



AUCKLAND PROVINCIAL GOVERNMENT GAZETTE.

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AUCKLAND, TUUSDAY, JULY 28, 1857.

[No. 17.]

Superintendent's Office,

Auckland, July 28th, 1857.

THE following Correspondence, in continuation of that contained in the *Provincial Government Gazette* of June 25th ult., is published for general information.

J. WILLIAMSON,
Superintendent.

Superintendent's Office, Auckland,
13th July, 1857.

Sir,—Adverting to your letter No. 326 of date June 25th ultimo, I have the honour to transmit enclosed copy of a letter addressed by me on the 10th instant, to the Resident Magistrate, requesting to be informed whether the Electoral Roll of the Province of Auckland for the current year had been formed and signed, in order that I might be enabled to give to his Excellency's Government official intimation of the fact.

A request was made to Mr. Beckham on Saturday for an immediate reply; to which answer was returned, that it would be forwarded in "due course;" no reply having yet been received, I am apprehensive that Mr. Beckham, regarding himself as an officer of the General Government, may be of opinion that the application for the information required should have been made from your office.

I have, &c.,
J. WILLIAMSON,
Superintendent.

The Hon. the Colonial Secretary,

[Enclosure.]

Superintendent's Office, Auckland
10th July, 1857.

SIR,—I have the honor to request that you will inform me whether the Electoral Roll of the Province of Auckland for the current year has been formed and signed.

I have, &c.,
J. WILLIAMSON,
Superintendent.

The Resident Magistrate,
Auckland.

Superintendent's Office,
Auckland, July 14th, 1857.

SIR,—I have the honor to transmit herewith for the information of his Excellency's Government, copy of a letter received from the Resident Magistrate on the subject of the publication of the new Electoral Roll for this Province, together with copy of a letter addressed by me to that officer.

I have, as you will perceive, proposed to give the Resident Magistrate sufficient clerical assistance, and I entertain no doubt that, with his concurrence, the Electoral Roll may be published within fourteen days from this date.

I have, &c., &c.,
J. WILLIAMSON,
Superintendent.

The Honbl. the
Colonial Secretary.

[Enclosure.]

Resident Magistrate's Court,
Auckland, 14th July, 1857.

SIR,—Adverting to your Honor's letter of the 10th inst., requesting me to state "whether the Electoral Roll of the Province of Auckland for the current year has been formed and signed," I have the honor to state that the "Lists and Roll" which form the Electoral Roll for the ensuing year have been made and signed, and will be completed ready to be placed in the printer's hands in about six weeks.

I have the honor to be,

Sir,

Your Honor's most obedient,
humble servant,
THOS. BECKHAM,
Resident Magistrate.

[Enclosure.]

Superintendent's Office Auckland,
14th July, 1857.

SIR,—I have the honour to acknowledge the receipt of your letter of this day's date in which you state that the "List and Roll which form the Electoral Roll for the ensuing year, have been made and signed," and will be completed and ready to be placed in the printer's hands in about six weeks.

As it is of importance that the Electoral Roll should be printed and published at the earliest possible period, and assuming that the necessity of making a fair copy of the Roll for the printer is the sole cause of the delay in publication, I have now to acquaint you that the Provincial Government is prepared to provide such clerical assistance as you may find necessary, in order that the Electoral Roll may be published within fourteen days from this date.

I have, &c.,

J. WILLIAMSON,
Superintendent.

The Resident Magistrate,
Auckland.

Superintendent's Office,
Auckland, July 16th, 1857.

SIR,—With reference to my letter of date 14th inst., I have the honor to transmit enclosed copy of a letter received from the Resident Magistrate, together with copy of the reply addressed to that officer.

I have, &c., &c.,

J. WILLIAMSON,
Superintendent.

To the Honbl. the
Colonial Secretary.

[Enclosure.]

Resident Magistrate's Court,
Auckland, 15th July, 1857.

SIR,—Adverting to your Honor's letter of the 14th inst., acquainting me "that it is of importance that the Electoral Roll should be printed and published at the earliest possible period," and "that the Provincial Government is prepared to provide such clerical assistance as I may find necessary, in order that the Electoral Roll may be published within fourteen days from this date," I have the honor to state, that with the assistance of four or five extra clerks, and office accommodation, which

the Government may possibly obtain in the Supreme Court, the Electoral Roll for the ensuing year may be completed for publication within the desired period.

