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SIR GEORGE GREY'S PETITIONS TO THE COLONIAL OFFICE OVER THE
ABOLITION OF THE PROVINCES. — AN EXAMINATION OF THE
CLASH BETWEEN SIR GEORGE GREY AND THE GOVERNOR.

THE MARQUIS OF NORMANBY

Submitted as part of the requirements for the Degree of Master of Arts at the University of Otago in 1968

BY

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ABBREVIATIONS

A - J  Appendices to the Journals of the House of Representatives, New Zealand. The year of presentation to the House follows, then the pages letter and number, then the printed page number and the dating of the despatch or memorandum.


To my mind the most interesting aspect of history is the clash between two strong characters. One of the classic examples in New Zealand history of such a clash is between Sir George Grey and the Marquis of Normanby. In this essay I deal only with the conflict over the Abolition of the Provinces, that is from November 1874 to November 1876. With this I couple Sir George Grey’s despatches to the Colonial Office concerning the Abolition of the Provinces, and this ties in a third point that I touch on briefly, namely the question of whether Sir George Grey really wished provincialism to continue for provincialism’s sake, or whether he was merely motivated by personal ends in trying to save his 1852 Constitution.

Although hypothesis plays little or no part in history it is interesting to conjecture, whether on 14th November 1877, when Governor Normanby refused the then Premier, Sir George Grey, a dissolution of parliament, he would have still refused dissolution if the hate that grew up between the two men over the Abolition of Parliament had not been as intense as it was. It is my stand that the hate that developed between these two men of strong personality, affected this later period of New Zealand’s history.

R.H. Ellis.
INTRODUCTION

The clash between Normanby and Grey was due in a large part to the unfortunate circumstances in which the Marquis of Normanby found himself on his arrival to take up the Governorship of New Zealand on 3rd December 1874.

By the time that Normanby arrived in New Zealand, Julius Vogel, Premier of New Zealand, had continually run foul of the provincial system of government, and he set out to abolish them. As Treasurer in 1870 Vogel had begun an ambitious plan of borrowing to boost spending on public works, especially on railways and roads, immigration and land settlement. One of Vogel's proposals had included the setting up of a large public estate from which the cost of railway construction might be recovered. To achieve this, Vogel had to have the cooperation of the provinces. However, the provinces rose against Vogel, and his safeguard was destroyed. Vogel could see that the system of Provincialism was going to be an obvious setback to any nationwide programme, as it would involve a countless variety of regulations, the logic of Provincialism being in local economic protection.

In 1874, Vogel introduced his State Forests Bill, which the provinces cut down to twelve unobjectionable clauses. As far as Vogel was concerned this was the final straw and he resolved to abolish the system of Provincialism. As the Otago Daily Times points out, "never again would the pride of the needy Northern
provinces be allowed to stand in the way of the interests of the colony as a whole".

Sir George Grey entered the political scene for the first time in New Zealand since his retirement as Governor, and he became the greatest defender of the Provincial system of Government in New Zealand. It was in fact Grey, who as Governor of New Zealand, had partially drawn up the 1852 Constitution that had brought the Provincial system of Government into being. It was also Grey, who as champion of the Provincialist cause, wrote the first of many petitions on 14th October 1874 to the then Governor Sir James Fergusson, pointing out all the good that had been achieved under the Provincial system of Government. Sir James Fergusson publicly refused to forward the petition to the Earl of Carnarvon, the Secretary of State for the Colonies, whereas privately he did forward it in a confidential despatch.

Sir James Fergusson then left New Zealand and the Marquis of Normanby arrived to find an embittered Grey, who rebuffed through Fergusson's refusal to send his petition on to the Colonial Office, was intensifying his agitation for the prevention of the Abolition of the Provinces.

1 *Otago Daily Times* 25th July 1874.
GREY'S RISE FROM THE VICE-REGAL ASHES

Sir George Grey came out of his self-imposed retirement at Kouan Island on the 14th October 1874, when seeing that Vogel with his proposed abolition of the Provinces would supersede his Constitution of 1852, he wrote the first of his petitions to Governor, Sir James Fergusson. This petition was addressed to the Superintendent of the Auckland Province who was John Williamson. He in turn sent the petition on the 20th October 1874 to the Colonial Secretary, Daniel Pollen, who gave it to the Governor—these being the official channels of the day.

Grey made a point of emphasising the power and importance of the Superintendent, thereby hoping to gain his support: "Any recommendation in favour of the prayer, coming from yourself, as the Superintendent of so important a Province, and as such the representative of so large a provincial constituency, must carry great weight with it".2

In the actual petition to Fergusson, Grey set forth his views of abolition. He dwelt on the good things that had happened to New Zealand through the Provincial system, often in a very sentimental tone: "That under the system of the Provincial Government, a large portion of the population of these islands is trained to the discussion of political questions and to the exercise of political functions while many of them are being educated in the art of government ......

2 A - J 1875 A5 E.1 Grey to Williamson. 14th October 1874.
That the Provincial system has been perfectly successful in this country. That under its influence prosperous communities have grown up, have marvellously increased in population, wealth and enlightenment. That vast and sometimes appalling conditions have been met and overcome and that general contentment and well-being prevail".  

