

1876.

NEW ZEALAND.

SIR G. GREY'S LETTER TO THE SECRETARY OF STATE.

(COPY OF DESPATCHES RELATIVE TO.)

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

No. 1.

COPY of a DESPATCH from Governor the Most Hon. the Marquis of
NORMANBY to the Right Hon. the Earl of CARNARVON.

[No. 27.]

Government House, Wellington,
21st June, 1876.

MY LORD,

I have the honor to enclose a letter which has been addressed to your Lordship by Sir George Grey.

2. This letter was received by me about an hour before the sailing of the last mail, and after my despatch-bag had been closed and sent to the Post Office, and as it was one which could not be forwarded by me without comment, I was, of course, obliged to hold it over till this mail.

3. Sir George Grey is pleased to state to your Lordship that "No such opportunity, as in a free country is allowed to its inhabitants of expressing their opinion upon the destruction of their Constitution, and the substitution of another for it, has yet, in this case, been afforded to the inhabitants of New Zealand." I am perfectly aware that it is hard to convince Sir George Grey that any decision can be right which does not coincide with his own pre-conceived opinion, but undoubtedly, the question of Abolition, or non-Abolition, was the distinct issue raised at the last election, and there was no one who pressed the matter more strongly, or used his influence more strenuously, than Sir George Grey; he having consented to be put in nomination for the Thames District after he had been returned for Auckland City West, with the view, by his own personal influence, of preventing the return of a second Abolition candidate by that constituency.

4. Sir George Grey then goes on to compare the subordination of the Provincial Councils to the Colonial Legislatures to that which exists between the latter and the Imperial Parliament, and claims, therefore, that the Provincial Councils should be consulted before their privileges can be taken away by an Act of the General Assembly.

5. It appears to me, however, that he entirely omits a circumstance which utterly destroys the parallel which he attempts to draw. The Parliament of England, although undoubtedly supreme, very wisely, while legislating on Colonial matters, refrains from enforcing the regulations which it has passed until confirmed by the Legislature of the Colony affected; but what Sir George Grey entirely overlooks is the fact, that the Imperial Parliament is elected by constituencies who are unconnected with the Colony, and, probably to a great extent, are ignorant of its feelings and requirements; whereas the General Assembly and the Provincial Councils are elected on exactly the same franchise, the former representing the general interest of the whole Colony, while the latter are elected

to manage purely local matters, and are in their nature chiefly of a municipal character.

6. That the proposed change in the Constitution of the Colony is a matter of general policy is a point which admits of no question, and to suppose that the legislation of the General Assembly on a matter of this importance should be subservient to the will of one or more of these local Councils appears to me to be utterly untenable; but admitting for the sake of argument that such a thing were possible, how could it be carried out in practice? There are in this Colony nine Provinces; supposing that five or possibly seven of these local Councils decided in favour of Abolition, and the remainder opposed it, how is the question to be decided? Are the majority of the Councils to carry the day, or is the population of each Province to be taken into consideration; or is the Provincial system to be abolished in those Provinces which agree to the proposal, and retained in those which oppose it? With all deference to Sir George Grey's experience, it appears to me that he has taken up a ground which is entirely indefensible.

7. The General Assembly is elected by the people of this colony under a very liberal franchise, and without in any way wishing to prejudge the decision at which it may arrive on the subject of Abolition, I believe that it is as well able to express and carry out the general requirements and wishes of the community as the Assembly of any other colony in the world; and at any rate, in my opinion, it is the best and only constitutional mode by which the real feeling of the country can be obtained.

8. It seems to me, also, that the calculation into which he has gone, with regard to the relative population of Auckland and Otago, and the rest of the colony, is equally unsound. Whether such a system may be right or wrong, equal electoral districts form no part of the British Constitution, as evinced by numerous constituencies in England, especially in London. By the Constitution of this colony, the Legislature has full power to alter or increase the representation of the colony, but they have not seen fit to adopt equal electoral districts; and what, I would ask, would be said of any one in England, who would venture to deny the power of Parliament to carry out such changes as it considered desirable, upon the ground that one portion of the country was not as fully represented according to population as another.

