

1893.
NEW ZEALAND.

LEGISLATIVE COUNCIL APPOINTMENTS.

(CORRESPONDENCE RELATING THERETO.)

[In continuation of A.—7, 1892.]

Presented to both Houses of the General Assembly by Command of His Excellency.

No. 1.

(No. 31.)

MY LORD,—

Wellington, New Zealand, 22nd June, 1892.

I have the honour to inform you that, since my arrival in the colony on the 7th instant, I have had several interviews with Mr. Ballance, the Premier, on the subject of the appointment of the increase of the Legislative Council, and the request of the Government that twelve new nominations to that Chamber be approved of; and yesterday morning I informed him that I felt myself unable to appoint more than nine.

2. The gist of his communications to me was as follows: that there are certain projects which the Government wish to pass into law, the legislation as to land in particular; and that the Government find themselves in an unbearable position in the Legislative Council. In the House of Representatives they have a good working majority; but in the Legislative Council the Attorney-General, who is the only Minister in that Chamber, finds himself with the support of only, at the outside, four or five members, none of whom possess any debating-power whatever. "It is plain," said Mr. Ballance, "that no Government can carry on the business of the House satisfactorily when in one Chamber they exist only on sufferance." He also said, later on, that it was not the wish of the Government to swamp the Legislative Council, but only to have a certain amount of debating-power, of which at present they have none. He remarked that if the Legislative Council throws out the Bills he is going to reintroduce this session the consequences may be very serious, and stated that he thought Lord Onslow would have granted twelve. But I pointed out that in the confidential despatch which Lord Onslow had left for me, and which he showed to Mr. Ballance before leaving, he had not indicated that he would grant more than eight.

3. In reply, I stated that I was glad to learn that Ministers did not contemplate swamping the Legislative Council; that I was anxious to do what I could to meet my Ministers' views, but that I must have some time to reflect.

4. At the interview which I had with Mr. Ballance yesterday morning, at which the Attorney-General was also present, I said that I had carefully weighed the arguments of the Premier in favour of appointing twelve members; that I admitted that appointments should be made; but that, after considering the reasons given by the late Governor against agreeing to the proposal made to him just before he left the colony, which was identical with the one made to me, I found myself in accord with Lord Onslow, and that I was unable to agree to more than eight appointments, though as soon as a resignation, which had been announced by telegraph, became an accomplished fact I would agree to fill up this vacancy, making in all nine appointments.

1—A. 7.

5. I remarked that when Ministers made this application they must have had one of two objects in view: they must either wish such an amount of debating-power as would enable them to place their measures fully before the Legislative Council, or they must aim at giving the Government a preponderance of votes in that Chamber. If the first is their desire, then, I said, I hoped they would accept my proposal, though it gave them less than they asked for; for, I said, I need hardly point out that in an assembly of forty-five members (which would be the number with the addition I proposed) an accession of nine skilled debaters, added to the five supporters Government already had, would be amply sufficient to insure the Government measures that respectful consideration which is their due. If the latter is their wish, I said, they will not accept my offer. If it is so, I would much regret that, so soon after my arrival, I should be obliged to decline a proposal made me by my Ministers; but I felt that, if I granted it, I should be running the risk of making the Legislative Council a mere echo of the other House: if it is to have no opinion of its own it is of no use; but if it continues to preserve its liberty, and gives the country time to reconsider such questions as may not have received due consideration, it may, at a critical time, be of invaluable service to the colony. I therefore felt bound to take the course I had announced, as granting a larger number might have the effect of destroying the independence of one of the two Chambers, which I am bound by the Constitution to uphold.

6. The Premier declined to admit that my definition of the possible objects of Ministers was the correct one. He said there was a third alternative, which was the correct one, and that the number I proposed was not sufficient. It was large enough to exasperate the Opposition, but not large enough to be "of any use"—a statement which confirmed me in my opinion that what the Government really requires is a majority in the Legislative Council, and that I was right in my definition.

7. Both Mr. Ballance and Sir Patrick Buckley said that many of their supporters are opposed to a bicameral system, although they themselves are not, and that if nothing is done to improve the position of matters in the Upper House, and if a cry is got up for the abolition of the Legislative Council, it would be so strong that it would bear down all opposition. I replied that Ministers were holding out to me, as an alternative, an emasculated Upper House or none at all; but that I was bound to uphold, as far as I could, the Constitution of the country. I said I was making them an offer not much less than what they desired, and repeated that an addition of nine would give them a sufficient number to place their policy properly before the Council. I added that the question of bringing the two Houses into harmony, which I believed would be the practical upshot if I granted the application of Ministers, could not arise until the Chambers declined to give effect to the result of an appeal to the country, and that had not yet happened.

8. Mr. Ballance undertook to communicate my decision to the Cabinet, and in the afternoon he informed me that he had done so; that they considered an addition of nine to the Legislative Council worse than useless, and that they cannot therefore accept it; that they will reintroduce into Parliament the measures that were not passed last session, and if they are not carried they will appeal to the country.

9. Your Lordship will observe that my especial difficulty has been this: that I have not had at my disposal any means of ascertaining the exact amount of nominations that could have been given without altering the balance of parties in the Upper House, and that I had therefore no alternative but to take up the position of, and act on the information supplied me by, my predecessor. I felt this so much that I said to Mr. Ballance that, if he cordially concurred in the step, I would send for the leader of the Opposition in the Council and ask him to tell me frankly if the number required by Ministers would imperil his majority. Mr. Ballance replied that it would make a precedent of an unusual character (which I admitted, remarking that the occasion was an unusual one), and said that the Opposition leader would be bound to give no reply that would please the Government.

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 enclosures to Lord Glasgow's Despatch No. 38, of 8th August, 1892. A.—7, 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.

Under those circumstances I declined to receive advice such as was proposed, and desired that it might be deferred until your Excellency's arrival, inasmuch as my stay in the colony would not enable me to see the end of consequences which a persistent refusal to accept the advice of my Ministers would entail.

