



SUPPLEMENT

TO THE

NEW ZEALAND GAZETTE

OF THURSDAY, JUNE 20, 1878.

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Wellington, 20th June, 1878.

THE following Despatches and Memoranda are published for general information.

G. GREY.

No. 1.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.

(No. 53.)

MY LORD,—

Government House, Wellington, 13th November, 1877.

I regret to say that a case has arisen which I am obliged to submit for your Lordship's decision.

2. On the 26th October, Sir George Grey came to me and requested me, on the part of the Government, to appoint a Mr. Wilson to the Legislative Council. The Government had only been in office a few days, and there were many reasons which led me to doubt very much whether the Government, as then constituted, had ever possessed the confidence of the House, and a vote of want of confidence was then pending. The reason assigned by Sir George Grey for wishing for the appointment was, that at present there is only one lawyer in the Legislative Council, and the Government were anxious to introduce another gentleman of the legal profession into that House. I replied to Sir George, that if he informed me that he wished for the appointment of Mr. Wilson for the purpose of enabling him to take office in the Government, I would make it at once, but that if it was, as he informed me, simply for the purpose of adding a member of the legal profession to the House, the matter could not possibly be pressing, and that I therefore considered it undesirable to make the appointment pending the vote of want of confidence, but that if the Government had a majority, I should be very glad to make it; and, when Sir George Grey left me, I was entirely under the impression that he had accepted my decision.

3. The next day, however, I received a memorandum referring to the reasons which I had given to Sir George Grey verbally the day before, and formally advising me, notwithstanding those reasons, to make the appointment at once, enclosing, at the same time, a commission made out in Mr. Wilson's favour for my signature.

4. I own at once that it never occurred to me that, by the privilege of Parliament, the Crown is not supposed to take notice of any matter "in agitation or debate" in the House; and it never entered into my mind that my answer could be construed into a breach of privilege, otherwise I should probably have answered that I required time to consider the matter.

5. The memorandum having quoted verbally the conversation which I had with Sir George Grey the day before, I unfortunately—though I think not very unnaturally—repeated in writing what I had said.

6. A day or two after, Sir George Grey advised me, in writing, to lay this memorandum before Parliament. It struck me at the time as being a curious request, and I was on the point of refusing my consent, and should certainly have done so (as I considered the communication, till it was laid before Parliament, as a confidential communication between myself and the Government), had it not been that I was afraid that if I a second time refused their advice, they might say that as I did not choose to take their advice, they must tender to me their resignation. It was on this ground, and on this ground alone, that I gave my consent.

7. Immediately on the production of the paper, one of the strongest supporters of the Government moved that it was a breach of privilege. A debate arose; a Committee was appointed, who reported to the House that a breach of privilege had been committed; and an Address was presented to me. I at once sent it to the Government, requesting them to give me their advice as to the answer I should give. What subsequently occurred will be best explained to your Lordship by the correspondence which has taken place between the Government and myself, printed copies of which I enclose.

e A.—5, 1877.

8. The Government having positively declined to be responsible to Parliament for the act, which they maintain was a personal act of my own, I felt (notwithstanding the assertion of Sir George Grey in his memorandum of the 8th November, that the Governor is not responsible to the Secretary of State in this matter) that I had no other course open to me than to appeal to your Lordship.

9. In the meantime, I considered it would not have been respectful to the House of Representatives to leave their Address entirely unanswered. I could not, however, send the answer advised by the Government, because, by so doing, I should have admitted that it was myself, and not the Government, on whom the responsibility rested; besides that, in a case where the Government decline the responsibility, it appears to me that they could certainly have no right to advise.

10. It is undoubtedly my duty to act honorably, fairly, and impartially with any Government who may possess the confidence of the House, and to accept their advice on all public matters, unless I see sufficient cause for objecting to it; in which case, should they consider the matter of sufficient importance, they have the option of resigning, and thereby relieving themselves from all further responsibility, and in that case, I should have to justify my conduct to the Secretary of State for the Colonies.

11. It has always been my constant endeavour to act cordially, and in the most frank and open manner, with every Government that I have had; and Sir George Grey cannot point to a single instance, except that of the appointment of Mr. Wilson, in which, since he has been in office, I have in the slightest degree hesitated or demurred to accept the advice tendered to me by the Government. When, however, they denied their responsibility, and maintained that the responsibility rested on myself personally, then I assert, without fear of contradiction, that their right to advise me ceased; as I must utterly repudiate the idea that I am bound, either constitutionally or otherwise, to be fettered by the advice of any Government, in a matter where my own personal honour, character, or reputation are at stake.

12. Under these circumstances, I considered it my duty to send the message contained in the printed correspondence enclosed, and to lay the whole correspondence on the table of the House, in order that the House might be aware of the reasons which had guided my conduct; and I feel perfectly confident that the House will retain no feeling of resentment towards myself, for anything that may have taken place.

13. The constitutional question, however, as to the extent to which the Government are responsible to Parliament for the acts of the Governor, still remains to be settled; and I consider it a question of such vital importance to the future good government of this colony, and to the position which is to be held by Her Majesty's representatives, that I must ask your Lordship to inform me whether I am right in the opinion which I hold, namely, that so long as they retain office, it is the Government, and not the Governor, who are solely responsible to Parliament for the acts of the Governor.

14. In placing this matter before your Lordship, I have purposely abstained from entering into any arguments, or in any way urging my views or opinions upon your Lordship. I have simply stated facts, and I lay before your Lordship the whole case as printed for Parliament, and I await with confidence your Lordship's decision.

The Right Hon. the Earl of Carnarvon, &c.

I have, &c.,

NORMANBY.

No. 2.

The SECRETARY of STATE for the COLONIES to His Excellency the GOVERNOR.

(No. 4.)

MY LORD,—

Downing Street, 3rd January, 1878.

I have the honor to acknowledge the receipt of your Despatch No. 53, of the 14th of November, in which you desire me to inform you whether you are right in the opinion which you have expressed, that, under the Constitution of New Zealand, the Ministers so long as they retain office, and not the Governor, are solely responsible to Parliament for the acts of the Governor.

The brief interval of two days between the receipt of your despatch and the departure of the mail, combined with an unusually heavy pressure of other business, compels me, however unwillingly, to postpone until the next opportunity the examination and review of the question which you have submitted for my decision; but I will not allow the mail to depart without informing you that I entirely approve your referring to me as Her Majesty's Minister any question which affects your conduct as Governor and representative of the Queen in New Zealand.

Governor the Most Hon.

I have, &c.,

The Marquis of Normanby, G.C.M.G., &c.

CARNARVON.

No. 3.

