

1876.
NEW ZEALAND.

ABOLITION OF THE PROVINCES,

(COPY OF CORRESPONDENCE BETWEEN HIS HONOR THE SUPERINTENDENT OF OTAGO AND HIS EXCELLENCY THE GOVERNOR RELATIVE TO).

Presented to both Houses of the General Assembly by Command of His Excellency.

No. 1:

His Honor the SUPERINTENDENT of OTAGO to His Excellency the GOVERNOR.
(Telegram.)

Dunedin, 2nd October, 1876.

ON behalf of people of Otago, I beg most earnestly and respectfully to request that your Excellency may be pleased to withhold Queen's assent from any action of Colonial Parliament, having for its object the giving effect to Abolition Bill, in as far as this province is concerned. Great bulk of people are determined to maintain those privileges of local self-government conferred upon them by Imperial Parliament—privileges which, I am advised, it is *ultra vires* of General Assembly to take away without their own consent, expressed through their own local Legislature. I can assure your Excellency that your Responsible Advisers are altogether misinformed, or have no correct conception, as to the deep and earnest feeling which pervades this province on this subject—feeling which is becoming the more intense the more effects of Abolition Bill come to be realized. I venture to say that the action of your Advisers in respect of this province must, if persisted in, result in a dismemberment of the colony. From all quarters the Provincial Government is being urgently appealed to to obtain a *plebiscitum* of the people, with a view of an appeal to the Imperial Government, who, it is confidently hoped, will not turn a deaf ear to what I believe will undoubtedly be found to be the deliberate and unmistakable (?) of an overwhelming majority of the settlers in Otago. I would only add that the extreme gravity of the situation must be my excuse for thus addressing your Excellency.

J. MACANDREW,
Superintendent of Otago.

His Excellency the Governor of New Zealand,
Wellington.

No. 2.

His Honor the SUPERINTENDENT of OTAGO to His Excellency the GOVERNOR.
(Telegram.)

Dunedin, 3rd October, 1876.

WITH your Excellency's permission, I desire to publish my telegram of yesterday, as it would tend to allay excitement here.

J. MACANDREW.

His Excellency the Governor of New Zealand,
Wellington.

No. 3.

His Excellency the GOVERNOR to His Honor the SUPERINTENDENT of OTAGO.

(Telegram.)

Wellington, 3rd October, 1876.

I BEG to acknowledge receipt of your telegram of yesterday's date, and also a further telegram requesting permission to publish it. I submitted the former for the consideration of my Government, and I beg to send you copy of a memorandum which I have received from them. You are at liberty to publish your telegram to me, together with this reply now sent.

NORMANBY.

His Honor the Superintendent, Otago.

Enclosure to No. 3.

MEMORANDUM FOR HIS EXCELLENCY.

MINISTERS have the honor to return the telegram addressed to your Excellency on the 2nd instant by the Superintendent of Otago, and submitted by you for their perusal.

Mr. Macandrew prays that your Excellency will withhold the Queen's assent from any action of the Colonial Parliament having for its object the giving effect to the Abolition Bill in as far as Otago is concerned. He appears to forget that the Abolition Act is now law, has been left to its operation by Her Majesty, and will come into force without further legislative action.

Mr. Macandrew says he is advised that the action taken by the General Assembly, and assented to by Her Majesty, to amend the Constitution, is *ultra vires*. It is open for him, if he can, to convince the Courts of law that the advice he relies on is sounder than that of the Law Officers of the Crown in London and in New Zealand.

His Honor assures your Excellency that your Responsible Advisers are altogether misinformed or have no correct conception as to the deep and earnest feeling which pervades the Province of Otago on the subject—a feeling which is becoming more intense the more the effects of the Abolition Bill come to be realized. Ministers are fully aware of, and deeply regret, the strong feeling against Abolition apparently held by a portion of the inhabitants of Otago, fomented as it has been by misrepresentations and agitation for which the Superintendent himself is in a great measure responsible. They are also aware of a strong feeling in favour of Abolition among another section of the Otago people; and they know that neither party has yet had an opportunity of judging practically of the effects of legislation which has not yet been put in force. It is contrary to every principle of representative and parliamentary government to allow the temporary effect of local agitation to outweigh the deliberate decision of the people in Parliament assembled. Your Excellency's Advisers therefore deeply regret that a Superintendent of an important province should venture to tell your Excellency that the action of your Advisers must, if persisted in, result in a dismemberment of the colony. That action is the result of the determination of two Parliaments, the present one having been elected to carry out the decision of the last.

The Superintendent concludes by stating that from all quarters the Provincial Government is being urgently appealed to to obtain a *plebiscitum* of the people, with a view to an appeal to the Imperial Government. Ministers need scarcely remark that a *plebiscitum* is a mode of expressing popular opinion unknown to any Constitution based upon representative institutions; and that even if a vote of a majority of one province were to be obtained against any Act of the Legislature, such a vote could not be allowed for a moment to have weight against the decision of the representatives of the whole of the colony. Your Excellency's Advisers are also receiving urgent appeals from Otago, especially from the outlying districts, in a directly contrary sense to those relied on by the Superintendent, and they are satisfied that their endeavour to secure local self-government for all the districts in the country is welcomed by a large proportion of the Province of Otago, as it is by the Colony of New Zealand. The measure now under consideration of Parliament for the establishment of counties will leave the whole question of the division of the country for the purposes of local government ultimately in the hands of the people; and Ministers have no reason to believe that the people of Otago are less desirous than those of other parts of New Zealand to localize the administration of their local affairs.