9. Sir George Grey also omits to inform your Lordship that although possibly the majority of the members from the Province of Auckland are opposed to the abolition of the Provincial system, that feeling is certainly not unanimous, except perhaps in the City of Auckland and its immediate neighbourhood; neither does he state that in May, last year, a resolution in favour of abolition was carried by a majority of five in the Provincial Council itself, and was only rescinded the next day by a majority of one at the direct instigation and dictation of Sir George Grey himself. I think, therefore, he is hardly justified in claiming the whole of the province as adopting his views.

10. That the Legislature has power under the authority of the Imperial Parliament to make the change proposed by the Abolition Act, is, I think, amply proved by the fact that your Lordship has informed me that Her Majesty will not be advised to disallow it.

11. As regards the concluding portion of his letter, were it not that Sir George Grey most emphatically asserts his belief in the report to which he alludes, I should certainly have treated it as a bad joke, and even now I hardly know how to treat such a preposterous idea in a serious manner. That Sir George Grey should seriously inform your Lordship that he believes that there is the slightest foundation for the report which he says exists, that opposition to the Ministry might involve the bombardment of the City of Auckland by Her Majesty's ships, or that he should consider it incumbent upon him to ask your Lordship to send a telegraphic message to me to dispel all apprehension of Her Majesty's forces being used for such a purpose, is, I think, a sufficient proof of the spirit and tone in which he has entered into this controversy.

12. Sir George Grey contents himself with indorsing the truth of the report, without stating the source from which he obtained it. I can only say that I never saw it, and if I had I should have looked upon it as a pure invention, circu-

lated for party purposes, and should have treated it with the same contempt that I am convinced it will receive from every man, woman, and child in Auckland, except, I am bound to say, upon his own assertion, by Sir George Grey.

13. Were I as much inclined to take alarm at absurd rumors and newspaper canards as he seems to be, I might indeed inform your Lordship that, on more than one occasion, Sir George Grey himself has been reported to have indulged in dark and mysterious hints at the possibility of armed resistance to the law being resorted to by those who are opposed to the abolition of the provinces, and the same tone has been more frequently adopted by the *Evening Star*, a paper in Auckland which strongly supports his views; but placing, as I do, entire reliance on the loyalty and good sense of the inhabitants of this colony, I have hitherto treated them as empty threats. As, however, Sir George Grey has seen fit to make this formal complaint to your Lordship, I now distinctly charge him with being himself the first to give currency to a report similar to the one he has brought under your Lordship's notice, and in support of this accusation I enclose to your Lordship the copy of a letter which has been addressed by Mr. Dargaville to my Private Secretary, for my information.

14. Mr. Dargaville was at the time a member of the Provincial Council of Auckland, and the occurrence he narrates occurred about a year ago, before the meeting of the General Assembly, and consequently before the Abolition Bill was before the public. The circumstance came to my knowledge soon after it took place.

15. The conversation narrated by Mr. Dargaville is so identical with the language used in Sir George Grey's letter to your Lordship, that there can be little doubt that it must have been the origin of the report of which he now complains: it is therefore not so surprising that he should state, "I am so entirely satisfied of the honour and good faith of the paper from which I quote, that I feel sure there are substantial grounds for the statement it contains;" but, in my opinion, it would have been more ingenuous on his part if he had stated at the same time that he himself had been the first to give expression to such an idea.

16. Sir George Grey, when he wrote this letter to your Lordship, must, from his long experience as a Colonial Governor, have been perfectly aware of the fact that the Government of a colony have no control whatever over Her Majesty's forces, and that they could under no circumstances be brought into action, except through the intervention of the Governor himself. To suppose, therefore, that it could be possible for Her Majesty's ships to be used for the purpose of cannonading the City of Auckland, he must, in the first place, have presumed that I had entirely lost my senses before I could be induced to make such a requisition to the Officer in command of Her Majesty's ships; and in the second, that that officer must have been equally mad to comply with it.