The SECRETARY of STATE for the COLONIES to His Excellency the GOVERNOR.

(No. 7.)

MY LORD,—

Downing Street, 15th January, 1878.

In my Despatch No. 4, of the 3rd instant, I acknowledged the receipt of your Despatch No. 53, of the 14th November, and I acquainted you that, while I found it necessary to postpone my examination of the question which you had submitted to me, I would not delay to inform you that I approved

your referring to me, as Her Majesty's Minister, any question affecting your conduct as the Queen's representative in New Zealand.

2. The further consideration which I have been able to give to your despatch, and its enclosure, leaves no doubt in my mind that, as on the first perusal I was inclined to think, it is my duty, as the Minister responsible for advising the Queen on any matter connected with your conduct as Governor, to support the views which you have clearly and accurately expressed. These are briefly: First, that under the Constitution of New Zealand the Governor is bound to communicate to the Secretary of State any difference of opinion which may arise with respect to his responsibility in relation to the responsibility of his Ministers in any particular case; and, secondly, that so long as the Ministers retain office, they, and not the Governor, are solely responsible to the local Parliament for the Governor's acts.

3. I do not understand how there can be any question as to the correctness of this statement of the position and duty of the Queen's representative, and the relations between the different branches of the Colonial Legislature; nor have I found in the papers before me any grounds for disputing the propriety of your application of these well-known principles of parliamentary government to the particular circumstances of the case which had occurred.

4. I am glad, indeed, to observe that the Ministers admit that they advised, and, therefore, are responsible for, your action in laying before Parliament the papers which included your memorandum of the 27th October; and this being the case, the question whether the privileges of the House of Representatives had been infringed, became really one as to whether the Ministers, in having tendered the advice which they gave to the Governor on the subject, had infringed them. Their continuance in office is to be taken as showing that the House did not feel that there was any serious cause of complaint.

I have, &c.,

CARNARVON.

Governor the Most Hon.

The Marquis of Normanby, G.C.M.G., &c.

No. 4.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.

(No. 55.)

MY LORD,—

Government House, Wellington, 16th November, 1877.

I have the honor to inform your Lordship that on the 14th instant, I received from Sir George Grey the enclosed memorandum, in which he advised me to dissolve the present Parliament. See A.—7, 1877. I also enclose a copy of my answer.

2. No doubt the present state of parties in the House is such as cannot possibly continue; but at the same time it appeared to me that it was not my duty, taking all the circumstances of the case into consideration, to grant a dissolution, at any rate until every other expedient had failed to reconcile matters in the House. I was the more confirmed in this opinion, because I am not without hope that combinations may yet be made by which another Government could be formed, which would command a fair working majority. I may be wrong in this conclusion, but at any rate I did not feel justified in promising a dissolution to Sir George Grey until the attempt had been made.

3. It is quite evident that Sir George Grey does not command a majority in the present House, nor is there the slightest evidence that he has ever done so.

4. It is perfectly true that the vote of want of confidence was defeated by the casting vote of the Speaker, in a catch division; but Sir George Grey has omitted to state that there were three members accidentally absent, who subsequently explained in the House the reason of their absence, and stated that they had intended to have voted against the Government; and the Government have since been placed in a minority—I admit only of one—in the conduct of the business of the House.

5. I am quite aware that, in England, Parliament is always ready to vote the supply necessary for the service of the country, and no doubt it is a very constitutional and proper principle to act upon; but I also know, as a fact, that it is a principle which is by no means uniformly acted upon in the colonies; and Sir George Grey having distinctly informed me that if I would grant him a dissolution, he was prepared to go to the country, whether the House would vote the supplies or not, I felt bound to take that question into my consideration.

6. If I had granted a dissolution conditionally upon supply being voted, I felt that I should be putting a pressure upon the action of Parliament, to induce them to take a step which they might otherwise be unwilling to take; and besides that, I should have been placing the exercise of the Royal prerogative openly and entirely in the hands of the House. I thought it, therefore, my duty to refuse the dissolution at present, intimating at the same time to Sir George Grey that if he could show me that even three months' supply had been granted, I should be ready to reconsider the question.

I have, &c.,

NORMANBY.

The Right Hon. the Earl of Carnarvon, &c.

No. 5.

The SECRETARY of STATE for the COLONIES to His EXCELLENCY the GOVERNOR.

(No. 6.)

MY LORD,—

Downing Street, 7th January, 1878.

I have the honor to acknowledge the receipt of your despatch No. 55, of the 16th of November, enclosing for my information a copy of a memorandum which you have received from Sir George Grey, on behalf of your Ministers, advising you to dissolve Parliament, together with a copy of your reply; and I have to thank you for the full explanation with which you have accompanied these papers.

Governor the Most Hon.

The Marquis of Normanby, G.C.M.G., &c.

I have, &c.,

CARNARVON.

No. 6.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.

(No. 60.)

MY LORD,—

Government House, Wellington, 10th December, 1877.

I regret to have to inform your Lordship that Sir George Grey has advised me to communicate with Sir William Jervois, and to request him to postpone indefinitely his visit to New Zealand, on the ground that the financial condition of the colony will not admit of any defensive works being undertaken at present.

A.—6, 1877.

2. The correspondence which has taken place upon the subject has been laid before Parliament, and I now enclose printed copies for your Lordship's information.

3. When the Government refused the services of the Government steamer for the purpose of conveying Sir William Jervois from the Bluff to Port Chalmers, Lyttelton, Wellington, and Auckland, it appeared to me that there was an evident inclination of throwing difficulties in the way of the work being properly carried out, as, taking into consideration the character and size of those harbours, it would have been difficult, if not impossible, for Sir William Jervois to have made the necessary examinations without having a steamer at his disposal. The Government made no offer of providing any other accommodation, nor is there any other steamer, which would have been suitable for the purpose, which could have been procured without incurring very considerable expense. The Government did not inform me of the nature of the service which would prevent the "Hinemoa" being placed at the disposal of Sir William Jervois, and I am aware of no service of such an urgent character as would have rendered her being so employed the least inconvenient to the public service.

4. Under these circumstances, I think that I was justified in presuming that it was intended as an intimation of their disapproval of the service upon which Sir William Jervois was to be employed, and I considered it undesirable that he should visit this colony, if he were not to be treated with the consideration due to Her Majesty's representative in a neighbouring colony. I thought it, therefore, right at once to raise the question as to whether they did or did not wish the service to be continued.

5. Much as I regret the decision at which the Government have arrived, I consider it is much better that the visit of Sir William Jervois should be indefinitely postponed, rather than that he should have come here and had difficulties thrown in his way, which would necessarily have impeded his work being properly carried out, and that the consideration due to the position which he holds should not have been accorded to him.

