



NEW ZEALAND
GOVERNMENT GAZETTE,
PROVINCE OF CANTERBURY.

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By His Honor's command,
H. G. GOULAND, Provincial Secretary.

VOL. I.]

SATURDAY, NOVEMBER 4, 1854.

[No. XXIII.]

ADDRESS OF HIS HONOR THE SUPERINTENDENT
TO THE PROVINCIAL COUNCIL. OCT. 31, 1854.

GENTLEMEN OF THE COUNCIL,—

Upon the occasion of proroguing your Council at the conclusion of your last session, instead of postponing the time of your re-assembling to the period of the ordinary annual meeting in the month of February or March, I fixed that time for the 3rd of October; because it was to be expected that the General Assembly might during its first Session, enable you to deal with certain subjects requiring immediate attention: and I was anxious that the Province should benefit, at the earliest possible period, by the result of your legislation on those subjects.

My return to the Province was unavoidably delayed until after the day to which you had been prorogued. Upon my arrival I should have best consulted the convenience of the Government, by again proroguing the Council until there had been time to prepare the measures which I might be advised to submit to you. Aware, however, that you had one very important matter of enquiry on hand, that relating to the affairs of the Canterbury Association, and that the public were anxiously anticipating the conclusion of your investigations, prior to any final legislation on that subject; and anxious that no delay on my part should occur in forwarding the public business; I determined to call you together at once: requesting you at the same time to allow the Government a reasonable time to prepare its policy before you proceeded to legislate upon matters in which that policy might be involved. In the message which I therefore addressed to you on the 10th inst. I intimated the wish of the Government that you would adjourn for a short time until its measures were matured. It was presumed that not having

availed myself of a farther prorogation, and having submitted to the manifest inconvenience of meeting the Council at so early a period after my return to the Province, I might not unreasonably express such a wish, in the expectation that it would have been complied with. The Council however, being apparently anxious to postpone legislation on any important matters until after the enlargement of their number, proceeded, anticipating the exposition of the policy of the Government, to pass a Bill adding 12 members to their own body.

The proposal to enlarge the Provincial Council having emanated from the Government, I need not say I concur most cordially in the principle which that bill asserts. Its particular provisions may require some farther consideration. The manner in which it was passed has unavoidably occasioned some embarrassment.

The members of the late Executive Council, deeming that the House had virtually expressed its want of confidence in themselves, or their policy, resigned their seats, and in accordance with the terms upon which they held their appointments, I felt it my duty to accept their resignations.

Upon receiving the bill on the evening of Friday, the 13th, it became my duty to determine whether I ought, consistently with the powers vested in me by the Constitution Act, to return the bill for your further consideration with such amendments as I might think fit. That power, Gentlemen, is one which under a system of ministerial responsibility ought never to be exercised, indeed, can never be exercised, in ordinary circumstances, except by the advice of the Executive Council.

When, however, the bill came into my hands, the members of the Executive Council had al-

ready resigned; and I should not have been justified in taking any farther steps in so important a matter before I should be in a position to receive the advice of a new Executive Council.

But however I might have been inclined to incur such a responsibility under ordinary circumstances, the grave character of the bill before me, and the magnitude of the questions involved in it would have forbidden my acting with precipitation in the present instance. The bill deals with the whole Representative system of the Provincial Constitution: it determines the degree in which the several constituencies shall be represented in your Council; and, therefore, the relative amount of political power which shall be exercised by various parts of the Province. The Bill had never been printed; it had not been placed in the hands of all the members of your own House. A considerable portion of the Province were in ignorance that it was about to be proposed.

I cannot for a moment doubt that the measure received at your hands full and careful consideration, notwithstanding the unusual rapidity with which it passed through its various stages. But the facts to which I have alluded could not but induce me to proceed with more than usual caution in determining what course it was my duty to adopt as charged with the interests of all parts of the Province and all classes of the community. If it be urged that the measure in question was intended to be merely a temporary expedient, there still remained room for doubt whether the necessity for unusual precipitation in a matter of so grave importance as that of an act of constituent legislation was such as to overbalance the obvious danger of introducing frequent changes into the constitution of the Province.

Upon these matters it is not for me to give a final judgment; but I have thought it right to lay them before you so far as they constituted sufficient reasons to my own mind for inducing me to act with great deliberation before placing the Bill finally beyond your control at a time when I was necessitated to determine in the absence of constitutional advisers: and I entertain no doubt, gentlemen, but that your Council, and the inhabitants of the Province generally, will justify the course which I have taken. That it will be felt, that, even if the delay of one month should occasion any slight inconvenience, which I cannot myself anticipate, it will be far more than counterbalanced by the consideration that in making so material a change in the constitution of the Province, that change has been made with the unanimity of the different branches of the Provincial Legislature, and with the cordial, well-considered, approbation of the people.

