



NEW ZEALAND GOVERNMENT GAZETTE.

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By His Excellency's Command,

ANDREW SINCLAIR, Colonial Secretary.

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GENERAL ASSEMBLY.

THURSDAY, 31st AUGUST, 1854.

The Officer Administering the Government opened the General Assembly at the Council Chamber, at 12 o'clock noon, when his Excellency delivered the following

ADDRESS.

Honourable Gentlemen of the Legislative Council and Gentlemen of the House of Representatives,

My anxiety to promote beneficial Legislation for the Colony, notwithstanding the circumstances by which that most desirable object has been impeded, induces me to abstain entirely from alluding on the present occasion to the differences which have taken place between myself and the House of Representatives, except for the one purpose of declaring to you my sincere wish, that the whole subject may be henceforth buried in oblivion.

2. Nevertheless, I am conscious, as you must be, that the present Session of the Legislature is of an unusual character, and must be considered as taking place, rather for the purpose of disposing of a few matters of great and urgent importance, than of carrying into immediate effect a comprehensive policy, suited to the exigencies of the Colony. Accordingly, in deciding upon the measures which it is my intention to recommend to your adoption, I have had more regard to the means of obtaining for you, at a future time, powers which the Constitution Act withholds from the General Assembly, than to accomplishing at this moment many objects, which might have been pursued with propriety during an ordinary Session, when the members had not been fatigued by long previous labours, and were not dis-

turbed by a natural anxiety to return as soon as possible to their homes. At the same time it appears to me, that there is matter for congratulation in the circumstance, that the labours of the past Session have operated beneficially, in maturing the opinions of the Legislature upon many subjects of importance, and, therefore, contributing valuable facilities towards the work of Legislation at the present time.

3. In compliance with engagements into which I consider myself to have entered with both Houses of the Legislature, and with the Colony, I have endeavoured, by appointments to my Executive Council, to give to all the Provinces an effectual voice and influence in both the Legislative and Executive proceedings of the Government; and although the extent to which I have been able to accomplish this object is not yet satisfactory to me, especially with regard to the Legislative Council, I am in hopes of being able, ere long, to complete the work in a manner altogether unobjectionable.

4. In compliance with the same engagement, I now proceed to lay before you my views of what the wants and best interests of the Colony demand. This shall, as far as possible, be done in the practical form of measures suggested for your adoption, and of statements of my own intentions, with regard to the exercise of powers exclusively vested in the Crown.

5. With regard to Legislative measures, I consider it expedient to divide these into three classes. First, such as are of great importance and urgency with regard to time. Secondly, such as, though, perhaps, of equal importance, might be postponed if you should be indisposed to devote sufficient time for their enactment; and, thirdly, measures of less consequence, not involving any important political principles, and concerning which it may be presumed that no material difference of opinion exists, either in the Legislative Council or in the House of Representatives.

6. As belonging to the first class, I purpose laying before you a Bill for the establishment of complete Ministerial Responsibility. This measure is required from me in pursuance of the engagement before alluded to. It would of course be reserved for her Majesty's assent. I also consider it extremely desirable that a Bill, subject likewise to her Majesty's assent, should be passed without delay, for empowering the General Assembly to transfer to the Provincial Legislatures its own powers with regard to the Waste Lands of the Crown.

Under this class, I am also of opinion that the Colony will be gratified, and materially served, if you should pass a Bill, likewise to be reserved for her Majesty's assent, for empowering the General Assembly to alter the composition of the Legislative Council in such manner as to bestow upon that body the popular, yet conservative, character of an elected Senate.

7. Under the second class, it seems to me very desirable to pass measures for the following purposes:—

1st. For equalizing the representation of the people in the House of Representatives, so as to give full effect to the following provision of the Constitution Act:—“And in determining the number and extent of such electoral districts, and the number of members to be elected for each district, regard shall be had to the number of electors within the same, so that the number of members to be assigned to any one District may bear to the whole number of the members of the House of Representatives, as nearly as may be, the same proportion as the number of electors within such District shall bear to the whole number of electors in New Zealand.”

2dly. For empowering the Provincial Superintendents and Councils to legislate, under certain restrictions, with respect to the issue of public notes, or other paper currency.

3dly. For empowering the Provincial Superintendents and Councils to establish and manage Provincial Post Offices.

4thly. The same with regard to Provincial Beacons and Lighthouses.

5thly. For empowering Superintendents to dissolve Provincial Councils.

These measures would necessarily be reserved for her Majesty's assent.

6thly. For preventing holders of office under the General Government from sitting as members in the House of Representatives, excepting always members of the Executive Council.

8. Under the third class, I propose laying before you a Bill providing for Secondary Punishments; a Marriage Bill; a Nelson Trust Fund Bill; Land Claimants Estate Bill; a Bill for establishing limited liabilities in industrious undertakings, and especially with regard to Institutions and Societies of a Benevolent character. Under this class, provided both Houses should be willing, in their regard for the interests of the Colony, to devote sufficient time for the purpose, I should also recommend a Bill for the reform of the Tariff on the principle of simplification, as laid down in the report of a Select Committee of the House of Representatives; and a Bill to prevent Bribery and Treating at Elections.