Grey continued saying that he had been informed that Vogel had gone to England, and one of his objects was to obtain an alteration, by the British Parliament, of the New Zealand Constitution Act, in order that powers may be conferred upon the General Assembly of New Zealand enabling it to abolish either in whole or in part the existing Provinces and Provincial Governments in New Zealand. Grey was also adamant that the British Government should not be drawn into the conflict; "The Imperial Government which has so many weighty duties to discharge, (this with more than a touch of sarcasm) ought not to be drawn unnecessarily into interfering in a local question of this kind with an important colony ..... that the British Government ought not to be led, without due warning, without the full knowledge of the people of the country, and without the several and separate Governments being first heard, to pass an act which would destroy complete representative institutions in this colony, and would therefore greatly augment the responsibility of the British Parliament to the inhabitants of New Zealand for the consequences which may flow from the resources of the General Assembly". 

3 A - J 1875, A 5 P. 3  Grey to Ferguson, 14th October, 1874.
4 A - J 1875, A 5 P. 4  Grey to Ferguson, 14th October, 1874.
Grey also claimed that the Provincial Councils and Superintendents were the only really representative parts of the constitution and an indispensable safeguard "against an unjust and partial alienation of the land".\footnote{A - J 1875 A 5 P.4} Grey wanted the Governor to summon the General Assembly of New Zealand, but as Francis Hore, the Governor's private secretary pointed out in his reply to Grey, that by so doing he would then be acting independently of, if not in opposition to, his responsible advisers, and this course would only be justified in exceptional emergencies. Hore in his reply also stated; "As His Excellency is aware that there is not, on the part of the Government of New Zealand any intention to make application to the Imperial Government to propose any such measures to Parliament...... you will be satisfied that the prayer of your petition ought not to be complied with".\footnote{A - J 1875 A 5 P.4-5} Ferguson therefore publically refused to send the petition to the Colonial Office, for to do so he felt, in its original form, would be in some measure to accept as matters of fact the premise upon which it was based.

Grey answered this refusal of his petition in a letter of 11th November 1874 in obviously piaged form, having not opened the official letter from Ferguson: "for I believe that I am entitled to a reply to my petition through the same channel through which I transmitted it".\footnote{A - J 1875 A 5 P.5-6} He again made play out of the fact that he was
supported by Williamson, the representative of such a large and
important community. (There is no tangible evidence of this, however.)

By the time this reply of Grey reached the Governor, Ferguson
had left and had been succeeded by the Marquis of Normanby who had no
alternative but to direct Pollen, the Colonial Secretary, to reply
to Grey: "that no answer can be given to the petition, other than that
contained in Sir James Ferguson's letter, which still remains unopened,
and can be sent back to Sir George Grey, should he desire it". 8

That was the beginning of the conflict between Grey and Normanby
which was to continue throughout Normanby's period of Governorship.
It can be seen that this began through the extremely difficult position
that Normanby found himself in at his arrival in New Zealand.

As this petition was Grey's first stirring from the vice-regal
ashes, it created tremendous comment in the colony. The New Zealand
Herald was extremely pleased that Grey was coming out of retirement,
to champion the cause of provincialism, and wholeheartedly backed
Grey's petition to Ferguson. The Christchurch Times, however, had some
cogent things to say of Grey's despatch of 14th October 1874:
"As a manifesto against the long foreseen and now rapidly approaching
abolition of the Provincial system of Government, it is but the
plaintive shite of an inventor who sees his ingenious devices about
to be superseded by more practically useful improvements ......
No one can read the petition without coming to the conclusion that

8 A - J 1875 A 5 P. 6 Normanby to Grey, 29th December 1874
Sir George Grey is lamentably wanting in acquaintance with the present condition of affairs in this colony. Half a dozen years of constant and rapid change have rendered his knowledge of the circumstances and requirements of the people of New Zealand, and his theories on the subject of their good government alike, obsolete. 9

On the whole, however, by his intervention Grey had brought more interest and speculation into the question than would otherwise have been the case. To conclude the introduction of Sir George Grey's return to New Zealand politics I can do no better than to reiterate W.P. Morrell's words from his book - The Provincial System in New Zealand; "Sir George Grey struck a responsive chord in the hearts of the people of Auckland always distrustful of Government from Wellington, and his petition showed that Abolition might be regarded otherwise than from a financial point of view". 10

Throughout the years that Grey was defending the Provincial system of Government against Abolition, the question was raised continually as to the real motivation behind his defence. Was Grey sincerely behind the Province of Auckland, or was he really after the more personal ends of saving the 1852 Constitution because it was his own Constitution? Grey was in fact only interested in championing the cause of Provincialism in order to save his 1852 Constitution, and

9 Otago Daily Times 22nd October 1874 p.2

10 Morrell, W.P. The Provincial System in New Zealand p.233
that he worked merely for personal ends and not for the Province of Auckland. In the Constitution of New Zealand of 1852, which although not entirely his own, may be regarded as Grey's constitution, the idea of provincial legislative councils and a bicameral General Assembly was introduced to New Zealand. This was the so-called quasi-federalism that K.C. Wheare refers to in his book Federalism.

