

1878.  
NEW ZEALAND.

TITLE OF "HONORABLE" FOR LIFE, WITHIN THE  
COLONY

(CORRESPONDENCE AS TO CONFERRING THE).

*Presented to both Houses of the General Assembly by Command of His Excellency.*

No.1.

The Hon. the PREMIER to His Excellency the GOVERNOR.

*Memorandum for His Excellency.*

SIR GEORGE GREY presents his respectful compliments to the Marquis of Normanby, and begs now to return the Despatch from the Secretary of State announcing that a certain rank and dignity has been conferred on Mr. Justice Chapman and Mr. Justice Gresson; and also the Despatch respecting Judges of the Australasian Colonies generally, as regards such rank and dignity.

2. A memorandum by Mr. Fox, attached to the former Despatch, will explain the circumstances under which it was mislaid. Sir George Grey regrets greatly that it should have been mislaid, but it was beyond his control; and he can only apologize to the Marquis of Normanby for the inconvenience he suffered from the delay in the return of the Despatch.

3. Sir George Grey naturally received with much pleasure the notification that it was intended to recognize, in some manner, the services of two Judges of New Zealand who have so well discharged the duties of their high offices as have Judge Chapman and Judge Gresson.

4. The mode in which, however, it is proposed to do this, involves serious considerations, especially as the notification of the rank and dignity conferred on two New Zealand Judges is accompanied by a Despatch which proposes to establish general rules in relation to similar cases, which the Secretary of State directs should hereafter be observed within the limits of New Zealand.

5. In making the following remarks upon this point, Sir George Grey wishes to avoid reflections upon the past, as he is well aware that the Secretary of State's action accorded with the wishes of former Ministers in New Zealand; but as Sir George Grey finds that the subject has never been brought under the attention of the General Assembly or of the people of New Zealand, he thinks it his duty to submit the following remarks for the consideration of Her Majesty's Advisers:—

6. A Representative Constitution has been bestowed by the British Parliament on New Zealand, under which the General Assembly is authorized to make all provisions necessary for the peace, order, and good government of the Islands of New Zealand.

7. This question now, therefore, naturally arises: Can the Crown, after the grant of such a Constitution to this country, create and establish in New Zealand, without the consent of the General Assembly, an order of rank and dignity which does not exist in Great Britain, which is to be confined within the limits of the Islands of New Zealand, and the probable direct tendency of which (in the belief of many of the people of the colony) may be to bring about ultimately a separation of New Zealand from the Empire, because it establishes here a *quasi* aristocracy, which will have no recognized rank or position in any part of the Empire outside this dependency of the Crown?

8. It certainly seems that such a proceeding is one which involves the order and good government of this colony so materially that, after the grant to it of a Representative Constitution, a local rank like that proposed can only be established here with the concurrence and assent of the New Zealand Parliament. On this point, it would probably be thought by the Secretary of State for the Colonies to be desirable to take the opinions of the Attorney and Solicitor-General.

9. But even if, strictly in point of law, it were held that the Crown could impose on New Zealand the establishment within its limits of such a rank and dignity as it is now proposed permanently to introduce here, nevertheless, as a matter of wise and far-sighted policy, it would appear to be judicious to allow the General Assembly to be heard in the matter, before establishing in New Zealand such a general rule as it has now been determined to lay down.

10. The Governor was anxious that a notification of the rank and dignity conferred on Judge Chapman and Judge Gresson, and of the general rule it is hereafter intended to enforce in this country, in relation to conferring such rank and dignity on retired Judges, should be published in the *New Zealand Gazette*.

11. Sir George Grey, anxious in all possible ways to meet the views of the Governor, yielded to his wishes upon the former point; and he was the more ready to do this, because he found that the preceding New Zealand Ministry had advised the Secretary of State to take the course which he had taken. But upon the latter point, Sir George Grey feels it to be his duty to offer the following remarks:—

12. The rule observed for a long period of time has been, that when Her Majesty is graciously pleased to reward the distinguished services of any public servant of the Empire, by conferring any rank or dignity upon him, such fact is notified in the *London Gazette*. This practice redounds to the honor of the public servant who is so rewarded, because it gives a wide currency to his name, and

creates inquiry as to the nature and value of his services. It also binds together in one common bond of honor, the whole of Her Majesty's vast possessions. The observance of this rule renders it impossible to create, almost unnoticed, new ranks and dignities, and to establish rules and precedents which may have the most important influence upon distant possessions of the Crown, and may hereafter exercise a pernicious influence on the entire Empire: for so long as the rule hitherto in force is observed, such steps can only be taken in the presence, as it were, of a great audience—the entire Empire—and under the watchful vigilance of the greatest Statesmen of the day, and of an accomplished and energetic Press.

