

THE GOVERNMENT PERPLEXITY.

THE GOVERNMENT PERPLEXITY.

DAILY SOUTHERN CROSS,
VOLUME XIV, ISSUE 1007, 20
FEBRUARY 1857, PAGE 4

Using This Item

NO KNOWN COPYRIGHT (NEW
ZEALAND)

To the best of the National Library of New Zealand's knowledge, under New Zealand law, there is no copyright in this item in New Zealand.

You can copy this item, share it, and post it on a blog or website. It can be modified, remixed and built upon. It can be used commercially. If reproducing this item, it is helpful to include the source.

For further information please refer to the [Copyright guide](#).

SIR,—The unconstitutional and suicidal course which His Honor the Superintendent and his legal adviser have persisted in following in reference to the late disputed election for the suburbs, is now beginning to show its effects. On Friday last the Provincial Council was brought to a fix in consequence of a twenty fifth member having been added to the Council through the illegal issuing of a Writ by his Honor for the return of a member to fill a vacancy while there was no vacancy.

An obstinate perverseness on the part of His Honor the Superintendent to succumb to correct a gross blunder which he has been led to commit is in reality the only cause which has placed his Honor's Government in its present difficult and awkward position.

The circumstances which have led his Honor and his supporters into their present perverse and unconstitutional conduct have been so fully before the public for some weeks past that it is unnecessary for me to enter into details. I shall therefore briefly state a few other particulars of the case, for the information of such of your readers who may not have had an opportunity of acquainting themselves of the whole matters which have led to the present crisis.

On the 3rd of December last, an election for the Suburbs took place at which Dr. Pollen and Mr. Graham were the candidates. It was the wish of his Honor and those of his party to get Dr. Pollen into the Council, for the purpose of representing the Superintendent's views and conducting the Government measures through the Council. Dr. Pollen was at the same time acting as the Superintendent's chief clerk. Mr. Graham professed himself if returned to be an independent member who would represent the interests of the electors of the Suburbs. The Election was probably one of the keenest contested which has taken place in New Zealand; the whole government influence was brought to bear in support of Dr. Pollen. The Superintendent himself did not consider it beneath the dignity of his office to step down to the poll booth and record his vote in favour of his own chief clerk; and almost every government officer or clerk who hold their appointments at the mercy of and under the dominative power of the Superintendent were bound upon that day to follow his Honor's example; to some indeed a quiet hint was given that "it would be well for them to record their votes in favor of Dr. Pollen," or words to that effect.

The Electors of the Suburbs had been so thoroughly canvassed by both parties that it was well known, at least to Mr. Graham, that the election must result in his favour, and all that Mr. Graham had to guard against were the practices which had been carried on by the same parties at the Superintendent's election, namely, personation. To this object Mr. Graham readily obtained the assistance of several persons who were best acquainted with the election of the Suburbs; but in the present state of the roll, while out of 383 names which are on the roll for the Suburbs, upwards of 100 of these have neither property qualification nor residence in the Suburbs, it will therefore at once be easily conceived to have been no easy matter to detect every case of personation; nevertheless, so determined were the party to put in their man that they carried on personation in the most glaring and unblushing manner, such as perhaps was never before heard of in any part of the world. Out of 136 votes recorded for Dr. Pollen upwards of ten per cent. of that number, can be proven to be personated votes. Several of the Honorable Members of the Provincial Council who are ranged upon the side with his Honor the Superintendent are well known to have been cognisant of these dishonorable practices, if not indeed having taken an active part in the carrying out some of the cases of personation. If any honorable members feel aggrieved at this accusation let them cause an enquiry to be made. I shall answer for the truth of my assertions but if by a committee of the Council, let it be an impartial one, not six to one as in the case of the committee to enquire into Mr. Graham's Petition. Having shewn what took place upon the day of election Dr. Pollen was declared by the Returning Officer to be returned by a majority of two votes (including of course the personated votes which were objected to at the time of being recorded). Mr. Graham at once announced his intention of having an investigation into the matter, and prove that he was the legally returned member. Mr. Graham adopted the course laid down by the Constitution Act in disputing the election. By the 55th clause of the Proclamation under the Constitution act it is clearly defined "that all complaints of the undue return of members shall be addressed in the form of a Petition to the Superintendent, stating the ground of objection." "The Petition must be forwarded to Superintendent through the Returning Officer, and a copy served upon the person objected to within 'twenty one days;' Mr. Graham did so. The same clause then sets forth that "within ten days after any such Petition shall have been

*WITHIN TEN DAYS AFTER ANY SUCH A SECTION SHALL HAVE BEEN *

received by the Superintendent, if the Council be then sitting or within ten days after its next meeting, the Superintendent shall cause such Petition to be referred to the said Council, and the validity of the Return so complained of shall be decided by such Council or by such other tribunal and in such manner as the said Council shall direct and appoint."

