

P A P E R S

RELATIVE TO THE FORMATION OF

THE PROVINCE OF AUCKLAND

INTO A

SEPARATE GOVERNMENT.

PRESENTED TO THE HOUSE OF REPRESENTATIVES BY COMMAND OF HIS EXCELLENCY.

PAPERS RELATIVE TO THE FORMATION OF THE PROVINCE OF AUCKLAND INTO A SEPARATE GOVERNMENT.

No 1.

COPY OF A DESPATCH FROM GOVERNOR SIR GEORGE GREY TO HIS GRACE THE DUKE OF
NEWCASTLE.

No. 36.

Auckland, 8th April, 1862.

MY LORD DUKE,—

I have the honor to transmit to Your Grace a Petition which has been addressed to Her Majesty by the Provincial Council of the Province of Auckland, praying for a separate Government for this Province. Enclosure No. 1.—Petition.

2. At the same time I have the honor to enclose a Memorandum by my Responsible Advisers, in relation to this Petition. Enclosure No. 2.—Memorandum, W. Fox, 7th April, 1862.

I have, &c.,

G. GREY.

His Grace the Duke of Newcastle,
&c., &c., &c.

Enclosure 1 in No. 1.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY,—

We, Your Majesty's faithful and dutiful subjects, the Members of the Provincial Council of Auckland, elected under and by authority of an Act passed in the fifteenth and sixteenth years of Your Majesty's reign, desire to approach Your Majesty with the expression of our unfeigned attachment to Your Majesty's person and Government.

2. The Provincial Council of the Province of Auckland, having approached the Throne by Petition on three previous Sessions of the Council, namely, in the years 1853, 1855, and 1858, without having obtained the prayer of their Petition, feel constrained again to lay their grievances at the feet of Your Majesty.

3. Your Majesty's Petitioners will not on this occasion recapitulate the various topics adverted to in their former Petitions; they will merely submit to Your Majesty's gracious consideration the fact that the lapse of time has only added further proofs to those already adduced, of the unfitness of the present Constitution to procure the objects of good Government, of the necessary tendency of two or more concurrent Legislatures in one country to produce confusion, and to defeat rather than promote the objects for which Government is established.

4. Your Majesty's Petitioners, however, think it right to advert to the fact that the illegal expenditure and general mal-administration of the Superintendent of the Province of Auckland, unchecked and uncontrolled by the General Government, has been such as to deprive the Provincial Council of the Province of the powers vested in them by the Constitution Act, which are most necessary for the conservation of the public interests, or to render those powers nugatory.

5. That in praying that the Colonists of Auckland should have their own Government, exempt from the interference of other Colonists, having interests separate from, or conflicting with theirs, Your Majesty's Petitioners only claim what other British Colonists in free settlements have been considered to be entitled to, and have always enjoyed, even when they consisted of communities much smaller than that of Auckland.

6. That the present Constitution was declared by Lord John Russell to be only an experiment granted to the Colonists in compliance with their wishes, and that there was no interest in the Government or Parliament of England to prevent its being altered if it should disappoint their expectations. That, so far from the present Constitution being the choice of the people of Auckland, they had no

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opportunity of expressing an opinion on the matter, before the Constitution was promulgated ; and that they have from time to time, as before referred to by Petitions to Your Majesty and both Houses of Parliament, prayed to have the Constitution altered.

7. That Your Majesty's Petitioners therefore pray that Your Majesty and Parliament will accord to the Province of Auckland a Constitution framed upon the model of the British Constitution, in accordance with ancient usage, and with the existing Institutions of the majority of British Colonies.

And Your Petitioners will ever humbly pray that Your Majesty may long continue to reign in the affections of an united and happy people.

Enclosure 2 in No. 1.

MEMORANDUM BY MR. FOX.

With reference to the Petition of the Provincial Council of Auckland, praying for a separate Government for that Province, Your Excellency's Responsible Advisers remark : That at the present time it is highly inexpedient to moot the question of any such fundamental change in the political organization of the Colony. The experiment is being tried (with a reasonable prospect of success) of introducing Civil Institutions amongst the Native people. Upon the issue of that experiment, the peace of the Colony and its prosperity for many years to come may be said to depend. His Excellency's plan in all its parts, and especially in all details of administrative arrangement, is adapted to the organization of the Colony as settled by the present Constitution. To derange this would necessitate other changes of an organic kind,—changes in the organization of the Executive and Legislative bodies ; a difficult adjustment of questions of Finance ; changes in the relations between the Imperial Government and the Colony, and between the Governor and his Ministers ; a complicated, difficult, and, in our opinion, impracticable readjustment of internal divisions of the Colony for purposes of Government, as well Native as European. In the opinion of Ministers, the effect of these changes would be to endanger the successful working of His Excellency's plans, and they therefore are of opinion that any such alteration in the Constitution of the Colony, as is proposed by the Provincial Council of Auckland, is at the present moment highly inexpedient.

WILLIAM FOX.

Auckland, 7th April, 1862.

No. 2.

COPY OF A DESPATCH FROM HIS GRACE THE DUKE OF NEWCASTLE TO GOVERNOR
SIR G. GREY.

Downing Street,
26th June, 1862.

SIR,—

NEW ZEALAND.

No. 60.

I have the honor to acknowledge the receipt of your Despatch No. 36 of 8th of April, forwarding a Petition addressed to Her Majesty by the Provincial Council of Auckland, praying for a separate Government for that Province, together with a Memorandum on the subject from your Responsible Advisers.

I request that you will inform the Speaker and the Members of the Council, that I have laid their Petition before the Queen who was pleased to receive it very graciously.

I am not insensible to the fact, that the Constitution given to New Zealand by the Act of 1852, has in some respects failed to produce the advantages which were anticipated from it—and in particular, I am aware that the co-existence of a central Legislature with a number of other Legislative bodies possessing powers so large as those committed to the Provincial Councils and presided over by elected Superintendents, may, as is stated by the Memorialists, tend “to produce confusion and to defeat rather than promote the objects for which Government is established.”

It appears to me, however, that the natural cure for this evil lies in giving strength to the central and paramount Government and Legislature, in the latter of which all the interests of the Colony are represented, and in which (if the constituencies do their duty) its political ability should be concentrated.

I have been unable therefore to advise Her Majesty to take any step calculated to encourage a project so pregnant with disasters, as that of dividing the Northern Island into separate and independent Governments—a project, which, if carried into effect would render the good Government of the European inhabitants unlikely and the maintenance of peaceful relations with the Natives impossible.

I have, &c.,

NEWCASTLE.

Governor Sir George Grey, K.C.B.,
&c. &c. &c.