So far, gentlemen, I have found it necessary to speak of what occurred before the present Executive Council accepted office. I will now refer briefly to the topics which I am advised to bring before you for your future consideration.

The Provincial Council Extension Bill will be laid before you with certain amendments; and your attention will be drawn to the point whether an entirely fair distribution has been made of the proposed additional members amongst the existing constituencies. Another

Bill will also be submitted to you on the same subject. It provides for a subdivision of the Christchurch Country District, and a re-distribution of the Representation upon a fair basis amongst all parts of the Province. It will also be suggested for your consideration whether the present mode of revising the Electoral Rolls ought not to be amended and assimilated to that in use in England, namely, by means of a revising officer specially appointed, instead of by the Bench of Magistrates, as at present in use in this country. If the first Bill be assented to by His Excellency, it has been thought a fresh election would not be necessary, but that additional members might be elected, the present members retaining their seats. It is possible, however, that His Excellency may be of opinion that such would be an improper mode of bringing the bill into operation, and might think it right to dissolve the Council. In such case you will probably all feel that the Provincial Council Extension Bill would be hardly the measure you would wish to have passed. That measure indeed appears to be based upon the idea of avoiding the necessity of a dissolution. The second bill therefore proposed to you will be one to come into operation in the event of a General Election.

The Ordinance passed in the First Session for the prevention of the spread of disease in Sheep has operated upon the whole, I am informed, with great advantage, but some additional provisions appear to be required to prevent introduction of diseased sheep into the Province by land as well as by sea.

A statement will be laid before you of the available balance still unappropriated in the Treasury for the remainder of the financial year.

I have to call your attention to the immediate necessity of making provision for the erection of a Council Chamber and of suitable Government Offices. The present Council Chamber will be no longer at your service at the conclusion of the term for which it is hired, except at a considerable increase of the present rent; nor could it afford proper accommodation to the Council when enlarged as proposed. The Government offices at Christchurch are at present in apartments in my private house, from which I am anxious they should be removed as soon as possible.

The question of completing the communication between the Port and the Plains will also be submitted to you, and you will be asked for such a grant as shall enable a road to be constructed with all expedition.

You will also probably consider the propriety of taking some steps to promote the establishment of small steamers to keep up a constant intercourse by sea between the various bays of the Peninsula, Lyttelton, Christchurch, and Kaiapoi.

Upon the subject of the Waste Lands it is necessary that I should say a few words. The regulations to be proposed to you will be ready to be laid before the people in a few days. If the regulations proposed by the Government should meet with general acceptance, and if it should prove to be the general wish of the people that this question should be settled without waiting for the enlargement of the Council, the

Government propose to proceed with the settlement of it during the present session. Should, however, any material opposition be made to the plan proposed by the Government, it will be suggested to you to postpone dealing with the subject until the Council shall be enlarged. The main object in view in the Regulations which will be proposed, will be that the land shall be disposed of only to persons competent and likely to use it for beneficial occupation. I cannot but express my hope that you may be able by a settlement of this question upon a basis which may be satisfactory to all classes of the community to meet the wishes of that large body who desire its speedy adjustment. No time will be lost by the Government in placing its proposal in the hands of the public.

The Provincial Secretary having signified his wish to retire from the public service of the Province in a short time, I have considered the propriety of endeavouring still further to carry into effect the principle of ministerial responsibility in the conduct of the Government by appointing that officer in future from the members of the Provincial Council, and making its tenure dependent on the ability to command the support of the Legislature. It does not appear to me that any alteration in the law is required to effect this change. I would remind

you that the real responsibility of the Executive to the Legislature is maintained, not by any specific enactments, but by the exclusive power of the representatives of the people to grant supplies. The responsibility of the ministers of the chief Executive power is but convenient machinery by which the harmonious working of the Legislative and the Executive is secured. And that harmony will be, I conceive, more effectually secured by the gradual growth of such a system in our Government, as we may find most applicable to our circumstances than by any stringent application by law, of a system which has grown up, not by law but by custom, in the Government of England. The system we have hitherto adopted has worked satisfactorily. If it should be thought desirable to adopt that more complete and more costly system which renders all the principal officers of Government responsible for their tenure of office, I shall heartily concur in any alterations which your experience may suggest, and which may tend to the effective and harmonious working of the Government and of the benefit which must necessarily ensue to the Province at large.

(Signed) JAMES EDWARD FITZ GERALD,
Superintendent.

31st October, 1854.