Under this Constitution, Grey gave ample powers to the Provinces while they remained separate settlements, but also retained power at the centre to prevent any secessionist moves from the Provinces. As early as 1852, however, he saw that the provinces would diminish in importance, and that the functions of the Central Government would increase, and he wished therefore to avoid entrenching the former in too strong a position. He had then foreseen that change was inevitable, and even earlier than 1852; he had in a despatch to Earl Grey in 1848 written that the General Assembly was intended to absorb into itself the powers of smaller bodies and that eventually Provincial institutions would gradually fall into disrepute.11 He reiterated this opinion in 1851. Grey had clearly seen, when in office as Governor of New Zealand that the federal system could only be a temporary institution, but by 1874 he was blinded by his own egoism into saving his 1852 Constitution, that he disregarded his own advice.

Throughout 1875 and 1876 in debates on the question of abolishing the provinces, Grey continually referred to his 1852 Constitution, but when as reported by the Otago Daily Times on 4th September 1875, Grey rather pathetically stated that: "The original constitution had been framed so as to appeal to the noblest sentiments of human nature; but this Bill (Abolition of Provinces), and all the measures of the Government appealed to all that was low and base of human nature"\(^{12}\) it can be seen that Grey's motives for opposing Abolition of the Provinces are extremely petty. Further evidence of the personal motives behind Grey's defence of Provincialism was contained in an Otago Daily Times editorial on Grey's speech in the House on 11th August 1875, in which he continually referred to his 1852 Constitution "not one single clause of which I did not ponder or brood over";\(^{13}\) so why Grey asked change it? This speech on the Abolition of the Provinces was described in the editorial as altogether unworthy of Sir George Grey and of the occasion: "It was egotistical and puerile to the last degree ..... neither will it move the Assembly by insisting upon the departed glories of the Provinces. No one doubts that they have done a good turn in their time; the question is whether or no their time is over".\(^{14}\)

The conclusive proof, that Grey was merely leading the cause out of personal motives in trying to save the 1852 Constitution was made

\(^{12}\) Otago Daily Times 4th September 1875.
\(^{13}\) Ibid 11th August 1875
\(^{14}\) Ibid 12th August 1875
by the Otago Daily Times shortly after Grey's first petition to Sir James Fergusson had been published: "That we owe the form of our present constitution mainly to Sir George Grey everyone is aware. We can well believe that to his dying day he will never acknowledge that it has not been perfectly successful, never relinquish the belief that it always must be so .... This sudden burst upon the arena of New Zealand politics to which Sir George Grey's stuttering affection for his tottering constitution has incited him, seems to me from beginning to end an ill-considered proceeding".15

Nevertheless, Grey had taken up the cause against the Abolition of the Province with a vengeance and because of his vast experience in administrative matters he was obviously going to be a strong opponent to the abolitionists.

After Normanby had refused to send on to the Colonial Office the petition that Fergusson had refused to send publicly, although this in fact was done in a confidential despatch, Grey became angry and embittered against the Governor. In fact over the matter of the first despatch the Colonial Office did in fact support Grey, and believed that Fergusson ought to have transmitted a copy of the petition as requested.16

In the same week that he had received Grey's first petition, Normanby received another letter from John Williamson, the Auckland superintendent, covering a second petition from Grey on the question.

15 Otago Daily Times 22nd October 1874.
16 C.C. 209/232 Minutes on despatch from Fergusson 17th November 1874
of the Abolition of the Provinces. As Normanby had only been in
New Zealand for one week, he had had no opportunity to form a clear
judgement on the question of abolition. He therefore passed Grey's
petition on to Carnarvon, the Secretary of State for the Colonies,
without comment on the 22nd December 1874. The main plan of the
petition was summed up by Williamson in his letter of introduction.
This was: "That the Provincial Government should take such steps as
may be judged most expedient to protect the rights of the inhabitants
of the Province of Auckland in the matter of the appropriation of the
fund arising from the sale of lands within this colony, and to delay
any hurried action of the British Parliament in relation thereto". 17

The dominant theme that ran throughout this petition of Grey's
was the question of land sales. Grey felt that because many of the
Auckland inhabitants were small farmers, often with large families and
were not normally wealthy men, that the extinction of the Native title
by degrees, in districts of the country which the natives might be
willing to relinquish, was of deep concern to them. It was also,
Grey felt, essential to the interests of the people that: "by the
judicious expenditure of a considerable land fund, railways, roads,
bridges, and other works should be constructed without which its
truly industrious race of small farmers could not get their supplies
from town, or their produce to market." 18

Grey in his petition had gone on to draw a parallel of a powerful
government that deprived a weaker government of a large portion of its

revenues, which also were the most easily collected revenues. The weaker government then became so impoverished that it permitted the more powerful government to perform such duties or to excite such public works that; "it is thus by degrees rendered an object of contempt to its own citizens; who are too likely, ultimately to barter their liberties for what they regard as substantial advantages".19 This was a reference to the 1856 Compact that took from Auckland inhabitants their rights in the revenues arising from the wastelands of the Crown in New Zealand.

