living together in peace and of keeping at a distance all the elements of strife, amongst which political collision is one of the foremost.

The term of years recommended in the sixth resolution as that of the duration of the Parliament of New Zealand is suggested in consequence of the very frequent additions to the population of the respective communities and the consequent alterations in the affairs and circumstances of each. With respect to the powers to be conferred upon the Legislature, your Lordship will perceive that, on all questions not affecting the prerogatives of the Crown or being Imperial questions, it is requested that the Parliament of New Zealand shall be subject to no extra-colonial control, and that the power of vetoing any Acts relative to local questions only shall be vested in the Governor, who shall signify his assent or the contrary to such Acts before the close of each session. We are aware that your Lordship has stated your belief that it would be a difficult matter to separate the questions merely local from those affecting the empire at large, and we can understand how this belief has come to be entertained. The practice of legislating in London for the wants of a vast empire, extending over so many different regions, has had the effect of inducing the belief that it was necessary that all questions, affecting even the minutest circumstances in any portion of that empire, should be brought before the notice of the Imperial Ministry, without remembering the fact that most of these local questions, though relating to what was strictly a portion of the empire, yet did not clash with or in any way affect any other portion of it; that, in short, the operation of any laws passed in any colony and not having effect out of that colony began and ended where such laws were enacted; and consequently the decision as to what these laws should be ought reasonably to be left to those who alone were affected by them, and who, from that very fact, must be supposed to be the best judges of their necessity or the contrary; while the attempt to direct, at such a remote distance, and on the very conflicting and meagre information which, owing to the distance and infrequency of communication, can be obtained by any Ministry, the attention of the respective Legislatures to the facts and requirements of their own country, of which they are much more fully informed, could only result, as hitherto has been the case, in producing disappointment equally to the Ministry who seek to instruct and to those who are sought to be instructed, and thus sowing the seeds of dissension, recrimination, and hostility between the Mother-country and those who, by habit, ties of blood, individual prejudices, and historical associations, are desirous of regarding the nation from which they are proud to have sprung with feelings of unmixed affection. We are disposed most fully to allow that your Lordship is desirous, to the utmost of your power, to legislate for New Zealand in that manner which may appear for the good of the colony; but we cannot admit that any Minister residing in Great Britain is in a position to learn what that good may be; and with no one conviction are we so fully impressed as with this: that, unless the New Zealand Legislature possesses the same powers of legislation as respects New Zealand, with the exception of the relations of the colony with foreign States, as those possessed by the Sovereign and Parliament of the United Kingdom, it might more appropriately be styled by another name, and will decidedly be regarded as a mockery of the idea of a Legislature fitted to rule over Englishmen; and will only cease to be such when, after much contention which might otherwise have been avoided, it has been remodelled to that form which alone the colonists will be content with. It follows necessarily that foremost among the powers sought to be obtained is that of altering the future Constitution itself upon the nature of which the acts of the Legislature will so entirely depend. We are encouraged to hope that this power will be at once granted by your Lordship, as we observed that it was contained in the 32nd clause of the Australian Colonies Government Bill; and it was with great regret that we learned that this clause was struck out in the third reading of that Bill in the House of Lords. That the powers claimed in the resolution in question are deemed just and suitable ones to be possessed by a colonial Legislature we have the evidence of the Report, previously alluded to, of the Lords of Council for Trade and Plantations, to the following extracts from which we beg to refer: "We should think it prudent, if we thought it practicable, to confine the proposed Act to those provisions which are necessary for constituting Legislatures in the four colonies in question—viz., New South Wales, Victoria, Van Diemen's Land, and South Australia, and for enabling those Legislatures to perform the duties to which they will be called; for we contemplate with great reluctance any departure from the

general principle which leaves to the local Legislature of every colony the creation of other local institutions, and the enactment of any laws which are to have their operation within the local limits of the colony. . . . We also think that the Legislatures now to be established ought to have the power of amending their own Constitutions by resolving either of these single Houses of Legislature into two Houses. Whatever the result may be in either of the four colonies, your Majesty will thus at least have the satisfaction of knowing that free scope had been given to the influence of public opinion in them all, and that this constitutional question has been finally adjusted in each, in accordance with that opinion. . . . For the same reason we think it desirable that the Legislatures now to be created should be intrusted with the power of making any other amendments in their own Constitution which time and experience may show to be requisite. We are aware of no sufficient cause for withholding this power, and we believe that the want of it in the other British colonies has often been productive of serious inconvenience." It is only desired that this power of amendment of the Constitution of the colony should be exercised upon a vote of a majority of two-thirds of the whole number of members of the New Zealand Legislature.

The other reasons which lead to the request that the Governor only should exercise a veto power on local questions are strengthened by the fact that he necessarily possesses much more knowledge of their probable utility than any servant of the Crown residing in England can possibly do; and his immediate confirmation of or vetoing any local enactment would prevent that injurious doubt and delay which results from the necessity otherwise existing of transmitting an Act to England and receiving an answer after the lapse of such a period of time as may have completely altered the circumstances which led to its having been passed.

The recommendation contained in the seventh resolution is in accordance with the form observed in the Legislature of the United Kingdom, which the experience of centuries has shown to be so excellent in practice that it would be supererogatory for us to enlarge upon the utility of following the same form in New Zealand. The reasons why the salaries of the Governor and Judges should be excepted from the control of the local Legislature must be so evident to your Lordship that it is equally unnecessary for us to enumerate them; but, with these exceptions, we desire most firmly to press upon your Lordship the right of the colonists, by means of their representatives, to appropriate the whole of the revenue raised in the colony. So clear and demonstrable do they consider this right to be, that it is a matter of considerable doubt whether they would recognise, or allow themselves to be permanently ruled by, any colonial Legislature not having this power. Most certainly, should any Legislature so fettered attempt on the one hand to levy any direct taxes while on the other a portion of the revenue derived from taxation was exempted from its control, it would, we are confident, be found difficult to collect them. We are, indeed, unable to conceive what reasons can be advanced why the principle which establishes that the Legislature of a country should alone expend the money contributed for public purposes by that country should not be at once admitted as a right incontrovertibly inherent in the inhabitants. And when, moreover, they are British subjects, accustomed to regard this power as a right of citizenship accruing to them at their birth, it will be understood how entirely opposed to all their ideas of justice and liberty would be the attempt to deprive them of it. In support of this claim we refer with great pleasure to the Report of the Lords of the Council, which we have before quoted, where we find the following remarks in connection with the subject: "Passing to the subject of a civil list, we have to observe that the very large proportion of the revenue of New South Wales at present withdrawn from the Legislature by the permanent appropriation of Parliament has been a continual subject of complaint and remonstrance in the colony since the passing of the Constitutional Act of 1842, and we cannot conceal our opinion that these complaints are not without some foundation. It appears to us hardly consistent with the full adoption of the principles of representative Government that, as to a large part of the public expenditure of the colony, the Legislature should be deprived of all authority; nor does there appear to us to be any real occasion for imposing a restriction upon the powers of that body which manifests so much jealousy as to the manner in which those powers may be exercised. The expenditure thus provided for is all incurred for services in which the colonists alone are interested. The colonists themselves are mainly concerned in the proper and efficient performance of those services; and it appears to us that they ought to possess, through their representatives, the power of making such changes from time to time in the public establishments as circumstances may require." We believe that your Lordship's sentiments are so entirely in unison with the principle here laid down, which most perfectly represents the wishes of the colonists, that we confidently expect the efficient support of your Lordship to this request.

Your Lordship will perceive that the eighth resolution contains a most important request, which it is the belief of the colonists is essential for the purpose of producing that unity of action, accompanied by economy, which alone can confer a uniform national character upon the different portions of the colony which it should be the desire of all to establish, and which the maintenance of the present system of Provincial Councils (which we understand are likely to be still further increased in number) is calculated utterly to destroy. One centrally-situated Executive, with the aid of steam vessels to keep up a rapid and regular communication between the settlements, would be infinitely more direct and efficient in its action and far less costly in its maintenance than any number of Provincial Councils could hope to be, while to meet the wants of each separate district municipalities, with extensive powers of legislation on questions merely relating to such district, would amply suffice for all their local wants. By this means the inhabitants of each district would have their local laws enacted by those residing in it and completely conversant with its circumstances; and they would be enabled to carry out the required measures without the risk of their clashing with the wishes of any other settlement, probably very dissimilarly circumstanced. And this simple mode, which is eminently suited to the genius of the colonists of New Zealand, would be free from the expense of the more pretending Provincial Councils, which, while requiring the presence of representatives from many settlements holding views on many subjects opposed to those of any one community, would in reality possess no power superior to that which might be at once vested in each local municipality. The

collision of interests and views, certain in the end to foster jealousy and ill will between each settlement, would thus be avoided, in itself no inconsiderable boon to confer on the different portions of the colony. It is therefore much to be desired that the Provincial Councils should be abolished, and that one general Executive should legislate on those subjects affecting the colony at large; but it is imperatively required that this single Executive should be in a central situation; if established at Auckland it must not only fail to be of benefit to the colony generally, but must necessarily be productive of evil. We observe that many arguments in favour of a central seat of Government, as a general rule, are stated in the same Report of the Lords of the Council, of which the following is an extract: "The inhabitants of countries recently and imperfectly settled are exposed to few greater social evils than that of remoteness of the seat of Government from large bodies of the settlers. The effect is virtually to disfranchise a large proportion, if not a majority, of the colonists by excluding them from any share in the management of public affairs and in the inspection and control of the conduct of their rulers. In such circumstances the inconvenience of the centralisation of all the powers of Government are experienced in their utmost force. The population of the districts most distant from the metropolis are compelled to intrust the representation of their persons and the care of their local interests to settled residents in that metropolis, who possess but a very slight knowledge of their constituents and a faint sympathy with their peculiar pursuits and wants." With respect to New Zealand, Auckland is nearly at the farthest end of the northern Island; is separated from the other settlements even in the same Island by a vast tract of country unintersected by roads, and through which they could only be made at an outlay of money and labour not to be procured in the lifetime of the present inhabitants; while in the southern Island, the different settlements of which are now the great point of attraction to the immigrants daily arriving, a still greater space, divided by seas and impervious mountain ranges for the most part still unexplored, intervenes between each settlement and Auckland. It would, therefore, manifestly be most destructive to the interests of New Zealand as one colony that the latter settlement should be the seat of a single Executive.

We may also point out that the winding-up of the New Zealand Company, whereby the management of the large demesnes of the Crown hitherto administered by it has reverted to the local Government, makes it still more desirable that that Government should be so situated as to be able with facility to supervise the future operations connected with the opening out and disposal of these demesne lands. We do not wish your Lordship to believe that we are desirous that Nelson should be the seat of Government; we are only anxious that the latter may not be so completely removed as to be unable to fulfil the duties which a Government undertakes to perform. We are equally anxious to prevent your Lordship from entertaining the belief that in this recommendation we are actuated by any feeling of dislike to Auckland; we believe the latter place to possess many advantages of its own, but, however these advantages may contribute to its success as a settlement, they do not confer upon it the requisites for a seat of Government for the whole colony. Another reason against the establishment of the seat of Government in the northern province is that the prevalence there of a large Native population would most likely be assigned, as has often hitherto happened, as a reason against the enactment of laws much desired by the colonists and necessary for the advancement of the colony; and we can conceive no question more certain to produce ill feeling between the races or more unfair in itself than the continual deferring of the wishes of one—and that the superior—race to the supposed interests of the other. And this is the more severely felt by the residents in the southern province, who by the official returns already outnumber the aborigines, and who in a very few years, from the large immigration to this province and the great number of births amongst the colonists as compared with those amongst the Natives, will so far outstrip them as to make the unfairness and impolicy of such a system still more palpable. Should, however, it appear, from the number of Natives in the northern province, impossible to govern the colony by one central Executive, we would suggest that both justice and expediency point out that there should be a complete separation—legislative, executive, and financial—between the two provinces; and, wherever the central Executive for the southern province may be established and whatever may be its form, it can only be carried on with success by contemporaneously introducing steam vessels which, in the absence of all internal roads between the settlements, all of which are situated on the sea coast, must for long form the best means of communication.

In concluding this memorial we must solicit your Lordship's indulgence for the length to which it has extended; it has been the result of our desire to be the faithful exponents of the wishes of the inhabitants of the Nelson Settlement. We are fully conscious of the responsibility attached to the duty we have undertaken, and would willingly have shrunk from it had we not been upheld by a sense of what was due to the British Government, to ourselves, and to our fellow-settlers, by whose vote we have been deputed to address your Lordship. We would fain hope that our task will not have been performed in vain, but that the future Charter by which they are to be governed will attest that the wishes of the inhabitants of this settlement have not been altogether disregarded.

We have, &c.,

Edward W. Stafford, J.P.
Wm. Thomas Locke Travers.
John Waring Saxton, J.P.
Charles Elliott.

John Perry Robinson.
Henry Adams.
George White, J.P.

No. 32.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 22.)

MY LORD,—

Wellington, New Zealand, 5th February, 1851.

In reference to my Despatch No. 5, of the 9th January, and No. 15, of the 29th January last, transmitting certain resolutions, and a memorial accompanying these resolutions, which had been adopted at a public meeting held at Nelson for the purpose of considering what form of Constitution would be most adapted to New Zealand, I have now the honour of transmitting to your Lordship a

memorial which has been addressed to me by a large number of the inhabitants of Nelson expressing their dissent from some of the resolutions previously transmitted to your Lordship from the same place.

It will be found that the signers of the present memorial object to almost the same portions of the resolutions of the public meeting at Nelson as I have already reported to your Lordship to be, in my opinion, unadapted to the present circumstances of New Zealand. I find it quite impossible to express an opinion as to what extent the memorial from Nelson, which I transmitted in my Dispatch No. 15, of the 29th of January last, represents the opinions and wishes of the inhabitants of that settlement, because it is only signed by seven persons. The enclosed memorial is, as the memorialists themselves state, signed by a very large proportion of the persons who represent the wealth, real property, and intelligence of Nelson.

The Right Hon. Earl Grey, &c.

I have, &c.,
G. GREY.

Enclosure 1 in No. 32.

Messrs. NEWCOME, MONRO, &c., to His Excellency Sir GEORGE GREY.

SIR,—

Nelson, 29th January, 1851.

We have the honour to forward to your Excellency a memorial expressive of dissent from some of the resolutions adopted by a public meeting held in Nelson on the 27th of last month.

From the great extent of ground covered by our settlement, and the consequent dispersion of our population, we believe that many persons have not had an opportunity of signing the memorial who would have been glad to do so. And from the same cause we are unable to forward the signatures which have been obtained in the Motueka District; but these we shall have the honour of presenting to your Excellency on your arrival in Nelson. It would also have been a very easy matter to have largely increased the number of signatures; but, with very few exceptions indeed, no persons have been allowed to sign who were not heads of families or householders. We merely beg to call your Excellency's attention to the fact that the memorial is signed by eight Justices of the Peace (we believe the number will be twelve), by six clergymen, and by a very large proportion of the persons who represent the wealth, real property, and intelligence of the settlement.

We have, &c.,
R. K. NEWCOME.
D. MONRO.
ALFRED FELL.
W. O. CAUTLEY.

His Excellency Sir George Grey, K.C.B., &c.

Enclosure 2 in No. 32.

MEMORIAL from INHABITANTS of NELSON.

SIR,—

Nelson, 2nd January, 1851.

At a public meeting held in Nelson on the 27th December, to consider "whether it might not be advisable to recommend certain provisions suited to the requirements of New Zealand to be submitted to Her Majesty's Ministers," a string of resolutions was adopted which have probably by this time become known to your Excellency. Unable to concur in the views embodied in all these resolutions, and deeming it proper that on a question of so much importance your Excellency should be put in possession of the opinions of all classes of the inhabitants of this settlement, we have felt it our duty to address you, to point out the grounds of our dissent from the majority of the public meeting, and in a very general manner to indicate our ideas of the form of Government which would best conduce to the prosperity of the colony.

It was with the greatest satisfaction that we learnt that it was the intention of Her Majesty's Ministers to confer upon the inhabitants of this colony representative Government. As Englishmen, it is the form of Government to which we have been accustomed, and which we consider intimately connected with the liberty and greatness of our native land. It was therefore with the utmost interest, but yet with confident expectation, that we looked for the time when the increase of our numbers, internal tranquillity, augmented production, and consequent independence of extraneous support, should induce the British Parliament to confer upon us those privileges which are enjoyed by Englishmen in other parts of the empire. With the utmost regard for the institutions of our native country we feel that it would be impossible to produce a transcript of them here. We doubt moreover whether, if possible, it would be desirable. The Constitution of England is, no doubt, admirably adapted to the highly complicated relations of society which prevail there, but in this colony we have simpler elements to deal with. We have no collision of modern civilisation with the relics of rude and barbarous ages. We are commencing from a point a great many centuries in advance of our forefathers. We have the light of experience and accumulated knowledge to guide us. It would be absurd, accordingly (even if it were possible), to adhere literally to the modes and practices of the parent State. Some of these it is necessary that we should abandon, and others we must modify; but much still remains that we should wish to copy. The British Constitution is the one which, in its broad features of rational freedom, caution, justice, and elasticity, we propose to ourselves as a model; and, even where not absolutely perfect in theory, we should prefer the adoption of practices sanctioned by time and usage to others which can as yet be regarded as little better than experiments. Our colony is in its veriest infancy; but, as it puts forth its strength, it will reasonably expect more perfect liberty of action, and will find it necessary to model its form of Government to meet conditions and relations of society which it is impossible at present to foresee. For a country like New Zealand, offering here and there upon its coast tracts available for settlements, separated by formidable physical barriers, it seems to us that a form of Government which should confer upon the several districts large powers of dealing with all local questions would be the most satisfactory and efficient. The municipal—using the word in its widest and most ancient sense—appears to us the form best adapted to the requirements of this country.

Provincial Councils do not fulfil the desired end, and are cumbrous, expensive, and ostentatious; for, unless the provinces of New Zealand were multiplied to an amount which would entail upon the colony a ruinous Government expenditure, it would be impossible to divide it in such a manner as not to include within the same limits districts of dissimilar interests; and such districts would require local enactments of a different nature according as their predominant pursuits were commercial, pastoral, or agricultural. Laws framed for the whole of the province would accordingly be found in some degree unsuitable to every separate portion of it—an effect which would be still further heightened by the isolation of our communities, occasioned by the mountainous character of the country. Looking to the very great differences, physical as well as social, which distinguish the Northern from the Middle Island, to the great extent of the natural pasture, and the nearly total absence of Native inhabitants, it would almost appear as if they were intended by Nature for two separate colonies. But, abstaining from pressing this point further upon your Excellency's consideration at present, and looking upon New Zealand, as at present constituted, as one colony, we should suggest that one central Legislature and Executive would be quite sufficient for every purpose of good government. Local peculiarities might be met and satisfied by the municipalities of the districts, the consideration of all subjects of a general nature and affecting the colony as a whole being reserved for the General Legislature. The employment of steam vessels upon the coast would remove all the obstacles which at present exist to this form of Government, and entirely supersede the necessity of Provincial Councils. We should very much underrate the importance of steam communication were we to look at it only with reference to its physical results. A regular and easy intercourse between the settlements would produce moral and political results of the most beneficial character; for nothing would more certainly tend to unite the colony together, to lead to broader and juster views of policy, to remove local ignorance and prejudices—to counteract, in short, the narrowness of view and selfishness which never fail to arise in isolated communities; and steam communication, by practically reducing the size of the colony, would render the repetition of offices unnecessary, and diminish both the machinery and expense of Government.

The public meeting of the 27th passed a resolution by a large majority in favour of universal suffrage, restricted only by a brief test of residency and a disqualification in consequence of previous conviction for infamous offences. Believing it to be both just and wise that the franchise in this colony should be liberal, we are nevertheless not prepared to go the length of universal suffrage. There are many circumstances which tend to stimulate and develop the intelligence of the working man, while at the same time the high remuneration of labour, the abundance of provisions, and the facility with which property is acquired, produce general satisfaction, and give all classes a direct interest in the maintenance of order and the security of property. But these very circumstances point to a test of citizenship and intelligence which we think it would be unwise to overlook. Where the acquisition of property is the never-failing result of industry, prudence, and intelligence, it may safely be taken as the best test of the possession of these qualities. A small property qualification would include, with few exceptions, all the intelligence and respectability of the settlement—almost all, in short, who may be considered as *bonâ fide* settlers; and would have this further advantage, that it would become a stimulus to industrious and prudent habits by the political privilege which their exercise would be sure to obtain. Universal suffrage on the other hand would admit all newly-arrived immigrants, ignorant of the condition and wants of the colony, all those persons of a migratory character whom the formation of new settlements attracts to the harvest of high wages, and all those, of whom there is always in every community a portion, who through intemperance, indolence, or other defects of moral character, accumulate no property and offer no guarantee for the conscientious or intelligent discharge of political duties. Universal suffrage would, moreover, include all the aborigines of the colony, British subjects as well as ourselves, while on the other hand a small property qualification would include only the more enlightened among them, and those who, by becoming possessors of houses, cultivations, and stock, had given the best proof of their aptitude for civilisation.

Another resolution of the public meeting is in favour of voting by ballot. We cannot admit that in the state of society in which we live any necessity exists for having recourse to secret voting. Ballot cannot be defended on principle, but only on the ground of expediency. But the independence of all classes here is so great, and the opportunities of exercising any undue influence so small, that the expediency argument entirely fails. Secret voting appears to us, moreover, incompatible with the spirit of free institutions and the genius of a free people. We conceive that the possession of a vote entails the duty of exercising it in an open manner, whilst the contrary practice would extinguish political spirit and discussion, and tend to much hypocrisy and mistrust.

From the latter part of the second resolution we feel it equally our duty to record our dissent. We do not admit either the necessity or wisdom of the provision which makes the Governor removable upon a vote of two-thirds of the members of two Houses; for we hold this direct and entire responsibility of the head of the Executive to the Colonial Legislature in all cases to be a thing at variance with, or at least by no means essential to, the true theory of responsible Government, and one which, in the actual circumstances of New Zealand, might occasionally operate disastrously upon the interests of the whole colony. Questions may from time to time arise involving the rights of the Native race and their relations with the colonists, as well as questions not now to be defined or foreseen, occupying what may be termed a neutral ground between those usually known as respectively local and Imperial questions, and upon all such matters we consider it would not be expedient or fair to stipulate that the Governor should be made removable by the colonial Legislature, and therefore entirely subordinate to it. Causes of disagreement and collision between the Governor and the other branches of the Legislature, unless of a trifling and temporary nature, we believe would but very rarely occur; when they did arise other and less extreme means might be successfully resorted to for terminating such dissensions and restoring harmony between the popular and the executive departments of the Government.

In the third resolution it is provided that "every registered elector should be eligible to be elected a member of either House," the qualification for the Upper House being that the elector shall not be less than thirty years of age, or, not having attained that age, that he shall have sat as a member of

the Lower House for at least two sessions, or shall have held an *ex officio* seat in either House. On this point we would remark that there will be much difficulty in obtaining for some years yet the desirable materials wherewith to form two Houses of Legislature, our view of the matter being that two legislative Houses should consist of persons representing different interests, not inflamed by the same impulses, and not subject to the same direct responsibility. If this is not to be had one House appears to us to be likely to be quite as efficient as two Houses composed of the same class of legislators, and to possess the advantage of being less cumbrous and expensive. We cannot admit, in short, that there is any charm in the mere dividuality of the Houses composed of the same elements. A different mode of proceeding in the constitution of the Upper House appears to us desirable, and we would suggest a higher qualification for its members, who should not be less than thirty-five years of age, and elected for a term of years twice as great as that of the Lower House. In this, or some similar manner, we would endeavour to secure that caution and maturity of thought which the possession of property and the experience of years bring with them, and at the same time to make the members of that House in some degree independent of those popular impulses which might result in hasty and injudicious legislation.

Upon the other resolutions of the public meeting we do not think it necessary to offer any remark. Some of them embody principles in which we have no difficulty in concurring, whilst to others we should not wish to be supposed to assent. None of them, however, are of any great importance at present, and we would forbear trespassing longer on your Excellency's attention than appears necessary to make you distinctly aware of our sentiments as to the proceedings of that meeting generally. We have done this with some reluctance, and only from a sense of the duty we owe to ourselves, the colony at large, and the British Government. We desire above all things to see conceded to the colony, at the earliest possible period, a liberal and comprehensive Constitution suited to its present condition, and susceptible of easy and progressive adaptation to that state of greater advancement and stability which we may reasonably hope to see it speedily attain; but, having that object sincerely at heart, we could not but deprecate and disavow claims and opinions which appear to us crude and unauthorised, and therefore rather calculated to impede and embarrass than to assist in its attainment.

We respectfully request that your Excellency will forward this memorial to Earl Grey, the Secretary for the Colonies.

His Excellency Sir George Grey, K.C.B., &c.

We have, &c.

[Then follow 161 signatures.]

No. 33.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 27.)

MY LORD,—

Wellington, New Zealand, 7th February, 1851.

I have the honour to transmit a letter, with a translation of it, which Te Puni, one of the principal chiefs of the Ngatiawa Tribe, is anxious to have brought under your Lordship's notice. It is signed by eighty-three persons, including all the principal chiefs of his branch of a very powerful tribe. Their object is to make apparent to Her Majesty that they regard with great apprehension the measures which may be taken in reference to the Constitution it is proposed to bestow on New Zealand. I have no doubt that they fear that all power may be placed in the hands of persons who may have little or no regard for the Natives or for their interests. I believe that if proposals regarding the future form of Government which some of the colonists intend, I am informed, to submit to Her Majesty's Government, and which have only been made public within the last two or three days, had been made known in sufficient time, that a very large number of letters of a similar purport would have been addressed to Her Majesty by the Natives of a large portion of New Zealand.

I beg to point out to your Lordship that Te Puni is a most deserving and meritorious chief, and that he is the same person who, in a letter I a short time since transmitted to your Lordship from Mr. Dorset, was stated from the first hour of the landing of the colonists to have been their staunch friend, although it was added that he seemed to have been little esteemed by the Government. I think that Te Puni's letter will convince your Lordship that he is himself quite satisfied that I esteem him.

I have, &c.,

The Right Hon. Earl Grey, &c.

G. GREY.

Enclosure in No. 33.

[TRANSLATION.]

FRIEND, THE GOVERNOR,—

6th February, 1851.

I salute you. Great is my love to you. This letter is conjointly from me, Te Puni, and my children. Listen! It is our desire that you should remain in New Zealand as a father to us; it is also the wish of the men at Pitone that you should remain, and not listen to the white men who seek to drive you away, for it is through the administration of the laws of the Queen that we Maoris have become enlightened, and not only enlightened, but saved.

O Lady the Queen! Saluting you, listen. You have been placed over us as a nursing mother, and the Governor as a kind parent. I have nothing further to say to you but to repeat this poem: O my children who lie slumbering round me here; rise up then from your sleep. It becomes us now to stand watchful, ever thinking of the coming of the evil which we fear. O those words that he spoke! At the remembrance of them tears ever stream from my eyes. "In the day when the scorching sun of affliction burnt up your skin, was it not I who saved you?" It was he indeed who came to aid this land. Let me not then be surprised off my guard [stretched slumbering in the house] by the surf which beats on the rock of Mohuia. Although war and strife have disappeared from the land, as to that rock returns the fierce surf, so may they again return. Let us take care lest they dash us to pieces.

TE PUNI,

[And 86 other signatures]

No. 34.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.
(No. 29.)

MY LORD,—

Wellington, New Zealand, 8th February, 1851.

I have the honour to transmit, for your Lordship's information, a letter addressed to your Lordship by Mr. John Dorset, enclosing some resolutions passed at a public meeting at which he appears to have been chairman. I at the same time enclose a newspaper containing the copy of a report drawn up by a committee who appear to have been appointed at this public meeting. No copy of this report has been furnished to me for transmission to your Lordship, and I delayed sending the resolutions now enclosed to so late a date in the hope of having a copy of the report forwarded to me in the usual manner, that I have now no time, if I transmit these papers by the present opportunity, to make the full report upon this subject for your Lordship's information which I had intended. One wrong proceeding has certainly been adopted in reference to the enclosed report, which is that it was not in any way made public until the 29th of January, although it was well known that the vessel by which it was to be sent Home was to sail direct for England upon the 7th or 8th of February. Thus even the settlers of Wellington and its neighbourhood have had no opportunity of expressing their opinions upon the subject, whilst the inhabitants of the out-settlements will even have no knowledge of what has been sent Home until it is too late for them to take any steps upon the subject.

To illustrate the extreme difficulty of the question of what is the best form of constitution which can be given to New Zealand, and the extensive local knowledge of the various distantly separated colonies in these Islands, which is requisite for the formation of a sound opinion upon this subject, I will direct your Lordship's attention to the positive contradiction which the report now enclosed gives to that transmitted from Nelson by the coadjutors of the preparers of the present report, and that upon a most important subject. The report from Nelson was transmitted in my Despatch No. 15, of the 29th of January last. It contained the following statement in reference to the qualifications which I proposed for electors: "In proposing the resolution in question, the qualification recommended by His Excellency the Governor-in-Chief in his despatch to your Lordship, dated the 29th November, 1848 (No. 106), was carefully considered, and it was found that, although that qualification might in the abstract be deemed a low one, it would, at the present time, practically exclude a large proportion of the owners and occupiers of land and houses in this settlement. It was found that a considerable portion of the rural land in the settlement was let in lots of from ten to thirty acres, at a present average rent insufficient to confer the proposed franchise. It was also found that very many of the houses in the Town of Nelson, which are hastily constructed of the cheapest materials, chiefly wood, and are of the smallest possible dimensions, do not yield a rent of £10 per annum. But it was not found that in point of independence or intelligence any of the persons paying the lower rent were inferior in the slightest degree to those who occupied larger portions of land or more extensive dwellings. . . . We need only mention these facts, which can be substantiated with the greatest facility and precision, to demonstrate to your Lordship the unfairness (so far at least as this settlement is concerned) of establishing a property qualification for voters," &c. It will be found on the other hand that the report I have enclosed in this despatch wholly contradicts the above statement, as follows: "Any qualification for electors which would be at all restrictive in practice would confer exclusive powers of Government on a very small portion of the colonists, creating an oligarchy to whose rule the bulk of the people would not submit; while, if you at all extend the franchise beyond this narrow pale, what you give virtually amounts to universal suffrage. The franchise proposed by Sir George Grey, in the opinion of your committee, amounts to that. Is it not better, then, to designate things by their right names, and when you give what amounts to universal suffrage to call it so?"

The Right Hon. Earl Grey, &c.

I have, &c.,
G. GREY.

Enclosure in No. 34.

Mr. DORSET to the Right Hon. Earl GREY.

MY LORD,—

Wellington, New Zealand, 15th January, 1851.

As chairman of the public meeting held on the 15th day of November, 1850, to take into consideration Sir George Grey's proposed Provincial Councils Bill, I have the honour to forward to your Lordship a newspaper, and a copy of the resolutions passed at that meeting.

The Right Hon. Earl Grey, &c.

I have, &c.,
JOHN DORSET.

Sub-Enclosure to Enclosure in No. 34.

COPY of RESOLUTIONS passed at a Public Meeting held in the Britannia Saloon, Wellington,
15th November, 1850.

Resolution 1.—Moved by Mr. Godley (agent of the Canterbury Association); seconded by Dr. Featherston: "That the constitutional measure which Sir George Grey is understood to be about to offer to the colonists, and which has been already published by him in the shape of a draft Ordinance, does not deserve their approval or acceptance, inasmuch as it does not confer upon them an effectual control over the management of their own affairs. That the apparent liberality of its provisions with respect to the election and duration of Assemblies is rendered completely nugatory by the limitation imposed upon their jurisdiction and powers. That, while no Constitution can be said to confer real powers of self-government upon a people which does not vest in their representatives the disposal of their own revenue, the Civil List reserved under the proposed measure, which amounts already to nearly one-third of the revenue, and which Sir George Grey has recommended to be increased to nearly one-half, is withdrawn from the jurisdiction of the colonists altogether; and a power is further given

to a nominee Council of taking whatever proportion of the remainder they may think fit for the purposes of the General Government; so that, in fact, the balance left to the disposal of the Provincial Councils will be little more than nominal. And that, lastly, the institution of a Legislative Council, composed partly of representatives of the people and partly of nominees of the Crown, is not only incompatible with good government, but appears as if expressly calculated for the purpose of producing discord and mutual obstruction. For the foregoing reasons, therefore, this meeting rejects the measure in question, and pledges itself to resist its introduction by every constitutional means."

Resolution 2.—Moved by Mr. Clifford, J.P.; seconded by Mr. Kelham, J.P.: "That this meeting is of opinion that no constitutional measure is likely to give full satisfaction to the colonists on which they shall not have an opportunity of expressing their own opinions; consequently that, in any such measure which may be enacted on their behalf by the Imperial Parliament, the most ample powers should be conferred upon them of altering its provisions to suit their own views and circumstances."

Resolution 3.—"Moved by Mr. Fox, J.P.; seconded by Mr. J. Johnston: "That, as it is improbable that a session of Council can be held under the provisions of this Bill before the middle of next year (1851), and as the Home Government has pledged itself to introduce a measure of self-government for New Zealand into Parliament early next session, which, if passed, may be brought into operation within little more than a year from the present time, no injury will accrue from the rejection of the present measure compared with that which may arise from the sanction which its temporary adoption by the colonists would give to a principle fundamentally wrong."

Resolution 4.—Moved by Mr. Bathune; seconded by Mr. H. Wallace: "That a committee be appointed to prepare petitions to both Houses of Parliament and a memorial to Her Majesty's Ministers protesting against the measure proposed by Sir George Grey, and suggesting those broad principles as a foundation for the future Constitution of the colony without which self-government and responsible Government cannot exist, but which are not to be found in the present measure. That such committee do consist of Mr. Godley, Mr. Fox, Dr. Featherston, Mr. Clifford, and Mr. Brandon."

Resolution 5.—Moved by Captain Daniell, J.P.; seconded by Mr. W. Dorset: "That Mr. Fox, the Principal Agent for the New Zealand Company, being about to return to England, he is hereby appointed Political Agent of the Wellington settlers, and requested to take charge of the petition and memorial mentioned in the last resolution; and that the settlers of Nelson, New Plymouth, and Otago be invited to concur in such appointment."

Resolution 6.—Moved by Mr. Brandon; seconded by Mr. R. Davis: "That it appears to this meeting that Her Majesty's Ministers have, in the course of the recent debates in Parliament, expressed a desire to ascertain the views and wishes of the inhabitants of the several Australian Colonies on the subject of self-government. That as far as regards this colony such views and wishes cannot be represented by the present General or Provincial Councils, neither of which deserves or enjoys the confidence of the colonists. That while this meeting perceives and admits that such views and wishes could only be effectually and certainly ascertained from a body freely chosen by the settlers at large, they are of opinion that, until such representative body be formed, if a General Council, consisting of the chief officers of the Executive and of members nominated by the Governor from individuals *chosen by a public meeting in each settlement*, were called together for the express purpose of framing a permanent Constitution for the colony, with a view to its being laid before Her Majesty's Ministers in time for the ensuing session of Parliament, such a course of proceeding would be generally satisfactory and acceptable to the colonists."

Resolution 7.—Moved by Mr. Waitt; seconded by Mr. Lyon: "That the chairman do forward a copy of the resolutions passed at this meeting to his Excellency the Governor-in-Chief, for transmission to Her Majesty's Secretary for the Colonies."

JOHN DORSET,
Chairman.

No. 35.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 30.)

MY LORD,—

Wellington, New Zealand, 8th February, 1851.

Since I addressed to your Lordship my Despatch No. 29, of this day's date, enclosing certain resolutions and a report adopted at a public meeting held by an association at Wellington, together with a letter from Mr. John Dorset, the enclosed memorial has been delivered to me on behalf of the settlers in the Hutt District. In their memorial they state their desire to repudiate any participation in the public meetings held at Wellington on the subject of the future Constitution of New Zealand, and to assure me that they are in the daily enjoyment of that prosperity which has resulted from the judicious policy which the Government has pursued since I assumed the Government, and to express the fullest confidence that I will continue to consult their best interests in every measure connected with the Government of the colony. This memorial is signed by 159 of the principal settlers in the Hutt District. Owing to the short period of time which elapsed between the holding of the public meeting on the 3rd instant and the sailing of a vessel for England, I was informed by the gentlemen who presented the memorial that only a few hours' time was given them to prepare and sign it; but that out of the settlers in the district whom they had time to apply to only two had objected to attach their signatures to it.

I have, &c.,

The Right Hon. Earl Grey, &c.

G. GREY.

Enclosure in No. 35.

MEMORIAL from SETTLERS in the HUTT DISTRICT.

To His Excellency Sir GEORGE GREY, K.C.B., Governor-in-Chief, &c.,

SIR,—

We, the undersigned inhabitants and settlers in the Valley of the Hutt, are desirous of expressing to your Excellency our desire to repudiate any participation in the public meetings held

at Wellington on the subject of the future Constitution of New Zealand. We assure you that we are in the daily enjoyment of that prosperity which has resulted from the judicious policy hitherto pursued by your Excellency since your assumption of the Government, and that we have the fullest confidence that you will continue to consult our best interests in every measure connected with the Government of the colony.

Your memorialists will ever pray.

[Here follow 153 signatures.]

No. 36.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 34.)

MY LORD,—

Wellington, New Zealand, 8th February, 1851.

In reference to my Despatch No. 29, of this day's date, transmitting for your Lordship's information certain resolutions and a report proposed at a public meeting held at Wellington on the 3rd instant, and acquainting your Lordship that, owing to the short period of time which elapsed between the public meeting and the sailing of the vessel for England, in which copies of its proceedings are to be sent Home, sufficient time had not been given to the settlers to express their opinions upon the subjects to which the resolutions and report related, I have now the honour to transmit a protest against those resolutions and that report, which was this morning placed in my hands by a most respectable deputation. This protest so fully expresses the views of those who have signed it that I need not trouble your Lordship with any observations upon it. I need only state that it is signed by 230 settlers, all of whom, I believe, as is stated, are adults, and have been mostly long resident in the colony. The feeling that animates the community on this subject, was stated to me by the deputation to have been fully manifested by all these signatures having been attached to the protest in two days, and this although those who drew it up refused to receive the signatures of any persons connected with the Government.

