

Enclosure.*

MEMORANDUM for His Excellency the Earl of GLASGOW.

On the 13th of February the Honourable the Premier expressed the desire of his Cabinet to submit to me the names of eighteen gentlemen for seats in the Legislative Council.

The first question which arose in my mind was, how far I ought, seeing that your Excellency's appointment as my successor had been announced, to undertake responsibility in the matter.

Upon reflection, however, I satisfied myself that, having closely followed Mr. Ballance's recent utterances on the subject, and the debates in Parliament on similar appointments last year (for which some blame was cast both on my Advisers and myself), I had no right to shrink from doing any action upon such advice of my Ministers as I thought they were constitutionally entitled to give.

I do not think it necessary to enter at length upon the circumstances attendant on the creation of the Speaker and six Councillors last year; the reasons which guided me in that action are fully set forth in the public despatches printed and laid before Parliament, as well as in my despatches of the 24th of January and 3rd of February, 1891.

I may add, however, that the position of parties was remarkably similar to that which occurred in New South Wales subsequently.

There, instead of enrolling themselves under the banner of one party, the labour members announced that their support would be given to either party "in return for concessions"; and Sir Henry Parkes, the Premier, who it was loudly proclaimed had been "beaten at the polls," continued in power with the help of labour members for a short time.

There was nothing to prevent a similar thing having taken place here in respect to Sir Henry Atkinson's Administration, had it not been for his own ill-health.

Mr. Ballance claims that he is entitled to make seven appointments to counterbalance these, and six more at least to take the place of deaths which have occurred since (one of the deaths has been of a newly-appointed Councillor), on the ground that on taking office he might have advised six or seven creations, and then have advised more consequent on deaths.

It is to be borne in mind, however, that the six made by Sir H. Atkinson's advice were the first for three years, and subsequent to the deaths of a considerable number of Councillors.

The latter contention would limit Mr. Ballance's requirements to twelve new men.

I made careful inquiry into the names of the Premiers to whose advice the existing Councillors owe their seats, and to their voting last session.

Before the appointment of Sir George Grey as Premier I am content to assume that as far as existing party distinctions are concerned none can be called of *Liberal type*. Since then, Sir George Grey, Sir Julius Vogel, and Sir Robert Stout have advised the appointment of fifteen out of the thirty-nine.

Mr. Ballance contends that Sir Julius Vogel was not a Liberal Premier, and that his influence on the Stout-Vogel Coalition Government was so great that one-half of the appointments made on their advice were of the political complexion of Sir Julius Vogel, and not that of Sir Robert Stout.

Whether the existence of any such understanding can be taken officially into account is a matter for your Excellency's consideration.

It became apparent then to my mind that it would not be easy to justify to the Secretary of State my action, were I to consent to add such a number of Councillors to the fifteen created by Liberal Governments as could give them a majority over the existing majority of Councillors appointed by other Governments: 15 + 12 would make 27; the remaining Councillors would number but 24.

I should have been accused of lending myself to a scheme which might alter the complexion of the Upper House in order to enable the Ministry of the day to carry measures upon which the voice of the country had not been directly heard, and without the direct authority of the electors given to the proposal to bring the Upper House into harmony with the Lower.

Under those circumstances I declined to receive advice such as was proposed, and desired that it might be deferred until your Excellency's arrival, inasmuch as my stay in the colony would not enable me to see the end of consequences which a persistent refusal to accept the advice of my Ministers would entail.

Your Excellency will find that, of the principal measures introduced by or supported by the Government last session, their financial Bills were carried in the Council, the Factories Act and a few others passed with amendment, while the Land Bill and the Electoral Bill were lost in conference with the other House. The Land for Settlements Bill, Workmen's Lien Bill, and Counties Bill were rejected by majorities less than would have been counterbalanced by eight more appointments—the maximum to which I saw my way to accede; while the Shop-hours Bill and the Payment of Members Bill were rejected by very large majorities, not so great, however, as to remain unaffected if additions to the extent of Mr. Ballance's original proposal (eighteen) were to be made.

16th February, 1892.

ONSLOW.

No. 8.

(No. 40.)

MY LORD,—

Government House, Wellington, 9th August, 1892.

I have the honour to request you may be pleased, in accordance with

* For other enclosures, see A.-7, 1892.