



OTAGO PROVINCIAL GOVERNMENT GAZETTE.

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JOHN L. C. RICHARDSON, Superintendent.

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ADDRESS

OF HIS HONOR THE SUPERINTENDENT, IN
PROROGUING THE THIRTEENTH SESSION
OF THE PROVINCIAL COUNCIL OF THE
PROVINCE OF OTAGO, OCTOBER 12, 1861.

*Mr. Speaker and Gentlemen of the
Provincial Council—*

I thank you for the liberal supplies you have voted for the public service. Though the amount appropriated exceeds the estimated revenue, including the whole amount of the loan of £50,000 sanctioned by the General Government in anticipation, the rapidly expanding resources of the Province lead me to believe that it will not be necessary to take up the whole. Should I perceive any indication that my hopes may not be realized, I will so regulate the disbursements that there may be an equitable expenditure throughout the whole Province, in all those cases in which a reduction is practicable.

I am happy to find that nearly all the bills which I submitted for your consideration have met with your general concurrence.

On behalf of His Excellency the Governor, I assent to the following bills:—"The Harbor Endowment Bill, 1861," and "The Appropriation Ordinance, 1861," in addition to the bills already assented to during the session, and I reserve the following bill for the signification of His Excellency's pleasure thereon:—"The Electoral District Bill, 1861."

I now prorogue this Council, and it stands prorogued accordingly.

J. RICHARDSON,
Superintendent.

ADDRESS

OF HIS HONOR THE SUPERINTENDENT ON
OPENING THE FOURTEENTH SESSION OF
THE PROVINCIAL COUNCIL OF THE PRO-
VINCE OF OTAGO, 5TH DECEMBER, 1861.

Mr. Speaker and Gentlemen:—

IT is with reluctance and regret that I have called you together on the present occasion; and had there been any means of averting the necessity, I should have readily availed myself of them; but emergencies arose which I could not anticipate, and to meet which satisfactorily I need your counsel.

The duties of last session were scarcely closed, when a leading member of the Executive Council received an intimation from the Secretary of Crown Lands that he must either resign his position in the Provincial Executive, or his appointment under the General Government. The gentleman who communicated this alternative had been deputed, so he informed me, on a visit to this Province, to ascertain my wants and strengthen my hands, but he left, apparently with the intention of removing an officer who had been connected with the Executive Government for many years, and did not even allude to his being

about to take such a step ; nor did he, after arriving at the Seat of Government, even adopt the formality of intimating to me what he had done. I regret the absence, on the present occasion, of that official courtesy which in a circular from the General Government, I was requested to encourage, and had attempted to promote, between the officers of the two Governments.

On the receipt of the communication above referred to, the Commissioner of Crown Lands tendered his resignation, which I conditionally accepted, under the provisions of the Executive Council Ordinance. On the recommendation of the remaining members, I lost no time in applying to a gentleman who, I thought, would probably join the Government ; but he declined, being unwilling to join alone, and he tendered me the names of three gentlemen, who, with himself, were prepared to unite in an Executive Council. It appeared to me that I could not, consistently with my duty to you, and the constituency who elected me, accept of their services. I therefore referred back to the Executive, who endeavoured to complete their number by the addition of a country member, whose engagements, unfortunately, did not admit of a residence in town. In the meantime the gentleman who proposed the reconstruction of the Government, on learning from me that other suggestions were under consideration, withdrew his proposal.

Possessing co-extensive Executive powers, under the Executive Council Ordinance, with that portion of your body which represents you, and having also concurrent legislative powers under the Constitution Act with yourselves, I deemed it ~~advisable to act as I have~~ done, before accepting the services of certain gentlemen whose presence in the Executive Council Chamber I cannot regard at the present moment, as in harmony with the interests of the Province. I have no alternative but to speak freely and frankly. Of the other gentlemen whose names have been submitted by Mr. Dick, as members of the Executive Council, you are aware that there is a suit pending against one of them for the recovery of a certain sum of money paid on his receipt from the Provincial Treasury without any value having been received. Another, who was lately removed from the office of Provincial Treasurer, was proposed to me as Provincial Solicitor, and would, had the arrangements been carried out, have had to sue his colleague ; and moreover, if the threatened action against the Government for the recovery of monies informally paid by him in the case of the ship "Gala," when in charge of the Treasury department, were persevered in, he would be both prosecutor and principal witness ; and further, if the action was decided against the Government he would have had to recover the amount from himself and his security. The third gentleman is a material witness in the same case. This, Gentlemen, in connection with another cause which I will shortly mention, is the reason that induced me on the present occasion to exercise my constitutional privilege of calling you together at such times and places as I may think necessary.

