

10. I have thus, my Lord, done my best to perform my duty adequately in the very difficult position in which I have been placed. I have looked at the matter from a constitutional point of view. Within a fortnight of the date of my taking the oath to preserve the Constitution of the colony I have been called upon to increase, for party purposes, the Upper House to a point which might have given the Government a preponderance in it which they would not otherwise possess before an appeal has been made to the country. If I had given way, it might have tided over the difficulty for the time, but it would have established a precedent, which would most certainly have been followed by the Opposition whenever its turn of power arrives.

The policy of the Government may be to bring the Legislative Council into disrepute, with a view to its abolition, or it may be only intended to frighten the Council into passing the measures of the Government. I do not believe that the Legislative Council will be abolished easily; but, if abolition does come, I submit to your Lordship that the ending of the Chamber would be preferable to its retention in a condition so manipulated as to possess merely a semblance of independence.

I have, &c.,

The Right Hon. Lord Knutsford, &c.

GLASGOW.

No. 2.

MEMORANDUM from His Excellency the Earl of ONSLOW, which was one of the A.-7, 1892,
enclosures to Lord Glasgow's Despatch No. 38, of 8th August, 1892. No. 14.

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.