

sent to have his conduct, in reference to the relations between himself and the General Assembly, or between himself and the Governor, submitted for the decision or opinion of the Secretary of State, nor can he recognize or accept that decision or opinion. He believes that Ministers are responsible to the General Assembly alone for their conduct in reference to the several questions which have been raised, and he objects to the weight of such an authority as that of the Secretary of State being called in to embarrass the Government in either House of the General Assembly.

33. Sir George Grey also respectfully declines to discuss any questions concerning the relations of Ministers with the General Assembly, which includes the Governor in so far as he acts under the Constitution Act, with any officer who is outside the Constitution, or who has no responsibility in the matter, or who has no lawful right to interfere with it.

34. It is for these reasons, and from no want of respect either for His Excellency or the Secretary of State, that Sir George Grey has not noticed or replied to the arguments used in the despatches of the Governor, or of the Secretary of State, which His Excellency has been pleased to send to Ministers. Sir George Grey feels that, in following the course of proceeding which he has thus pointed out, he is doing his duty to the Queen, to Great Britain, and to the inhabitants of New Zealand, and he relies for his justification upon the arguments he has used in this paper.

35. The Governor having, in fact, directed the publication of the despatches he transmitted to Ministers, Sir George Grey is of opinion that, after what has taken place, the best plan now to adopt to secure this end is to follow a course which has been previously pursued—that is, to publish those papers, together with this memorandum, in the *New Zealand Government Gazette*. He believes that the reason for his holding this view will be obvious from the remarks which he has felt it his duty to lay before His Excellency; and he recommends the Governor to sanction the adoption of this course.

G. GREY.

Wellington, 8th June, 1878.

Enclosure.

*The New Zealand Constitution Act.*

*Clause 58.*—"Whenever any Bill which shall have been presented for Her Majesty's assent to the Governor shall, by such Governor, have been assented to in Her Majesty's name, he shall, by the first convenient opportunity, transmit to one of Her Majesty's Principal Secretaries of State, an authentic copy of such Bill so assented to; and it shall be lawful, at any time within two years after such Bill shall have been received by the Secretary of State, for Her Majesty, by Order in Council, to declare her disallowance of such Bill, and such disallowance, together with a certificate under the hand and seal of the Secretary of State, certifying the day on which such Bill was received as aforesaid, being signified to the Governor by the said Legislative Council and House of Representatives by Speech or Message, or by Proclamation in the *Government Gazette*, shall make void and annul the same, from and after the day of such signification."

*Part of Clause 73.*—"That it shall be lawful for Her Majesty, her heirs and successors, by instructions under the signet and royal sign manual, or signified through one of Her Majesty's Principal Secretaries of State, to delegate her powers of accepting such conveyances or agreements, releases or relinquishments, to the Governor of New Zealand, or the Superintendent of any province within the limits of such province, and to prescribe or regulate the terms on which such conveyances or agreements, releases or extinguishments, shall be accepted."

*Part of Clause 78.*—"That no such charter shall be granted or have effect for any longer term than ten years from the passing of this Act; but one of Her Majesty's Principal Secretaries of State may at any time during the term for which such charter shall be granted, by writing under his hand, extend the term for which such charter shall have been granted for such further time as in his discretion he may think fit."

*Clause 79.*—"It shall be lawful for Her Majesty, by any such Letters Patent aforesaid, or instructions under Her Majesty's signet or sign manual, or signified through one of Her Majesty's principal Secretaries of State, to delegate to the Governor any of the powers hereinbefore reserved to Her Majesty respecting the removal of Superintendents of provinces, and the regulation of the sale, letting, disposal, and occupation of waste lands, the establishment of Municipal Corporations, and the preservation of aboriginal laws, customs, and usages."

NOTE.—Clause 58 of the Constitution Act is still in force.

Clause 73 was repealed by "The Native Lands Act, 1873," section 4.

Clause 78 is virtually abrogated, although not expressly repealed.

Clause 79 is still extant.

Enclosure 2 in No. 15.

His Excellency the GOVERNOR to the Hon. the PREMIER.

*Memorandum for the Hon. the Premier.*

THE Governor presents his compliments to Sir George Grey, and begs to acknowledge the receipt of his memorandum of the 8th of June.