

Government House,
Auckland, New Zealand,
5th September, 1856.

SIR,—

I have the honor to transmit certain resolutions from the Houses of the Assembly relative to the place where it is proposed to hold the next Session of the Assembly, and my Messages in answer to the same.

2. In accordance with the views explained in the last Message, I have the honour to request that I may be empowered to nominate the Senior Officer Commanding the Troops to act as Lieutenant Governor whenever it may be necessary that I should be absent from Auckland for more than a few days.

3. If you are pleased to approve this request, I venture to suggest that he should have all the powers entrusted to the Governor, subject to such instructions as it may be found necessary to give him from time to time.

4. The Governor cannot authorise the execution of a prisoner sentenced to death without consulting his Executive Council, but as it is certain that the Governor and Lieutenant Governor cannot both be in the same place with the Executive Council, I beg to submit that both may be directed to act in accordance with Section 23 of the instructions of 9th February, 1855, and not required to communicate with the Executive Council, as delays have more than once led to disturbances, which have been reported when they occurred.

5. Finally, I beg your instructions as to what salary I shall propose for the Lieutenant Governor, as the appointment is never likely to be of long duration; under existing arrangements, it would be advisable that he should not lose any of his military advantages: but this, if approved, will also require your sanction.

I have the honour to be, Sir,
Your obedient servant,
(Signed,) T. GORE BROWNE.

The Right Honourable
Henry Labouchere, M.P.,
&c., &c., &c.

Downing Street,
4th October, 1857.

SIR,—

I have had a long time under my consideration your Despatch of the 5th September, 1856, transmitting certain resolutions from the two Houses of the New Zealand Legislature relative to the place where it was then proposed to hold the next Session of the Assembly, because I felt considerable difficulty in dealing with your proposal respecting the appointment of a Lieutenant Governor on such information as was given by your Despatch, and it appeared to me probable that I should receive from you the results of some further deliberations on the subject.

2. Nor am I at present prepared to recommend to Her Majesty the course which you propose. The appointment of a Lieutenant Governor with the powers of a Governor for a part of the Province, would be a very unusual step in the Government of Her Majesty's Colonial possessions, and one, moreover, which I should unwillingly promote, as tending still farther towards that division of authority which appears to be already the cause of much inconvenience in New Zealand.

3. I think that all the objects strictly requisite might be attained by empowering you to nominate an Officer not as Lieutenant Governor, but by some other title conveying a less shew of authority, (such as Chief Magistrate) to perform such specific functions during your absence as the Legislature might by enactment think proper to entrust to him. The Legislature must also fix and secure the requisite salary. If the question were left to myself I should say that payment at the rate of Six Hundred Pounds a year would be sufficient.

4. As it appears from the resolutions, that the chief purpose of such an appointment would be for the transaction of affairs arising out of the relations of the local Government with the Natives, I am of opinion that the appointment should rest with yourself (subject to the sanction of the Crown); and although I should wish you to act in harmony as far as possible with your Executive Council, I do not prescribe to you the rule of regarding their consent as necessary.

5. Such is the best instruction which I am able to give you on the subject: but it rests with the Legislature, as I have said, to make provision for such an office as I have here indicated.

6. I am not certain that I understand the question which you have raised in this Despatch respecting sentences of death. Whether your enquiry merely is, if the preliminary step of consulting the Judge may not be taken without the advice of the Executive Council, or whether you are anxious for