

P E T I T I O N

OF THE

W E L L I N G T O N P R O V I N C I A L C O U N C I L

RELATIVE TO THE

I L L E G A L E X P E N D I T U R E O F P U B L I C M O N E Y

BY THE SUPERINTENDENT OF THAT PROVINCE.

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*Presented to the Honourable the House of Representatives 1st September, 1860,  
and ordered to be printed.*

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TO THE HONORABLE THE HOUSE OF REPRESENTATIVES OF NEW ZEALAND, IN  
PARLIAMENT ASSEMBLED.

*The Humble Petition of the PROVINCIAL COUNCIL of the Province of WELLINGTON*

RESPECTFULLY SHEWETH AS FOLLOWS:—

1. When the said Provincial Council assembled on the 30th of August 1859, the Superintendent had illegally expended large sums of public money without its sanction, although he could have convened it at any time since its prorogation in September, 1858.

2. On the 24th of September, 1859, the Council addressed a respectful memorial to His Excellency the Governor, requesting advice and information as to the manner of making the Superintendent and his Executive Officers responsible for so much of the said illegal expenditure as the Council might on investigation determine to be unworthy of its sanction, and the Council adjourned for a month to await His Excellency's reply.

3. The Council reassembled on the 29th of October, and received the reply of the Colonial Secretary, dated 8th October, 1859, to the effect that His Excellency's Government would not shrink from the responsibility of vindicating the law, should the Provincial Council ultimately refuse to legalise the expenditure which the Superintendent had incurred without its previous sanction.

4. Owing to the extraordinary length of time over which the illegal expenditure had spread without any control or check from the Provincial Council, and owing also to the fact that the Superintendent and his Executive repeatedly, systematically, and under various pretences delayed or failed to supply the information required in explanation, it was impossible for the Council to investigate fully and satisfactorily all the details of the past expenditure, and it is reluctantly compelled to admit that many items of an objectionable nature have thus probably escaped the condemnation which would have been the result of inquiry under more favourable circumstances.

5. On the 2nd of November, the Council agreed to present a respectful address to the Superintendent, informing him "That this Council has no confidence in the administration of public affairs by the present Executive, because they are not supported by a majority of this Council."

6. On the 4th of November the Superintendent, in Message No. 5, "declined to comply with the request to change his Executive," on the alleged ground that "the majority of the Council have lost the confidence of their constituents"; at the same time informing the Council that he had forwarded to the Governor a petition from 1593 inhabitants praying for a dissolution, and that he concurred in the prayer thereof.

7. The Council thereupon addressed His Excellency the Governor requesting that a copy of the signatures might be forwarded to it in order to ascertain what weight should be attached to them, The reply of the Colonial Secretary was to the effect that for the reasons therein stated the Governor had been advised to refuse the prayer of the petition.

8. On the 7th of December the Council, having received that reply, adopted an address to the Superintendent urging him to reconsider his decision in consequence, and explaining to His Honor the course which the Council would feel it its duty to pursue in case of refusal.

9. On the 13th of December the Superintendent, by Message No. 10, expressed his determination still to refuse, accompanying the declaration with very offensive, irritating and unfounded imputations of corrupt personal motives against the members of the majority.

10. The Council thereupon proceeded to pass an Appropriation Bill for November and December, 1859, thus completing the appropriation of public money for that year on a sufficient scale to maintain the ordinary establishments and to satisfy some claims—such as the payment of members and officers of the Council—which had been in arrear for nearly two years. Although the Superintendent received this Bill in December, the Council is unaware whether he has ever yet given, withheld, or reserved the Governor's assent with regard to it.

11. The Council further passed a Bill to indemnify the Superintendent for so much of the past illegal expenditure as they were unable under the restrictions imposed upon their inquiries to disapprove. The Council also passed a Bill to appropriate public money for the first three months of the year 1860 on a scale sufficient to maintain the ordinary public establishments of the Province, purposely omitting however to vote any salaries for those officers constituting the Executive Council, whom the Superintendent persists in retaining in spite of the Council's repeatedly declared want of confidence.