I have, &c.,

NORMANBY.

The Right Hon. the Earl of Carnarvon, &c.

No. 7.

The SECRETARY of STATE for the COLONIES to His Excellency the GOVERNOR.

(No. 1.)

MY LORD,—

Downing Street, 5th February, 1878.

I have received your Despatch No. 60, of the 10th December, enclosing copies of a paper laid before the New Zealand Legislature, containing your correspondence with your Ministers in reference to their wish that Sir W. Jervois, R.E., should postpone indefinitely his proposed visit to New Zealand, to report on the harbour defences of the colony; and I approve the course which you have taken in this matter.

I have, &c.,

M. E. HICKS-BEACH.

Governor the Most Hon.

The Marquis of Normanby, G.C.M.G., &c.

No. 8.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.

(No. 62.)

MY LORD,—

Government House, Wellington, 10th December, 1877.

I have the honor to inform your Lordship that this morning Sir George Grey asked me to hold an Executive Council at half-past twelve o'clock, the prorogation of Parliament being fixed to take place by commission at half-past two o'clock.

2. At the Council, Sir George Grey advised me to refuse my assent to "The Land Act, 1877," which had been passed by both Houses of Parliament, on the ground that there were provisions in the Bill which the Government did not approve.

3. The Bill had been introduced by the late Government, and it had been taken up by Sir George Grey, and was carried through all its stages as a Government measure.

4. No intimation whatever had been given to Parliament that the Government intended to adopt the very unusual course of advising me to veto the Bill, and nearly the whole of the members of both Houses had left town on Saturday-night, on the assurance that, although the printing and preparing the various Acts which had been passed would prevent Parliament being prorogued till this day, Monday, there was no necessity for their remaining, as all the business of the session was over.

5. No doubt some amendments in the Bill had been carried against the Government, and that might have been a very good reason for the Government throwing out or dropping the Bill in its passage through Parliament; but the proposal that I should refuse my assent to a Government Bill, after it had passed both Houses, simply because the Government had failed to see the point of certain amendments, or had been unable to resist them, seemed to me so extraordinary a proceeding that I at once refused to veto the Bill.

6. Shortly after the Council had risen, the Clerk of Parliaments brought to me that Bill, together with a few others which still required my assent; and I then found that Sir George Grey had refused to attach his name to the usual form advising me to assent to the Land Bill.

7. Upon this, while I was quite determined not to veto the Bill, because, taking all the circumstances of the case into consideration, it appeared to me that I should be lending myself to something little short of a trick upon Parliament by taking so unusual a course, still I did not feel justified in assenting to the Bill without the usual advice of Ministers.

8. In the meantime, the hour for the prorogation was drawing near, and the Speaker, attended by one Minister and one or two other members, waited upon me with the Appropriation Act for my signature. I felt, therefore, that no time was to be lost, and I at once explained to the Speaker the difficulty which had arisen, and suggested to him that he should retain the Appropriation Act until the matter was settled, and he kindly consented to wait. I then sent the memorandum, a copy of which I enclose, to Sir George Grey; and Mr. Macandrew, the Minister present, took the necessary document to Sir George Grey with the view of obtaining his signature, and after some delay he returned with it signed. This, of course, at once relieved me from the disagreeable position in which I was placed; but I think the occurrence was of such an unusual character, that I should not be doing my duty were I not to report it to your Lordship.

I have, &c.,

NORMANBY.

The Right Hon. the Earl of Carnarvon, &c.

No. 9.

The SECRETARY of STATE for the COLONIES to His Excellency the GOVERNOR.

(No. 8.)

MY LORD,—

Downing Street, 15th February, 1878.

I have received your despatch No. 62, of the 10th of December. I approve the action taken by you in declining, under the circumstances which you record, to refuse your assent to the Land Act of the last session of the New Zealand Parliament.

I have, &c.,

M. E. HICKS-BEACH.

Governor the Most Hon.

The Marquis of Normanby, G.C.M.G., &c.

No. 10.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.

(No. 63.)

MY LORD,—

Government House, Wellington, 14th December, 1877.

Referring to my despatch No. 55, of the 16th November last, I have now the honor to enclose, for your Lordship's information, the copy of a correspondence between Sir George Grey and myself on the subject of a dissolution, which, at the request of Sir George Grey, has been laid before Parliament. See A.—7, 1877.

2. Supply has now been granted for the year, and therefore that question is one which no longer requires consideration. It appears to me, however, on the other hand, that the only reasons which could justify the Government in pressing for a dissolution are now very much weakened, if they have not entirely disappeared.

3. At the time that Sir George Grey first asked for a dissolution, Major Atkinson's Government had very recently been defeated by a small majority, and Sir George Grey's Government had only escaped defeat on a motion of want of confidence by the casting vote of the Speaker. Parties being thus evenly balanced, it became a question whether the business of the session could be got through; and although I myself saw many grave objections to a dissolution, and did not consider the circumstances of the case either justified or demanded one, still, at the same time, it might have been argued that it was the easiest and shortest way out of the difficulty.

4. Now, however, the business of the session is concluded, supplies have been voted, and a loan of £2,500,000 has been sanctioned by Parliament. The plea of necessity can, therefore, no longer be urged.

5. If during the recess the Government carry out successfully those measures of retrenchment and reform which they propose—if, on the meeting of Parliament in the next session, they have prepared a measure for the redistribution of the representation of the colony which is acceptable to the House and country, and are also prepared with other Bills of a practical character dealing with the various requirements of the country—I have little doubt that, party feeling having had time to cool down, they will, even in the present Parliament, have fair consideration and support; and should their "Redistribution Bill" pass, a dissolution would become necessary after the close of next session.

6. Were a dissolution to take place at present, the only real issue before the constituencies would be, confidence or no confidence in Sir George Grey's Government, as there is now no other question upon which they could go to the country.

7. The Government have passed many of the Bills, and they have accepted with very slight modification the Estimates, brought in by the late Government. They have, it is true, increased by £500,000 the loan which was declared necessary by Major Atkinson, and they have made the Land Fund general revenue; but those measures are passed, and cannot now be referred to the constituencies.

8. No measure whatever indicative of their policy has as yet been placed before Parliament, nor has any distinct or definite policy been expressed by them, on which an appeal to the country could be made.

9. Under these circumstances, it appears to me, notwithstanding the various reasons given by Sir George Grey, that the Government are not in a position which would constitutionally entitle them to demand a dissolution.