As Normandy believed himself not to be competent to comment on such matters he asked Pollen, the Colonial Secretary to add his views to the petition of Sir George Grey's. Pollen in his report pointed out that although Grey assumed the Superintendents support, Williamson did not in fact identify himself or his Executive Council with the views expressed by Grey. Pollen countered Grey extremely well in presenting a plain statement of the facts as the most fitting reply to Grey. In giving these facts it was seen that Auckland had not been in any way treated differently to the rest of New Zealand. For after 1853 when the new Constitution Act came into being, one quarter of the purchase money received for all land sales was appropriated by the Constitution Act for the discharge of a debt to the New Zealand Company. In addition there was a large undefined liability upon the public estate in the form of a scrip. There was also the system for the extinguishment of the native land title, to which Sir George Grey had attached so much importance. By this system the Governor,

19 A - J 1875 A 1 p.15
independent of parliament's votes was enabled to vote the proceeds of land sales to the purchase of native lands. Pollen finally threw the onus back on to Grey when he said; "If as Sir George Gray asserts, Auckland was by the compact of 1856, 'deprived in a great part of its interest in the revenue arising from the wastelands of the Crown in New Zealand', generally it is certain that since that period the administration of the wastelands within that province, and the revenue derived therefrom, have been in the hands of the Provincial Government".

Carnarvon replied to Normanby's despatch of 22nd December 1874, on the 22nd March 1875. He differed widely from many of Grey's views and opinions, but didn't think it was desirable to give a detailed examination of any of Grey's representatives as he felt they were outside the Imperial Government's sphere of power. In his reply Carnarvon gave some news that gladdened Grey's heart; "I have as at present advised, no intention of applying to Parliament for any legislation on the subject of the Provincial Institutions or the Crown lands of New Zealand, and no suggestion that such legislation is necessary or desirable has been made to me by or on behalf of the Government of the Colony or from any other quarter". — Thus Grey's fears of Vogel's intentions appeared to have been misplaced.

20 A - J 1875 A 1 F.16 Pollen Memorandum to Normanby
21 Ibid.
22 A - J 1875 A 2 F.25 Carnarvon to Normanby 22nd March 1875.
By the close of 1874, however, Grey had risen completely from the vice-regal ashes he had been in for so long, and he was now firmly ensconced as the champion of provincialism.
GREY'S ROLE AS SUPERINTENDENT OF AUCKLAND

With the death of John Williamson, the position of Superintendent of Auckland fell vacant. To many Provincialists this was a great opportunity for Grey to make a greater impact for the cause he was leading. Grey also felt he would be able to manipulate events more to his advantage as Superintendent, and consequently on 24th March 1875, Grey became Superintendent for the Province of Auckland.

The position of member to the House of Representatives for Auckland City West, had also fallen free, and on 27th March 1875, Grey also took over this position, from which he delivered his onslaughts on Governmental policy especially as concerned with the Abolition of the Provinces.

It was in his role as Superintendent that Grey came into more direct contact with Normanby, and the clash of these two strong personalities became a feature of 1875 and 1876. Normanby reported to Carnarvon on the advent of Grey becoming Superintendent, and the Colonial Office minutes that cover this despatch make very interesting reading, for they cast light on how the Colonial Office felt on this subject, and one can feel certain that their views were shared by Governor Normanby; - W. Deslery, a clerk in the Australasian Department of the Colonial Office wrote: "Sir George Grey says in one of his speeches that he is not naturally a discontented man, but there are I think few who know him who would have made the remark for him. My acquaintance with him, official and otherwise, has extended over a
great many years and I have never known him without a grievance. He is bitterly antagonistic to this office and smarts under a lasting sense of want of support when Governor of New Zealand and at the manner in which he was informed, on the last occasion, that he was about to be relieved". 23

W. Allen makes the brief but very pertinent point that;
"Sir George Grey's violence and intemperance must make him a valuable opponent" 24

Probably the most searching and clearest remarks about Grey are made by Sir Robert Herbert, in his usual precise manner; "... the fact that when Sir George Grey makes a statement there is a strong probability that he knows it to be false. New Zealanders of high standing tell me that Sir George Grey's untruthful ways and atrocious temper must prevent him from forming part of any strong or subsidiary political combination. The principle is that although his ability is of a second rate order, his fluency and unscrupulous ways fool not the experienced colonists but the ill-conditioned mob of new arrivals.

I think we might point out to Lord Normamby that it might be in this direction if at all that any serious results of Sir George Grey's political campaign are to be looked for". 25

23 G.O. 209/234 Minutes on Despatch 36
24 Ibid.
25 Ibid.
Throughout his tenure as Superintendent of Auckland, Grey realised that lack of funds was the crux of the matter if Provincialism was to be retained. He therefore continually tried to have the native lands handed over to the province as they were purchased, and therefore to get some form of land revenue. The native lands, however, were kept by the Government, and for this Sir George Grey blamed Normanby. Grey believed that because the Governor was nominated and the conditions of his office were such that his whole effort was to get pleasantly through his period of Government, without collision with his responsible advisers and without being troublesome or disagreeable to the Colonial Office.  

On the 5th July 1875 the Otago Daily Times noted that: "The Superintendent of Auckland, Sir George Grey has been carrying out a bitter correspondence with the Colonial Secretary on the subject of the relations between the Province and the Colony; but his chief object is, no doubt, to obtain from the Central Government as much money as he can."  

Grey wanted to restore the 1852 Constitution by reviving its original principles and freeing it from everything inconsistent with these principles. Ideally he wanted to convert it into a perfect democratic system and employ it to resist what he conceived to be the corrupt attempt of wealthy men to seize possession of the public lands, form a governing class, and reduce the people to servitude.  