9. In the measure which I shall submit to you for the appropriation of the Revenues, you will find adopted these two principles—First, that the portion allotted to the General Government has been carefully reduced to the minimum, not inconsistent with efficiency, and, secondly, that after deducting the same in proportionate shares

from the amount raised in each Province respectively, the remainder becomes Provincial Revenue, subject to disposal by the Provincial Authorities alone.

10. In the Estimates of General Expenditure, you will find taken as guides, the principles of the closest economy not inconsistent with efficiency, of no pay without work, of pay in proportion to labour and capacity; and of the devotion of the largest possible amount of money to purposes of practical utility for the people.

11. In proposing a sum to meet the expenses incurred by the Members of the Legislature, through their performance of the most important of all services to the people, I have been guided by the liberal but far from extravagant scale which obtains in similar cases in other Colonies; and with regard to this subject, I deem it right to express to you my opinion, that it would be impossible in New Zealand as it has been found in all other new countries, to constitute an efficient Legislature in Session, without fully providing for the expenses of the Members. At the same time, I deem it inexpedient, considering the immaturity of this Colony, that offices of honour and distinction, which in a great measure supply their own reward, should be made objects of desire to persons likely to be more influenced by pecuniary considerations.

12. Before proceeding to a statement of my views as to the exercise of the powers vested solely in the Crown, I consider it my duty to state that, in the present and immediately prospective composition of the Executive Government, I am in hopes that each Province will find the means of securing attention to its peculiar wants and wishes, and I can assure you that so long as I shall have the honour of representing Her Majesty in this country, I shall be bent upon so exercising the authority entrusted to me, as to recognise and act upon the principle, that every Province, more or less, has peculiar needs, arising from peculiar circumstances, which call for special attention from the General Government. What such needs may be in the Provinces of the South, the Head of the Government will only be able to learn from the Representatives of the Provinces in the Assembly, and in particular from members of the Legislature who shall be advisers of the Governor in his Executive Council. But as respects Auckland, the information which I have been able to obtain by the residence of the General Government on the spot, enables me to lay down the following propositions, as containing my views of a fair policy towards that portion of the Colony. First, that any question as to the seat of government or place of meeting of the General Assembly shall be, with the ministers and their supporters, an open question; that if at any time the seat of government, or the place of meeting of the General Assembly should be changed, the Province of Auckland shall have a Lieut. Governor (subject to the Governor of New Zealand) maintained in its own charge, and exclusive powers of legislation, except on certain specified subjects. In such case, with a view to preserving the unity of the colony, certain questions (to be specified) affecting New Zealand as a whole, to be dealt with by laws to be from time to time passed by both Northern and Southern Legislatures, or by an Assembly or convention of a certain number of members of both Legislatures. That in accordance with the recommendation of a Select Committee of the House of Representatives, the Province of Auckland be relieved from bearing any portion of the New Zealand Company's Debt; whilst, on the other hand, that

Provinces shall bear the whole of any debt incurred for its extensive advantage.

13. In exercising the power of the Governor, until prospective legislation shall take effect, and complete Ministerial Responsibility shall be established, I shall always have in view the influence of activity and vigour into the working of all the departments. These are principally the Post Office, the administration of Customs, and the disposal of Waste Lands.

14. With regard to the Post Office, I desire the utmost improvement of arrangements (and without delay) for ensuring promptitude, order, safety, and economy. The means may be thoroughly efficient officers, and a new set of regulations, which shall strictly specify their duties, and provide for their constant responsibility in the performance of them. I am of opinion that all the Post Offices should be placed under a really efficient Postmaster-General, to whom should also be entrusted the management of Steam Communication, as far as that may be dependent on the General Government.

15. In the Administration of the Customs, such as determining Ports of Entry, sites of Custom Houses, and the appointment and removal of officers, I intend to be advised by the Provincial Governments, until the General Assembly shall have full authority to empower the Provincial Governments to manage the Customs administration.

16. On the all-important subject of Waste Lands, it is necessary for me to enter into fuller explanations. Until the receipt of authority for the Assembly to transfer to the Provincial Legislatures the powers in it vested by the Constitution Act, I am disposed to exercise in the same manner, and with the same effect, the powers which remain vested in the Governor until the General Assembly shall otherwise direct. I intend that the Provincial Superintendents and Councils shall be virtually enabled to frame and administer regulations for the disposal of lands by sale, lease, or depasturing licenses. But, inasmuch as the present Superintendents and Councils were elected when the people had no conception that such powers, with regard to the most important of all colonial subjects, would be conferred upon those authorities, I deem it just and right, that the people, in all cases where they shall desire it, should be enabled to exercise afresh their rights of choosing a Superintendent, and the members of the Provincial Council. By this means, which the Constitution specifically authorizes the Governor to employ, when he shall see fit, the intended transfer of powers to the Provinces would be made, not to the actual Superintendents and Councils, who are not, strictly speaking, the Provinces, but to the people themselves, being those who are most deeply concerned and interested in this new Provincial legislation. It is proposed to adopt the most effectual means, in each Province, of ascertaining whether or not a majority of the Electors desire such re-election of the Provincial Authorities. In any case where a majority of the electors shall decide that question in the negative, the transfer of powers will be made to the existing Superintendent and Council.