10. Of course, if I could admit the doctrine laid down by Sir George Grey, that a dissolution is a matter in which, under Responsible Government, the Governor has no right to exercise any discretion, and that he is bound to grant a dissolution whenever the Government of the day may see fit to demand one, there would be an end of my argument. I feel confident, however, that the views expressed by Sir George Grey as to the position of Her Majesty's representative under Responsible Government, are hardly such as will be accepted by your Lordship.

11. It is perfectly true that in England questions of this kind are not brought before the public, but I believe that is caused, not by the right of a Minister to demand a dissolution at any time being admitted, but rather by the great moderation and consideration which are always shown by Ministers in advising a dissolution, and by the extreme reluctance which is always evinced, both by Ministers and by Parliament, in any way to bring into open controversy any exercise of the undoubted prerogative of the Crown.

12. I can, in conclusion, only express a hope that my action in this matter, and the opinions I have expressed, may meet with your Lordship's approval.

The Right Hon. the Earl of Carnarvon, &c.

I have, &c.,
NORMANBY.

No. 11.

The SECRETARY of STATE for the COLONIES to His Excellency the GOVERNOR.

(No. 9.)

MY LORD,—

Downing Street, 15th February, 1878.

I have the honor to acknowledge the receipt of your despatch No. 63, of the 14th of December, enclosing a copy of your correspondence with Sir George Grey, in reference to the wish of your Ministers to obtain a dissolution of Parliament.

I have read this correspondence with the care and attention which the subject demands, and I feel bound to express my dissent from the views which Sir G. Grey has advanced, which would seem unduly to limit the prerogative of the Crown.

The responsibility, which is a grave one, of deciding whether in any particular case it is right and expedient, having regard to the claims of the respective parties in Parliament, and to the general interests of the colony, that a dissolution should be granted, must, under the Constitution, rest with the Governor. In discharging this responsibility, the Governor will, of course, pay the greatest attention to any representations that may be made to him by those who at the time are his Constitutional Advisers; but if he should feel himself bound to take the responsibility of not following his Ministers' recommendation, there can, I apprehend, be no doubt that both law and practice empower him to do so.

Governor the Most Hon.

The Marquis of Normanby, G.C.M.G., &c.

I have, &c.,

M. E. HICKS-BEACH.

No. 12.

The Hon. the PREMIER to His Excellency the GOVERNOR.

Memorandum for His Excellency.

The Governor to the Secretary of State—
No. 53, 13th Nov.
No. 55, 16th Nov.
No. 60, 10th Dec.
No. 62, 10th Dec.
No. 63, 14th Dec.
The Secretary of State to the Governor—
No. 4, 3rd Jan.
No. 7, 15th Jan.
No. 6, 7th Jan.
No. 1, 5th Feb.
No. 8, 15th Feb.
No. 9, 15th Feb.

SIR GEORGE GREY presents his respectful compliments to the Marquis of Normanby, and acknowledges the receipt of five despatches, addressed by the Governor to the Secretary of State, together with the replies thereto, as numbered in the margin.

2. The Governor has, in four of these despatches, transmitted, for the Secretary of State's decision or opinion, various questions connected, firstly, with the duties of the Governor of this colony under the Constitution Act; secondly, with the duties of Ministers under the same law; and, thirdly, with reference to the privileges and proceedings of the House of Representatives of New Zealand.

3. Had the Governor confined himself to a correspondence with the Secretary of State simply for his own satisfaction, the Ministers of New Zealand would have had nothing to do with the matter; but the Governor has gone much further, for he has communicated the despatches alluded to, and consequently the decisions and opinions of the Secretary of State, to his Responsible Advisers, and has commanded them to lay the correspondence before Parliament.

4. Under these circumstances, Sir George Grey thinks it his duty to submit, for the Governor's information, an enclosure, showing what are the precise powers given to the Secretary of State by the Constitution Act, in reference to all questions relating to the proceedings of the General Assembly of New Zealand.

5. The Governor will find from this enclosure, that the Secretary of State has no right or authority whatever to interfere with the proceedings of either of the branches of the General Assembly, or to determine what are their respective rights and privileges, or to communicate to them any decision or opinion, for their guidance or otherwise, in relation to their proceedings, rights, or privileges.

6. If it had been the desire of Parliament that an appeal should have been made to the Secretary of State for his decision or opinion, upon points connected with the questions which the Governor has raised in his despatches, undoubtedly, by an agreement entered into with the Governor, such questions

Enclosure.

might have been referred to the Secretary of State. However, in that case, each party would certainly have claimed the right of putting their own view of the questions at issue simultaneously before the Secretary of State.

7. In this instance, the Governor, without any communication with his Responsible Advisers, put his views of the questions he submitted to the Secretary of State before that great Officer of the Crown; and Sir George Grey cannot admit the precision—in some cases he would almost use the term the justice—with which the points raised by the Governor have been placed before the arbiter selected by His Excellency.

8. Leaving, however, this point on one side, from a desire not to involve the great constitutional question which is really at issue in that perplexity which always arises from a controversy upon points not material to any question which may be under consideration, Sir George Grey would respectfully remark as follows:—

9. The Constitution Act has strictly defined the powers of the Crown, of the Secretary of State, and of the General Assembly, of which the Governor is a constituent part. The same Act entrusts to the people of New Zealand the power and great privilege of working out their own future destiny, within the limits fixed by the British Parliament.

10. Sir George Grey believes that the people of New Zealand are quite competent to perform this momentous duty, and are prepared to build up institutions under which their descendants may have assured to them liberty, equal laws, and equal rights and advantages. He further believes that the people of New Zealand are not only disinclined to permit the interference of any exterior authority in the great duty which Parliament has thus assigned to them, but that they would resent any such interference, and would hold their Ministers responsible for not resisting any effort which might be made to interfere with the rights and privileges which the law in this respect secures to them.

11. Especially would they be likely to resent the attempt of any one of the persons or bodies named in the Constitution Act to assume to themselves powers denied to them by that Act.

12. If Sir George Grey is justified in thus thinking, there are additional strong reasons for checking any attempt made by the Secretary of State to interfere with the proceedings of the General Assembly, or to express to that body, without solicitation on its part, any decision or opinion upon its proceedings, rights, or privileges.

13. It has long been universally admitted that in the Colonial Department the real power vests in the Permanent Under Secretary. The Principal Secretary of State of that department, usually suddenly called to office, and rarely holding it for any lengthened period, can know but little of the multitudinous colonies of the British Empire. His time is occupied by his duties in Parliament, his duties in the Cabinet, his private affairs, the claims of society on a great Minister of the Crown; and when all these duties are attended to, but little interval is left for him to study the history and requirements of so vast an assemblage of dependencies. Even to read the letters which from day to day pour into his department, would occupy the greater part of the time of the most industrious statesman, however conversant he might be with the conduct of public business.

