

SESS. II.—1897.
NEW ZEALAND.

FURTHER CORRESPONDENCE RELATING TO APPOINTMENTS TO THE LEGISLATIVE COUNCIL.

(MEMORANDA RESPECTING THE LAST THREE APPOINTMENTS TO THE LEGISLATIVE COUNCIL.)

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

No. 1.

(No. 49.)

MEMORANDUM for His Excellency the GOVERNOR.

Premier's Office, Wellington, 23rd January, 1897.

THE Premier presents his compliments, and begs to acquaint His Excellency that his Responsible Advisers deem it necessary to maintain the efficiency of the Legislative Council by the appointment of three additional members thereto. His Excellency will doubtless recollect that, prior to his departure for the Sounds, the Premier had an interview with him, and intimated verbally the necessity there was for increasing the number of Councillors, and stated that on his return to Wellington he would submit to His Excellency a memorandum on the subject, which he has now the honour to do.

Since the date of the advice tendered for the appointment of the last four members to the Council four vacancies have occurred, three by death and one by resignation: Hon. Mr. Mantell, Hon. Mr. Pharazyn, Hon. Dr. Pollen, and Hon. Sir P. A. Buckley respectively. But, in addition to this, it must be borne in mind that there are several members of the Council who, owing to advanced age and infirmities, are unable to attend to their duties: one in particular was only able to be present at one meeting of the Council last session, and his infirmities are of such a nature that it is very improbable he will ever again be able to resume his duties. There is also another member who is in the same state, and who was only able to attend a very few meetings last session. Several others also suffer from ill-health and are unable to be present, thus weakening the Chamber both in respect to speaking- and voting-power. The Premier may also mention that three other members were absent visiting the Mother-country; another member was only able to attend for a couple of weeks; and, from the outlook, there is every likelihood of the same occurring in the coming session. The attendance was intermittent and insufficient, and, with the increasing age of the members of the Council, the same thing is bound to continue. Nominally there are 45 members of the Council, but a reference to the division-lists—a copy of which is enclosed herewith—discloses the fact that the average attendance was only 28.5, and out of 61 divisions it was only on 19 occasions that the attendance exceeded 30.

The Premier would point out that in recommending the slight increase of three members it will not materially alter the position of parties.

His Excellency will notice by the return enclosed that the policy Bills rejected by the Council were—the Alcoholic Liquors, on which the voting was 10 for and 18 against—majority, 8; the Contagious Diseases (first Bill), the voting on which was 11 for and 20 against—majority, 9. On this Bill being sent up a second time the voting was 11 for and 18 against—majority, 7; the Eight Hours Bill, the voting on which was 13 for and 15 against—majority, 2; the Private Benefit Societies Bill, the voting on which was 11 for and 18 against—majority, 7; and the Usury Prevention, the voting on which was 10 for and 14 against—majority, 4: so that practically there was five of a majority against these Bills.

Since the prorogation of Parliament a general election has taken place, and the opinion of the people has been expressed on several of the measures which were rejected by the Legislative Council in the last Parliament; and the result of the elections has further proved that the policy of His Excellency's Advisers has the approval of the people, and that they possess the confidence of the electors of the colony.

The Premier, in tendering this advice, is not unmindful of the fact that His Excellency will shortly be leaving the colony, and deems it advisable that the matter should be dealt with by His Excellency in preference to leaving it to his successor, who, if this was done, would immediately on arrival be called upon to deal with the matter without being, as His Excellency is, well acquainted with the whole question. Parliament will meet at the beginning of June, and from what appears in public print the appointment of His Excellency's successor will not be made until that month. It

is unreasonable to expect that the Officer Administering the Government in the interim will deal with this question; and even if the new Governor should arrive before Parliament meets it would be reasonable to expect that he would ask for time to make himself acquainted with the subject and examine thoroughly into the matter. The result would be that during the next session of Parliament the position of the Council would remain as it did during last session, and the character of the Upper Chamber would not be such as would promote the well-being of the people and give effect to their expressed desires.