I have, &c.,

The Right Hon. Earl Grey, &c.

G. GREY.

Enclosure 1 in No. 36.

LETTER accompanying PROTEST.

SIR GEORGE,—

It has been considered desirable to accompany the protest which the gentlemen present have the honour to hand to your Excellency with a few remarks on the way in which it was prepared.

The extreme opinions expressed in the resolutions passed at the late public meeting, and the belief that an impression would prevail among the friends of New Zealand in England that the settlers were recklessly desirous for political power without regard to the present or permanent interests of the colony, have induced several persons simultaneously and without concert to prepare some statements in writing of their views. Of these statements the present document is one. Your Excellency may form some idea of the feeling which animates the community when assured that the greater number of the persons who have signed the present document are persons who do not ordinarily occupy themselves with the expression of opinions on political subjects. Most of those who have signed it object to the term minority, believing that a great majority of the settlers hold similar opinions, and would have expressed them even more decisively had time allowed. All the signatures have been obtained in two days. More signatures might have been obtained had the promoters of it been willing to receive those of persons in any way connected with the Government. It is also to be remarked that the whole of the signatures are those of adults who are actual residents. The interpolation at the commencement was made by the desire of most of the persons signing in order to prevent any misapprehension of their object.

His Excellency Sir George Grey, K.C.B., Governor-in-Chief, &c.

Enclosure 2 in No. 36.

PROTEST.

Wellington, 8th February, 1851.

THE questions raised at the late public meeting are of so much importance that it becomes the duty of the minority to place their views on record, in full confidence that if the following propositions are correct they will in time influence the opinions of those settlers who have decided in opposition to them.

The undersigned dissent from the conclusions arrived at by the public meeting: First, because, while they claim the right of the settlers to manage their own local affairs, they believe that it is impolitic to place a territory equal in extent to Great Britain at the uncontrolled disposal of a Council elected by and out of a population not exceeding that of a large country parish in the Mother-country. Second, because it is unjust to submit the affairs of 70,000 British subjects of one race to the absolute direction and control of 20,000 British subjects of another race, whose interests may be and are opposed to them. Third, because it is discreditable to the legislative abilities of the principal settlers that the question, confessedly of the greatest difficulty, and upon which, of all others connected with the subject of a Constitution for New Zealand, information is most desired by the British Parliament—viz., the extent to which the aboriginal race should be intrusted with political power, is evaded rather than solved, while the extent of the powers claimed by the colonists renders still more imperative the duty of ascertaining and defining those to be exercised by the Natives. Fourth, because sufficient evidence has not been produced to establish the facts alleged in the resolutions that, owing to causes over which the colonists have no control, the Native race is fast

becoming extinct, and that there is no prospect of their becoming, as a body, sufficiently enlightened for the exercise of political privileges before the period of their extinction shall arrive. Respecting the Australian Colonies, the dispersion and destruction of the kangaroo and emu, heretofore the principal food of the Natives, and the insuperable difficulty of training the Natives to the arts of civilised life, may afford some foundation for such statements; but in New Zealand already considerable advances in these arts have been made by Natives in the management of their own affairs. When correct information has been afforded to them they have exhibited considerable ability; and as they undoubtedly contribute towards the revenue and possess rights which require to be protected, it seems but reasonable that, on the decision of questions affecting those rights, they should be fairly represented. Fifth, because the term "waste lands" is not sufficiently definite; and while the Mother-country is at the expense of protecting the colony the British Parliament ought to possess some control over the mode in which the waste lands are to be disposed of. Sixth, because the period of two years for the duration of the respective Chambers is amply sufficient to test the qualifications of the members thereof, and any longer period would put too much power into their hands. Seventh, because the independence of the Judges is of far more importance than the solution of questions arising out of the distinction between subjects for Imperial and local legislation, and the right of appeal to Her Majesty's Privy Council more needful in the one case than the other. Eighth, because examples are not wanting to show the probability that, whenever the disposal of waste lands is intrusted to a class, the interests of that class alone will be consulted. The experience of other colonies has established the fact that grants of large tracts of land, ostensibly for grazing cattle and sheep, tend to enhance most grievously the price of portions required for agriculture. Lastly, because upon the grave questions of what burdens should be imposed upon the colony in consequence of the dissolution of the New Zealand Company the settlers are altogether unrepresented; and the gentleman deputed to present the resolutions (Mr. Fox), from the circumstance of his having been for a time the Principal Agent of that company, is precluded from advocating the interests of the settlers in reference to those questions. [Here follow 229 signatures.]

No. 37.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 37.)

MY LORD,—

Wellington, New Zealand, 12th February, 1851.

In reference to my Despatch, No. 30, of the 8th instant, transmitting for your Lordship's information a memorial I had received from the settlers of the Hutt District, in this province, I have now the honour to enclose a further letter I have received on this subject, containing the names of a considerable number of other inhabitants of the same district, who request that their names may be attached to the memorial which has been already transmitted.

I have, &c.,

The Right Hon. Earl Grey, &c.

G. GREY.

Enclosure in No. 37.

Mr. LUDLAM to His Excellency Sir GEORGE GREY.

SIR,—

I have the honour to inform you that thirty-four more of the inhabitants of this valley have signed their names to a paper which they request may be attached to the memorial I presented to your Excellency on the 8th ultimo, from the settlers and inhabitants of this valley.

I have, &c.,

A. LUDLAM.

His Excellency Sir George Grey, K.C.B., Governor-in-Chief of New Zealand, &c.

No. 38.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 39.)

MY LORD,—

Wellington, New Zealand, 12th February, 1851.

I have the honour to transmit a letter, with an enclosed report, which has been addressed to your Lordship by Mr. John Dorset.

I have, &c.,

The Right Hon. Earl Grey, &c.

G. GREY.

Enclosure 1 in No. 38.

Mr. DORSET to the Right Hon. Earl GREY.

MY LORD,—

Wellington, 8th February, 1851.

I have the honour to forward a report expressing the opinions of the inhabitants of this settlement as to the principles which it would be desirable to embody in the Bill conferring a Constitution upon this colony, which Her Majesty's Ministers have pledged themselves to introduce into Parliament during the present session. I would beg to inform your Lordship that the report was prepared by a committee appointed at a public meeting, at which four hundred persons were present, held in November last; that it was read at another public meeting on the 29th January, 1851, and then ordered to be printed; and that it was again submitted to a meeting on the 3rd of February, at which fully five hundred persons attended, and after four hours' discussion, during which certain amendments (now embodied in it) were made, was finally adopted by acclamation.

I have, &c.,

JOHN DORSET,

Chairman of the Public Meeting.

The Right Hon. Earl Grey, Her Majesty's Principal Secretary of State for the Colonies.

Enclosure 2 in No. 38.

REPORT of the COMMITTEE appointed at a Public Meeting held at Wellington on the 15th November, 1850, on the Form of Constitution which it is desirable to suggest to the Home Government for adoption in New Zealand, and finally adopted, with certain Amendments now embodied in it, at a Public Meeting held on the 3rd of February, 1851.

1. YOUR committee has been appointed for the purpose of considering what form of constitution is best adapted to secure the advantages of self-government to the Colony of New Zealand, and to aid you in suggesting to Her Majesty's Ministers the principles which it is conceived ought to be introduced into the measure which they have expressed their intention of bringing before Parliament in the ensuing session, and the following are the conclusions at which your committee have arrived.

2. That by the term "self-government" is to be understood the absolute control of all the internal affairs of the colony, without any interference whatsoever on the part of the Imperial Government, either by means of a veto on local legislation reserved to the Home Government, or by the power of initiating or regulating such legislation by Royal or Ministerial Instructions. To this end it is essential to provide for the responsibility of the Executive by making their offices dependent on their retaining the confidence of the colonists.

3. That, further to insure self-government it is essential that all legislative power on local matters should be vested in a Chamber or Chambers entirely elected by the colonists, without the presence in it of any nominees of the Crown, the Governor only possessing, in his local capacity as one of the estates of the Legislature, a veto on measures passed by such Chamber or Chambers, to be exercised by him of his independent will and on his direct responsibility and that of his local Advisers, without reference to Her Majesty's Ministers or the Colonial Office and unguided by any instructions from either.

4. That all Acts of the local Legislature should take effect immediately on passing or at such other periods as may be fixed by such Acts, and when passed should not be liable to be suspended, postponed, or revoked by any other authority than that of the Legislature passing the same.

5. That the Governor be appointed by the Imperial Government, but removable on an address to the Crown from two-thirds of the members of the Legislative Chamber (or of each Chamber, if more than one). That the term of office should be five years, but renewable, with or without increase of salary, at the option of the Home Government.

6. That the Governor, being an officer appointed by the Imperial Government and maintained in a great degree for Imperial purposes, should be paid by the Home Government. That the appointment of all other officers of Government should vest in the Governor, but their salaries (with the exception of the Judges') should be voted annually by the Legislature, no Civil List whatever being necessary in the colony, and none, therefore, to be reserved.

7. That the Judges of the Supreme Court should hold their offices during good behaviour, being removable only on an address to the Governor from two-thirds of the members of the Legislative Chamber or Chambers; on presentation of which address the functions of any Judge should *ipso facto* cease, and the Governor be bound forthwith to declare his office vacant and take immediate steps to fill the same with some other fit person. The salaries of the Judges should be paid by the Legislature from time to time, but not be liable to reduction or abolition during tenure.

8. That the following subjects of legislation and administration are Imperial, and should not be under the control of the local Government; nevertheless it should be competent for the Legislative Chambers to discuss the same, and address the Imperial Government thereon:—(1.) The power of sending and receiving ambassadors to and from, and of making treaties, leagues, and alliances with any foreign State or Prince. (2.) The power of making peace and war. (3.) The power of granting letters of marque and reprisal during war, and of granting safe-conducts in time of war. (4.) The power of confiscating the property of alien enemies, and of laying an embargo on shipping. (5.) The power of keeping any land or naval forces in the said colony or on the coast thereof. (6.) The power of enlisting men within the said colony for the supply of such forces. (7.) The command at all times of all regular military and naval forces employed in or about the said colony, and the command of the militia in time of war. (8.) The power of erecting forts, magazines, arsenals, dockyards, and other buildings for military or naval purposes. (9.) The exercise of exclusive jurisdiction within the limits of any place occupied for such purposes. (10.) The power of taking any waste land, and likewise, on making due compensation, any other land, for the purpose of erecting thereon such forts, magazines, arsenals, dockyards, and other buildings as aforesaid, and for any other military or naval purpose. (11.) The power of determining all cases brought before Her Majesty on appeal from the Courts of the said colony. (12.) The power of establishing Prize Courts. (13.) The power of coining money and of regulating the value of foreign coin. (The following addition to the above was proposed and carried—viz., The making anything but gold and silver a legal tender.) (14.) The power of granting titles of nobility. (15.) The power of regulating the transmission of letters by sea between the said colony and any other place, and all powers necessary for giving effect to the above powers and prerogatives.

9. That if any question should arise between the Home Government and the local Legislature, or such question shall be raised in litigation by private parties, as to their respective jurisdiction on any matter which shall not clearly fall within the above specific exceptions, the same shall be referred to the decision of the Supreme Court in the shape of a special case, with a right of appeal to Her Majesty's Privy Council, a course which, inasmuch as the members of such tribunal are appointed by the Crown, can, it is conceived, be open to no objection on the part of the Home Government.

10. The question of a double or a single Chamber is one which has undergone much discussion by your committee. It is believed by them that a single Chamber consisting entirely of elective members might for some years to come prove efficient for all purposes of legislation, and on the whole they would for the present prefer a Legislature consisting of only one Chamber. But they are aware that elsewhere, under the most free Government, a second Chamber has been found desirable if not essential, and moreover they have not failed to observe that a well-supported and decided opinion in favour of two Chambers is entertained by the most enlightened colonial reformers both in and out of Parliament. In deference to this opinion, and in full conviction of the utility of a second Chamber at no

remote period, your committee have come to the conclusion that it would be unwise to allow even the appearance of disunion on so important a point, and would recommend the adoption at once of an elective Upper House, which, however, should not have power to originate any money Bills, such being reserved exclusively as the privilege of the Lower House.

11. That the period for re-election of the Lower House should be three years, for the Upper five. (The following proposition was suggested and carried—viz., That the Governor shall have power of dissolving the Parliament; but if a majority of same members be re-elected he shall not have power of repeating such dissolution during the ensuing three years.)

12. That Parliament should be summoned for despatch of business at least once in every year.

13. The question of the elective franchise is one of the greatest importance, and has undergone much consideration by your committee. (1.) As regards the European inhabitants of the colony, your committee believe that the requisite qualifications for the proper exercise of political power are widely extended and generally possessed in the colony; that there is no class of persons of European origin whose moral or intellectual defects would render it unsafe to intrust them with a vote for representatives in the Legislature, while almost every adult male has some stake in the colony and an interest in its stability and general welfare. Your committee are also of opinion that it never can contribute to the general prosperity of the colony or the contentment of its inhabitants to restrict political privileges to any one class or limited section of the colonists. In a colony like New Zealand there is little prospect for years to come of the existence of any considerable number of large landed proprietors or possessors of great wealth of any sort. The distribution of property is, and is likely to continue for many years, very equal comparatively with older and larger communities, while no class will be found which does not possess some substantial property, or at all events the means and the prospect of speedily acquiring it. Any qualification for electors which would be at all restrictive in practice would confer exclusive powers of government on a very small portion of the colonists, creating an oligarchy to whose rule the bulk of the people would not submit; while if you at all extend the franchise beyond this narrow pale what you give virtually amounts to universal suffrage. The franchise proposed by Sir George Grey, in the opinion of your committee, amounts to that. Is it not better then to designate things by their right names, and when you give what amounts to universal suffrage to call it so? A great advantage of your doing so would be your getting rid of the rating and registration necessarily attendant on a property qualification, and which are productive elsewhere of so much party heat and contention, to say nothing of the possibility of the Executive Government exercising an unfair influence on the elections by means of the rating, which must necessarily be left in its hands. Your committee therefore recommend that no other qualification for electors should be required than to be a male of adult age, having resided twelve months in the colony, and not being subject to disqualification as hereafter provided. The opponents of universal suffrage object to the danger of the colony being at some period inundated by a class of immigrants possessing no stake in it, and otherwise unfitted to be intrusted with political power, and who by mere numbers may outvote the longer resident and better qualified electors. Such an evil consequence is said to exist in the United States of America at present, where it is alleged that many newly-arrived immigrants of the lower class and the Loco-foco population of the Slave States exercise a prejudicial influence. But while it must be admitted that such a state of things is to be deprecated, no tendency towards it is apparent at present in New Zealand, nor do we anticipate its occurrence at any future period, while the evils of an oligarchy, the only alternative for universal suffrage, would be immediately felt. What is wanted is a Government suited to our present wants, which may facilitate the immediate progress of the colony; and, though in framing a Constitution we would not discard all foresight of the future, yet neither would we adopt a form of Government unsuited to our present wants merely to preclude some remote and theoretical possibility of evil. Your committee believe that, while the population consists of the same sort of material as at present, not only may it be trusted with political power to the fullest extent, but that the greater extension of such power the greater would be the probability of its resulting in an active and efficient Government. Nor do your committee consider it a conclusive argument against universal suffrage that if a limited franchise be bestowed at first it can always be afterwards enlarged, but that an extended one can never, if once given, be afterwards narrowed. The difficulty of enlarging a narrow franchise your committee consider as little if at all less than that of limiting an extended one. None are so slow to admit others to a participation of power as those who already possess it, and history records numerous instances where an extension of political liberty, perfectly just and expedient for the general good, has only been achieved by great political convulsions. Among a people of less solidity of character than the English the Reform Bill would scarcely have passed without an appeal to arms. The late French Revolution received its chief impulse from the attempt on the one hand to restrict, and on the other hand to extend, the franchise; and had a sufficiently extended franchise been bestowed in 1830 that event would not probably have occurred. Your committee consider it safer at once to extend political power to all classes in the colony now fitted for its exercise than to sow the seeds of immediate discontent and future contention by limiting the franchise, though only for a time. That, considering the large convict population of some neighbouring colonies and the system of conditional pardons lately introduced into one of them, and seeing that the Home Government perseveres in the practice of sending convicts in one shape or other to these seas, it is prudent to guard against the consequences of a possible influx of a criminal population. To deprive a man for ever of political privilege because he has once been convicted seems unnecessarily rigorous, and more than the emergency requires. The end aimed at might, in the opinion of your committee, be attained if it were provided that no person who had been convicted anywhere of a transportable offence should possess the elective franchise till he should have resided in the colony for seven years without being again convicted of an offence of the same degree. Your committee are favourable to an educational qualification as a matter of theory, but in the present state of the colony they think it inexpedient. There are many good colonists intelligent and possessed of property, who, owing to the defective state of education in the parent-country, have received no schooling, and who would be excluded by such a test, though otherwise every way qualified. At a future period, when a sound system of general education shall

have been established in the colony and in operation for a sufficient time, your committee are of opinion that it may be introduced with advantage. (2) The question how far the Native race should be admitted to political privileges requires much consideration. Their total ignorance on almost every subject of knowledge which qualifies for the exercise of political rights; their entire want of acquaintance with the nature and principles of the British Constitution, the whole force and power of which they have been accustomed to regard as vested in the Governor and his Executive officers, or in the Queen and her deputies; the fact that the idea of self-government by means of the legislation of deliberate Assemblies, constituted by a representative and elective process, has never been presented to their minds; the facility with which they might be used to influence elections—these and other considerations suggest great caution in dealing with the question. Nor can your committee conceal from themselves the fact that, owing to causes over which the colonists have no control, the Native race is fast becoming extinct, and that there is no prospect of their becoming as a body sufficiently enlightened for the exercise of political privileges before the period of their extinction shall arrive. Nevertheless your committee are willing to admit them to some participation in political privileges, provided sufficient guarantees be given against the possibility of the superior intelligence of the Europeans being overbalanced by the ignorance of the uncivilised race. A qualification ought to be required sufficiently high to restrict the privilege of voting to the few Natives who form exceptions to the general barbarism of the rest, and this your committee would leave the responsibility of fixing to the Home Government. But whatever qualification may be thought proper, your committee feel bound to protest in the strongest and most determined manner against the proposal to make the Native franchise rest upon a certificate of fitness to be granted by the Governor, a power which it is evident would enable that officer to influence the elections at pleasure. (The following addition was then proposed and carried—viz., That all voting should be by ballot.)

14. Your committee are of opinion that the qualification for members of the Lower House ought to be the same as that of electors—adult age and twelve months' residence. If the franchise be conferred on those who are fitted to exercise it, why should they be limited in their choice of representatives? This is to give and to withhold at the same time. If there be any doubt of the probability of a given class exercising a sound discretion in electing representatives, withhold the privilege if you will; but do not, while you profess to confer the privilege, render it nugatory by restricting the field for its exercise. To do so would not be to confer self-government, but to confer the power only of deciding by what members of one class all classes should be governed; a shifting of a portion of responsibility on to the shoulders of the latter while all power is, in fact, bestowed on the former. As regards a distinctional qualification for the Upper House, the true grounds of such ought to be superior intelligence and experience. Your committee do not consider that either wealth or age are at all sure criterions of superior fitness for the duties of legislation, and they doubt whether it might not be safely left to the electors to promote to the Upper House the true aristocracy of talent. The mere fact of such a House being constituted for the purpose of being a check on the Lower, and the greater independence created by its longer term of election, would insure a certain amount of conservative tendency in its members; and your Committee conceive no distinctive qualification necessary beyond five years' residence in the colony, which they would require for the purpose of insuring a probable higher degree of acquaintance with its affairs. (The following addition was then proposed and carried: That members of the Upper House should be at least thirty years of age.)

15. That the waste lands of the colony ought to be placed at the disposal of the colonists, to be administered in such manner as to the Legislature may from time to time seem fit.

16. The foregoing are the points which your committee consider essential to any Constitution intended to confer on the colonists the realities of self-government. All matters of detail, such as electoral districts and such like, should be left to the Legislatures themselves; so also should the question of municipal government, the machinery of which it will probably be found necessary to superadd, but which is a purely local question, and therefore to be disposed of by the local Legislatures. The form of government now proposed supposes the abolition of the present cumbrous and costly system of Provincial Government, one which seems to have been framed with no other object than the increase of patronage and the extension of the influence of the head of the Executive Government.

17. That the Colonial Parliament should have full power from time to time to alter and amend the Constitution in all particulars except those reserved for Imperial jurisdiction or withdrawn from colonial control in clause 8 of this report.

18. Your committee think it necessary to express their cordial concurrence in the general provisions of the measures proposed to be introduced into Parliament by Sir William Molesworth, in the shape of amendments to the Australian Constitution Bill of last session, with the exception of the qualification for representatives. On the subject of the elective franchise Sir William Molesworth has not expressed an opinion; but whatever it may be, that of your committee is, they trust, sufficiently clear, and it is a point on which they entertain no doubt, and are not inclined to advise any concession. Your committee have also studied with care and increasing admiration the excellent speeches of the Honourable Baronet delivered in Parliament on the great question of Colonial Reform, and they are desirous of expressing their full concurrence in the general views contained in them, and their anxious desire to see his suggestions adopted by the Imperial Legislature.

JOHN DORSET,
Chairman.

No. 39.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 42.)

MY LORD,—

Wellington, New Zealand, 10th March, 1851.

Adverting to my Despatch No. 22, of the 5th of February last, transmitting a protest, signed by a large number of the heads of families of the settlement at Nelson, in which they

repudiated certain resolutions adopted by the majority of a public meeting at Nelson, I have now the honour to enclose another copy of the same protest, to which additional signatures have been attached.

I have, &c.,

The Right Hon. Earl Grey, &c.

G. GREY.

No. 40.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 121.)

MY LORD,—

Government House, Wellington, 30th August, 1851.

Adverting to my Despatch No. 123, of the 24th October, 1850, in which I transmitted for your Lordship's information the draft of a Bill for the Constitution of Provincial Councils which I intended to introduce into the General Legislative Council of these Islands, I have now the honour to enclose that Ordinance in the form in which it passed the Council and received my assent.

2. In thus transmitting it for the purpose of being submitted for Her Majesty's approval or disallowance, I think it right to make for your Lordship's information the following report upon the enclosed measure.

3. In doing so it will, however, be necessary for me to advert to what took place in 1846, when Parliament passed an Act to make further provision for the Government of the New Zealand Islands, in conformity with the provisions of which a Charter was issued, and a Constitution conferred upon these Islands, regarding the general provisions or details of which it was, from want of time, not found practicable to afford me any opportunity of making a report or offering any opinion.

4. When that Constitution and the Instructions which accompanied it arrived in the colony very serious disturbances prevailed; and the Native population having for some time previously been in a state of great excitement and rebellion, I thought it would be imprudent to attempt immediately to introduce certain provisions in the Charter, Constitution, and Instructions which had been sent out to me, and I reported to your Lordship accordingly. With a promptitude and generous confidence in my prudence and judgment for which I shall always feel grateful your Lordship acceded to my views; and upon your recommendation Parliament passed an Act in 1848 suspending for five years the Constitution which had been bestowed upon these Islands, and further authorising me, during those five years, to constitute in New Zealand Provincial Councils, to be composed either wholly of elected or partly of appointed and partly of elected members, as might be thought most desirable.

5. The Suspending Act of Parliament not wholly repealing or even altering the Constitution which, under your Lordship's directions, had been conferred upon these Islands, but only deferring its introduction for five years, I felt that it was my duty to your Lordship, who had acted with such generosity and confidence towards myself, to be careful to exercise the powers conferred upon me by Parliament with regard to the creation of Provincial Councils in such a manner as should neither defeat nor even embarrass, but rather aid in, the introduction (at the termination of the five years for which it was suspended) of that form of Constitution which that officer of Her Majesty's Government under whose direct orders I was serving, and upon whom the responsibility of advising the Queen upon such subjects rested, had deemed most fitted for the present condition of these Islands, and which Constitution was, moreover, in very many of its main features one well adapted to promote the prosperity of New Zealand.

6. I also felt that I had a peculiar and very delicate duty to perform towards Parliament, because the powers with which I was intrusted by the Act 11 Vict., cap. 5, of constituting Provincial Councils were very great powers, such as I believe had before that time rarely if ever been intrusted to a colonial Governor; and Parliament, at the same time that it had intrusted me with these ample and unusual powers of legislation on such important subjects, was itself legislating upon the same subjects with reference to colonies in the immediate vicinity of these Islands. I judged therefore that it was my duty, as an officer of a great Empire intrusted with high powers, not to attempt rashly to set up my judgment against the opinions of the majority of the great Council of that empire, and, by legislating in a manner different from that which they thought proper to pursue in immediately neighbouring colonies, create perhaps great embarrassment and much discontent. But I thought it rather my duty in any Ordinances which I might pass for the creation of local Legislatures to act, in as far as the circumstances of this country would permit, in perfect accord and harmony with the system which Parliament might pursue; and then, in reference to any other changes I might deem necessary, to make recommendations on the subject to your Lordship in order that they might then be submitted for the consideration of Parliament.

7. In all proceedings, therefore, which I have taken in reference to the changes I have introduced into the Constitution of this country I have held the two foregoing principles in view; although I have still so framed my measures as to make gradual advances towards what, in my opinion, would be the most perfect form of Constitution which could be bestowed upon New Zealand.

8. The recent despatches I have received from your Lordship having convinced me that your desire to promote the welfare of the inhabitants of these Islands and the interests of the empire is so strong, that you are ready instantly to forego the form of Constitution proposed by your Lordship if a better one can be presented for your consideration, and as you have invited the full expression of my views upon the subject, I now, although with a sense of great diffidence in opposing my own opinions and views to those of your Lordship and Parliament, proceed, in transmitting the enclosed Ordinance, to make a general report upon the form of institutions which a long consideration of the subject has made me deem best adapted to the circumstances of these Islands and to show how I hoped that the Ordinance now transmitted might ultimately form a component and perhaps the most important part of such institutions.

9. In making such a report as I have above indicated, I shall assume, in conformity with the terms of your Lordship's Despatch No. 23, of the 19th February, 1851, that (although they have not yet reached me) Instructions have been issued to me by Her Majesty, leaving me unfettered discretion

as to the number of provinces into which New Zealand should be divided; and I shall further report fully the mode in which I intend temporarily to give effect to those Instructions and to the enclosed Ordinance, so that my proceedings may in as slight a degree as possible interfere with any subsequent arrangements which Her Majesty's Government may see fit to make regarding the form of Constitution for New Zealand, whether they may either adopt, in whole or in part, or entirely reject the plan of institutions embodied in the enclosed Ordinance and this report.

10. In order that the present state of these Islands, and the condition of the several races inhabiting them, for whom representative institutions are to be provided, may be clearly understood, and that the subject may stand in a complete form, it will be necessary for me to incorporate into the present despatch, with such modifications as carry the subject up to the present time, several of the first paragraphs of a despatch (No. 93), which I addressed to your Lordship upon the 9th July, 1849.

11. The group of colonies comprised in the New Zealand Islands are composed at present of what may be termed nine principal European settlements, besides smaller dependencies of these. The largest of these settlements contains about nine thousand European inhabitants; and their total European population may be stated at about twenty-six thousand souls. These settlements are scattered over a distance of about nine hundred miles of latitude; they are separated from each other by wide intervals, and communication, even for persons on horseback, exists only between three of them. Their inhabitants are chiefly British subjects, but there are amongst them many Americans, French, and Germans. The majority of them have never been trained to the use of arms. The settlers both in the main colonies and the subordinate dependencies have occupied the country in so scattered and irregular a manner that it would be found impossible to afford them efficient protection. They are generally without arms, and would probably be deprived of them by the aboriginal population if they possessed them at any remote stations.

12. The wide intervals between these European colonies are occupied by a Native race estimated to consist of a hundred and twenty thousand souls, a very large proportion of whom are males capable of bearing arms. These Natives are generally armed with rifles or double-barrelled guns; they are skilled in the use of their weapons, and take great care of them; they are addicted to war; have repeatedly in encounters with our troops been reported by our own officers to be equal to any European troops; and are such good tacticians that we have never yet succeeded in bringing them to a decisive encounter, they having always availed themselves of the advantage afforded by their wilds and fastnesses. Their armed bodies move without any baggage, and are attended by the women, who carry potatoes on their backs for the warriors, or subsist them by digging fern-root, so that they are wholly independent of supplies, and can move and subsist their forces in countries where our troops cannot live.

13. I should correct here a popular fallacy which, if ever acted upon, might prove ruinous to these settlements. It has been customary to compare them to the early American colonies, and the Natives of this country to the North American Indians. There appears to be no analogy in the irregular manner in which these Islands were partially peopled by whalers and persons from all portions of the globe and the Pilgrim Fathers who founded the early settlements in America; and I have been assured by many excellent and experienced officers, well acquainted with America and this country, that there is, in a military point of view, no analogy at all between the natives of the two countries, the Maoris, both in weapons and knowledge of the art of war, a skill in planning and perseverance in carrying out the operations of a lengthened campaign, being infinitely superior to the American Indians. In fact, there can be no doubt that they are for warfare in this country even better equipped than our own troops.

14. These Natives, from the positions which they occupy between all the settlements, can choose their own point of attack, and might even so mislead the most wary Government as to their intended operations as to render it extremely difficult to tell at what point they intended to strike a blow. They can move their forces with rapidity and secrecy from one point of the country to another; whilst, from the general absence of roads, the impassable nature of the country, and the utter want of supplies, it is impossible (except in the case of some of the settlements where good roads have been constructed) to move a European force more than a few miles into the interior from any settlement.

15. The Natives, moreover, present no point at which they can be attacked, or against which operations can be carried on. Finding now that we can readily destroy their pas or fortifications, they no longer construct them, but live in scattered villages, round which they have their cultivations, and these they can abandon without difficulty or serious loss, being readily received and fed by any friendly tribe to whom they may repair. They thus present no vulnerable point. Amongst them are large numbers of lawless spirits who are too ready, for the sake of excitement and the hope of plunder, to follow any predatory chief. To assist in anything which might be regarded as a national war there can be little doubt that almost every village would pour forth its chiefs and its population.

16. With these characteristics of courage and warlike vagrancy, the Maoris present, however, other remarkable traits of character. Nearly the whole nation has now been converted to Christianity. They are fond of agriculture; take great pleasure in cattle and horses; like the sea, and form good sailors; have now many coasting vessels of their own manned with Maori crews; are attached to Europeans, and admire their customs and manners; are extremely ambitious of rising in civilisation and becoming skilled in European arts; they are apt at learning; in many respects extremely conscientious and observant of their word; are ambitious of honours, and are probably the most covetous race in the world. They are also agreeable in manners, and attachments of a lasting character readily and frequently spring up between them and the Europeans. Many of them have also now, from the value of their property, a large stake in the welfare of the country. One chief has, besides valuable property of various kinds, upwards of £500 invested in Government securities; several others have also sums of from £200 to £400 invested in the same securities.

17. A consideration of these circumstances will, I think, lead to the conclusion that any attempt to form, in those portions of these Islands which are densely peopled by the Natives, an ordinary European settlement, the inhabitants of which produced all they required, and were wholly independent

of the Native race, must end in total failure. The Natives in the vicinity of such a settlement, finding themselves excluded from all community of prosperity with its inhabitants, would soon form lawless bands of borderers who, if they did not speedily sweep away the settlement, would yet, by their constant incursions, so harass and impoverish its inhabitants that they would certainly soon withdraw to the neighbouring Australian settlements, where they could lead a life of peace and freedom from such incursions. Upon the other hand, however, it would appear that a race such as has been described could be easily incorporated into any British settlement with mutual advantage to both races, the Natives supplying agricultural produce, poultry, pigs, and a constant supply of labour (although yet for the most part rude and unskilled); whilst, upon the other hand, the Europeans would supply the various manufactured goods required by the Natives, and provide for the manifold wants created by their increasing civilisation. Such a class of settlements might easily grow into prosperous communities, into which the Natives, with characters softened by Christianity, civilisation, and a taste for previously unknown luxuries, would readily be absorbed. This process of the incorporation of the Native population into the European settlements has accordingly for the last few years been taking place with a rapidity unexampled in history. Unless some sudden and unforeseen cause of interruption should occur it will still proceed, and a very few years of continued peace and prosperity would suffice for the entire fusion of the two races into one nation.

18. These observations on the present relative positions of the European and Native populations of these Islands apply principally to the northern Island of New Zealand, the European population in the Middle Island already probably considerably outnumbering the Natives who inhabit that Island.

19. In considering the geographical and political positions, in relation to each other, of the several settlements occupying the northern Island, it may be stated that the centre of that Island is occupied by a mountain range, the highest point of which is probably about ten thousand feet above the level of the sea, and is covered with perpetual snow, having as one of its peaks a volcano of boiling water. The snows which cover this range form perpetual springs, from which rivers of cold and pure water are thrown off in all directions to the coast; whilst the volcano in the same range constitutes a fountain of perpetual supply to two nearly continuous chains of boiling springs, which run from the mountain range to the north-east coast of the Island.

20. The central mountain range throws off also spurs or ridges of very difficult mountainous country in various directions to the coast, the valleys between which ridges, generally mere gorges at the hills, become fertile and extensive plains near the coast, and form the channels of the Thames, the Waikato, the Mokau, the Wanganui, the Rangitikei, and other minor streams. These subsidiary mountain ridges or spurs thrown off from the main range are, for the most part, where roads have not been constructed across them, impassable even for horses; so that no overland communication, except for foot passengers, can be considered as yet existing between the several principal settlements.

21. In the plains in the northern Island through which the above-named rivers flow, and at points where the coast line indents these plains with roadsteads or harbours, are situated the principal European settlements, whilst the Maori population inhabit the central mountain range, or are distributed in small villages scattered along the fertile banks of the rivers from their sources to their junction with the sea, or occupy in small communities the coast line which intervenes between the several European settlements. Each European settlement has also now attached to its vicinity, or contains mixed up with its white inhabitants, a considerable Maori population. In these cases both races already form one harmonious community, connected together by commercial and agricultural pursuits; they profess the same faith, resort to the same Courts of justice, join in the same public sports, stand mutually and indifferently to each other in the relation of landlord and tenant, and are insensibly forming one people. Each day also, as the European settlements spread along the coast or towards the interior, a larger number of Maories are weaned from barbarism and are adopted into a civilised community. The danger of any general outbreak on their part, therefore, daily decreases; and there seems no reason why populations which so readily assimilate may not be gradually and by prudent measures brought under one form of constitutional Government, which might equally foster and promote the really common interests of both races if those of the ruder race be first taught to resort for the settlement of their disputes to Courts of judicature expressly adapted to their present state, and by degrees trained to the exercise of simple municipal duties.

22. The Middle Island may be said to be traversed by a mountain range, which, commencing at its north-eastern extremity, where it almost abuts on the coast, runs in nearly an east-and-west line across the country to the West Coast, along which coast it continues uninterruptedly, but increasing in elevation till it reaches the south-west corner of the Island. To the westward this range falls abruptly into the sea, leaving generally but a narrow strip of fertile land between its base and the sea coast; whilst, although it falls in the same abrupt manner on its eastern side, fertile plains of immense extent intervene on that side between the base of the mountain range and the sea.

23. Two considerable settlements are already established on these plains on the eastern coast, and a third very considerable settlement (Nelson) is established on the plains in the northern part of the Island, which intervene between the mountain range and the sea. The mountain range in the Middle Island is also throughout a great portion of its extent covered with perpetual snow, and gives rise to numerous rivers of considerable width, subject to sudden floods, and generally of very rapid course.

24. In the Middle, as in the northern Island, no overland communication, except for foot passengers, as yet exists between the different settlements. For in that Island, where mountain ranges do not interpose as an almost insurmountable barrier between the settlements, the wide, rapid, and dangerous rivers offer at present a no less serious difficulty in the way of any continuous intercourse between the various towns. The inconsiderable Native population in the Middle Island may be said to be principally located in the vicinity of the several European settlements.

25. In the two Islands there exist six principal towns, five of which are situated on good harbours, and each of these form emporiums for considerable colonies in their neighbourhood.

26. These five colonies were settled at different times, each upon a totally distinct plan of colonisation, and by persons who proceeded direct to their respective colony either from Great Britain or

the neighbouring Australian Colonies, and who rarely passed through any other New Zealand settlement previously to reaching the colony which they now inhabit; and who, except in a few instances, rarely travel from their own colony to any neighbouring settlement.

27. Each of these chief towns carries on an independent trade with Great Britain and with the neighbouring Australian Colonies, and hardly any interchange of commerce takes place between them, since they at present produce nearly the same commodities, and require the same kind of supplies, which they naturally seek at the cheapest mart, whilst the cost of the transport from a port in the Australian Colonies but in a trifling degree, if at all, exceeds the corresponding charges from a port in New Zealand. There is indeed already a considerable and increasing coasting trade in New Zealand, which in some parts is chiefly carried on in vessels owned and manned by Maoris; but it consists rather of a trade between various small Native and European settlements and that one of the principal European towns from which they derive their supplies and with which they are immediately connected, than of any trade between the principal colonies themselves.

28. I think it must be clear that between colonies so constituted little of what may be termed community of interest can be said to exist. There is no general capital or mart to which all merchants and persons having extensive business at all times resort. There is no one central town for all the Islands in which the Courts of law hold their sittings. Individuals who inhabit one colony rarely have property or agents in another. Personal acquaintance or intercourse between the inhabitants of the various settlements can be scarcely said to exist.

29. Any attempt therefore to form a general Legislature for such a group of colonies which should at present annually or even frequently assemble, and which should be so composed as fairly to represent the various interests of all parts of this country, must therefore, I think, fail, because there are as yet no persons in these Islands who have the means or leisure to enable them to abandon their own affairs each year for the purpose of resorting to another colony, there to discharge their senatorial duties. If even a payment was made to such persons to remunerate them for their expenses whilst travelling and absent from home, they still could not afford to neglect their own affairs during so long an interval of time.

