

principles of Parliamentary Government, inasmuch as they impute to the Head of such a Government personal fault, while expressing avowedly the sentiments of his Responsible Ministers. I might, or rather my Ministers might, as well have accused your Excellency (*i.e.*, the Governor of Victoria) personally of faults with reference to the proclamation to which your name was appended, or to a speech which you had delivered to your Parliament."

In other words, Sir James Fergusson in this Despatch contends that it would be equally absurd to hold the Governor of Victoria responsible for the proclamation issued by the advice of his Ministers, as to hold the Governor of New Zealand responsible for the Despatch written by the same advice, and on the same subject.

On the other hand, in his Despatch of 13th April, Sir James Fergusson, though still contending that he is not responsible for the Despatch, follows Mr. Vogel, and argues that the Governor of Victoria is personally responsible for the proclamation in question.

It need only be remarked that this Government entirely repudiates this doctrine, and that this argument strikes at the very root of Parliamentary and Responsible Government, as established in these Colonies.

With regard to the correspondence between the Secretary of State and the Governor of New South Wales, in 1868-69, referred to by Sir James Fergusson, it will be found on reference that it has no application or force whatsoever in connection with the case under consideration.

It has already been pointed out, in my letter of the 5th instant, that the personal opinion of a law officer in New Zealand does not prove that a proclamation made in the Colony of Victoria, or elsewhere, is either legal or illegal; and had any of your colonists felt aggrieved and disputed our proclamation in question (if so advised), they had a ready remedy by the ordinary process of law.

Finally, it is somewhat difficult to understand why the name of the Secretary of State as a referee should have been imported by Sir James Fergusson into the discussion of an affair of purely colonial concern, and for their conduct in which the Victorian Government is responsible to the local Legislature.

I have, &c.,

J. G. FRANCIS.

The Hon. the Colonial Secretary, New Zealand.

The Hon. the COLONIAL SECRETARY, New Zealand, to the Hon. the CHIEF SECRETARY, Victoria.
(No. 80.)

SIR,—

Colonial Secretary's Office, Wellington, 11th June, 1874.

I have the honor to acknowledge the receipt of your letters, of dates and numbers quoted in the margin hereof,* on the subject of the representation made by the Governor of this Colony to His Excellency the Governor of Victoria respecting the illegality of the proclamation made and published in the Government *Gazette* of Victoria on the 24th of October last.

When, in your letter No. 5,001, of date 31st October, 1873, you were good enough to explain why it was that your Government was obliged to take the course of prohibiting the landing in Victoria of stock from New Zealand without first communicating their intention of doing so to the Government of this Colony, it was felt that you had acted in the matter under pressure which it was difficult to resist, and the Colonial Secretary had the pleasure of conveying to you his sense of the consideration shown for the interests of New Zealand.

But Dr. Pollen was not then aware that in making that proclamation the Governor of Victoria had exceeded the power conferred upon him by the Act of the Parliament of Victoria, intituled "An Act to amend the Laws relating to or affecting Public Health;" and that his action had inflicted an avoidable injury upon this Colony. When this discovery was made by Mr. Vogel, who, as well as Sir James Fergusson, was then at a distant part of the Colony, he at once moved His Excellency to take action in the matter, adopting, thus, the most direct course in order to its rectification.

The question that has been raised by this proceeding, namely, whether an act, known to be illegal, of the Governor of a British Colony injuriously affecting the interests of another Colony is a matter of Imperial concern, is of extreme importance. It is conceivable that disputes between Colonies might arise, for the settlement of which the intervention of the Imperial Government would be necessary, and ought to be welcomed. New Zealand, which has uniformly maintained the amount of independence which the Constitution permits, may probably regard its relation to the Empire in a different light from that of other Australasian Colonies, and it is to be hoped will never give way to fretfulness or impatience because of the exercise of powers which legitimately remain in the hands of Her Majesty's Government; but, on the contrary, will continue to regard the existence of these powers, and their exercise upon fitting occasion, as being necessary for its protection.

In this case there is no room to doubt that the prohibition of the importation of cattle, &c., from New Zealand into Victoria had not the sanction of law;—the law empowering the Governor in Council to make such orders as may be necessary to prohibit the introduction into Victoria of sheep, cattle, or swine from any country in which disease is known to exist; but no infectious or contagious disease existed amongst stock in New Zealand, at that time or since, and the condition upon which alone power to make such a proclamation legally was given was wanting: when, moreover, it appeared that this illegal act was done under pressure from the Government of another Colony, which the Colony of Victoria was avowedly unable to resist, and was intended to punish New Zealand because its Legislature declined to make the necessary legal provision for carrying out its share of the compact entered into, conditionally, by its representatives at the Conference, and when this illegal prohibition was seen to extend, not to New Zealand alone, but to all the dependencies of the Empire other than the Australian Colonies, it seemed an occasion not unfitting for the direct intervention of the Governor as an Imperial officer.

I trust that this explanation of the action of the Government in this matter may be accepted as satisfactory.

* No. 3,799, 5th May, and No. 3,900, 11th May, 1874.