

despatch had not been entered, and they had no knowledge of its having been written till the 19th of the present month (July), after the departure of a second mail. This alone has prevented them noting it sooner.

His Excellency appears to raise two points. First, that he understood his Responsible Advisers to be of opinion that under Responsible Government they have a right to make use of His Excellency's name personally, and then to require him to act on their advice on the very point which by using his name they had implicitly left to his personal decision; and, secondly, in this particular case of confiscation, His Excellency relies upon the use of his name by Ministers as having conferred upon him a power independent of his Responsible Ministers, which, without such use of his name, would not have existed.

Ministers beg respectfully to state that they have never claimed a *right* to use His Excellency's name in the manner referred to; but they see nothing unusual in its being used as it was in this document, as representing the Chief executive authority in the Colony, through whom, technically, all acts of Government are done. In the legislation of the Colony it is constantly so used, but no one has ever before contended that its being so used abolished *pro tanto* the functions of Responsible Government, or would justify the Governor in acting without the advice of his Responsible Ministers. While, therefore, respectfully protesting against the inference drawn by His Excellency from the use of his name on this occasion, Ministers beg to state that they will for the future, in order to meet His Excellency's objection, be careful when speaking of the Executive administration of the Colony to use the expression "Government," and not "Governor."

Ministers also beg to express their dissent from His Excellency's opinion that the natives will not understand the notice referred to, in the sense which Ministers attach to it on this point. Ministers are confident that the natives do understand that His Excellency acts by and with the advice of His Responsible Ministers, and they may refer to the general tenor of Wi Tako's remarks on the occasion of his late interview with the Colonial Secretary, when he made his formal submission and signed the declaration of allegiance before that Minister, after discussing with him the very terms under notice. In order, however, to prevent misunderstanding for the future, the Colonial Secretary has addressed a circular to all officers of the Native Department directing them to put the matter beyond the reach of ambiguity by using the word "Government" and not "Governor."

In reference to paragraph 8 of His Excellency's Despatch, Ministers consider it their duty to express their opinion that the suggestion made by His Excellency that in the confiscation of rebel lands he should be "assisted by an officer specially appointed," strikes at the root of Responsible Government, and would be simply a return to that form of double government which His Excellency so emphatically condemned in his Despatch to the Duke of Newcastle of the 30th November, 1861. As it is the intention of Ministers to remark on this subject in a separate Memorandum, they only allude to it here lest it should be supposed that they acquiesce for a moment in His Excellency's suggestion.

Ministers beg that His Excellency will be so good as forward a copy of this Memorandum to Her Majesty's Principal Secretary of State for the Colonies.

WILLIAM FOX.

August 3rd, 1864.

MEMORANDUM ON THE SUBJECT OF CLAIMS AGAINST THE IMPERIAL GOVERNMENT FOR COMPENSATION.

The Assistant Military Secretary, in his letter of the 17th inst., to the Private Secretary, forwards a letter from Mr. Edwards to the Lieutenant-General commanding, submitting a claim by Mr. Edwards against the Imperial Government for compensation for the occupation by the Imperial troops of certain lands and premises at Te Awamutu. The Assistant Military Secretary states that several applications of this kind have been made recently to the Lieutenant-General in consequence of the Colonial Government having, as in the case of Mr. Edwards, refused to acknowledge their liability, on the ground that Imperial troops were in occupation, and that the Lieutenant-General hopes His Excellency will now cause it to be clearly laid down, whether, when land is necessarily occupied by Imperial troops, in the defence of the Colony, the Colonial Government expects the Lieutenant-General to meet the demands of claimants for rent from Imperial funds.

Several other similar claims are outstanding—for example, that of Mr. Runciman, for the occupation of land at Drury, and of the assignees of McLean, for land at the Queen's Redoubt.

His Excellency having referred the Assistant Military Secretary's letter, under notice, to His Responsible Advisers, Ministers beg to state that, in their opinion, there is no ground whatever for regarding the claims preferred as claims against the Colony; that the present arrangement between the Imperial Government and the Colony, under which the contribution of the Colony to the Imperial chest is made, towards military expenditure, is clear and distinct: viz.—that the Colony shall pay to the Imperial Government a contribution at the "rate of five pounds (£5) per man, for the "troops employed in New Zealand"; this sum was to cover all charges, and in accepting the proposal made by the Colony, the Secretary of State for the Colonies stated that Her Majesty's Government did "not confine their view to barracks, but were willing to treat the intended subsidy as the general "contribution of the Colony towards the expenses of the Queen's forces supplied for its defence."

This arrangement was further pressed on the attention of the Colonial Government by the Lieutenant-General, in the Assistant Military Secretary's letter of 2nd May, 1861, in which the agreement to pay the five pounds (£5) per head is distinctly described "as the whole contribution of the Colony towards