

that the Secretary of State could not either call into existence or establish Responsible Government in this colony. The General Assembly may determine the exact form of its own Executive Government. The Secretary of State has no more right to instruct the General Assembly what the form of Executive Government in this colony is to be, than he would have had to have dictated to each of the provinces what its form of Executive Government should have been.

11. Sir George Grey, whilst anxious, in as far as possible, to concur in the opinions of the Governor, cannot unreservedly admit that, in latter days at any rate, the various Secretaries of State for the Colonies have been persons who have made themselves masters of the various subjects brought before them, and in all important questions have exercised an independent judgment upon them. Sir George Grey feels sure that many of the great statesmen alluded to would not, in such unqualified terms, have assumed these attributes to themselves. On the contrary, he believes they would have said that they had done their best, in as far as time, opportunity, and previous knowledge admitted, to make themselves masters of the various subjects brought before them; but that they admitted that many subjects might not have been brought with sufficient prominence under their notice which ought to have claimed their consideration; that their judgment upon almost all questions was necessarily based upon minutes and advice of the Permanent Under Secretary of the Colonial Department; that they really had often only time to peruse his recommendations, and that where these appeared reasonable, and were supported by apparently good arguments, they had at once adopted them; that it was clearly impracticable for them to do more, and it was the weight of arguments such as I have used upon this subject, which had led them to aid in legislation, the object of which was to remove, in as far as was possible, the most important dependencies of the Crown from under the control of the Colonial Department.

12. The Governor is pleased to say that, "Should the Governor exceed his powers, or commit any action to which exception can justly be taken, an appeal is at all times open to the Secretary of State, but the Governor cannot admit his responsibility to any other authority."

13. Sir George Grey ventures to differ with the Governor upon this point. He believes that the moment the Governor assumes office in this colony, and begins to act under the Constitution Act, his responsibility is to the law, and not to any other authority; and that he would not be justified in obeying commands of the Secretary of State, or in noticing any instructions from him, except in so far as these were in strict conformity with the law. That is the authority which should be recognized, and which should be obeyed.

14. Sir George Grey goes a degree beyond this. The Secretary of State may be very ignorant of the real state of affairs in this colony, and should he instruct the Governor, even within the limits of the law, to do something which was evidently unjust, or seriously detrimental to the interests of the people of this country, Sir George Grey believes that a Governor should not carry such instructions out, but should remonstrate, and point out what justice and the welfare of the Queen's subjects required to be done in the case.

15. There is an observation in an early part of the Governor's memorandum which might lead to erroneous conclusions on the subject now under consideration. The Governor states that he must be guided in his actions by the instructions which he may receive from the Secretary of State, as that officer is the constitutional mouthpiece of the Sovereign. In truth, the Secretary of State is the Constitutional Adviser, and not the mouthpiece of the Sovereign. What he proclaims is, the advice which he gave to the Crown—advice which, in the case of a change of Ministry, may vary in a day. He, indeed, declares his own will and nothing else. That will may be based upon insufficient information, or advice given by some irresponsible person, who may earnestly desire to carry out views of his own.

16. Sir George Grey is, again, from these considerations, driven to believe that a Governor who undertakes to govern a country, and to administer its affairs for the welfare of the Queen's subjects inhabiting that country, is bound, from the moment he enters on his office, to do nothing he may conceive to be unjust or wrong, whatever may be the nature of his instructions. He should reason, remonstrate, and do his best to have justice done, and if he failed, yield his place and allow some other person to do that which his conscience told him ought not to be done. On any other principle than this, there is no hope for the future of the Queen's colonial possessions, or the lengthened maintenance of the integrity of the Empire.

17. The general application of these principles in New Zealand falls under a rule connected with the Constitution Act. That Act permits the General Assembly to make a law by which the Governor of this country could be elected, instead of being nominated by the Crown. The relations between the Governor of New Zealand and the Secretary of State should, therefore, be such as are equally applicable to the case of a nominated or an elected Governor.

18. Sir George Grey is equally anxious with the Governor to preserve the position and dignity of Parliament. He believes that the line of conduct he has adopted upon the present occasion is eminently calculated to produce that end. He trusts it will be so considered, for he feels that, according to his knowledge and ability, he has done his best to merit the support of Parliament and the people of New Zealand.

19. The Governor is pleased to say that, for his own part, he would have much preferred that the despatches of the Secretary of State, together with his own, should have been published in the *Gazette* as soon as they arrived; and that if Sir George Grey, on his responsibility as Minister, advises that the despatches should be published in the *Gazette*, instead of being laid