In the meanwhile, regulations will be issued, as soon as possible, for the purpose of setting apart, in every district of each Province, a considerable proportion, but not less than one third, of the Waste Lands, in such manner as to afford the greatest encouragement and facilities to *bona fide* occupying settlers, whether now resident in the Colony, or who may come to it from any other place; and in particular, it is intended,

first, that the cost of passage incurred by any such persons, whether possessing some capital, or settling in New Zealand as labourers for hire, shall count as purchase money of land, at the current rate of steerage passage from the Mother Country to the Colony; secondly, that such persons shall obtain, on a lease for a term of years for the payment of the purchase money; and thirdly, in order to prevent mere land speculation by settlers of this class, that they shall not obtain a full or transferable title until after actual occupation of the land for a reasonable time. It is also intended that such Regulations shall be administered, in each Province, by a Board of Commissioners, to be appointed by the Governor, and to be bound by stringent instructions for securing impartiality and an entire openness and publicity in all their proceedings.

17. In the Provinces of Nelson, Wellington, and New Plymouth, there remain unsatisfied claims for compensation in land for losses and sufferings occasioned by the New Zealand Company. That body awarded very ample compensation to the class of resident and absentee purchasers of land from them, but entirely overlooked the working classes, whose peculiar losses and sufferings were made the principal groundwork of those claims to compensation which have already been so fully satisfied. The justice of the claim of the uncompensated in these Provinces has been more or less recognized by the Imperial Government and the Governor of New Zealand; and the Provincial Government of Wellington, as represented in the Council, engaged that, whenever the Waste Lands of the Province should be at their disposal, a Commission should be appointed to investigate such claims, and award compensation in respect thereof. As it appears hard upon these claimants that compensation to them should be postponed any longer, whilst land in the most valuable situations is being otherwise disposed of, I intend to issue, without delay, a Commission or Commissions which will make the requisite inquiries, and award a just compensation accordingly in the Provinces where such unsatisfied claims exist.

18. As general principles, by which I deem it expedient and desirable that the Legislature and Executive should be constantly guided, the following appear to me peculiarly important. First, that the conferring of Legislative power on the Executive should be carefully avoided, as being unconstitutional and contrary to the spirit and genius of free government. Secondly, That each Province shall, as far as possible, be left to govern itself in respect of all matters affecting its interests singly, and subject generally to the minimum of restriction consistent with the general superintendence of the General Government; nothing being more objectionable for New Zealand than a General Government interfering or meddling with the Provincial authorities in matters of local concern. As a practical instance, I shall be prepared at once to assent to any Law which may be passed by any Provincial Legislature for altering the Electoral Districts for the Provincial elections, and increasing the number of members in the Provincial Council. Thirdly, That no privilege or advantage shall be given to any Province exclusively, but that absolute justice shall, as far as possible, be done to all without distinction, though justice itself may sometimes demand special legislation for a Province, in order to meet its peculiar circumstances.

19. In conclusion, let me express my earnest hope and trust that the line of policy, which I have indicated to you, may prove as satisfactory to you as I cannot doubt that it will to those whose

interests are committed to our care, and that we may be enabled by patience and industry, even by the brief Session of the Legislature, which is now compatible with the desire of the Southern Members to return to their Provinces, to give so much effect to that policy as shall be immediately felt by the people in the form of valuable practical improvement of their condition.

R. H. WYNYARD,

Officer Administering the Government.
Government House,
Auckland, 31st August, 1854.

Colonial Secretary's Office, Auckland,
31st August, 1854.

WHEREAS, by the Royal Instructions bearing date the 13th day of September, 1852, certain persons therein expressly designated are nominated and appointed to be Members of the Executive Council, and such other persons as

the Governor may deem to be qualified and capable to advise him, subject to the proviso that any appointment to be made by the Governor shall be provisional only, and subject to be confirmed or disallowed by Her Majesty. Now Notice is hereby given, that pursuant to the authority vested in him as aforesaid, His Excellency the Officer Administering the Government has been pleased to appoint

THOMAS SPENCER FORSAITH, Esq.,
EDWARD JERNINGHAM WAKEFIELD, Esq.,
WILLIAM THOMAS LOCKE TRAVERS, Esq.,
JAMES MACANDREW, Esq.,

to be Members of the Executive Council of New Zealand.

By His Excellency's command,
ANDREW SINCLAIR,
* Colonial Secretary.