You are aware how readily, at the first session of the Provincial Council after taking office, I initiated a measure for the fuller development of Responsible Government,

even though it curtailed my own power ; the spirit that then actuated me would, had I deemed it necessary, have induced me to encourage the extension of the same principle, but a sense of duty to the people that elected me obliged me to pause before handing over the Executive powers to a number of gentlemen who, as a whole, do not possess my confidence. For the furtherance of the public interests, I would waive all personal considerations ; but you will see the expediency of my being aided by an Executive who, if not agreeing with me in the broader political questions, are at least free to advise me in the charge of the public revenues. The position of the Government at the present moment is doubtless one of difficulty, and may, if not amended, have a tendency to damage the character of Provincial institutions ; but I have every hope that in meeting together you will be able by mutual concession to form such an Executive Council as may assist me in carrying on the Government until such time as the interests of the public will again admit of an appeal to the people. Failing this, there is a solution of the difficulty, which was proposed and rejected by you at the last session, and which may be renewed on the present occasion—a dissolution of the Provincial Council by His Excellency the Governor, on the authority of the Constitution Act, the exercise of which power has hitherto been confined to those cases in which the Superintendent and Council agreed in praying for the same. That such an agreement is necessary, arises from the circumstance that a dissolution involves in it the vacancy of the office I hold. Should the Superintendent not coincide in the view taken by the Provincial Council, the Governor has the power to remove him from his office on the application of a majority of its members, and he then again can appeal to the general body of electors for re-election. As it is only reasonable to suppose that at the election of representatives which took place scarcely two years since, the electors returned the gentlemen who possessed their confidence, and four of your number were only lately elected, the probability is that there would not be such a change in the representation as would justify so extreme a measure as a dissolution. Be that as it may, it is expedient that we should bear in mind the position of the mining population, who are invested with the electoral franchise under "The Miners' Franchise Act of 1860," and which they cannot become possessed of before next March, and cannot exercise until after the revision of the Electoral Roll, probably in August next. The operations of this population have most materially affected the position of this Province, which now takes the foremost place in New Zealand, and have, besides, introduced an increase of population into all the electoral districts, pervading the professions, and entering into all the departments of trade and commerce,—all of whom will be unjustly debarred from their legitimate and beneficial electoral influence by a premature dissolution.

Whether the class legislation introduced by the Act of the General Assembly is desirable or not, it is not the present purpose to ascertain ; we have merely to recognise the fact that it exists, and has been acted upon in our "Provincial Council Ordinance, 1861," which

appointed two members for the mining district of Tuapeka, and one for the runholders in the North. If the tendency of this legislation is injurious in its character, or in its application, let us fairly meet the question; but let us avoid anything which may favor the idea that we are working underground.—I feel sure, Gentlemen, that these considerations will have due influence in your deliberations. Our population within the last few months is doubled; and I am convinced you will not hastily adopt a proposition which may deprive those who have cast in their lot among us—whether as the holders of miners' rights, or otherwise holding leases or freeholds—from the exercise of even a single right to which by law they are entitled.

There is also another subject which I think should be considered by you. I would willingly avoid any allusion to it if it were possible; the more especially from a recollection of the support so readily given me by the Colonial Secretary in the early period of the present year, and which makes me regret that his time had been so fully occupied with native affairs as to preclude him from continuing the immediate direction of the communications with the Provincial authorities. Every day convinces me of the absolute necessity for the establishment among us of an authority capable of finally acting, without recourse to the circuitous and dilatory system of reports. I will cause to be laid before you some correspondence with the General Government, and with other officers, which will require your attention. For myself I have no hesitation in saying that I regard the interference of the Postmaster-General, after I had permission to include the transmission of the English Mail in any arrangements I might make for communication between this Province and Melbourne, as aggressive and arbitrary.

The attempt to burthen this Province with the entire expense of the troops, despatched at my recommendation, while it is sharing in the expense incurred on account of the Military engaged in the North, cannot be viewed as other than ungenerous if not unjust. The papers connected with this subject were laid on your table during the last session.

The delay in granting commissions for the necessary increase of the Magistracy, and the absence of any orders for the Constitution of Wardens' Courts, are subjects of the gravest importance.

The needless difficulties imposed by the General Government in making available the endowment for Harbour purposes; and thus interfering with the progress of this Province, at an important period, and with the measures which are necessary to preserve the health of its inhabitants, are also much to be regretted.