12. At the same time the Council forwarded to His Excellency's Government schedules of the items of past illegal expenditure which the Council could not sanction, accompanied by the reports of its Finance Committee in explanation, and prayed that directions might be given to vindicate the law as undertaken by His Excellency's Government in the Colonial Secretary's Despatch of the 8th of October, 1859.

13. After deliberately informing the Superintendent of its intention, the Council then adjourned until the 20th of March, 1860.

14. On that day the Speaker laid before the Council a Statement with confirmatory documents to the following effect, namely: 1st, That the Superintendent refused to receive the Bill of Indemnity and that of Appropriation for the first three months of 1860, on the ground that the Council had by adjourning precluded him from returning the Bills with amendments. 2ndly, That the officers and printers employed by the Council have been refused payment of the money justly due to them for a

long period of services and duly voted by the Council, and that the Provincial Treasurer has received special instructions from the Superintendent to make no payments for expenditure incurred on account of the Provincial Council.

15. With regard to the first part of this statement, the Council submits that under the practice of Responsible Government professed by the Executive of this Province the Superintendent is represented in the Council by his advisers or colleagues, who themselves propose amendments which they have agreed upon with His Honor, and that when such amendments have been discussed and rejected, the formal repetition of the discussion on their second proposal by message would be an useless proceeding involving a waste of time to the members and of money to the public. It will be labour in vain for the Council to deliberate over enactments if the Superintendent can be allowed to decline receiving them on so frivolous a pretence. Moreover the Council doubts whether the Constitution Act allows the Superintendent any alternative as to receiving Bills duly passed and presented to him. Further by this arbitrary refusal of any decision as to the Governor's assent, the Superintendent has disabled himself from returning the Bills with amendments on the reassembling of the Council, because the Constitution Act does not provide for any further proceeding with a Bill which the Superintendent may have refused to deal with in any one of the only four ways prescribed by the Act.

16. In reference to the second part of the Speaker's statement it is impossible for the Council to discuss measures even of appropriation for the public service carefully and with a due regard to the public well-being and economy if the necessary services of attendants and printers are virtually withheld by the Executive in refusing to pay for those already performed as voted by the Council.

17. The Council is perfectly willing to make further appropriations of public money for the maintenance of the ordinary Provincial establishments if attendance and printing be secured to it in accordance with provisions reasonably made for that purpose; but under the circumstances made known to it by the Speaker's statement, it has no alternative but to assure your Honorable House of its willingness, on condition of being secured in those requisites, to duly consider the public accounts, with a view whether to indemnify the Provincial Executive for such expenditure as it may properly have incurred in the interval, or to further provide for the ordinary public service during a reasonable future period.

18. The orders of your Honorable House preclude the Provincial Council from appending confirmatory and explanatory documents to this petition, but the Council respectfully submits that the Speaker will be prepared to supply such documents should they be required in the course of any proceedings which you may be pleased to order in relation thereto.

19. Wherefore the Provincial Council of Wellington respectfully prays that your Honorable House will cause inquiry to be made into the above allegations, and will take such steps as may seem to you expedient for preventing any further continuation of a conflict between the Superintendent and the Provincial Council which not only amounts to an utter denial of Legislative independence to the people's Representatives and an arbitrary assumption by one elected Officer of dictatorial and unfettered control over the public funds, but also renders unavailing all efforts, however sincere and impartial, to consider and decide on various measures tending to secure economy in the public expenditure, to render the Province attractive to a numerous in-coming population, and to foster the sound progress of colonization.

And your Petitioners as in duty bound will ever pray. &c., &c., &c.

GEORGE HART,  
Speaker.

Provincial Council Room,  
Wellington, 22nd March, 1860.