30. I think therefore it may be assumed that a general Legislature, which should be required frequently to assemble, should form no part of any plan of institutions to be conferred upon such a group of colonies, although I shall show presently that for some purposes a general Legislature is even now necessary, and will hereafter be still more necessary, if these Islands are to form, as is greatly to be desired, one large and prosperous country.

31. The same causes which appear to me to render it impossible at present to assemble frequently a general Legislature which should at all fairly represent the interests of all the settlements, seem also, in as far as I can judge, to be fatal to the adoption in these Islands of the municipal system alone, without some other peculiar institutions being adopted in aid of that system which would be adapted to the unusual state of circumstance which prevails in this country.

32. Because such municipalities can only exist concurrently with a Legislature which frequently meets; for there is nothing connected with the offices of Mayor or Alderman of the corporation of a small colonial town which would induce the ablest and leading men of the country to strive to obtain such offices. Under a system of extended municipalities with enlarged powers such corporations would, however, compose in fact not only the legislative body, but also the executive Government of large districts of country. It would therefore certainly be a great oversight and an unwise policy thus by indirect means to exclude from the higher legislative and executive offices the fittest and ablest men that the country affords. The frequent sittings of a municipal body would also, in a country where every man is engaged in some active occupation, prevent all those who did not live in the town or its immediate neighbourhood from becoming members of such municipal bodies; hence a large portion of the population and of the country would, under such a system, be virtually unrepresented and their requirements unknown. The careless manner in which municipal bodies enact their laws renders them also little qualified for the offices of higher legislation for extensive districts of country; and the frequency and permanency of their sittings would in a great degree remove them from that watchful control of public opinion which is always eagerly concentrated on the proceedings of a legislative body which has only one annual sitting extending over no very great length of time. Moreover, corporate bodies, exercising the usual and rather extended municipal powers, are already required for several towns in New Zealand. I think therefore that the municipal system should be here carefully preserved, and that it should be so preserved in its integrity for municipal purposes, and that its vitality and very form of being should not be destroyed by producing it in a shape which, possessing no distinctive character, no clearly ascertained line of duties, would command little or no respect, would have no precedents to guide it, would I am sure in practice prove entirely unsatisfactory and almost useless; and would thus, after a short existence, during which great discontent would be generated in the country, and its prosperity and progress would be much retarded, leave to Great Britain the task of again framing a Constitution for this country, which task would then be found a far more difficult one than it would be at present.

33. Having thus discussed these preliminary questions, I now proceed to report upon the form of institutions which I think would meet all the difficulties presented by the anomalous circumstances of this country; and, in doing this, I shall endeavour to trace them upwards from the municipal institutions of the lowest kind which exist here to the general Legislature, because I believe that the whole working of the proposed form of future institutions will depend upon a proper balance of different interests being preserved; indeed, the main feature of the plan now submitted for your Lordship's consideration is, that it is an attempt to adjust the English Constitution and its balance of powers to the peculiar circumstances of this country.

Municipal Institutions.

34. These I propose should be of three kinds, two of which are already in existence and appear likely to confer great benefit on these Islands. Firstly: the division of the country into hundreds,

represented by their wardens; the mode of election, powers, and duties of which officers, as also the nature and extent of the funds placed at their disposal, are set forth in the Crown Lands Ordinance, Session X., No. 1, and in the Royal Instructions, dated the 12th August, 1850. The system of small municipalities has already been for a long time in full and beneficial operation, and the system has received the Royal sanction. It may be said to be one which precedes the system of large municipal boroughs, first occupying with simple institutions a country thinly inhabited by Europeans and Maoris engaged in agricultural pursuits, and which forms a fitting introduction to a higher class of municipal institutions. Secondly: the division of the thinly inhabited portions of the country, at present almost exclusively occupied under lease from the Crown by persons employed in rearing and tending sheep and cattle, into large districts to be called "pastoral districts," represented by pastoral wardens; the mode of election and duties of which officers are detailed in the Crown Lands Amendment and Extension Ordinance, Session XI., No. 10. No municipality of this kind has yet been erected, the law which enables me to do so having only recently passed, nor has it yet received the Royal sanction. But the declaration of my proposing to create municipalities of this kind has been received with general satisfaction, and great benefits are expected to flow from the adoption of this system. Thirdly: the constitution of municipalities of the nature of those existing in Great Britain, but with more extended powers. These would generally embrace several hundreds of the first class, which would, however, still preserve their own privileges as hundreds and elect their own wardens; although for a higher and more extended class of municipal duties they would be adopted as wards into the larger corporation. The necessary powers for creating these bodies are already conferred upon the Governor-in-Chief by the Charter and Fifth Chapter of Instructions of 1846. Full details relating to the Constitution, duties to be confided to and powers of these bodies, are set forth in the Auckland Charter creating such a municipality, and my despatch to the Lieutenant-Governor which accompanied it, which I transmitted to your Lordship in my Despatch No. 101, of the 4th August, 1851. Several municipalities of this nature, in addition to the Borough of Auckland, will require to be almost immediately constituted.

35. From the preceding statement of the nature of the municipal institutions which I consider necessary for New Zealand, your Lordship will, I think, see that I rely greatly upon municipal institutions as a very important element in the constitution of this country; and it will be found by a reference to my Despatches No. 84, 25th June, 1851; No. 101, 4th August, 1851; and No. 107, 21st August, 1851, that, from one-third of the gross proceeds realised from the sale of lands in their respective districts being placed under the control of these municipal bodies, I anticipated that a more popular and better administration of the waste lands of the Crown would result, than prevails in any other colony.

36. Finally, I would make two remarks on this subject. Firstly: I believe the system of municipal institutions which I have detailed is very popular and will gradually become more so, and that the inhabitants of New Zealand generally would very unwillingly see them swept away to give place to any other system that has at least been yet proposed. Secondly: that all the necessary powers for the creation and regulation of such municipalities rest upon legislative enactments and instructions already in existence; and that consequently nothing has either to be done, nor does anything require to be swept away, in order to secure municipal institutions for New Zealand. In any Constitution, therefore, which may be given to these Islands all that is necessary is to preserve, exactly in its present form, the Fifth Chapter of the Royal Instructions of 1846 on "Municipal Corporations."

Provincial Councils.

37. Next, ascending to the legislative body which it is proposed should immediately succeed municipalities:

38. I think that power should be given to the Governor-in-Chief to divide the New Zealand Islands, when he thought it expedient to do so, into the five provinces of Auckland or New Ulster, Wellington, Nelson, Canterbury, and Otago, and that power should also be given to the Governor-in-Chief, with the advice and consent of the General Legislature of the Islands, to alter the boundaries of such provinces, and to create others if necessary.

39. One of the provinces I have named would probably immediately contain three boroughs or municipalities; and they might all, from their nature, contain either several municipalities or none. If the returns of the Native population are at all correct, the proposed Province of New Ulster would now contain: Europeans 10,000, Natives 70,000 = 80,000 souls, nearly; that of Wellington, Europeans 8,000, Natives 40,000 = 48,000 souls, exclusive of the military. The other provinces would at present contain comparatively small populations. But a rapid increase in the European population of the whole of New Zealand is taking place.

40. To each province that might be created I propose that a Legislative Council should be given, to be called the Provincial Legislative Council. I propose that for the present those Councils should be constituted in the manner provided in the enclosed Ordinance, and that they should possess all the powers which that law confers upon them, although I think that certain alterations in their constitution and powers should shortly be made, in the mode which I will presently explain.

41. I perhaps ought here to add that, in conformity with the terms of the Charter and Royal Instructions, it is only provided in the Provincial Councils Ordinance, as now transmitted to your Lordship, that those Councils shall not legislate upon the several subjects named in the Charter and Instructions, and in a subsequent despatch addressed to me by your Lordship. If this question was left entirely to my discretion, I should, with a view to securing uniformity in the administration of justice throughout the entire Islands, prohibit the Provincial Councils, in addition to the other subjects named in the enclosed Ordinance, from making any laws for the establishment of any Courts of judicature, criminal or civil, or for the alteration of the constitution of or course of practice in any such Courts. And further, in order that the same punishment might attach to any indictable offences throughout the whole of New Zealand, instead of enacting, as directed by your Lordship, and as has been done in the 13th section of the 29th clause, that it shall not be competent for the Provincial

Council to make any law for inflicting the punishment of death or transportation for any crime or offence, I should wish to see it enacted that such Councils should not make any law for altering or affecting the criminal law of the colony so far as relates to any felony, treason, or misdemeanour prosecuted by indictment or information.

42. If such a Legislative Council as I suggest is given to each province, and the members of it receive the payment proposed for their attendance, then annual sessions might be held at the capital of the province without inconvenience, and each of these Councils would possess the most ample, in fact all requisite powers of legislation for the regulation of all questions that could arise within a province; and as the whole of the local revenues (except that portion which is required for general purposes, including the Civil List) is placed at the disposal of such legislative bodies, there can be no doubt that the resources of the country would be fairly and equitably applied throughout its whole extent.

43. Legislative Councils of this nature appear to me to present great advantages in a country circumstanced as New Zealand is. I will name a few of these advantages: Firstly: they secure, in the only manner which I believe to be practicable in New Zealand, real local self-government throughout every part of these Islands. Secondly: if any questions of an exciting kind should arise between the European and Native populations, the majority of the provinces, from the small number of Natives in them, would have no great personal interest in such questions. Their inhabitants and Legislatures could therefore form a dispassionate and unprejudiced opinion on such questions. Hence the General Government, in pursuing such line of policy towards the Natives as justice and humanity might demand, could be certain that it would not be compelled to yield to momentary passions, prejudice, or self-interest, because there would be a large number of persons and several regularly constituted legislative bodies on whom it could rely for support. On the other hand, if the General Government, weakly yielding to public clamour and prejudice, was about to give effect to the momentary merely local popular will of any province by committing some act of injustice towards the Natives, regularly constituted legislative bodies would be in existence to give expression to their opinion, and thus to check its action. Thirdly: the constitution of such legislative bodies, which possessed such extensive powers of local legislation, would for at least several years to come render the frequent assembling of the General Legislature entirely unnecessary. Fourthly: the powers of legislation of such Councils being merely of a local nature, and being restricted in reference to general matters, a great difficulty is avoided, inasmuch as Ordinances passed by them need not be referred Home for the Royal assent; but might, as is provided in the enclosed Ordinance, be either allowed or disallowed by the Governor-in-Chief. The question, therefore, which relates to the transmission of all colonial laws for the allowance or disallowance of the Crown would be much narrowed; indeed, it could only arise in reference to laws passed by the General Legislature; and as that body would so seldom meet, and the subjects especially reserved for its legislation are so few, the probability is that it might never be thought of in as far as relates to New Zealand. Fifthly: such Provincial Legislative Councils would greatly increase the efficiency of the municipalities by forming the proper bond of union between the several boroughs of any one province, which would then all be fitted as it were into one body politic, the action of the several parts and of the whole of which would be in entire harmony.

44. In my Despatch No. 123, of the 24th October, 1850, transmitting the draft of the Provincial Councils Bill, and in the other despatches—No. 106, 29th November, 1848; No. 4, 2nd February, 1849; No. 23, 15th March, 1849; No. 27, 22nd March, 1849; and No. 161, 30th November, 1849—I reported so fully upon the reasons which induced me to adopt the rate of franchise for electors named in the enclosed Ordinance, the principles of no express qualification being required for members of the Council, and of paying the estimated amount of their probable expenses, as also upon the reasons which led me to recommend that these Councils should only be elected for two years, that I do not think it necessary to trouble your Lordship with a further explanation on these subjects. I therefore now pass on to the form of General Legislature which I would recommend for these Islands.

General Legislature.

45. A consideration of the enclosed Ordinance and of the subjects of general interest on which it prohibits the Provincial Councils from legislating, reserving these for the General Legislature, will, I think, so clearly point out the necessity which exists for the creation of a General Legislature that I do not think it necessary to advance any arguments in favour of the creation of such a body; but, assuming it to be admitted that a General Legislature should be constituted for New Zealand, I shall proceed to point out how I think that body should be composed.

46. I think it should consist of a Governor-in-Chief, appointed in the usual manner by the Crown; of a Legislative Council, elected in the manner recently suggested to me by your Lordship—that is, by the Provincial Councils, such a number of votes being allowed to each member of these Councils as to enable a minority to be at least to some extent represented; and, thirdly, of a representative Assembly, to be elected by voters with exactly the same qualification as is required to be possessed by those who vote for the return of members to the Provincial Council. I think, as it is proposed that the General Legislature should be so rarely assembled, it would be requisite that the members both of the Legislative Council and of the House of Representatives should be elected for a period of five years.

47. I have only within the last few days had an opportunity of perusing for the first time the Report of the Committee of the Board of Trade and Plantations on the proposed establishment of a representative Legislature for the Cape of Good Hope, which your Lordship so kindly sent out to me; and I beg to state that I think the recommendations made in the twenty-sixth and twenty-seventh paragraphs of that Report, regarding the powers to be given both to the Governor and Legislative Council to amend Bills which may be sent up to them, should be conferred upon the Governor-in-Chief and the Legislative Council of New Zealand, if the form of Constitution I propose is introduced into this colony.

48. I have thus traced the general outline of the form of representative institutions which experience and reflection have led me to deem best suited to the circumstances of New Zealand. There

yet, however, remains for me the duty of suggesting the form of Executive Government by which these institutions should be worked, and without a distinct exposition of which the proposed plan could only be very imperfectly understood. In explaining my views on this subject it will be necessary for me to follow an order the reverse of that which I have adopted in explaining the Constitution I propose for New Zealand; that is, whilst I traced the institutions themselves up from the lowest order of municipality to the General Legislature, it will be necessary for me, in order to make myself clearly understood, to trace the Executive Government from the Governor-in-Chief downwards.

General Executive Government.

49. I propose that the General Executive Government should consist of a Governor-in-Chief, nominated by the Crown, a Civil Secretary, and either two or three other principal officers, for the present nominated by the Crown and holding permanent appointments. I am unable, until the system has been tested, to state the precise number of officers that may be necessary to conduct the business of the central Government, nor do I think it requisite to attempt to state how the personal staff of the Governor-in-Chief should be composed, or what establishment of clerks may be necessary for the principal officers. The number of such persons need at present only be very limited, and I presume that the cost of the central Government would for the present be paid from the Civil List.

50. The duties of the Governor-in-Chief would consist in corresponding with and receiving all necessary instructions for his guidance in the government of these Islands from Her Majesty through one of Her Majesty's Principal Secretaries of State. He would also correspond through the Civil or Chief Secretary with the officers administering the government of the several provinces; and, within the limits fixed by the laws existing at the time, would prescribe to what extent it should be the duty of such officers to await his instructions before carrying into effect the powers by law vested in them.

51. It would be immaterial in what province he might temporarily reside as, under the Provincial Councils Ordinance, his duties would in no way interfere with those of the officer administering the Government of the province.

52. I think also that the Governor-in-Chief should be the sole Commander-in-Chief in the New Zealand Islands, and should alone have the power of issuing to the officer in command of the forces within these Islands and their dependencies orders for the march and distribution of troops, the formation and march of detachments and escorts, and generally for such military service as the safety and welfare of the colony may require.

53. I think, further, that the Governor-in-Chief should alone be intrusted with the power of issuing orders regarding the temporary occupation of Crown lands for depasturing purposes; that he should have the appointment of all officers having the control or administration of the Crown lands except such officers as might be appointed for these purposes by wardens or municipalities in accordance with the powers by law vested in them; and I think also that the distribution of the Crown land revenue in the manner prescribed by law, either for emigration purposes or for the purpose of public works to be executed under the authority of the Provincial Legislatures, should be made under the direction of the Governor-in-Chief.

54. In like manner I think that the expenditure of the Civil List, and of such sums as may be reserved for purposes connected with the welfare of the Native population, should be made under the direction of the Governor-in-Chief, subject to such instructions as he may receive from time to time from the Secretary of State. He should also be allowed to exercise the power he at present possesses of appointing Resident Magistrates and Native Assessors for the purpose of carrying out English laws in any district which, from its large Native population, might in his opinion require the presence of such officers.

55. The Governor-in-Chief should, in my opinion, alone have the power of making to Europeans grants for lands which may be claimed in virtue of alleged contracts between themselves and persons of the Native race, the nature of the claim to which would wholly differ from one which rested on a purchase made from the Crown of part of its demesne lands. I think, further, that the Governor-in-Chief should have the power of making at his discretion grants of land to persons of the Native race, and of assuring to themselves and their heirs the uninterrupted possession of certain properties; and that he should also alone have the power of making grants of the demesne lands of the Crown for public purposes.

56. Lastly, on this head, I think the Governor-in-Chief should for the present have all the powers regarding the confirmation or disallowance of Provincial Ordinances which are conferred upon him by the enclosed Ordinance; and should, in conjunction with the General Assembly of the Islands, have the power of making and ordaining all such laws and Ordinances as may be required for the peace, order and good government of the New Zealand Islands, which laws should be transmitted with the least possible delay for Her Majesty's allowance or disallowance.

57. I also propose that the Governor-in-Chief should have the power of dividing the colony into judicial districts for the purposes of the administration of justice, of altering the limits of such districts, and of prescribing the places at which Circuit Courts should be held; and further, that he should exercise all such powers as have been or may be conferred upon him by Ordinances made by the General Legislature of New Zealand.

58. The Governor-in-Chief, conjointly with the General Legislature, would have the power of fixing by law the number and salaries of the officers employed in the collection of those portions of the revenue which were collected under laws enacted by their authority; and would in like manner fix the number and salaries of the officers who were to be employed in the survey and administration of Crown lands.

59. Under the existing laws of New Zealand the Governor-in-Chief already possesses the whole of the powers which I have recommended should still be exercised by him. In many points such as the appropriation of the land revenue and of the sums reserved for Native purposes, the issuing of orders for regulating the depasturing of sheep and cattle on waste lands of the Crown, the rate of remuneration to be given to the officers of the General Government, &c., the limits within which he should

exercise the powers intrusted to him would have by degrees to be adjusted by laws enacted by the Governor-in-Chief and General Assembly of these Islands. But I do not apprehend that any serious difficulty will be experienced in adjusting these details.

60. I think also that, in reserving these powers to the Governor-in-Chief, Great Britain would retain the means of promoting in every desirable way the interests and welfare of all Her Majesty's subjects in these Islands, to whatever race they belong. I do not think that, in justice to the Native race who yielded the sovereignty of these Islands to Her Majesty, any of these powers ought for the present to be abandoned by the Crown; nor do I think that the very great majority of Her Majesty's subjects inhabiting New Zealand would desire for the present to see Great Britain relinquish these powers. But I think a wise foresight requires that the Crown, in retaining all necessary powers, should retain none that are not essentially necessary. From this proceeding would probably spring a great and lasting contentment amongst Her Majesty's subjects in these Islands, who, having a very large measure of freedom bestowed upon them, and being deprived of no privilege which was necessary for the free exercise of a system of local self-government, would probably for a long series of years cheerfully see vested in the hands of the Crown the powers which it alone could exercise for the good of all, and the possession of which by the Crown in no way interfered with the freedom or happiness of any class or community of its subjects. Having made these introductory remarks, I shall now proceed to the consideration of the form of Executive Government which should, I think, be given to each of the provinces into which it is proposed New Zealand should be divided.

Provincial Executive Governments.

61. The terms of the New Zealand Charter of 1846 compelled me, in the Provincial Councils Ordinance, to apply the term "Lieutenant-Governor" to the officer administering the Government of each province. Had a discretion been left to myself I should have designated such an officer by the term "Superintendent"; and I would still recommend the adoption of this designation for the officer administering the Government of a province.

62. I should now remark that, according to the original Constitution of New Zealand, the Crown nominated one Governor and the officers composing one General Government for the whole of these Islands. I propose that it should still exercise the same powers in the nomination of a Governor-in-Chief, and that for the present it should continue to nominate the officers of the General Government. But here, in addition to the observations I have already made upon the evils that may result from the Crown retaining unnecessary powers, I should observe that if the Crown nominates in these Islands the Lieutenant-Governor or Superintendent of each province, and all the officers composing the Executive Government of the respective provinces, together with their establishments, and makes, as would in that case be necessary, their salaries a charge upon the Civil List, it will create throughout the entire New Zealand Islands a multitude of officers who, in the event of their offices being abolished when a freer system of institutions was introduced, would have a claim for compensation, and thus such serious difficulties would be interposed in the way of the introduction of any freer form of institutions into the Islands of New Zealand that I almost doubt if it would be possible subsequently to introduce them without subjecting the country to a crisis which must materially affect its prosperity.

63. I would, therefore, earnestly recommend Her Majesty's Government, subject to the restrictions which I will hereafter mention, to allow the electors of every province to elect the Superintendent or officer administering the Government of that province, to hold office for the same period of time as the members of the Provincial Councils are elected to serve; and then to leave it to the Superintendent and the Provincial Council of each province to regulate, by laws subject to the approval or disallowance of the Governor-in-Chief, the extent of the Executive Government which is to be constituted for such province, the rate of remuneration which is to be paid to the officers composing the Executive Government, and the nature of the tenure upon which themselves and the subordinate officers in their respective establishments are to hold office. In fact, in these respects I should wish to see each province treated as a large municipality which had the power of electing its own Mayor and corporate officers.

64. The restrictions to which I think this rule should be subjected apply only to the period of its introduction into the several provinces. At Auckland, Wellington, and Nelson, which would be the capitals of three separate provinces, Governments have been already constituted. In two of these provinces a large Native population already exists, and no new experiment in them should therefore be rashly hazarded or immaturity introduced. Great Britain also maintains in them a considerable military force for the protection of their inhabitants, and thus should for the present exercise a great influence in them. I would therefore recommend that the rule regarding the election by the inhabitants of the officer administering the Government, and of making laws for the nomination of the officers composing their own Executive Governments, should only take effect in the three provinces I have named from the period at which the six years of service of the two Lieutenant-Governors and of the Superintendent who have been appointed to administer their Governments respectively shall have terminated. This rule would present the further advantage of a just dealing with the claims of the Lieutenant-Governors and the Superintendent.

65. I think also that a further restriction should be imposed in reference to this rule, and that is that no officer who has received a permanent appointment from the Crown in any of the provinces in New Zealand should be removed from his office by any Provincial Council until his claim shall have been considered, and until, if it is found a valid one, a law shall have been passed by the Provincial Council and shall have received the assent of the Governor-in-Chief securing to such officer such compensation for the loss of his situation as the nature of his office, the amount of salary he received, and his length of service may be considered as fairly entitling him to.

66. With regard to the nature of the powers which should be conferred upon the Superintendent or other officer administering the Government of a province, it is only necessary for me to state that I propose that he should be invested with all the legislative powers which are conferred upon him by the enclosed Provincial Councils Ordinance, and that, in addition thereto, he should exercise the powers

usually intrusted to colonial Governors of remitting fines, fees, and penalties (the power of pardoning in criminal offences should still, I think, vest solely in the Governor-in-Chief in order that the whole question of the administration of justice should be left with the central authority), and of making Crown grants of land to persons who may have legally purchased the same as part of the demesne lands of the Crown. He should also be empowered, with the advice of his Executive Council and in conformity with the regulations required by law, to proclaim Crown lands as open for purchase, and to fix the upset price of such lands, not being less than the minimum price fixed by law.

67. But although I should wish to see these powers conferred upon the officer administering the Government of a province, I think that the Governor-in-Chief, as the officer nominated by the Crown, should still possess the right of exercising these powers throughout the whole extent of the Islands of New Zealand, and perhaps at present some convenience would result from empowering him, by a legal instrument, to delegate these powers to such person as might be duly elected Superintendent of a province for the time during which he might be elected to serve and no longer.

68. From what I have above stated it will be seen that I am of opinion that the power of electing the officer to administer their Government and of making laws for regulating the appointment of their own executive officers, should be immediately conferred upon the Provinces of Canterbury and Otago; and in fact that they should, in like manner, be conferred upon the Provinces of Wellington and Nelson almost as soon as Her Majesty's assent could be received to the enclosed Ordinance, and upon the Province of New Ulster at a rather later period; and as, after this rule was introduced into any province, no advantage could result to the Crown from an officer elected by the people nominating one-third of the members of the Council (although, for the purposes of the introduction of this measure into those provinces having a large Native population, I believe this provision to be a most necessary one), I would further propose that the Governor-in-Chief and the existing General Legislative Council should be authorised to pass, before the new Constitution was proclaimed, if they thought proper to do so, a law enacting that the Provincial Councils should consist wholly of elected members from and after the time at which the inhabitants of any province should be authorised by law to elect their own Superintendent.

69. I have but one other observation to make upon this subject. In my previous despatches I have generally supposed that the Provincial Councils would eventually merge into a kind of Municipal Councils. But the rapid growth of these settlements in wealth and prosperity and the turn events are taking now lead me to think that they will always remain distinct and separate provinces, and that provision should be made for enabling their present form of Government, consisting of one Chamber, to be changed by the General Legislature into a form of Government composed of a Legislative Council and House of Representatives whenever the number of inhabitants in any province and its wants might render such a change in its form of Government practicable and desirable.

Civil List.

70. The Civil List at present appropriated for the services of New Zealand is £12,000; £6,000 from the northern province and £6,000 from what would be the four southern provinces; and as the revenues of each of these two great divisions of New Zealand are at present nearly equal, or about £30,000 each, such a division is, I think, at present fair, and the total amount is amply sufficient to defray the salaries of the officers composing the General Government and of the Judges of the Supreme Court, to which purposes alone I think it should be devoted. Indeed I think at present that the sum of £10,000 might suffice for these purposes; and, if in a few years it should be insufficient for them, then, from the great liberality which has always been evinced by the General Legislature of these Islands in providing funds for carrying on the Government, I feel quite satisfied that they would readily make good any deficiency. It will be observed that, in proposing to throw this charge upon the Civil List, it is assumed that the Parliamentary grant will be altogether relieved from the charges it at present defrays on account of the Governor-in-Chief and General Government establishment.

Funds to be reserved for Native Purposes.

71. But I should point out to your Lordship that, under the form of Government I now propose, the country is to be divided into electoral districts which will only include those portions of it which are occupied by a large European population; the great mass of the Native population, who contribute largely and increasingly to the revenue which is at present almost entirely raised from duties of Customs, would be thus wholly unrepresented. I beg therefore most earnestly to recommend that from the revenues of the northern province there should be reserved a further yearly sum of £4,000; from the revenues of the Wellington Province a sum of £2,000; and from the revenues of the three southern provinces a sum of £1,000; making in the whole an annual amount of £7,000, which the Governor-in-Chief should be authorised to apply, together with any surplus that may accrue from the Civil List, to any of the following purposes: The construction and maintenance of hospitals, to which Maoris are admitted on equal terms with other subjects of Her Majesty; the establishment and maintenance of schools, to which Maori children are admitted on the same terms as other scholars; for the payment of Resident Magistrates and of Native Magistrates, and for the maintenance of a Native police; for making presents to Native chiefs in acknowledgment of services rendered by them; and generally to such other purposes as may tend to promote the prosperity and happiness of the Native race and their advancement in Christianity and civilisation.

72. I perhaps ought to explain that the Resident Magistrates I allude to are judicial officers, appointed under a local law termed the Resident Magistrates Ordinance, and who are intrusted with considerable and peculiar powers for the adjustment of criminal and civil cases in which Europeans, or Europeans and Maoris, or Maoris alone, are concerned. The law to which I am adverting was devised and framed with great care to meet the peculiar circumstances of a European race mingling with a population just emerging from barbarism. It is highly esteemed by the Natives, who now resort

freely to the Courts of the Resident Magistrates; and if any circumstance should occur which closed these Courts I fear that great discontent and renewed disturbances would take place amongst the Native population.

73. I have recommended that for the present the Governor-in-Chief should be authorised to apply, at his discretion, the sums reserved for Native purposes; but I think that a provision should be made that he should only exercise this power for a limited time, and that after that date such sums should be appropriated under the authority of Ordinances to be passed by the Governor-in-Chief and General Assembly, who, I think, would freely and cheerfully contribute such amounts as were required for the wants of the Native population; whilst as I have continued, as I have reported in several despatches, to make considerable endowments for hospitals and Native schools, the incomes yielded from which are rapidly increasing, the necessity of providing for the support of such establishments from the general revenue will constantly diminish.

74. In further explanation of the necessity which exists for providing ample funds for Native purposes, I beg to refer your Lordship to paragraphs from No. 11 to 32 inclusive of my Despatch No. 93, of the 9th July, 1849; and I would further request that that portion of the despatch I allude to might, together with this despatch, be laid before any persons required to report on the plan now transmitted for your Lordship's approval, because I believe that the present peace and prosperity of the colony, and the continued rapid advancement of the Natives in civilisation, are in a great degree to be attributed to a rigid and consistent adherence to the line of policy laid down in that despatch. It will also be found that the powers I propose should be reserved to the Governor-in-Chief are such as, if he has the requisite funds for Native purposes placed at his disposal, will still enable him virtually to govern that portion of the Native population who live beyond the limits of European settlement, whilst all requisite local Ordinances have been passed by the General Legislature for the purpose of investing him with the requisite legal powers for carrying out the contemplated system. In naming the sum that will be required for Native purposes I have supposed that, as under Lord John Russell's original instructions, the Governor-in-Chief would still, if a necessity for his doing so should arise, be authorised to apply 15 per cent. of the Land Fund to such purposes, and that the General Government alone would have the power of treating with the Natives for the purchase of their lands. I do not consider it necessary to repeat here any arguments in support of what appears an evident truth: that the question of the control and management of the large Native population living beyond the limits of European settlement who, by being either left immersed in barbarism or being roused to war, might entail great expense and loss of life and property both upon Great Britain and every part of these Islands, is a general question which possesses at present an interest for the whole Empire and for the whole colony rather than for any particular province.

75. Having now fully reported upon the form of Constitution which I think should be given to these Islands, and upon the nature of the Executive Governments which would best conduce to the effective working of such institutions, I have, in reference to these parts of the subject, only to report that, in order to admit of the immediate introduction of the institutions I have recommended or of any other form of Government which Her Majesty's Government may be pleased to adopt, I shall only make any appointments under the Provincial Councils Ordinance which I may find it necessary to make before I can receive your Lordship's reply to this despatch, subject to the condition that they are mere temporary appointments the tenure of which is likely almost immediately to terminate.

76. I have further to report that, in as far as depends upon me, all general laws necessary for the immediate introduction of such institutions have been already enacted by the General Legislature; that the revenues of the country are in a most satisfactory state; and that such economy has been exercised that each Provincial Legislature would enter upon its functions, not only free from debt, but with some surplus revenue at its disposal. The enclosed circular despatch which I have had addressed to the principal officers of the Government at the respective settlements will show that I have made the necessary financial arrangements to bring the proposed system of representative institutions into immediate operation. The whole of these Islands are now in a state of complete tranquillity, every settlement is in a prosperous condition, the Native race are loyal, contented, and daily increasing in wealth, and the local Government now possesses very considerable influence over them. I also believe the proposed form of institutions could gradually be introduced in such a manner that not the slightest shock or change in the condition of the colony would be experienced. Probably therefore, no more suitable moment could be chosen for giving a fitting Constitution to this country; and I think that, if the Queen is advised to avail herself of this opportunity, Her Majesty will have the happiness of conferring upon her subjects in this country a boon which will be regarded by them with lasting gratitude.

77. In submitting the foregoing plan for your Lordship's consideration I should state that I have no doubt, if it should be tried by the test of experience, it will from time to time be found capable of receiving considerable improvements; but I think it presents the advantage of being admirably adapted to the present state of New Zealand, and of at the same time containing those elements which will enable it, without any sudden or startling change being made, to be immediately brought into operation and then afterwards to be adapted to the changing circumstances of a young and rapidly-increasing country.

78. Should her Majesty's Government determine to introduce the proposed form of institutions into New Zealand, then I beg respectfully to state that I think the best mode of effecting this would be, after obtaining such further sanction as might be required from Parliament, to adopt the same course as was pursued in 1846, of conferring the proposed Constitution on New Zealand in the form of a Charter, and Royal Instructions divided into chapters; as the clear division of subjects into chapters, and the plain and simple language, unembarrassed by technicalities, which could be so conveniently and appropriately used in Royal Instructions drawn on the model of those in 1846, would bring the whole subject entirely within the comprehension of the numerous individuals upon whom the beneficial working of such a Constitution would depend.

The Right Hon. Earl Grey, &c.

I have, &c.,

G. GREY.

Enclosure 1 in No. 40.

PROVINCIAL COUNCILS ORDINANCE.

Passed the 9th July, 1851, in the fifteenth year of the reign of Her Majesty Queen Victoria.
Session XI., No. 6.

Analysis.

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| <p>Title.
Preamble, reciting division of the colony into provinces, and 11 Vict., c. 5, and Ordinance No. 1, Session IX.; Ordinance No. 1, Session IX., repealed as to Provinces of New Ulster and New Munster.</p> <p>I. <i>Constitution of the Council and the election, &c., of members.</i></p> <ol style="list-style-type: none"> 1. A Legislative Council to be established in every province. 2. One-third of the members to be appointed, and two-thirds to be elected. 3. Electoral districts; and time, place, and mode of election. 4. Qualification of members. 5. Qualification of electors. 6. Disqualification. 7. Appointment of non-elective members. 8. Duration of office. 9. Resignation of Councillors. 10. Seats in Council, how forfeited. 11. Councillor sitting <i>virtute officii</i> to vacate his seat when out of office. 12. Questions of vacancy, how to be determined. 13. Vacancies, how to be filled up. 14. New elections, how to be made. 15. Duration of Council. 16. Council to meet at least once a year. 17. First meeting of Council. 18. Time and place of meeting. 19. Prorogation, &c., of Council. 20. Expenses of members. <p>II. <i>Jurisdiction, &c., of Council.</i></p> <ol style="list-style-type: none"> 21. Jurisdiction. 22. Laws to be subject to disallowance of Her Majesty by the Governor-in-Chief. 23. Council to conform to Her Majesty's Instructions. | <ol style="list-style-type: none"> 24. Laws not to be repugnant to laws of England. 25. Appropriation of revenue. 26. Cost of collection. 27. Subject thereto, surplus to be appropriated by Council. 28. Apportionment between the several provinces. 29. Subjects on which Council prohibited from legislating. 30. Any Ordinance on any such subject to be void. <p>III. <i>Proceedings, &c., of the Council.</i></p> <ol style="list-style-type: none"> 31. Speaker to be elected. 32. Speaker to preside. 33. Majority of Council a quorum. 34. Majority present to decide. 35. Standing rules to be made. 36. And minutes to be kept. 37. Laws to be styled "Ordinances." 38. Ordinances, when to take effect. 39. Fines, penalties, &c., to be reserved to Her Majesty. 40. Governor may propose laws. 41. Ordinance to be presented to Governor. 42. Power to Governor to assent to, disallow, or reserve Ordinances. 43. When assented to, to be sent to Governor-in-Chief. 44. Power to Governor-in-Chief, on behalf of Crown, to disallow Ordinances. 45. Reserved Ordinances. 46. Assent of Governor-in-Chief to be entered on Journals. 47. Assent to reserved Ordinances to be given within one year. 48. Also, if to take effect, from the time to be fixed by the Governor-in-Chief. 49. Reserved Ordinances, when deemed to be disallowed. 50. Effect of disallowance. 51. Construction of Ordinances to be passed by Provincial Councils. 52. Construction of this Ordinance. 53. Commencement of Ordinance. |
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AN ORDINANCE to provide for the Establishment of Provincial Legislative Councils, and for the Election, &c., of Members to serve therein.

WHEREAS, in pursuance of the provisions of an Act made and enacted in the Parliament holden in the ninth and tenth years of the reign of Her Majesty Queen Victoria, intituled "An Act to make further provision for the Government of the New Zealand Islands," Her Majesty, by certain Letters Patent under the Great Seal of the United Kingdom, bearing date on the twenty-third day of December, one thousand eight hundred and forty-six, did ordain and appoint that the said Islands of New Zealand should be divided into two separate provinces, to be called respectively the "Province of New Ulster," and the "Province of New Munster": And whereas by an Act made and enacted in the Parliament holden in the eleventh year of the reign of Her Majesty, intituled "An Act to suspend for five years the operation of certain parts of an Act of the tenth year of Her present Majesty for making further provision for the Government of the New Zealand Islands, and to make other provisions in lieu thereof," it is amongst other things enacted that it shall be lawful for the Governor-in-Chief of New Zealand, by and with the advice and consent of the Legislative Council thereof, by Ordinance to constitute, within and for any of the provinces into which the Islands of New Zealand were then or might thereafter be divided, a Provincial Legislative Council, to be appointed or elected, or appointed and elected, in such manner by such person or persons as by such Ordinance shall be provided in that behalf, and that the Provincial Legislative Council or Councils so constituted shall have all such rights, powers, jurisdiction, and authority as shall be granted in that behalf to the said Provincial Legislative Council or Councils, or either of them, by such Ordinance and none other: And whereas by an Ordinance enacted by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, Session IX., No. 1, intituled "An Ordinance to provide for the Establishment of Provincial Legislative Councils in the Colony of New Zealand," it is amongst other things enacted that, for each of the provinces into which the Islands of New Zealand then were or might thereafter be divided, there shall be a Legislative Council of not less than nine members, to consist of the members of the Executive Council of the province, and of such other persons as the Governor or Lieutenant-Governor might summon and appoint to be members of such Legislative Council: And whereas it is expedient that in the Province of New Ulster and in the Province of New Munster a portion of the members of the said Council be elected by the inhabitants of the said provinces respectively: And in any province which may hereafter be constituted, that a portion of the members of such Council should also be elected so soon as electoral districts can be defined therein for the purposes of such election, and other necessary provisions can conveniently be made in that behalf:

Now, therefore, be it enacted by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, that the said recited Ordinance, so far as relates to the Provinces of New Ulster and New Munster, be repealed on the passing hereof; and so far as relates

to any new province as aforesaid, that the said recited Ordinance shall be repealed at such time as the Governor-in-Chief, by Proclamation in the New Zealand Government *Gazette*, shall for that purpose direct and appoint.