It is my intention to place each Electoral Division in the printer's hands as it is completed, which will facilitate your Honor's views.

I have the honor to be,

Sir,

Your Honor's most obedient,
humble servant,
THOS. BECKHAM,
Principal Returning Officer.

His Honor the Superintendent,
Auckland.

[Enclosure.]

Superintendent's Office, Auckland,
16th July, 1857.

SIR,—With reference to your letter No. 107, of date 15th inst., I have the honor to inform you that office accommodation for the extra clerks to be employed in copying the Electoral Roll will be afforded by the Sheriff, and that the clerks will be instructed to attend at your office to-morrow morning to receive your directions.

I have, &c.,

J. WILLIAMSON,
Superintendent.

The Resident Magistrate,
Auckland.

Colonial Secretary's Office,
Auckland, July 18th, 1857.

SIR,—I have to acknowledge the receipt of your Honor's letters of the numbers and dates noted in the margin, covering copies of a correspondence with the Resident Magistrate at Auckland, respecting the new Electoral Roll for this Province.

No. 97, 13th July, 1857.
No. 101, 14th do., do.,
(dated by mistake June.)
16th July.

I have the honor to be,

Sir,

Your Honor's most obedient servant,
E. W. STAFFORD.

His Honor the Superintendent,
Auckland.

Superintendent's Office,
Auckland, 17th July, 1857.

SIR,—Adverting to your letter No. 326, of date June 25th, ultimo, in which you intimate that his Excellency, with the advice of the Executive Council, has been pleased to determine to dissolve the Auckland Provincial Council at the earliest possible period which will admit of the recent claimants whose names may be placed on the Electoral Roll now in course of formation taking part in the elections consequent upon that dissolution, I have the honour to inform you that two resignations of seats in the Provincial Council were addressed to me, and received at this office yesterday.

In accordance with the provisions of clause 12 of the New Zealand Constitution Act, it is imperative on me forthwith to issue writs for the election of new members to serve in the places so vacated.

On reference to my letter of yesterday's date, it will be seen that the Electoral Roll for

this Province will be completed and published within fourteen days from this time. I am unwilling, by the issue of new writs, to cause expenses to be incurred for elections which, in view of a speedy dissolution of the Provincial Council, may be regarded as unnecessary, and I have, therefore, to request that you will be good enough to inform me, with the least possible delay, at what period his Excellency will be pleased to dissolve the Provincial Council.

I have, &c.,
J. WILLIAMSON,
Superintendent.

The Honorable
The Colonial Secretary.

Colonial Secretary's Office,
Auckland, July 18th, 1857.

SIR,—I have the honor to acknowledge the receipt of your letter of yesterday's date, No. 104, informing me that two resignations of seats in the Provincial Council were received by you on the 16th instant, suggesting that in view of a speedy dissolution of the Auckland Provincial Council (the new Electoral Roll being almost on the point of completion) it would be inexpedient that you should proceed to the issue of Writs for the election of new members to serve in the places so vacated—and requesting to be informed, with the least possible delay, at what period His Excellency will be pleased to dissolve the Provincial Council.

In replying to your Honor's question it appears necessary that I should refer to the terms of your letter of the 22nd ultimo, in which you requested the dissolution of the Provincial Council, wherein you state "The circumstances which in my opinion have rendered a dissolution necessary are the following:—In the late Session of the Council the return of a member for the District of the Suburbs of Auckland having been disputed, the sitting member resigned, and a Writ for a new Election was thereupon issued by me. During the currency of that Writ a minority of the Provincial Council adopted a resolution declaring the Petitioner duly elected, and he, thereupon was introduced to the Council. Within a few days the member, returned upon the Writ, presented himself and took his seat, when there appeared to be twenty-five members in the Council. During the efforts made by the majority to rescind the resolution before mentioned, the difficulty caused by the presence of the extraordinary member presented itself, and the members were locked up on division, upon the first occasion for 24 hours, and upon the second for 30 hours. I then prorogued the Council."

Further on in the same letter you state—"The hope which I expressed in the message that upon mature reflection a better understanding amongst the members of the Council might be arrived at, has not been realised. Indeed, it has lately been intimated to me by the recognised leader of the opposition, that the present Council is incapable of any action whatever."

From the above paragraphs it would appear

therefore that you grounded your request for a dissolution upon the existence of a technical difficulty, from which the Council seemed unable to extricate itself, arising out of the conflicting claims of two persons to one seat.