27 Otago Daily Times 5th July 1875  
Coupled to this, Grey wanted Governors to be locally elected from New Zealand for: "A Governor in less state and with less salary would give the tone of the whole public service, deprive it of the 'caste' feeling to which it now shows a tendency".  

Auckland's lack of finance was indeed a severe handicap to Grey and this fact was observed by the Otago Daily Times: "To a certain extent impolcunious Auckland will have her institutions supported at our expense. Even this, however, will not tempt a man, who, like Sir George Grey, has steadfastly determined to keep things as they were".

Throughout 1875 and until June 1876, Grey did not send petitions, through Normanby, to the Colonial Office, on the question of the Abolition of the Provinces, that are of any consequence. During this period he confined himself more to the General Assembly in which he did his utmost to prevent the Abolition of the Provinces. Grey was fighting a defensive war and he repeatedly demanded time for consideration of such a measure; "which proposed to rob free people of their rights and liberties".

Grey saw that the majority of the Provinces were against him, but this only served to goad him to greater efforts. He tried every...


30 *Otago Daily Times* 3rd August 1875.

trick he knew to slow down or stop the Bill in its passage through the House. He said that the House was not representative and the Government were only sustained by the votes of the small over-represented constituencies. He therefore believed that the Abolition Bill ought not to be adopted until the system of representation had been reformed and the people had had the issue fairly put before them. Using every possible device to delay the Bill, Grey questioned the legality of abolition. He said that the power of amending the 1852 Constitution had only been conceded on the assumption that the Legislative Councils would be elected by the Provincial Councils, and in doing so dismissed the 1868 Statute which specifically gave the Assembly power to abolish the Provinces, by declaring that it had been passed by the Imperial Government on false representation.32

Grey was extremely vocal in any abolition debate and some of his speeches ran into the realm of the ridiculous, as typified by his speech in the General Assembly on 23rd July 1875; "All posterity will raise their shouts behind me ..... although my voice is but one voice .... I repeat that the people will insist upon their (Ministers) doing what I tell them they have to do .... I tell you, you have no Imperial mercenaries here .... You have no means of carrying out your proposals (Abolition of the Provinces), and speaking on my own behalf I tell you I will resist you to the death".33 Grey's melodramatic threats were dismissed and the Abolition Bill was introduced, with the Governor's approval on 30th July 1875, and read for the first time.

33 N.Z.P.D. Vol.17 Pp.46-50 23rd July 1875
Sir George Grey the hardened political campaigner through and through declared that: "the Bill had not a single high thought running through it, nothing but an appeal to selfishness and cupidity".  

Grey immediately charged the Governor with allying himself with a faction and fired a bitter harangue at him; "When I took office I was bound in no way whatever to act with the Governor or Ministers. I was in no respect made a servant or associate of theirs. I in no way undertook to look to them for guidance and for control in the specific matters now proposed to be enacted in this Bill. I refuse to act with them, I refuse to be put under their control in any way whatever".  

There were two relevant quotes from the Otago Daily Times in August 1875 that summed up Grey's attitude at that time extremely well. It was important to remember that Otago was siding with Auckland as the two major provinces fighting against abolition; the paper therefore should be regarding Grey in a good light, but it had this to say of him; "The further Sir George Grey proceeds in his career as leader of the Opposition, the more clearly he seems to manifest the fatal facility for plunging and floundering for which he has of late become so distinguished".  

Also in August 1875 there was the possibility that Grey might take over Pollen's chair of Colonial Secretary; the Otago Daily Times

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34 Otago Daily Times 4th August 1875
36 Otago Daily Times 16th August 1875.
in a pertinent article on the subject said; "If there were any fear of Sir George acquiring power we should be strongly tempted to turn right round and advocate immediate abolition in order to abolish him". This then was an example of some "friendly" opinion, that Grey through his own attitude and manner was creating against himself.

37 Otago Daily Times 20th August 1875
Throughout the readings of the Bill for the Abolition of the Provinces, Grey had used every method he could think of to delay the progress of the Bill, but by June 1876 it was apparent that he was fighting a losing battle so Grey began a second series of petitions to the Colonial Office, through Normanby. Considerable tension had built up between Normanby and Grey, and although he was not in the position to be able to comment on Grey at the time, Normanby gave vent to his feelings in a letter to a friend in October 1879. Grey was by this time Premier of New Zealand and he had just been forced to dissolve Parliament. Normanby commented: "my old friend Sir George Grey seems to have made a pretty mess of it in New Zealand. It is, however, only what I expected and I am delighted that he has got his deserts. From all I hear I hope that his appeal to the country will give him the coup de grace and that his political career has come to an end for ever. He is without any exception, the man least to be trusted that I have ever met". 38

This was a good example of how the two men felt for each other, even by June 1876, when Grey began his second batch of despatches. Grey tried to conjure up a sense of urgency by telegraphing directly to Carnarvon at the Colonial Office, at the same time sending a copy to Normanby. In his despatch he stated that the enforcement of the Abolition Act without consultation of the Provincial Councils was

38 Normanby to Parker (private (n.d.) Mitchell Library A 70 obtained from J. Rutherford's Sir George Grey p.624.
unconstitutional "No such opportunity, as in a free country, is
allowed to its inhabitants of expressing their opinion upon the
destruction of their (or perhaps he meant my) constitution, and the
substitution of another for it, has yet in this case been afforded
to the inhabitants of New Zealand". 39 Grey also urged that time
should be allowed to test its legality before the Supreme Court.
Grey wrote on this point in his petition: "I with my advisers am
satisfied that the General Assembly has no lawful or constitutional right
or power, to carry out the high-handed measures in regard to the provinces
which are contemplated". 40 This is a classic example of Grey talking
arrant nonsense for the Act of the Imperial Parliament (31, 32 Vict. C 92)
is entitled: "An Act to declare the powers of the General Assembly to
abolish any province, or to withdraw from any such province any part
of the territory thereof".