17. I beg to append a memorandum from my Government, to whom I submitted Sir George Grey's communication.

The Right Hon. the Earl of Carnarvon, &c.

I have, &c.,
NORMANBY.

Enclosure 1 in No. 1.

His Honor Sir G. GREY to Governor the Most Hon. the Marquis of NORMANBY.

MY LORD,—

Superintendent's Office, Auckland, 5th June, 1876.

I have the honor to enclose a letter which I have addressed to Lord Carnarvon, and which I respectfully request your Lordship to transmit to him by this mail. I have forwarded two copies to enable this to be done.

I must apologize to your Excellency for sending this letter at so late an hour, but it was not until Saturday evening and this morning that I was made aware of the important effect which was being produced by the circulation of the rumours of the probability of Her Majesty's forces being employed against the people of this colony in the manner stated in this morning's paper.

For fear of any unfortunate or unavoidable delay, I propose to send one copy of my letter to Lord Carnarvon direct. Under the circumstances I have stated, your Excellency will, I trust, pardon this.

I have, &c.,

Governor the Most Hon. the Marquis of Normanby,
K.C.M.G., &c. &c.

G. GREY.

Sub-Enclosure in Enclosure No. 1.

MY LORD,—

Superintendent's Office, Auckland, 5th June, 1876.

I have only just had an opportunity of seeing in the public prints your Lordship's despatch of the 17th February last to the Governor of this colony.

As Superintendent of the Province of Auckland, I gratefully thank your Lordship for expressing your opinion so unmistakably in favour of delaying so important a measure as the Bill for the Abolition of the Provinces in this colony until the general election afforded the constituencies an opportunity of expressing their opinion regarding it.

No such opportunity, as in a free country is allowed to its inhabitants of expressing their opinion upon the destruction of their Constitution, and the substitution of another for it, has yet in this case been afforded to the inhabitants of New Zealand.

But on this occasion I wish, before the departure of the mail, to call your Lordship's attention to a most important point. There are in this colony Provincial Governments and Provincial Legislatures. These Legislatures are subordinated to the legislation of the General Assembly in the same manner that the legislation of Colonial Legislatures is subordinated to that of the Imperial Parliament.

That great Parliament has never taken from a colony (unless in case of rebellion) a free representative constitution which had once been given to it, without the assent of the Colonial Legislature having been previously obtained to such a course being taken.

We claim here the same right, namely, that the Provincial Legislature, after an appeal to the constituencies, should be consulted before their executive and legislative privileges are taken from the people of this province by the General Assembly.

This right is essential to the inhabitants of this province, for they have suffered great financial wrongs which they can only hope to get fairly adjusted by making terms with the General Assembly before assenting to their own abolition, if they do assent to that, upon a full consideration of the whole question.

I, with my advisers, and many of the most able and distinguished men of this province, are satisfied that, in law, the General Assembly has no lawful or constitutional right or power, even if there is a small majority in favour of the present Colonial Ministry, counting the members of all parts of New Zealand, to carry out the high-handed measures in regard to the provinces which are contemplated.

The very great majority of the members returned by the inhabitants of this province to the General Assembly are opposed to its Executive Government and Representative Legislature being abolished, until an appeal is made to its constituencies. The same fact holds good in the great Province of Otago.

The population of the Province of Auckland is about one-fourth of the population of all New Zealand; that of Otago is about one-third of the whole population of the colony. The number of the inhabitants of these two provinces thus exceed one-half of the whole population of New Zealand.

For the reasons I have stated to your Lordship, it is my intention, as Superintendent of the Province of Auckland, if the present Government of New Zealand persevere in the course they have entered upon, to appeal to the Courts of this country, to ascertain if the General Assembly, constituted as it is, and deriving its existence and its powers, as the Provincial Legislatures also do, from an Act of the Imperial Parliament, can, under that Act, lawfully exercise the power of abolishing the Provincial Executives and Legislatures without the consent of such Legislatures having been previously obtained.