14. From these and other causes, the Permanent Under Secretary, in whose hands lie the entangled threads of the various questions of importance which perhaps have been for many months pending in the Colonial Office, becomes the real managing power in that department. He is unseen and unknown to the public generally: upon him no real responsibility rests.

15. It may be said that in the main this line of reasoning applies to all departments of the State in Great Britain; but this, in truth, is no answer to the arguments which have just been used. The action of the Foreign Office, of the Treasury, of the Home Department, of the War Office, indeed of most of the great offices of State at Home, concerns the nearest and dearest interests of every inhabitant of the British Isles: hence the action of these departments is narrowly watched by the observant eyes of a jealous public, and is subjected to the careful scrutiny of the leading statesmen of the country. The attention of Parliament is thus ever closely riveted upon the proceedings of those great departments of the State.

16. On the contrary, in the case of the Colonial Department, the vast amount of business before the British Parliament renders it difficult to secure the attention of that body to any colonial question, whilst the members of it are too generally profoundly ignorant upon all colonial subjects. The public at large in Great Britain, also occupied by questions of near and intense interest relating to their own immediate welfare, give but little attention to colonial questions, which involve remote interests, and regarding which their information is necessarily extremely limited.

17. The power of the Permanent Under Secretary in the Colonial Department is, therefore, very great. He may largely change the relations of the colonies to the Empire without the leading statesmen in England, or the nation at large, having the least knowledge of what is taking place: he may greatly modify the institutions of a colony, and shape its whole future, without alarm being taken in any quarter, even by those most interested in its welfare.

18. For instance, if his own views were strongly in favour of breaking the Empire up, in a few years measures could be taken which would render such an event ultimately highly probable. Did he desire to set up an aristocracy in the colonies, in some novel form, landed or titular, or both, he could get many firm steps made towards the achievement of such a project. The man who earnestly believes in either of these principles, armed with the vast, and generally long-continued, power possessed by the Permanent Under Secretary of the Colonial Department, could hardly avoid, perhaps almost unconsciously, adopting measures which would tend to the fulfilment of his cherished convictions.

19. Or, again, the Colonial Office is often liable to be pressed to adopt some line of policy by returned colonists, who, having realized fortunes, are resident in England. Some of these gentlemen are occasionally disappointed colonial statesmen, who, having failed in getting their fellow-colonists to adopt their views, hope still to see them carried out by pressure brought to bear upon the Colonial Department. It may safely be said that nothing could be more injurious to the interests of Great Britain, and to the colonies, than that a party should exist in England, and have sufficient weight there to induce the Secretary of State for the Colonies, or the Permanent Under Secretary, to adopt their

views in preference to those of any of the Colonial Parliaments. Differences of a serious kind must ultimately result between Great Britain and some of her colonies, if any opening is left by which a party in London can exercise an influence of this nature.

20. It must be remembered that the Colonial Department only communicates to the colonies such intelligence as it suits its own views to impart. At the present time, the intentions and recommendations of the Secretary of State are conveyed to the Governor in despatches of which even Ministers know nothing, or only so much as the Governor may please to communicate to them.

21. In many cases, laws which involve the most important interests of dependencies of the Crown, or regulations the enforcement of which will mould the destinies of rising nations, have been made and brought into operation without those most deeply concerned having been previously consulted. Too often, the difficulties which invariably attend on early settlement, struggles against native races, or the too ardent pursuit of wealth in a new country, blind the inhabitants of a colony to the probable effect of measures which have been taken and brought into force so rapidly and unexpectedly that they almost escape public notice.

22. Few colonists have been educated in a knowledge of constitutional law: they are, therefore, ill qualified, until trained by experience, to estimate the real value of a Constitution, or to weigh and foresee the effect which modifications in their Constitution may produce upon the future of their country. Under such circumstances, they are not very watchful of trifling political or social changes which may from time to time be introduced under the authority of the Colonial Department: yet the accumulated effect of these changes may gradually produce an entire alteration in their form of government, and, after the lapse of a few years, they may find themselves landed in political or social institutions to which they never would have submitted had they known it had been intended to impose them upon their country.

23. It was the objection entertained by many leading British statesmen to such dangerous powers being left in the hands of the Colonial Office, that induced the British Parliament to attempt to secure to the people of New Zealand, and other dependencies of the Crown, the power of controlling their own affairs, and of shaping their own future, without the interference of the Colonial Department.

24. The people of New Zealand, mindful of this, will, therefore, probably struggle against all efforts that may be unlawfully or improperly made to meddle with their Constitution, and to give to the Secretary of State, or the Governor, or the two combined, powers which the law does not confer upon them, and the exercise of which, if once allowed, might be drawn into a precedent most disastrous for the future of this country.

25. They would be wise in following this course, for to allow the interference of either the Principal Secretary of State, or the Permanent Under Secretary, with the Legislature or Executive Government of this colony, would be to permit them to humiliate our statesmen, and to, perhaps, subject them to severe temptation.

26. The Secretary of State is an officer whose authority is highly respected. His name and office carry great weight. It is an unpopular thing in any colony for a Ministry to differ with the Secretary of State; for it is generally believed that such a proceeding might turn one who could be a powerful and useful friend to the country into its foe.

27. The Secretary of State has also in his hands the power of conferring honors and distinctions which many colonial statesmen and colonists often desire, perhaps too eagerly, to obtain, and colonial statesmen might, in some instances, be unwilling to assume an attitude of hostility to a department possessing the power of bestowing such great advantages and honors upon Her Majesty's colonial subjects. To refer, therefore, constitutional questions for the decisions or opinions of the Secretary of State, and then to communicate those decisions and opinions to the Cabinet, is to enter upon a course which is likely sooner or later to create parties in the Ministry of the day.

28. Again, if the Secretary of State, or, in fact, the Permanent Under Secretary, is constituted the arbiter on such questions as those that have been at issue between the Governor and the General Assembly, and the Governor and his Ministers—that is, if an exterior authority is called in to interfere in our internal constitutional differences—a course would be pursued which would not only be humiliating to ourselves, but would also be unfair to Great Britain, which has given to the people of New Zealand the power of settling all such questions on the spot by ordinary constitutional means: for the certain result of such a line of proceeding would inevitably be to create differences between Great Britain and this country.

29. Generally, it may be said that the people of New Zealand will always unhesitatingly leave to the Principal Secretary of State, or to the Permanent Under Secretary, the exercise of all those powers which the law vests in him, and will assist him in giving effect to them; whilst they will, at the same time, claim for themselves the right of exercising, without interference on the part of the Governor, the Secretary of State, or the Permanent Under Secretary, all those powers which the British Parliament has bestowed upon them.

