

4. In the House of thirty-five members, I gather that your Government could only rely on the consistent support of five. I do not assume that the remaining thirty members could all be considered to be opposed to the policy of your Ministers ; but it seems to me that your Government is entitled to hold that it is not adequately represented, either for speaking or voting purposes, in the Upper Chamber, and that, if the twelve members were added as they desire, they would only have seventeen consistent supporters in a House of forty-seven. In considering this aspect of the question, I am clearly of opinion that the only fair and satisfactory mode of estimating the representation of the present Government in the Legislative Council, and of judging whether their claim to be allowed fuller representation is one to which no constitutional objection can be taken, is to examine the results of the voting in that House on the measures with which the Government of the day is identified.

5. I cannot, therefore, conclude that the proposed appointments constitute one of those cases to which the term "swamping" has been applied, in which the proposed addition of members at the instance of the Government for the time being has been so great in proportion to the balance of parties in the Upper Chamber as to overthrow that balance altogether.

6. Your Lordship was willing to appoint nine new members, and your Government desired that twelve should be appointed. It can hardly be considered that the difference between these limits is so great or important as to require a Governor to assume the very serious responsibility of declining to act on the advice of his Ministers, and possibly of having in consequence to find other Advisers. Moreover, it must be remembered that these appointments, under the colonial law of 1891, will be for seven years only, and not for life as in the case of some other colonies possessing a nominated Upper House.

7. I have thus far dealt with the merits of the particular case on which my advice has been sought. But I think it right to add that a question of this kind, though in itself of purely local importance, presents also a constitutional aspect, which should be considered on broad principles of general application. When questions of a constitutional character are involved, it is especially, I conceive, the right of the Governor fully to discuss with his Ministers the desirability of any particular course that may be pressed upon him for his adoption. He should frankly state the objections, if any, which may occur to him ; but if, after full discussion, Ministers determine to press upon him the advice which they have already tendered, the Governor should, as a general rule, and when Imperial interests are not affected, accept that advice, bearing in mind that the responsibility rests with the Ministers, who are answerable to the Legislature, and; in the last resort, to the country.

8. A Governor would, however, be justified in taking another course if he should be satisfied that the policy recommended to him is not only in his view erroneous in itself, but such as he has solid grounds for believing, from his local knowledge, would not be endorsed by the Legislature or by the constituencies.

9. In so extreme a case as this, he must be prepared to accept the grave responsibility of seeking other Advisers ; and, I need hardly add, very strong reasons would be necessary to justify so exceptional a course on the part of the Governor.

I have, &c.,

RIPON.

Governor the Right Hon. the Earl of Glasgow, G.C.M.G., &c.

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No. 28.

(Circular.)

MY LORD,—

Downing Street, 27th September, 1892.

I have the honour to request that, instead of the arrangement laid down in Lord Stanley of Preston's circular-despatch of the 28th January, 1886, with reference to the recognition of acting consular appointments in British colonies, the following may be substituted :—

When a Consul is authorised by the consular regulations of the country which he represents, or by special instructions from his Government, to nominate