

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.

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.