Your Excellency will find that, of the principal measures introduced by or supported by the Government last session, their financial Bills were carried in the Council, the Factories Act and a few others passed with amendment, while the Land Bill and the Electoral Bill were lost in conference with the other House. The Land for Settlements Bill, Workmen's Lien Bill, and Counties Bill were rejected by majorities less than would have been counterbalanced by eight more appointments—the maximum to which I saw my way to accede; while the Shop-hours Bill and the Payment of Members Bill were rejected by very large majorities, not so great, however, as to remain unaffected if additions to the extent of Mr. Ballance's original proposal (eighteen) were to be made.

16th February, 1892.

ONSLOW.

No. 3.

The Earl of GLASGOW to the SECRETARY of STATE for the COLONIES.

MY LORD,—

Wellington, 16th August, 1892.

I have the honour to acknowledge the telegram which I received on the 11th instant from the Secretary of State for the Colonies, a copy of which is forwarded by this mail to the Colonial Office in the usual manner; also a copy of my telegram in reply to above.

I trust that the latter made my estimate of the strength of the Council clear to his Lordship the late Secretary of State. I regret that he found it necessary to telegraph, because I am obliged to infer that he could not have received any despatch on the subject from my predecessor.

Your Lordship will be aware that the same advice that I declined to accept was tendered by Ministers to Lord Onslow just before he left New Zealand; and that he left a confidential memorandum addressed to his successor, detailing what had happened and giving his reasons.

It was only because I was persuaded that these reasons had been fully laid before the Secretary of State for the Colonies that I refrained from going fully into them, although I gave my reasons for their adoption in writing my despatch of the 22nd June.

With regard to the present position of the difference between myself and my Ministers, I have the honour to report that the Premier called on me yesterday and tendered my Ministers' advice that, in response to a question put by Sir George Grey in the House of Representatives, I should agree to lay before Parliament Ministers' reference to the Secretary of State, as well as all other despatches bearing on the subject.

Although I believe it to be contrary to usual practice to lay before a local Parliament a reference to the Secretary of State before the reply is received, yet, considering the peculiar circumstances,—that it is the strong desire of Ministers that they should be produced, that Ministers have advised me to agree to this production, and that I could not conceive of any injury that would be done to the public service by doing so,—I agreed to accept their advice, and the correspondence will be laid before Parliament to-morrow. I have, however, declined to produce my despatch of the 22nd June, although I agreed, in case of Ministers thinking it well to yield this point, to telegraph to you for leave to lay that despatch on the table. I also agreed to lay on the table my despatch of the 8th August, as I thought it only right that my remarks in my Ministers' reference should be laid before Parliament at the same time.

I have, &c.,
GLASGOW.

The Right Hon. the Secretary of State for the Colonies, &c.,
Downing Street.

Enclosure No. 1.

Lord KNUTSFORD to the Earl of GLASGOW.

(Telegram.)

10th August, 1892.

THE figures in your despatch of the 22nd June show that the Legislative Council consists of thirty-one members of the Opposition and five Ministerialists. If twelve were added to the latter, a large

Opposition majority would still remain ; therefore the proposal of Premier seems to me a reasonable one. The existence of an Upper House largely disproportionate to what appears to be the present political feeling in the colony may be imperilled unless a more even balance of parties is secured. Despatch will be sent by mail.

Enclosure No. 2.

The Earl of GLASGOW to Lord KNUTSFORD.

(Telegram.)

[Received 11th August, 1892.]

11th August, 1892.

FROM information which I have received, I consider that the Legislative Council consists of the Speaker, twelve Ministerialists, and twenty-two members of the Opposition, four of these Councillors being absent from the colony.

The difference between these figures and the estimate of Premier, as I reported in my despatch of the 22nd June, is accounted for by disapproval of certain measures which were not brought before the country at election, and which deprive the Government of considerable support in the Council.

Reference from Ministers to the Secretary of State for the Colonies on this subject leaves by post to-day, with my remarks.

No. 4.

(New Zealand, No. 47.)

MY LORD,—

Downing Street, 26th September, 1892.

I have the honour to acknowledge the receipt of your Despatch No. 38, ^{A.—1, 1893,} of the 8th of August, respecting the question which had arisen between yourself ^{No. 6.} and your Ministers with regard to certain proposed nominations to the Legislative Council of New Zealand.

2. This question has been referred for my consideration by agreement between you and your Ministers. I have carefully considered it, and, in doing so, 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 to accept the recommendation of your Lordship's Ministers; and I now proceed to indicate the reasons which led me to that conclusion.

3. The Legislative Council, as I understand, consisted at the date of your despatch of thirty-five members, and your Government proposed that to this number an addition should be made of twelve, making altogether a Chamber of forty-seven members, a number which is not larger than that which has existed in previous years, and the case is therefore distinguishable from those in other colonies where it was proposed to make so many additions that the Chamber would have exceeded all previous limits.

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.

No. 5.

(No. 57.)

MY LORD,— Government House, Auckland, 2nd December, 1892.

I have the honour to inform you that I have made twelve appointments to the Legislative Council, in accordance with the advice of my Ministers, as set forth in the extract from the Supplement to the *New Zealand Gazette* which I have the honour to enclose.

I have, &c.,
GLASGOW.

The Right Hon. the Marquis of Ripon, &c.

Enclosure.

EXTRACT from the Supplement to the *New Zealand Gazette* of Thursday, 13th October, 1892.

Members of the Legislative Council appointed.

Colonial Secretary's Office, Wellington, 15th October, 1892.

