

MESSAGE No. 17.

The Officer administering the Government forwards to the House of Representatives a correct copy of the Confidential Memorandum, marked 7 or A appended to His Message No. 25, as requested by a Resolution of the House of the 4th instant, No. 31.

R. H. WYNYARD.

Government House,
Auckland, 7th September, 1854.

CONFIDENTIAL MEMORANDUM.

At the commencement of the present Session of the General Assembly a debate took place upon a resolution asserting the necessity of a recognition of the principle of responsible Government in the sense in which that term is understood in the Constitution of England, and has been recently acted on in all the British Colonies in which representative Institutions are established. That resolution, after a debate of several days, was adopted by the House of Representatives with but one dissentient voice.

His Excellency, with the advice of His Executive Council, then determined to meet the views of the House, by admitting to the Executive Council three members of the House of Representatives who should hold their Offices so long as they could command the assent of the Majority of the Legislative Bodies; but it was understood at the same time that the arrangement then made should be considered to be a provisional one, as a step towards the final establishment of the new system of Government so soon as the public service should render the complete change necessary. It was further determined that the Attorney General who had been appointed to be Speaker of the Legislative Council should conduct the Government business in that House; and it was assumed that his position as Speaker would form no obstacle to his doing so. In a short time, however, the dissatisfaction of the Legislative Council at such an arrangement rendered it necessary that a fourth Member should be added to the Executive Council with a seat in the Upper House charged with the conduct of the Government business in that body. After full consideration His Excellency coincided in the necessity of that arrangement.

In this manner the Government was conducted for some weeks with harmony and success. Several important Bills brought in by the Government, imperatively necessary for the consolidation and adjustment of the powers granted by the Constitution Act, were passed or carried through several stages.

But as the Session advanced, new circumstances arose. A formidable opposition was formed; which, although hitherto successfully met by the Government rendered it more than doubtful whether the public business could be much longer conducted in the Houses of the Legislature, except by a strong and consistent Government composed of the holders of the principal Offices in the Executive. It became every day more apparent that the attempt to conduct the Government in the Legislative Houses of the Assembly, by others than the Heads of the principal departments could not but fail, and that the temporary expedient adopted could not long succeed.

It is to be observed that that attempt was one never before tried: there being no instance of a Colonial Government being conducted in the Legislature except by the Executive Officers of the Government in person.

The result of the proceedings of a Committee of the House on the subject of the Public Finances, and the statement of the public Revenues and Expenditure since the expiration of the last Appropriation bill ten months ago, tended materially to lessen the confidence of the House and the public in the Government as at present constituted.

The Public have had before them in a definite and tangible shape the existence and the results of a policy in the management of the Revenues, in the administration of the Crown Lands, and in various departments of the public service, which are eminently distasteful to the great mass of the population.

The result has been the growth of a general feeling of insecurity in the minds of the public both in and out of the Houses of the Assembly as to the conduct of the public business of the Country, and a general determination, which there is every reason to believe exists on the part not only of the opponents of the Government but also of its supporters in the House not to grant the supplies necessary to carry on the service of the Government, unless upon the Constitutional security (derived from the presence of the Principal holders of Office in the Houses of the Legislature and the responsibility of their tenure of those offices) that the administration of the Government would for the future be conducted in accordance with the will of the Legislature.

This feeling has been increased by the consideration that in the Bills laid before the House of Representatives by the Government it has been found necessary to ask for very considerable powers being entrusted to the Executive in the administration of the functions which those Bills propose to create; and it is argued, with reason, that the Legislature would not be justified in granting such extensive administrative powers unless ample Guarantees

were afforded that those powers would be exercised under the constitutional control of the Legislature.

Upon the whole it is apparent that the Government of the Colony can be no longer conducted on the present footing, and it is more than probable that should the present arrangements continue a very serious difficulty will be experienced in obtaining the supplies for the public service.

The present holders of the unofficial seats in the Executive Council would be acting in neglect of their duty to His Excellency, to their constituents, and to themselves, did they continue to hold office under an arrangement of which the only result must be to embroil the Executive with the Legislature at a moment when the whole interests of the Colony are deeply concerned in conducting the Government with harmony.

There appear to be but three courses open. First, that the present unofficial Members of the Executive Council should be replaced by others, should any such be found, who will accept seats on the understanding that the present arrangements shall be preserved. Secondly, That the Government shall be restored to the old form and shall be carried on without any unofficial members in the Executive Council: and, Thirdly, that the present holders of Office should resign and the Government be reconstituted on the ordinary responsible basis.

It is quite obvious that in the two first of these cases an immediate prorogation, probably a dissolution of the General Assembly must follow; and the Government of the Colony must be carried on for many months longer without any legal appropriation of the Public Revenues. The organization of the public departments, consistently with the requirements of the New Constitution, a measure loudly called for by the present state of all public business, must be delayed for an indefinite time: and a conflict fraught with danger to the peace and well being of the Colony will inevitably arise between the General and Provincial Governments: a conflict which cannot but end in the augmentation of the powers of the latter to such an extent as seriously to endanger the unity of the Colony as a whole.

The Third course proposed will have an exactly opposite result. The present holders of offices have already signified their readiness to retire: it is understood as a *sine qua non* that proper pensions shall be provided for them on so doing. The principle is admitted that the tenure of these offices is to be changed so soon as the service of the country shall demand it. That is asserted by the Executive Government Bill now before the House. The only question left is one of *time*. And that consideration it is presumed is not one of such importance as to justify the risk of such grave consequences as delay may produce.

Under these circumstances it is submitted that the wisest course, the course most consistent with the best interests of the country, would be that the present holders of office should place their resignations at His Excellency's disposal, and that so soon as the Executive Government Bill should have passed His Excellency should accept those resignations and should appoint to the Offices of Government under that Bill such persons having seats in the Houses of the Legislature as he may deem best able to conduct the affairs of Government in accordance with the wishes of the Legislative Bodies.

(Signed) { JAMES EDWARD FITZGERALD,
FREDERICK A. WELD,
T. H. BARTLEY,
HENRY SEWELL.