The Petition was duly forwarded by the Superintendent to the Council, and a select committee was appointed by the Council to "enquire into and report upon the Election Petition of Mr. David Graham."

The Committee reported to the Council that they met fourteen times, and took evidence, "and having satisfied themselves that three voters whose votes had been received on behalf of Dr. Pollen had been personated, the committee directed that these votes should be struck off the poll;—striking these votes off the poll would (at that stage of proceedings) have the effect of placing the Petitioner in a majority." Such being the purport of the report one honorable member (Mr. May) gave notice of motion "that as the petitioner David Graham has been placed in a majority by the Report 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 motion was duly moved on the 30th of January, and carried by the Council, and Mr. Graham thereupon took his seat in Council.

It must be perfectly clear to every one even of the most limited comprehension that the decision of the Council has been the correct one, and in fact the only one that could have been come to. His Honor the Superintendent and his legal adviser however think differently; the Council had no necessity to decide upon the matter, as he had already done so himself by accepting of Dr. Pollen's resignation (a resignation of what he never absolutely possessed, and consequently could not resign) His Honor cared little for the consequence, by his issuing a Writ for a new member to fill a vacancy which in the aptitude of his own imagination was created by Dr. Pollen's resignation.

The consequence is that a twenty fifth member has now been added to the Council, while twenty four is the legal complement. The Speaker of course will only recognise twenty four members, and until the twenty-fifth member, whom the Superintendent declares to have

been duly returned can be got rid of, no business can be carried on. The question is who has caused this perplexity. I will for the present leave the country to decide.

A SUBURBAN ELECTOR.

[The above, with many other communications, has been in type for some time.]

To the Editor of the Southern Cross.

Sir,—You would be conferring a great public benefit by saying, whether any deaths by poison, from eating HONEY in small quantities, have been known to occur in England, or in any other part of the world.

The reason for making this enquiry is this—that within the last few weeks, we have had several Native cases, five of which were fatal, within a very few hours, all belonging to one little village. Others were saved by the assistance of emetics, &c., and through the kind assistance of Mr. Stephenson, who lives near the Maori settlement of Matouri.

The symptoms resemble those arising from strychnine, and as far as Native testimony is to be relied upon, they state that the honey taken from the bush, or forest trees, produces the same effect as that which in this instance was taken from the boxes.

This melancholy event has caused some little sensation, and, as is the custom with the Maori, every thing in the shape of honey, bees, or boxes, was forthwith burnt or destroyed; so that nothing remains for chemical examination.

Any light you could throw upon this subject would be very gratefully acknowledged.

Yours, &c.,

PRO BONO PUBLICO.

Bay of Islands, 1st Feb., 1857.

[We are making careful enquiry upon the subject of this most remarkable occurrence at the Bay, the result of which we shall communicate to our readers. Every *endeavour* should at least have been made towards medical examination of the bodies; and the resident magistrate ought immediately to have communicated the particulars of the occurrence to the Government. For the present, we avoid further observation.—ED.]

To the Editor of the Southern Cross.

SIR, —Your contemporary, the 'New Zealander,' of to-day, in its notice to readers, wishes to exonerate Mr. Jas O'Neill from the statement he made; or, at least, that Mr J. O'Neill did not say anything to imply that he considered poverty itself any "dègradation."

"Damon," and others in the country, can judge for themselves, notwithstanding the construction the Editor of the 'New Zealander' puts on the assertions of the black nabob of the City; but what can he mean by his sneer on the "sour grapes," the J.P.'s, "that many of the gentlemen; whose names were on the Commission of the Peace, had not *property* to qualify them for the Bench." And, in explanation to some remarks from other members, he said "that he considered Justices of the Peace should have independent fortunes, that they might not be swerved from their duty by pecuniary considerations."

Now, Sir, I have no doubt that the Governor, in making up the list of J.P.'s, thought like that ancient philosopher, who, when asked which of the two lovers he would prefer for his daughter, said, "I would rather she took the man without the money than the money without the man."

I can assure Mr. J.O'Neill that settlers do not judge of men by the money or property they may happen to possess, but like WATTS, when he said—

"Were I so tall to reach the skies,
Or grasp the ocean to a span,
I'd not be measur'd for my size,—
For *mind's* the standard of a man."

Yours, &c.,

CONTENTED WITH LITTLE.

February 11th. 1857.