R. J. SEDDON.

Divisions in the Council.

	Ayes.	Noes.	Total.
Aid to Public Works ...	16	20	36
Alcoholic Liquors ...	10	18	28
Asiatics Restriction ...	14	19	33
Asiatics " ...	15	15	30
Asiatics Restriction (No. 2) ...	19	10	29
" " ...	17	14	31
" " ...	16	12	28
Ballot, Banking Committee ...	11	21	32
Bank New Zealand Pensions ...	9	20	29
Bank New Zealand Act ...	18	6	24
" ...	9	9	18
" ...	10	8	18
Banking Committee ...	10	22	32
" ...	21	11	32
" ...	8	25	33
Certificated Judge, Validation Court ...	10	22	32
Contagious Diseases ...	11	20	31
" ...	11	18	29
Chinese Immigrants ...	19	12	31
Criminal Code ...	10	15	25
" ...	27	5	32
" ...	21	7	28
Crown Suits ...	11	13	24
" ...	9	21	30
Deceased Husband's Brother ...	10	17	27
Divorce ...	13	16	29
" Amendments ...	11	20	31
Domestic Servants ...	8	21	29
Eight Hours ...	13	15	28
Female Law Practitioners ...	13	16	29
" ...	17	15	32
" ...	8	16	24
Hawkers ...	23	5	28
Government Advances to Settlers ...	23	10	33
Horowhenua Block ...	16	11	27
" ...	13	15	28
" ...	24	5	29
Kipa te Whatanui ...	18	16	34
Law Practitioners ...	12	17	29
" ...	18	10	28
" ...	14	12	26
" ...	17	15	32
" ...	16	14	30
Lyttelton Harbour Board ...	19	11	30
Major Kemp ...	18	13	31
Mining Act ...	20	7	27
Mortgages ...	11	17	28
Bank of New Zealand Pensions ...	9	20	29
Private Benefit Societies ...	11	18	29
Private Estates ...	10	22	32
Rating on Unimproved Value ...	20	12	32
Registration of People's Claims ...	7	12	19
Sea-fisheries ...	19	8	27
Shearers' Accommodation ...	10	14	24
Shipping and Seamen's ...	1	23	24
" ...	1	29	30
Special Adjournment ...	19	9	28
Unions, Return of, as to Printing ...	23	6	29
Usury Prevention ...	10	14	24
Wages Protection ...	19	13	32
" ...	2	19	21
Total	1,744

NOTE.—Divide the total number of members voting by the total number of divisions, and the average is, say, 28·5.

Policy Bills rejected by the Council.

	Ayes.	Noes.	Majority against.
Alcoholic Liquors ...	10	18	8
Contagious Diseases ...	11	20	9
" ...	11	18	7
Eight Hours ...	13	15	2
Private Benefit Societies ...	11	18	7
Usury Prevention ...	10	14	4

No. 2.

MEMORANDUM for His Excellency the GOVERNOR.

(No. 50.)

Premier's Office, Wellington, 23rd January, 1897.

THE Premier presents his compliments and begs to recommend William Kelly, Esq., of Auckland, sawmiller, late member for the Bay of Plenty, who first sat in Parliament in 1871, and has sat in several Parliaments since; Benjamin Harris, Esq., of Tuakau, farmer, late member for Franklin, who first held a seat in Parliament in 1881 and has sat in several Parliaments since; and David Pinkerton, Esq., of Dunedin, gentleman, late senior member for Dunedin, who has held a seat during the last two Parliaments, for appointment to the Legislative Council of New Zealand.

R. J. SEDDON.

No. 3.

MEMORANDUM for the PREMIER.

Government House, Wellington, 30th January, 1897.

1. THE Governor has to acknowledge the Premier's memorandum of the 23rd instant, advising the appointment of three additional members to the Legislative Council, and, while prepared to accept the advice now tendered to him, he considers that, in justice to himself, he should indicate which of the reasons advanced by the Premier for advising these appointments appear to him to make it his duty to do so.

