

authority to authorise executions without their advice, if delay be occasioned by the necessity for consulting them; I can, therefore, only lay it down as a general rule, that although the Council are the proper and legitimate advisers of the Governor, yet where executive measures absolutely require to be taken without the delay which communication with that body would require, the Governor must act on his own responsibility, explaining fully the reasons which have led him to do so.

I have, &c.,

(Signed,) H. LABOUCHERE.

Governor Thomas Gore Browne, C. B.,
&c., &c., &c.

Government House,
Auckland, New Zealand,
9th February, 1858.

SIR,—

I have the honor to acknowledge the receipt of your Despatch, No. 73, dated 4th October, 1857, and regret that my Despatch to which it refers was not sufficiently explanatory.

2. As the resolutions of the two Houses of the Legislature and the Message in reply enclosed in my Despatch, referred entirely to the meeting of the Assembly at Wellington, I used the name "Auckland" in reference to the Province, and did not at all intend to propose that a Lieutenant Governor should be appointed for a part only of the Province of Auckland. My reason for making the suggestion at all was, that in the Governor's absence, some person ought to be appointed to reside in the Province of Auckland to whom the Natives could be referred, and who should have power delegated to him by the Governor to sign and act for him as if he were present.

3. The request in reference to carrying executions into effect arose from circumstances which occurred in 1855, and were then reported. A Native woman was murdered near Auckland by an European, and the murderer was sentenced to death. I was absent at Wellington when the sentence was passed, and the Judge retained the prisoner until my return because he considered it necessary that the Governor should receive his minutes while sitting in Council, and that no execution could take place until the sentence had been so confirmed. This caused a delay of many weeks, during which, the tribe of the murdered woman congregated about Auckland, threatening violence if the man were not executed or given up to them.

4. Your despatch (No. 73) puts an end to difficulties of this nature by enabling the Governor to confirm a sentence of death without consulting his Council, though it appears to me that inconvenience of a similar description might still arise if an execution were delayed for the approval of the Governor; he being at a distant settlement, even though he were to authorise its infliction by return of post.

5. I am inclined to doubt if the term "Chief Magistrate" would answer this purpose, for which a Deputy may be required during the absence of the Governor, and believe that a Lieutenant-Governor would give more satisfaction to the Province which was for a long time placed under such an Officer. It is however impossible that I can receive further instructions from you before the next meeting of the Assembly, if therefore the question should be again mooted I shall venture to propose that the Assembly authorise me to appoint a "*Resident*" to preside in the Province of Auckland, during the absence of the Governor, with such powers as the Governor may be permitted to delegate to him. The office of Resident exists in the Ionian Islands, and I trust you will approve of my venturing thus to alter the designation, because the one you suggest would not secure the same respect from the Natives, and might conflict with the office of Superintendent.

I have, &c.,

(Signed) THOS. GORE BROWNE.

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