Wellington, 3rd October, 1876.

H. A. ATKINSON.

No. 4.

His Honor the SUPERINTENDENT of OTAGO to His Excellency the GOVERNOR.

(Telegram.)

MY LORD,—

Dunedin, 4th October, 1876.

I have the honor to acknowledge the receipt, late yesterday, of your telegram in reply to mine of the previous day. I now venture to express my deep regret that your Excellency's Government seem to be so completely under a cloud both as to the practical effect upon Otago of Abolition, and as to the feelings of the people thereupon. I admit that there is a very small minority in favour of Abolition, inasmuch as the interests of many of them are

likely to be served thereby, although at the expense of the rest of the community. I observe that your Government attribute the strong feeling which exists against Abolition to misrepresentation and agitation, for which they hold me in a great measure responsible. This is a grave charge against myself and others, which is utterly without foundation in fact. It is, moreover, a poor compliment to the intelligence of the people, who, I would beg to assure your Excellency, are perfectly competent to understand and judge for themselves in this matter, and who cannot but see in Abolition the destruction of their provincial entirety, and the almost entire abstraction of their local revenues for colonial purposes outside the province. This they regard as a grievous wrong, which they are determined to use every constitutional means to avert. As it appears that no redress need be looked for at the hands of your Excellency's Government, it only remains now to appeal to the Imperial authorities, in the hope that what is understood to be the law of the Empire will be maintained,—namely, that Constitutional privileges, once granted to a people, are never taken away without their consent. Your Government deeply regrets that a Superintendent should venture to tell your Excellency that the action of your Advisers must, if persisted in, result in the dismemberment of the colony. Knowing, however, as I do, the strong determination which animates thousands of those who are the stamina of Otago not to submit to a policy which is detrimental to their interests, and being forced upon them by what they believe to be a minority of the people of the colony, I should be much to blame did I not tell your Excellency what I know and believe to be the truth. Indeed, I might have gone further, and said that, but for the fact that the people of Otago are a law-abiding people, entertaining the utmost loyalty for Her Majesty and the Imperial Parliament, this determination ere now would have evinced itself in more decided action. Thanking your Excellency for your permission to publish, which, I presume, applies to this communication also,

His Excellency the Governor of New Zealand,
Wellington.

I have, &c.,

J. MACANDREW.

No. 5.

The Hon. Major ATKINSON to His Excellency the GOVERNOR.

5th October, 1876.

MINISTERS have the honor to submit that no further answer is called for by Mr. Macandrew's telegram of the 4th instant.

H. A. ATKINSON.

His Excellency the Governor.

No. 6.

His Honor the SUPERINTENDENT of OTAGO to His Excellency the GOVERNOR.

Dunedin, 11th October, 1876.

I REGRET that, by some inadvertence, the copy of the following telegram, sent by me to Her Majesty's Secretary of State for the Colonies, was not forwarded to your Excellency, as intended, by mail.

J. MACANDREW.

Enclosure to No. 6.

His Honor the SUPERINTENDENT of OTAGO to the Right Hon. the SECRETARY of STATE for the COLONIES, London.

(Urgent.)

Dunedin, 6th October, 1876.

ABOLITION of Provinces Act, passed last Session of General Assembly, is being forced into operation notwithstanding the strenuous opposition of people of Otago, constituting about a third of the population of the colony. I am advised the said Act, founded on chap. 92 of 32 Victoria, is *ultra vires*.

Have honor to suggest that said Act be referred to Her Majesty's Attorney-General, with view to disallowance if void. Deep feeling of wrong pervades province. Provincial Executive pressed to convene Provincial Council, and assert political rights conferred by Constitution Act.

J. MACANDEW,
Superintendent of Otago.

No. 7.

His Excellency the GOVERNOR to His Honor the SUPERINTENDENT of OTAGO.
11th October, 1876.

I AM directed by His Excellency the Governor to acknowledge the receipt of your Honor's telegram of this day's date.

IRWIN C. MALING, 35th Regt.,
Private Secretary.

No. 8.

MEMORANDUM for HIS EXCELLENCY.

REFERRING to the telegrams addressed to the Right Hon. the Secretary of State for the Colonies by the Superintendent of Auckland and the Superintendent of Otago—copies of which were forwarded by their Honors to His Excellency, and by His Excellency were transmitted for the information of the Government—Ministers respectfully advise His Excellency to telegraph to the Secretary of State that in their opinion there is no reason to fear, upon the coming into operation of "The Abolition of Provinces Act, 1875," any such consequences as those predicted by the two Superintendents.

The Counties Bill, intended to provide machinery for really Local Government, with which to replace Provincial institutions, has been passed by the House of Representatives by large majorities; and in the Legislative Council, the Bill has been read the second time without a division.

Wellington, 12th October, 1876.

H. A. ATKINSON.

No. 9.

His Excellency the GOVERNOR to the Right Hon. the SECRETARY of STATE
for the COLONIES.

Wellington, 12th October, 1876.

SUPERINTENDENTS of Auckland and Otago have sent telegrams to your Lordship direct, forwarding copies to me. Copies laid by me before Parliament. Ministers advise no reason to fear the consequences predicted, in which I entirely concur. Counties Bill, to replace provinces, passed Lower House by large majority. Second reading passed Council without division.

NORMANBY.

Earl Carnarvon, Colonial Office, London.

By Authority: GEORGE DIDSBUY, Government Printer, Wellington.