

Ministers find the following passages in His Excellency's despatch :—

"4. With regard to the general complaint made by my Responsible Advisers of the delay in the transmission of documents to your department, I beg to state that every effort has been made by the very limited establishment allowed me, to copy for transmission all documents which it appeared necessary to send home. But the office accommodation allowed me is too limited.

"5. There is now an army of nearly ten thousand (10,000) men here, a large squadron, and consequently a vast correspondence to conduct; besides the ordinary business of an important Government, within the limits of which a civil war prevails. I am allowed for office accommodation a small office for myself, a writing-room of 12 feet by 16 feet, and one other room of the same size as a general office. The assistance allowed me is miserably inadequate for the work to be performed, and has not been increased at the time that all the other departments have been largely augmented; whilst at the very time my Responsible Advisers complain I was not transmitting documents to England, they were refusing, as will be seen from the enclosed statement of the Despatch Clerk in my office (Memorandum by F. G. Moore, 1st July, 1864), to furnish me with copies of documents in their office which I required for transmission to you, on the plea that any documents that they wished to have sent home should be copied in duplicate, but that they could not order copies of any documents to be made which the Governor desired should be sent, but which they did not care about sending."

Ministers think it necessary to place these facts on record, which will shew that the excuse offered by His Excellency is absolutely without foundation.

1. They have never limited His Excellency to any amount of office room, nor interfered in any way with his arrangements at Government House. His Excellency can take as many rooms of that house for business as he thinks proper; and those used for that purpose have been so used without any direction or interference on the part of any Ministry.

2. His Excellency has never complained before, nor in any way intimated that he had not sufficient accommodation for his official establishment.

3. Ministers expressly deny having ever refused, or directed to be refused, any official assistance asked for by His Excellency in his official establishment, and have in all the instances when it has been requested immediately supplied extra clerical aid in His Excellency's official establishment. The memorandum by Mr. Moore on this point, forwarded by His Excellency to Mr. Cardwell, has not been seen by Ministers.

4. In reference to the non-transmission of the particular document referred to, Ministers are quite certain that no request was ever made to them to have it copied, and that they never refused any such request; nor was it ever intimated to them that it was being kept back: least of all that it was kept back for any such reason.

In conclusion, they beg to express their most respectful opinion that it is hopeless to attempt to work Responsible Government with His Excellency, if he continues the practice he has adopted on so many occasions, and which has already formed the subject of complaint, of suppressing or withholding from Her Majesty's Government important documents, of his Ministers, while he forwards by the first Mail after events, his own despatches and statements, without Ministers even seeing them till after the Mail has left.

November 19th, 1864.

WILLIAM FOX.

MEMORANDUM by MINISTERS.

The two Despatches of Her Majesty's Principal Secretary of State for the Colonies, dated the 26th of April and the 26th of May, 1864, and numbered 43 and 65, have received the careful consideration of His Excellency's Responsible Advisers.

There are several matters in these Despatches which will probably hereafter require notice, but at present His Excellency's Advisers desire to confine themselves to one point of vital and paramount importance.

The Despatch of the 26th of May contains the following passage:—"But it is my duty to say to you plainly that if, unfortunately, their (Ministers) opinion should be different from your own as to the Terms of Peace, Her Majesty's Government expect you to act upon your own judgment."

Ministers beg most respectfully to recall to mind briefly what has taken place during the last two years on the subject of Responsible Government, in the administration of Native Affairs. In the Session of the General Assembly held in 1862, both Houses strongly represented, in an Address to Her Majesty, the then state of the Colony; strongly remonstrated against being compelled to accept Native Responsibility in Native Affairs, and respectfully declined to undertake the task.

Responsibility from that time rested with His Excellency the Governor, who consented to act in the spirit of the resolutions of the two Houses, until further instructions from the Secretary of State should reach him.

His Grace the Duke of Newcastle—in his Despatch of the 26th of February, 1863, No. 22, in communicating the decision of Her Majesty's Government on the Addresses of the Houses of Assembly, states—"That Her Majesty was pleased to receive them very graciously, but has not commanded me to recall the decision communicated to you in my Despatch of the 26th of May (1862), with respect to the administration of Native Affairs." And His Grace further states that the Home Government has resigned the management of Native Affairs,—that "the relinquishment does not require the assent of the Colonists to make it effectual," and that "it is completed by the act of the Home Government." His Grace then goes on to define the position of the Governor in these words:—"Your constitutional position with regard to your Advisers will (as desired by your late Ministry) be the same in regard to Native as to ordinary Colonial Affairs; that is to say, you will be generally bound to give effect to the policy which they recommend for your adoption, and for which, therefore, they will be responsible.

"I say generally, because there remain several contingencies, in which it will be your duty to act upon your own judgement in opposition to theirs.

"You would be bound to exercise the negative powers which you possess by preventing any step which invaded Imperial rights, or was at variance with the pledges, on the faith of which Her Majesty's