W.A. Reid, the Solicitor-General was asked to give his opinion on
the legality of abolition, and he wrote: "I think that the power to
abolish Provinces is absolute, and that the General Assembly is
empowered to abolish any one or all of the Provinces". 41

In his petition, Grey also raises the question of voting, for as
he pointed out, with both Otago and Auckland voting for Provincialism
the number of inhabitants of these two cities would exceed one half of
the total population of New Zealand. 42

39 A - J 1876 A 1B F.4 Grey to Carnarvon 5th June 1876.
40 Ibid
41 A - J 1875 A 8 W.S. Reid on legality of abolition. 29th July 1875.
42 A - J 1876 A - 1B F.4 Grey to Normanby. 5th June 1876.
Grey concluded his petition with an amazing piece of gossip, that was, that the Imperial Government would use force to quell the abolitionists: "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".\textsuperscript{43}

As Grey had telegraphed his petition to Carnarvon, Normanby had to wait until 21st June before he could give his opinion of the pleas made by Grey in his despatch. The covering despatch of Normanby's gave the impression that Normanby knew Grey was lying, and that he distrusted everything that Grey said. Although Grey stated that New Zealanders had not had the opportunity to express their opinion of the Abolition of the Provinces issue, Normanby pointed out that: "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 preconceived 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".\textsuperscript{44} Normanby also pointed out that although the majority of members from the Province of Auckland were opposed to the Abolition of the Provinces the feeling was not unanimous. He also said that the Imperial Government had already shown that abolition was legal by the fact: "that your Lordship has informed me that Her Majesty will not advised to disallow it".\textsuperscript{45}

\textsuperscript{43} A - J 1876 A - 1B p.4 Grey to Normanby. 5th June 1876.

\textsuperscript{44} A - J 1876 A - 1B p.1 Normanby to Carnarvon, 21st June 1976

\textsuperscript{45} Ibid p.2
Normanby hardly knew how to deal with Grey's preposterous idea of force being used to put down opposition to the New Zealand Government, but as he believed Grey was being serious, he wrote that Grey from his long experience as Colonial Governor should have been aware of the fact that the Government of a colony has no control over Her Majesty's forces, except through the intervention of the Governor himself, who would have to be insane to give such an order.⁴⁶

Vogel sent a memorandum to Normanby in which he hopes that Normanby will apologise to Carnarvon for Sir George Grey who: "more and more gives way to an irrepressible desire to write long despatches threatening legal proceedings and harping upon fancied grievances and baseless rumours".⁴⁷

Carnarvon replied to Grey on 15th September 1876 and said that he observed the notion of shelling Auckland was so unfounded and improbable that he was surprised that even one man in the colony should confess to give credence to it. He concluded by announcing that Her Majesty would not be advised to disallow the Abolition Act.⁴⁸

This petition of Grey's of 5th June 1876, and Normanby's covering despatch caused a tremendous stir in New Zealand and heightened the deep ill-feeling between Grey and Normanby.

⁴⁶ A - J 1876 A - 1B p.2
⁴⁷ A - J A - 1B Vogel to Normanby 12th June 1876.
⁴⁸ C.O. 209/235 Despatch 37 Carnarvon to Normanby 15 September 1876.
Normanby's covering despatch of 21st June was not published in New Zealand until 13th October, a period of some four months. When Grey eventually read the reply he was incensed, and on 17th October 1876 he wrote to Normanby, full of indignation about the way in which he had been wronged in the despatch. He was especially irate at being left for such a long time without seeing the report; "men's honour and character, nay their very lives are held upon a frail tenure, if such things can be done". 49

Grey held that in his despatch, Normanby had charged him with three actions; firstly for improperly dictating a particular resolution to the Provincial Council of Auckland; secondly Grey believed that an implied charge of attempting to get command of the police force of Auckland, of which Grey adds, "out of the tenderness for individual interests I did not do"; 50 thirdly of being the author of reports of force to be used against colonists. 51

Normanby, however, was able to counter the embittered Grey in a reply of 19th October 1876. Regarding the first of his supposed charges against Grey, Normanby said: "I make no charge against you. I simply state the fact that a resolution in favour of change did pass in the Provincial Council by a majority of five, and my reason for doing so was to show that the feeling against abolition was not so unanimous as your honour seemed to suppose". 52

49 A - J 1876 A - 1c F.4 Grey to Normanby 17th October 1876.
50 Ibid
51 Ibid
52 Ibid F.3 Normanby to Grey 19th October 1876.
Normanby denied the second and third charges, but pointed out that Dargaville, a member of the Auckland City Council, on 8th June 1876 had quoted Grey as saying that: "We may yet see a British man o' war in the Waitemata River with her guns pointed towards the city, to coerce us into submission to some intolerable measure of the Government at Wellington," and that he (Normanby) had no reason to suppose that Dargaville would invent the story.