Her Majesty's loyal and dutiful subjects here conceive that they are doing no wrong in thus resorting to the Queen's Judges and Courts in this country, to protect, if possible, rights which they highly value, and which are conferred upon them by an Act of the Imperial Parliament. They are unwilling to abandon these rights until the Courts have decided the legal questions I have alluded to, because they believe such rights cannot be lawfully taken from them without their own consent, and they are entirely satisfied that this cannot be constitutionally done.

Upon the 3rd instant, to my great regret, I heard that there was a probability of our not being allowed to pursue the peaceful and proper course we proposed to adopt. I heard that in two parts of the colony reports had been circulated that Her Majesty's seamen and marines are to be used to put down, by armed force, all opposition to the Ministry; and I find it stated in a local newspaper of this morning, "That within the last few weeks the people of Auckland have been warned by the supporters of the Ministry in Auckland, that opposition to the Ministry might involve the city being cannonaded by the men-of-war in the harbour."

I am so entirely satisfied of the honour and good faith of the paper from which I quote, that I feel sure there are substantial grounds for the statement it contains.

Such allegations of the intentions of the Imperial authorities, circulated as they are here, do much harm. The people are so loyal, that no resistance would be made to any force clothed in the British uniform. The mere apprehension of such events damps their energies in defence of rights which they value; and I earnestly request your Lordship, in that spirit of justice and fair-play which I am confident animates you, to send a telegraphic message to the Governor, which will dispel all apprehension of Her Majesty's forces being used for such a purpose. This message will reach New Zealand during the approaching session of the General Assembly, and will satisfy the public mind in this province that its inhabitants will be fairly left to protect their rights by all lawful and constitutional means.

In compliance with the instructions of your Lordship's department, I transmit this letter through the Governor.

The Right Hon. the Earl of Carnarvon, Colonial Office,
Downing Street, London.

I have, &c.

G. GREY.

Enclosure 2 in No. 1.

Governor the Most Hon. the Marquis of NORMANBY, to His Honor the SUPERINTENDENT,
Auckland.

SIR,—

Government House, Auckland, 5th June, 1876.

I have to acknowledge the receipt of your Honor's letter of this day's date enclosing one to be forwarded to Lord Carnarvon.

2. As your Honor's letter is one which could not of course be forwarded without comment from me, and it was not received till after my despatch-bag was closed and forwarded to the Post Office, I regret that I am unable to forward it by this mail, but will do so by the next.

3. As, however, your Honor states that you have forwarded a copy direct to Lord Carnarvon, this will not cause any delay in the receipt of the information you wish to convey.

His Honor the Superintendent of Auckland.

I have, &c.,

NORMANBY.

Enclosure 3 in No. 1.

J. M. DARGAVILLE, Esq., to the PRIVATE SECRETARY.

MY DEAR MALING,—

Northern Club, Auckland, 8th June, 1876.

I was surprised yesterday, when reading in the *Herald* Sir George Grey's letter to Lord Carnarvon, to find the following passages:—

"I heard that in two parts of the colony reports had been circulated that Her Majesty's seamen and marines are to be used to put down by armed force all opposition to the Ministry, &c.," and "that opposition to the Ministry might involve the city (Auckland) being cannonaded by the men-of-war in the harbour;" also, "I feel sure there are substantial grounds for the statement."

Now, I can assure you, that this monstrously absurd canard, which every intelligent man in the province treats with ridicule, was first given currency to by Sir George Grey himself some twelve months ago. During the last session of the Auckland Provincial Council, Mr. Reader Wood, the Provincial Secretary, intimated to the Council that it was the intention of the Superintendent to assume control of the police force within the province. Upon hearing that, I, as member for Auckland City East, gave notice of a motion affirming the desirability of the police remaining as they were, *i.e.* under the control of the General Government.

