

displayed in the recent debate not unnaturally led to the suggestion that members were needlessly insisting upon identifying themselves with the petitioners. Mr. Stewart, one of the oldest independent members of the House, and a gentleman of unimpeachable integrity and character, remarked, "he thought His Excellency gave very satisfactory reasons for refusing to comply with the prayer of the petitioners, and it was due to the Parliament and the country that he should give some reasons why he arrived at a determination to take a certain course. The honorable member for Bathurst also told them that the minute was characterised by extraordinary self-confidence, and a perfect disdain of the opinions and sentiments of the people of the colony. He thought it showed exactly the reverse, and it was extraordinary that the honorable member and those who supported him should see these things, which escaped the attention of other people. Perhaps they were conscious that they had raised an unreasonable and baseless clamour some time ago, and perhaps they felt a sort of reproach that they sympathized with the clamour, if they did not actually foster it. No doubt, some time ago, alarm was felt, on the assumption that Gardiner was about to be released from gaol, and let loose upon the country; but as soon as it was found that the assumption was based upon misunderstanding and misrepresentation, the agitation and clamour subsided. He was confident that there was but one member of the House who could have been induced to submit this resolution with the object in view, because he thought there was but one object in view, and that was to displace the Ministry."

18. An attempt was made during the debate to compare this Gardiner case with the Rossi case, and to make out that the proceedings in each were analogous. But this was an error. The cases are wholly dissimilar. In the Rossi case a Committee of the House tried a Volunteer Officer and recommended his dismissal. The report of the Committee was adopted by the House and transmitted to me by address. I replied by a message declining to carry out the recommendation of the Committee on the ground that its proceedings were contrary to law; and, after a debate of five nights, the resolution adopting the report was rescinded. In this Gardiner case the proposed address disapproving the release of Gardiner was defeated. It was accordingly never sent to me at all; and no message could have been sent by me in reply. Nevertheless, in the recent debate, my minute to the Executive Council was treated as a message to the House in reply to an address, which, not having been carried, was never transmitted.

19. There is one point of similarity, however, between the two cases, which, although it escaped observation during the recent debate, is nevertheless, I think, deserving of consideration. It is this: that in both these cases my proceedings have been exposed to parliamentary criticism through my having had imposed on me personally, as Her Majesty's Representative, administrative functions independent of my Responsible Advisers. There are, of course, political duties which the Governor, as holding the balance between contending parties, must always necessarily perform upon his own independent judgment—such, for example, as the refusal or acceptance of the resignation of the Ministry, the selection of a new Premier, and the granting or refusal of a dissolution when asked for. But the late discussions in Parliament have, I think, clearly shown that no possible advantage which can be gained by requiring the Governor personally to take the initiative in ordinary administrative acts can compensate for the animadversions to which his proceedings must, in such case, be exposed in the popular branch of the Legislature.

20. In both the Rossi and the Gardiner cases my conduct was brought under review in the House, because by the law, and the constitutional practice of this colony, duties were imposed upon me, personally, which in the neighbouring colonies devolve not upon Her Majesty's Representative but upon his Responsible Advisers.

21. In the Gardiner case, all the subsequent unpleasantness grew out of the practice which had been in force here, ever since the establishment of responsible Government, of leaving the Governor to exercise the prerogative of mercy, except in capital cases, upon his own independent judgment. I always thought the practice erroneous; but I was not responsible for its establishment. On the contrary, it had been in operation for sixteen years before my arrival in New South Wales, and I abolished it as soon as ever I could get my Advisers to concur in the change. During the time, however, that the system was in force, I made, on behalf of the Crown, an engagement to which I subsequently felt bound in honor to adhere. My action was severely criticised by the Assembly. But surely I was not to blame for that conflict of opinion. It was the unavoidable result of the exceptional system in force in this colony which had imposed such functions upon me.

22. So, too, in the Rossi case. The Volunteer Act of New South Wales enacts that the Governor, as the Queen's Representative, shall be the Commander-in-Chief of all the local forces raised in the colony, and imposed on him certain specific duties in that capacity. The Law Officers of the Crown have decided that the Act requires the Governor, as Her Majesty's Representative, to exercise the functions of the Commander-in-Chief upon his own responsibility without reference to his Executive Council. And yet, when I refused to carry out the recommendation of the Assembly, and to dismiss an officer illegally, I was accused of placing myself in collision with the House. It seems somewhat inconsistent to intrust to Her Majesty's Representative, who is not responsible to Parliament, certain special duties apart from his Advisers, and then, when he exercises his functions in the manner which in his judgment best accords with the honor and dignity of the Crown, to complain that his view does not command the unanimous approval of the popular branch of the Legislature.

23. Perhaps it might be urged by persons who do not look below the surface that what has been complained of in these cases has not been so much my decisions as the manner in which I communicated them. But those who could advance such a plea with sincerity must, I think, be wanting in political discernment. The real grievances in these cases were that I would not dismiss Rossi, and that I would not break faith with Gardiner. In whatsoever manner these decisions had been announced, they would have been displeasing to a number of persons who would never have been at a loss for an excuse upon which to express their dissatisfaction. For example, if I had given no reasons in the Gardiner case, it would have been urged that I had none that were valid, or that I had insulted a large body of loyal subjects by withholding them. If I had modified my reasons so as to make them less unacceptable to the petitioners, they would have been pronounced weak, and altogether insufficient to justify