

condemned unheard, and that he should be put, as to his defence, in a more unfavourable position than that in which the worst criminal in the colony could possibly be placed?

This question as to the extent to which Government are responsible to Parliament for the acts of the Governor is one which cannot possibly be decided in the colony. The Governor has, therefore, decided to forward the whole case for the consideration and decision of the Secretary of State for the Colonies, by whose decision he is bound to abide; and he will have much pleasure in forwarding, at the same time, any representations that the Government may wish to make.

If the Governor has urged his case somewhat strongly, he begs that Sir George Grey will clearly understand that he looks upon it simply as a political and not a personal question, which he is bound to press to the best of his ability, though, he trusts, without the slightest exaggeration.

As regards the answer to the House of Representatives, the Governor proposes to send a message something to the effect of the one he encloses.

In conclusion, the Governor would wish to state that, in reply to a telegram from himself, he has heard from Sir Hercules Robinson that a precedent, which appears very nearly similar, did occur to Lord Belmore, and that his action was approved of by the Secretary of State.

The Governor wishes to place no stress upon this information, as he has not been able to find the case, and does not know how far it may be parallel; but it is his intention, if the case has been published, to request Sir Hercules Robinson to furnish him with a copy as soon as possible.

NORMANBY.

P.S.—Unless the Governor hears that Sir George Grey wishes to make any further remarks, the Governor proposes to send his message to the House of Representatives this evening.

Government House, Wellington, 8th November, 1877.

N.

No. 5.

MEMORANDUM for His EXCELLENCY.

MINISTERS respectfully represent to the Governor that the questions which they have had to consider were—Can the Governor, finding that a notice of a vote of want of confidence in the Government has been given, decline to take the advice of his Responsible Advisers on the ground that such a vote is pending; and was he justified in holding that he could not accept their advice until the decision of the Assembly on that vote had been given? If such is the constitutional law, nothing is necessary but to raise successive votes of want of confidence in the Government, to enable the Governor to act for long periods of time without Responsible Advisers.

Ministers respectfully state that they cannot admit that the Governor is responsible to the Secretary of State in this matter; nor can they admit that the question, as to the extent to which Government are responsible to the Assembly for the acts of the Governor, is one which cannot be decided in New Zealand. On the contrary, they feel it to be their duty respectfully to protest against the points at issue being decided anywhere else, unless the consent of the General Assembly is obtained to the reference of those points to some external authority. The Secretary of State for the Colonies is also, in their opinion, for such a purpose, an authority unknown to the Constitution of New Zealand.

Ministers would respectfully solicit the attention of the Governor to the 32nd section of the Constitution Act, from which it will be found that the words "General Assembly" comprise His Excellency the Governor himself, who is by law a constitutional part of that body.

Ministers respectfully add that they have already advised His Excellency regarding the message they think he should return to the address of the House of Representatives, and they have nothing to add to that advice.

Wellington, 8th November, 1877.

G. GREY.

MEMORANDUM from His Excellency the GOVERNOR to the Hon. Sir GEORGE GREY, K.C.B.

THE Governor acknowledges the receipt of Sir George Grey's further memorandum of this day's date, and he would point out that the Secretary of State is the only constitutional channel through whom the commands of the Crown are conveyed, and who is responsible to the British Parliament for the advice he may give to Her Majesty; and as the Governor, at any rate, feels bound to obey the command of Her Majesty, whom he has the honor to represent in this colony, he still maintains that it is his duty to submit this case for the consideration of the Secretary of State.

The Governor has referred to the 32nd section of the Constitution Act, to which Sir George Grey has called his attention, and he would point out that it simply places the Governor, as Her Majesty's Representative, in exactly the same position as regards the Parliament of New Zealand, as that which is held by the Queen as regards the Parliament of England.

The Governor must adhere to the determination which he has announced to the Government, and will lay the whole correspondence before Parliament this evening; and by next mail he will forward the whole case for the consideration of the Secretary of State for the Colonies.

Government House, Wellington, 8th November, 1877.

NORMANBY.

By Authority: GEORGE DIDSBURY, Government Printer, Wellington.—1877.