HIS Excellency the Governor has, in Her Majesty's name, summoned—William McCullough, Esq., of Auckland; William Jennings, Esq., of Auckland; Thomas Kelly, Esq., of New Plymouth; the Hon. Edward Richardson, C.M.G., of Wellington; John Rigg, Esq., of Wellington; William Montgomery, Esq., of Christchurch; John Edward Jenkinson, Esq., of Christchurch; William Campbell Walker, Esq., of Christchurch; James Kerr, Esq., of Greymouth; William Mouat Bolt, Esq., of Dunedin; John MacGregor, Esq., of Dunedin; and Henry Feldwick, Esq., of Invercargill, to the Legislative Council of New Zealand, by writs of summons under the Seal of the Colony.

P. A. BUCKLEY.

No. 60.

No. 6.

MY LORD,—

3rd December, 1892.

I have the honour to acknowledge the receipt of your despatch (New Zealand, No. 47) dated 26th September last, which enters fully into your reasons for advising me to accede to the advice of my Ministers with regard to the Legislative Council appointments.

2. I beg your Lordship to believe that I fully appreciate the consideration which you have shown me in this matter. The incident is now closed, and it is

in no controversial spirit that I venture to make some remarks on your despatch, but simply because, by means of the light thrown on the affair by the proceedings of the Legislative Council during the last parliamentary session, I think it would be well to consider the conclusion to be drawn from what has occurred.

3. Your Lordship was perfectly justified in assuming that the question had been referred to you by agreement between myself and my Ministers. Strictly speaking I was a party to the reference, but it was only because I did not consider that it would be proper for me to decline to forward a memorandum when asked by my Ministers to do so. Personally, I have always been strongly of opinion that, under the Constitution of New Zealand, the question might have been solved in accordance with the traditions of constitutional government within the colony; but I did not think I had any right to express such an opinion to your Lordship, or to appear to interfere with the undoubted right of my Ministers to appeal to the Secretary of State.

4. It is evident that when I declined to accept the advice of my Ministers they were not willing to resign; but it appears to me that when a difference arises between a Governor and his Advisers the only justification for it is its importance, and this can only be gauged by the result.

5. If, after an exchange of ideas, the Governor incurs the responsibility of adhering to his own views, and the Ministers consider the case sufficiently important, they should resign. If they do not do so, they should give way; but my Ministers did neither, and I submit that in a colony possessing responsible Government, and with the means of putting pressure on the Governor which Ministers in such a colony possess, an appeal to the Colonial Office to interfere between the Governor and themselves is not the course that would be usually expected from a Ministry with a proper conception of the rights and privileges of a self-governing colony.

6. In this case, the question whether I or my Ministers most correctly estimated the effect of the proposed appointments can best be judged, as I think your Lordship will agree, by an examination of the division-lists of the Legislative Council during the past session.

7. From the returns which I have the honour to enclose, it will be seen that, without any addition to the Council, out of thirty-seven Government measures introduced all were carried except two; that, had the nine appointments been made, the Government would have had the majority in every division in the Legislative Council except five; and that, if twelve appointments had been made, the Government would have been victorious in every division except one.

8. The effect of the twelve appointments may therefore be considered to be that the Government has now, by these means, obtained a majority in the Council—a result which I thought it my duty to do what I could to resist.

9. It is therefore apparent to me that had your Lordship, on receiving the memorandum referred to, replied that you thought the question was one which could be settled more satisfactorily on the spot, there would have been an entire collapse of the situation, for the simple reason that the results of the session have proved that the assumption that nine appointments were insufficient to give the Government adequate support rested on an unsubstantial basis, and that I was entirely justified in the position I took up.

10. The information derived from this return was, of course, only available after your Lordship's decision became known.

11. With regard to the different opinions expressed by your Lordship and myself as to which method formed the best basis for calculation as to the strength of the Government in the Legislative Council, I submit that further experience shows that neither would have foreshadowed approximately the result shown by the return; and my opinion is that the Legislative Council, as a body, voted last session according to conviction, tempered by a feeling that in those cases where the country's opinion is known the Council should give way.

12. In conclusion, I beg to remark respectfully that I do not feel that my position has been in any way detrimentally affected by the fact that your decision has been against my view, but I submit that the experience gained by a review of the whole incident may be expressed in the following sentence: that the

practice of referring differences between Colonial Governors and their Ministers to the Colonial Office—of the calibre at least of the one in question—is not one to be encouraged.

13. The great colonies all possess the inestimable boon of self-government as fully and freely as does the Mother-country. The range of questions in which the Governor has any discretion is reduced to a vanishing-point; and what has happened does not make his task on such occasions any easier, and, on any occasions when a difference does unfortunately arise, it should be remembered that the policy of leaning on the Colonial Office is not one that commends itself to colonists generally.

I have, &c.,
GLASGOW.

The Right Hon. the Marquis of Ripon, G.C.M.G., &c.

Enclosures.

A.—Copy of division-lists, Legislative Council, session 1892. [Not printed.]

B.—Copy of division-lists in Committee of the whole Council, session 1892. [Not printed.]

C.—Members absent from the Legislative Council, session 1892: With His Excellency the Governor's leave—Hon. Mr. Bowen, Hon. Mr. Peacock (2). Absent in England without leave, which is not necessary when a member is only absent one session—Hon. Mr. Acland, Hon. Mr. Wilson (2). Absent the greater part of the session—30th June, from illness, Hon. Mr. Shephard; 26th July, from sickness, Hon. Mr. Shrimski; 21st July, from sickness, Hon. Captain Kenny; 21st July, granted absence for three weeks, but did not return, Hon. Mr. Bonar (4). Total absent, 8. Members on roll, 35. Members attending the session of Parliament, 27.

D.—Concerning division-lists in the Legislative Council, or in General Committee thereof, also particulars concerning the said Council:—

During the session of 1892 the Legislative Council's strength was 35, but, from absence and indisposition, only 27 were present.

Forty Government measures were introduced in the Legislative Council. Of these, thirty-seven were passed, one was dropped, and only two were rejected, and these only after conference with the other House.