It is a matter of notoriety that the contending claimants of the seat for the Suburbs of Auckland were Mr. David Graham and Mr. Daldy, and although your Honor in your communication now under reply does not inform me of the names of the persons whose resignations have been forwarded to you, I assume, from letters which the two gentlemen above named have separately addressed to me communicating the fact of their resignations, that the resignations just received by you are those of these gentlemen.

Whilst, therefore, it appears that the sole ground assigned by your Honor for a Dissolution of the Provincial Council was the existence of the technical difficulty above referred to, it further appears that both claimants of the contested seat have now surrendered their rights to it and that the difficulty is at an end.

As the decision of the Governor in Council to accede to your request for a dissolution was based on no other ground than that which was assigned by yourself, and has been taken away by the resignations you have received, it is impossible now to act upon that decision. Should your Honor, however, desire that the question of a dissolution of the Provincial Council be again submitted to his Excellency in Council, your wish shall be complied with. At the same time, I think it proper to observe that only very cogent reasons would be deemed to justify the Government in putting any Province, at so short an interval, to the expense and other serious inconveniences of a general election.

As regards the form of the Writ, which under present circumstances it has become your duty to issue, I would suggest that any recital which the Writ may contain should be couched in general terms, or that a form similar to that now in use by the General Government, copy of which is enclosed, should be employed by your Honor on this occasion.

I have the honour to be,

Sir,

Your Honor's most obedient servant,
E. W. STAFFORD.

His Honor the Superintendent,
Auckland.

Superintendent's Office,
Auckland, July 20th, 1857.

SIR,—I have the honor to acknowledge the receipt of your letter, of date July 18th inst., in which, in reply to my request that you would inform me at what period His Excellency will be pleased to dissolve the Provincial Council, you state, that the ground upon which the decision of the Governor in Council to accede to my request for a dissolution was based, having been taken away by the resignation of their seats in the Council by Mr. David Graham and Mr. Daldy, it is impossible now to act upon that decision. You add, that should I desire that the question of a dissolution of the Provincial Council be again submitted to His Excellency in Council, my wish shall be complied

with; and you suggest that any recital which the writ which it has now become my duty to issue may contain, should be couched in general terms, or, that a form similar to that now in use by the General Government should be employed by me on this occasion.

It has now become necessary that I should set out, for your information, in greater detail, the circumstances under which Mr. David Graham obtained a seat in the Auckland Provincial Council, and the occurrences which, consequent upon that event, necessitated the prorogation of the Council.

On the 30th January ult., the Provincial Council, on motion by Mr. Joseph May, adopted the following resolution:—

“That as the petitioner, David Graham, has been placed in a majority by the Reports of the Select Committee appointed to report upon the disputed election for the Suburbs, the petitioner ought, therefore, to be the sitting Member; and that this Council do hereby determine that David Graham is a Member of this Council, elected for the Suburbs of Auckland.”

This resolution was carried by the casting vote of the Speaker.

On the 3rd February following, the Message No. 41, with its enclosures (copy annexed marked A), was transmitted to the Council; and with reference to this Message, I beg leave to direct your attention to an extract from the Votes and Proceedings of the Provincial Council (marked B), forwarded herewith.

On the 4th February a writ was returned to this office bearing the following indorsement:—

“I do hereby declare that the undermentioned gentleman has been duly elected to serve as a Member of the Provincial Council, for the Province of Auckland, for the within-named District.

“WILLIAM CRUSH DALDY, Esq.

“THOMAS BECKHAM,
“Provincial Returning Officer.”

This return has not been amended. On the 6th February Captain Dalby, introduced by Mr. R. Graham and Mr. T. Henderson, took his seat in the Council. I am bound to recognise the validity of the writ issued by myself, and to regard Captain Dalby as being duly elected to the vacant seat. But the Provincial Council has given that seat to Mr. Graham, and the Speaker of the Council has ruled that he could not put any resolution which would have the effect of rescinding that resolution.

Mr. David Graham and Mr. Dalby have separately, by writing under their hands (copy of each, marked C, annexed), resigned their respective seats.