13. On the contrary, if such creations of rank and dignity, and the appointments made to them, are not to be notified in the *London Gazette*, whilst the Secretary of State is to have the power of directing the notification of them in the *Gazettes* of distant colonies, then important changes may be made, almost unknown, in the Constitutions of colonies: people who, whilst they are loyal, faithful, and prosperous subjects of the Crown, still desire, within their own limits, to preserve their democratic institutions, may have an aristocracy forced upon them in some very objectionable form, at the sole will of the Colonial Department: and great and lasting discontent may grow up in distant parts of the Empire, without the leading Statesmen of the time, or the most influential portion of the Public Press, having had any intimation that the causes which generated this discontent had been called into life, and had been brought into active operation.

14. It would be to deceive ourselves to attempt to deny the fact, that it is from such proceedings as are now under consideration that the institutions of young nations almost imperceptibly develop themselves, and that, however trifling each step, taken by itself, may appear at the moment, its effect is lasting, and will ultimately produce important results.

15. On the whole, it appears that the most fitting rule to adopt in this colony will be: That whenever any honors conferred upon any inhabitant of New Zealand by the Sovereign are notified in the *London Gazette*, such notification shall, upon its receipt in this colony, be forthwith published in the *New Zealand Gazette*; but that in the case of any honor conferred upon any inhabitant of New Zealand not being notified in the *London Gazette*, or in the event of any general rules being laid down by the Secretary of State regarding the conferring of honors upon inhabitants of New Zealand, then the Despatches relating to such cases shall be laid before the General Assembly during its next session, and may be published in the *New Zealand Gazette* in compliance with a resolution of each House of Parliament to that effect, but not otherwise.

Wellington, 29th April, 1878.

G. GREY.

### Enclosure 1.

The SECRETARY of STATE for the Colonies to His Excellency the GOVERNOR.

SIR,—

Downing Street, 29th August, 1877.

I have the honor to inform you that the Queen has been graciously pleased to approve of my recommendation, that retired Judges of the Supreme Courts of the Australasian Colonies may be allowed the privilege of bearing the title of Honorable for life, within the colony, with precedence next, in the case of retired Chief Justices, after the Chief Justice and before Puisne Judges, and in case of retired Puisne Judges, next after the Puisne Judges.

You will in future be at liberty to recommend for submission to the Queen the name of any Judge retiring from the Bench for these privileges.

The Officer Administering the Government of New Zealand.

I have, &c.,  
CARNARVON.

### Enclosure 2.

The SECRETARY of STATE for the Colonies to His Excellency the GOVERNOR.

MY LORD,—

Downing Street, 29th August, 1877.

With reference to my circular Despatch of this day's date, I have the honor to inform your Lordship that the Queen has been graciously pleased to approve of Mr. H. B. Gresson and Mr. H. S. Chapman, who have retired from the Bench of the Supreme Court of New Zealand, being permitted to bear the title of Honorable for life, within the colony, and to take precedence next after the Puisne Judges of the Supreme Court.

Governor the Most Honorable

I have, &c.,  
CARNARVON.

The Marquis of Normanby, G.C.M.G., &c.

### Enclosure 3.

Mr. E. FOX to the Hon. the PREMIER.

The Honorable the Premier.

I desire to explain to you, immediately on your return from the North, that the Despatch from the Secretary of State for the Colonies, on the subject of conferring the title of "Honorable," within the colony, upon Messrs. Gresson and Chapman, has, unknown to me been for some time in my possession, and to express my regret for the fact.

The Despatch was in an envelope, with a number of printed papers, handed to me by you, about the end of the session. At that time I looked through the documents, somewhat hastily, perhaps, and concluded that they were all printed, and almost wholly parliamentary, papers; and it was not until ten days or a fortnight ago, when I examined the contents of the envelope in order to decide which of the papers required to be preserved, that I found the Despatch.

E. FOX.

Wellington, 22nd April, 1878.