

is placed in the position of acting without advice, unless it be the advice of persons who are not responsible, and withdraws from those responsible the confidence which the Constitution requires him to repose in them, upon the inadequate ground that nine are preferable to twelve additions to the Council.

It is further to be observed that, while the advice of a Government that had just been defeated at a general election was accepted, the advice of a Ministry enjoying the confidence of a large majority of the representatives of the people is declined. Ministers, in fact, are impelled to the conclusion that the way in which their advice has been treated is more in harmony with the methods of a Crown colony than with the practice followed in a great self-governing colony which has long enjoyed the advantages of a free Constitution and a wide autonomy within the limits of the Empire.

Premier's Office, Wellington, 5th August, 1892.

J. BALLANCE.

SCHEDULE of Enclosures to Despatch of the 8th August, 1892, from the Earl of Glasgow, Governor of New Zealand, to the Right Hon. the Lord Knutsford, the Secretary of State for the Colonies.

1. A compilation of Acts and instruments relating to the Constitution and Government of New Zealand. [Not printed.]

2. An Act of the General Assembly of the Colony of New Zealand, entitled an Act to alter the mode of appointments to the Legislative Council.

3. Secret memorandum left behind in the Government House, Wellington, by the late Governor, the Earl of Onslow, accompanied by—

(a.) List of the several Premiers to whom present Councillors owe their seats.

(b.) Memorandum showing the manner in which the Councillors appointed at Sir H. A. Atkinson's instance exercised their votes on Government Bills.

(c.) and (d.) Papers laid on the table of the House in New South Wales with reference to appointments to the Legislative Council. [Printed as an Appendix, p. 35.]

(e.) List of Government measures, or measures supported by the Government, and rejected in the Upper House, 1891.

(f.) Article from the *Evening Post* with alterations expressing the view which Lord Onslow took in public of the duties of the Governor with respect to appointments to the Legislative Council.

(g.) Remarks of the Premier on this memorandum of Lord Onslow.

4. Excerpt from *Hansard* on the 24th June, question asked by the leader of the Opposition, and the Premier's reply.

5. Return showing the strength of the Legislative Council for the last fifteen years.

6. Return to the House of Representatives, dated the 30th June, 1892, showing the names of the present members of the Legislative Council, the dates of their appointments, and the names of the Premiers in office, with notes thereto by the Governor.

7. Memorandum from the Governor to the Premier, dated the 27th July, 1892.

8. Memorandum from the Premier to the Governor, dated the 2nd August, 1892.

9. Memorandum from the Governor to the Premier, dated the 4th August, 1892.

10. Memorandum from the Premier to the Governor, dated 5th August, 1892.

11. Memorandum from the Governor to the Premier, dated 8th August, 1892.

12. Memorandum from the Premier to the Governor, dated 9th August, 1892.

Enclosure 2 in No. 9.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Appointment of members. 3. Members to hold office for seven years only. Saving as to existing members. 4. Vacancies. 5. Questions as to vacancies to be decided by Council. Appeal. | <ol style="list-style-type: none"> 6. Quorum. Decision of questions. Casting-vote. 7. Election of Speaker. 8. Clerk of Council to be Clerk of Parliaments. 9. Definition of "public defaulter." 10. Repeal. Saving of appointments, &c. 11. When Act to come into force. 12. Privileges granted to retiring members. |
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1891, No. 25.

AN ACT to alter the Mode of making Appointments of Members of the Legislative Council of New Zealand, and to regulate Vacancies therein. 17th September, 1891.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

1. The Short Title of this Act is "The Legislative Council Act, 1891."

2. The Governor may from time to time, in Her Majesty's name, by an instrument or instruments under the public seal of the colony, summon to the Legislative Council of New Zealand (hereinafter called "the Council") such persons as he shall think fit, and every person so summoned shall thereby become a member thereof: Provided that no person shall be so summoned—

- (1.) Who shall not be of the full age of twenty-one years, and either a natural-born subject of Her Majesty, or a subject of Her Majesty naturalised by or under any Act of the Imperial Parliament or by or under an Act of the General Assembly of New Zealand; or