This game of thrust and counter-thrust between Grey and Normanby, was joined in by the papers, with the Otago Daily Times again making some apt remarks. The paper wrote of Sir George Grey's claim of being slandered by the Governor: "People who play with edged tools are proverbially apt to suffer now and again". The paper continued, "It is difficult to deny that he (Grey) has made a grave error in the way in which he has dealt with the question of arming the Auckland people to resist oppression and also in the way in which he has perpetually kept the silly logic of the Queen's ships bombarding Auckland in his attempt to make ministers ashamed .... There is a place for men like Sir George, but it is not as a leader.

The general feeling in Otago and Auckland was that Normanby had been very severe on Grey in a manner 'unworthy of a gentleman'. Sir George Grey played to the gallery in acting the wronged and deeply hurt man. Grey said that, "He was the real man of peace ... Had there been a Governor elected from among themselves he would never

53 A - J 1876 A - 1c P.4 Normanby to Grey. 19th October 1876.
54 Ibid
55 Otago Daily Times 16th October 1876.
56 Ibid.
have perpetrated such a cruel wrong". 57 Grey proposed that in future it would be a breach of privilege of the House for the Governor to make charges against any member of the House without informing him and giving him an opportunity of replying to them. 58

The New Zealand Herald agreed with the Otago Daily Times that "the possibility of any necessity for the use of force was exceedingly remote. 59 This paper as always backed Sir George to the hilt and believed that Normanby had distorted Grey's letter of 5th June 1876, and that every weapon of ridicule and abuse had been employed against Grey. Both papers believed, however, that when the Colonial Office found out all the facts of the case that Normanby would be sent back to Britain. Little did they realise the Colonial Office's opinion of Sir George Grey.

Normanby sent a confidential despatch to the Colonial Office after his clash with Grey on 17th-19th October 1876, including in his report a copy of Grey's letter. The Colonial Office minutes over this dispute are interesting, and showed to a degree that Sir George Grey had few admirers in the Colonial Office. One of the under-secretaries, his name is obliterated on the microfilm, wrote that, "Sir George Grey is clearly very much put out by the observations made by Lord Normanby in his despatch (of 21st June) over Sir George Grey's letter". 60

57 Otago Daily Times 16th October 1876
58 Ibid.
59 New Zealand Herald 14th October 1876
60 C.O. 209/235 Minutes related to Despatch 51
Another clerk merely adds that; "This silly business of Sir George Grey has already occupied far more time and attention than it deserves". As usual with the Colonial Office minutes of this period, Sir Robert Herbert, the permanent undersecretary, passed the most perceptive remarks. "Lord Normany replies most effectively to Sir George Grey's ingenious letter and he is undoubtedly the right man in the right place, as the Governor of New Zealand is not spared such attacks as ex-governor Grey would have thought very unconstitutional if directed against himself when in office as Governor".

The Otago Daily Times had some interesting remarks to make on the clash between Grey and Normanby of 17th-18th-19th October 1876; "As between the two combatants we are not disinclined to admit that Sir George has got the worst of it. When he comes to the precise specification of the charges which he finds in the Governor's despatch and proceeds to answer them, he does not certainly shine very brightly".

The paper at the same time reiterated that it felt that Normanby should not have entered the fray at all; "If a Bishop is found at a prize fight, people don't ask whether he laid his money on the winning warrior, but what business had the Divine there at all?"

In October 1876 when abolition of the provinces became a certainty, Grey combined even more closely with Otago, under the

61 C.S. 109/235
62 Ibid.
63 Otago Daily Times 21st October 1876.
64 Ibid.
Superintendent, Macandrew, in a last desperate stand against abolition. On 2nd October they sent a letter to Normanby begging him to withhold the Queen's assent from any action of the Colonial Parliament in giving effect to the Abolition Bill. Normanby refused to be dragged into the affair, and his reply to the request is seen by the Otago Daily Times as the model of discretion, "Normanby appears to have acted the model of a discreet and canny Governor, who was not such a fool as to be enticed into the midst of colonial politics, or to exercise his own discretion on such matters. Normanby delivered the animated appeal of the Superintendents to his responsible advisers like a fine old English gentleman as he is". 65

The last ditch stand of Grey to save his 1852 Constitution continued when on 7th October 1876, Grey and Macandrew in two separate telegrams to the Secretary of State for the colonies, stated that the Government were determined to enforce the Abolition Act against the wishes of the Provinces, containing more than half the white population of the colony. Both telegrams said that disturbances were imminent and that some threatened the employment of the Queen's ships. 66 Normanby sent a covering despatch on 12th October 1876 saying that ministers advised him that there was no reason to fear the consequences predicted, a view with which he entirely concurred. 67 Carnarvon telegraphed his reply in which he trusted that there was no real risk of constitutional disturbances and said that he had full confidence in Normanby's judgement. 68

65 Otago Daily Times 2nd October 1876.
68 A-J 1876 A-7B P1. Carnarvon to Normanby. 16th October 1876.
Grey, never a man to accept defeat lightly, promptly accused the Imperial Government of bias: "The Crown is known to be the fountain of justice. If that fountain is now muddied by partisanship or partisanship where are we now to fly for refuge". 69

The Otago Daily Times passed an accurate comment on Sir George Grey's attitude to the Abolition Bill during its final path through the House; "Sir George Grey declares in the most positive terms both publically and privately, that he will not be abolished. He still contends that the Abolition Act was ultra vires and that it will not hold water in the law courts, where he means to test its validity". 70

Sir George Grey tried to send another telegram to the Colonial Office, through Normanby, but the New Zealand Government didn't think it of sufficient importance to ask Normanby to forward it. Normanby did, however, send it to the Colonial Office with his routine despatches of the 18th August 1877.