The Governor is empowered under the Constitution of the colony to call to the Legislative Council such persons as he shall see fit, and no limitation has ever been made to the number, although on one occasion a Committee of the Council reported in favour of limiting the Council to half the strength of the House of Representatives. That was in 1887, when, in deference to public opinion, the strength of the House of Representatives was reduced from 95 to 74 members. At that time the strength of the Legislative Council was 49, or a fraction more than half of the other House. From that date till 1891 no appointments were made, and the strength of the Council fell to 39, or a fraction over half the other House after reduction. In 1891 the late Governor granted Sir Harry Atkinson's Government seven other appointments, but the number now granted makes the strength of the Council 47, or only two less than when the other House numbered 95, as against 74 at present.

General view of results of divisions, as shown hereafter: There was a Government majority in ten divisions; there would have been a Government majority, had twelve Councillors been appointed, in other thirty-one divisions; so that twelve appointments would have given a Government majority in forty-one divisions out of a total of forty-two divisions, leaving the Opposition, had twelve appointments been made, with a majority in one division; whereas the unbiassed opinion of the Council, as it existed before reinforcement, gave the Government a majority in only ten divisions, although all the Government measures were carried except three.

LIST OF DIVISIONS in the Legislative Council and in General Committee thereof during the Session of 1892 in which the Government possessed a Majority.

Date of Division.				Votes for Government.	Votes for Opposition.	Majority for Government.	Remarks showing the Number who voted, 27 being the Total of the Council during the Session.
13th September	...	...	...	15	8	7	23 voted.
23rd "	...	...	...	12	5	7	17 "
27th "	...	...	...	9	6	3	15 "
27th "	...	...	...	7	6	1	13 "
28th "	...	...	...	13	6	7	19 "
28th "	...	...	...	14	5	9	19 "
6th October	...	...	...	17	2	15	19 "
8th "	...	...	...	12	7	5	19 "
10th "	...	...	...	12	7	5	19 "
10th "	...	...	...	16	2	14	18 "

Number of divisions, 10.

LIST of DIVISIONS in the Legislative Council and in General Committee thereof during the Session of 1892 in which the Addition of Twelve Appointments to the Council would have put the Government in a Majority instead of a Minority.

Date of Division.	Votes for Government.	Votes for Opposition.	Majority for Government with Addition.	Remarks showing the Number who voted, 27 being the Total of the Council during the Session.
1st July	10	11	11	21 voted.
15th "	10	12	10	22 "
21st "	9	16	5	25 "
21st "	11	13	10	24 "
27th "	1	10	9	11 "
28th "	5	14	3	19 "
2nd August	5	12	5	17 "
23rd "	4	16	...	20 "
13th September	4	16	...	20 "
14th "	8	14	6	22 "
21st "	7	16	3	23 "
21st "	8	15	5	23 "
21st "	7	16	3	23 "
21st "	9	14	7	23 "
22nd "	6	16	2	22 "
22nd "	7	16	3	23 "
22nd "	7	11	8	18 "
22nd "	6	14	4	20 "
23rd "	8	13	7	21 "
23rd "	7	12	7	19 "
27th "	6	10	8	16 "
27th "	3	10	5	13 "
27th "	6	8	10	14 "
27th "	2	11	3	13 "
27th "	4	10	6	14 "
27th "	1	12	1	13 "
30th "	6	14	4	20 "
30th "	4	16	...	20 "
3rd October	6	13	5	19 "
3rd "	7	10	9	17 "
3rd "	3	12	3	15 "

Number of divisions, 31.

N.B.—In three cases where an addition of Councillors would have given an equality of votes it has been assumed that the Chairman of Committees would have given his casting-vote in favour of the Government.

No. 7.

(New Zealand, No. 8.)

MY LORD,—

Downing Street, 17th February, 1893.

I have the honour to acknowledge the receipt of your Despatch No. 57, of the 2nd December, reporting that, in accordance with the advice of your Ministers, you had made twelve appointments to the Legislative Council of New Zealand, as set out in the extract from the supplement of the colonial *Gazette* which you enclosed.

I have, &c.,

RIPON.

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

No. 8.

(New Zealand, No. 7.)

MY LORD,—

Downing Street, 17th February, 1893.

I have the honour to acknowledge the receipt of your Despatch No. 60, of the 3rd of December, with its enclosures, respecting the recent appointments to the Legislative Council of New Zealand.

Your Lordship questions in that despatch the propriety of an appeal from the Government of a colony possessing Responsible Government to the Colonial Office upon such a matter.

I would observe in the first place that such an objection to a reference to this department should, if taken at all, be taken at the time of the reference,

and comes too late if not made till after my opinion has been asked. Your Ministers submitted to your Lordship a memorandum in which they invited my attention to the difference which has arisen, and this memorandum, with others that passed subsequently, you rightly transmitted to me. In doing so you commented upon the statements of your Ministers, and after expressing your own opinions you concluded by leaving the matter in my hands. I do not find that you raised any objection, either in your correspondence with your Ministers or in your despatches to me, to their action in referring the question to me; on the contrary, you were, as I understood, and as you recognise in your despatch under reply, yourself a party to the reference.

Neither I nor my predecessor, during whose tenure of office this reference was actually made, in any way sought it. It came to me as a joint reference from yourself and your Government.

I do not feel myself called upon to express any opinion upon the advisability of the course taken by your Ministers in seeking my advice on such a question; but I am of opinion that I should not be justified in refusing an expression of my views when it is asked for by the Governor of a colony, or by his constitutional Advisers.

You proceed to express the opinion that, when Ministers are unable to come to an agreement with the Governor, they should, if they consider the case sufficiently important, tender their resignation. This is no doubt the step which in the last resort a colonial Ministry must take in the case of any acute difference between the Governor and themselves, in order that it may be made apparent whether they are supported by the colony; but it is for the colonial Ministry to judge whether this step should be taken. On the occasion now under discussion they thought proper to adopt another course, and with your concurrence to refer the matter at issue to my predecessor.