I.—*Constitution of the Council, and the Election, &c., of Members.*

1. For each of the provinces into which the Islands of New Zealand now are or may hereafter be divided there shall be a Legislative Council, to consist of such number of members—not less than nine—as the Governor-in-Chief shall by proclamation in that behalf from time to time direct and appoint. And every such Legislative Council shall have such power and authority and be subject to such limitations and restrictions as are hereinafter provided.

2. One-third of the members of every such Council shall be appointed by the Governor of the province, and two-thirds of the members of every such Council shall be elected by the inhabitants of the province, as hereinafter provided.

3. It shall be lawful for the Governor-in-Chief, until provision be made by law in that behalf, by Proclamation to be published in the New Zealand Government *Gazette* to constitute within every such province convenient electoral districts, and to appoint and declare the number of members to be elected for each such district, and to make provision for the registration and division of lists of all persons qualified to vote at the elections to be holden within such districts, and for the appointing of returning officers, and for the issuing, executing, and returning the necessary writs for such elections, and for taking the poll thereat, and for determining the validity of all disputed returns, and otherwise for insuring the orderly, effective, and impartial conduct of such elections: Provided always that the mode of election be by open voting, and that the voting shall finally close at four of the clock in the afternoon of the day on which the election shall commence. And provided also that, in determining the number and extent of such electoral districts, regard shall be had to the population and wealth of the same; and that in determining the number of members to be elected for each district, regard be had to the number of electors within the same, so that the number of members to be assigned to any one district may bear to the whole number of the elective members of the said Council the same proportion as the number of electors within such district shall bear to the whole number of electors within the limits of the province.

4. Every person within the province who shall be legally qualified as an elector, and duly registered as such, shall be qualified to be elected a member of the said Legislative Council: Provided always that it shall not be necessary that he reside or possess the qualification in the particular district for which he may be elected to serve as a member.

5. The elective members of every such Council shall be chosen by the votes of the inhabitants of the province who may be qualified as hereinafter mentioned, (that is to say): Every man of the age of twenty-one years or (except as hereinafter mentioned) upwards, and having a freehold estate in possession situate within the district for which the vote is to be given of the clear value of £50 above all charges and incumbrances, and of or to which he has been seised or entitled either at law or in equity for at least six calendar months next before the last registration of electors; or being a householder within such district, occupying a tenement within the limits of a town (to be proclaimed as such by the Governor-in-Chief for the purposes of this Ordinance) of the clear annual value of ten pounds, or without the limits of a town of the clear annual value of five pounds, and having resided therein six calendar months next before such registration as aforesaid; or having a leasehold estate in possession, situate within the district for which the vote is to be given, of the value of ten pounds per annum, held upon a lease which at the date of such registration shall have not less than three years to run, or having a leasehold estate situated and of the value as aforesaid, of which at the date of such registration he shall have been in possession for three years or upwards previous to the date of such registration, shall, if duly registered, be entitled to vote at the election of a member or members for the district.

6. Provided always that no person shall be entitled to vote at any such election who is an alien, or who at any time theretofore shall have been attainted or convicted of any treason, felony, or infamous offence within any part of Her Majesty's dominions.

7. The non-elective members of every such Council shall be appointed in manner hereinafter mentioned—that is to say: It shall be lawful for the Governor of the province, by Letters Patent under the Great Seal of the province, from time to time to appoint such persons as he may think proper to be personally or by virtue of their office non-elective members of any such Council: Provided always that no such appointment shall be made until the return of the writs for the election of the elective members.

8. Every non-elective member of any such Council shall hold his seat therein for two years from the day of his appointment, or until the Council shall be sooner dissolved.

9. It shall be lawful for any Legislative Councillor—elective or non-elective—by writing under his hand, addressed to the Governor of the province, to resign his seat in the said Council, and upon such resignation the seat of such Legislative Councillor shall become vacant.

10. If any Legislative Councillor shall for two successive sessions of the Legislature of the province fail to give his attendance in the said Council, or shall become bankrupt, or take the benefit of any law relating to insolvent debtors, or become a public defaulter, or be attainted of treason, or be convicted of felony, or any infamous offence, or shall become *non compos mentis*, his seat in such Council shall thereupon become vacant.

11. If any person who shall have been designated as a non-elective member of any such Council as the holder of a public office shall cease to hold such office, his seat in the said Council shall thereupon become vacant.

12. Any question which shall arise respecting any vacancy in the said Council on occasion of any of the matters aforesaid shall be heard and determined by such Council on such questions being referred to them for that purpose by the Governor of the province, or by the Speaker of the said Council, and not otherwise.

13. Whenever it shall be established to the satisfaction of the Governor of the province that the seat of any Legislative Councillor hath become vacant, such Governor shall forthwith issue a writ

for the election of, or shall forthwith appoint a new member (as the case may require) to serve in the place so vacated during the remainder of the term of the continuance of such Council, and no longer.

14. Every such new appointment or election shall be made in manner hereinbefore provided.

15. Every such Legislative Council shall continue for the period of two years from the day of return of the writs for closing the same and no longer, subject nevertheless to be sooner prorogued or dissolved, as hereinafter mentioned.

16. There shall be a session of every such Council once at least in every year, so that a greater period than twelve calendar months shall not intervene between the last sitting of the Council in one session to the first sitting of the Council in the next session.

17. The first writs for the election of members of such Council for the provinces of New Ulster and New Munster shall be issued at some period not later than twelve calendar months after the passing of this Ordinance. And the first writs for the election of members of such Council for any such new province as aforesaid shall be issued at some period not later than twelve calendar months after this Ordinance shall be proclaimed to come into operation within the same as hereinafter provided.

18. It shall be lawful for the Governor of the province for the time being by Proclamation in the *Government Gazette* to fix such place or places within the limits of the province, and such times, for holding the first and every other session of the said Council as he may think fit, and from time to time in manner aforesaid to alter and vary the same as he may judge advisable and most consistent with general convenience.

19. It shall also be lawful for the Governor of the province to prorogue the said Council from time to time, and by Proclamation or otherwise to dissolve the same whenever he shall deem it expedient so to do.

20. Every member of the said Council whose ordinary place of abode shall be more than ten miles from the place where any meeting of such Council may be holden shall be entitled to receive, and there shall be paid over to him, on the first day of each session, by the Clerk of the Council, the sum of £50 for and towards defraying the travelling and other expenses incurred by such member in attending the meeting of the Council, and all sums so paid shall be chargeable upon and payable out of the general revenue of the province.

II. *Jurisdiction of the Council.*

21. It shall be lawful for the Governor of the province, with the advice and consent of the Legislative Council thereof, to make and ordain all such laws and Ordinances as may be required for the peace, order, and good government of the province, subject nevertheless to the exceptions, limitations, and restrictions hereinafter contained.

22. All laws and ordinances to be made by the said Council shall be subject to the confirmation or disallowance of the Governor-in-Chief on behalf of Her Majesty in such manner and according to such regulations as Her Majesty shall from time to time prescribe in that behalf.

23. In the making of such laws and Ordinances the said Council shall conform to and observe all such instructions as Her Majesty shall from time to time make for their guidance therein.

24. No such law or Ordinance shall be repugnant to the law of England or to any Ordinance to be made and enacted by the Governor-in-Chief, with the advice and consent of the Legislative Council of New Zealand, or by any General Assembly thereof.

25. All duties, taxes, rates, tolls, and assessments imposed and made payable by virtue of any Ordinance now in force, or which may hereafter be imposed or made payable by virtue of any Ordinance to be made by the Governor-in-Chief, with the advice and consent of the Legislative Council of New Zealand, or by any General Assembly of the colony, shall be appropriated to such specific purposes as by any such Ordinance shall be prescribed in that behalf, and to no other, save as hereinafter excepted.

26. The first application of any such duties, taxes, rates, tolls, and assessments shall be towards defraying all the expenses of the collecting, receiving, managing, and auditing the same.

27. Subject to such deduction as aforesaid, and to any charge which by any law or Ordinance now in force may have been made on the general revenue of New Zealand, or of the provinces into which the colony may be divided, the proceeds of all such duties, taxes, rates, tolls, and assessments shall be paid over to the respective Treasurers of the said provinces for the public uses thereof, and be subject to the appropriation of the respective Legislative Councils of the said province respectively.

28. In the apportionment of any such ultimate surplus between the said provinces the part of the surplus to be assigned to each shall bear to the whole of such surplus the same proportion which the part of the gross proceeds raised and collected within such province may have borne to the total amount of the gross proceeds of any such duty, tax, rate, or assessment.

29. It shall not be competent for the said Council to make or enact any law or Ordinance for any of the purposes hereinafter mentioned—that is to say: (1.) For the regulations of duties of Customs to be imposed on the importation or exportation of any goods at any port or place in the said Islands of New Zealand. (2.) For the establishment of a general Supreme Court, to be a Court of original jurisdiction or of appeal from any of the Superior Courts of any such separate province as aforesaid. (3.) For determining the extent of the jurisdiction, or the course or manner of proceeding of such General Supreme Court, or of the said Superior Courts. (4.) For regulating the current coin of the said Islands, or any part thereof, or the issue therein of any bills, notes, or other paper currency. (5.) For determining the weights and measures to be used in the said Islands, or in any part thereof. (6.) For regulating the post offices within, and the carriage of letters within the said Islands. (7.) For establishing laws relating to bankruptcy or insolvency. (8.) For the erection and maintenance of beacons and lighthouses on the coasts of the said Islands. (9.) For the imposition of any duty or other charges on shipping, at any port or harbour within the same. (10.) For regulating marriages within the same or any part thereof. (11.) For affecting Crown land or lands belonging to the aboriginal native owners. (12.) For inflicting any disabilities or restrictions on persons of the Native race to which persons of European birth or descent would not also be subjected. (13.) For inflicting the punishment of death or transportation for any crime or offence. (14.) For regulating the course of inheritance of real and personal property, or for affecting the law relating to wills.

30. And any Ordinance or pretended Ordinance which may be made by the said Council for any of the purposes hereinbefore set forth shall be absolutely null and void to all intents and purposes.

III. *Proceedings, &c., of the Council.*

31. Every such Legislative Council shall immediately on their first meeting, and before proceeding to the despatch of any other business, elect one of their members to be the Speaker thereof, which election, being confirmed by the Governor of the province, shall be valid and effectual during the continuance of such Council, except in case of vacancy in the said office by death, resignation, or otherwise, in which case the election shall be repeated and confirmed as hereinbefore provided.

32. The Speaker, so to be elected as aforesaid, shall preside at the meetings of the said Council; but, in his absence, some member elected by the Council shall preside.

33. The said Council shall not be competent to the despatch of any business unless a majority of the whole number of members be present.

34. All questions which shall arise in the said Council shall be decided by the majority of votes of those members of the Council who shall be present other than the Speaker or presiding member; but in all cases wherein the votes shall be equal the Speaker or presiding member shall have a casting vote.

35. The said Council, at their first meeting, and from time to time afterwards as occasion may require, shall prepare and adopt such standing rules and orders as may be best adapted for the orderly conduct of the business of such Council, which rules and orders shall be laid before the Governor of the province, and shall then become binding and in force.

36. Minutes shall be kept of all the proceedings of the said Council by the Clerk thereof, and such Council shall not proceed to the despatch of business until the minutes of the last meeting have been read over and confirmed or corrected, as necessary.

37. All laws to be enacted by the said Council shall be styled Ordinances, enacted by the Governor (or the Lieutenant-Governor, as the case may be) of the Province of _____, with the advice and consent of the Legislative Council thereof.

38. Every such Ordinance shall take effect from a time to be therein for that purpose appointed.

39. All Ordinances made for levying moneys and for imposing fines, penalties, or forfeitures shall grant or reserve the same to Her Majesty, her heirs and successors, for the public uses of the province and the support of the Government thereof in such manner as by such Ordinances may be directed. And no such money shall by any such Ordinance be made issuable save only by warrants to be granted in pursuance thereof by the Governor of the province.

40. It shall be lawful for the Governor of the province to transmit to the said Council, for their consideration, the draft of any such law as it may appear to such Governor desirable to introduce, and any amendments which he shall desire to be made in any Bill presented to him for the assent of the Governor-in-Chief, and such proposed law shall thereupon be considered by the Council in like manner as if the same were a Bill which had originated therein. And it shall be lawful for the Council to return any Bill to which the Governor shall have so made any amendments, with a message signifying to which of the amendments the Council agree, and those to which they disagree; and thereupon the Governor of the province shall give or withhold his assent to or reserve such Bill at his discretion, as hereinafter provided.

41. Every Ordinance which may have been passed by the said Council, and also every law proposed by the Governor of the province which shall have been passed by the said Council, whether with or without amendments, shall be presented to the Governor of the province for the assent of the Governor-in-Chief.

42. It shall be lawful for the Governor of the province, at his discretion, to declare that he assents to such Bill on behalf of the Governor-in-Chief, or that he withholds the assent of the Governor-in-Chief, or that he reserves such Bill for the signification of the Governor-in-Chief's pleasure thereon: Provided that all the Bills altering and affecting the divisions and extent of the several districts and towns which shall be represented in the said Council, or establishing new or other divisions of the same, or altering the number of the members of the Council to be chosen by the said districts and towns respectively, or altering the number of the members of such Council, shall in every such case be so reserved as aforesaid.

43. Whenever any Ordinance which shall have been presented to the Governor of the province for the assent of the Governor-in-Chief shall by such Governor have been assented to in behalf of the Governor-in-Chief, the Governor of the province shall, by the first convenient opportunity, transmit to the Governor-in-Chief an authentic copy of such Ordinance so assented to.

44. It shall be lawful for the Governor-in-Chief at any time within six calendar months after any such Ordinance shall have been received by him, by Proclamation in the *Government Gazette*, to declare his disallowance of such Ordinance; and such disallowance shall make void and annul the same from and after a day to be named in such Proclamation as aforesaid.

45. The Ordinances which shall be reserved for the signification of the pleasure of the Governor-in-Chief thereon shall not have any force or authority within the province until the Governor of the province shall signify either by Speech or Message to the said Council, or by Proclamation as aforesaid, that such Ordinances have been laid before the Governor-in-Chief, and that the Governor-in-Chief has assented to the same.

46. An entry shall be made in the Journals of the said Council of every such Speech, Message, or Proclamation as aforesaid; and a duplicate thereof, duly attested, shall be delivered to the Registrar of the Supreme Court, or other proper officer, to be kept among the records of the province.

47. The Ordinance which shall be so reserved as aforesaid shall not have any force or authority in the province unless the assent of the Governor-in-Chief thereto shall have been so signified as aforesaid within the space of six calendar months from the day on which such Bill shall have been presented to the Governor of the province for the assent of the Governor-in-Chief as hereinbefore provided.

48. If any such Ordinance shall be made to take effect from the time of the signification of the pleasure of the Governor-in-Chief thereon, then, unless such confirmation thereof shall have been

signified within six calendar months next after the date thereof, every such Ordinance shall, from and after the expiration of that time, be considered as being disallowed.

49. If any such Ordinance shall be reserved by the Governor of the province for the signification of the pleasure of the Governor-in-Chief, as hereinbefore provided, then in like manner such Ordinance shall be considered to be disallowed unless the confirmation thereof shall have been signified, as hereinbefore provided, within six calendar months next after the date of the same.

50. If any such Ordinance shall be, or be deemed to be, disallowed by the Governor-in-Chief, the said Ordinance shall cease to have any operation or effect either upon and from such lapse of time as aforesaid or from a day to be named in the Proclamation signifying such disallowance; but no such disallowance shall have any retrospective operation, or shall render invalid or void any act done under the authority or in pursuance of any Ordinance before such signification of the disallowance thereof as aforesaid.

51. In the construction of all such Ordinances so to be made as aforesaid, the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer administering the Government, and any word or words importing the singular number or the masculine gender only shall respectively be understood to include several persons, matters, and things, as well as one person, matter, or thing, and females as well as males, unless there be something in the subject or context repugnant to such construction.

52. In the construction of this Ordinance the term "Governor-in-Chief" shall be deemed to include the person for the time being acting in that capacity; and the term "Governor" shall be deemed to include the Lieutenant-Governor or the Officer administering the Government.

53. This Ordinance shall come into operation, so far as relates to the Provinces of New Ulster and New Munster, on the passing hereof, and so far as relates to any such new province as aforesaid, at such time as the Governor-in-Chief, by Proclamation in the *New Zealand Government Gazette*, shall for that purpose direct and appoint.

G. GREY,

Governor-in-Chief.

Passed the Legislative Council this ninth day of July, in the year of our Lord one thousand eight hundred and fifty-one.—H. S. HARRISON, Clerk of Council.

Enclosure 2 in No. 40.

The COLONIAL SECRETARY, New Munster, to his Honour the SUPERINTENDENT of Nelson.
(Circular.)

SIR,—

Colonial Secretary's Office, Wellington. 4th September, 1851.

I am instructed by the Governor-in-Chief to inform you that His Excellency, considering it a matter of the utmost importance that the Legislatures of the several new provinces about to be constituted should, when called into existence, find as large a surplus revenue as practicable provided for them, desires that the strictest economy may be exercised in every department of the service, and the greatest regularity be observed in the conduct of the public accounts. His Excellency accordingly has been pleased to direct that a separate account, to be called "The Provincial Revenue Account," be opened by the Sub-Treasurer of each settlement to be erected into a province. Then, in conformity with the provisions relating to this subject, the deductions mentioned below will at the end of each quarter be made from the total revenue received by that officer, and the balance remaining in his hands will be paid to the Provincial Revenue Account, and allowed to accumulate as a fund to be disposed of by the Provincial Legislature. From this balance the only deductions made will be such as are necessary to pay the salaries of the provincial officers.

The first sum to be defrayed out of the general revenue, before it is paid over to the Provincial Revenue Account, is that portion of the Civil List which will fall upon the new province. The Civil List for the whole of New Munster is fixed by law at £6,000 per annum. It being now proposed to divide New Munster into four provinces, it will be requisite to apportion the total annual sum of £6,000 amongst them in an equitable manner. Until further instructions have been received this division will be made according to the following rule: The amount paid by each of the four provinces towards the Civil List is to bear to the total revenue of such province the same ratio that the whole Civil List of £6,000 bears to the whole revenue of New Munster. Consequently, as the whole revenue last mentioned is estimated for the current year at £30,000, and the Civil List is £6,000, or one-fifth of that amount, each province will during the present financial year be required to contribute one-fifth of the gross total revenue to the Civil List, which sum is accordingly to be deducted from it at the end of each quarter, and to be remitted to the Colonial Treasurer at Wellington in aid of the expenses of the General Government and for such purposes as the Lords of the Treasury may direct. This regulation is to be regarded as taking effect from the 1st of April last. Should a greater sum than £6,000 be in this manner received on account of the Civil List during the current year, then the surplus will be carried forward as a balance in favour of next year, and the several provinces will be required to contribute a proportionably less amount to the Civil List for the latter year. The second deduction to be made from the general revenue of each province is the cost of its collection in the form of salaries of officers and contingent expenses of the Customs and Post Office Departments. These sums will be paid monthly.

The balance that remains after the deductions above mentioned will be paid into the Provincial Revenue Account, and the salaries of all Government officers in your settlement, except those above enumerated, will be defrayed from that account, and they themselves regarded as provincial officers. The only salaries of officers not belonging to the Central Government which will be paid from the Civil List will be those of the Superintendent of Nelson and of the Judge of the Supreme Court at Otago. Should it at any time be found necessary to borrow any portion of these salaries from the Provincial Revenue Fund, it will be afterwards repaid from the first amounts received on account of the Civil List. The salaries of Commissioners of Crown Lands and of the officers connected with the survey and administration of these lands will be paid from the revenue derived therefrom which, with the exception of one-third to be at the disposal of the wardens of hundreds and of corporations, is at present under control of the Crown. Should any temporary deficiency in this revenue take place, then

a loan to supply it must be made from the Provincial Revenue Fund, to be repaid from the first receipts of the Land Fund. But though an occasional and temporary deficiency may be expected to occur—indeed may be unavoidable until the land claims are finally settled—it may be anticipated with confidence that this fund will after that period be amply sufficient to meet the demands made upon it.

The Sub-Treasurer of your district should at once make out an account for the first quarter of the present financial year, showing the amount due from the general revenue to the Civil List, which is to be immediately transmitted to Wellington. He should also show in this account any balance in his hands in favour of the Provincial Revenue Account for your district, and add to the balance any surplus in his chest from the revenue of the preceding year. At the end of every quarter he should publish this account in such a form as to exhibit all the above particulars.

In the foregoing statement of expenses some slight general charges have been omitted, to which the revenues collected in the several provinces will be subjected—such as the interest on debentures for £30,000 due by the colony. His Excellency thinks it preferable, instead of directing that any general deduction on that account should be made, to require, as the law directs, that all Sub-Treasurers pay the interest on such debentures as may be presented to them. They will then from time to time render accounts, showing the amount of interest which they have respectively paid, and the General Government will then call upon them to pay the proportionate amount due by their several provinces.

I have to request you will be good enough to cause the necessary instructions with regard to all the foregoing particulars to be given to the Sub-Treasurer of your district.

His Excellency trusts that, by the distribution of the Civil List directed above and by the exercise of a judicious economy, he may have the satisfaction of finding that when the Provincial Legislatures are called into existence they will enter upon the discharge of their duties with a considerable surplus at their disposal, and with a revenue which, if its present sound and improving state continue, will afford them ample means of usefulness, of promoting the public welfare, and of accelerating the onward progress of the now prosperous communities whose future destinies will in so great a degree be intrusted to the care of individuals to be selected by themselves.

I have, &c.,

ALFRED DOMETT,
Colonial Secretary.

His Honour the Superintendent, Nelson.

No. 41.

EXTRACT from a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(Separate.)

Government House, Wellington, 30th August, 1851.

IN reference to my Despatch No. 121, of this day's date, transmitting for the Queen's approval a copy of the Provincial Councils Ordinance, I beg to state that, as perhaps the opinion of Her Majesty's Government on that measure may in some degree be influenced by the manner in which it was received by the General Legislative Council which passed it, and which was the largest that ever assembled in New Zealand, consisting of fourteen members, for the greater part remarkable for intelligence and ability, I ought to inform your Lordship that, with the single exception of Lieutenant-Governor Eyre, it was well received by, I think, every member of the Council; those who in the first instance were opposed in some respects to it retracting their opposition when they more fully understood its provisions, even in some instances since informing me that they were satisfied that the difficult question of giving fitting institutions to New Zealand had been fully solved by it.

The speech of Lieutenant-Governor Eyre on the second reading of the Bill having been extensively made use of by the few persons here who desire to embarrass my Administration, I think it right to enclose it to your Lordship, that Her Majesty's Government may have before them what is said upon that side of the question. He objects to it that I ought to have introduced it in 1848, and that I ought not to have introduced it in 1851; both which objections, although they might naturally excite discontent, had clearly nothing whatever to do with the merits or demerits of the Bill. . . . The next principal objection of Lieutenant-Governor Eyre to the Provincial Councils Ordinance is that it ought to have been brought forward in 1848. I have so often and so fully explained the reasons why I thought that representative institutions should not at that period or at any time be, without great caution, introduced into New Zealand, that I shall not trouble your Lordship with further remarks on that subject; but I could not have brought forward the Provincial Councils Ordinance in 1848, because I had not at that time in any manner arranged the details of such a plan. I only framed it after lengthened thought, with great trouble, and without having received one suggestion regarding it or any similar measure, or the slightest assistance, from Lieutenant-Governor Eyre. Before he made this objection he ought to have shown that the outline of such a system of institutions was in existence in 1848, or that he had suggested such an outline to me. I enclose to your Lordship a despatch addressed to me by Lieutenant-Governor Eyre (No. 102, of the 6th August, 1849) which contains the only suggestion he ever made to me regarding the Constitution or working of the system of Provincial Councils previously to the publication of the draft of the above-named Ordinance. I also enclose my reply (No. 60, 23rd September, 1849) to that despatch. This correspondence will, I think, show that Lieutenant-Governor Eyre's proceedings, even at that time, were not calculated to aid in framing and working out a great system of polity adapted to these Islands; and that, whether he himself sat as President of a Provincial Council or as senior member of a general Legislature, he equally contrived to disagree with his superior officer or with the officers serving immediately under him.

Lieutenant-Governor Eyre's next objection is, that I ought not to have submitted the Provincial Councils Ordinance to the General Legislature at the time I did. Four days after Lieutenant-Governor Eyre made that objection I received your Lordship's instructions to pursue the course I had adopted. I had thus, at this end of the world, without any communication on the subject with your Lordship, arrived at exactly the same conclusion regarding the course which my duty required me to adopt that your Lordship had arrived at at the other end of the world, with much more information on the subject than I possessed; and I by anticipation had adopted and was pursuing in New Zealand the precise terms of instructions which your Lordship at the very time was writing to me in London.

I do not think it necessary to give any other reply than this to Lieutenant-Governor Eyre's third objection. Lastly, Lieutenant-Governor Eyre stated that he even thinks the feeling against the Provincial Councils Ordinance will be so strong that it may even be defeated if it is passed into law. This statement from Lieutenant-Governor Eyre, and the whole tendency of his speech, coming from an officer in so high a position, has produced, and I have no doubt will still produce, great discontent and opposition; and I unfortunately cannot, until your Lordship's approval of them has been received, publicly state the whole scope and tendency of my measures. But, in opposition to this statement of Lieutenant-Governor Eyre, I can only reply that I believe that if your Lordship will permit my recommendations to be carried out, the vast majority of the population of these Islands will feel most grateful to your Lordship.

P.S.—I have transmitted to your Lordship a printed copy of Lieutenant-Governor Eyre's speech as it is known to have been furnished by himself to what is here regarded as the opposition newspaper.

Enclosure in No. 41.

SPEECH of His Excellency E. J. EYRE, Esq., Lieutenant-Governor of New Munster, on the Provincial Councils Bill, in the Legislative Council of New Zealand, at Wellington, 18th June, 1851.

HIS Excellency the Lieutenant-Governor said: I rise for the purpose of seconding the motion made by the Hon. the Attorney-General for New Zealand, that the Provincial Councils Bill be read a second time. I do so because I believe it to be the duty of every officer acting under any Government to give his full support to whatever measures affecting the policy of the Administration the head of such Government may deem essential either for the proper conduct of the Administration or for promoting the general interests and welfare of the community. But, at the same time, I deem it not unbecoming my position to express some of the views which suggest themselves to me in reference to the particular measure now before the Council; and I also would not willingly give a silent vote upon a question of so much importance, and one involving, as this does, the groundwork of the future political institutions of the country. The chief feeling which I entertain in reference to this Bill is one of regret that it was not enacted in 1848, in the place of the Provincial Councils Ordinance No. 1, Session IX. I believe that had such been the case it would then have given general and, I think I may say as far as New Munster is concerned, universal satisfaction to all classes and to all parties; and it would then, too, have afforded in its working a fair test of the value and suitability to New Zealand or otherwise of the system of Provincial Councils, which test certainly cannot be said to be given by the operation of Ordinance No. 1, Session IX., as during the two and a half years that Ordinance has been in existence a Provincial Legislature has only once met for the despatch of business in New Munster, and not at all in the Province of New Ulster. I wish I could feel that the same universal satisfaction which I believe would have been given by the enactment of this measure in 1848 would yet be experienced by its enactment now; but I cannot realise this to myself. It appears to me that the lapse of nearly three years and the changed circumstances of the province have created a different feeling in the public mind, and one which I fear will render the measure before the Council less palatable to them now than it would have been in 1848. This change of feeling may, I think, be traced to two causes: First, the lapse of time which has brought the period when the Act suspending the Constitution of 1846 will expire so very near that an impression naturally prevails that, if that Constitution is remodelled, it will not be in a less popular form than that ancient constitutional one prevalent prior to the commencement of the nineteenth century, which has been recommended by a Committee of Her Majesty's Privy Council, and which, in point of fact, was adopted by the Crown and sanctioned by Parliament in the case of New Zealand in the Constitution of 1846. The other cause operating to produce the change of feeling which I have alluded to may be found in the progress of the province itself, and in the establishment in it of the new and important settlements of Otago and Canterbury; circumstances which have brought more home to the colonists of the various settlements the conviction that, isolated as these settlements are from each other and disunited as they are in matters of local interest, Provincial Councils do not afford that medium of local administration which they are so anxious to obtain. I believe, therefore, that the colonists of New Munster generally would rather have only one General Legislature for the whole of New Zealand than, in addition to it, a Provincial Council which, meeting at one settlement only, would not afford a large measure of local self-management to each settlement of importance. They appear to me to be rather anxious for municipal institutions with extended powers and privileges than for the creation of subordinate Legislatures, and I cannot better express the opinion which I believe extensively prevails on this subject than by quoting a short extract from an address which was presented to your Excellency by a portion of the Nelson settlers, and which, with the permission of the Council, I will read: "For a country like New Zealand, offering here and there upon its coast tracts available for settlements separated by physical barriers, it seems to us that a form of government which would confer upon the several districts large powers of dealing with all local questions would be most satisfactory and efficient. The municipal, using the word in its widest and most ancient sense, appears to us the form best adapted to the requirements of this country. Provincial Councils do not fulfil the desired end, and are cumbrous, expensive, and ostentatious; for, unless the provinces of New Zealand were multiplied to an amount which would entail upon the colony a ruinous Government expenditure, it would be impossible to divide it in such a manner as not to include within the same limits districts of dissimilar interests. Looking to the very great difference—physical as well as social—which distinguish the Northern from the Middle Island, to the great extent of natural pastures in the latter and the nearly total absence of Native inhabitants, it would almost appear as if they were intended by nature for two separate colonies. But abstaining from pressing this point further upon your Excellency's consideration at present, and looking upon New Zealand as at present constituted as one colony, we would suggest that one central Legislature and Executive would be quite sufficient for every purpose of good government. Local peculiarities might be met and satisfied by the municipalities of the districts, the consideration of all

subjects of a general nature and affecting the colony as a whole being reserved for the General Legislature. The employment of steam vessels upon the coast would remove all the obstacles which at present exist to this form of Government, and entirely supersede the necessity of Provincial Councils." These sentiments I believe to be fully shared in by the settlers of Otago and Canterbury, and to the general principles enunciated I cannot but cordially assent. I should have been glad, therefore, if any measure could have been brought forward during the present session for creating such municipal institutions, and for placing at their disposal a certain proportion of the revenue of each settlement for local purposes. For the reasons then which I have mentioned I believe that the state of feeling in this province has so far changed from what it was in 1848 on the subject of Provincial Councils, that the Bill now under discussion will not, I fear, be so favourably received (if passed) as it would have been in that year. I fear, too, that this will be still more the case than I had even previously supposed, since I learnt from your Excellency's opening Address that it was the intention of Her Majesty's Government to pass an Act during the present session of Parliament creating a General Legislative Council for the whole of New Zealand, but, as I gathered inferentially, not regulating or defining the nature or character of the Provincial Councils, but giving full powers to the General Legislature to modify or alter the subordinate Legislatures to any form they may think fit. It is therefore possible that, as the new Act of Parliament may be received by the end of the present year, any General Legislature which may be called together under it might alter or modify the form of Provincial Councils which this Bill would create even before any one Provincial Council should have been assembled under it. On the grounds then which I have stated, I cannot but express my regret that the present measure was not enacted in 1848, or that it is not now postponed for the consideration and decision of the General Legislative Council which may be called together under the new Act of Parliament which it is understood will be passed during the present session. I regret it also because, when I remember the feeling which exists in the province in reference to what is called nomineeism, or the nomination of members of the Legislature by the Crown, and that this feeling has been so general and so strong as latterly altogether to prevent the local Government from getting together a Provincial Council under Ordinance No. 1, Session IX, I am unable to satisfy myself that there may not be some room to doubt whether the same occurrence may not take place in reference to the measure before the Council, and thus the object of that measure be defeated though the Bill itself be passed and become law. With these general observations, and expressing my cordial concurrence in the liberal provisions contained in the Bill before the Council on the subject of the franchise, the system of direct representation, and the duration of the Council, I beg to second the motion that the Provincial Councils Bill be now read a second time.

No. 42.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 145.)

MY LORD,—

Government House, Wellington, 8th November, 1851.

I have the honour to transmit a petition to Her Most Gracious Majesty, signed by Mr. W. G. Brittan, one of the officers of the Canterbury Association, at Port Victoria, which is stated to have been adopted at a general meeting of a society called "The Society of Land Purchasers in the Canterbury Settlement." It does not appear necessary for me, in transmitting this memorial, to do more than to enclose for your Lordship's information a copy of the report of some remarks which I made in the General Legislative Council of this colony upon the subject of a recommendation for a very considerable extension of the Canterbury block which was made by their agent to the Association in England, and I only trouble your Lordship with a copy of these remarks upon account of the allusion which is made to them in the enclosed memorial.

I have, &c.,

The Right Hon. Earl Grey, &c.

G. GREY.

Enclosure 1 in No. 42.

PETITION from PURCHASERS from the CANTERBURY ASSOCIATION.

To Her Most Gracious Majesty VICTORIA, by the grace of God Queen of the United Kingdom of Great Britain and Ireland, &c.

WE, your Majesty's most dutiful and most faithful subjects, the purchasers of land from the Canterbury Association, in public meeting assembled, in venturing to address your Majesty upon a subject of deep importance to the well-being of our community, desire to assure your Majesty of our loyalty and devotion to your Majesty's throne and person.

The Canterbury Association was formed in the year 1848 for the purpose of founding a settlement in New Zealand upon the plan of selling land at the rate of £3 an acre, and of devoting the proceeds to the purposes of immigration, to useful public works in the settlement, and to make provision for the education and spiritual instruction of the people according to the tenets of the Church of England. To this plan your Majesty's Government and the Imperial Parliament were pleased to give their deliberate sanction by the incorporation of the Association under Royal Charter, and by the passing of an Act of Parliament to enable them to carry their plans into execution. Your Majesty's Secretary of State for the Colonies was further pleased to instruct His Excellency the Governor-in-Chief of this colony that he should give every assistance in his power to the operations of the Association within the limits of his Government. In obedience to these instructions His Excellency was pleased to sanction the selection of this district as the site of the settlement about to be formed. Encouraged by these solemn and repeated public guarantees of the sanction and approval of the Government of their own country and of the colony in the foundation of the settlement upon the principle set forth in the Royal Charter, we, together with the numerous body on whose behalf we address your Majesty, purchased land from the Canterbury Association, and we embarked ourselves, our families, and our fortunes in the foundation of this settlement. We desire respectfully to represent to your Majesty that great success has

hitherto attended the trial of the experiment; that fourteen ships have arrived in this port in the course of nine months, in which, owing to the careful provisions made by the Association, the sickness and deaths which have occurred during their voyages have been small beyond all former precedent; that a population of about 3,000 souls has thus collected in a country which a few months ago was an unoccupied waste; that an excellent survey has been made of a large district, by means of which all those who have purchased land are enabled to select their sections immediately upon their arriving, and are placed in possession of their properties with the least possible delay and expense; that a considerable quantity of land is enclosed, that above five hundred acres will be in cultivation before the first harvest, and that the quantity of land brought into cultivation is daily and rapidly increasing; that two towns have arisen in which temporary churches have been erected, and that we have never been deprived for a single day of the means of worshipping God after the manner of our fathers; that there are good schools in both of the towns, and that a college upon the plan of the English universities has already been commenced. Such having been the progress of this settlement in the course of a few months, under the sanction and favour of your Majesty's Government, we have been greatly alarmed and are deeply aggrieved by learning, from sources which are to be relied on, that your Majesty's representative in this colony has, upon several recent occasions while presiding over the General Legislative Council of New Zealand, expressed very strong disapprobation of the principles and proceedings of the Association, notwithstanding that those principles and proceedings have been repeatedly sanctioned by your Majesty's Government and have been attended with such remarkable success.

In addition to these strong expressions of opinion condemning this settlement, His Excellency has been pleased to forward for presentation to your Majesty two memorials from the General Legislative Council professing to convey to your Majesty the sentiments of the inhabitants of these Islands in accordance with those put forward by His Excellency in the chair of the Council, and hostile to the proceedings of this settlement; and especially praying that your Majesty will be pleased to cause all the lands within these Islands to be sold at the same uniform price. We deeply grieve to be called upon to represent to your Most Gracious Majesty that the memorials thus transmitted contain many statements which are wholly without foundation. It is not true that "under the regulations of the Canterbury Association land cannot be sold under £3 an acre, of which £2 are to be voted to religious and educational purposes," only £1 per acre being devoted to those purposes. It is not true that all your Majesty's subjects who are not members of the Church of England are deprived of the right of using one of the finest and most extensive districts in the country as a field for their enterprise, many persons having arrived and having acquired property who are not members of that church. It is not true that above 200 souls are resident at Akaroa who profess the Roman Catholic religion. The whole population at Akaroa at the time when we arrived in the colony amounted to no more than 150 souls, of whom only 65 were Roman Catholics. It is true that if any of the landowners in Akaroa desired to increase their properties they would have to pay £3 for every acre; but we desire to represent to your Majesty that the lands which they would purchase would be worth the sum charged without entering into any consideration as to what might be done with the money. The formation of the Canterbury Settlement, instead of being an injury, has been a great advantage to the settlers at Akaroa by affording them a market for their produce; and should any of the old settlers desire now to increase their properties they will probably have been enabled to do so solely by the establishment of the Canterbury settlement in this neighbourhood, without which it would probably not have been worth their while or within their means to have acquired additional land. It is not true, so far as we are informed, that the Canterbury Association has ever contemplated acquiring an extension of the territory committed to their trust.