If I issue a writ for the election of a member to serve in the Council in room of Mr. Dalby, I virtually abrogate a resolution of the Council, declared to be judicial and irreversible; and I thus bring myself into direct collision with that body. If I issue a writ for the election of a member to serve in the Council in room of Mr. Graham, I ignore the validity of a writ issued by myself. If I adopt the suggestion you have been so good as to make, and attempt to evade the difficulty by issuing a

writ for the election of one member instead of the two who have resigned, and by using a form of writ, different from that now in use, containing a vague recital,—I feel assured that the right of any member elected upon such writ to sit in the Council might be successfully assailed, and that it would be competent for a member of the Council, by re-opening the question during the session, again at any moment to arrest the action of the Council.

In this view I am sustained by the opinion of the members of my Executive Council, by whom the resolutions (copy annexed, marked D) have been unanimously adopted.

Under these circumstances, I feel bound strictly to pursue the course which the New Zealand Constitution Act prescribes, and to issue writs for the election of members in the room of those whose resignations have been made. I am advised to use the form of writ which has been heretofore invariably employed in such cases, and which was drawn up by the gentleman who, formerly Law Officer of this Province, is now Her Majesty's Attorney-General for New Zealand.

The refusal of His Excellency's Government to accede to a request preferred by me on a former occasion, caused the loss to me of the support, as members of my Executive, of two members of the Provincial Council. I have this day received a letter (copy of which, marked E, is annexed) from Messrs. Buckland, Brennan, and Merriman, members of the Provincial Council, intimating that, in the event of a dissolution being now refused, they will also resign their seats in my Executive Council. I have the honour to forward herewith copy of letter (marked F) addressed in January last to Mr. T. Henderson, offering for his acceptance a seat in the Executive Council, together with copy of his reply thereto.

The Provincial Government Act requires that at least one-half of the members of the Executive Council shall be members also of the Provincial Council. I should not be able to select from amongst the members of the Provincial Council, as at present constituted, gentlemen in whom I could confide, who, being competent, would be willing to undertake the conduct of the public business. The difficulties which I should experience in carrying on the Government will be thus sufficiently evident.

It will be remembered that my own election as Superintendent took place at a period subsequent to the election of the present Provincial Council, and that I was chosen to carry out a policy which differed essentially from the policy of my predecessor and of his majority in the Provincial Council.

In consequence of the proceedings in the Council during the late session, I have been compelled to take upon myself the responsibility of carrying on the public works and of defraying the cost of the Provincial establishments for the current year without an Appropriation Act. I desire, therefore, to afford the electors of this Province, from whom I derive my authority, an opportunity of expressing their opinion as to the mode in which that authority has been exercised, and generally upon the conduct of the Provincial Council; and I venture to assure His Excellency's

Government, that the great majority of the people of Auckland, by whom the "expenses and inconveniences" of a general election must be borne, concur with me in desiring a speedy dissolution of the Council.

Having thus shown that the difficulty caused by the presence of an extraordinary member in the Provincial Council, though apparently removed by the resignations of Messrs. Graham and Daldy, has not in fact been so removed; having shown that there is no reasonable certainty that, with the Council as at present constituted, the business of the Government can be carried on, or that the Council would be permitted to proceed to the consideration of measures urgently required for the public welfare, I beg leave to express my desire that "the question of a dissolution may be again submitted to the Governor in Council," and that, for the sake of the order and good government of this Province, His Excellency may be advised at once to dissolve the Auckland Provincial Council.

I have, &c.,

J. WILLIAMSON,
Superintendent.

The Honorable the
Colonial Secretary.

ENCLOSURES.
Message No. 41.

The Superintendent submits for consideration by the Provincial Council copy of a letter addressed to him by the Provincial Law Officer.

With reference to the subject therein mentioned, the Superintendent informs the Provincial Council that, on the 20th January ultimo, a letter (copy of which, marked *b.*, is annexed) was received from Daniel Pollen, Esq., one of the representatives for the Suburbs of Auckland, intimating that he had resigned his seat in the Provincial Council for that district. Whereupon, in accordance with the provisions of clause 12 of the Constitution Act, the Superintendent forthwith issued a writ for the election of a new member to serve in the place so vacated.

Finding, however, that a question has arisen respecting the vacant seat, the Superintendent refers that question to the Provincial Council for its determination.

J. WILLIAMSON,
Superintendent.

Superintendent's Office,
Auckland, 3rd February 1857.

A.

Auckland, 2nd February, 1857.