With regard to the returns which you enclose in the despatch under acknowledgment, I would observe that I had to arrive at my conclusions on the materials then in my possession. In one of the memoranda from your Government it was stated that some of the vital points of policy in their measures were defeated by large majorities in the Legislative Council, and that an inspection of the division-lists of the preceding session showed that the Government could, as a rule, only rely on the support of five members. The returns now sent do not show to what extent the divisions referred to therein proceeded upon party lines, and I do not feel able to draw the inference from them that your Ministry would, with the help of the twelve appointments, have necessarily commanded a majority for party purposes in the Legislative Council. Indeed, it appears that in Committee on the Land Bill, the Bill to which Mr. Ballance especially referred as rendering it necessary to strengthen his position in the Legislative Council, the Government were only able to muster, at the most, six supporters, and at times only two, three, or four.

As the matter has now been disposed of by the appointment of the additional members reported in your Despatch No. 57, of the 2nd December, 1892, I have only to add that I have received with great satisfaction the assurance that you do not feel that your personal position has been in any way detrimentally affected by the fact that my decision has been against your view, and I fully recognise the difficulties which you felt in regard to the question, and your desire to represent the whole matter to me in the fullest light.

I am, &c.,
RIPON.

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

No. 9.

The three following memoranda from His Excellency the Governor to the Premier, dated 7th, 21st, and 22nd June, 1893, covered the despatches to which they refer when forwarded by His Excellency for publication, and the Premier's replies are attached hereto as an Appendix.

MEMORANDA for the PREMIER.

7th June, 1893.

In forwarding the two accompanying despatches* for publication, the Governor thinks it right to state that they were not seen by the late Mr. Ballance.

GLASGOW.

* No. 7, of 17th February, 1893,—Secretary of State to Lord Glasgow; and No. 60, of 3rd December, 1892,—Lord Glasgow to Secretary of State.

THE Governor has just received from the Colonial Office copies of the return "New Zealand and the Colonies (Upper House)," printed on 2nd May, by order of the House of Commons, which he has forwarded for the information of Ministers.

He observes this return includes all the correspondence on the subject of the Legislative appointments of last session, except the subsidiary correspondence (as the Governor considered it) which was afterwards sent Home, and which was numbered in the papers laid before the General Assembly Nos. 3, 4, 5, 6, 7, and 11.

It also includes the first despatch he wrote on the subject, dated 22nd June, 1892, which was marked "Confidential," and therefore not laid before the General Assembly last session. As it has now been printed in this return, the Governor requests that it may be included in the despatches to be laid before Parliament.

He thinks it right to mention that neither the confidential despatch referred to, his despatch of the 3rd December, 1892, nor Lord Ripon's reply of 17th February, 1893, were seen by the late Premier.

He would also request that Lord Onslow's memorandum left for the information of his successor, and seen by the late Premier, be included in the correspondence to be laid before both Houses.

21st June, 1893.

GLASGOW.

22nd June, 1893.

REFERRING to his memorandum of yesterday, the Governor observes he did not mention that Despatch No. 12, page 41, in the return therein alluded to, and which he did not send to the Clerk of the Executive Council for publication, was omitted, because in the telegram in which Lord Ripon informed him that he was about to lay the correspondence in question on the table of Parliament he added that he intended to omit the despatch of the 16th August, above alluded to, unless the Governor particularly wished it printed. Having replied that he did not desire its publication, considering it of no importance, he did not expect to see it in this return, and therefore did not send it to the Premier.

GLASGOW.

No. 10.

MEMORANDUM for His Excellency the GOVERNOR.

(No. 8.)

Premier's Office, Wellington, 3rd July, 1893.

THE Premier presents his compliments, and begs to acknowledge the receipt of His Excellency's memorandum of the 7th June. The Premier regrets that, owing to his absence from Wellington and to pressure of business, the memorandum should have remained unanswered until now. As will be remembered, it covered a copy of a despatch, together with enclosures, which His Excellency addressed to the Secretary of State on the 3rd December last, in continuation of the correspondence on the appointment of members to the Legislative Council; it also covered Lord Ripon's reply thereto of the 5th January. These despatches, His Excellency states, he considers it right to say had never been seen by the late Premier.

Ministers take exception to the unusual course pursued in this matter, and are of opinion that it was due to His Excellency's Advisers that the same course should have been followed with respect to the despatch of the 3rd December that was taken in regard to the other correspondence on this subject. They think that before such despatch was sent to the Secretary of State the late Prime Minister and his colleagues should have had an opportunity given them of perusing it, so that, if deemed desirable, an opportunity might have been afforded of commenting thereon. Ministers consider that since the whole of the constitutional question in dispute was thus reopened, the correspondence is all-important. His Excellency asked in his despatch to the Secretary of State that conclusions might be drawn from what had occurred in the proceedings in the Legislative Council during the last session of Parliament. Though this could not have affected the question of the appointment of twelve gentlemen to the Council, yet, had the Secretary of State concurred in the views submitted by His Excellency, and held them to be supported by the division-lists annexed to the despatch in question, it might have led to his instructions being varied as regards future appointments.

A striking feature in connection with the matter is that His Excellency's Advisers were unaware of the existence of Despatch No. 16 until it was forwarded to them on the 7th June. Yet the same despatch was ordered by the House of Commons to be printed on the 2nd May, and arrived in the colony only ten days after His Excellency had sent it to his Ministers.

The delay in forwarding such despatch to Ministers is a grave departure from the custom and usage hitherto observed. It is a departure which, if continued, must lead to great inconvenience. In a word, it is an infringement of constitutional practice.

Copies of all despatches, whether confidential or not, are by the Colonial Office Regulations to be deposited in Government House; and in the past all despatches, unless those strictly confidential, have been at all times open to the Governor's Advisers for the time being.

