

His Excellency states that "he feels himself bound to resist their advice, upon the ground that to grant the number Ministers asked for would be an unconstitutional interference with the liberties of the Legislative Council."

This, Ministers submit, is the whole question at issue. They have given reasons why the appointment of twelve members would be constitutional and proper, and they respectfully remark that His Excellency has stated no reason why nine would be constitutional and twelve unconstitutional, or upon what grounds it would be "an unconstitutional interference with the liberties of the Legislative Council."

In reference to the last paragraph of His Excellency's memorandum, Ministers do not agree that the Governor is "personally responsible to the Crown for the manner in which he exercises the prerogative right of making appointments to the Council" in any other sense than the exercise of responsibility upon the advice of his Responsible Advisers.

They would further observe that the appointment of Councillors is not a "prerogative right," but a statutory act under "The Legislative Council Act, 1891" [N.Z.].

His Excellency's attention is respectfully directed to Despatch No. 19, of 11th April, 1891, from Lord Knutsford to Lord Onslow, in which the Secretary of State remarks: "With regard to the appointments to the Legislative Council recommended by the late Government, I am of opinion that, in accepting the advice tendered to you by your Lordship's Responsible Ministers, under the circumstances described in your despatches, you acted strictly in accordance with the Constitution of the colony; but I do not desire to be understood to offer any opinion upon the action of your Ministers in tendering that advice." The terms of this despatch, Ministers are of opinion, show that the appointment of Councillors is not "a personal act" on the part of the Governor in the sense referred to by Todd in the passage cited by His Excellency.

Ministers agree with His Excellency that the difference between nine and twelve appointments is "an inadequate reason for creating a question between His Excellency and Ministers," but they also think that this argument applies also to the effect on the "liberties of the Legislative Council" of the three appointments His Excellency has been unwilling to make. If these form an inadequate reason for creating a question between His Excellency and Ministers, they are surely as inadequate to deserve the name of "an unconstitutional interference with the liberties of the Legislative Council."

Ministers thought, and were therefore bound to advise, that less than twelve would not be sufficient to enable the functions of the Council to be properly discharged. They also think their advice was not unreasonable or unconstitutional.

Premier's Office, Wellington, 2nd August, 1892.

J. BALLANCE.

### No. 3.

#### MEMORANDUM for the PREMIER.

WITH reference to the recent communications that have passed between the Governor and the Premier on the subject of appointments to the Legislative Council, His Excellency only yesterday observed that it is laid down in Todd's Parliamentary Government in the British Colonies, page 586, that the Governor "is bound to direct—as by his commission he is authorised to require—that the fullest information should be afforded to him by his Ministers upon every matter which at any time shall be submitted to his approval."

This information has never been given to His Excellency; he has felt himself precluded hitherto from obtaining it from other than his constitutional advisers, and, if Ministers with their greater experience, had afforded it to him when they tendered their advice, there might have been no hitch in the negotiations, for His Excellency has repeatedly assured the Premier that he will be only too happy to accept Ministers' advice, if it were proved to him that he could conscientiously do so.

His Excellency now directs that the information he asked from the Premier, now some ten days ago, but which he has not received, be supplied him—namely, a list of the members of the Legislative Council who support the Government, and, in addition, any other information which will enable him to ascertain the effect which the addition of twelve appointments, as advised by Ministers, would have on the present condition of the Government and the Opposition benches in the Legislative Council, and he requires this information to be forwarded to him by Tuesday, at noon, at latest.

30th July, 1892.

GLASGOW.

### No. 4.

THE Premier presents his compliments to His Excellency the Governor, and, in reference to His Excellency's memorandum of this date, wishes to express his regret that His Excellency should be under the impression that any information has been withheld.

The Premier has no recollection of any omission in supplying information, but will be happy to furnish what His Excellency now asks for, after conferring with Sir Patrick Buckley, viz.: A list of the members of the Legislative Council who support the Government, and any other information which will enable His Excellency to ascertain the effect which the addition of twelve appointments would have on the present condition of the Government and the Opposition benches in the Legislative Council.

The Premier will place in His Excellency's hands, on or before Tuesday at noon, a memorandum on the subject.

30th July, 1892.

J. BALLANCE.