30. Sir George Grey feels that there is another point to which he should allude. The constitutional practice of Responsible Government requires that the Ministers should originate questions to which effect is to be given, and that, having originated them, they should then submit them to the Governor, with their advice as to the course which His Excellency should pursue in regard to them. In the case at present under consideration, the Governor has first moved in the matter. Without consulting his Ministers, or even informing them what he was doing, he submitted certain constitutional questions, which had arisen between himself and the General Assembly, and himself and his Ministers, for the decisions or opinions of the Secretary of State. He received these and communicated them to Ministers for their information, and, without consulting them on the subject, issued to them his commands, that his applications for these decisions and opinions, and the decisions and opinions themselves, should be laid before the General Assembly. By this proceeding on his part, the Ministers are made, not the advisers of the Governor, but his servants, to execute orders regarding which their advice has never been sought.

31. The introduction and establishment of a system of this kind would enable the Principal Secretary of State, or Permanent Under Secretary, as well as the Governor himself, to make what would really be addresses to the General Assembly against the Ministers of the day—a proceeding which would be most humiliating to Ministers, and which would be likely to encourage the formation of hostile parties and of a strong opposition in the Assembly, and to fan into a flame the feelings of those members who might be most strongly opposed to the Government.

32. Up to this point, Sir George Grey has viewed this subject simply under its general aspect. He now wishes to speak as to what he regards his official duty to be. He cannot consent to have his conduct, in reference to the relations between himself and the General Assembly, or between himself and the Governor, submitted for the decision or opinion of the Secretary of State, nor can he recognize or accept that decision or opinion. He believes that Ministers are responsible to the General Assembly alone for their conduct in reference to the several questions which have been raised, and he objects to the weight of such an authority as that of the Secretary of State being called in to embarrass the Government in either House of the General Assembly.

33. Sir George Grey also respectfully declines to discuss any questions concerning the relations of Ministers with the General Assembly, which includes the Governor in so far as he acts under the Constitution Act, with any officer who is outside the Constitution, or who has no responsibility in the matter, or who has no lawful right to interfere with it.

34. It is for these reasons, and from no want of respect either for His Excellency or the Secretary of State, that Sir George Grey has not noticed or replied to the arguments used in the despatches of the Governor, or of the Secretary of State, which His Excellency has been pleased to send to Ministers. Sir George Grey feels that, in following the course of proceeding which he has thus pointed out, he is doing his duty to the Queen, to Great Britain, and to the inhabitants of New Zealand, and he relies for his justification upon the arguments he has used in this paper.

35. The Governor having, in fact, directed the publication of the despatches he transmitted to Ministers, Sir George Grey is of opinion that, after what has taken place, the best plan now to adopt to secure this end is to follow a course which has been previously pursued—that is, to publish those papers, together with this memorandum, in the *New Zealand Government Gazette*. He believes that the reason for his holding this view will be obvious from the remarks which he has felt it his duty to lay before His Excellency; and he recommends the Governor to sanction the adoption of this course.

G. GREY.

Wellington, 8th June, 1878.

Enclosure.

The New Zealand Constitution Act.

Clause 58.—"Whenever any Bill which shall have been presented for Her Majesty's assent to the Governor shall, by such Governor, have been assented to in Her Majesty's name, he shall, by the first convenient opportunity, transmit to one of Her Majesty's Principal Secretaries of State, an authentic copy of such Bill so assented to; and it shall be lawful, at any time within two years after such Bill shall have been received by the Secretary of State, for Her Majesty, by Order in Council, to declare her disallowance of such Bill, and such disallowance, together with a certificate under the hand and seal of the Secretary of State, certifying the day on which such Bill was received as aforesaid, being signified by the Governor to the said Legislative Council and House of Representatives by speech or message, or by proclamation in the *Government Gazette*, shall make void and annul the same, from and after the day of such signification."

Part of Clause 73.—"That it shall be lawful for Her Majesty, her heirs and successors, by instructions under the signet and royal sign manual, or signified through one of Her Majesty's Principal Secretaries of State, to delegate her powers of accepting such conveyances or agreements, releases or relinquishments, to the Governor of New Zealand, or the Superintendent of any province within the limits of such province, and to prescribe or regulate the terms on which such conveyances or agreements, releases or extinguishments, shall be accepted."

Part of Clause 78.—"That no such charter shall be granted or have effect for any longer term than ten years from the passing of this Act; but one of Her Majesty's Principal Secretaries of State may at any time during the term for which such charter shall be granted, by writing under his hand, extend the term for which such charter shall have been granted for such further time as in his discretion he may think fit."

Clause 79.—"It shall be lawful for Her Majesty, by any such Letters Patent aforesaid, or instructions under Her Majesty's signet or sign manual, or signified through one of Her Majesty's Principal Secretaries of State, to delegate to the Governor any of the powers hereinbefore reserved to Her Majesty respecting the removal of Superintendents of provinces, and the regulation of the sale, letting, disposal, and occupation of waste lands, the establishment of Municipal Corporations, and the preservation of aboriginal laws, customs, and usages."

NOTE.—Clause 58 of the Constitution Act is still in force.

Clause 73 was repealed by "The Native Lands Act, 1873," section 4.

Clause 78 is virtually abrogated, although not expressly repealed.

Clause 79 is still extant.

No. 13.

His Excellency the GOVERNOR to the Hon. the PREMIER.

Memorandum for the Hon. the Premier.

THE GOVERNOR presents his compliments to Sir George Grey, and begs to acknowledge the receipt of his memorandum of the 8th of June.

The Governor must decline to enter into any argument or discussion with Sir George Grey as to the position or authority which belongs to the Secretary of State under the Constitution Act, as that is a question which the Governor has no power to decide, and it is, in his opinion, one, the ultimate consequences of which, if pushed to extremes, might prove far too serious to the future interests of this colony to be dealt with in a correspondence of this kind.

The Governor is certainly surprised that views such as those now expressed by Sir George Grey should emanate from a person who for many years had the honor of acting as Her Majesty's representative in this and other colonies; and the more so when he remembers that so late as two years ago, when in opposition, Sir George Grey did not hesitate to invoke, both by letter and by telegraph, the authority of the Secretary of State, in opposition to the views of the Government of the day, for the purpose of defeating a measure which had been passed by large majorities in both branches of the Legislature, and that after he was aware that the Secretary of State had officially announced that Her Majesty would not be advised to exercise her power of disallowing the Act for the Abolition of Provinces, and, therefore, according to the views now expressed by Sir George Grey, after the Secretary of State had any power to interfere.

