

ADDRESS from the House of Representatives to His Excellency the Most Honorable the Marquis of Normanby, a Member of Her Majesty's Most Honorable Privy Council, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of New Zealand, &c., &c., &c.

May it please your Excellency,—

The House of Representatives of New Zealand, in Parliament assembled, desire respectfully to acquaint your Excellency that, having taken into their consideration a memorandum of your Excellency, dated the 27th day of October ultimo, in reference to the appointment of Mr. J. N. Wilson to the Legislative Council, and which memorandum was communicated to the House on the 31st day of October ultimo, by your Excellency's command, they have agreed to the following resolution, which they desire may be communicated to your Excellency:—

“That the action of His Excellency the Governor, in noticing a matter in agitation or debate in the House as the reason for refusing to accede to advice tendered by his Ministers, was an infringement of the privileges of the House.”

5th November, 1877.

WILLIAM FITZHERBERT,
Speaker.

The Hon. Sir GEORGE GREY, K.C.B., to His Excellency the GOVERNOR.

MINISTERS respectfully advise His Excellency the Governor to return the following answer to the Address from the House of Representatives:—

“The Governor, from a resolution transmitted to him in an address from the House of Representatives, learns that he has infringed the privileges of that branch of the Legislature. The Governor trusts that, from his unintentional act, and his proceedings in relation thereto, the benefit may result that a precedent will have been established which may be useful in future.”

5th November, 1877.

G. GREY.

No. 3.

His Excellency the GOVERNOR to the Hon. Sir GEORGE GREY, K.C.B.

THE Governor has received the memorandum in which Sir George Grey, on the part of the Government, tenders to him their advice as to the answer which he should give to the address from the House of Representatives; and the Governor must request that the Government will reconsider that advice, for the following reasons, viz.,—

1. That constitutionally it is the Government, and not the Governor, who are solely responsible to Parliament for the acts of the Governor.

2. That, if the memorandum of the Governor to his Ministers on the subject of the appointment of Mr. Wilson to the Legislative Council did contain any breach of privilege, it was in the first instance a strictly secret and confidential communication between the Governor and his Constitutional Advisers, and, if they saw that the Governor had unintentionally in any way infringed upon the privilege of the House, it was their duty, under the oath which they took as Executive Councillors, to have pointed out the fact to the Governor, when he would most readily have reconsidered the answer which he had given.

3. That the presentation of the paper was done solely on the advice in writing of Sir George Grey, and that therefore Ministers are solely responsible.

Government House, Wellington, 5th November, 1877.

NORMANBY.

MEMORANDUM from the Hon. Sir GEORGE GREY, K.C.B., to His Excellency the GOVERNOR.

MINISTERS respectfully acknowledge the receipt of His Excellency's memorandum of last night. The points raised in it are of such importance as to require the most careful consideration upon their part, and they are, therefore, unable immediately to tender advice to His Excellency upon the subject.

Ministers will, however, take care that no unnecessary delay occurs in bestowing that attention upon the Governor's memorandum which its importance demands.

Wellington, November 6th, 1877.

G. GREY.

No. 4.

MEMORANDUM from the Hon. Sir GEORGE GREY, K.C.B., to His Excellency the GOVERNOR.

HIS Excellency having asked Ministers for a reply to his memorandum relative to the advice they offered to him, as to his answer to the resolution of the House of Representatives, Ministers beg respectfully to state,—

1. That they admit their responsibility for His Excellency's acts, when done on their advice.

2. That out of respect for His Excellency they refrained from offering him any further advice, when he had twice rejected that which they had given him; but they do not think that, in refraining from doing so, they committed any breach of the oath which they took on entering office as Executive Councillors; and they feel sure that on a re-perusal of that oath His Excellency will modify his opinion on that point.

3. They admit and accept the responsibility of laying the papers before Parliament; but beg respectfully to point out that the resolution of the House does not say that that proceeding was a breach of its privileges.

Ministers are, however, unwilling to press His Excellency to accept advice upon a matter of this kind with which he does not fully concur; and, therefore, they respectfully beg to advise that the enclosed message be substituted for that previously sent to him.

Wellington, 7th November, 1877.

G. GREY.