

the Executive Council, take a direct and distinct share in the business of the Legislature: With a general desire on the part of the members of the Assembly to carry out the apparent intentions of the framers of the Act; it would be possible though difficult to carry through the Chambers the Legislative measures necessary for giving effect to the policy of the Government; but in the absence of a co-operative spirit on their part it would be impracticable successfully to conduct through the two branches of the Legislature the most ordinary Government business. From the recent debates in the House of Representatives it is obvious that the members of that House are not prepared cordially to acquiesce in any arrangement for the conduct of the public business in the Assembly which shall render unnecessary the presence in the Legislature of any representation of the Executive Government.

It can scarcely be doubted that the absence of any provision for securing that the Executive should be represented in the Legislature is a defect in the Act, and the practical question is, whether it is now within the power of the Officer administering the Government to remedy the defect.

In the absence of any practical difficulty the most simple course would have been for the Officer administering the Government to select from the members of the Assembly three persons who enjoy the respect and confidence of the country, and who would be prepared to carry out the policy of the Government, and to appoint such persons to the offices of Colonial Secretary, Attorney-General, and Colonial Treasurer. But the difficulty which stands in the way of such an arrangement arises from the fact that the present holders of these offices hold virtually permanent appointments, which in the absence of misconduct on their parts they can hardly be called upon to resign; and, not having been required by the then Governor to secure their election for a seat in the House of Representatives before the General Election, they could not be required to vacate their offices merely because they should not be able to secure their election by any particular constituency, even if a vacancy were made in order that the experiment might be tried.

It would be desirable however that the Officer administering the government, if he remains in office; and that a new Governor, if a successor be appointed, should be in a position to call to his Councils, and to appoint to the principal offices of Government persons in whom the country would confide, to give free scope to the full development of the new constitution.

An act to be passed by the Assembly for securing to the present holders of these offices, a reasonable provision in the event of their retirement would probably tend to the attainment of that object.

It would further be competent for the Officer administering the Government under the authority of the Royal Instructions, at once to add to the Executive Council such other persons as he may deem qualified and capable to advise him. By this means it would be within his power to secure in some measure the representation of the Government in the Legislature. With this object two or three members having seats in the Assembly might be appointed provisionally members of the Executive Council, to form the recognised organs of communication between the Executive and the Legislative. The persons selected for this purpose without being appointed at present to any specific offices might be charged with the duty of conducting the Government business through the two chambers, with the duty of preparing, introducing, and superintending in their progress such bills as may be necessary for giving effect to the policy of the government; of preparing a financial statement and the necessary measures for giving it practical effect. To enable the persons entrusted with these duties to discharge them efficiently, it would be essential that the Officer administering the Government should give them his confidence and cordial support, as return for laborious service, and farther to secure their responsibility, it would be desirable that they should be adequately paid. It would also be indispensable that one of their number should be an able and experienced lawyer.

These legislative members of the Government it is to be presumed would take office only on the condition of holding their appointments so long as they should retain the confidence of the Legislature. As regards the Crown their appointments being made under the authority of the Royal Instructions would be provisional only, and subject to be confirmed or disallowed by the Crown.

In the meantime and during the continuance of the Session at least, it would probably tend to the public convenience that the present Secretary, Attorney-General, and Treasurer, should continue to hold their offices and to transact the ordinary and current business of their respective departments.

In the absence of special authority from Her Majesty's Government, it is not I think within the power of the Officer administering the Government to take any measures for carrying into effect the resolution of the House of Representatives, further than to prepare the way for opening the principal offices of the Government to new men, and in the meantime and as a temporary measure, to add two or three members of the Assembly to the Executive Council, for the purpose of establishing a recognised and responsible medium of communication between the Executive and Legislative branches of the Government.

The course thus suggested is not free from objection; and it would no doubt be attended with some difficulty and inconvenience; it proceeds however as far as, consistently with his powers and duties, and especially with his position as temporary administrator of the Government, he can I think prudently be advised to proceed.

Looking to the views and expectations of the members of the Legislature now assembled from all parts of the colony, there is no reasonable ground to believe that in the absence of any measure for securing the representation of the Executive in the Assembly that the most ordinary and necessary business of the Government can be successfully conducted through the Chambers. Seeing the strong tendency to Provincial independence; believing that if the General Government be not strengthened the central authority will become virtually powerless; and that if the power of the General Government be not now increased, the opportunity will be lost of limiting and defining the powers of the Provincial Executive; seeing, too, that the temper of the House is as yet moderate, and that there appears to be a disposition on the part of the members to work cordially with the Government, if met in a conciliatory spirit; and believing that ill feeling once aroused would be followed for years by a mischievous and unprofitable agitation: I think that if the course above suggested would secure the maintenance of harmonious relations between the Executive and Legislative branches of the Government, His Excellency would, under all the circumstances of the case, exercise a sound discretion in adopting it

(Signed)

WILLIAM SWAINSON,

Attorney-General.

June 5, 1854.

No. 3.

To His Excellency the Officer Administering the Government of the Islands of New Zealand.

May it please your Excellency,—

WE, the House of Representatives, approach your Excellency for the purpose of submitting to you the accompanying resolution which has been adopted by this house, and we respectfully pray that your Excellency may be pleased to take it into your serious and early consideration.

(Signed)

CHAS. CLIFFORD, Speaker.

House of Representatives, Auckland, June 6th, 1854.

Resolved—

Tuesday, June 6th, 1854.

That a respectful address be presented by the Speaker to the Officer Administering the Government, praying that His Excellency will be pleased to take the following resolution into his serious and early consideration, viz.: "That amongst the objects which this house desires to see accomplished without delay, both as an essential means whereby the General Government may rightly exercise a due control over the Provincial Governments, and as a no less indispensable means of obtaining for the General Government the confidence and attachment of the people, the most important is the establishment of Ministerial Responsibility in the conduct of Legislative and Executive proceedings by the Governor.

(True extract.)

(Signed)

CHAS. CLIFFORD, Speaker.

MESSAGE No. 3.

Government House, Auckland 7th June, 1854.

The Officer Administering the Government has received the address of the House of Representatives praying that he will be pleased to take the following resolution into his serious and early consideration, "That amongst the objects which this house desires to see accomplished without delay, both as an essential means whereby the General Government may rightly exercise a due control over the Provincial Government, and as a no less indispensable means of obtaining for the General Govern-