The only cause for alarm which has been expressed to your Majesty upon this matter consists in a request made, not by the Canterbury Association, but by your Majesty's memorialists in this settlement, that the Canterbury Association should, if possible, obtain an enlargement of the block over which they possess rights of sale and pasturage so as to include the whole of the great plain in which the block is situated, and which is entirely cut off from the other settlements of New Zealand by impassable mountains and rivers. We desire to disclaim in the strongest terms any wish to encroach upon the limits of the other settlements in New Zealand. Within the district which your Majesty and the Imperial Parliament have been graciously pleased to assign to us there are still vast tracts of land admirably adapted for all kinds of agricultural and pastoral purposes, and which are still open for purchase and occupation. Until those are taken up we have no immediate interest in or desire for the enlargement of the district assigned to us, nor even then if such an enlargement should be found inconsistent with the interests of the neighbouring settlements. But we made the proposal above referred to because we foresaw the inconvenience likely to arise from having different parts of the same natural district, the whole produce of which will pass through the same ports, under different and perhaps conflicting pasturage regulations. The district which we thus proposed should be added to this settlement is not, as has been represented to your Majesty, one containing a population who would be deprived of the privilege of enlarging their properties by the restricted regulations of this settlement, there being, with the exception of three or four unlicensed squatters, no inhabitants whatever in its whole extent.

We deeply grieve to be compelled thus to point out the inaccuracies and misstatements which have been conveyed to your Majesty, the more so that these misstatements have received the sanction of the highest authority in this colony; but we cannot do this without most respectfully representing to your Majesty that the General Legislative Council of New Zealand, in which these attacks have been made, not being elected by the inhabitants, but being nominated by the Governor-in-Chief, do not possess the confidence and do not speak the sentiments of the inhabitants of this colony; that they are not authorised to represent the inhabitants of New Zealand in any manner whatsoever; and that their representation of the feelings of the settlers is one upon which no reliance can be placed. At the same time we cannot conceal from ourselves that there is cause for great alarm lest the attacks which have been made upon our settlement by the highest authority of your Majesty's Government in this colony may inflict the deepest injury upon us. We fear lest the public and our friends in England

may think that your Majesty's sanction is withdrawn from our undertaking. We fear lest the hostility of the local Government may stop the sales of land in England, and thereby destroy the progress and the prospects of this colony.

We, therefore, most respectfully, but most earnestly, pray that your Majesty will be graciously pleased to cause a measure to be introduced into the Imperial Parliament during the ensuing session for the purpose of granting to this colony a constitutional Parliament, elected by the inhabitants of the colony, in the place of the nominated Council at present existing, because we are convinced that the establishment of such a form of Government will alone protect us against a repetition of those attacks which have been recently made upon this settlement, and will alone protect your Majesty from those misrepresentations as to the sentiments of your Majesty's subjects in this colony which have been recently made to your Majesty. And your Majesty's most loyal and faithful subjects will ever pray.

W. G. BRITTAN,

On behalf of the purchasers of land from the
Canterbury Association.

Enclosure 2 in No. 42.

[It having on several occasions been recently publicly stated that Sir George Grey, upon the 18th June last, made, as President of the General Legislative Council, an attack on the Canterbury Association, upon the Settlement of Canterbury, and on the settlers there; and such statements being at variance with fact, and being likely to produce erroneous impressions regarding what really did fall from Sir George Grey, we have thought it desirable to republish the speech made by His Excellency on that occasion.—Ed. *N. Z. S.*]

[Extract from the *New Zealand Spectator* of the 21st June, 1851.]

SIR George Grey said that any information on this subject in the possession of the Government rested, he believed, solely on his own personal knowledge. All he knew regarding it was, that the Agent of the Canterbury Association had read to him the draft of a letter in which, as far as he remembered, was a recommendation that an application should be made for an extension of the block of land which was to be subject to disposal under the peculiar rules of that settlement. He had, however, heard rumours on the same subject from other sources. As far as he was informed of the intentions of the Home Government and of Parliament, he believed that they were in no way desirous that this particular mode of disposing of lands should be forced upon the inhabitants of this country. In fact, they were solely desirous of promoting the welfare of the inhabitants of New Zealand and of consulting, in as far as practicable, their wishes. It therefore was the duty of those persons who disliked the portion of the Islands they lived near being subjected to such regulations to state their objections to them. The points which appeared to require attention were these: a district containing nearly three millions of acres, including within its boundaries Banks Peninsula, and embracing one of the most fertile districts in New Zealand, which contained also, before the present regulations were established, many persons of a different faith from that of the Church of England, was placed under the control of the Canterbury Association; and then regulations were made, an important feature of which was that until three millions of pounds were paid for the purposes of the Church of England, the whole of that district could not be used as their necessities required by civilised man; nor could any part of it be used for these purposes until the proportionate part of the three millions of pounds, which was due under these regulations upon that part, was paid over for the purposes of the Church of England; even for depasturing purposes the land could not be used, under the present regulations, except at a rate which, calculating that a hundred acres would feed thirty sheep, required a payment of nearly 2d. per head per annum for the same purposes. Now, as he understood from rumours, it was intended to ask that a further block of perhaps three millions or four millions of acres should be placed under the same regulations; so that the case would then be that, before the whole of this block could be used, seven millions of pounds must be paid for the purposes of the Church of England, and no part of it could be used until the proportionate amount due on that portion had been so paid. This appeared to involve questions worthy the consideration of all classes in New Zealand, as the power of the humbler classes to acquire properties for their families was involved in it, the amount of the produce of the country was involved in it, and the extent and value of the commerce greatly depended on it. The only argument he had ever heard used in defence of this arrangement was that Great Britain had done much for New Zealand, and therefore had a right to make such regulations for the disposal of its lands as were for the benefit of the population of the whole empire. This argument he admitted in its fullest extent; but he could not consider it for the benefit of the Mother-country that one of the most fertile portions of the empire should be closed by such restrictions, which, in as far as he understood them, placed obstacles in the way of industrious men raising themselves from a state of want by the use of lands which, in their wild state, were useless to mankind. As a Churchman he viewed this attempt with the utmost alarm, although on this subject he spoke with great diffidence, as he had the highest reliance upon the judgment of many members of the Association; indeed, two right reverend prelates belonging to that Association were his intimate friends; yet it did not appear to him, at the time that so large a portion of the population of Great Britain were in such distress, to be in accordance with any rule of Christianity that the poor of the earth should have closed against them by such restrictions so large a tract of fertile country which a bounteous Providence had placed at the disposal of the human race. It did not appear to him to be in accordance with the principle that those who preach the gospel should live by the gospel, because it wrung contributions to a church from those who were not friendly to that church, but whose absolute necessities compelled them to buy land necessary for their operations, and because it made the clergy, in the early stages of the scheme, dependent for their support not upon their flocks, not upon the members of the church, but solely upon the amount of land to be sold, so that almost involuntarily men might be led to aid in the sale of lands, a duty foreign to their calling. He thought, therefore, that this system of obtaining an endowment was objectionable, whilst he thought the endowment itself far too large, and likely

ultimately to introduce habits of sloth and negligence into the church, and thus to be injurious to its own welfare. He would far rather have seen the virtuous and industrious, who could find no place at Home, encouraged to occupy such a country upon terms which would have enabled them easily to acquire homes for themselves and their families, and readily to develop the resources of the country, and to have seen a busy, active clergy, by acts of kindness and Christian virtue, gaining from the members of their own church in that fertile district a love and gratitude which would readily have yielded ample endowments for all their wants. He feared the present system would injure the church; it led men incautiously, even in the publications issued under the authority of the Association, to hold out the clergy as a feature of attractiveness, and even to use such language in support of what is termed the religious principle, as that "the merest land speculator has an interest in the Canterbury Bishopric." He thought that such arguments, whilst they might gain endowments for the church, must injure the very religion they were meant to support. It therefore behoved those who objected to having the lands in their vicinity placed under such regulations to state their views upon the subject.

No. 43.

COPY of a DESPATCH from Governor GREY to the Right Hon. Earl GREY.

(No. 154.)

MY LORD,—

Government House, Wellington, 13th December, 1851.

I had the honour of receiving, upon the 26th of September last, your Lordship's Despatch No. 39, of the 2nd April, 1851, upon the subject of the Provincial Councils Ordinance, which I reported I intended to submit to the General Legislature of these Islands.

2. In reference to that Ordinance your Lordship informs me that Her Majesty cannot be advised to confirm it in its present shape because it vests the power of confirming or disallowing the Ordinances passed by the Provincial Councils in the Governor-in-Chief instead of in Her Majesty; and your Lordship suggests, as the best course to be pursued, that I should submit to the General Legislature an Ordinance repealing the Provincial Councils Ordinance, and re-enacting it with the alterations which are considered necessary.

3. Since I received your Lordship's despatch of the 2nd April, 1851, I have necessarily bestowed much reflection upon the course I ought to pursue under existing circumstances; and as I think a preferable course may be adopted to that which has been proposed by your Lordship, and which would further relieve the local Government from great difficulties, I beg to be permitted to suggest it for your Lordship's consideration. But before doing so I will, in the first instance, state a few particulars regarding the present state of the local Legislature in reference to the Provincial Councils Ordinance.

4. Upon the 9th July, 1851, the General Legislature of these Islands passed the Provincial Councils Ordinance almost in the form in which I had transmitted the draft of that law to your Lordship. The Council consisted of fourteen members, many of whom had been summoned from a distance of several hundred miles, at great inconvenience to themselves, to attend the Council, and there would now be found very great difficulty in collecting the Council after so short an interval of time, unless some most pressing emergency rendered it necessary for them to meet, and unless this emergency related to some question in which the inhabitants of the Islands generally took a deep interest. Moreover, the General Legislature was only empowered to pass the Provincial Councils Ordinance by the Act of Parliament 10 Vict., c. 5, which suspended the New Zealand Constitution for five years, which Act was passed upon the 7th March, 1848, so that the Constitution comes into force again upon the 7th March, 1853—that is, in fifteen months from the present time, and the Provincial Councils Ordinance, with the provision which is objected to, will then expire. I think, therefore, that but little harm can result from leaving it to its operation for so short a period of time.

5. Not that I imagine that the Constitution is now likely to come into operation exactly in its original form, but at least before 1853 Parliament must again legislate upon the subject, and I think that upon that occasion the Provincial Councils Ordinance may be most advantageously amended in the manner considered necessary by Parliament enacting that "all Ordinances enacted by any Provincial Legislature shall be subject to Her Majesty's confirmation or disallowance."

6. As, therefore, the local Government may be saved much embarrassment by the adoption of the course of either permitting the Provincial Councils Ordinance to expire on the 7th March, 1853, or by taking care, when Parliament again legislate regarding the Constitution of New Zealand, that a clause is inserted into the Act of Parliament specially enacting that all Ordinances made by any Provincial Legislature in New Zealand shall be subject to Her Majesty's confirmation or disallowance, I have thought it better upon the whole to delay taking any steps in reference to the amendment of the Provincial Councils Ordinance until I receive your Lordship's further instructions upon the subject; and I am the more confirmed in this opinion as, upon carefully considering the terms of your Lordship's Despatch No. 39, of the 2nd April, 1851, I am inclined to hope that upon receipt of my Despatch No. 121, of the 30th August last, your Lordship may perhaps consider the provision of the Provincial Councils Ordinance now objected to as being less objectionable in character than it at first appeared to be.

I have, &c.,

The Right Hon. Earl Grey, &c.

G. GREY.

No. 44.

COPY of a DESPATCH from Governor GREY to Earl GREY.

(No. 47.)

MY LORD,—

Government House, Wellington, 15th March, 1852.

I have the honour to enclose a letter addressed to your Lordship by Mr. John Dorset, transmitting a series of resolutions passed by an association called The Settlers' Constitutional Association of this settlement.

2. As these resolutions are in some respects wholly at variance with and opposed to the wishes of the signers of a memorial this day presented to me, which memorial has already received the signatures of 502 persons, representing a very large amount of property and intelligence, I ought to point out to your Lordship that, although the resolutions enclosed in Dr. Dorset's letter are fifteen in number, the names of only twenty-one persons are attached to them as proposers and seconders, and that it does not appear that they have ever been in any way submitted to the public, or that any opportunity has yet been afforded to the settlers at large of expressing an opinion upon them.

The Right Hon. Earl Grey, &c.

I have, &c.,
G. GREY.

Enclosure in No. 44.

MY LORD,—

Wellington, 12th March, 1852.

I have the honour to submit to your Lordship's consideration the accompanying series of resolutions passed by the Settlers' Constitutional Association of this settlement, in answer to the despatch of the 8th August, 1851, addressed by your Lordship to His Excellency the Governor-in-Chief of this colony.

I have, &c.,

JOHN DORSET,

The Right Hon. Earl Grey, &c.

Chairman of the Settlers' Constitutional Association.

Sub-Enclosure to Enclosure in No. 44.

THE following resolutions, in answer to the Right Hon. Earl Grey's despatch of the 8th August, 1851, to His Excellency the Governor-in-Chief of this colony, were adopted at a meeting of the Settlers' Constitutional Association of Wellington, held the 18th of February, 1852. John Dorset, Esq., in the chair.

Moved by Dr. Featherston, and seconded by Mr. Blyth: "That this Association, having carefully perused Earl Grey's despatch of the 8th August, 1851, to Governor Grey, in which his Lordship instructs His Excellency to ascertain the opinions of the settlers on the various points connected with the land question, gladly avail themselves of the opening thus afforded them, both of putting Her Majesty's Government fully in possession of their views and wishes on the matters alluded to by Earl Grey, and also of making suggestions for their determination and final adjustment. This Association would, however, at the outset very respectfully venture to remind Earl Grey that, inasmuch as the colonists of New Zealand have had no voice in the management of their own affairs, as they have been debarred from exercising the slightest control over the acts whether of the New Zealand Company, the Colonial Office, or the local Government, they can neither be held responsible for the difficulties and embarrassments with which every question relating to this colony is beset and surrounded, nor fairly be called upon to suffer the penalties entailed by measures against which they have so uniformly, but in vain, protested. Further, this Association deem it incumbent upon them to state that the suggestions which they submit in the following resolutions to his Lordship's consideration, in regard to the company's debt, to the minimum upset price, to the company's "terms of purchase," &c., are made upon the understanding and under the firm belief that Her Majesty's Government will, during the present session of Parliament, have redeemed its pledge and conferred upon New Zealand a Constitution which, if not in entire unison with the opinions and wishes of the colonists as conveyed in the draft of a Constitution which they last year transmitted to Her Majesty's Ministers by Mr. Fox, their Political Agent, will at all events be such as to bestow upon them not the semblance but the substance of self-government, and that the application of the various remedies proposed for the present evils will be left to the future colonial representative Assembly, the intervention of the Imperial Parliament being strictly limited to conferring upon such Legislature the powers necessary to give effect to and carry out the arrangements now suggested."

[The remaining resolutions do not affect the question of the proposed constitution for the colony, and are therefore omitted.]

No. 45.

COPY of a DESPATCH from Governor GREY to the Right Hon. Sir JOHN S. PAKINGTON.
(No. 108.)

SIR,—

Government House, Wellington, 23rd August, 1852.

I have the honour herewith to transmit for your information a letter which has been addressed to you by a Mr. John Dorset. I am at this moment so pressed by public business that it is impossible for me to show in detail the many mistakes contained in the resolutions in this letter; but I feel that there is indeed no necessity for me to do so, as the real facts are perfectly well known in this country, and have been repeatedly stated and explained in my despatches addressed to your department.

2. One statement in the enclosed papers I ought, however, to allude to. After an extract from a despatch by the Lieutenant-Governor of New Munster to me has been quoted, this paragraph follows: "Nor can the Association refrain from putting on record their opinion that the single extract above quoted (even if there should have been no suppression of despatches containing similar representations) is of itself sufficient to prove the entire untruth of the charge preferred by Sir George Grey, in Council, against Lieutenant-Governor Eyre—namely, that he, the Lieutenant-Governor, had never, previous to the discussions of the Provincial Councils Ordinance, made any representation to him of the opinions and wishes of the southern settlers regarding free institutions."

3. Upon referring to the most correct printed report of the debates in the Legislative Council, I find that what fell from me is entirely opposite to what is above stated. It was as follows: "Sir George Grey said: Before the report on this Bill was brought up he wished to make a few observations, as his intentions were much misunderstood, and from the remarks that had fallen from the Lieutenant-Governor a prejudice had been unjustly raised against the Bill. A kind of complaint had been made

that he had not done anything [it should be, 'that he had not brought forward some other measure'], but he had never received any representation on the subject of representative institutions from the Lieutenant-Governor of New Munster and his Executive Council." The only other printed report of these proceedings in Council is as follows: "Sir George Grey observed that he still thought that this Provincial Councils Bill was misunderstood. He had never received any recommendations from the southern province to establish municipal institutions. He had not power to proclaim new provinces."

4. In fact, the extract from the Lieutenant-Governor's despatch quoted may be regarded as having been unnecessary, as it refers to a kind of Council which was only temporarily constituted in the year 1848, to afford the Government time to devise the outline of a series of representative institutions fitted for New Zealand, and to prepare the country for their introduction, which was by no means an easy task. It was known, as it was by the Government publicly stated, that the formation of Councils so composed was a mere temporary measure; and when the Lieutenant-Governor wrote, on the 24th August, 1850, the statement referred to, a despatch of mine had been already published in the *Government Gazette*, which must have made it quite clear that it was my intention, in the month of October of the same year (that is, in two months), to bring forward, if possible, a measure to entirely change the form of the then existing Council, to which the Lieutenant-Governor alluded.

The Right Hon. Sir J. Pakington, &c.

I have, &c.;

G. GREY.

Enclosure in No. 45.

Mr. DORSET to the Right Hon. Sir JOHN S. PAKINGTON.

SIR,—

Wellington, New Zealand, 31st July, 1852.

I have the honour to forward a copy of a series of resolutions unanimously adopted by the Settlers' Constitutional Association of this settlement in reference to the Provincial Councils Ordinance, which was passed by the late General Legislature of New Zealand on the 9th of July, 1851, and which has recently been proclaimed by his Excellency the Governor-in-Chief, although the Right Hon. Earl Grey, in his despatch of the 2nd of April, 1851, intimated that the Ordinance, if passed in its present form, would not even be submitted to Her Majesty for confirmation.

I have, &c.,

JOHN DORSET,

Chairman.

The Right Hon. Sir J. S. Pakington, &c.

Sub-Enclosure to Enclosure in No. 45.

RESOLUTIONS of the SETTLERS' CONSTITUTIONAL ASSOCIATION.

THE following resolutions relating to the recent Proclamation of the Provincial Councils Ordinance of 1851 were unanimously passed at a meeting of the Settlers' Constitutional Association held at Wellington on the 30th July, 1852:—

1. Moved by Dr. Featherston, and seconded by Mr. Brown: "That, after the almost unanimous condemnation and rejection of the Provincial Councils Ordinance of 1851 by the inhabitants of Wellington and every other settlement in the southern province, and after Sir George Grey's declaration in Council, 'that he had no desire to force upon the colonists an obnoxious measure,' this Association cannot but regard His Excellency's recent Proclamation of the Ordinance not only as affording an additional proof of that disregard of the feelings and opinions of the settlers which has ever characterised his administration, but also as demonstrating the urgent necessity that exists on the part of the colonists not to relax in their endeavours to rid the colony of the present despotism until the promise contained in Her Majesty's Speech has been redeemed, and a full and complete measure of self-government conferred upon them by the Imperial Parliament."

2. Moved by Mr. Lyon, and seconded by Mr. John McBeth: "That Governor Grey's reiterated denial in his communications with the Home Government of the general prevalence of opposition to his various and everchanging schemes of Government is so notoriously and palpably at variance with the numerous protests and remonstrances against them which have emanated from all the settlements in the southern province, and with the fact that he was in 1849 unable to constitute a Provincial Council for New Ulster owing to the refusals of all the most respectable settlers to accept seats in it, that this Association considers any further comment upon or refutation of His Excellency's continued and systematic misrepresentation of the wishes and opinions of the colonists as altogether superfluous and unnecessary."

3. Moved by Mr. W. Fitzherbert, J.P., and seconded by Mr. Quin: "That this Association has seen with great satisfaction the following manly and straightforward expression of opinion contained in a despatch, dated 24th August, 1850, from Lieutenant-Governor Eyre to Governor Grey, notifying the resignation of their seats by certain nominees: 'At the same time, I cannot conceal from myself that the present form of Council is so unpopular, and daily becoming more so, that there is little probability of the Government being able to induce any other gentleman of sufficient character, standing, and ability to join it; the prevailing impression amongst the best educated and most respectable portion of the community being that it would neither reflect credit on themselves nor enable them to serve the public usefully by becoming members of a Legislature which, under the present constitution, is so distasteful to the public generally; an opinion which is not without countenance, from the fact that the majority of the Justices at Wellington and Nelson have rendered inoperative several useful laws passed during the only business session which has been held by the Provincial Legislature, by declining to make the requisition upon the Lieutenant-Governor to proclaim these laws which the terms of the Ordinance required, but which refusal was grounded on the assumption that the laws had been enacted by a nominee Council not possessing the confidence or representing the interests and wishes of the colonists at large; and that, therefore, however useful those laws might be it would be better to be without them and suffer inconvenience for a time than to sacrifice what they consider fundamental principles, by taking any part in bringing them into operation.' That this Association

likewise fully appreciates the service done to the community by Lieutenant-Governor Eyre, when from his place in Council during the discussion of the Provincial Councils Bill he bore testimony to the deep repugnance with which nomineeism was regarded by the colonists generally, thereby conveying to the Home Government authoritative knowledge of what had been hitherto studiously concealed from them. Nor can this Association refrain from putting on record their opinion that the single extract above quoted (even if there should have been no suppression of despatches containing similar representations) is of itself amply sufficient to prove the entire untruth of the charge preferred by Sir George Grey in Council against Lieutenant-Governor Eyre—namely, that he (the Lieutenant-Governor) had never, previous to the discussion upon the Provincial Councils Ordinance, made any representation to him of the opinions and wishes of the southern settlers in regard to free institutions."

4. Moved by Mr. A. de B. Brandon, and seconded by Captain Rhodes, J.P.: "That while this Association adheres to the opinions contained in the resolutions unanimously adopted in reference to the Ordinance in question at the great public meeting held in this settlement on the 15th November, 1850, and is fully determined and prepared to redeem the pledge then given 'to resist its introduction by every constitutional means,' they yet deem it incumbent upon them to express their belief that the Ordinance is in itself illegal and wholly inoperative. This belief is based upon the following grounds: (1.) By section 4 of the Suspension Act of March, 1848, it is enacted 'That for the time during which the Act of 1846 continued suspended it shall be lawful for the Governor-in-Chief, by and with the advice and consent of his said Legislative Council, if he should think proper, to constitute within and for any of the provinces into which the Islands of New Zealand are now or may hereafter be divided, a Provincial Legislature Council to be appointed or elected or otherwise selected in such manner as by such Ordinance shall be provided in that behalf, and the Provincial Council or Councils so constituted shall have all such rights, powers, jurisdiction, and authority as shall be granted in that behalf to the said Provincial Legislative Council or Councils, or either of them, by such Ordinance and none other.' Acting upon the powers so vested in him the Governor-in-Chief passed by his Legislative Council an Ordinance on the 5th November, 1848 (Session IX., No. 1), by which he constituted a Provincial Legislative Council for each of the Provinces of New Ulster and New Munster. By this Ordinance the provisions of the Suspension Act were complied with, the power vested in the Governor-in-Chief and his Legislative Council to create Provincial Councils was exercised; and therefore this Association submits that, so far, their functions were at an end; that the Ordinance so passed became, and was, and must continue, the abiding rule of Government until the termination of the Suspension Act on the 7th of March, 1853; and that in repealing and substituting for it the Ordinance of 1851 the Governor and his Council have exceeded their powers. (2.) The words in section 4 of the Suspension Act, 'for the time during which the Act of 1846 continues suspended,' besides, as already stated, limiting the power of creating, still more clearly limits the existence of, any Provincial Council to the 7th of March, 1853, when the Suspension Act will expire. Assuming therefore, for the sake of argument, that the Legislature had power to pass the Ordinance of 1851, it is evident that, as it must necessarily expire with the Suspension Act, it will be wholly inoperative. (3.) Earl Grey in his despatch of the 2nd of April, 1851, acknowledging the receipt of the draft of the Provincial Councils Bill, says: 'As Her Majesty cannot be advised to confirm it in its present shape I shall defer submitting it to the Queen when it arrives.' As the Ordinance was passed with the clauses objected to by Earl Grey, and as no allowance of it has yet been notified in the *Gazette*, this Association is justified in assuming that it has been not only virtually but *de facto* disallowed by Her Majesty, and that therefore it is null and void. (4.) Clause 17 of the Provincial Councils Ordinance enacts that 'the first writs for the election of members of such Council for the Provinces of New Ulster and New Munster shall be issued at some period not later than twelve calendar months after the passing of this Ordinance.' As the Ordinance was passed on the 9th day of July, 1851, and no writs for this province have been issued up to this day (the 30th day of July, 1852) the Governor-in-Chief has himself violated the Ordinance, and the effect of such violation this Association apprehends will be to render elections under any writs that may be hereafter issued of no effect. Believing therefore, for the reasons above given, that the Ordinance is illegal, or, if not illegal, that it will at any rate be inoperative, this Association protests against the recent Proclamation and against the colonists being forced to become parties to setting the Minister of the Crown at defiance."

5. Moved by Mr. K. Bethune, and seconded by Mr. J. H. Wallace: "That Governor Grey's circular of the 3rd of June, 1852, to the Superintendents of the settlements, professing to give a reason for the necessity of immediate registration, is, in the view of this Association, without meaning, and an intentional mystification; that the only object that can be discovered upon the face of it, namely, the saving of the very small portion of time that would be necessary for effecting a complete registration after the receipt of the Constitution promised by Her Majesty's Ministers, is too trivial to deserve consideration; but that they believe the circular to have been issued *ad captandum* in hope of creating a vague impression of anxiety to hurry the introduction of representative institutions, the affectation of which, in one whose object throughout has been so to time the introduction of self-government as to escape without delay from its operation and the revelations by which it will necessarily be followed, can only be characterised as ludicrous."

6. Proposed by Mr. Wallace, senior, and seconded by Mr. Schultz: "That with regard to the immediate question for consideration, whether passive resistance should be offered to the Provincial Councils Ordinance of 1851 by refusing to register claims to vote, or whether those votes should be secured as a precautionary measure, even at the risk of appearing to sanction an illegal Ordinance,—considering the general contempt of law that has marked the whole course of Governor Grey's administration, as evinced, amongst numerous other arbitrary acts, by the illegal abolition of the Courts of request, rendered still more offensive by neglect of Lord Grey's injunction to legalise that abolition without delay; by the illegal trial and execution under martial law of a certain Native at Porirua in 1846, when recourse might have been had to the civil Courts in Wellington, for which act a Bill of indemnity was passed through a nominee Council; by the appropriation of the revenue of this province during the period extending from the 1st July, 1850, to July, 1851, without the sanction of any Appro-

priation Bill, for which act also a clause of indemnity was smuggled into the Appropriation Bill of 1851–52, and passed by the late General Legislature; considering that His Excellency may be expected still further to show his contempt for law by forcing the Provincial Councils Ordinance upon the community; adverting also, in the event of such proceeding, to the fact that no British colony is without persons whose interest it is to support even the most arbitrary of Governments, and that among these a certain number will be guided by that interest; adverting to the certainty that some, no matter how few, will be found to vote, and some to accept seats; adverting, finally, to the chances of a Government, unparalleled in the art of taking small advantages, being able to base some unforeseen manœuvre upon our neglect,—this Association deem it their duty to urge the expediency of complying with the invitation to register, not indeed as giving the smallest countenance to so obnoxious an Ordinance, but purely and simply as a matter of self-defence.”

7. Proposed by Mr. W. Dorset, and seconded by Mr. J. Blyth: “That the chairman be requested to forward copies of the foregoing resolutions to Mr. Fox, the Political Agent of this settlement, and through Sir George Grey to Her Majesty’s Principal Secretary of State for the Colonies.”

No. 46.

COPY of a DESPATCH from Governor GREY to the Right Hon. Sir JOHN S. PAKINGTON.
(No. 109.)

SIR,—

Government House, Wellington, 27th August, 1852.

Adverting to my Despatch No. 121, of the 30th August, 1851, in which I transmitted, in order that the Queen’s pleasure might be taken thereon, an Ordinance of the General Assembly of New Zealand, Session XI., No. 6, intituled “An Ordinance to provide for the Establishment of Provincial Councils,” I have now the honour to transmit copies of three Proclamations which I have issued under the authority of that Ordinance.

2. I should call attention to the fact that, when the Ordinance to which I am alluding was enacted by the Council of this colony, it was hoped that Parliament would shortly legislate upon the same subject, and that it might thus not be necessary to bring the law into operation before the decision of Parliament was pronounced upon the subject; but still, as it was uncertain whether, amidst the mass of important matters connected with the welfare of so large an Empire, Parliament might find time during the current session to attend to the affairs of New Zealand, it was thought desirable, by the enactment in this colony of the Provincial Councils Ordinance, to provide for the immediate introduction of representative institutions into New Zealand even in the contingency of Parliament finding it expedient to delay for another session all legislation upon the subject of New Zealand affairs. And with this object in view, a clause, No. 17, was inserted in the Ordinance, by which it was provided that the first writs for the election of members for the Provinces of New Ulster and New Munster should be issued at some period not later than twelve calendar months after the passing of the Ordinance,—that is, not later than 9th July, 1852.

3. I should also premise that in Lord Grey’s Despatch No. 23, of the 19th February, 1851, I was informed that I should be empowered in general terms to constitute new provinces in New Zealand for the purpose of establishing Provincial Legislative Councils in such provinces; and the Council passed the Provincial Councils Ordinance in the belief that such powers would be immediately conferred upon me, although they have not yet been received in the colony.

4. As up to the 21st day of May last no instructions had reached me regarding the intention of Her Majesty’s Government to introduce into Parliament during the present session a measure for the purpose of bestowing representative institutions upon New Zealand; and as it was most probable that any redivision of New Zealand into provinces would not seriously affect the Province of New Ulster, I issued, upon the 21st of May last, the first of the enclosed Proclamations for the purpose of bringing the Provincial Councils Ordinance into full operation in that province. This Proclamation was principally based upon a very able report drawn up by Lieutenant-Governor Wynyard and the Executive Council of New Ulster for my information; and I believe that the number and boundaries of the electoral districts, and the number of members allotted to each district, have given very general satisfaction. The writs for New Ulster were issued under this Proclamation before the 9th of July, and the elections must by this time have taken place, although the result of them has not yet been reported to me.

5. In reference to the Province of New Munster, however, as its division into the new provinces of which it was to be composed would have entirely altered the number and proportion of members in the several electoral districts, I thought it most prudent in the first instance only to issue upon the 3rd of June a Proclamation dividing that province into electoral districts, and making every provision for the formation of the electoral rolls in the several districts, so that, upon the receipt of the Instruction authorising me to create new provinces, which I expected immediately to receive, every preparation might have been made for the immediate introduction of representative institutions into the present Province of New Munster. To this Proclamation of the 3rd June I caused a letter to be attached, which was addressed to the principal executive officer at each settlement, and which explained the intentions with which I had issued the Proclamation.

6. I then waited until the 9th August—that is, until one month after the date named in the Provincial Councils Ordinance as that on which the first writs should be issued—in the hope of receiving the expected Instructions for the creation of new provinces; finding, however, that these did not arrive, and thinking that I should not be justified in longer delaying the introduction of representative institutions into this province, I, upon the 9th of August, issued the third of the enclosed Proclamations, apportioning the number of members to each electoral district in New Munster. This Proclamation was based upon a very able report prepared by the Executive Council of this province; but, for the reasons stated at the close of their report, a copy of which is enclosed, they subsequently advised me to delay the issue of the writs for the election of members until the 1st of September.

7. Within the last few days, however, I have received through the newspapers the very gratifying intelligence that upon the 3rd May you had, in Parliament, moved for and obtained leave to bring in a Bill for the purpose of immediately conferring a Constitution upon New Zealand; and under these altered circumstances I now beg to report that I shall consider it my duty, in reference to the Province of New Munster, to direct that no writs for the election of members shall be issued until your farther instructions reach me.

I have, &c.,
G. GREY.

The Right Hon. Sir J. S. Pakington.

Enclosure 1 in No. 46.

PROCLAMATION

By His Excellency Sir GEORGE GREY, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over the Islands of New Zealand, and Governor of the Provinces of New Ulster and New Munster, and Vice-Admiral of the same, &c.

Analysis.

Preamble, reciting Provincial Councils Ordinance, Session XI., No. 6.	22. Returning Officer for same.
1. Number of members of Council.	23. Polling place for Taranaki.
2. Number of electoral districts.	24. Returning Officer for same.
3. Number of members of each district.	25. Writs for election of members.
4. Qualification of electors.	26. Days for nomination and for election, how fixed.
5. Claims to be preferred.	27. Returning Officer to preside at the nomination.
6. Form of claim.	28. In case of a contest.
7. When to be preferred.	29. In case a poll be demanded.
8. Where to be preferred for certain districts.	30. The polling.
9. Where to be preferred for certain districts.	31. Mode of voting.
10. Where to be preferred for certain districts.	32. What inquiries may be made.
11. List of claims to be prepared.	33. State of the poll to be declared.
12. And to be published.	34. Names of persons elected to be inserted in writ.
13. Justices to prepare electoral roll.	35. Voting papers to be preserved.
14. Objections to claims.	36. New writ in certain cases.
15. Electoral roll, how to be formed.	37. Objections to validity of return.
16. Proof of qualification, in what case required.	38. Auckland to be deemed to be a town for purposes of Ordinance.
17. Electoral roll, how long in force.	39. Interpretation.
18. Copy of electoral roll to be published.	40. Proclamation to take effect from date.
19. Polling places for certain districts.	Schedule.
20. And the Returning Officers.	Plans.
21. Polling place for Bay of Islands District.	

Preamble reciting Provincial Councils Ordinance, Session XI., No. 6.

WHEREAS by an Ordinance enacted by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, Session XI., No. 6, intituled "An Ordinance to provide for the Establishment of Provincial Legislative Councils, and for the Election, &c., of Members to serve therein," it was amongst other things enacted that, for each of the provinces into which the Islands of New Zealand then were or might thereafter be divided, there should be a Legislative Council, to consist of such number of members—not less than nine—as the Governor-in-Chief should by Proclamation in that behalf from time to time direct and appoint, and that two-thirds of the members of every such Council should be elected by the inhabitants of the province as thereafter provided, and that it should be lawful for the Governor-in-Chief of New Zealand, until provision should be made by law in that behalf, by Proclamation to be published in the New Zealand Government *Gazette* to constitute within every such province convenient electoral districts, and to appoint and declare the number of members to be elected for each such district, and to make provision for the registration and revision of lists of all persons qualified to vote at the elections to be holden within such districts, and for the appointing of returning officers, and for the issuing, executing, and returning the necessary writs for such elections, and for taking the poll thereat, and for determining the validity of all disputed returns, and otherwise for insuring the orderly, effective, and impartial conduct of such elections; and by the said recited Ordinance power was given to the Governor-in-Chief by Proclamation to declare certain places to be "towns" for the purposes of the said Ordinance:

Now, therefore, I, the Governor-in-Chief of New Zealand, in pursuance and by virtue of the power and authority vested in me by the said recited Ordinance, and under and by virtue of all other powers and authorities enabling me in that behalf, do hereby proclaim, declare, direct, and appoint that as to and concerning the Province of New Ulster, as follows, that is to say,—

Number of members of Council.

1. That the Legislative Council of the said province shall consist of eighteen members.

Number of electoral districts.

2. That the said province, for the purpose of the election of the Legislative Council thereof, shall be divided into eight electoral districts, to be named as follows: (1) The City of Auckland, (2) the Suburbs of Auckland, (3) the Pensioner Settlements, (4) the Northern Division, (5) the Southern Division, (6) the Bay of Islands, (7) New Plymouth, (8) Taranaki; the boundaries of the said districts being particularly set forth and described in the Schedule and delineated on the map or plan respectively hereunto annexed.

Number of members for each district.

3. The number of members to be elected to serve for the said several districts shall be as follows—viz.: (1) For the City of Auckland, three members; (2) for the Suburbs of Auckland, one member; (3) for the Pensioner Settlements, one member; (4) for the Northern Division, two members; (5) for the Southern Division, two members; (6) for the Bay of Islands, one member; (7) for New Plymouth, one member; (8) for Taranaki, one member.

Qualifications of electors.

4. Pursuant to the provisions of the said recited Ordinance, every man of the age of twenty-one years or upwards, and having a freehold estate in possession, situate within the district for which the vote is to be given, of the clear value of fifty pounds above all charges and incumbrances, and of or to which he has been seised or entitled at law or in equity for at least six calendar months next before the last registration of electors; or being a householder within such district, occupying a tenement within the limits of the town (to be proclaimed as such by the Governor-in-Chief for the purposes of the Ordinance) of the clear annual value of ten pounds, or without the limits of a town of the clear annual value of five pounds, and having resided therein six calendar months next before such registration as aforesaid; or having a leasehold estate in possession situate within the district for which the vote is to be given of the value of ten pounds per annum, held upon a lease which at the date of such registration shall have not less than three years to run; or having a leasehold estate situate and of the value as aforesaid of which at the date of such registration he shall have been in possession for three years or upwards previous to the date of such registration; provided he is not an alien, and that he has not at any time been attainted or convicted of any treason, felony, or infamous offence within any part of Her Majesty's dominions, shall, if registered as hereafter provided, be entitled to vote at the election of a member or members for the district.

Claims to be preferred.

5. No person shall be qualified to vote at the election of any such member unless he shall prefer a claim to the right of voting, and unless such claim be duly enrolled as hereafter provided.

Form, &c., of claim.

6. Every such claim shall be in writing, and shall state the name of the district or districts in respect of which it shall be made, and shall be signed by the claimant or by some other person in his name and by his authority, and shall state also the place of abode and the calling or business of the claimant, and the qualification in respect of which such claim may be made.

When to be preferred.

7. No such claim as aforesaid shall be received unless it be made in the month of July next or in the month of July in some succeeding year.

Where to be preferred for certain districts.

8. Every person claiming a right to vote at the election of members for the City of Auckland, the Suburbs of Auckland, the Pensioner Settlements, the Northern Division, or the Southern Division, shall deliver his claim, or cause the same to be delivered, at the Police Office, Auckland.

Where to be preferred for certain districts.