The Governor would point out to Sir George Grey that throughout the Constitution Act no mention whatever is made either of the Executive Council or of Responsible Government, the first being constituted under the authority of the Royal Commission held by the Governor, and the other owing its existence to instructions contained in a despatch from the Secretary of State; and yet no one would contend that they do not exist because they are not mentioned in the Constitution Act.

The Governor considers it also perfectly unnecessary that he should follow Sir George Grey in the opinions he expresses as to the mode in which the business of the Colonial Office is conducted. They are simply the expressions of Sir George Grey's own belief, and the Governor has good reasons for thinking that he is entirely mistaken. No doubt, as is necessary in every office, the drudgery and preliminary work is performed by the permanent staff; but the Secretary of State is solely responsible for the decisions arrived at, and, in latter days, at any rate, the various Secretaries of State for the Colonies have been persons who have made themselves masters of the various subjects brought before them, and who, in all important questions, have exercised an independent judgment upon them.

Whatever may be the opinions entertained by Sir George Grey as to the duties and powers of the Secretary of State for the Colonies in New Zealand, there can be no doubt that the Governor is responsible to him as the Constitutional Adviser of Her Majesty on colonial matters; and that it is his duty to report to the Secretary of State all matters of importance that may take place, and to be guided in his actions by the instructions which he may receive from him as the constitutional mouth-piece of the Sovereign.

During the last session of Parliament, various questions arose which resulted in correspondence between the Governor and Sir George Grey, the whole of which was laid before Parliament, and was subsequently forwarded by the Governor to the Secretary of State.

The Governor is perfectly ready to admit that, under Responsible Government, Ministers have a perfect right to claim that all correspondence which in any way commits them shall be done by their advice and at their instigation; but where the Governor is asking the decision of the Secretary of State on his action, and still more so, as in this case, when he was forwarding for the decision of the Secretary of State a correspondence which had taken place between himself and his Government, and which had already been laid before Parliament, he can admit no such claim.

Under the Constitution Act, the Governor, as representative of the Queen, is as much a part of the Constitution as either branch of the Legislature. He has certain rights and duties to perform; and, while he has no wish to trench in the slightest degree upon the rights and privileges of the other branches of the Constitution, he is bound to preserve intact those which have been entrusted to his care by his Sovereign. Should the Governor exceed his powers, or commit any action to which exception can justly be taken, an appeal is at all times open to the Secretary of State; but the Governor cannot admit his responsibility to any other authority.

In directing that the despatches from the Secretary of State, together with his own, should be laid before Parliament, he was simply following the course which is adopted in every British colony.

For his own part, he would have much preferred that they should have been published in the *Gazette* as soon as they arrived; but he felt that it was due to the position and dignity of Parliament that they should first be presented to the two Houses of the Legislature, especially as in the matter of privilege he had informed the House of Representatives that he was about to refer the question of ministerial responsibility to the decision of the Secretary of State. At the same time, if Sir George Grey, on his responsibility as Minister, advises that the despatches should be published in the *Gazette*, instead of being laid before Parliament, the Governor is quite prepared to accept that advice, provided they are published at once, and that Sir George Grey's memorandum, together with this answer, is published at the same time.

The Governor begs to inform Sir George Grey that it is his intention to forward this correspondence to the Secretary of State by next mail; and he will be quite prepared, at the same time, to forward any remarks that Sir George Grey may wish to make.

NORMANBY.

Government House, Wellington, 17th June, 1878.

No. 14.

The Hon. the PREMIER to His Excellency the GOVERNOR.

Memorandum for His Excellency.

SIR GEORGE GREY presents his respectful compliments to the Marquis of Normanby, and acknowledges the receipt of his memorandum of the 17th instant.

1. The Governor is pleased, in that memorandum, to state as follows:—"The Governor is certainly

surprised that views such as those now expressed by Sir George Grey, should emanate from a person who for many years had the honor of acting as Her Majesty's representative in this and other colonies."

2. Sir George Grey does not precisely understand what is the meaning of this passage. He feels assured that the views he has expressed are such as would tend to Her Majesty's honor, and the welfare of her subjects both in Great Britain and in her colonial possessions. He is also aware that these views have been held by some of the greatest British statesmen, and that they have in no small degree influenced recent legislation in reference to the colonial dependencies of the Crown.

3. The Governor then goes on to state that he is the more surprised at these views, "when he remembers that so late as two years ago, when in opposition, Sir George Grey did not hesitate to invoke, both by letter and by telegraph, the authority of the Secretary of State, in opposition to the views of the Government of the day, for the purpose of defeating a measure which had been passed by large majorities in both branches of the Legislature, and that after he was aware that the Secretary of State had officially announced that Her Majesty would not be advised to exercise her power of disallowing the Act for the Abolition of Provinces, and, therefore, according to the views now expressed by Sir George Grey, after the Secretary of State had no power to interfere."

4. The Governor has forgotten that on the occasion to which he alludes, Sir George Grey did not ask the Secretary of State to interfere within the limits of the Constitution Act. He asked him to interfere with questions which lay outside that Act, and which in one case fell entirely under the cognizance of the Imperial Government. He was also, during the period of time alluded to by the Governor, specially anxious that an opinion should be obtained from the Attorney-General and Solicitor-General of England, whether the British Parliament had or had not conferred upon the General Assembly, by the Constitution Act, the power of abolishing the provinces without their consent. He desired a dry legal opinion as to what the respective powers of the British Parliament and the General Assembly were, in relation to that point.

5. According to immemorial usage, the opinion of the Attorney-General and Solicitor-General would have been obtained by the Secretary of State, and would have been forwarded to the Governor for the consideration of the authorities in this country: it would have been taken for what it was worth, and might have proved a very valuable guide. It does not appear, however, to have been procured; certainly it was not, in conformity with the usual practice in such cases, forwarded to the Governor of this colony for his information.

6. The questions regarding the powers of the Secretary of State now raised by Sir George Grey, relate to his jurisdiction within the Constitution Act, and are essentially different from those raised in the telegram or letters alluded to by the Governor.

