

isters have to observe, that the loan of £100,000 was authorised to be raised for specific purposes, from which they would not, without the sanction of the Legislature, be justified in diverting it.

Ministers also desire to state, that while on any proved emergency, involving the safety of life, or the peace of the community generally, they would not hesitate to recommend a temporary expenditure not authorised by law, they do not feel that there exists any such emergency as would justify them in incurring the expense of the erection of permanent Barracks at Napier, in opposition to what they believe to be the views of the House of Representatives. They consider it most desirable that Troops should be permanently located at Napier; but they have recommended, with a view alike to the opinion of the Legislature being expressed on the question, and to time being afforded for a reply to their Minute of the 6th May last, a temporary, nor a permanent stationing of Troops there. The proposal made in their Minute of the 16th instant appears fully to meet the requirements of the case.

The Governor makes the erection of permanent Barracks, a condition on which he insists, of sending Troops at all. In the necessity of this condition Ministers do not concur; and it would appear to them that if, under such circumstances, the erection of permanent Barracks is, in His Excellency's opinion, imperatively required, the responsibility of carrying into effect that opinion fairly rests with His Excellency.

(Signed) E. W. STAFFORD.

MEMORANDUM BY THE GOVERNOR.

Government House,
23rd October, 1857.

In a Minute, dated 13th October, the Colonial Secretary observes, "From the information conveyed by this letter, and received from other sources, the presence of some Troops at Napier appears to be imperatively required, to prevent a similar state of affairs to that which preceded the location of Troops at New Plymouth. Much excitement and irritation, likely to produce a bad feeling between the European and Native Races, will be avoided, if troops could be stationed at Napier *at once*. His Excellency's Ministers therefore strongly advise that at least two Companies of Her Majesty's Troops be stationed at Napier with as little delay as possible."

In reply to the above, the Governor, in a Minute of 14th October, said, that if Ministers are prepared to give an assurance that the buildings required for the accommodation and protection of 100 men will be erected, without expense to Her Majesty's Government, before the commencement of the rains, orders should be sent by the first mail to Wellington for the despatch of a detachment of 200 men, to be placed under canvass at Napier.

In a Minute, dated 16th October, Ministers recommend "that troops be stationed" (at Napier) "at once, subject to removal, if neither the Imperial Authorities nor the Colony will provide for their permanent accommodation at that place." This recommendation being on a subject exclusively Military, The Governor preferred the advice of the Military authorities, which was in accordance with his own opinion, and distinctly declined to follow that of his Ministers.

In a Minute dated 17th October, Ministers repeat "that it is in their opinion desirable that Troops should be stationed at Napier," and that it is manifestly the Governor who must take the responsibility of directing the advance from the Commissariat Chest, subject to future adjustment.

On the 19th October, the Governor recorded in Council "his inability to incur any expense for Barracks, on account of Her Majesty's Government;" and expressed an opinion that "the Troops should be sent without delay, and recommended that the expense of providing the necessary accommodation should be charged against the £100,000 loan, authorised by the Assembly."

In their Minute of 22nd October, Ministers state that "while on any proved emergency involving the safety of life or the peace of the community generally, they would not hesitate to recommend a temporary expenditure, not authorised by law, they do not feel that there exists any such emergency as would justify them in incurring the expense of erecting permanent Barracks at Napier."

It appears therefore that though Ministers consider the emergency of the case sufficient to induce them to recommend the Governor to act in direct opposition to instructions from Her Majesty's Government; or, as an alternative, in opposition to the advice of the Military Authorities, with whom he concurs in opinion, they do not think the emergency sufficient to warrant them in taking the responsibility of spending money not appropriated to the purpose by the House of Representatives.

This recapitulation would have been unnecessary, but that the Governor wishes his Advisers distinctly to understand that, so long as there are sufficient Troops in the Colony, he is ready to send them, at a moment's notice, wherever their services are required. That in questions exclusively of a Military nature, he will assume the responsibility of acting on his own opinion, after consultation with the Military Authorities.

That until the instructions which he now has, are rescinded by Her Majesty's Government, (which the Governor desires as much as his Advisers do,) he will take on himself the responsibility of refusing to send Troops to any place, however urgent the demand may be, until Ministers can assure him that the necessary accommodation will be provided for without expense to Her Majesty's Government.

(Signed) THOMAS GORE BROWNE.