9. Every person claiming a right to vote at the election of the member for the Bay of Islands shall deliver his claim, or cause the same to be delivered, at the Police Office, Russell.

Where to be preferred for certain districts.

10. And every person claiming a right to vote at the election of the members for New Plymouth or Taranaki shall deliver his claim, or cause the same to be delivered, at the Police Office, New Plymouth.

List of claims to be prepared.

11. On the 1st of August next, and on the 1st of August in every succeeding year, or as soon thereafter respectively as conveniently may be, the Resident Magistrates at Auckland, the Bay of Islands, and New Plymouth, or some other fit person or persons to be appointed in that behalf by the Governor of the province, shall respectively cause a list to be prepared of the claims which may have been delivered at such respective police offices as aforesaid during the month then next preceding, setting forth the Christian and surname of each claimant at full length, together with his place of abode, calling, or business, and the ground on which his claim may be made, and arranging the names in alphabetical order, and classing them for the several districts for which they may respectively claim to be entitled to vote.

And to be published.

12. In the month of August next every such Resident Magistrate, or other person as aforesaid, shall, as soon as conveniently may be, cause a copy of the list of claims, and in the month of August in every succeeding year shall cause a copy of the list of claims which may have been preferred in the month of July then immediately preceding, together with a copy of the electoral roll then in force, to be posted in some conspicuous place in the district to which the said list and roll shall respectively relate, and shall subjoin thereto a notice that all objections thereto will be heard and determined at a meeting of Justices open to the public and to be held on a day to be specified in such notice, not being more than one calendar month after the date thereof.

Justices to prepare electoral roll.

13. Each such Resident Magistrate or other person shall call a special meeting of the Justices of the Peace residing within the district or districts to which the said claims may relate, to be held on the day so to be specified as aforesaid, for the purpose of hearing and determining objections to such list and roll as aforesaid, and of forming the roll for the ensuing year of persons qualified to vote under the provisions of the said recited Ordinance.

Objections to claims.

14. Any person whose name shall be on any such list or roll may object to any other person as not entitled to have his name retained in the electoral roll; but the person so objecting shall, ten days at least before the day appointed for the formation of such electoral roll, cause notice in writing of such objection, and of the ground thereof, to be given to the Resident Magistrate or other the person acting for the district, and also to the person objected to.

Electoral roll, how to be formed.

15. At the meeting to be held for the formation of the said electoral roll, or at some adjournment of such meeting, the Justices (any two being a quorum) shall retain on the list of claims and on the roll then in force the names of all persons to whom no objection shall have been duly made, and shall also retain on the said list and roll the name of every person who shall have been objected to, unless the party objecting shall appear in person in support of such objection, and shall also prove due service of his notices of objection.

Proof of qualification, in what case required.

16. In case the party objecting shall make his objection in person, and shall prove such service of notice as aforesaid, the Court shall require proof of the qualification of the person so objected to, and in case the qualification of such person shall not be proved to the satisfaction of the Court, the name of such person shall be expunged from the list or roll. The Court shall also expunge therefrom the name of every person who shall be proved to be dead, and shall correct any mistake or supply any omission which shall be proved to have been made therein respectively in respect of the name or the place of abode of any person who shall be included therein, or in respect of the local description of his property. And the list and roll so corrected shall form the electoral roll for the ensuing year, and shall be signed by the Resident Magistrate or other the person presiding at such meeting of Justices as aforesaid.

The electoral roll, how long in force.

17. The persons whose names shall be so enrolled thereon shall be deemed and taken to be the electors of the district until the completion of the electoral roll for the year next ensuing; and every person whose name shall appear upon such electoral roll shall be deemed and taken to be duly qualified to vote for the district in respect of which his name shall appear upon such roll, without any further or other inquiry, revision, or scrutiny whatever. And when the name of any person claiming to be placed upon such roll shall once have been duly enrolled thereon, such name shall from year to year continue to be published as aforesaid and be retained on the electoral roll for the time being without any further claim on the part of the elector until his name shall be objected to, and shall be duly expunged in manner hereinbefore prescribed.

Copy of the electoral roll to be published.

18. As soon as conveniently may be after the annual revision of such roll, the Resident Magistrate, or such other person as aforesaid, shall cause copies thereof to be published for general information, and the original roll shall be preserved by him as long as it shall remain in force, open to the inspection of any elector at reasonable times on payment of one shilling.

Polling places for certain districts.

19. The polling places for the following districts, viz., (1) the City of Auckland, (2) the Suburbs of Auckland, (3) the Northern Division, shall be at some convenient place in the City of Auckland, to be specified by the Returning Officer; and the polling places for the following districts, viz., (4) the Pensioner Settlements, (5) the Southern Division, shall be at some convenient place in the Village of Onehunga, to be specified by the Returning Officer; and if additional polling places be found necessary, then at such places as the Governor of the province shall from time to time, by notice in the *Government Gazette*, direct and appoint.

And the Returning Officers.

20. The Returning Officers for such five districts as aforesaid shall be the Resident Magistrates for the time being acting for the City of Auckland and for the District of Onehunga, or such other person or persons as the Governor may from time to time appoint in that behalf.

Polling places for Bay of Islands District.

21. The polling places for the (6) Bay of Islands shall be at some convenient place at Russell to be specified by the Returning Officer; and if additional polling places be found necessary, then at such places within the district as the Governor shall from time to time in manner aforesaid direct and appoint.

Returning Officer for Bay of Islands District.

22. The Returning Officer for the said district shall be the Resident Magistrate for the time being acting for Russell, or such other person or persons as the Governor may from time to time appoint.

Polling place for Taranaki.

23. The polling places for the Districts of (7) New Plymouth, (8) Taranaki, shall be at some convenient place in New Plymouth to be specified by the Returning Officer; and if additional polling places be found necessary, then at such places within the said districts as the Governor shall from time to time in manner aforesaid direct and appoint.

Returning Officer for Taranaki Districts.

24. The Returning Officer for the said last-mentioned districts shall be the Resident Magistrate for the time being acting for New Plymouth, or such other person or persons as the Governor may from time to time appoint.

Writs for the election of members.

25. The writs for the election of members to serve in the said Council for the said several electoral districts shall be issued by the Governor, under his hand, and shall be directed to the Returning Officer for the district, and shall state the number of days (not exceeding sixty) within which such writs shall be made returnable to the said Governor.

Day for nomination and for voting, how fixed.

26. The Returning Officer for each district shall endorse on the writ the day on which he may have received it, and shall fix the day of nomination, and also the day on which the voting, if necessary, shall take place, and shall give not less than fourteen days' public notice thereof respectively.

Returning Officer to preside at nomination.

27. On the day of nomination so to be fixed as aforesaid the Returning Officer shall preside at a meeting to be holden at noon at the chief polling place for the district, and shall declare the purpose for which such meeting is held. And if at such meeting there be no more candidates proposed than the number of members to be returned, the Returning Officer shall declare such candidate or candidates to be duly elected, and make his return accordingly.

In case of a contest.

28. In the event of there being more candidates than the number to be elected the Returning Officer shall call for a show of hands separately in favour of each candidate, and after such show of hands shall declare the person or persons on whom the election has fallen, and shall return the same accordingly unless a poll be demanded for some of the candidates, or by not less than six electors on his behalf.

In case a poll be demanded.

29. On such demand as aforesaid being made for a poll, the poll shall be taken on the day so to be fixed as aforesaid, the voting to commence at any time after nine o'clock of the said day and to close at four o'clock in the afternoon of the same day.

The polling.

30. The polling shall take place before the Returning Officer or his deputy, and the voting shall be conducted in manner following, that is to say;—

Mode of voting.

31. Every elector of the district may vote for any number of persons not exceeding the number of persons then to be chosen, by delivering to the Returning Officer or his deputy a voting paper containing the Christian names and surnames of the persons for whom he votes, together with their place of abode and description, and signed with the name of the elector so voting, and setting forth his own place of abode and description.

What inquiries may be made.

32. No inquiry shall be permitted at any such election as to the right of any person to vote except only as follows, that is to say: The Returning Officer or his deputy shall, if required by any two electors for the district, put to any voter at the time of his delivery of his voting paper, and not afterwards, the following questions, and no others: (1.) Are you the person whose name is signed as [A. B.] to the voting paper now delivered in by you? (2.) Are you the person whose name appears as [A. B.] on the electoral roll now in force for the district of ? (3.) Have you already voted at the present election? And no person required to answer any of the said questions shall be permitted or qualified to vote until he shall have answered the same, the first two affirmatively and the last one negatively.

State of poll to be declared.

33. As soon as conveniently may be after the election shall have been held, the Returning Officer for the district shall, at the place of nomination, openly declare the state of the poll, and shall at the same time declare the name or names of the person or persons who may have been duly elected at such election. And in the event of the number of votes being found to have been equal for any two or more candidates, he shall, by his casting vote, declare which of the same candidates shall be elected: Provided that no such Returning Officer shall vote at any election of which he is the Returning Officer, except in the case of an equality of votes as aforesaid.

Names of persons elected to be inserted in writ.

34. The name or names of the person or persons so elected shall be inserted in or indorsed upon the writ by the Returning Officer, and such writ shall be returned by him to the Governor within the time by which such writ may be returnable.

Voting papers to be preserved.

35. The voting papers at every such election shall be kept for the space of six calendar months after such election by the Returning Officer, who shall permit any elector to inspect the same upon payment of one shilling.

New writs in certain cases.

36. In case any writ to be issued by the Governor shall not be duly executed, or in case no valid election shall be made by virtue thereof, the Governor shall issue a new writ, directing the Returning Officer to proceed to a fresh election in manner and subject to the provisions hereinbefore prescribed.

Objections to validity of return.

37. All complaints of the undue return of members to serve in the said Council shall be addressed in the form of petition to the Governor stating the ground of objection; but no petition shall be noticed, nor any proceedings had thereon, unless it be signed by some person who was a candidate at the election whereof it may be alleged that an undue return was made, or by a number of persons who voted or who were qualified to have voted at the said election, amounting to not less than one-tenth of the whole number on the list of electors; and no such petition shall be noticed which shall not be delivered at office of the Colonial Secretary within twenty-one days from the day of election, nor unless a copy thereof shall have been served upon the party whose return shall be objected to within such period of twenty-one days as aforesaid. Within ten days after any such petition shall have been left at the office of the Colonial Secretary, if the said Council be then sitting, or, if the Council be not then sitting, within ten days after its next meeting, the Governor or some other person duly authorised by him in that behalf shall cause such petition to be referred to the said Council, and the validity of the return so complained of shall be decided by such Council, or by such other tribunal and in such manner as the said Council shall direct and appoint.

Auckland to be deemed to be a town for purposes of the Ordinance.

38. And I hereby further proclaim and declare that Auckland shall be deemed and taken to be a town for the purposes of the said recited Ordinance.

Interpretation.

39. For the purpose of carrying into effect the provisions of this Proclamation the term "Governor" shall be taken to include the Lieutenant-Governor of the province.

Proclamation to take effect from date.

This Proclamation shall take effect from the day of the date hereof.

Given under my hand and issued under the Public Seal of the Islands of New Zealand, at Government House, at Wellington, in the Province of New Munster, in the Islands aforesaid, this twenty-first day of May, in the year of our Lord one thousand eight hundred and fifty-two.

By His Excellency's command.

G. GREY,

Governor-in-Chief.

ALFRED DOMETT,

Civil Secretary.

GOD SAVE THE QUEEN!

SCHEDULE A.

Description of Districts.

1. The City of Auckland District comprises the East Town Ward, the Middle Town Ward, and the West Town Ward of the Borough of Auckland.

2. The Suburbs of Auckland comprise the Suburban East Ward, the Suburban South Ward, and the Suburban West Ward of the Borough of Auckland.

3. The Pensioner Settlements District comprises so much of the sites of the several Villages of Onehunga, Panmure, Otahuhu, and Howick, as are delineated on the plans hereunto annexed, coloured blue.

4. The Northern Division comprises so much of the Province of New Ulster not included in the above-mentioned district as is included between a line drawn through the centre of the entrance into Manukau Harbour in an easterly direction to the southern extremity of the Epsom Road on the beach at Onehunga; thence along the centre of the Epsom Road as far as the bridge in Mechanics Bay; thence in a north-east direction across the Harbour of Waitemata to the east point of the North Head; thence to the south point of the Island of Motutapu; thence to the northern point of Cape Colville; and thence in an easterly direction, and a straight line drawn from the mouth of the River Waiara, on the East Coast, in a westerly direction to the junction of the Wairoa and Kaihou Rivers; and thence in a straight line to the Manaho Point, on the West Coast: the boundaries of the said district being particularly delineated on the plan hereunto annexed.

5. The Southern Division comprises so much of the Province of New Ulster not included in the above-mentioned districts, or any of them, as lies between the southern boundary of the Northern Division and a straight line drawn from Harehare, on the West Coast, in an easterly direction, to the northern point of Flat Island, off the East Coast: the boundaries of the said district being particularly delineated on the plan hereunto annexed.

6. The Bay of Islands comprises so much of the Province of New Ulster as lies to the northward of the Northern Division, and as delineated on the plan hereunto annexed.

7. New Plymouth comprises the site of the Town of New Plymouth, as delineated upon the plan hereunto annexed.

8. Taranaki comprises so much of the Province of New Ulster as is bounded on the north-west by the sea-coast; on the north-east by the River Waitara; on the south-west by the River Katikara; and on the south-east by a straight line running from a point on the Waitara River ten miles inland from the point of junction with the sea to a point on the Katikara River, which is also ten miles inland from its point of junction with the sea: as delineated on the plan hereunto annexed.

Enclosure 2 in No. 46.

PROCLAMATION

By His Excellency Sir GEORGE GREY, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over the Islands of New Zealand, and Governor of the Provinces of New Ulster and New Munster, and Vice-Admiral of the same, &c.

Analysis.

Preamble.

1. Number of electoral districts.
2. Qualification of electors.
3. Claims to be preferred.
4. Form, &c., of claim.
5. When to be preferred.
- 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16. Where to be preferred for certain districts.
17. List of claims to be prepared.
18. And to be published.
19. Justices to prepare electoral roll.
20. Objections to claims.
21. Electoral roll how to be formed.
22. Proof of qualification in what case required.
23. Electoral roll how long in force.
24. Copy of electoral roll to be published.
- 25, 26, 27, 28, 32, 33, 34, 35, 36, 40, 41, 42, 47. Polling-places for certain districts.
- 29, 37, 43. Additional polling-places.
- 30, 31, 38, 39, 44, 45, 46, 48. Returning Officers.

49. Writs for election of members.
50. Days for nomination and election how fixed.
51. Returning Officer to preside at nomination.
52. In case of a contest.
53. In case a poll be demanded.
54. The polling.
55. Mode of voting.
56. What inquiry may be made.
57. State of the poll to be declared.
58. Names of persons elected to be inserted in writ.
59. Voting papers to be preserved.
60. New writ in certain cases.
61. Objections to validity of returns.
62. Wellington, Nelson, Christchurch, Lyttelton, and Dunedin to be deemed towns for purposes of Ordinance.
63. Interpretation.
64. Proclamation to take effect from date. Schedules. Plans.

Preamble, reciting Provincial Councils Ordinance, Session XI., No. 6.

WHEREAS by an Ordinance enacted by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, Session XI., No. 6, intituled "An Ordinance to provide for the Establishment of Provincial Legislative Councils, and for the election, &c., of members to serve therein," it was amongst other things enacted that for each of the provinces into which the Islands of New Zealand then was or might thereafter be divided there should be a Legislative Council, to consist of such number of members—not less than nine—as the Governor-in-Chief should by Proclamation in that behalf from time to time direct and appoint; and that two-thirds of the members of every such Council should be elected by the inhabitants of the province as thereafter provided; and that it should be lawful for the Governor-in-Chief of New Zealand, until provision should be made by law in that behalf, by Proclamation to be published in the New Zealand Government *Gazette*, to constitute within every such province convenient electoral districts, and to make provision for the registration and revision of lists of all persons qualified to vote at the elections to be holden within such districts, and for the appointing of Returning Officers, and for the issuing, executing, and returning the necessary writs for such elections, and for taking the poll thereat, and for determining the validity of all disputed returns, and otherwise for insuring the orderly, effective, and impartial conduct of such elections; and by the said recited Ordinance power was given to the Governor-in-Chief by Proclamation to declare certain places to be towns for the purposes of the said Ordinance:

Now therefore I, the Governor-in-Chief of New Zealand, in pursuance and by virtue of the power and authority vested in me by the said recited Ordinance, and under and by virtue of all other powers and authorities enabling me in that behalf, do hereby proclaim, declare, direct, and appoint that as to and concerning the Province of New Munster as follows, that is to say:—

Number of electoral districts.

1. That the said province, for the purpose of the election of the Legislative Council thereof, shall be divided into fifteen electoral districts, to be named as follows: Wellington: (1) The Town of Wellington, (2) the Wellington Country, (3) the Hutt, (4) the Wairarapa and Hawke's Bay, (5) the Wanganui and Rangitikei; Nelson: (1) the Town of Nelson, (2) the Waimea, (3) the Motueka and Massacre Bay, (4) The Wairau; Canterbury: (1) the Town of Christchurch, (2) the Christchurch Country, (3) the Town of Lyttelton, (4) the Akaroa; Otago: (1) the Town of Dunedin, (2) the Dunedin Country; the boundaries of the said districts being particularly set forth and described in the Schedule A, or delineated on the maps and plans respectively hereunto annexed.

Qualification of electors.

2. Pursuant to the provisions of the said recited Ordinance, every man of the age of twenty-one years or upwards, and having a freehold estate in possession, situate within the district for which the vote is to be given, of the clear value of fifty pounds above all charges and incumbrances, and of or to which he has been seised or entitled at law or in equity for at least six calendar months next before the last registration of electors; or being a householder within such district occupying a tenement within the limits of a town (to be proclaimed as such by the Governor-in-Chief for the purposes of the Ordinance) of the clear annual value of ten pounds, or without the limits of a town of the clear annual value of five pounds, and having resided therein six calendar months next before such registration as aforesaid; or having a leasehold estate in possession, situate within the district for which the vote is to be given, of the value of ten pounds per annum, held upon a lease which at the date of such registration shall have not less than three years to run; or having a leasehold estate situate and of the value as aforesaid, of which at the date of such registration he shall have been in possession for three years or upwards previous to the date of such registration; provided he is not an alien, and that he has not at any time been attainted or convicted of any treason, felony, or infamous offence within any part of Her Majesty's dominions, shall, if registered as hereafter provided, be entitled to vote at the election of a member or members for the district.

Claims to be preferred.

3. No person shall be qualified to vote at the election of any such member unless he shall prefer a claim to the right of voting, and unless such claim be duly enrolled as hereafter prescribed.

Form, &c., of claim.

4. Every such claim shall be in writing, and shall state the name of the district or districts in respect of which it shall be made, and shall be signed by the claimant or by some other person in his name and by his authority, and shall state also the place of abode and the calling or business of the claimant, and the qualification in respect of which such claim may be made.

When to be preferred.

5. No such claim as aforesaid shall be received unless it be made between the 1st day of July and the 10th day of August next, or in the month of July in some succeeding year.

Wellington, Hutt, and Whanganui.

Where to be preferred for certain districts.

6. Every person claiming a right to vote for the following districts: the City of Wellington, the Wellington Country District: shall deliver his claim, or cause the same to be delivered, at the Resident Magistrate's Office, Wellington.

7. Every person claiming a right to vote for the following districts: the Hutt District, the Wairarapa and Hawke's Bay District: shall deliver his claim, or cause the same to be delivered, at the Resident Magistrate's Office, in the Valley of the Hutt.

8. Every person claiming to vote for the Whanganui and Rangitikei District shall deliver his claim, or cause the same to be delivered, at the Resident Magistrate's Office, Whanganui.

Nelson.

Where to be preferred for certain districts.

9. Every person claiming a right to vote for the Town of Nelson shall deliver his claim, or cause the same to be delivered, at the Resident Magistrate's Office, Nelson.

10. Every person claiming a right to vote for the Waimea District shall deliver his claim, or cause the same to be delivered, at the Resident Magistrate's Office, Nelson, or at such place in the Waimea District as the Superintendent at Nelson may, by public notice, direct and appoint.

11. Every person claiming a right to vote for the Motueka District shall deliver his claim, or cause the same to be delivered, at such place in the Motueka District as the Superintendent at Nelson may, by public notice, direct and appoint.

12. Every person claiming a right to vote for the Wairau District shall deliver his claim, or cause the same to be delivered, at such place as the Superintendent at Nelson may by public notice direct and appoint.

Canterbury.

Where to be preferred for certain districts.

13. Every person claiming a right to vote for the following districts: the Town of Christchurch, the Christchurch Country District: shall deliver his claim, or cause the same to be delivered, at the Resident Magistrate's Office, Christchurch.

14. Every person claiming a right to vote for the Town of Lyttelton shall deliver his claim, or cause the same to be delivered, at the Resident Magistrate's Office, Lyttelton.

15. Every person claiming a right to vote for the Akaroa District shall deliver his claim, or cause the same to be delivered, at the Resident Magistrate's Office, Akaroa.

Otago.

Where to be preferred for certain districts.

16. Every person claiming a right to vote for the following districts: the Town of Dunedin, the Dunedin Country District: shall deliver his claim, or cause the same to be delivered, at the Resident Magistrate's Office, Dunedin.

List of claims to be prepared.

17. On the 11th of August next, and on the 1st of August in every succeeding year, or as soon thereafter respectively as conveniently may be, the Resident Magistrates at Wellington, Whanganui, Nelson, Lyttelton and Christchurch, Akaroa, and Dunedin, or some other fit person or persons to be appointed in that behalf by the Governor of the province, or by the Superintendent at Nelson for that settlement, shall respectively cause a list to be prepared of the claims which have been delivered at such respective offices as aforesaid in pursuance of this Proclamation, setting forth the Christian and surname of every claimant at full length, together with his place of abode, calling, or business, and the ground on which his claim may be made, and arranging the names in alphabetical order, and classing them for the several districts for which they may respectively claim to be entitled to vote.

And to be published.

18. On or before the 10th day of September next every such Resident Magistrate or other person as aforesaid shall, as soon as conveniently may be, cause a copy of the list of claims, and in the month of August in every succeeding year shall cause a copy of the list of claims which may have been preferred in pursuance of this Proclamation, together with a copy of the electoral roll then in force, to be posted in some conspicuous place in the district to which the said list or roll shall respectively relate, and shall subjoin thereto a notice that all objections thereto will be heard and determined at a meeting of Justices open to the public, and to be held on a day to be specified in such notice, not being more than one calendar month after the date thereof.

Justices to prepare electoral roll.

19. Each such Resident Magistrate or other person shall call a special meeting of the Justices of the Peace residing within the district or districts to which the said claims may relate, to be held on the day so to be specified as aforesaid, for the purpose of hearing and determining objections to such list and roll as aforesaid, and of forming the roll for the ensuing year of persons qualified to vote under the provisions of the said recited Ordinance.

Objections to claims.

20. Any person whose name shall be on any such list or roll may object to any other person as not entitled to have his name retained on the electoral roll. But the person so objecting shall, ten days at least before the day appointed for the formation of such electoral roll, cause notice in writing of such objection, and of the ground thereof, to be given to the Resident Magistrate, or other the person acting for the district, and also to the person objected to.

Electoral roll, how to be formed.

21. At the meeting to be held for the formation of the said electoral roll, or at some adjournment of such meeting, the Justices (any two being a quorum) shall retain on the list of claims and on the roll then in force the names of all persons to whom no objection shall have been duly made, and shall also retain on the said lists and rolls the name of every person who shall have been objected to, unless the party objecting shall appear in person in support of such objections, and shall also prove due service of his notice of objection.

Proof of qualifications, in what case required.

22. In case the party objecting shall make his objections in person, and shall prove such service of notice as aforesaid, the Court shall require proof of the qualification of the person so objected to, and in case the qualification of such person shall not be proved to the satisfaction of the Court the name of such person shall be expunged from the list or roll. The Court shall also expunge therefrom the name

of every person who shall be proved to be dead, and shall correct any mistake or supply any omission which should be proved to have been made therein respectively in respect of the name or the place of abode of any person who shall be included therein, or in respect of the local description of his property. And the lists and roll so corrected shall form the electoral roll for the ensuing year, and shall be signed by the Resident Magistrate or other the person presiding at such meeting of Justices as aforesaid.

The electoral roll, how long in force.

23. The persons whose names shall be so enrolled thereon shall be deemed and taken to be the electors of the district until the completion of the electoral roll for the year then next ensuing. And every person whose name shall appear upon such electoral roll shall be deemed and taken to be duly qualified to vote for the district in respect of which his name shall appear upon such roll without any further or other inquiry, revision, or scrutiny whatever. And when the name of any person claiming to be placed upon such roll shall once have been duly enrolled thereon such name shall from year to year continue to be published as aforesaid, and be retained on the electoral roll for the time being without any further claim on the part of the elector until his name be objected to and shall be duly expunged in manner hereinbefore prescribed.

Copy of electoral roll to be published.

24. As soon as conveniently may be after the annual revision of such roll the Resident Magistrate or such other person as aforesaid, shall cause copies thereof to be published for general information. And the original roll shall be preserved by him as long as it shall remain in force, open to the inspection of any elector at reasonable times on payment of one shilling.

Wellington, Hutt, and Whanganui.

Polling-places for certain districts.

25. The polling-places for the following districts: the Town of Wellington, the Wellington Country District: shall be at some convenient place or places in the Town of Wellington to be specified by the Returning Officer.

26. The polling-places for the Hutt District shall be at some convenient place or places in the Valley of the Hutt to be specified by the Returning Officer.

27. The polling-places for the Wairarapa and Hawke's Bay District shall be at some convenient place or places to be specified by the Returning Officer.

28. The polling-places for the Whanganui and Rangitikei District shall be at some convenient place at Whanganui to be specified by the Returning Officer.

Additional polling-places may be proclaimed.

29. If additional polling-places be found necessary for any of the above-mentioned districts, they shall be at such places as the Governor of the province shall from time to time by notice in the Government *Gazette* direct and appoint.

Returning Officers.

30. The Returning Officers for the following districts: the Town of Wellington, the Wellington Country District: shall be the Resident Magistrate for the time being acting for the Town of Wellington, or such other person or persons as the Governor may from time to time appoint in that behalf.

31. The Returning Officers for the following districts: the Hutt District, the Wairarapa and Hawke's Bay District: shall be such person or persons as the Governor of the province may from time to time appoint in that behalf.

32. The Returning Officer for the Whanganui and Rangitikei District shall be the Resident Magistrate for the time being acting for Whanganui, or such other person or persons as the Governor of the province may from time to time appoint in that behalf.

Nelson.

Polling-places for certain districts.

33. The polling-places for the Town of Nelson shall be at some convenient place or places in the Town of Nelson to be specified by the Returning Officer.

34. The polling-places for the Waimea District shall be at some convenient place or places in the Waimea District to be specified by the Returning Officer.

35. The polling-places for the Motueka District shall be at some convenient place or places in the Motueka District to be specified by the Returning Officer.

36. The polling-places for the Wairau District shall be at some convenient place or places to be specified by the Returning Officer.

Additional polling-places.

37. If additional polling-places be found necessary for any of the above-mentioned districts, they shall be at such places as the Superintendent at Nelson may from time to time by public notice direct and appoint.

Returning-Officers.

38. The Returning Officer for the Town of Nelson shall be the Resident Magistrate for the time acting for the Town of Nelson, or such person or persons as the Superintendent of Nelson may from time to time appoint in that behalf.

39. The Returning Officers for the following districts: the Waimea District, the Motueka District, the Wairau District: shall be such persons as the Superintendent at Nelson may from time to time appoint in that behalf.

Canterbury.

Polling-places for certain districts.

40. The polling-places for the following districts: the Town of Christchurch, the Christchurch Country District: shall be at some convenient place or places in the Town of Christchurch, to be specified by the Returning Officer.

41. The polling-places for the Town of Lyttelton shall be at some convenient place or places in the Town of Lyttelton to be specified by the Returning Officer.

42. The polling-place for the Akaroa District shall be at some convenient place at Akaroa to be specified by the Returning Officer.

Additional polling-places.

43. If additional polling-places be found necessary for any of the above-mentioned districts they shall be at such places as the Governor of the province, by notice in the *Government Gazette*, shall from time to time direct and appoint.

Returning Officers.

44. The Returning Officer for the following districts: the Town of Christchurch, the Christchurch Country District: shall be the Resident Magistrate for the time being acting for the Town of Christchurch, or such other person or persons as the Governor may from time to time appoint in that behalf.

45. The Returning Officer for the Town of Lyttelton shall be the senior officer of police at Lyttelton, or such other person or persons as the Governor may from time to time appoint in that behalf.

46. The Returning Officer for the District of Akaroa shall be the Resident Magistrate for the time being acting for Akaroa, or such other person or persons as the Governor may from time to time appoint in that behalf.

Otago.

Polling-places for certain districts.

47. The polling-places for the following districts: the Town of Dunedin, the Dunedin Country District: shall be at some convenient place or places in the Town of Dunedin, to be specified by the Returning Officer, and if additional polling-places be found necessary then at such places within the above-named districts as the Governor shall from time to time, by notice in the *Government Gazette*, direct and appoint.

Returning Officers.

48. The Returning Officer for the following districts: the Town of Dunedin, the Dunedin Country District: shall be the Resident Magistrate for the time being acting for the Town of Dunedin, or such other person or persons as the Governor shall from time to time appoint in that behalf.

Writs for election for members.

49. The writs for the election of members to serve in the said Council for the said several districts shall be issued by the Governor, under his hand, and shall be directed to the Returning Officer for the district, and shall state the number of days, not exceeding ninety, within which such writs shall be made returnable to the said Governor.

Days for nomination and election how fixed.

50. The Returning Officer for such district shall indorse on the writ the day on which he may have received it, and shall fix the day of nomination, and also the day on which the voting, if necessary, shall take place, and shall give not less than fourteen days' public notice thereof respectively.

Returning Officer to preside at nomination.

51. On the day of nomination so to be fixed as aforesaid the Returning Officer shall preside at a meeting, to be holden at noon, at the chief polling place for the district, and shall declare the purpose for which such meeting is held; and if at such meeting there be no more candidates proposed than the number of members to be returned, the Returning Officer shall declare such candidate or candidates to be duly elected, and make his return accordingly.

In case of a contest.

52. In the event of there being more candidates than the number to be elected, the Returning Officer shall call for a show of hands separately in favour of each candidate, and after such show of hands shall declare the person or persons on whom the election has fallen, and shall return the same accordingly, unless a poll be demanded by some one of the candidates, or by not less than six electors on his behalf.

In case a poll be demanded.

53. On such demand as aforesaid being made for a poll, the polling shall be taken on the day so to be fixed as aforesaid, the voting to commence at any time after 9 o'clock of the said day, and to close at 4 o'clock in the afternoon of the same day.

The polling.

54. The polling shall take place before the Returning Officer or his deputy, and the voting shall be conducted in the manner following, that is to say,—

Mode of voting.

55. Every elector for the district may vote for any number of persons not exceeding the number of persons then to be chosen, by delivering to the Returning Officer or his deputy a voting paper, containing the Christian names and surnames of the persons for whom he votes, together with their place of abode and description, and signed with the name of the elector so voting, and setting forth his own place of abode and description.

What inquiry may be made.

56. No inquiry shall be permitted at any such election as to the right of any person to vote, except only as follows, that is to say, the Returning Officer or his deputy shall, if required by any two electors for the district, put to any voter at the time of his delivering in of his voting paper, and not afterwards, the following questions, and no others: (1.) Are you the person whose name is signed as (A. B.) to the voting paper now delivered in by you? (2.) Are you the person whose name appears as (A. B.) on

the electoral roll now in force for the District of ? (3.) Have you already voted at the present election? And no person required to answer any of the said questions shall be permitted or qualified to vote until he shall have answered the same, the first two affirmatively and the last negatively.

State of the poll to be declared.

57. As soon as conveniently may be after the election shall have been held, the Returning Officer for the district shall at the place of nomination openly declare the state of the poll, and shall at the same time declare the name or names of the person or persons who may have been duly elected at such election; and, in the event of the number of votes being found to have been equal for any two or more candidates, he shall by his casting vote declare which of the said candidates shall be elected: Provided that no Returning Officer shall vote at any election of which he is the Returning Officer except in the case of an equality of votes as aforesaid.

Names of persons elected to be inserted in writ.

58. The name or names of the person or persons so elected shall be inserted in or indorsed upon the writ by the Returning Officer, and such writ shall be returned by him to the Governor within the time by which such writ may be returnable.

Voting papers to be preserved.

59. The voting papers at every such election shall be kept for the space of six calendar months after such election by the Returning Officer, who shall permit any elector to inspect the same on payment of 1s.

New writ in certain cases.

60. In case any writ to be issued by the Governor shall not be duly executed, or in case no valid election shall be made by virtue thereof, the Governor shall issue a new writ, directing the Returning Officer to proceed to a public election, in manner and subject to the provisions hereinbefore described.

Objection to validity of return.

61. All complaints of the undue return of members to serve in the said Council shall be addressed in the form of petition to the Governor, stating the ground of objection. But no petition shall be noticed, nor any proceedings had thereon, unless it be signed by some person who was a candidate at the election whereof it may be alleged that an undue return was made, or by a number of persons who voted, or who were qualified to have voted at the said election, amounting to not less than one-tenth of the whole number on the list of electors. And no such petition shall be noticed which shall not be delivered to the Returning Officer of the district, for immediate transmission to the Governor of the province, within twenty-one days from the day of election, nor unless a copy thereof shall have been served upon the party whose return shall be objected to within such period of twenty-one days as aforesaid. Within ten days after any such petition shall have been received at the office of the Colonial Secretary from the Returning Officer, if the said Council be then sitting, or, if the Council be not then sitting, within ten days after its next meeting, the Governor, or some other person duly authorized by him in that behalf, shall cause such petition to be referred to the said Council, and the validity of the return so complained of shall be decided by such Council, or by such other tribunal and in such manner as the said Council shall direct and appoint.

Wellington, Nelson, Christchurch, Lyttelton, and Dunedin to be deemed towns for purposes of Ordinance.

62. And I hereby further proclaim and declare that Wellington, Nelson, Christchurch, Lyttelton, and Dunedin shall be deemed and taken to be towns for the purposes of the said recited Ordinance.

Interpretation.

63. For the purpose of carrying into effect the provisions of this Proclamation, the term Governor shall be taken to include the Lieutenant-Governor, Superintendent, or other officer administering the Government of the province.

Proclamation to take effect from date.

64. This Proclamation shall take effect from the day of the date hereof.

Given under my hand, and issued under the Public Seal of the Islands of New Zealand, at Government House, at Wellington, in the Province of New Munster, in the Islands aforesaid, this third day of June, in the year of our Lord one thousand eight hundred and fifty-two.

By His Excellency's command.

ALFRED DOMETT,

Civil Secretary.

(L.S.)

G. GREY,
Commander-in-Chief.

GOD SAVE THE QUEEN!

SCHEDULE A.

DESCRIPTION OF BOUNDARIES.

Wellington.

1. The Town of Wellington District comprises the site of the Town of Wellington, as delineated in the plan hereunto annexed.

2. The Wellington Country District comprises the following districts: The Wadestown District, the Karori District, the Ohiro District, the Kaiwarawara District, the Porirua District, the Manawatu District, and including (excepting therefrom the Town of Wellington) the country adjacent to the above-named districts, and the Islands of Kapiti and Mana, and the other islands adjacent to the coasts thereof, the boundaries of the said Wellington Country District being particularly delineated in the plan hereunto annexed.

3. The Hutt District comprises the following districts: The Hutt District, the Upper Hutt District, the Pakuratahi District to the summit of the Rimutaka Range, the Lowry Bay District, the Wainuiomata District, and the country adjacent to these districts, as more particularly delineated in the plan hereunto annexed.

4. The Wairarapa and Hawke's Bay District comprises that portion of the Wairarapa Valley and of the country adjacent thereto which is particularly delineated in the plan hereunto annexed, and that portion of the Hawke's Bay District which has been acquired by the Crown by purchase from the Natives, and which lies within the Province of New Munster.

5. The Wanganui and Rangitikei District comprises the tracts of country situated upon the Rivers Wanganui and Rangitikei which have been acquired by the Crown by purchase from the Natives.

Nelson.

1. The Town of Nelson District comprises the site of the Town of Nelson, as delineated in the plan hereunto annexed.

2. The Waimea District comprises the following districts: Suburban North, Suburban South, Waimea East, Waimea West, Waimea South, including Eighty-Eight Valley and Motueka Valley; the boundaries of the said district being more particularly delineated upon the plan hereunto annexed, and the before-mentioned Town of Nelson District being excluded therefrom.

3. The Motueka District comprises the following districts: The Mouere District, the Motueka District to Astrolabe Roads, and the Massacre Bay District; the boundaries of the said district being more particularly delineated in the plan hereunto annexed.

4. The Wairau District comprises the Wairau Valley and Plain and the country adjacent thereto as far as the Kaikoura Range; it also comprises Waitohi, Queen Charlotte's Sound, and Port Underwood; the boundaries of the said district being more particularly delineated in the plan hereunto annexed.

Canterbury.

1. The Town of Christchurch District comprises the site of the Town of Christchurch, as shown in the plans of the Canterbury Association, in their office at Christchurch.

2. The Christchurch Country District comprises all that tract of land described in the Schedule to the Act of Parliament empowering the Canterbury Association to dispose of certain lands in New Zealand (13 and 14 Vict., cap. 70) which are not comprised in the Town of Christchurch District, in the Town of Lyttelton District, or in the Akaroa District.

3. The Town of Lyttelton District comprises the site of the Town of Lyttelton, as shown in the plans of the Canterbury Association, in their office at Christchurch.

4. The Akaroa District comprises all that portion of Banks Peninsula which is bounded on the North, South, and East by the sea, and on the West by a right line drawn from a point on the northern coast of Banks Peninsula midway between the eastern head of Port Levy and the western head of Pigeon Bay, due North and South across Banks Peninsula until it meets the sea on the south coast of the said peninsula.

Otago.