The regulation under which they are to be so deposited is that numbered 186. Regulation 187 provides that when so deposited they are not to be withdrawn. Under subsection 1 of Regulation 188 it is directed that unless they are marked "Confidential," the Governor is to lay them before his Responsible Advisers or the Executive Council, in default of some special reason to the contrary.

Since by this direction the despatches have to be laid before the Governor's Responsible Advisers for the time being, it is a fair contention that this should be done within a reasonable time, so as to give fair opportunity for comment being made or action being taken thereupon.

Already reference has been made in the House of Representatives to the fact that copies of these despatches, made from the House of Commons records, have come into the hands of members. Yet, owing to the delay before referred to, the General Assembly has not seen them on the table of either House.

His Excellency's Advisers wish to emphasize their opinion that the late Ministry were justified in following clear precedents by referring the difference with the Governor to the Secretary of State. They hold that this was done in accordance with the traditions of constitutional government. They assert that such reference was made by Ministers with His Excellency's concurrence.

Despatch No. 16 states that it was evident that when His Excellency declined to accept Ministers' advice they were not willing to resign. This conclusion of His Excellency has taken Ministers somewhat by surprise. When advice was tendered to His Excellency's predecessor (Lord Onslow) by Sir Harry Atkinson's Administration, Lord Onslow came to no such conclusion. Again, when advice was given him by the late Ministry, it will be seen by his confidential memorandum, of the 16th February, 1892, to his successor, that Lord Onslow says, "I declined to receive advice such as was proposed, and desired that it might be deferred until your Excellency's arrival, inasmuch as my stay in the colony would not enable me to see the end of consequences which a persistent refusal to accept the advice of my Ministers would entail."

It will thus be seen that Lord Onslow did not express the view to be found in Despatch No. 16; he simply wished the advice to stand over until the arrival of his successor. Had he, in refusing to accept the advice, held the view expressed in Despatch No. 16, or, if that view were correct, and the resignation of Ministers had been tendered, the position would have been an appeal to the people against the decision of Lord Onslow. He would have been absent from the colony, the Acting-Governor would have been in his place, and his successor on the high seas. Previous to the sending of Despatch No. 16 there was no persistent refusal to accept the advice; there was no demur, but a ready acquiescence by His Excellency in referring the matter to the Secretary of State. The question of resigning had not been hinted at; neither is it in accordance with the traditions of representative government that, when such a difference of opinion arises between the Governor and his Advisers, the Advisers should resign unasked. There is no analogous precedent where an appeal to the electors has arisen owing to a similar difference between the Governor and his Advisers.

Upon this point Ministers beg respectfully to draw His Excellency's attention to the following words from the memorandum by Lord Normanby of the 8th November, 1877: "The question as to the extent which Government are responsible to Parliament for the acts of the Governor is one which cannot possibly be decided in the colony. The Governor has therefore decided to forward the whole case for the consideration and decision of the Secretary of State for the Colonies, by whose decision he is bound to abide."

The constitutional position is for Ministers to act as the defenders of the Governor. To appeal to the electors to say whether the Governor, whom they are bound to defend, is in the right or wrong, would place him and them in a most unusual and unenviable position.

It is quite true that the leader of the Opposition, after the correspondence had been closed and sent home to the Secretary of State, argued that if Ministers thought the case sufficiently important they should resign; but His Excellency's Advisers dissent entirely from the contention that when a Ministry differ with the Governor they should bring pressure upon him through the ballot-box, or, in other words, that a conflict should ensue between the people of New Zealand and the Governor, without every opportunity being first given to the Governor to withdraw from an untenable position.

Ministers venture to submit that the deductions made by His Excellency from the division-lists of the Legislative Council during last session are misleading. It does not follow that, if the twelve appointments had been made, the Government would have been victorious in the divisions indicated. It must be borne in mind that on minor questions, and where no policy is involved, members of the Council vote irrespective of the Ministry appointing them. His Excellency does not show which were policy questions upon which the Council was divided, and which were questions altogether apart from policy.

His Excellency was also unaware of the fact that there were measures not brought forward at all which his Ministers, knowing the state of the Council, considered it would be hopeless to attempt to pass. Again, important amendments were made by the Legislative Council in several of the policy Bills submitted by the Government—amendments which in some instances so materially altered the measures as to render them useless. In other measures, again, the amendments were such that his Ministers dropped the Bills altogether. Ministers dissent from the statement made that by the twelve appointments they have obtained a majority in the Council. They do, however, express surprise that His Excellency, without giving any reasons therefor, has thought it right to state that he considered it his duty to do what he could to prevent a Ministry, representing the popular will, from gaining a majority in the Upper Chamber.

The situation is exactly as indicated by His Excellency's late Advisers. The results of the session conclusively proved the correctness of their contention that nine appointments would not have been sufficient to give the Government fair or adequate support. Had His Excellency's Despatch No. 16 been submitted to his late Advisers this could have been proved promptly by the records of the Council's proceedings.

An important factor which has escaped His Excellency's attention, and which is of moment, is this: that between the time the rejected advice was tendered and the opening of Parliament, and even during the session, public opinion was freely expressed in support of the step advised. Strong expressions of opinion were also given against the action of the majority of the Council in opposing measures thrown out during the previous session. This may have had an influence with some of the members of the Council, but it is impossible to gauge how far this would tend to the passing of the measures which His Excellency's Advisers considered were required for the good of the country. In some of the divisions on minor matters it may have had an effect, but on larger questions of public policy the division-lists bear out what His Excellency's late Advisers contended for—namely, that the Council was in an inefficient state, and that the Government had not any fair and adequate representation there.

His Excellency's Advisers are pleased to know that His Excellency does not consider his personal position in this matter has in any way been detrimentally affected. In conclusion, they beg to submit that, notwithstanding the view held by His Excellency that his late Advisers should have resigned, the result has amply justified the course taken. The country has been spared a general election. The relative positions of the Governor and his Advisers on this most important question have been defined, and that without affecting the Governor's personal position; whilst at the same time the bond of union between the Mother-country and her self-governing colonies has been strengthened by the decision given by the Secretary of State.

