

4. Such despatches, however, are liable to be published, if the Secretary of State thinks fit so to direct, and I by no means regret that, in this instance, the despatches in question have been laid before Parliament, though I could have wished that an intimation that they had been originally marked "confidential" had been prefixed to them, as has, I believe, been sometimes done in similar cases.

5. I regret that the papers laid before Parliament do not show that—as is the case—copies of the newspapers supporting the policy of the Government were regularly forwarded by me to the Secretary of State. The implied suggestion that the Governor of a colony is not also to send Home, for the information of Her Majesty's Government, newspapers which happen to oppose the policy of his Responsible Advisers of the day, requires no comment.

6. In connection with the transmission of these despatches, Mr. Whitaker refers to another memorandum, of which he appends a copy, and which, in fact, though not ostensibly, relates to the far larger question of the claim of Ministers to have despatches to the Secretary of State submitted to them previously to their transmission. Into that question it is altogether unnecessary that I should at present enter at any length. It is sufficient to say that the claim, whatever may be urged in its favour, is one which has been repeatedly rejected by successive Secretaries of State; that it is not the practice in other colonies possessing responsible government so to submit despatches previously to their being sent; and that the suggestion is open to the very obvious objection that, while the local Government is not responsible for these despatches, and consequently can claim no share in their composition, yet, were the drafts submitted to them, it is quite certain that the Governor's refusal to accept the advice of his Ministers as to what he should insert or what he should omit would be followed by the same results which attend his refusal to accept their advice in other matters, and that, consequently, the despatches signed by the Governor would cease to be, in any respect, the expression of his own views. Few men of honour would care to put their names to sentiments they did not share, and the Governor's duty would consequently be soon limited to the formal transmission to the Secretary of State of memoranda from his Ministers, a function which might be as efficiently and more cheaply discharged by the public post office.

7. My predecessor in the Government of New Brunswick, the late Lord Canterbury, was in like manner asked by his Responsible Advisers to submit his despatches to the Secretary of State to their inspection previously to transmission. The Duke of Newcastle, on receiving intimation of this request, wrote thus to Lord Canterbury: "You did no more than right in decidedly resisting this claim. Your despatches to the Secretary of State are to be considered as the reports made by you in your capacity as the Queen's representative to Her Majesty's Government in this country. To agree to a demand that they should be previously submitted to your provincial Ministers would be wholly to alter the character and meaning of the despatches. They would cease to be that which they profess to be, viz., your personal communications to the Queen's Government, and the position of a Governor called upon to transmit, as his own, reports over which he did not preserve the undivided control would be such as few would be willing to accept. I am persuaded that, when the question is viewed in its true light, none in New Brunswick would wish to see their Governor subjected to a condition scarcely reconcileable with his self-respect, and with that high sense of honour which ought to animate every man worthy to occupy the foremost place in the province."

The reasoning of the Duke of Newcastle seems to me now as just as it did when this despatch was first communicated to me as a rule for my own conduct.

(II.)

8. I should have thought it quite unnecessary to observe that any expression of agreement on my part with the articles enclosed in my despatch of the 22nd October was, of course, confined to those particular articles, did I not see that it is sought to extend this agreement far beyond those limits; nor can I refrain from the expression of extreme surprise that two members of the legal profession, of the eminence and experience of Sir James Prendergast and Mr. F. Whitaker, should gravely assume that, on the 22nd October, 1881, I expressed agreement with articles not then written, and which were not published until at least a fortnight later.

9. I have again read the four articles enclosed in the despatch of the 22nd October. I think, with the writer of them, that a lamentable error was committed when the West Coast Commissioners were prohibited from communicating with Te Whiti, and in many other points, though not in all details (for example, I see my own conduct in going to Fiji is censured), I agree generally with the views therein expressed. But, of course, in admitting a disposition to share the opinions they contain, I did so, not as regards particular sentences, but with reference to the broad view they take of the course adopted by the Government of Sir John Hall, as being one unsanctioned by law and inconsistent with equity. That it was illegal (a fact pointed out by one of the Judges of the Supreme Court), has been practically admitted by the Ministers themselves in seeking for an Act of Indemnity, and in abandoning the attempt to try Te Whiti for any offence known to the law. Whether it was or was not inequitable is, and must be, a matter of opinion. Mine was well known to my Advisers. I certainly never concealed from them my agreement with views, as to the enforcement of rights acquired by confiscation, which, when expressed twenty years ago by a Secretary of State such as Lord Cardwell, a Governor such as Sir George Grey, a prelate such as Bishop Selwyn, or a Judge such as Sir William Martin, appeared to the local Government of that day (of which Mr. F. Whitaker was, as now, Attorney-General) to manifest a "morbid and unaccountable sympathy" with the Native owners of land. That they were the views of a minority I was well aware. On that point, I have never deceived myself, and the fact is emphatically dwelt on in my despatch of October 22nd.

10. But "insignificant" as that minority may be in point of numbers, it is one to which no one need be ashamed to belong. It includes Mr. FitzGerald, the first Premier of New Zealand under