1. The Town of Dunedin District comprises the site of the Town of Dunedin, as delineated in the plan hereunto annexed.

2. The Dunedin Country District comprises all that portion of the Middle Island of New Zealand, not comprised in the site of the Town of Dunedin, which lies to the south of a due east and west line drawn from the centre of the Waitangi River, at its point of junction with the sea, until it meets the west coast of the said Island.

Enclosure 3 in No. 46.

PROCLAMATION.

BY His Excellency Sir GEORGE GREY, a Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over the Islands of New Zealand, and Governor of the Provinces of New Ulster and New Munster, and Vice-Admiral of the same, &c.

Analysis.

Preamble reciting Provincial Councils Ordinance, Session XI., No. 6. | 1. Number of members of Council.
| 2. Number of members of each district.

Preamble reciting Provincial Councils Ordinance, Session XI., No. 6.

WHEREAS, by an Ordinance enacted by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, Session XI., No. 6, intituled "An Ordinance to provide for the Establishment of Provincial Legislative Councils, and for the Election, &c., of Members to serve therein," it was, amongst other things, enacted that, for each of the provinces into which the Islands of New Zealand then were or might thereafter be divided, there should be a Legislative Council, to consist of such number of members, not less than nine, as the Governor-in-Chief should, by Proclamation in that behalf, from time to time direct and appoint, and that two-thirds of the members of every such Council should be elected by the inhabitants of the province as thereafter provided, and that it should be lawful for the Governor-in-Chief of New Zealand, until provision should be made by law in that behalf, by Proclamation to be published in the New Zealand Government *Gazette*, to constitute within every such province convenient electoral districts, and to appoint and declare the number of members to be elected for each such district, and to make provision for the registration and revision of lists of all persons qualified to vote at the elections to be holden within such districts, and for the appointing of Returning Officers, and for the issuing, executing, and returning the necessary writs for such elections, and for taking the poll thereat, and for determining the validity of all disputed returns, and otherwise for insuring the orderly, effective, and impartial conduct of such elections; and by the said recited Ordinance power was given to the Governor-in-Chief, by Proclamation, to declare certain places to be towns

for the purposes of the said Ordinance: And whereas, in pursuance of the said Ordinance, a Proclamation was issued by the Governor-in-Chief upon the third day of June last, by which it was proclaimed of and concerning the Province of New Munster that the said province should be divided into electoral districts: And whereas, by the said Proclamation, provision was made in the Province of New Munster for the registration and revision of lists of all persons qualified to vote at the elections to be holden within such districts, and for the appointment of Returning Officers, and for the issuing, executing, and returning the necessary writs for such elections, and for taking the poll thereat, and for determining the validity of all disputed returns, and otherwise for insuring the orderly, effective, and impartial conduct of such elections: And whereas, by the said Proclamation of the third day of June last, the Governor-in-Chief did not appoint and declare the number of members to be elected for the several electoral districts:

Now, therefore, I, the Governor-in-Chief of New Zealand, in pursuance and by virtue of the power and authority vested in me by the said recited Ordinance, and under and by virtue of all other powers and authorities enabling me in that behalf, do hereby proclaim, declare, direct, and appoint, as to and concerning the Province of New Munster, as follows, that is to say,—

Number of members of Council.

1. That the Legislative Council of the said province shall consist of thirty-three members.

Number of members for each district.

2. That the number of members to be elected to serve for the several electoral districts in the said province shall be as follows, viz. :—

Wellington: (1) For the City of Wellington, three members; (2) for the Wellington Country, one member; (3) for the Hutt, two members; (4) for the Wairarapa and Hawke's Bay, one member; (5) for the Whanganui and Rangitikei, one member.

Nelson: (1) For the Town of Nelson, two members; (2) for the Waimea, two members; (3) for the Motueka and Massacre Bay, one member; (4) for the Wairau, one member.

Canterbury: (1) For the Town of Christchurch, one member; (2) for the Christchurch Country, two members; (3) for the Town of Lyttelton, one member; (4) for the Akaroa, one member.

Otago: (1) For the Town of Dunedin, one member; (2) for the Dunedin Country, two members.

Given under my hand, and issued under the Public Seal of the Islands of New Zealand, at Government House, at Wellington, in the Province of New Munster, in the Islands aforesaid, this ninth day of August, in the year of our Lord one thousand eight hundred and fifty-two.

(L.S.)

G. GREY.

Governor-in-Chief.

By His Excellency's command.

ALFRED DOMETT,

Civil Secretary.

GOD SAVE THE QUEEN!

Enclosure 4 in No. 46.

LETTERS addressed to His Honour the SUPERINTENDENT, Nelson, and the RESIDENT MAGISTRATES of Canterbury and Otago, on the Subject of the Proclamation of the 3rd June, 1852, relating to the Division of the Province of New Munster into Electoral Districts.

Mr. DOMETT, Civil Secretary, to His Honour the SUPERINTENDENT, Nelson.

SIR,—

Civil Secretary's Office, Wellington, 3rd June, 1852.

In forwarding to your Honour a copy of a Proclamation which has just been issued, to constitute districts for the election of members of the Provincial Legislature to be established under the provisions of the Provincial Councils Ordinance, Session XI., No. 6, I am directed by His Excellency the Governor-in-Chief to furnish you with the following explanations connected therewith :—

Your Honour will observe that the Proclamation makes no provision for the number of members to be returned by each electoral district. The circumstances under which this omission has been considered advisable are these: The Provincial Councils Ordinance was originally framed in contemplation of the subdivision, at an earlier date than the present, of the Province of New Munster into several provinces of minor extent. The expediency of such a subdivision was recognised by Lord Grey as long ago as February, 1851, and, in a despatch of that date, from his Lordship to the Governor-in-Chief, his Excellency was informed that he would be empowered to create such new provinces by fresh Royal Instructions to be issued in that behalf. The Instructions alluded to have, however, not yet been received.

It appeared, then, to his Excellency and the Executive Council that the utility and efficiency of institutions like the Provincial Councils, framed with special reference, in the words of Lord Grey, to their subordinate character, would be so greatly augmented by their application to districts of a comparatively limited extent, that it was deemed desirable to defer, if possible, any decision upon the numbers of members to be chosen in each electoral district until such decision could be so made as to accord with the establishment of the several Councils intended to be created. This, of course, could not be done until the number of provinces was determined, and the powers to establish them were received. The latter may now be daily expected to arrive. The present Proclamation, therefore, has been confined in its object to the division of the existing Province of New Munster into electoral districts, which may be available after the creation of the provinces it will eventually comprise. But, while this object has been strictly kept in view, all that was necessary at present appeared to be to include only the inhabited portions of the province in such districts, leaving the electoral division of the almost uninhabited tracts of country lying between the settlements to be determined upon when the boundaries of the provinces shall have been definitely settled.

By the above arrangement your Honour will perceive that the registration of voters will be insured in time for the approaching elections; and every requisite preparation will have been made

for the introduction, immediately on the receipt of the Instructions announcing the creation of the new provinces, of representative institutions, in the precise form which Parliament will have decided to give them. It has further been found necessary, within this province, to extend the period at which the writs are made returnable to ninety days, in order that due time may be allowed for their conveyance to the more distant settlements, such as Otago, and for the adoption therein of the steps necessary to be taken upon their being received.

Your Honour will further observe that, with respect to the Nelson District, the power has been left to you of prescribing, by public notice, in reference to the Waimea, Motueka, and Wairau Districts, the places at which claims to vote for these districts must be delivered, it being presumed that your Honour's local knowledge and experience will enable you to perform this duty in the most satisfactory manner, more particularly in the case of the Wairau District: its peculiar character, and its connection with the Town of Nelson, have made it requisite to leave your Honour a very large discretion, as it has not been prescribed by the Proclamation that the place for the delivery of claims must necessarily be even within the limits of the district itself. In like manner, the duty of appointing the persons to receive and register the claims, to prepare the list of claims, and to call special meetings of the Magistrates of the districts, for the purpose of revising such lists, has been confided to your Honour, it being thought proper, although you hold the office of Resident Magistrate, to relieve you, as Superintendent, from these duties, as also from that of acting as Returning Officer. The power of naming additional polling-places, should such be found necessary in any of the districts of the Nelson settlement, has also been left to your Honour.

I have, &c.,

ALFRED DOMETT,
Civil Secretary.

His Honour the Superintendent, Nelson.

Sub-Enclosure 1 to Enclosure 4 in No. 46.

Mr. DOMETT, Civil Secretary, to the RESIDENT MAGISTRATE, Canterbury.

SIR,—

Civil Secretary's Office, Wellington, 3rd June, 1852.

In forwarding to you a copy of a Proclamation which has just been issued to constitute districts for the election of members of the Provincial Legislature, to be established under the provisions of the Provincial Councils Ordinance, Session XI., No. 6, I am directed by His Excellency the Governor-in-Chief to furnish you with the following explanations connected therewith:—

You will observe that the Proclamation makes no provision for the number of members to be returned by each electoral district. The circumstances under which this omission has been considered advisable are these: The Provincial Councils Ordinance was originally framed in contemplation of the subdivision, at an earlier date than the present, of the Province of New Munster into several provinces of minor extent. The expediency of such a subdivision was recognised by Lord Grey as long ago as February, 1851; and, in a despatch of that date from his Lordship to the Governor-in-Chief, His Excellency was informed that he would be empowered to create such new provinces by fresh Royal Instructions to be issued in that behalf. The Instructions alluded to have, however, not yet been received.

It appeared, then, to His Excellency and the Executive Council that the utility and efficiency of institutions like the Provincial Councils, framed with special reference, in the words of Lord Grey, to their subordinate character, would be so greatly augmented by their application to districts of a comparatively limited extent, that it was deemed desirable to defer, if possible, any decision upon the number of members to be chosen in each electoral district until such decision could be so made as to accord with the establishment of the several Councils intended to be created. This, of course, could not be done until the number of provinces was determined, and the powers to establish them were received. The latter may now be daily expected to arrive. The present Proclamation, therefore, has been confined in its object to the division of the existing Province of New Munster into electoral districts, which may be available after the creation of the provinces it will eventually comprise. But, while this object has been strictly kept in view, all that was necessary at present appeared to be to include only the inhabited portions of the province in such districts, leaving the electoral division of the almost uninhabited tracts of country lying between the settlements to be determined upon when the boundaries of the provinces shall have been definitely settled. As, moreover, these provinces are to be constituted, according to the received intimation of the intention of Her Majesty's Government, without reference to any particular regulation regarding the sale of land which may prevail in some portions of them, it is hardly necessary to say that the Proclamation does not preclude the extension of the limits of the Province of Canterbury, as it may be ultimately defined, beyond those of the electoral districts now proclaimed for that settlement. On the receipt of the Instructions above alluded to, His Excellency will proceed to fix the boundaries of the Canterbury as well as those of the Nelson and Otago Provinces, in a manner which he trusts may be satisfactory to the great majority of persons interested in the question. It has been further found necessary, within this province, to extend the period at which writs are made returnable to ninety days, in order that due time may be allowed for their conveyance to the more distant settlements, such as Otago, and for the adoption therein of the steps necessary to be taken upon their being received.

By the above arrangements you will perceive that the only object at present contemplated, namely, to secure the formation of the electoral roll, and to give all persons in each settlement, entitled to such a privilege, an opportunity of having their names placed upon such roll in time for the approaching elections, has been insured; and every requisite arrangement will have been made to prevent delay in the introduction, on the arrival of the Instructions before alluded to, of representative institutions in the precise form which Parliament will have decided upon giving them. It now only remains for me to request that you will be good enough to state, for His Excellency's information, whether you consider additional polling-places necessary in any of the electoral districts mentioned in the Proclamation.

I have, &c.,

ALFRED DOMETT,
Civil Secretary.

The Resident Magistrate, Canterbury.

Sub-Enclosure 2 to Enclosure 4 in No. 46.

Mr. DOMETT, Civil Secretary, to the RESIDENT MAGISTRATE, Otago.

SIR,—

Civil Secretary's Office, Wellington, 3rd June, 1852.

In forwarding you a copy of a Proclamation, which has just been issued, to constitute districts for the election of members of the Provincial Legislature, to be established under the provisions of the Provincial Councils Ordinance, Session XI., No. 6, I am directed by His Excellency the Governor-in-Chief to furnish you with the following explanations connected therewith:—

You will observe that the Proclamation makes no provision for the number of members to be returned by each electoral district. The circumstances under which this omission has been considered advisable are these: The Provincial Councils Ordinance was originally framed in contemplation of the subdivision at an earlier date than the present, of the Province of New Munster into several provinces of minor extent. The expediency of such a subdivision was recognised by Lord Grey as long ago as February, 1851; and, in a despatch of that date from his Lordship to the Governor-in-Chief, His Excellency was informed that he would be empowered to create such new provinces by fresh Royal Instructions to be issued in that behalf. The Instructions alluded to have, however, not yet been received.

It appeared, then, to His Excellency and the Executive Council that the utility and efficiency of institutions like the Provincial Councils, framed with special reference, in the words of Lord Grey, to their subordinate character, would be so greatly augmented by their application to districts of a comparatively limited extent, that it was deemed desirable to defer, if possible, any decision upon the number of members to be chosen in each electoral district until such decision could be so made as to accord with the establishment of the several Councils intended to be created. This, of course, could not be done until the number of provinces was determined, and the powers to establish them were received. The latter may now be daily expected to arrive. The present Proclamation, therefore, has been confined in its object to the division of the existing Province of New Munster into electoral districts, which may be available after the creation of the provinces it will eventually comprise. But, while this object has been strictly kept in view, all that was necessary at present appeared to be to include only the inhabited portions of the province in such districts, leaving the electoral division of the almost uninhabited tracts of country lying between the settlements to be determined upon when the boundaries of the provinces shall have been definitely settled.

By the above arrangement you will perceive that the registration of voters will be insured in time for the approaching elections; and every requisite preparation will have been made for the introduction, immediately on the receipt of the Instructions announcing the creation of new provinces, of representative institutions in the precise form which Parliament will have decided to give them. It has further been found necessary, within this province, to extend the period at which the writs are made returnable to ninety days, in order that due time may be allowed for their conveyance to the more distant settlements, such as Otago, and for the adoption therein of the steps necessary to be taken on their being received.

With respect to registration of claims to vote, His Excellency has considered that, looking to the present state of the Otago settlement, the convenience of the settlers would be most promoted by the one central point of the Town of Dunedin being selected as that at which their claims are to be received.

It now only remains for me to request that you will be good enough to state, for His Excellency's information, whether you are of opinion that additional polling-places are necessary in either of the electoral districts mentioned in the Proclamation.

I have, &c.,

ALFRED DOMETT,
Civil Secretary.

The Resident Magistrate, Otago.

Enclosure 5 in No. 46.

EXTRACT from the MINUTES of the PROCEEDINGS of the EXECUTIVE COUNCIL of NEW MUNSTER.

Council Chamber, 8th August, 1852.

Resolved, The Council is of opinion that, in determining the number of members of which the Provincial Council of New Munster should consist, the first condition to be attended to is, that it be such that a number of members in exact proportion to the respective populations of the various settlements in the province may be given to each. To effect this it will be found absolutely necessary that the Council should consist of a larger number of members than the Legislative Councils of this colony have hitherto been composed of. On the other hand, the great dispersion of the settlements, the little communication between them, and the consequent difficulty of finding persons in sufficient numbers able so entirely to abandon their ordinary avocations, as well as the great expense that a very numerous Council of paid members would entail upon the public, render it desirable to limit the total number to the smallest amount compatible with the attainment of the objects just mentioned. A third condition required by the provisions of the Ordinance is, that the number fixed be divisible by two, in order that precisely one-third may consist of members nominated by the Crown.

The populations of Wellington, Nelson, Canterbury, and Otago, as taken at the last census, are respectively 6,515, 4,287, 3,273, and 1,776. Keeping, then, the above objects and conditions in view, the Council would recommend that the elected members should be not less than eighteen in number. A still greater number would be preferable, as will presently be seen. The Council, however, propose to take the number of eighteen, and then compare the advantages and disadvantages of this number with those of a larger number, stating, first, how, in their opinion, the smaller number should be distributed among the settlements, and, then, the advantages to be gained by increasing this number. The latter will be more conveniently shown, and the precise increase determined with more accuracy, when the distribution of the members among the different districts of the respective settlements comes to be considered.

First, then, with respect to the distribution of the smaller number of eighteen throughout the whole province. Of these, seven should be appropriated to the Wellington District, five to Nelson, four to Canterbury, and two to Otago. It is certain that no smaller number than this (divisible as it must be by two) will afford the means of apportioning the members among the respective settlements with nearly the same fairness and impartiality. Of course, with a larger number, this might be as satisfactorily effected.

The distribution of the members among the various districts of the different settlements is the next point. Here the same principle of proportion of members to population should be followed. If, in any instance, it should be at all departed from, perhaps this might most properly take place where a strict adherence to it would leave any particular class, such as that of sheep-farmers, from their numerical inferiority, virtually unrepresented, because associated in the exercise of their elective franchise with another class numerically very superior. For the Council are of opinion that this other principle of securing to each separate interest, as far as possible, a share of actual representation is as important and essential to complete representation as that of providing for each variation in amount of population a corresponding variation in amount of members. Taking, then, the population of the respective districts in each settlement, it appears that in the Wellington settlement the population of the City of Wellington is 3,077, and that of the rural districts, inclusive of Wanganui, 3,438. Of the whole seven members, then, supposing eighteen to be the number for the province, it is proposed to give three to the City of Wellington, and to distribute the other four as follows: To the Hutt District, as defined in the Proclamation of electoral districts, the population of which is 1,353, two members; to the Wellington Country District, population 1,137, one member. There remain the Wanganui and Rangitikei Districts (546), and the Wairarapa and Hawke's Bay District (302). The first constitutes in itself a community so entirely separate and independent of other districts as to appear to entitle it to a member of its own. To it, therefore, the seventh member should be given. But the same consideration applies with equal force to the pastoral Districts of Wairarapa and Hawke's Bay; and, as the whole seven members are already appropriated, one of three courses must be pursued. The population of Wairarapa and Hawke's Bay may be thrown into that of the Hutt, and no separate member to be given to the former. The population of the whole would then be 1,605 in all, to which amount the two members already assigned to the Hutt would bear a more correct proportion. The other alternatives would be, first, to take from the City of Wellington one member, to be given to the pastoral districts last named. In favour of this course it might be urged that, as so many of the nominated members will be officials residing in Wellington, the interests of that city would be secure of sufficient weight and attention in the Council even without its due proportion of elected members according to its population; and the very fact of the Council sitting in Wellington would, no doubt, alone secure proper consideration for its commercial and mercantile interests. The only remaining course by which to secure for the pastoral interest a member of its own would be to increase the whole number for the Wellington District by one, and to give this one to Wairarapa and Hawke's Bay. It is true that this would require other changes to restore the due proportion of members between the whole settlements, which will presently be considered. But this course the Council decidedly recommend as securing advantages greater than any countervailing disadvantages arising from the number of members for the whole province.

Nelson.—The number appropriated for Nelson, as has been stated, is five. The population of Nelson Town is 1,576; of the country districts, 2,711. Two members may therefore be given to the town, three to the country. The Waimea District contains 1,813 souls; the Wairau, &c., 366. If, then, these two be added together, two members could be given to the aggregate, 2,179, which would preserve the proportions approximated to throughout. One member would remain for Motueka, with its population of 532. But, here again, it would evidently be better to afford a member for the pastoral interest, so very important and flourishing a one in that settlement; and this could only be done, with the total number of five members, by taking one member from the town to be given to Wairau, if it be determined to leave the pastoral interest without a separate representative. It might certainly be argued, in justification of such a course, that it is probable that many of the members, whether of the town or country districts, would themselves be sheep-farmers, that being a pursuit so generally followed, and therefore that the interests of that class would be sufficiently looked after even without direct and immediate representation. This remark applies equally to the course proposed in the similar case at Wellington, viz., that of joining the populations of Wairarapa and the Hutt together, and giving two members to the aggregate. But the Council believe it to be far preferable to add one member to the number of those given to Nelson, who would represent the Wairau District. This arrangement would certainly make the Nelson representation as complete as possible, while, with the additional member for Wellington, the whole number in the province would still be kept divisible by two. But, on the other hand, the proportion of members given to Canterbury and Otago would then become somewhat too small. On the whole, the Council think it preferable to err on the side of liberal representation, than to leave any district or class imperfectly represented. In this view they would advise the addition both to the Wellington and Nelson representation; and the restoration of the balance between the whole settlements (if it were thought necessary), and their population, by even giving an additional member to Canterbury and Otago, making twenty-two in all; by which the representation of these places also would, as will be immediately shown, be much better adjusted than it could be if the smaller number of eighteen were adhered to.

Canterbury.—The census returns before the Council are so imperfect with respect to Canterbury, that it is impossible to particularise the amount of population in the town and country of Christchurch respectively, or that of Lyttelton alone. The three together contain 2,832 souls, and Akaroa 441. Of the four members to be given to Canterbury, three can be given to the three first-named places, one to each, and one to the last. The proportion between the one member for 441 souls, and only two for 2,832, would be very unequal. If, therefore, an additional member were given as above proposed, such addition would be made to the Christchurch Country District, by which arrangement the representation of the whole settlement would be materially improved.

Otago.—In the Otago District the Town of Dunedin contains 589 souls, the other districts 1,187. The disproportion is here so great, that, with the smaller number of eighteen members for the province, it would be probably necessary to appropriate the two members to both town and country population indiscriminately, the two members to be elected, in fact, by the whole settlement. But if, as proposed above, an additional member be given to Otago, then one member should be allowed to the town and two to the country districts, which again would render the proportion of representation between country and town perfectly accurate.

The advantages of the larger number of members have thus become so apparent that the Council cannot but believe it will be immediately evident that they greatly countervail the disadvantages of the comparatively small increase of expense entailed by the adoption of this larger number, and of the difficulty of procuring the few additional members required.

The Council cannot conclude this resolution without recording their opinion that, even with the best arrangement and distribution of members possible, a Legislative Council like that under consideration, being so general in its constitution, yet so local in its objects and limited in its powers, cannot be expected to work as satisfactorily as it would have done had the subdivision of New Munster into minor provinces, expected to have been authorised at an earlier period than the present, been previously effected. The Councils established by the Ordinance were expressly intended for and adapted to districts thus limited in extent, and it is vain to expect that any modifications of the details of a system constructed for one state of things can render it thoroughly applicable and appropriate to another entirely different; that a Council composed of a number of local Councils devoted to the consideration of local subjects, and possessing only the minor degrees of interest and importance belonging to such Councils and subjects, yet involving all the difficulties in the assembling of its members, the sacrifices of time and expense, private and public, of a general Council of the whole country, can be expected by any contrivances to be rendered a convenient and efficient means of legislation.

Circumstances over which the Government have no control have rendered necessary the bringing into operation of the Ordinance constituting these Councils throughout the whole province; but the Council cannot but express their hope that the adoption by the Home Government of the complete system proposed by the Governor-in-Chief will at an early date admit of the establishment of Provincial Councils of a thoroughly practicable character, and altogether suitable to the circumstances of the colony.

His Excellency concurred in the above resolution.

No. 47.

COPY of a DESPATCH from Governor GREY to the Right Hon. Sir JOHN S. PAKINGTON, Bart.
(No. 13.)

SIR,—

Government House, Wellington, 17th January, 1853.

In obedience to the standing instructions of your department, I have the honour to enclose, for your information, the transcript of a Proclamation which I have this day issued, proclaiming and declaring that I have received "An Act (15th and 16th Vict., c. 72), to grant a Representative Constitution to the Colony of New Zealand," which Act will take effect and come into operation upon and from the date of Proclamation.

The Right Hon. Sir John S. Pakington, &c.

I have, &c.,

G. GREY.

Enclosure in No. 47.

PROCLAMATION.

By His Excellency Sir GEORGE GREY, a Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over the Islands of New Zealand, and Vice-Admiral of the same, &c.

WHEREAS, by an Act passed in the fifteenth and sixteenth years of the reign of Her present Majesty, c. 72, intituled, "An Act to grant a Representative Constitution to the Colony of New Zealand, it is enacted that the said Act shall be proclaimed in New Zealand, by the Governor thereof, within six weeks after a copy of such Act shall have been received by such Governor, and, save as therein expressly provided, shall take effect in New Zealand from the day of such proclamation thereof:

Now, therefore, I, the Governor-in-Chief, do proclaim and declare that I have received a copy of the said in part recited Act; and I do further proclaim and declare that this Proclamation, and the said in part recited Act, shall take effect and come into operation within New Zealand upon and from the date hereof.

Given under my hand, and issued under the Public Seal of the Islands of New Zealand, at Government House, at Wellington, in the Province of New Munster, in the Islands aforesaid, this seventeenth day of January in the year of our Lord one thousand eight hundred and fifty-three.

By His Excellency's command,
ALFRED DOMETT,
Civil Secretary.

G. GREY,
Governor-in-Chief.

GOD SAVE THE QUEEN!

No. 48.

COPY of a DESPATCH from Governor GREY to the Right Hon. Sir JOHN S. PAKINGTON, Bart.
(No. 29.)

SIR,—

Government House, Wellington, 23rd February, 1853.

I have the honour to acknowledge the receipt of your Despatch No. 32, of the 16th July last, transmitting the "Act to grant a Representative Constitution to the Colony of New Zealand."

2. I avail myself of this opportunity of returning to you my grateful acknowledgments for the terms in which you have in that despatch intrusted me with the task of introducing so important a measure into the Colony of New Zealand. I feel that such a task will necessarily be a difficult one, but no exertions on my part shall be wanting to make manifest my sense of the confidence you have reposed in me, by rendering as successful and as beneficial as possible for this country the measure which you carried through Parliament, with the intention of securing for New Zealand a representative Constitution which appears so admirably adapted to its present state and future wants.

The Right Hon. Sir J. S. Pakington, &c.

I have, &c.,
G. GREY.

No. 49.

COPY of a DESPATCH from Governor GREY to the Right Hon. Sir JOHN S. PAKINGTON, Bart.
(No. 35.)

SIR,—

Government House, Wellington, 5th March, 1853.

I have the honour to transmit copies of the two Proclamations named in the margin [Proclamations dated the 28th February, 1853, and 5th March, 1853], which I have issued under the authority of the Act of Parliament, 15 and 16 Vict., c. 72, intituled "An Act to grant a Representative Constitution to the Colony of New Zealand."

2. The first of these Proclamations divides the New Zealand Islands into the six provinces constituted by the above-mentioned Act.

3. The second Proclamation divides those six provinces into electoral districts, for the election of Superintendents, of members of the Provincial Councils, and of the House of Representatives of New Zealand, and makes the necessary provision for the registration and revision of the lists of electors, &c. These two Proclamations having been issued, the other steps necessary for the complete introduction of the new Constitution can be readily and speedily taken.

The Right Hon. Sir J. S. Pakington, &c.

I have, &c.,
G. GREY.

Enclosure 1 in No. 49.

PROCLAMATION.

BY His Excellency Sir GEORGE GREY, a Knight Commander of the Most Honourable Order of the Bath, Governor-in-Chief and Commander-in-Chief in and over the Islands of New Zealand, and Vice-Admiral of the same, &c.

WHEREAS an Act was passed in the fifteenth and sixteenth years of the reign of Her present Majesty, c. 72, intituled "An Act to grant a Representative Constitution to the Colony of New Zealand:" And whereas the said Act, in accordance with the provisions thereof, was proclaimed in the said Colony of New Zealand on the seventeenth day of January, in the year of our Lord one thousand eight hundred and fifty-three: And whereas, by the second clause of the said recited Act, the following provinces were established in the said Colony of New Zealand, namely: The Province of Auckland, the Province of New Plymouth, the Province of Wellington, the Province of Nelson, the Province of Canterbury, and the Province of Otago: And whereas it was, by the same clause of the same Act, further enacted that "the limits of such several provinces shall be fixed by Proclamation by the Governor as soon as conveniently may be after the Proclamation of the said Act:"

Now, therefore, I, the Governor-in-Chief, do hereby proclaim and declare that the limits of the provinces aforesaid shall be as follows, namely: The Province of Auckland shall be bounded on the North by the coast-line, including the islands adjacent thereto; on the East by the coast-line, including the islands adjacent thereto; on the West by the coast-line, including the islands adjacent thereto; and on the South by the River Mokau to its source; thence by a right line running from the source of the Mokau to the point where the Ngahuinga or Tuhua, the principal tributary of the Wanganui River, is intersected by the thirty-ninth parallel of south latitude; thence eastward by the thirty-ninth parallel of south latitude to the point where that parallel of latitude cuts the east coast of the Northern Island of New Zealand. The Province of New Plymouth shall be bounded on the North by the River Mokau to its source; on the East by a right line running from the source of the River Mokau to the point where the Ngahuinga or Tuhua, the principal tributary of the Wanganui River, is intersected by the thirty-ninth parallel of south latitude; thence by the River Wanganui to the point where it is met by the Taumatamahoe Path leading from the River Waitara; thence by a right line running from the above-described point on the Wanganui River to the mouth of the River Patea; on the West by the coast-line, including the islands adjacent thereto; and on the South by the coast-line, including the Islands adjacent thereto. The Province of Wellington shall be bounded on the North by the southern boundary of the Province of Auckland, as already described in this Proclamation; on the East by the coast-line, including the islands adjacent thereto; on the North-west by the southern portion of the eastern boundary of the Province of New Plymouth, as already described in this Proclamation; on the South-west by the coast-line, including the islands adjacent thereto; and on the South by the coast-line, including the islands adjacent thereto. The Province of Nelson shall be bounded on the North by the coast-line, including the islands adjacent thereto; on the East by the coast-line, including the islands adjacent thereto; on the West by the coast-line, including the islands adjacent thereto; and on the South by the River Hurunui to its source; thence by a right line drawn to the point where the River Kotuuraakaoka issues out of Lake Brunner; thence by the River Kotuuraakaoka to its junction with the River Grey; thence by the River Grey to its mouth. The Province of Canterbury shall be bounded on the North by the southern boundary of the Province of Nelson, as already described in this Proclamation; on the East by the coast-line, including the islands adjacent thereto; on the West by the coast-line, including the islands adjacent thereto; and on the South by the River Waitangi to its source; thence by a right line running to the source of the River Awarua;

thence by the River Awarua to its mouth. The Province of Otago shall be bounded on the North by the southern boundary of the Province of Canterbury, as already described in this Proclamation; on the East by the coast-line, including the islands adjacent thereto; on the West by the coast-line, including the islands adjacent thereto; and on the South by the coast-line, including the islands adjacent thereto: with the exception of Stewart Island, its adjacent islands, and Solander's Island, and the Island of Ruapuke.

This Proclamation shall take effect within the Province of Wellington on and after the day of the date hereof, and within each of the other provinces aforesaid on and after the day of the receipt of a copy hereof at the principal town of such province.

Given under my hand, and issued under the Public Seal of the Islands of New Zealand, at Government House, at Wellington, in the Province of New Munster, in the Islands aforesaid, this twenty-eighth day of February, in the year of our Lord one thousand eight hundred and fifty-three.

By His Excellency's command.
ALFRED DOMETT,
Civil Secretary.

(L.S.) G. GREY,
Governor-in-Chief.

GOD SAVE THE QUEEN!

Enclosure 2 in No. 49.

PROCLAMATION.

By His Excellency Sir GEORGE GREY, a Knight Commander of the Most Honourable Order of the Bath, Governor-in-Chief and Commander-in-Chief in and over the Islands of New Zealand, and Vice-Admiral of the same, &c.

Analysis.

Preamble.

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2. Number of electoral districts.
3. Number of members of the House of Representatives.

SECTION II.—SUPERINTENDENTS AND PROVINCIAL COUNCILS.

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4. Number of members of Provincial Council.
5. Number of electoral districts.
6. Number of members of Provincial Council for each district.

Province of New Plymouth.

7. Number of members of Provincial Council.
8. Number of electoral districts.
9. Number of members of Provincial Council for each district.

Province of Wellington.

10. Number of members of Provincial Council.
11. Number of electoral districts.
12. Number of members of Provincial Council for each district.

Province of Nelson.

13. Number of members of Provincial Council.
14. Number of electoral districts.
15. Number of members of Provincial Council for each district.

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16. Number of members of Provincial Council.
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33. The electoral roll, how long in force.
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50. State of the poll in each district to be inserted in writ at election for Superintendent.
51. Voting papers to be preserved.
52. New writ in certain cases.
53. Objection to validity of return of Superintendents.
54. Objection to validity of return of members of the House of Representatives.
55. Objection to validity of return of members of Provincial Council.
56. Auckland, New Plymouth, Wellington, Nelson, Christchurch, and Dunedin to be deemed capital towns for purposes of Proclamation.
57. Proclamation to take effect from date.
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Preamble reciting 15 and 16 Vict. Reg., c., 72, "An Act to grant a Representative Constitution to the Islands of New Zealand."—[June 30, 1852.]

WHEREAS, by an Act of the session of the Imperial Parliament holden in the fifteenth and sixteenth years of the reign of Her Majesty Queen Victoria, chapter seventy-two. it is, amongst other things, enacted that it shall be lawful for the Governor of New Zealand, by Proclamation, to constitute within each of the said provinces, by the above in part recited Act established, convenient electoral districts for the election of the Superintendent, of members of the Provincial Council, and of the House of Representatives of New Zealand, and to make provision for the registration and revision of lists of all

persons qualified to vote at the elections to be holden within such districts, and for the appointing of Returning Officers, and for issuing, executing, and returning the necessary writs for such elections, and for taking the poll thereat, and for determining the validity of all disputed returns, and otherwise for insuring the orderly, effective, and impartial conduct of such elections: And whereas, by the said recited Act, power is given to the Governor, by Proclamation, to declare certain places to be towns for the purposes of the said Act:

Now, therefore, I, the Governor-in-Chief of New Zealand, in pursuance and by virtue of the power and authority vested in me by the said in part recited Act, and under and by virtue of all other powers and authorities enabling me in that behalf, do hereby proclaim, declare, direct, and appoint as follows:—

SECTION I.—GENERAL ASSEMBLY.

Number of members to be elected.

1. The House of Representatives for the Islands of New Zealand shall consist of thirty-seven members.

Number of electoral districts.

2. The said Islands, for the purposes of the election of the members of the House of Representatives, shall be divided into twenty-four electoral districts, to be named as follows: (1) The City of Auckland, (2) the Suburbs of Auckland, (3) the Pensioner Settlements, (4) the Northern Division, (5) the Southern Division, (6) the Bay of Islands, (7) the Town of New Plymouth, (8) the Grey and Bell District, (9) the Omata District, (10) the City of Wellington, (11) the Wellington Country District, (12) the Hutt District, (13) the Wairarapa and Hawke's Bay District, (14) the Whanganui and Rangitikei District, (15) the Town of Nelson, (16) the Waimea District, (17) the Motueka and Massacre Bay District, (18) the Wairau District, (19) the Town of Christchurch, (20) the Christchurch Country District, (21) the Town of Lyttelton, (22) the Akaroa District, (23) the Town of Dunedin, (24) the Dunedin Country District. The boundaries of the said districts being particularly set forth and described in the schedule, and delineated on the maps or plans hereunto annexed.

Number of members of the House of Representatives for each district.

3. The number of members to be elected to serve in the House of Representatives for the said several districts shall be as follows, viz.: (1) For the City of Auckland, three members; (2) for the Suburbs of Auckland, two members; (3) for the Pensioner Settlements, two members; (4) for the Northern Division, two members; (5) for the Southern Division, two members; (6) for the Bay of Islands, one member; (7) for the Town of New Plymouth, one member; (8) for the Grey and Bell District, one member; (9) for the Omata District, one member; (10) for the City of Wellington, three members; (11) for the Wellington Country District, one member; (12) for the Hutt District, two members; (13) for the Wairarapa and Hawke's Bay District, one member; (14) for the Whanganui and Rangitikei District, one member; (15) for the Town of Nelson, two members; (16) for the Waimea District, two members; (17) for the Motueka and Massacre Bay District, one member; (18) for the Wairau District, one member; (19) for the Town of Christchurch, one member; (20) for the Christchurch Country District, two members; (21) for the Town of Lyttelton, one member; (22) for the Akaroa District, one member; (23) for the Town of Dunedin, one member; (24) for the Dunedin Country District, two members.

SECTION II.—SUPERINTENDENTS AND PROVINCIAL COUNCILS.

Province of Auckland.

Number of members of Provincial Council.

4. The Provincial Council of the said province shall consist of twenty-four members.

Number of electoral districts.

5. The Province of Auckland, for the purposes of the election of the Superintendent and the members of the Provincial Council thereof, shall be divided into six electoral districts, to be named as follows, viz.: (1) The City of Auckland, (2) the Suburbs of Auckland, (3) the Pensioner Settlements, (4) the Northern Division, (5) the Southern Division, (6) the Bay of Islands. The boundaries of the said districts being particularly set forth and described in the schedule, and delineated on the maps or plans hereunto annexed.

Number of members of the Provincial Council for each district.

6. The number of members to be elected to serve in the Provincial Council for the said several districts in the Province of Auckland shall be as follows: (1) For the City of Auckland, six members; (2) for the Suburbs of Auckland, four members; (3) for the Pensioner Settlements, four members; (4) for the Northern Division, four members; (5) for the Southern Division, four members; (6) for the Bay of Islands, two members.

Province of New Plymouth.

Number of members of Provincial Council.

7. The Provincial Council of the said province shall consist of nine members.

Number of electoral districts.

8. The Province of New Plymouth, for the purposes of the election of the Superintendent and the members of the Provincial Council thereof, shall be divided into three electoral districts, and shall be as follows, viz.: (1) The Town of New Plymouth, (2) the Grey and Bell District, (3) the Omata District. The boundaries of the said districts being particularly set forth and described in the schedule, and delineated on the maps or plans hereunto annexed.

Number of members of the Provincial Council for each district.

9. The number of members to be elected to serve in the Provincial Council for the said several districts in the Province of New Plymouth shall be as follows, viz.: (1) For the Town of New Plymouth, two members; (2) for the Grey and Bell District, four members; (3) for the Omata District, three members.