This motion was subsequently carried by a large majority; but one evening, just before the debate upon it came on, I remember holding a long conversation on the subject with Sir George Grey, who endeavoured to dissuade me from going on with it. In the course of that conversation he expressed himself in, as nearly as I can recollect, the following words:—"There may come a time when, in some conflict of authority between the Provincial and Central Governments, I should find myself seriously embarrassed by reason of the control of the police being out of my hands;" and upon my expressing astonishment at what his words implied, he went on to say, "Yes; and, what's more, I can easily believe it within the range of possibility that we may yet see a British man-of-war in that river (the Waitemata), with her guns pointed towards the city, to coerce us into submission to some intolerable measure of the Government at Wellington." I could not help laughing at the outburst, which, however, was uttered with apparent sincerity and much earnestness. That evening and next day I related what had occurred to several gentlemen, who all ridiculed Sir George Grey's notion.

During the last session of the General Assembly a telegram from the Wellington correspondent of the *Auckland Evening Star* appeared in that paper, attempting to give further currency to the canard which Sir George Grey affects to have heard now for the first time.

I cannot find that any section of the press so far has attempted to justify Grey's conduct in this matter, and every supporter of his here with whom I have spoken on the subject expressed regret that he should have magnified what at most could be only idle street gossip into a matter of sufficient importance to treat it as worthy of communication to the Imperial Government.

I think it only my duty to write you this letter. You can show it to Lord Normanby if you think fit.

Capt. Maling, Government House, Wellington.

I have, &c.,

J. M. DARGAVILLE.

Enclosure 4 in No. 1.

MEMORANDUM for HIS EXCELLENCY.

MINISTERS have considered the letter to Lord Carnarvon from Sir George Grey, dated June 5, which His Excellency has been asked to forward to the Secretary of State, and which His Excellency has referred to his advisers for any remarks they desire to make.

2. Sir George Grey more and more gives way to an irrepressible desire to write long despatches, threatening legal proceedings and harping upon fancied grievances and baseless rumours.

3. It is scarcely necessary to assure the Secretary of State that there is no ground whatever for the rumours to which Sir George Grey refers.

4. Ministers hope His Excellency will express to Lord Carnarvon their regret at the annoyance to which he must feel himself subjected by having to take notice of these long and purposeless letters written to him by a colonist of New Zealand. The general feeling in the colony is certainly averse to giving to the Secretary of State needless trouble, or asking him to interfere in matters relating to the internal affairs of the colony.

Wellington, 12th June, 1876.

JULIUS VOGEL.

No. 2.

COPY of a LETTER from Sir G. GREY to Governor the Most Hon. the Marquis of NORMANBY.

MY LORD,—

Wellington, 7th October, 1876.

I have the honor to enclose, for your Excellency's information, copy of a cablegram which I am just transmitting to the Right Hon. the Secretary of State for the Colonies, London.

I have, &c.,

G. GREY,

Superintendent of Auckland.

His Excellency the Governor.

Enclosure.

Sir. G. GREY to the Right Hon. the SECRETARY of STATE for the COLONIES, London.

(Telegram.)

Wellington, N.Z., 7th October, 1876.

URGENT.—I dutifully refer to my letter 5th June last. Government determined to enforce Abolition Act without consulting Provincial Legislatures, and against wish of provinces containing more than one-half white population of colony, two-thirds of Natives included. Disturbances imminent. Some threaten employment Queen's ships. I earnestly pray telegraph to prevent disturbances. Abolition Act should be disallowed, if Provincial Legislature not consulted.

G. GREY,

Superintendent of Auckland.

Right Hon. Secretary of State for Colonies.

No. 3.

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. 4.

COPY of a DESPATCH from Governor the Most Hon. the Marquis of NORMANBY, to the Right Hon. the Earl of CARNARVON.

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.

Earl Carnarvon, Colonial Office, London.

NORMANBY.