

No. 56.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Duke of BUCKINGHAM.

(No. 101.)

MY LORD DUKE,—

Government House, Wellington,

5th October, 1867.

In compliance with the request of my Responsible Advisers, I have the honor to transmit for your Grace's consideration a Memorandum which relates to your Grace's Despatch, No. 49, of the 1st of August last.

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. GREY.

Enclosure in No. 56.

MEMORANDUM by Mr. STAFFORD.

Wellington, 3rd October, 1867.

THE Responsible Advisers of the Crown in New Zealand have read the Despatch No. 49, of the 1st of August last, from His Grace the Duke of Buckingham and Chandos, referring to their Memorandum of the 17th of April, 1867.

It does not appear necessary for Ministers to refer again to the imputations on the Colonial Government and forces conveyed in the Earl of Carnarvon's Despatch, No. 56, of the 28th of December, 1866, as His Lordship has, in his place in the House of Lords, expressed his regret at having made those imputations, and frankly admitted the error into which he had been led; and Ministers gratefully acknowledge the promptitude with which His Lordship has made the best reparation in his power for his unintentional injustice. They must, however, express their disappointment that His Lordship omitted at the same time to act with similar justice towards the Governor, whom he had also undeservedly censured.

A portion of His Grace's Despatch, however, re-opens the question whether the fulfilment of treaty engagements, and the protection of life and property, are subjects to be dealt with by the Representatives of the Crown, or by an inferior military officer having no constitutional relations to the Government of New Zealand.

Ministers have on various occasions, and recently in their Memorandum of the 16th ultimo, submitted that this was not a personal but a constitutional question, and they now desire respectfully to submit for the consideration of the Secretary of State that this question, upon which such large issues depend, can only be settled in accordance with the constitutional form of government established in New Zealand, which necessarily requires that the Queen's representative, as an integral part of that Government, should not be subordinated to any military authority, either by instructions from a Secretary of State or otherwise.

Ministers observe with satisfaction that His Royal Highness the Duke of Cambridge, in a debate in the House of Lords on the 15th of July last, expressed an opinion to the same effect. His Royal Highness is reported to have spoken as follows:—

"It was not his intention to say a word with respect to the policy adopted by the Secretary of State, but he wished to express a strong opinion as to the impolicy of making the military independent of the civil authorities. Their Lordships might rely upon it that no more dangerous step could be taken, and for this reason, that the military authorities must and ought to be subordinate to the civil. In order to effect that object every Governor was made Commander-in-Chief, and if they were to take away his power in that respect, they would do an act which would be fatal to the position of the Governor, detrimental to the Imperial interests, and extremely embarrassing and inconvenient both to the officers and troops. Under these circumstances he could not but express his conviction that the time had arrived when a strong policy must be adopted. He knew the difficulties which successive Governments had felt in dealing with the Colony of New Zealand, but the taking away of the troops was a step which he would rather not have seen adopted. He hoped that what had been done in this case would not be turned into a precedent, because otherwise it would be impossible that the civil and military authorities could work harmoniously and cordially together. On the contrary, the utmost distrust would be produced between them. It was most important in a constitutional State that the General should understand that it was his duty to be subject to the sway and control of the civil authorities, because these authorities were really responsible either to the Crown or to the Governor of the Colony who was exercising the authority of the Crown."

In respect of the removal of the Imperial Troops, the Secretary of State was under a misapprehension if he understood Ministers to object to their removal, or to state that the Colonial Government was not prepared for it. On the contrary, they have repeatedly signified their acquiescence in the withdrawal of the troops, and have also declined to accede to the terms proposed by the Secretary of State concerning the one regiment which the Imperial Government desired should remain in the Colony. What they did complain of was that the agency for effecting that removal was unconstitutional, and they pointed out some of the evils which had practically resulted from that unconstitutional agency.

With reference to the last paragraph of His Grace's Despatch, Ministers would observe that they did not object that charges made against the Colonial authorities, or public statements of transactions which seemed to call for explanation, were communicated to the Governor for such explanation or other action as the case might require. Their objection has been that the Imperial Government, in violation of the rules of the service and of the requirements of justice, has systematically allowed its officers stationed in New Zealand to prefer charges against the Colonial authorities, and, at the same