

I suppose that nobody had anything to do with my private transactions when I was not purchasing land for the Government. Between the 31st July, 1869, and the time when I undertook to buy for the Government, I had as much right to buy timber as any other of Her Majesty's subjects, and therefore had a right to transfer. I transferred before I had anything to do with purchasing land. I had no personal interest when Mr. Russell and the others acquired the lease.

23. Why was it stated that the Natives were the real sellers?—Because the agreement had only been made, and I had not paid the balance of the purchase money to the Natives. They (Russell and others) were the actual purchasers.

24. *Mr. Rolleston.*] You sold an inchoate agreement to them?—Exactly so.

25. *The Chairman.*] Have you any copy of the agreement?—I did not keep any copy. I handed it to them. I gave over all the documents to the parties. I stated in my report that the timber on Whakairi and Kauaeranga had been purchased by a company. (Whakairi and Waiwhakaurunga are the same.)

No. 2.

His Excellency the GOVERNOR to the SUPERINTENDENT of AUCKLAND.

SIR,—

Government House, Auckland, 19th May, 1876.

I beg to acknowledge the receipt of your Honor's letter dated the 18th instant, in which you prefer grave charges against my Government in regard to the purchase of certain Native lands.

2. I have forwarded that letter for the consideration and report of my Constitutional Advisers; but at the same time I beg to remind your Honor that under the system of Responsible Government which has been wisely conferred upon this colony, considerable discretionary powers must necessarily be left in the hands of the Government, their actions being of course controlled in the first instance by the action of law, and in the next by the pleasure of Parliament. Your Honor must therefore excuse me when I say that it appears to me that the complaint which you prefer would be best decided by recourse to one or other of these alternatives.

I have, &c.,

NORMANBY.

His Honor the Superintendent of Auckland.

No. 3.

The SUPERINTENDENT of AUCKLAND to His Excellency the GOVERNOR.

MY LORD,—

Superintendent's Office, Auckland, 23rd May, 1876.

I have the honor to acknowledge the receipt of your Lordship's letter of the 19th instant, and, in reply thereto, beg to represent as follows:—

As Superintendent of this province, I am, by Act of Parliament, responsible to the Crown for the peace, order, and good government thereof. The superior officer whom the Act of Parliament requires me to obey and to look to for support in my duties, is the Governor of New Zealand.

By the same Act of Parliament and by the Royal Instructions, the Governor is authorized to exercise in this country certain powers belonging to the Crown. He is responsible to the Queen and the British Parliament for the proper use of those powers, and is removable from his office, or punishable by those authorities, and by no other, for any misuse of such powers.

The Governor is not authorized by law or by the Royal Instructions to delegate those powers to any other person. Even to meet such events as his death or absence from the colony, he is not permitted to bequeath or delegate temporarily those powers to any other person. The Crown carefully provides for such cases, and nominates the officer who, in the event of their occurrence, is for a time to exercise such powers for the Crown.

Certainly, therefore, the Governor cannot delegate the powers of the Crown intrusted to him to persons who are in no way responsible to the Queen or the British Parliament for any abuse of such powers.

The so-called "Responsible Ministers" in this colony are not, in truth, responsible to the Queen or British Parliament for any abuse which they may commit of the powers of the Crown, nor are they responsible to the New Zealand Assembly for any such abuse of the powers of the Crown, for these powers do not belong to the General Assembly, and do not emanate from that body, nor are they conceded to the Ministers by it.

What was conferred upon this Colony by the Queen and Parliament, under the Constitution Act, was the power of governing itself, by the bodies named in that Act. The Government to which your Excellency apparently alludes, in your letter of the 19th instant, is an Executive Council, called by your Excellency your "Responsible Government." No such Government has been conferred upon this colony, nor has the Crown or its Ministers the right to confer or impose such a Government as now exists under that name, and which, in truth, is not a Responsible Government, upon New Zealand.

The Executive Council given to your Excellency by the Royal Instructions is simply a Council of advice, and you are especially authorized in those Instructions, when you differ in opinion from your Executive Council, to act in opposition to their advice, the responsibility arising from any act done in the Queen's name, under the powers of the Crown, being thus distinctly thrown upon the Governor. A due and wise precaution for the preservation of the rights of the Native race, of the Crown lands, of the Native lands, of other large interests in this colony, and of its own good name in reference to those matters, necessitated this provision in its instructions upon the part of the Crown.

The law upon such subjects is also this: When the Queen, conjointly with the Imperial Legislature, has bestowed upon a colony a Constitution, Her Majesty cannot infringe upon, alter, or vary in any respect whatever that Constitution. Even when Letters Patent have been formally issued by the Crown, under the Great Seal of the United Kingdom, which had any one of the above-named effects,