SIR,—I have the honor to bring under your notice the fact that the Provincial Council have, by a vote passed on Friday last, determined that Mr. David Graham is a member of the Council elected for the Suburbs of Auckland. As I am of opinion that Mr. Graham has not any right to sit and vote in the Provincial Council, I beg to suggest to you the propriety of again bringing the question before the Council by a Message, referring the question of a vacancy, caused by the resignation of Dr. Pollen, for determination under the 11th clause of the Constitution Act.

I have, &c.,

FREDK. W. MERRIMAN,
Provincial Law Officer.

His Honor the Superintendent.

b.

Auckland, Jan. 20th, 1857.

SIR,—I have the honor to intimate that I this day resign my seat in the Provincial Council for the District of the Suburbs of Auckland.

I have, &c.,

His Honor DANIEL POLLEN,
the Superintendent.

B.

On the motion of Mr. Merriman the enclosure to Message No. 41 was read by the Clerk.

The Council proceeded to consider his Honor's Message No. 41.

Mr. Merriman moved the following resolution—That the Council having proceeded to consider the Superintendent's Message No. 41., respecting a vacancy which lately occurred in the Provincial Council by the resignation of Daniel Pollen the Representative returned for the Suburbs of Auckland on the 3rd December last, and the issue of a new writ in consequence of such resignation, hereby determines that such resignation was in accordance with the provisions of the Constitution Act, and that thereupon a seat in the Provincial Council became vacant, and that the new writ for the election of a member for the Suburbs was legally issued, and that the resolution passed by the Council on Friday last that Mr. D. Graham is a member of the Council for the Suburbs of Auckland, is hereby repeated.

The Speaker, on a point of order raised by Mr. Carleton, ruled that the resolution could not be put without notice previously given.

Mr. Merriman moved that standing order No. 31 be suspended for the purpose of moving the resolution without notice.

Question put, that standing order No. 31 be suspended.

Discussion ensued.

Motion for the suspension of standing order No. 31 carried.

Mr. Merriman, as a preliminary step towards moving the resolution which he had been prohibited from moving prior to the suspension of standing order No. 31, now moved that the resolution adopted by the Council at the last meeting determining that David Graham is a member of this Council, be read by the Clerk.

The Speaker ruled that he could not put any resolution which would have the effect of rescinding the resolution referred to by Mr. Merriman.

Mr. Merriman, appealing to the Speaker, wished to be informed whether the reading of the resolution would have the effect of rescinding it.

The Speaker stated that he had not understood Mr. Merriman's motion to be confined to the mere reading of the resolution, and expressed his willingness to put the resolution in that form.

Mr. Merriman respectfully declined the proposition, as the Speaker had already decided on the question which that resolution was intended to bring before the Council.

Mr. Merriman moved, and Mr. Buckland seconded, the following resolution, which the Speaker declined to put,—That the Council

having proceeded to consider the Superintendent's Message No. 41, respecting a vacancy which lately occurred in the Provincial Council by the resignation of Daniel Pollen, the representative returned for the Suburbs of Auckland on the 3rd December last, and the issue of a new writ in consequence of such resignation, hereby determines that such resignation was in accordance with the provisions of the Constitution Act.

C.

Auckland, July 16th, 1857.

To His Honor the Superintendent.

SIR,—I herewith resign my seat in the Auckland Provincial Council.

I have, &c.,

WILLIAM C. DALDY.

C.

Auckland, July 16th, 1857.

SIR,—I have the honor to inform you that I this day resign my seat in the Provincial Council for the District of the Suburbs of Auckland.

I have &c.,

His Honor DAVID GRAHAM,
the Superintendent
of the Province of Auckland.

D.

EXTRACT FROM THE MINUTES OF THE
PROCEEDINGS OF THE PROVINCIAL
EXECUTIVE COUNCIL.

MONDAY, 20TH JULY, 1857.

Present: the Superintendent.

William Buckland, Esq., Daniel Pollen, Esq.,
Joseph Brennan, Esq., F. W. Merriman, Esq.,

Superintendent brought under consideration of the Council a letter from the Honbl. the Colonial Secretary, of date 18th July instant, in reply to the request for a dissolution of the Auckland Provincial Council. Letter read.

Council passed the following resolutions unanimously:—

“That upon reviewing the circumstances which induced the Superintendent to prorogue the Provincial Council on the 20th day of February last, the Council is of opinion that it would be useless to expect that they would act with harmony in the event of a new session being summoned.

