

The first Municipal Corporations Ordinance showed a breadth of vision remarkable at the time, but further consideration will show that it suffered from the defects of a good deal of subsequent, and even modern, legislation because it copied provisions without alteration which, although eminently suitable for the conditions in England, were not suited to New Zealand conditions. It transpired that it was quite impossible to transfer to New Zealand in its pioneering stage a system of local government which was drawn up to meet conditions in England, where the social and economic system was relatively stable.

Even within the country there was considerable opposition to the Ordinance, first on the grounds that it gave to the municipality rating-powers, the opponents expressing their convictions that the national treasury, and not the owners of the land, should provide for all expenditure. Another objection was that the Ordinance was "an approach to the universal suffrage," which, it was stated, was particularly dangerous to the Colony.

Before the disallowance was notified from England, Wellington was created a borough, on the 27th July, 1842, although the Council was not elected until October of that year. Auckland, although the seat of Government, was not created a municipal corporation at this time, and there was practically no demand for such a development, because there was a feeling that if a municipality was created in Auckland it would be given taxing-power, and the people were not prepared to meet this responsibility. One writer is very frank: "If our friends to the southward are fond of all the nonsense and humbug of a corporation, we Aucklanders are not at all ambitious for the honour in our present infantile state."

Eighteen months after the Ordinance was passed it was disallowed by the Queen. Consequently, Wellington Municipal Council was dissolved, and the general position as regards local government remained as it had been prior to the passing of the Act.

In notifying its disallowance the Home Government indicated that if certain amendments to the law were made they would have no objection to recommending the Queen to approve of a new Municipal Corporations Ordinance. Such an Ordinance was passed in 1844. By this time, however, public interest had died down, and the Municipal Corporations Ordinance, 1844, was included among those which the *New Zealand Journal* said "the remaining Bills are not worth notice." The new Act was never operative, and after the passing of the Constitution Act, 1846 (U.K.), it automatically became obsolete.

With the growth of population in various isolated parts of New Zealand local problems tended to become more and more important, and since there was no municipal corporation or other local body responsible for the supervision and administration of local problems, some legislation to provide for this became absolutely necessary. In 1845 the Public Roads and Works Ordinance provided that owners or occupiers of land within certain districts should repair and maintain highways and other public roads, and make and levy rates to defray their expenses. This is important as being the first measure of practical local government granted to the colonists. A board of seven Commissioners was to be elected by the inhabitants, called Highway Commissioners, and they were to have authority to carry into effect all the provisions of the Ordinance. In effect, they were a local authority, as they had power to make and repair roads, streets, bridges, construct water-works and sewers, establish market places and landing-places, and other works of public utility.

It is very interesting to notice that where a person liable to pay rates was unable to do so, the Ordinance provided "that it shall be lawful for any person who shall be liable for the payment of any rate . . . to compound for the payment of such rate by the performance of work or labour upon any of the works which may be undertaken by such Commissioners." Probably the only other occasion when rates were actually worked off by manual labour in New Zealand was during the recent depression, when some local authorities allowed ratepayers whose rates were in arrears to make a payment by their labour instead of money. No information is available as to whether this Ordinance was actually put into effect. There is no record of the Proclamations of any districts or of the appointment of Commissioners.

The next step was the passing of the New Zealand Constitution Act, 1846, by the Imperial Government, which empowered Her Majesty to establish Municipal Corporations in New Zealand. The statute provided that these Municipal Corporations should be established by the Governor by Proclamation, which would set out the powers and responsibilities of the said municipalities. The actual corporation was to consist of a Mayor and Aldermen and Councillors, the Council being elected by the burgesses, the Aldermen in turn elected by the Councillors, and the Mayor to be elected by the Council consisting of Aldermen and ordinary Councillors. This followed the English precedent.

The 1846 Act, however, was suspended in 1848, but the Secretary of State for Colonies considered it would be perfectly safe to give the inhabitants of New Zealand municipal institutions for local purposes. In 1851 Auckland therefore was created a borough by charter. Auckland is the only municipality in the Dominion which owes its origin to the issue of a formal charter under the hand of the then Governor-in-Chief, Sir George Grey. The charter itself is a comprehensive document, containing in all somewhere about seventy-three clauses, and states in clause 53 that "the said Corporation shall be capable in law by the common Council thereof to do and suffer all such acts as may be lawfully done or suffered by any municipal Corporation in England by the common Council thereof." This wide granting of power in effect created in New Zealand a municipality similar to those which were in existence in England.

Voting was quite different from what it is to-day. A person desiring to register a vote appears to have been able to set down the name of the person qualified to be elected, his occupation and address, and sign the document himself, together with his own occupation and address. The paper was delivered to the returning officer on the day of the election. Secret voting or the use of the ballot-box appears to have been unknown. It would also appear that a person having been elected and who refused to take office was liable to certain fines and penalties. It is also interesting to notice that the boundaries of the Borough of Auckland as then set up included the whole of the area of the isthmus, including Onehunga, Pannure, Otahuhu, Howick, and Tamaki.