

the Natives when sincerely offered, and he would let them know this if necessary; but he believes they do know it. On the other hand he would not take any step whatever which could possibly lead the Natives to believe that he was trying to gain them over to tender their submission to the Government. He wishes this to spring from themselves, and that the acceptance of their offer of submission, when made, should be regarded by them as a boon accorded to them, for which they have reason to be grateful to Government, from whom they have sought this advantage."

But Ministers do not understand how the proposed Proclamation, of the 6th of September, could have lessened (as His Excellency seems to think in his Memorandum of the 17th inst.) the delay that has taken place in carrying out the enactments of the General Assembly. On the contrary, it was to have the effect of further postponing any satisfactory action under the New Zealand Settlements Act for upwards of six weeks, and His Excellency refused to promise that something should be done even at the end of that time. Moreover, it was not in September or October that effect should have been given to the enactments of the General Assembly, but in April and May last, when Ministers pressed it and His Excellency refused. For the most mischievous delay that has taken place His Excellency is solely responsible.

Auckland, 20th October, 1864.

F. WHITAKER.

No. 4.

MEMORANDUM by the GOVERNOR.

In the Ministerial memorandum of the 20th instant, it is stated that the Governor has made grave charges against his ministers, in alleging that they have in some instances advised him to do that which was contrary to law or equity, or contrary to the enactment of the General Assembly, and ministers consequently beg the Governor to state to them the instances to which he refers.

The Governor begs to say in reply that he thinks the matter is misunderstood, and that he cannot in justice be said to be making grave charges against his Responsible Advisers, or be asked to be the first to make further explanations on the subject.

In their memorandum of the 14th instant the Governor understood Ministers to make serious complaints against him in saying, that by declining in various instances to take advice which they had tendered him, he had prevented them from carrying out the policy to which they were pledged, and which had been affirmed by the Assembly.

In defending himself against this complaint, the Governor stated, that he believed that at least in the majority of instances in which he had declined to take their advice, he did so because they advised him to do that which was contrary to law or to equity, and that it would have been no excuse for him in such cases to have alleged that he had acted on their advice.

He said this in his own defence, and to give a reason for his conduct, as he thinks he was authorized to do, and with no wish to make any charges against his Responsible Advisers.

October 25th, 1864.

G. GREY.

No. 5.

MEMORANDUM by MINISTERS.

Ministers have received His Excellency's memorandum of the 25th in reply to their memoranda of the 14th instant.

His Excellency states that he thinks the matter—the subject of Ministers' memorandum—is misunderstood. Whatever misunderstanding there may be on either side, Ministers submit that these facts are at all events clearly established:—

1. That in various instances the Governor has declined to take advice which Ministers have tendered to him.

2. That His Excellency has stated that the grounds on which he so declined were "that he believed that in a majority of instances he did so because they advised him to do that which was *contrary to Law or to Equity*."

3. That Ministers have asked His Excellency to state the instances in which they have advised him to do that which was *contrary to Law or Equity*, and he has refused to do so.

Ministers felt that an accusation against them of advising that which was contrary to Law or Equity was a grave charge; and they respectfully requested His Excellency to particularise the instances, because it would have afforded them an opportunity of defending themselves. This being refused, Ministers can only meet what they consider a grave charge in the same general terms as those in which it has been made. They believe that they have not given advice contrary to Law or Equity, and that they should be able to show this conclusively if they had the opportunity.

27th October, 1864.

FREDK. WHITAKER.

MEMORANDUM by MINISTERS on the subject of Despatch from Sir G. GREY to the SECRETARY OF STATE (dated 7th October, 1864).

Ministers feel that His Excellency's Despatch to Her Majesty's Secretary of State of the 7th of October, requires some explanation and observations from them.

In reference to that portion of the Despatch in which His Excellency states that Ministers delayed their answer to his memorandum of the 14th of September until the return of Mr. Wood from England on the 20th of September, when news was received that he had failed to negotiate the loan, although the Governor had asked for a reply to the question put in his memorandum of the 14th, as soon as they could conveniently give it. Ministers would observe that they did not understand from the concluding paragraph of His Excellency's memorandum in question that he was desirous of having a speedy reply to his question, but on the contrary they felt that, as he stated it was not his intention to publish the proclamation immediately, and as he was absent at Kawan, that he did not desire an immediate reply, or they certainly would have given him one.