The Premier respectfully requests that a copy of this memorandum may be laid on the table of the House of Representatives and Legislative Council respectively, and that a copy be also sent to the Right Hon. the Secretary of State for the Colonies.

R. J. SEDDON.

MEMORANDUM for His Excellency the GOVERNOR.

(No. 9.)

Premier's Office, Wellington, 3rd July, 1893.

THE Premier acknowledges the receipt of His Excellency's memorandum of the 21st June, intimating that he had just received from the Colonial Office copies of the return, "New Zealand and the Colonies" (Upper House), printed on May 2nd by order of the House of Commons. The memorandum observes that the return includes all the correspondence on the subject of the legislative appointments of last session, except the subsidiary correspondence (as His Excellency terms it), which was afterwards sent Home and included in the papers laid before the House of Commons, numbered 3, 4, 5, 6, 7, and 11. It also contains the first despatch, which was written on the 2nd June, 1892, marked "Confidential," and therefore not laid before the General Assembly last session. It further intimates that neither the confidential despatch referred to—the despatch of the 3rd December, 1892—nor Lord Ripon's reply thereto of the 17th February, 1893, was seen by the late Premier. It also requests that the memorandum left by Lord Onslow for the information of His Excellency, and seen by the late Premier, should be included in the correspondence to be laid before both Houses.

In compliance with His Excellency's wish, the despatches in question will be printed and laid before both Houses.

The Premier again respectfully desires to point out the inconvenience that may be caused by the Governor delaying placing despatches before his Advisers. The Premier trusts that in future His Excellency will always take his Ministers into his entire confidence when communicating with the Secretary of State. The Premier would also very respectfully point out the necessity that arises for a complete record being kept of despatches which have been forwarded. Such a record would render it impossible for any inadvertence to occur in future, such as that to which his attention has been called—namely, that of an important omission in paragraph 7 of His Excellency's despatch of the 3rd December, 1892; which despatch had been forwarded for the purpose of being printed. If the error had not been discovered by His Excellency the despatch would have been published, and, on comparison with the original, the omission would have been apparent.

The Premier requests that a copy of this memorandum may be laid on the table of the House of Representatives and Legislative Council respectively, and that a copy be also sent to the Right Hon. the Secretary of State for the Colonies.

R. J. SEDDON.

MEMORANDUM for His Excellency the GOVERNOR.

(No. 10.)

Premier's Office, Wellington, 3rd July, 1893.

THE Premier begs to reply to His Excellency's memorandum of the 22nd ultimo. This memorandum intimates that "His Excellency did not mention that Despatch No. 12, page 41, in the return alluded to in his memorandum of the 21st ultimo, and which he did not send to the Clerk of the Executive Council for publication, was omitted, because, in the telegram in which Lord Ripon informed him that he was about to lay the correspondence in question on the table of Parliament, he added that he intended to omit the despatch of the 16th August unless the Governor particularly wished it printed; and His Excellency, having replied that he did not desire its publication, considering it of no importance, did not expect to see it in this return, and therefore did not send it to the Premier."

The Premier would respectfully point out that in this, as in the other cases, necessity is shown for the usual course being followed, and that all despatches, unless those considered by His Excellency as strictly confidential, should be laid before Ministers or the Executive Council.

It might have happened, had the House met a little earlier, that the despatches in question would have been published with important omissions therefrom, not shown by our parliamentary records. At the same time copies of the same despatches would have been correctly printed in the records of the House of Commons.

The practice of submitting despatches to the Prime Minister has been invariably followed by His Excellency's predecessors. The despatches have always been open to the Prime Minister. The question was raised in 1873. The attached correspondence took place between the then Governor, Sir James Fergusson, and his Advisers, and the resolution which forms part of the papers was passed by both branches of the Legislature.

The Premier would also respectfully draw His Excellency's attention to Nos. 186 and 188 of the Colonial Office Regulations, page 324, which clearly point out the course to be followed respecting despatches to and from the Secretary of State.

The Premier respectfully requests that a copy of this memorandum may be laid on the table of the House of Representatives and Legislative Council respectively, and that a copy be also sent to the Right Honourable the Secretary of State for the Colonies.

R. J. SEDDON.

Correspondence between His Excellency Sir James Fergusson and Ministers relative to the Publication of Despatches to and from the Secretary of State.

MEMORANDUM for MINISTERS.

(Confidential.)

THE Governor requests that Ministers will be so good as to examine copies of certain despatches which were marked for printing and presentation to Parliament by the late Governor, and are now in Mr. Amelius Smith's hands.

The Governor would not desire to withdraw despatches which for any reason personal to himself Sir George Bowen desired to make public, but he cannot forget that the presentation to Parliament will be his own act, and that he and his Advisers are alone responsible for that step.

He would, in the first place, call the attention of Ministers to the fact that in the despatches now in the hands of the printer are several in which the various changes of Ministry which occurred during the last session and during the recess are reported to the Secretary of State, and also several in which the Secretary of State acknowledges their receipt.

The Governor does not think it a very convenient course to lay before Parliament the terms in which he reports such changes, and, if he does no more than report the occurrence of a change of Ministry, the presentation of the despatch becomes a mere and useless formality. But he would not desire to arrest upon his first arrival the process already so far advanced, were there not, in his opinion, grave objections to the publication of one of the despatches—viz., that numbered 79, and dated 20th September, 1872, in which, after relating the facts of the change of Ministry that had just taken place, Sir George Bowen comments upon the position of the Maori members in the House of Representatives and upon certain measures with regard to the Maori race which he anticipates. Inasmuch as it would be difficult to omit one despatch of a similar series or one portion of that particular despatch, the Governor would be disposed to withdraw all those having reference to the change of Ministry, in the absence of any recommendation by Ministers.

