

“authorize and empower you to exercise all powers lawfully belonging to us in respect of the summoning, proroguing, or dissolving any Legislative Body now or hereafter established within our said colony.” This clause is inserted in all Commissions to British Governors. In many colonies, Her Majesty has the lawful power to summon, prorogue, or dissolve the Legislative Body. In such cases, the clause is operative. It formerly was so in New Zealand; but since a Constitution Act was granted to this colony, the Governor has derived solely from that Act his power of summoning, proroguing, or dissolving the General Assembly.

2. Again, Ministers venture to think that the Governor has fallen into a mistake regarding the powers conferred upon him, relative to the Executive Council, by the Royal Instructions.

3. In England, there are two bodies, the Privy Council and the Cabinet.

4. In New Zealand, there are also two bodies, the Executive Council and the Cabinet.

5. The framers of the New Zealand Constitution Act found an Executive Council in existence in this colony; and, recognizing it as a probably useful institution, left it untouched by that Act.

6. Since the Constitution Act has been in force, the General Assembly, admitting the utility of the Executive Council, has passed various laws giving the Governor in Council (that is, acting with the advice of that body) large powers over various subjects. The General Assembly was well aware that the Governor could, in virtue of his Commission and Instructions, refuse to act in conformity with the advice of his Executive Council, or could act in opposition to the advice given to him by the members of that body. In this respect, the Executive Council differs greatly from the Cabinet; and the clause in his Instructions to which the Governor alludes, seems to form a great safeguard against the Governor being compelled, by a Party having a temporary majority in the Assembly, to acquiesce in any illegal grants of public money or lands, or, indeed, in any illegal or even questionable acts. Great powers of dealing with public moneys and lands were entrusted to the Executive Council, which also had committed to it, by the Crown, the power of advising the Governor, subject to the above-named Instructions, regarding the exercise of certain prerogatives of the Crown.

7. The Cabinet is a totally different body. Its members are the Responsible Advisers, or Ministers, of the Governor. The Cabinet as a body exists by virtue of the Constitution Act: that is to say, in a compact between the General Assembly and the Crown, or its Representative, it was agreed that the form of the Executive Government in New Zealand should be that of a Responsible Government, conducted in the Assembly upon Party principles. Thus, both the power possessed by the Governor of dissolving the New Zealand Parliament, and the privileges possessed by his Responsible Advisers, are alike created by law—that is, by the Constitution Act.

8. Such being the case, Ministers still think that, on all ordinary occasions, the Governor would act constitutionally in taking the advice of his Responsible Advisers.

9. Ministers have felt it to be their duty to point out the mistakes into which they cannot but think the Governor has fallen; and they venture most respectfully to submit these remarks for his consideration.

Wellington, November 21st, 1877.

G. GREY.

No. 9.

MEMORANDUM to the Hon. Sir GEORGE GREY, K.C.B., &c.

THE Governor presents his compliments to Sir George Grey, and regrets that Ministers seem to have misunderstood the purport of his Memorandum of the 20th instant, as he referred to the powers given by the Constitution Act, as well as to those which he derives from Her Majesty's Commission.

The Governor feels bound respectfully, but at the same time distinctly, to inform Ministers that he must, for the future, decline to enter into any controversy or discussion with them, of a general or abstract character, regarding his constitutional position, his responsibilities, or his duties.

The Governor will on all occasions, when Ministers submit to him any particular matter or question affecting the Public Service, feel it his bounden duty to give to their advice his most attentive and favourable consideration; and should he deem it his duty at any time to act in opposition to their advice, he will be quite prepared to accept the responsibility which the act entails.

If the Governor commits any act which, in the opinion of Ministers, is illegal, unconstitutional, or wrong, they have an undoubted right to submit his conduct for the consideration and decision of the Crown; and the Governor is at all times bound to forward such complaints, through Her Majesty's Secretary of State for the Colonies, together with such explanation as he may consider necessary to make.

Government House, Wellington, 22nd November, 1877.

NORMANBY.

No. 10.

MEMORANDUM for HIS EXCELLENCY.

MINISTERS present their respectful compliments to the Marquis of Normanby.

2. Ministers acknowledge the receipt of the Governor's Memorandum of yesterday's date.

3. Ministers respectfully point out that the question of the Dissolution applied for by them was by His Excellency's directions made the subject of a correspondence.

4. Ministers desire to state that they did not regard the points raised by the Governor as being merely of a general or abstract character: they believed them to be practical points, influencing at the moment the Governor's decision on the great question, whether or not Her Majesty's subjects in the colonies have the same rights to Dissolutions of their Parliaments, as are enjoyed by the Queen's subjects in Great Britain.

5. Ministers believe that the assertion and maintenance of those rights, which they most respectfully claim, are essential to the good government of this country and the welfare of its inhabitants.

Wellington, November 23rd, 1877.

G. GREY.