The irregular performance of the steam communication with Sydney and Auckland, under the General Government, is, as regards Otago, a fruitful source of annoyance and delay. On the last occasion the Provincial Offices opened at 10 a.m., when the letters which were placed in the box of the department at the Post Office on the previous day were available for reply, and the mail left Dunedin at 2 p.m., thus almost neutralizing any good that might arise from such communication; a similar occurrence I complained of but a short time since; and the English mail which

was due on the 29th, arrived at Dunedin at 9 p.m. last night, and registered letters and newspapers must be posted by 4 p.m. to-day, and stamped letters to-morrow, at 9 a.m.

I have now to declare this Council open for the despatch of business.

J. RICHARDSON,
Superintendent.

REPLY

OF PROVINCIAL COUNCIL TO OPENING ADDRESS
OF HIS HONOR THE SUPERINTENDENT.

(Carried 6th December, 1861.)

WE, the members of the Provincial Council, desire to express sympathy with your Honor in your present trying and difficult position in the conduct of the affairs of the Province; but, whilst we regret the necessity of our being called together at so early a period after the close of the late session, we shall at all times be happy to meet your Honor, and to afford you every support in the discharge of the functions of your high office which it is our duty to give.

The various matters to which your Honor has alluded shall forthwith receive our most serious deliberation, the result of which we shall communicate to your Honor with as little delay as possible.

ALEX. RENNIE,
Speaker.

ADDRESS

OF HIS HONOR THE SUPERINTENDENT WHEN
CLOSING THE 14TH SESSION OF THE
PROVINCIAL COUNCIL OF THE PROVINCE
OF OTAGO, 11TH DECEMBER, 1861.

Mr. Speaker and Gentlemen of the Provincial Council,—

I WILL not review the proceedings of the last few days; you know how my successive efforts to form an Executive Council out of the party opposed to the late Government failed; and you are aware that a gentleman who was a member of the late Executive succeeded in the duty entrusted to him.

The machinery of Government being thus completed, I fully expected that your last act would be to redeem the promise conveyed in the amendment to the reply, that the various matters to which I had alluded should forthwith receive your most earnest attention; but you at once proceeded to a vote of want of confidence, and requested me to recommend his Excellency to dissolve the Council.

It is only seven months since, at a critical period in the history of the Province, I was earnestly solicited by a large body of my fellow colonists, to come forward as a Candidate for the vacant office of Superintendent,—to redeem on the one hand the honor of the Province then tarnished, and exposed to imminent risk of further indignity; and, on the other, to protect the Constitutional rights of the freeholders. There was not a moment's hesitation as to the nature of the reply I should give. The call of duty superseded all other considerations. The large majority which returned me testified that the constituency were in earnest. I have since unfalteringly and unflinchingly done my duty, without partiality or prejudice. The request con-

veyed in your resolution of last evening is, in ordinary English, tantamount to asking me to resign.

Had you so worded your resolution as to have sought a dissolution at the very earliest period after the Electoral Roll, which will be framed in March next, had been revised, I should most cordially have joined in the prayer; but, I dare not be a consenting party to a transaction which disfranchises more than one-half of my fellow-colonists. Their rights are guaranteed to them by a bond as sacred as any engagement that man can make,—and while that law stands on the Statute Book, I, for one, will ceaselessly oppose any evasion of the privileges it confers. I feel convinced that his Excellency and his responsible advisers will not adopt a measure which might have been reversed had the decision been arrived at in Committee of the whole House, the only true field in which the sense of the House can be ascertained—a decision by which several thousand miners, and several hundred individuals engaged throughout the country in agriculture, trade, and commerce, cannot take any part in the elections which would ensue were the prayer granted.

If a bare majority unwilling to assume the responsibilities of office (for I cannot give any other construction to the action taken on the present occasion), after its leader had been informed, as was the case, that any Executive possessing the confidence of the House would be accepted by me, is entitled to demand a

dissolution, then the sooner the elective character of the office of Superintendent is done away with the better. He is no longer the representative of the whole body of the people, but the creature of the Council; no longer the guardian and defender of the general interest against local influence, and powerless to prevent evil, but the mere registrar of the votes of the Council, holding office on the sufferance perhaps of a simple majority. This is a position of humiliation that no man of spirit could submit to. On such conditions I would not have accepted office, nor on such conditions would I hold it for an hour.

I thank you gentlemen for your attendance during the present session; and, fully participating in the natural anxiety of the country members to return homewards, I will not detain you any longer.

The resolution embodying your sentiments shall be submitted to his Excellency the Governor at the earliest opportunity, accompanied with the expression of my dissent.

I have to intimate my assent on behalf of His Excellency the Governor to the following Bills:—

A Bill to prevent Cruelty to Animals.

A Bill to constitute a Municipal Estate for the Town of Port Chalmers.

I now prorogue this Council, and it stands prorogued accordingly.

J. RICHARDSON,
Superintendent.