

After due consideration, it appears to me best to decline to enter into any argument or controversy as to the main question raised by Sir George Grey, and for the same reason I think it desirable that I should forward the correspondence to you without any comment on my part.

The views expressed by Sir George Grey are perfectly plain, but it appears to me that they are of a character which should be left to the consideration of Her Majesty's Government.

The Right Hon. Sir M. E. Hicks Beach.

I have, &c.,
NORMANBY.

Enclosure 1 in No. 15.

MEMORANDUM for His EXCELLENCY.

SIR GEORGE GREY presents his respectful compliments to the Marquis of Normanby, and acknowledges the receipt of five despatches, addressed by the Governor to the Secretary of State, together with the replies thereto, as numbered in the margin.

2. The Governor has, in four of these despatches, transmitted, for the Secretary of State's decision or opinion, various questions connected, firstly, with the duties of the Governor of this colony under the Constitution Act; secondly, with the duties of Ministers under the same law; and, thirdly, with reference to the privileges and proceedings of the House of Representatives of New Zealand.

3. Had the Governor confined himself to a correspondence with the Secretary of State simply for his own satisfaction, the Ministers of New Zealand would have had nothing to do with the matter; but the Governor has gone much further, for he has communicated the despatches alluded to, and consequently the decisions and opinions of the Secretary of State, to his Responsible Advisers, and has commanded them to lay the correspondence before Parliament.

4. Under these circumstances, Sir George Grey thinks it his duty to submit, for the Governor's information, an enclosure, showing what are the precise powers given to the Secretary of State by the Constitution Act, in reference to all questions relating to the proceedings of the General Assembly of New Zealand.

5. The Governor will find from this enclosure that the Secretary of State has no right or authority whatever to interfere with the proceedings of either of the branches of the General Assembly, or to determine what are their respective rights and privileges, or to communicate to them any decision or opinion, for their guidance or otherwise, in relation to their proceedings, rights, or privileges.

6. If it had been the desire of Parliament that an appeal should have been made to the Secretary of State for his decision or opinion, upon points connected with the questions which the Governor has raised in his despatches, undoubtedly, by an agreement entered into with the Governor, such questions might have been referred to the Secretary of State. However, in that case, each party would certainly have claimed the right of putting their own view of the questions at issue simultaneously before the Secretary of State.

7. In this instance, the Governor, without any communication with his Responsible Advisers, put his views of the questions he submitted to the Secretary of State before that great Officer of the Crown; and Sir George Grey cannot admit the precision—in some cases he would almost use the term the justice—with which the points raised by the Governor have been placed before the arbiter selected by His Excellency.

8. Leaving, however, this point on one side, from a desire not to involve the great constitutional question which is really at issue in that perplexity which always arises from a controversy upon points not material to any question which may be under consideration, Sir George Grey would respectfully remark as follows:—

9. The Constitution Act has strictly defined the powers of the Crown, of the Secretary of State, and of the General Assembly, of which the Governor is a constituent part. The same Act intrusts to the people of New Zealand the power and great privilege of working out their own future destiny, within the limits fixed by the British Parliament.

10. Sir George Grey believes that the people of New Zealand are quite competent to perform this momentous duty, and are prepared to build up institutions under which their descendants may have assured to them liberty, equal laws, and equal rights and advantages. He further believes that the people of New Zealand are not only disinclined to permit the interference of any exterior authority in the great duty which Parliament has thus assigned to them, but that they would resent any such interference, and would hold their Ministers responsible for not resisting any effort which might be made to interfere with the rights and privileges which the law in this respect secures to them.

11. Especially would they be likely to resent the attempt of any one of the persons or bodies named in the Constitution Act to assume to themselves powers denied to them by that Act,