

Governor the power to appoint, on the advice of Ministers on an *emergency*, such a number of new Councillors as would bring the Council into harmony with the country. Some such enactment as this would effectually prevent any future differences.

Since this paragraph was written I have ascertained that in the year 1887 the late Sir Frederick Whitaker obtained a Committee of the Legislative Council to consider and report as to the best plan of reducing the numbers of the Council to one-half of the number of the members of the House. He had previously moved to that effect, and also that the same proportion should thereafter be maintained.

The Committee reported in favour of the proposal, but no further action was taken.

From this it is clear that the Council in 1887 affirmed the general principles which I have ventured to suggest.

If there is anything in the manner in which I have brought this question under your Lordship's notice not entirely consonant with the usual practice I beg you will attribute it to the unusual circumstances in which I have been placed so soon after my arrival in the colony.

I now leave the matter in your Lordship's hands, in the most perfect confidence that you will do me the justice to believe that I have been actuated solely by a desire to do what is best for the interests of the great and important colony in which it is my privilege and pride to have been placed.

I have, &c.,

GLASGOW.

The Right Hon. the Lord Knutsford, &c., Secretary of State for the Colonies.

### Enclosure 1 in No. 9.

MINISTERS respectfully desire, through His Excellency, to direct the attention of the Right Hon. the Secretary of State for the Colonies to a difference between His Excellency the Governor and his Ministers on a question which Ministers think involves the status of a self-governing colony of the Empire.

The facts are briefly as follows: Immediately after the last general election the then Governor, Lord Onslow, appointed, upon advice, seven members to the Legislative Council. The Government of Sir Harry Atkinson was, as the result of the election, at the time, in a minority, and resigned office upon the day of the meeting of Parliament. Mr. Ballance was sent for to form an Administration, and his Government was supported by a large majority of the House of Representatives. A short session was held, and the General Assembly was prorogued to enable the Government to bring down their policy in another session. In that session their principal measures were carried by large majorities in the House, but some of the vital points of policy in these measures were defeated by still larger majorities in the Legislative Council, the position of the Government in the second Chamber on the question being represented by adverse votes of eighteen to five.

In the majority were included six out of the seven members (the seventh being the Speaker) appointed on the advice, at the time, of a defeated Ministry. During the recess, and shortly before Lord Onslow's departure from the colony, Mr. Ballance advised His Excellency to appoint twelve members, as the least number thought necessary to allow the Government to be fairly represented in the second Chamber, and to enable the legislative and other functions which constitutionally pertain to this branch of the Legislature to be adequately performed.

Between the time of Mr. Ballance's Government being formed and when advice was tendered to Lord Onslow there had been six deaths, one vacation through absence, and leaves of absence extending over the next ensuing session, while it was notorious that several members were, through old age, extremely unlikely to attend the next meeting of Parliament. Notwithstanding these facts, Lord Onslow refused to appoint a greater number of Councillors than eight, which number Ministers refused to accept. Lord Onslow left a confidential memorandum (which he was good enough to submit to Mr. Ballance for perusal) for his successor (see p. 23), in which was contained an extract from a Wellington Opposition newspaper extremely hostile to the Government, containing reasons for not accepting the advice of Ministers. The responsibility was transferred from Lord Onslow to his successor, Lord Glasgow.

Between the departure of Lord Onslow and the arrival of Lord Glasgow the strength of the Council was still further diminished by one death. Upon the arrival of Lord Glasgow Mr. Ballance tendered His Excellency the same advice as he had given Lord Onslow—namely, to call twelve new members to the Council. His Excellency declined to accept the advice, but offered to appoint eight, with an additional member when the written resignation, telegraphed by the Agent-General, of the Hon. Randall Johnson arrived in the colony. Ministers declined to accept a less number than they advised. Since then a member of the Council, the Speaker, Sir Harry Atkinson, has died, while another has resigned. In this position the question remains.

Ministers would point out that the Parliament is in session, and they are answerable to the House of Representatives for the advice tendered to His Excellency. It has been alleged that they ought to have resigned when their advice was declined, but they relied on the constitutional practice as expressed in Todd's "Parliamentary Government in the British Colonies, 1880," p. 590, which is as follows: "They would be responsible for the advice they gave, but could not strictly be held accountable for their advice not having prevailed; for, if it be the right and duty of the Governor to act in any case contrary to the advice of his Ministers, they cannot be held responsible for his action, and should not feel themselves justified in retiring from the administration of public affairs."

Ministers are of opinion that the responsibility of appointments to the Council should have rested with the Responsible Advisers of His Excellency, and that the refusal to accept their advice is in derogation of the rights and privileges of a self-governing colony. In this case His Excellency