There are many despatches in which Sir George Bowen relates certain meetings with Maori chiefs and tribes, and several in which the officer lately administering the Government informs the Secretary of State of the late murder by a Maori in the Waikato district, and of the subsequent proceedings of the Government. The Governor would desire that the presentation of these to Parliament should depend upon the opinion of the Native Minister, or of the Ministry generally, as to the expediency of doing so, especially with reference to the second category. He would particularly be reluctant to publish statements of probable amnesties, the hope of which subsequent events may have weakened.

There are also certain despatches relating to correspondence with the Secretary of State and with other colonial Governments upon postal contracts and telegraphic extension, the publication of which should depend upon the time at which Ministers intend to consult Parliament upon those subjects.

Government House, 20th June, 1873.

MEMORANDUM for HIS EXCELLENCY.

MINISTERS have carefully considered His Excellency's confidential memorandum. It is difficult to understand the reason for incurring the expense of printing much of the correspondence to which His Excellency directs Ministers' attention; but the late Governor was in the habit of instigating the publication of his despatches without reference to their possessing public importance.

It may be open to question whether despatches should be made public covering intimations of changes of Government. Ministers believe the practice has been to make such despatches public, and His Excellency will recognise the delicacy they must feel in advising any change of practice, since the despatches under consideration concern not themselves only, but their predecessors. Two of the despatches relative to changes of Government are incomplete in their statements, and apparently intentionally so, and it might be held that by withholding their publication it was intended or desired to allow them to pass unchallenged.

Ministers do not shrink from the responsibility of calling attention to the uncandid nature of the documents, and probably at some future time they will move His Excellency to direct the notice of the Secretary of State to the subject. In the meanwhile, as they do not understand His Excellency to require their advice as to whether these despatches should be published, they do not feel called upon to advise their publication. Should Parliament move for their production Ministers would probably advise compliance with the request; but in that case they would advise the omission of the paragraphs to which His Excellency considers there are "grave objections." A note could be made to the effect that the omitted portions had nothing to do with the context, and that their omission was considered expedient. Ministers would ask His Excellency, to save misconception, to allow them to confidentially explain to some of the leading members that the omissions were in no sense made in the party or political interests of the Government.

Ministers thank His Excellency for the consideration which prompts his referring to them the despatches concerning Native affairs. Such a course is most expedient, since it will prevent the publication of information which it is not desirable to publish, and it will leave Ministers at liberty to freely communicate with His Excellency on Native subjects without their having to fear an inevitable, and therefore possibly a premature and injurious, publication.

The last class of despatches referred to by His Excellency it would be desirable to publish at once. It is the practice to prepare in anticipation of the session all the papers that it is supposed will be required during the meeting of Parliament: the resources of the printing office are generally overtaxed.

Wellington, 21st June, 1873.

JULIUS VOGEL.

THE Governor has to acknowledge the memorandum of Ministers of the 21st instant, in reply to his memorandum of that date, and he is glad to be in so complete accord and understanding with them upon the subject to which it relates.

Considering that several matters of past controversy may be reopened by some of the late Governor's despatches having reference to the change of Ministry which took place shortly before his arrival, he would prefer to withhold them unless they should be asked for by Parliament; but he will be prepared to act upon the advice of Ministers, should they recommend him to lay them before Parliament in reply to an address. He would be glad, in that case, that Ministers should explain, in the manner they deem most convenient, the omission of certain paragraphs having no reference to the matter in hand, and he would append a note to that effect as suggested by Ministers.

He will be happy to inform the Secretary of State of any points, with the statement of which by Sir George Bowen, they are dissatisfied.

He will at once revise the list of despatches marked for presentation according to the plan proposed, and will only add that he by no means desires to withhold, now or at any future time, from Parliament any despatches which may pass between the Secretary of State and the Governor which would contribute any information desired by Parliament or deemed expedient by Ministers to be communicated.

23rd June, 1873.

THE Governor transmits, in reply to the address of the Legislative Council, dated 24th July, 1873, "Copies of all despatches not already printed from His Excellency the Governor and Acting-Governor to the Secretary of State relative to the Ministerial changes during and subsequent to the last session of the Assembly, and also relative to the Native meetings at Maungatautari and Ngauawahia, and to the late Governor's visits to Native districts since last session, including that to Kawhia Harbour, and of all replies of the Secretary of State to such despatches."

The Governor desires, according to the practice in this colony and elsewhere, to present to Parliament such despatches as bear upon subjects to which the attention of Parliament has been invited by the Government, or in which they have interested themselves, as well as such as he has been directed by the Secretary of State to make public. He will also be ready at all times to afford all the information in his possession with reference to any subject which may engage the attention of Parliament, with the sole limitation attached by the Council to their present address.

He would, however, submit that to lay before Parliament all correspondence passing between the Secretary of State and himself would involve the printing of many formal despatches covering and acknowledging documents already in the possession of Parliament, of which a large portion of the correspondence consists, besides establishing a general practice which the Governor believes has never been claimed either by the Imperial Parliament or by a Colonial Legislature.

No. 11.

MEMORANDUM for the Hon. the PREMIER.

Wellington, 4th July, 1893.

THE Governor has received the Premier's memoranda of the 3rd July—Nos. 8, 9, and 10—which he will be happy to forward to the Secretary of State.

Though it would be easy for him to reply to memorandum No. 8, the Governor does not propose to do so, as he considers that on the adoption by him of the advice of the Secretary of State as to the appointments to the Council the incident was closed; but this did not preclude him from writing freely to the Secretary of State his opinion, which he still holds, on the present situation, and he maintains his right to adopt this course.

In reply to the Premier's reference to paragraph 188 of the Colonial Office Regulations, the Governor considered he had "a special reason" for the course he took as regards his despatch of the 3rd December to Lord Ripon.

The Governor authorises the Premier to lay this memorandum and those above mentioned before both Houses of the General Assembly.

GLASGOW.

Approximate Cost of Paper.—Preparation, not given; printing (1,375 copies), £10.

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