This then was Sir George Grey's final effort in trying to stop the Abolition of the Provinces Bill passing. It was from the start a defence of a cause lost beyond redemption, and on the 1st November 1876 the Bill came into effect.

70 Otago Daily Times. 7th October 1876 P.3.
CONCLUSION

This essay has dealt at some length with the main petitions that Grey sent to the Colonial Office either directly, or through Governor Normanby. The gradual build up of hate between Grey and Normanby over these despatches culminated with the conflict over Sir George Grey's despatch of 5th June 1876, has been the main theme throughout the essay. That Grey was an extremely strong opponent was a fact appreciated only too well by those who fought him on the issue of the Abolition of the Provinces, but the factor that compelled Grey to fight was that he was motivated entirely by personal ends.

Although the Abolition of the Provinces came into effect on 1st November 1876, some of the despatches from Earl Carnarvon to the Marquis of Normanby were not published until 15th November 1876. On the 16th November 1876 the New Zealand Times published an article on Sir George Grey and the Abolition of the Provinces in the light of the newly published despatches. This article has been quoted verbatim as it carried one of the arguments pursued in this essay:—

"The despatches from Earl Carnarvon to His Excellency the Governor which were issued in a Gazette Extraordinary yesterday afternoon and which we publish this morning will be read with satisfaction by every sensible person in the colony. Against the two or three hard facts which they contain, the wild and bombastic nonsense to which Sir George Grey and his satellites have treated us for some time past must shatter themselves. It will be remembered that Sir George made great capital out of the assumption that the Abolition Act was ultra-vires and that
the Royal assent had been given to it without proper examination. A telegram from the Secretary of State for the Colonies subsequently stated that the Crown Law Officers had been consulted before Her Majesty was not advised to exercise her power of disallowance in respect to the Act, and Earl Carnarvon now definitely says that previously to this he had satisfied himself that the passing of the Act was within the competency of the Colonial Legislature. Until Sir George Grey discovered that the Crown Law Officers were against him he had preferred his willingness to rely implicitly on the judgement of those gentlemen. Like an ancient deme, however, who has no doubt of the correctness of all opinions that tally with her own, he no sooner found out that the very opinions on which he professed to rely were unfavourable to his views than he turned around and made a great fuss about having the question at issue decided in the law courts of the colony. Grey, however, does not want any questions set at rest but wishes every one to be kept open in order that he might vaporise and vacillate concerning it, and so produce as much general confusion as possible, which has been the be all and end all of his statesmanship since he entered our public life more than a year ago. Indeed there can be little doubt that with all his talk about the human race and the rights of man, Sir George Grey has in him all the qualities which produce a despot". 71

71 New Zealand Times. 16th November 1876
Obtained from C.O. 209/235.
There was little doubt that Grey in fact did not want the issues to be put at rest, for the greater the uncertainty over any issue, the greater was Grey's gain. Grey kept talking of having the issues placed before the law courts, but he made no actual attempt to go through with the trial of validity of abolition. The Colonial Office recognised only too well that Grey was not a normal, run of the mill, New Zealand politician, but a man with a great deal of experience and cunning. They were therefore extremely wary as to how they treated him, as typified by a later despatch of Carnarvon, over the question of the dissolution of Parliament, which is equally applicable in this case. Carnarvon wrote; "But considering the manner of man with whom we are dealing in Sir George Grey, I believe it will be safer to defer all definite expressions of opinion till it is possible to review the case fully. We must not give him an opening - however flimsy - for an imputation that by an immediate decision of one branch of the question we show an animus". 72

In his defence of the Provincial system of Government, Sir George Grey raised many points that are interesting in the light of later history. Grey had often asked what power had the Governor to intervene? Normanby's power stemmed from the Constitution Act of New Zealand which gave him the right to sanction or suspend an Act of Parliament - this power was known as the Governor's reserved power. This, however, brought up a point that kept recurring in New Zealand's early history of government, and that was, should the Governor accept the advice of his ministers. The problem was that if the Ministers

72 C.G. 209/236 Despatch 28 2nd June 1878.
felt too strongly over an issue they could resign, and that left the Governor to form a new ministry. The precedent was established that the Governor should always follow advice of Ministers and if the advice was bad leave the Parliament to deal with the Ministers. - This was an interesting constitutional question that continually recurred in the nineteenth century.

Grey raised another interesting point when he suggested that the Governor should be elected from New Zealand. Later history showed that New Zealand was the dominion that was tied most closely to Britain's apron strings, and that later when she had the choice of breaking from Great Britain, she preferred to maintain her subservient role. The 1926 Imperial Conference altered the position of the Governor-General. The aim was for him to portray the King and not the British Government. In all the other dominions the Governor-General ceased to be the official channel of communication between England and New Zealand. New Zealand, however, did not want this and waited until 1939 before this was virtually forced on them by the British Government.
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