Province of Wellington.

Number of members of Provincial Council.

10. The Provincial Council for the said province shall consist of eighteen members.

Number of electoral districts.

11. The Province of Wellington, for the purpose of the election of the Superintendent and the members of the Provincial Council thereof, shall be divided into five electoral districts, to be named as follows, viz.: (1) The City of Wellington, (2) the Wellington Country District, (3) the Hutt District, (4) the Wairarapa and Hawke's Bay District, (5) the Whanganui and Rangitikei District. The boundaries of the said districts being particularly set forth and described in the schedule, and delineated on the maps or plans hereunto annexed.

Number of members of the Provincial Council for each district.

12. The number of members to be elected to serve in the Provincial Council for the said several districts shall be as follows, viz.: (1) For the City of Wellington, seven members; (2) for the Wellington Country District, three members; (3) for the Hutt District, four members; (4) for the Wairarapa and Hawke's Bay District, two members; (5) for the Whanganui and Rangitikei District, two members.

Province of Nelson.

Number of members of Provincial Council.

13. The Provincial Council of the said province shall consist of fifteen members.

Number of electoral districts.

14. The Province of Nelson, for the purposes of the election of the Superintendent and members of the Provincial Council thereof, shall be divided into seven electoral districts, to be named as follows, viz.: (1) The Town of Nelson, (2) the Suburban Districts, (3) the Waimea East District, (4) the Waimea West District, (5) the Waimea South District, (6) the Motueka and Massacre Bay District, (7) the Wairau District. The boundaries of the said districts being particularly set forth and described in the schedule, and delineated on the maps or plans hereunto annexed.

Number of members of the Provincial Council for each district.

15. The number of members to be elected to serve in the Provincial Council for the said several districts shall be as follows, viz.: (1) For the Town of Nelson, five members; (2) for the Suburban Districts, one member; (3) for the Waimea East District, two members; (4) for the Waimea West District, one member; (5) for the Waimea South District, two members; (6) for the Motueka and Massacre Bay District, two members; (7) for the Wairau District, two members.

Province of Canterbury.

Number of members of Provincial Council.

16. The Provincial Council of the said Province shall consist of twelve members.

Number of electoral districts.

17. The Province of Canterbury, for the purposes of the election of the Superintendent and of the members of the Provincial Council thereof, shall be divided into four electoral districts, to be named as follows, viz.: (1) The Town of Christchurch, (2) the Christchurch Country District, (3) the Town of Lyttelton, (4) the Akaroa District. The boundaries of the said districts being particularly set forth and described in the schedule, and delineated on the maps or plans hereunto annexed.

Number of members of the Provincial Council for each district.

18. The number of members to be elected to serve in the Provincial Council for the said several districts shall be as follows: (1) For the Town of Christchurch, three members; (2) for the Christchurch Country District, four members; (3) for the Town of Lyttelton, three members; (4) for the Akaroa District, two members.

Province of Otago.

Number of members of Provincial Council.

19. The Provincial Council of the said province shall consist of nine members.

Number of electoral districts.

20. The Province of Otago, for the purposes of the election of the Superintendent and the members of the Provincial Council thereof, shall be divided into two electoral districts, to be named as follows: (1) The Town of Dunedin; (2) the Dunedin Country District. The boundaries of the said districts being particularly set forth and described in the Schedule, and delineated on the maps or plans hereunto annexed.

Number of members of the Provincial Council for each district.

21. The number of members to be elected to serve in the Provincial Council for the said several districts shall be as follows: (1) For the Town of Dunedin, three members; (2) for the Dunedin Country District, six members.

SECTION III.—GENERAL REGULATIONS.

Qualification of voters.

22. Pursuant to the provisions of the above-recited Act, every man of the age of twenty-one years and upwards, having a freehold estate in possession, situate within the district for which the vote is to be given, of the clear value of fifty pounds above all charges and incumbrances, and of or to which he has been seized or entitled, either at law or in equity, for at least six calendar months next before the

last registration of electors; or having a leasehold estate in possession, situate within such a district, of the clear annual value of ten pounds, held upon a lease which, at the time of such registration, shall have not less than three years to run; or having a leasehold estate, so situate and of such value as aforesaid, of which he has been in possession for three years or upwards next before such registration; or being a householder within such district, occupying a tenement within the limits of a town, of the clear annual value of ten pounds, or without the limits of a town, of the clear annual value of five pounds, having resided therein six calendar months next before such registration as aforesaid, shall, if duly registered, be entitled to vote at the election of a Superintendent of a province, or of a member or members of the Provincial Council thereof, or of a member or members of the House of Representatives: Provided that he is not an alien, and that he has not at any time heretofore been attainted or convicted of any treason, felony, or any infamous offence within any part of Her Majesty's dominions, unless he shall have received a free pardon, or shall have undergone the sentence or punishment to which he shall have been adjudged for such offence.

Claim to be preferred.

23. No person shall be qualified to vote at the election of any Superintendent of a province, or of any member of the House of Representatives, or of the members of the Provincial Council of any of the provinces aforesaid, unless he shall prefer a claim to the right of voting, and unless such claim be duly enrolled as hereafter prescribed.

Form, &c., of claim.

24. Every such claim shall be in writing, and shall state the name of the district or districts in respect of which it shall be made, and shall be signed by the claimant or by some other person in his name and by his authority, and shall state also the place of abode and calling or business of the claimant, and the qualification in respect of which such claim may be made.

When to be preferred.

25. No such claim as aforesaid shall be received unless it be made between the 15th day of April next and the 15th day of May next, or in the month of April in some succeeding year.

Where to be preferred for certain districts.

26. Every person claiming a right to vote for the election of the members of the House of Representatives, of the Superintendent, or of the members of the Provincial Council, in the following districts—Province of Auckland: (1) The City of Auckland, (2) the Suburbs of Auckland, (3) the Pensioner Settlements, (4) the Northern Division, (5) the Southern Division—shall deliver his claim, or cause the same to be delivered, at the Police Office at Auckland; (6) the Bay of Islands—shall deliver his claim, or cause the same to be delivered, at the Police Office at Russell. Province of New Plymouth: (1) The Town of New Plymouth, (2) the Grey and Bell District, (3) the Omata District—shall deliver his claim, or cause the same to be delivered, at the Police Office, at New Plymouth. Province of Wellington: (1) The City of Wellington, (2) the Wellington Country District—shall deliver his claim, or cause the same to be delivered, at the Resident Magistrate's Office at Wellington; (3) the Hutt, (4) the Wairarapa and Hawke's Bay District—shall deliver his claim, or cause the same to be delivered, at the Resident Magistrate's Office in the Valley of the Hutt; (5) the Whanganui and Rangitikei District—shall deliver his claim, or cause the same to be delivered, at the Resident Magistrate's Office at Whanganui. Province of Nelson: (1) The Town of Nelson—shall deliver his claim, or cause the same to be delivered, at the Resident Magistrate's Office at Nelson; (2) the Waimea Districts (for the election of members of the House of Representatives), or (2) the Suburban Districts, (3) the Waimea East District, (4) the Waimea West District, (5) the Waimea South District (for the election of the Superintendent and members of the Provincial Council)—shall deliver his claim, or cause the same to be delivered, at the Resident Magistrate's Office, Nelson, or at such places in the Waimea District, or in the Suburban Districts, the Waimea East District, the Waimea West District, the Waimea South District, respectively, as the case may be, as the Resident Magistrate at Nelson may, by public notice, direct and appoint; (6) the Motueka and Massacre Bay Districts—shall deliver his claim, or cause the same to be delivered, at such place in the Motueka District as the Resident Magistrate at Nelson may, by public notice, direct and appoint; (7) the Wairau District—shall deliver his claim, or cause the same to be delivered, at such place as the Resident Magistrate at Nelson may, by public notice, direct and appoint. Province of Canterbury: (1) The Town of Christchurch, (2) the Christchurch Country District—shall deliver his claim, or cause the same to be delivered, at the Resident Magistrate's Office at Christchurch, or at such other place or places as the Resident Magistrate at Lyttelton may, by public notice, direct and appoint; (3) the Town of Lyttelton—shall deliver his claim, or cause the same to be delivered, at the Resident Magistrate's Office at Lyttelton; (4) the Akaroa District—shall deliver his claim, or cause the same to be delivered, at the Resident Magistrate's Office at Akaroa. Province of Otago: (1) The Town of Dunedin, (2) the Dunedin Country District—shall deliver his claim, or cause the same to be delivered, at the Resident Magistrate's Office at Dunedin, or at such other place or places as the Resident Magistrate at Dunedin may, by public notice, direct and appoint.

List of claims to be prepared.

27. On the 15th day of May next, and on the 30th day of April in every succeeding year, or as soon after as conveniently may be, the Resident Magistrate, or some other fit person or persons, to be appointed by the Governor in that behalf, at each of the above-named offices in the respective districts in the Islands of New Zealand and several provinces aforesaid, shall respectively cause a list to be prepared of the claims which have been delivered at such respective offices as aforesaid, in pursuance of this Proclamation, setting forth the Christian and surname of every claimant at full length, together with his place of abode, calling, or business, and the ground on which his claim may be made, and arranging the names in alphabetical order, and classing them for the several districts for which they may respectively claim to be entitled to vote.

And to be published.

28. On or before the fifteenth day of June next every such Resident Magistrate, or other person, as aforesaid, shall, as soon as conveniently may be, cause a copy of the list of claims, and in the month of June in every succeeding year shall cause a copy of the list of claims, which may have been preferred in pursuance of this Proclamation, together with a copy of the electoral roll then in force, to be posted in some conspicuous place in the district to which the said list and roll shall specially relate, and shall subjoin thereto a notice that all objections thereto will be heard and determined at a meeting of Justices, open to the public, and to be held on a day to be specified in such notice, not being more than one calendar month after the date thereof.

Justices to prepare electoral roll.

29. Each such Resident Magistrate, or other person, shall call a special meeting of the Justices of the Peace residing within the district or districts to which the said claims may relate, to be held on the day so to be specified as aforesaid, for the purpose of hearing and determining objections to such list and roll as aforesaid, and of forming the roll for the ensuing year of persons qualified to vote under the provisions of the said recited Ordinance.

Objections to claims.

30. Any person whose name shall be on any such list or roll may object to any other person as not entitled to have his name retained on the electoral roll. But the person so objecting shall, ten days at least before the day appointed for the formation of such electoral roll, cause notice in writing of such objection, and of the ground thereof, to be given to the Resident Magistrate or other the person acting for the district, and also to the person objected to.

Electoral roll, how to be formed.

31. At the meeting to be held for the formation of the said electoral roll, or at some adjournment of such meeting, the Justices (any two being a quorum) shall retain on the list of claims, and on the roll then in force, the names of all persons to whom no objection shall have been duly made, and shall also retain on the said lists and rolls the name of any person who shall have been objected to, unless the party objecting shall appear in person in support of such objections, and shall also prove due service of his notice of his objections.

Proof of qualification, in what case required.

32. In case the party objecting shall make his objections in person, and shall prove such service of notice as aforesaid, the Court shall require proof of the qualification of the person so objected to; and in case the qualification of such person shall be not proved to the satisfaction of the Court the name of such person shall be expunged from the list or roll. The Court shall also expunge therefrom the name of every person who shall be proved to be dead, and shall correct any mistake, or shall supply any omission, which should be proved to have been made therein respectively, in respect of the name or the place of abode of any person who shall be included therein, or in respect of the local description of his property; and the lists and roll so corrected shall form the electoral roll for the ensuing year, and shall be signed by the Resident Magistrate, or other the person presiding at such meeting of Justices as aforesaid.

The electoral roll how long in force.

33. The persons whose names shall be so enrolled thereon shall be deemed and taken to be the electors of the district until the completion of the electoral roll for the year next ensuing; and every person whose name shall appear upon such electoral roll shall be deemed and taken to be duly qualified to vote for the district in respect of which his name shall appear upon such roll without any further or other inquiry, revision, or scrutiny whatever; and when the name of any person claiming to be placed upon such roll shall once have been duly enrolled thereon such name shall from year to year continue to be published as aforesaid, and be retained on the electoral roll for the time being without any further claim on the part of the elector until his name be objected to, and shall be duly expunged in manner hereinbefore prescribed.

Copy of electoral roll to be published.

34. As soon as conveniently may be after the annual revision of such roll the Resident Magistrate, or such other person as aforesaid, shall cause copies thereof to be published for general information; and the original roll shall be preserved by him as long as it shall remain in force, open to the inspection of any elector, at reasonable times, on payment of one shilling.

Polling-places.

35. Province of Auckland: The polling-places for the following districts in the Province of Auckland, viz., (1) The City of Auckland, (2) the Suburbs of Auckland, (3) the Northern Division, shall be at some convenient place in the City of Auckland to be specified by the Returning Officer; (4) the Pensioner Settlements, (5) the Southern Division, shall be at some convenient place in the Village of Onehunga to be specified by the Returning Officer; (6) the Bay of Islands shall be at some convenient place in the Town of Russell to be specified by the Returning Officer. Province of New Plymouth: The polling-places for the following districts in the Province of New Plymouth, viz., (1) The Town of New Plymouth, (2) the Grey and Bell Districts, (3) the Omata District, shall be at some convenient place in the Town of New Plymouth to be specified by the Returning Officer. Province of Wellington: The polling-places for the following districts in the Province of Wellington, viz., (1) The City of Wellington, (2) the Wellington Country District, shall be at some convenient place in the City of Wellington to be specified by the Returning Officer; (3) the Hutt District shall be at some convenient place in the Valley of the Hutt to be specified by the Returning Officer; (4) the Wairarapa and Hawke's Bay Districts shall be at some convenient place or places to be specified by the Returning Officer; (5) the Wanganui and Rangitikei Districts shall be at some convenient place in Wanganui to be specified by the Returning Officer. Province of Nelson: The polling-places for the following

districts in the Province of Nelson, viz., (1) The Town of Nelson shall be at some convenient place in the Town of Nelson to be specified by the Returning Officer; (2) the Waimea Districts, or (2) the Suburban Districts, or (3) the Waimea East District, or (4) the Waimea West District, or (5) the Waimea South District, shall, for the election of the members of the House of Representatives, be at some convenient place or places in the Waimea District, or, for the election of the Superintendent or members of the Provincial Council, at some convenient place or places in the Suburban Districts, the Waimea East District, the Waimea West District, the Waimea South District respectively, as the case may be, to be specified by the Returning Officer; (6) The Motueka and Massacre Bay Districts shall be at some convenient place or places in the Motueka District to specified by the Returning Officer; (7) the Wairau District shall be at some convenient place or places to be specified by the Returning Officer. Province of Canterbury: The polling-places for the following districts in the Province of Canterbury, viz., (1) the Town of Christchurch, (2) the Christchurch Country District shall be at some convenient place in the Town of Christchurch to be specified by the Returning Officer; (3) the Town of Lyttelton shall be at some convenient place in the Town of Lyttelton to be specified by the Returning Officer; (4) The Akaroa District shall be at some convenient place at Akaroa to be specified by the Returning Officer. Province of Otago: The polling-places for the following districts in the Province of Otago, viz., (1) The Town of Dunedin, (2) the Dunedin Country District, shall be at some convenient place or places in the Town of Dunedin, or in the Dunedin Country District, to be specified by the Returning Officer.

Additional polling-places.

36. If additional polling-places are found necessary for any of the districts in the above-mentioned provinces, they shall be at such places as the Governor, or the Superintendent of the province, may from time to time by public notice appoint.

Principal Returning Officers of capital towns.

37. The Principal Returning Officer of the capital town of each province shall be the Resident Magistrate of the district in which such capital town is situated, or such other person as the Governor may from time to time appoint.

Returning Officers.

37A. The Returning Officers for the above-mentioned electoral districts in the Islands of New Zealand, and situated respectively in the provinces above named, shall be the Resident Magistrate residing in the district, or such other person as the Governor, or the person deputed by him in that behalf, may from time to time appoint.

Writs for elections.

38. The writs for the election of the Superintendents of provinces, of the members of the House of Representatives, and of the members of the Provincial Councils, shall be issued by the Governor under his hand, and shall be directed to the Returning Officer for the district, and shall state the number of days within which such writs shall be made returnable to the said Governor.

Issue of writs for supplying vacancies in Provincial Councils.

39. Whenever it shall be established to the satisfaction of the Superintendent of any one of the provinces aforesaid that the seat of any member of the Provincial Council of such province has become vacant, the Superintendent shall forthwith issue a writ for the election of a new member to serve in the place so vacated during the remainder of the term of the continuance of such Council, and no longer.

Days for nomination and election, how fixed.

40. The Returning Officer shall indorse on the writ the day on which he may have received it, and shall fix the day of nomination, and also the day on which the voting, if necessary, shall take place, and shall give not less than fourteen days' public notice thereof respectively.

Returning Officer to preside at nomination.

41. On the day of nomination, so to be fixed as aforesaid, the Returning Officer shall preside at a meeting to be holden at noon, at the chief polling-place for the district, and shall declare the purpose for which such meeting is held; and, if at such meeting there be no more candidates proposed than the number of members to be returned, the Returning Officer shall declare such candidate or candidates to be duly elected, and shall make his return accordingly.

In case of a contest.

42. In the event of there being more candidates than the number to be elected, the Returning Officer shall call for a show of hands separately in favour of each candidate, and, after such show of hands, shall declare the person or persons on whom the election has fallen, and shall return the same accordingly, unless a poll be demanded by some one of the candidates, or by not less than six electors on his behalf.

In case a poll be demanded.

43. On such demand as aforesaid being made for a poll, the polling shall be taken on the day so to be fixed as aforesaid, the voting to commence at any time after 9 o'clock of the said day, and to close at 4 o'clock in the afternoon of the same day.

The polling.

44. The polling shall take place before the Returning Officer or his deputy, and the voting shall be conducted in the manner following, that is to say,—

Mode of voting.

45. Every elector for the district may vote for any number of persons not exceeding the number of persons then to be chosen, by delivering to the Returning Officer or his deputy a voting paper containing the Christian names and surnames of the persons for whom he votes, together with their place of abode and description, and signed with the name of the elector so voting, and setting forth his own place of abode and description.

What inquiry may be made.

46. No inquiry shall be permitted at any such election as to the right of any person to vote, except only as follows, that is to say, the Returning Officer or his deputy shall, if required by any two electors for the district, put to any voter at the time of his delivering in of his voting paper, and not afterwards, the following questions, and no others: (1) Are you the person whose name is signed as (A.B.) to the voting paper now delivered in by you? (2) Are you the person whose name appears as (A.B.) on the electoral roll now in force for the District of? (3) Have you already voted at the present election? And no person required to answer the said questions shall be permitted or qualified to vote until he shall have answered the same, the first two affirmatively, and the last negatively.

State of the poll in certain cases to be declared.

47. As soon as conveniently may be after the election of members of the House of Representatives and of members of the Provincial Council shall have been held, the Returning Officer for the district shall, at the place of nomination, openly declare the state of the poll, and shall at the same time declare the name or names of the person or persons who may have been duly elected at such election; and, in the event of the number of votes being found to have been equal for any two or more candidates, he shall by his casting vote declare which of the said candidates shall be elected: Provided that no Returning Officer, shall vote at any election of which he is the Returning Officer, except in the case of an equality of votes as aforesaid.

Names of persons elected members of the House of Representatives or of a Provincial Council to be inserted in writ

48. The name or names of the person or persons so elected as member of a Provincial Council or as member of the House of Representatives shall be inserted in or indorsed upon the writ by the Returning Officer; and such writ shall be returned by him to the Governor, or to the Superintendent in the case of an election to supply a vacancy in the Provincial Council, within the time by which such writ may be returnable.

State of the poll in certain cases to be declared.

49. As soon as conveniently may be after the voting for the election of a Superintendent of a province has closed in any electoral district, the Returning Officer of such district shall openly declare the state of the poll, and shall, as soon as conveniently may be, transmit a certified copy of the same to the Principal Returning Officer of the capital town of the province for which such election may have taken place; and such Principal Returning Officer, so soon as he has received from the several Returning Officers of each electoral district in the province certified copies of the state of the poll in each district, shall openly declare and publicly notify the same; and shall at the same time openly declare and publicly notify the name of the person who may have been duly elected at such election, by a majority of the voters of the whole province, to be Superintendent thereof; and, in the event of the number of votes being found to have been equal for any two or more candidates, such Principal Returning Officer shall, by his casting vote, declare which of the said candidates shall be elected: Provided that such Principal Returning Officer shall not vote at the election for the Superintendent of the province, of which he is Principal Returning Officer, except in the case of an equality of votes as aforesaid.

State of the poll in each district to be inserted in writ at election for Superintendent.

50. The Returning Officer for each electoral district, at the election for the office of Superintendent, shall insert in or indorse upon the writ the state of the poll when the voting in the district is closed; and such writ shall then be returned by him to the Governor within the time by which such writ may be returnable.

Voting papers to be preserved.

51. The voting papers at such election shall be kept for the space of six calendar months after such election by the Returning Officer, who shall permit any elector to inspect the same on payment of one shilling.

New writ in certain cases.

52. In case any writ to be issued by the Governor or by any Superintendent for supplying a vacancy shall not be duly executed, or in case no valid election shall be made by virtue thereof, the Governor or Superintendent, as the case may be, shall issue a new writ directing the Returning Officer to proceed to a public election, in manner and subject to the provisions hereinbefore prescribed.

Objections to validity of return of Superintendents.

53. All complaints of the undue return of Superintendents of provinces shall be addressed in the form of petition to the Governor of New Zealand, stating the general objections; but no such petition shall be noticed, nor any proceedings taken thereon, unless it be signed by some person who was a candidate at the election whereof it may be alleged that an undue return was made, or by a number of persons who voted or were qualified to have voted at the said election, amounting to not less than one-twentieth of the whole number on the list of electors; and no such petition shall be noticed which shall not be delivered to the Principal Returning Officer of the capital town of the province, for immediate transmission to the Governor, within fourteen days from the day of election, nor unless a copy thereof shall have been served upon the party whose return shall be objected to within such period of fourteen days as aforesaid.

Objections to validity of return of members of the House of Representatives.

54. All complaints of the undue return of members to serve in the House of Representatives shall be addressed in the form of petition to the Governor, stating the ground of objection; but no petition shall be noticed, nor any proceedings had thereon, unless it be signed by some person who was a candidate at the election whereof it may be alleged that an undue return was made, or by a number of persons who voted or who were qualified to have voted at the said election, amounting to not less than one-twentieth of the whole number on the list of electors; and no such petition shall be noticed which shall not be delivered to the Returning Officer of the district, for immediate transmission to the

Governor, within twenty-one days from the day of election, nor unless a copy thereof shall have been served upon the party whose return shall be objected to within such period of twenty-one days as aforesaid. Within ten days after any such petition shall have been received at the office of the Civil Secretary from the Returning Officer if the General Assembly be then sitting, or if the Assembly be not then sitting within ten days after its next meeting, the Governor, or some other person duly authorised by him in that behalf, shall cause such petition to be referred to the said General Assembly, and the validity of the return so complained of shall be decided by such General Assembly, or by such other tribunal and in such manner as the said Assembly shall direct and appoint.

Objections to validity of return of members of Provincial Council.

55. All complaints of the undue return of members to serve in the Provincial Councils shall be addressed in the form of petition to the Superintendent of the province, stating the ground of objection; but no petition shall be noticed, nor any proceedings had thereon, unless it be signed by some person who was a candidate at the election whereof it may be alleged that an undue return was made, or by a number of persons who voted or who were qualified to have voted at the said election, amounting to not less than one-twentieth of the whole number on the list of electors; and no such petition shall be noticed which shall not be delivered to the Returning Officer of the district, for immediate transmission to the Superintendent of the Province, within twenty-one days from the day of election, nor unless a copy thereof shall have been served upon the party whose return shall be objected to within such period of twenty-one days as aforesaid. Within ten days after any such petition shall have been received by the Superintendent from the Returning Officer if the said Council be then sitting, or if the Council be not then sitting within ten days after its next meeting, the Superintendent, or some other person duly authorised by him in that behalf, shall cause such petition to be referred to the said Council, and the validity of the return so complained of shall be decided by such Council, or by such other tribunal and in such manner as the said Council shall direct and appoint.

Auckland, New Plymouth, Wellington, Nelson, Christchurch, Lyttelton, and Dunedin to be deemed towns for purposes of this Proclamation; and Auckland, New Plymouth, Wellington, Nelson, Christchurch, and Dunedin to be deemed capital towns for the purposes of this Proclamation.

56. And I hereby further proclaim and declare that Auckland, New Plymouth, Wellington, Nelson, Christchurch, Lyttelton, and Dunedin shall be deemed and taken to be towns for the purposes of this Proclamation; and I hereby further proclaim and declare, that for the purposes of this Proclamation, the Town of Auckland shall be deemed and taken to be the capital town of the Province of Auckland; the Town of New Plymouth to be the capital town of the Province of New Plymouth; the Town of Wellington to be the capital town of the Province of Wellington; the Town of Nelson to be the capital town of the Province of Nelson; the Town of Christchurch to be the capital town of the Province of Canterbury; and the Town of Dunedin to be the capital town of the Province of Otago.

Proclamation to take effect from date.

57. This Proclamation shall take effect from the day of the date hereof.

Given under my hand, and issued under the Public Seal of the Islands of New Zealand, at Government House, at Wellington, in the Province of Wellington, in the Islands aforesaid, this fifth day of March, in the year of our Lord one thousand eight hundred and fifty-three.

(L.S.)

G. GREY,
Governor-in-Chief.

By His Excellency's command.

ALFRED DOMETT,
Civil Secretary.

GOD SAVE THE QUEEN!

SCHEDULE A.

PROVINCE OF AUCKLAND.

Description of Districts.

1. The City of Auckland comprises the East Town Ward, the Middle Ward, and the West Town Ward of the Borough of Auckland.
2. The Suburbs of Auckland comprise the Suburban East Ward, the Suburban South Ward, and the Suburban West Ward of the Borough of Auckland.
3. The Pensioner Settlements District comprises so much of the sites of the several Villages of Onehunga, Panmure, Otahuhu, and Howick as are delineated on the plans hereunto annexed, coloured blue.
4. The Northern Division comprises so much of the Province of Auckland, not included in the above-mentioned districts, as is included between a line drawn through the centre of the entrance into Manukau Harbour, in an easterly direction, to the southern extremity of the Epsom Road on the beach at Onehunga; thence along the centre of the Epsom Road as far as the bridge in Mechanics' Bay; thence in a north-east direction across the Harbour of Waitemata to the east point of the North Head; thence to the south point of the Island of Motutapu; thence to the north point of Cape Colville; and thence in an easterly direction, and a straight line drawn from the mouth of the River Waiara, on the East Coast, in a westerly direction, to the junction of the Wairoa and Kaihou Rivers; and thence in a straight line to the Manaho Point on the West Coast; the boundaries of the said districts being particularly marked on the plan hereunto annexed.
5. The Southern Division comprises so much of the Province of Auckland not included in the above-mentioned districts, or any of them, as lies between the southern boundary of the Northern Division and the southern boundary of the province, being particularly delineated on the plan hereunto annexed.
6. The Bay of Islands comprises so much of the Province of Auckland as lies to the northward of the Northern Division, and as delineated on the plan hereto annexed.

SCHEDULE B.
PROVINCE OF NEW PLYMOUTH.

Description of Districts.

1. New Plymouth comprises the site of New Plymouth, as delineated on the plan hereunto annexed.
2. The Grey and Bell District comprises the Grey, Bell, and and Waiwakaio Blocks, and all that other part of the Province of New Plymouth which lies north of the Paritutu line, excepting the town site of New Plymouth; as delineated on the plan hereunto annexed.
3. The Omata District comprises the Omata and Tataraimaka Blocks, and all that other part of the Province of New Plymouth which lies south of the Paritutu line; as delineated on the plan hereunto annexed.

SCHEDULE C.
PROVINCE OF WELLINGTON.

Description of Districts.

1. The Town of Wellington comprises the site of the Town of Wellington, as delineated on the plan hereunto annexed.
2. The Wellington Country District comprises the following districts: The Wadestown District, the Karori District, the Ohiro District, the Kaiwarrawarra District, the Porirua District, the Manawatu District, and including (excepting therefrom the Town of Wellington) the country adjacent to the abovenamed districts, and the Islands of Kapiti and Mana, and the other islands adjacent to the coasts thereof; the boundaries of the said Wellington Country District being particularly delineated on the plan hereunto annexed.
3. The Hutt District comprises the following districts: The Hutt District, the Upper Hutt District, the Pukuratahi District to the summit of the Rimutaka Range, the Lowry Bay District, the Wainuiomata District, and the country adjacent to these districts; as more particularly delineated on the plan hereunto annexed.
4. The Wairarapa and Hawke's Bay District comprises that portion of the Wairarapa Valley and of the country adjacent thereto which is particularly delineated on the plan hereunto annexed, and that portion of the Hawke's Bay District which has been acquired by the Crown by purchase from the Natives, and which lies within the Province of Wellington.
5. The Wanganui and Rangitikei District comprises the tracts of country situated upon the Rivers Rangitikei and Wanganui, which have been acquired by the Crown by purchase from the Natives.

SCHEDULE D.
PROVINCE OF NELSON.

Description of Districts.

1. The Town of Nelson comprises the site of the Town of Nelson, as delineated on the plan hereunto annexed.
2. The Waimea District, for the election of members of the House of Representatives, comprises the following districts: Suburban South, Waimea East, Waimea West, and Waimea South, including Eighty-Eight Valley and Motueka Valley; the said district comprising the four districts next hereinafter following, viz., the Suburban Districts, the Waimea East, the Waimea West, and the Waimea South, for the election of the Superintendent and members of the Provincial Council: the boundaries of the said district being more particularly delineated on the plan hereunto annexed, and the before-mentioned Town of Nelson being excluded therefrom.
3. The Suburban District, for the election of the Superintendent and members of the Provincial Council, comprises the Suburban North, Maitai, Brook Street Valley, and Suburban South Districts; as delineated on the plan hereunto annexed.
4. The Waimea East District, for the election of the Superintendent and members of the Provincial Council, comprises the District of Waimea East; the boundaries of the said district being more particularly delineated on the plan hereunto annexed.
5. The Waimea West District, for the election of the Superintendent and members of the Provincial Council, comprises the District of Waimea West; the boundaries of the said district being more particularly delineated on the plan hereunto annexed.
6. The Waimea South District, for the election of the Superintendent and members of the Provincial Council, comprises the District of Waimea South, including Eighty-Eight Valley and Motueka Valley; the boundaries of the said district being more particularly delineated on the plan hereunto annexed.
7. The Motueka and Massacre Bay Districts comprise the following districts: Moutere District, the Motueka District to Astrolabe Roads, and the Massacre Bay District; the boundaries of the said districts being more particularly delineated on the plan hereunto annexed.
8. The Wairau District comprises the Wairau Valley and Plain, and the country adjacent thereto as far as the southern boundary of the Province of Nelson; the boundaries of the said district being more particularly delineated on the plan hereunto annexed.

SCHEDULE E.
PROVINCE OF CANTERBURY.

Description of Districts.

1. The Town of Christchurch District comprises the site of the Town of Christchurch, as shown on the plans of the Canterbury Association, in their office at Christchurch.

2. The Christchurch Country District comprises all that tract of land within the Province of Canterbury which is not comprised in the Town of Christchurch District, in the Town of Lyttelton District, or in the Akaroa District.

3. The Town of Lyttelton District comprises the site of the Town of Lyttelton, as shown on the plans of the Canterbury Association, in their office at Christchurch.

4. The Akaroa District comprises all that portion of Banks Peninsula which is bounded on the North, South, and East by the sea; and on the West by a right line drawn from a point on the northern coast of Banks Peninsula midway between the eastern head of Port Levy and the western head of Pigeon Bay, due north and south across Banks Peninsula, until it meets the sea on the south coast of the said peninsula.

SCHEDULE F.

PROVINCE OF OTAGO.

Descriptions of Districts.

1. The Town of Dunedin District comprises the site of the Town of Dunedin, as delineated on the plan hereunto annexed.

2. The Dunedin Country District comprises all that portion of the Middle Island of New Zealand not comprised in the site of the Town of Dunedin, which is comprised within the boundaries of the Province of Otago.

No. 49.

COPY of a DESPATCH from GOVERNOR GREY to the Right Hon. Sir J. S. PAKINGTON, Bart.
(No. 48.)

SIR,—

Auckland, New Zealand, 9th May, 1853.

I have the honour to transmit the copy of a despatch I have received from Lieut.-Colonel Wynyard, upon his being relieved from his duties as Lieutenant-Governor of the former Province of New Ulster. It will be found from that despatch that the affairs of this part of New Zealand are in all respects in a most satisfactory condition.

2. I have the honour to enclose also a copy of my reply to Lieut.-Colonel Wynyard's despatch; and I beg to be permitted to call your attention to my acknowledgments of the ability, zeal, and industry with which Colonel Wynyard has discharged the important duties which were confided to him, and to which I attribute in a great degree the continued advance which this part of New Zealand has made in wealth and prosperity.

I have, &c.,

The Right Hon. Sir J. S. Pakington, Bart, &c.

G. GREY.

Enclosure 1 in No. 49.

Lieut.-Colonel WYNYARD to His Excellency Sir G. GREY, K.C.B.

SIR,—

Auckland, 2nd April, 1853.

As the time has arrived when I should render your Excellency a general report of the province under my superintendence, I proceed to the task with great pleasure, as I feel assured the result will be highly satisfactory, and prove the steady advance New Ulster is making in every respect when compared with the results of previous years.

At the present moment there remains no single Native complaint unattended to, nor any Native claim unsatisfied, that has been within my power to arrange. Any disputes amongst themselves, which I have from time to time reported, are now either adjusted or in abeyance, and the feelings of the Natives as a body are loyal and respectful in the extreme. The state of the Treasury never was in a more flourishing position, there being at present a very considerable balance in the colonial chest. The imports have exceeded the former years by £44,472 Os. 7d.; the exports have increased beyond expectation (being £33,523 5s. 10d. more than in 1851), as well as the regular traders of considerable tonnage to other ports, and the smaller vessels coastwise.

Notwithstanding the numbers that have been tempted to improve their state by inducements held out at Melbourne and elsewhere, the population of the province has increased considerably, and a spirit of enterprise has been infused which before did not exist. Three thousand one hundred and sixty-seven acres of land have been purchased during the last quarter alone; and the yield from the lands under cultivation has, notwithstanding the unusual severity of the season, been thoroughly satisfactory to the farmers, in some instances beyond their most sanguine expectations. The result of the survey of the Manukau Harbour, as far as Captain Drury has proceeded, promises to be of the utmost importance to the rising prosperity of this district, especially to those who have had the good fortune to be located in the neighbourhood of that harbour. The pensioners' villages, particularly the one at Onehunga, are assuming an air of comfort and respectability that must be encouraging as well as creditable to the occupants. The roads in the district, as far as they are metalled, are in a good state of repair, and the country is open for drays up to Slippery Creek, and will shortly possess a good bridle-way direct from hence to the Waikato.

The workings of the Coromandel Gold Fields remain as I reported in my communication of the 14th ultimo, No. 160, and it is still pronounced by all parties of experience that the indications are superior to any either in New South Wales or California; while the difficulty of penetrating the bush for the purpose of prospecting renders the labour of the digger at present beyond all comparison far more laborious than in other countries. I have been informed by excellent authority that gold, in very minute particles, has actually been found in the district towards Papakura, but no hope of its being remunerative is held out, from the nature of the land on which it has been discovered and the difficulty of tracing the lay of the bed-rock.

During the last year the hospital has accommodated 125 patients, and 169 persons have received medical assistance from the same source, including forty-eight in the gaol.

The lunatic asylum is now all but completed, and is undergoing merely a few alterations (submitted by the Inspectors) before it is regularly and permanently taken possession of.

The only thing I perceive to affect the favourable tendency of this report is the damage sustained by the Queen Street Wharf, which I have been given to understand is attributable to the effects of the worm upon the peculiar wood used as piles in its construction, and which experience alone could detect.

I have, &c.,

R. H. WYNYARD,
Lieut.-Governor.

His Excellency Sir G. Grey, K.C.B., &c.

Enclosure 2 in No. 49.

SIR,—

Auckland, New Zealand, 25th April, 1853.

I have the honour to acknowledge the receipt of your Despatch No 163, of the 2nd instant, in which, in resigning, in conformity with the terms of the recent Act of Parliament, the duties which Her Majesty had intrusted to you as Lieutenant-Governor of New Ulster, you, at the same time furnish me with a very gratifying report upon the present position and future prospects of this province.

I cannot permit you thus to retire from office without placing upon record my sense of the able, zealous, and entirely satisfactory manner in which you have discharged the important duties with which you were intrusted. To the manner in which those duties were fulfilled by you I believe the continued advance of this province in prosperity is greatly to be attributed; and I shall not fail to bring under the notice of Her Majesty's advisers the sense which I entertain of your services.

I have, &c.,

G. GREY.

The Hon. Lieut.-Colonel Wynyard, C.B., &c.

No. 50.

COPY of a DESPATCH from Governor GREY to the Duke of NEWCASTLE.

(No. 96.)

MY LORD DUKE,—

Government House, Wellington, 12th August, 1853.

Before leaving this place for Auckland I think it right to state, for your Grace's information, that the Constitution recently bestowed by Parliament upon this colony is going into operation in the most satisfactory manner, and that I have found no difficulty in arranging the financial and other details which are necessary to give it full efficiency.

2. The inhabitants of the colony appear generally determined to work the Constitution to the utmost of their ability, and the best men are coming forward and are offering themselves as candidates for seats in the different Councils.

3. The Native population also continue in every way attached to the Government, and the leading chiefs are coming forward in the most pleasing manner, and are anxiously assisting me to adjust all outstanding questions previously to my departure. In as far, therefore, as human judgment can form an opinion upon such a subject, there appears every reason to believe that, if the Constitution is still carried out in a spirit of justice, it will in every way promote the happiness and prosperity of Her Majesty's subjects of all races in this country.

I have, &c.,

G. GREY.

His Grace the Duke of Newcastle, &c.