2. In the memorandum under consideration the Premier repeats some of the reasons which he advanced on the last occasion, when he advised four appointments to the Council,—or, at least, reasons similar, if not in the same words. With regard to these, the Governor adheres to the views he then expressed; but the Premier has brought forward two others, to which he will allude further on, as sufficient, in his opinion, to make it his duty to make the appointments asked.

3. The present position is, that the party in power has now appointed fifteen Councillors, in addition to those previously appointed by the same party; and on the appointments now asked for being gazetted, they will have appointed eighteen Councillors in five years, a number which he believes to be unprecedented in the history of this or any other colony. There can be no doubt, as the Governor has before pointed out, that when the time comes when another Government assumes office what has happened will form a very strong incitement to the next Ministry, in their turn, to make a considerable addition to the Council, thereby raising it to an abnormal strength, and thus causing the colony an unnecessary expense, for which the present Government will have to bear the responsibility.

4. The reasons which induce him to agree to these appointments, however unnecessary he may deem them, are: First, that the result of the general election, which gives the Government a considerable though reduced majority, is evidence that the Premier still possessed at the general election the confidence of the colony. The second is, that he thinks it very inadvisable that such an important question should be left for the consideration of his successor, as from the Premier's memorandum it appears would be the case were he not to agree to the advice given him.

5. Therefore, although he feels that this intimation places a pressure upon him, for the reasons he has given he has come to the conclusion that it is his duty to act on the advice of his Ministers, and to grant the three appointments advised.

6. I have to request that this memorandum may be placed on the table of both Houses of the General Assembly on the meeting of Parliament.

GLASGOW.

No. 4.

(No. 56.)

MEMORANDUM for His Excellency the GOVERNOR.

Premier's Office, Wellington, 5th February, 1897.

MINISTERS present their compliments, and beg to acknowledge the receipt of His Excellency's memorandum of the 30th ultimo, accepting the advice tendered to appoint three members to the Legislative Council.

In the third paragraph His Excellency is pleased to state as follows: "The present position is that the party in power has now appointed fifteen" (doubtless His Excellency intended to say sixteen) "Councillors, in addition to those previously appointed by the same party, and on the appointments now asked for being gazetted they will have appointed eighteen" (nineteen) "Councillors in five years, a number which he believes to be unprecedented in the history of this or any other colony. There can be no doubt, as the Governor has before pointed out, that when the time comes when another Government assumes office what has happened will form a very strong incitement to the next Ministry, in their turn, to make a considerable addition to the Council, thereby raising it to an abnormal strength, and thus causing the colony an unnecessary expense, for which the present Government will have to bear the responsibility."

Ministers would respectfully point out that the party in power has appointed nineteen Councillors in six years, and not five, as stated by His Excellency; that these appointments have been made to fill vacancies caused by death, resignation, and forfeiture (which amounted to eighteen), and to give effect to the decision arrived at that four appointments should be made direct from the ranks of labour. No more appointments have been made than were, in the opinion of Ministers, necessary to fill vacancies which had from time to time occurred, and to keep the Council in a state of efficiency.

His Excellency was doubtless under a misapprehension when he stated that the number of Councillors appointed by the present Ministry was unprecedented in the history of this or any other colony, for on a reference to A.—5, Vol. I. of the Appendices to the Journals of the House of Representatives, it will be found that from 1866 to 1869 the Stafford Government appointed twenty-five members to the Legislative Council, and when there were only twenty-one vacancies. With regard to His Excellency's remarks as to the effect that the action of the Government may have on an incoming Ministry, the Governor is aware that Ministers do not share those views.

Ministers respectfully contend that the fact of the constituencies having returned a majority of members who support the party in power is conclusive evidence that the action of the Government with regard to appointments to the Legislative Council has the approval of the country, and His Excellency's Advisers are prepared to accept the responsibility.

The memorandum under reply will be laid on the table of both Houses of the General Assembly, as requested by His Excellency, together with the correspondence in connection therewith.

A. J. CADMAN.

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