7. In reference to the argument now raised by the Governor, regarding the Executive Council and the system of Responsible Government, Sir George Grey would remark as follows:—

8. It is true that the Governor constitutes, under the authority of a commission from the Crown, an Executive Council within the Colony of New Zealand; but his commission and instructions only authorize him to submit to that Executive Council questions connected with those prerogatives of the Crown—such as the prerogative of pardon—delegated to him by his commission. They do not authorize the Executive Council in any way to interfere with acts performed under the laws of the General Assembly of New Zealand. The Crown has not attempted to give powers to the Executive Council which it had no lawful right to bestow upon that body. It was quite justified in saying, as it did in fact say, to the Governor: In entrusting to you, the Governor, certain of our Royal prerogatives which belong to us as of right, we do not choose to entrust them to your sole discretion, but, for the welfare of our people, we provide a Council to advise you in reference to every act done in relation to these our Royal prerogatives, and we desire that you do not perform any act in relation thereto until you have taken its advice, whether you follow it or not. If you do not follow it, you will report to us that you have not acted on the advice of your Council, and you will give to us your reasons for following your own will in preference to adopting its advice.

9. Sir George Grey would further remark, on this point, that the General Assembly of New Zealand need in no way recognize that Executive Council. It is not necessary, under the Constitution Act, that the Ministers should be members of the Executive Council, nor is it necessary that any single member of either House of the Legislature should be a member of the Executive Council. Ministers only recognize that Council because the General Assembly has, by its enactments, required them to do so, by passing laws which confer upon that Council various powers vested in the Governor and his Responsible Advisers.

10. The Governor also states that Responsible Government owes its existence to instructions contained in a despatch from the Secretary of State. Sir George Grey ventures to say that the Secretary of State could not either call into existence or establish Responsible Government in this colony. The General Assembly may determine the exact form of its own Executive Government. The Secretary of State has no more right to instruct the General Assembly what the form of Executive Government in this colony is to be, than he would have had to have dictated to each of the provinces what its form of Executive Government should have been.

11. Sir George Grey, whilst anxious, in as far as possible, to concur in the opinions of the Governor, cannot unreservedly admit that, in latter days at any rate, the various Secretaries of State for the Colonies have been persons who have made themselves masters of the various subjects brought before them, and in all important questions have exercised an independent judgment upon them. Sir George Grey feels sure that many of the great statesmen alluded to would not, in such unqualified terms, have assumed these attributes to themselves. On the contrary, he believes they would have said that they had done their best, in as far as time, opportunity, and previous knowledge admitted, to make themselves masters of the various subjects brought before them; but that they admitted that many subjects might not have been brought with sufficient prominence under their notice which ought to have claimed their consideration; that their judgment upon almost all questions was necessarily based upon minutes and advice of the Permanent Under Secretary of the Colonial Department; that they really had often only time to peruse his recommendations, and that where these appeared reasonable, and were supported

by apparently good arguments, they had at once adopted them; that it was clearly impracticable for them to do more, and it was the weight of arguments such as I have used upon this subject, which had led them to aid in legislation, the object of which was to remove, in as far as was possible, the most important dependencies of the Crown from under the control of the Colonial Department.

12. The Governor is pleased to say that, "Should the Governor exceed his powers, or commit any action to which exception can justly be taken, an appeal is at all times open to the Secretary of State, but the Governor cannot admit his responsibility to any other authority."

13. Sir George Grey ventures to differ with the Governor upon this point. He believes that the moment the Governor assumes office in this colony, and begins to act under the Constitution Act, his responsibility is to the law, and not to any other authority; and that he would not be justified in obeying commands of the Secretary of State, or in noticing any instructions from him, except in so far as these were in strict conformity with the law. That is the authority which should be recognized, and which should be obeyed.

14. Sir George Grey goes a degree beyond this. The Secretary of State may be very ignorant of the real state of affairs in this colony, and, should he instruct the Governor, even within the limits of the law, to do something which was evidently unjust, or seriously detrimental to the interests of the people of this country, Sir George Grey believes that a Governor should not carry such instructions out, but should remonstrate, and point out what justice and the welfare of the Queen's subjects required to be done in the case.

15. There is an observation in an early part of the Governor's memorandum which might lead to erroneous conclusions on the subject now under consideration. The Governor states that he must be guided in his actions by the instructions which he may receive from the Secretary of State, as that officer is the constitutional mouthpiece of the Sovereign. In truth, the Secretary of State is the Constitutional Adviser, and not the mouthpiece, of the Sovereign. What he proclaims is, the advice which he gave to the Crown—advice which, in the case of a change of Ministry, may vary in a day. He, indeed, declares his own will and nothing else. That will may be based upon insufficient information, or advice given by some irresponsible person, who may earnestly desire to carry out views of his own.

16. Sir George Grey is, again, from these considerations, driven to believe that a Governor who undertakes to govern a country, and to administer its affairs for the welfare of the Queen's subjects inhabiting that country, is bound, from the moment he enters on his office, to do nothing he may conceive to be unjust or wrong, whatever may be the nature of his instructions. He should reason, remonstrate, and do his best to have justice done, and if he failed, yield his place and allow some other person to do that which his conscience told him ought not to be done. On any other principle than this, there is no hope for the future of the Queen's colonial possessions, or the lengthened maintenance of the integrity of the Empire.

17. The general application of these principles in New Zealand falls under a rule connected with the Constitution Act. That Act permits the General Assembly to make a law by which the Governor of this country could be elected, instead of being nominated by the Crown. The relations between the Governor of New Zealand and the Secretary of State should, therefore, be such as are equally applicable to the case of a nominated or an elected Governor.

18. Sir George Grey is equally anxious with the Governor to preserve the position and dignity of Parliament. He believes that the line of conduct he has adopted upon the present occasion is eminently calculated to produce that end. He trusts it will be so considered, for he feels that, according to his knowledge and ability, he has done his best to merit the support of Parliament and the people of New Zealand.

19. The Governor is pleased to say that, for his own part, he would have much preferred that the despatches of the Secretary of State, together with his own, should have been published in the *Gazette* as soon as they arrived; and that if Sir George Grey, on his responsibility as Minister, advises that the despatches should be published in the *Gazette*, instead of being laid before Parliament, the Governor is quite prepared to accept that advice, provided that they are published at once, and that Sir George Grey's memorandum, together with the Governor's answer, is published at the same time.

20. Sir George Grey, acquiescing in these views, respectfully tenders to His Excellency the advice that is asked for, and, in compliance with the Governor's wishes, will direct the publication of this correspondence in the New Zealand Government *Gazette*.

Wellington, 20th June, 1878.

G. GREY.

No. 15.

His Excellency the GOVERNOR to the Hon. the PREMIER.

Memorandum for the Hon. the Premier.

THE GOVERNOR presents his compliments to Sir George Grey, and begs to acknowledge the receipt of his memorandum of this day's date.

The Governor considers that no public advantage can be derived by a prolongation of this correspondence, and, therefore, he must decline to make any remarks upon it.

NORMANBY.

Government House, 20th June, 1878.