opinion that your action in the matter was not in accordance with constitutional practice. The grounds on which I have come to this conclusion are as follows:—

3. The observance of the principles of Responsible Government requires that a Governor must be clothed with Ministerial responsibility for all acts in relation to public affairs to which he is a party as head of the Executive. He cannot, therefore, perform any such act except on the advice of his Ministers, and for performing it on such advice no political responsibility attaches to him personally. The question whether or not a dissolution should be granted is a purely internal affair, and is thus regulated by the general rule. A Governor, therefore, cannot dissolve the Legislature except on the advice of his Ministers. There have, of course, been not a few cases in which Governors have rejected advice tendered to them by their Ministers that the Legislature should be dissolved. These do not, however, stand on a different constitutional footing from any other case in which a Governor may have found himself unable to accept the advice of his Ministers. In all such cases the Ministers either acquiesce in the Governor's action, in which event they accept responsibility for it or leave the Governor to find new Ministers who will accept the responsibility.

4. A Governor may feel it incumbent on him to consider with special care requests for dissolutions, but constitutionally he has no special powers in such matters. It follows, therefore, that he is no more entitled to impose on an incoming Ministry, as a condition of admitting them to office, that they should advise a dissolution of the Legislature than that they should tender any other specified advice. A Governor is, of course, entitled to discuss the aspects and the needs of the political situation freely and fully with his proposed new Ministers, but he cannot go to the length of requiring them to give any particular advice as a condition of accepting their services without claiming a personal responsibility which does not attach to him.

5. I have carefully examined in this connection the action of the Lieutenant-Governor of Nova Scotia in 1860, to which my attention has been drawn as affording a possible parallel to your own action. In that case Lord Mulgrave had rejected the advice of his Ministers that a dissolution should take place, on the ground that it was improper thus to interfere with the procedure provided by law for testing the validity of the elections of certain members of the Assembly. Before commissioning Mr. Young as Premier in succession to Mr. Johnston, Lord Mulgrave required from Mr. Young an assurance that each case of alleged disqualification should be inquired into with as little delay as possible. This assurance was duly given by Mr. Young before he was entrusted with the duty of forming the Government. Viewed in the light of what happened previously Lord Mulgrave's action was, in effect, merely a reminder to Mr. Young that, in taking office, he would assume responsibility for the decision that the law must take its course. The case thus presents no analogy to that now under discussion.

6. At the same time, while I consider that you should not have imposed terms on Mr. Earle, I recognize that he was entirely at liberty to decline the duty of forming a Government unless he was left with complete discretion as to the advice to be tendered to you. Instead of doing so he decided to take office, and thus must be held to have accepted for the time being full responsibility for your action. He remained fully responsible until the Ministry determined to advise in the contrary sense, when the policy of dissolution ceased to be authorized by Ministerial advice, but became a matter of your personal opinion—that is to say, no constitutional means existed of giving effect to it without another change of views on the part of Ministers or another change of Ministry.

7. I have to request that you will communicate a copy of this despatch to the House of Assembly.

I have, &c.,
L. HARCOURT.

No. 49.

New Zealand, No. 333.

MY LORD,— Downing Street, 31st July, 1914.

With reference to my telegram of the 14th July, I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of an Order of His Majesty in Council, extending to New Zealand the provisions of the Order made by His Majesty in Council on the 12th August, 1913, under section 1 (i), (*b*), of the Naval Discipline (Dominion Naval Forces) Act, 1911.

2. I also enclose a copy of the additions to the King's Regulations and Admiralty Instructions which the Lords Commissioners of the Admiralty are about to issue to His Majesty's Fleet in connection with the application of the Naval Discipline Act, 1911, to the Naval Forces of the Commonwealth of Australia.

3. I may add that the Order in Council of the 12th August, 1913, came into force in Australia on the 25th March, 1914.

I have, &c.,
L. HARCOURT.

Governor His Excellency the Right Hon. the Earl of Liverpool,
G.C.M.G., M.V.O., &c,