“That from the numerous difficulties with which the question of the vacancy in the Representation of the Suburbs is involved, and the very strong party feeling evinced upon the subject, this Council is of opinion that the slightest opposition to the wishes of either party would give rise to fresh difficulties, and that every impediment would be thrown in the way of useful legislation.

“That two persons, each claiming a seat in the Provincial Council, having addressed the Superintendent, each resigning a seat in that body; one elected under a Writ issued by the Superintendent, and the other declared by the Provincial Council to be a member; this Council cannot advise the Superintendent to ignore his own writ, nor can they advise him to treat as a nullity the unrescinded resolution of the Provincial Council.

“That the Council is of opinion that the

calling together the present Provincial Council by the Superintendent, would only lead to a repetition of the proceedings which threw such discredit upon the Council in their last session, and that the doing so would induce so many members to resign as to cause nearly as much “expense and inconvenience” as a general election.

This Council advises the Superintendent to press the Governor to dissolve the Provincial Council.

True Extract.

C. H. J. HILL,
Clerk Executive Council.

July 20, 1857.

E.

Auckland, 20th July, 1857.

SIR,—We the undersigned members of your Executive Council beg to inform you that, in the event of His Excellency the Governor refusing to dissolve the present Provincial Council, we shall reluctantly be compelled to tender to you the resignations of our seats in the Executive Council. We shall be induced to take this step from a belief that no policy which your Honor may wish us to enunciate could be satisfactorily carried out by the present Provincial Council, however acceptable to the people of the Province that policy might be.

We have, &c.,

W. BUCKLAND,
JOSEPH BRENNAN,
FRED. W. MERRIMAN.

His Honor the Superintendent,
Auckland.

F.

Superintendent's Office,
Auckland, January 23, 1857.

SIR,—I do myself the honor to offer for your acceptance a seat in the Executive Council of this Province. It is considered desirable that a Member representing the City should have a voice in the Executive; and the opinion of the gentlemen at present composing it coincides with my own, that the aid of your advice and experience will be valuable in conducting the public business of the Province.

I have, &c.,

J. WILLIAMSON,
Superintendent.

Thos. Henderson, Esq.,
M.P.C.

Auckland, January 27, 1857.

SIR,—I have the honor to acknowledge the receipt of your letter of 23rd instant, wherein you do me the honor of offering for my acceptance a seat in the Executive Council of this Province.

After mature consideration I have to express my regret that I cannot avail myself of the offer in consequence of not having the necessary time at my disposal, and thereby being unable to fill the office either with advantage to the Province or credit to myself.

I have, &c.,

THOS. HENDERSON.

His Honor
the Superintendent.

Colonial Secretary's Office,
Auckland, July 24th, 1857.

Sir,—

In reply to your letter of the 21st instant, I have the honour to inform you that, in compliance with your request, the question of a dissolution of the Auckland Provincial Council has again been submitted to the Governor in Council, and that His Excellency, with the advice of the Executive Council, declines, under the present circumstances, to dissolve the Provincial Council.

The grounds upon which your Honor requests a dissolution are, first, the circumstances connected with the resignations of Mr. Daldy and Mr. Graham, and secondly, difficulties which you anticipate will arise if a dissolution be not at once granted.

In reference to the former of these grounds, I have to express the opinion of the Government that, under the provisions of the Constitution Act, the duty of the Superintendent in the present case is unmistakable, and that no doubt, or difficulty, can arise if a single writ be issued for the election of one member for the seat lately in dispute between Mr. Daldy and Mr. Graham, while the issue of two writs on the occasion of the resignation of these gentlemen would be a clear infraction of the Constitution Act.

Moreover, were it possible to raise a question as to the number of vacancies, the 11th section of that Act expressly provides that any such question shall be heard and determined by the Provincial Council, to which body it would accordingly be your Honor's duty to refer the matter.

With respect to the latter grounds assigned by your Honor in favour of a dissolution, the Government cannot assume that any representative body, convened with the legal complement of members, would be guilty of so grave a dereliction of duty as to refuse to proceed to the consideration of measures urgently required for the public welfare. The proved existence of insuperable difficulties to the action of a Provincial Legislature may at any time render its dissolution a matter of necessity, but the mere anticipation of obstruction cannot be recognised as a sufficient reason for the interposition of the General Government.

While therefore a state of things may arise which may call for the active interference of the General Government, it must leave the responsibility of bringing about such a position with the two branches of the Provincial Legislature.

