

expressing any opinion upon them. The same observation will apply to the memorandum left by Lord Onslow in so far as it was treated confidentially, and although a memorandum (probably that referred to) was sent the Premier for his inspection, no copy was kept, and His Excellency has never asked for the opinion or advice of Ministers on this confidential memorandum. Moreover, the circumstances affecting the Council have greatly changed since the departure of Lord Onslow, and his memorandum could hardly be supposed to express the present condition of affairs.

Ministers take exception to the statement "that the idea underlying the whole case of Ministers is that whatever measures an Administration bring forward are certain to express the feeling of the country." It would be more correct to say that measures passed by large majorities of the House of Representatives within eighteen months of its election are sufficient to entitle Ministers to the confidence of His Excellency, and to express in terms not to be misunderstood in a self-governing community that the measures do express the feeling of the country.

Ministers notice that his Excellency points out "that the suspensory powers conferred by the Constitution on the second Chamber is a constitutional check intended to give power to the electorate through the intervention of the Legislative Council at any time to step in and control legislation," and "that this plan insures greater freedom to the electorate than that favoured by Ministers." Ministers reply that the argument if applied in practice would prove immediately destructive to the Constitution. It means that with the sanction and support of the Governor the Council is at all times to possess the power to impose a penal dissolution on the country; that a nominee Chamber is to be accepted as a better judge or exponent of the feelings of the country than the representatives of the people; and that a decisive majority in the Second Chamber is to be maintained by the representative of Her Majesty in order to "control legislation." It also means that a majority irresponsible for its acts may harass, by the expense and worry of an election, the representative body, and it suggests the fatal position that the Governor is to be associated with the Council as to the practical application of the doctrine.

If Ministers could believe that this was the true intent and meaning of the Constitution they would despair of its survival beyond the popular recognition of the fact, but they have not so read it, and hope, for the sake of the Constitution, that such a construction may not prove to be accurate.

The construction may be stated (in accordance with actual facts in recent history) to be this: A majority in the Legislative Council should be in harmony with the minority in the House of Representatives when the Liberals are in power, with a penal dissolution suspended over the heads of the Government; but when the Conservatives are in power they should have majorities in both Chambers without the "constitutional check." If the first plan insures "greater freedom to the electorate," it is difficult to describe the constitutional bearings of the second. Yet Ministers have asked for no more than a respectable minority in the second Chamber. It is against the application of such constitutional doctrines as these that Ministers respectfully enter their protest.

Ministers thank His Excellency for the information that the series of correspondence will be sent to the Secretary of State, and request that this memorandum may be included.

Premier's Office, Wellington, 9th August, 1892.

J. BALLANCE.

No. 10.

The Marquis of RUPON to the Earl of GLASGOW.

(Telegraphic. Answered by Nos. 13 and 14.)

24th September, 1892.

I HAVE carefully considered your despatch of the 8th August (No. 9), and appreciate difficulties of your position, but I have no hesitation in advising you to accept your Ministers' advice.

It does not appear to be a case of swamping the Legislative Council. The division-lists of that body should be considered rather than politics of Premiers who originally nominated the members.

I will state fully my reasons by despatch, but you should at once reopen matter with your Ministers, and waive your objections to their proposals.

The Agent-General is anxious for information, which I cannot withhold after to-morrow, but I am anxious to give you an opportunity of making your own announcement to your Ministers.

No. 11.

The Marquis of RUPON to the Earl of GLASGOW.

(Answered by No. 16.)

MY LORD,—

Downing Street, 26th September, 1892.

I have the honour to acknowledge the receipt of your despatch of the 8th August (No. 9), respecting the question which had arisen between yourself and your Ministers with regard to certain proposed nominations to the Legislative Council of New Zealand.

This question has been referred for my consideration by agreement between you and your Ministers. I have carefully considered it, and in so doing I desire to say that I fully appreciate the difficult position to which you succeeded immediately on your arrival in the colony, to assume for the first time the duties of a Colonial Governor.

I had, however, no hesitation, in advising you by telegraph, on the 24th instant (No. 10), to accept the recommendation of your Lordship's Ministers; and I now proceed to indicate the reason which led me to that conclusion.