I have the honour to be,

Sir,

Your Honor's most obedient servant,
E. W. STAFFORD.

His Honor
the Superintendent,
Auckland.

Superintendent's Office, Auckland,
July 25th, 1857.

SIR,—I have the honour to acknowledge the receipt of your letter of yesterday's date, in which you convey to me the determination, under the present circumstances, of his Excellency the Governor, with the advice of the

Executive Council, not to dissolve the Provincial Council.

When, on the 22nd of June ult., I had the honour to address to you a request that his Excellency might be advised to dissolve the Auckland Provincial Council, the ground upon which that request was based was considered by the Government to be valid and sufficient. His Excellency was nevertheless not advised at once to accede to that request. The delay in doing so has added to, and, as I think, made more complicate the difficulty in which the Provincial Council is placed.

I receive with great respect the opinion of his Excellency's Government which you have been so good as to communicate to me as to my duty in the present case. It is, as on reference to my late communication you will perceive, completely at variance with the opinion of my immediate advisers and with my own. I believe that my duty, as an administrative officer, on this occasion, is prescribed by the 9th and 12th clauses of the Constitution Act, in words which cannot be mistaken. I have therefore caused writs to be issued for the election of new members to serve in the places of Messrs. Graham and Daldy, each of whom has separately, by writing under his hand, addressed to me, resigned his seat in the Auckland Provincial Council.

I have also by Proclamation, copy of which is enclosed, summoned the Provincial Council to meet on the 17th of August, prox., when the question of the vacancies may be heard and determined by the tribunal provided for that purpose by the Constitution Act, namely the Council itself.

I have placed before his Excellency's Government evidence, derived from the records of the proceedings of the Provincial Council during its late session, that there was no reasonable ground for hope that the Council would be permitted to proceed with the business of the Province. I have placed before his Excellency's Government evidence that I should be unable, in consequence of the violent proceedings of the Opposition in the Council, to obtain the assistance, as members of my Executive, of members of the Provincial Council in whom I could repose confidence, who, being competent, would, under existing circumstances, be willing to undertake the conduct of the Government business in the Council. This evidence, the written testimony of the members of my Executive Council, as well my own assurances on the subject, his Excellency, it would appear, has been advised to disregard.

It remains for me under these circumstances to await the meeting of the Provincial Council. There are many questions of the last importance to this Province which require immediate consideration, and it will be my duty, in the interest of the public, to co-operate with the Council in endeavouring, if practicable, to restore its capacity for action, the suspension of which has already wrought such grievous injury to the Province.

I have, &c.,

J. WILLIAMSON,
Superintendent.

The Honorable the
Colonial Secretary.

Colonial Secretary's Office,
Auckland, July 28th, 1857.

SIR,—

I have to acknowledge the receipt of your Honor's letter, No. 106, of the 26th instant, in which you inform me that you have issued writs for the election of two members of the Auckland Provincial Council—there being but a single vacant seat in that body.

I have the honour to be,

Sir,

Your Honor's most obedient servant,

E. W. STAFFORD.

His Honor
the Superintendent,
Auckland.

Superintendent's Office, Auckland,
July, 28th, 1857.

THE following letters are published for
general information.

J. WILLIAMSON,
Superintendent.

SIR,—I beg to resign my seat in the Executive Council of this Province.

I have the honor to be,

Sir,

Your obedient servant,

FRED. WARD MERRIMAN.

27th July, 1857.

His Honor
The Superintendent,
Auckland,

Panmure, 28th July, 1857.

SIR,—As His Excellency's Government has refused to dissolve the Provincial Council of the Province of Auckland, and as I consider that the legislation of the Province cannot be satisfactorily carried on for the benefit of the people thereof, by the present Council, constituted as it is,—I therefore beg to resign my seat in your Honor's Executive Council.

I have, &c.,

JOSEPH BRENNAN.

To His Honor
the Superintendent
of the Province of Auckland.

Kohuora, 28th July, 1857.

SIR,—I beg to tender to your Honor the resignation of my seat in your Executive Council.

Understanding that the General Government have refused to dissolve the Auckland Provincial Council, after having expressly promised it I feel that there is no other step for me but to resign my share in your Honor's Government.

I have the honor to remain,

Sir,

Your obedient servant,

W. BUCKLAND.

To His Honor
J. WILLIAMSON, Esq.,
Superintendent of the Province of Auckland.