

(Enclosure.)

"2nd November, 1877, 9.25 p.m.

"I have not the paper you want myself, and I cannot find Mr. Smith; neither can I find the document on his table. I am still searching through the office, but send you this *ad interim*.

"Hon. Sir George Grey."

"G. S. COOPER.

Mr. G. S. Cooper, Under Secretary, presently attended, and handed in a paper, as follows:—

"Wellington, 29th October, 1877.

"His Excellency the Governor is respectfully advised to command that the enclosed memoranda relating to the advice tendered by Ministers to His Excellency to summon Mr. John Nathaniel Wilson to the Legislative Council, and His Excellency's declining to accept that advice pending the decision of the Assembly on a vote of want of confidence, may be laid before both Houses of the General Assembly.

"G. GREY.

"Approved—N."

(Enclosures.)

"MEMORANDUM for the Hon. the PREMIER.

"I would feel obliged if you would advise His Excellency to summon Mr. J. N. Wilson, barrister and solicitor, of Napier, to the Legislative Council, provided that you and the rest of the Cabinet agree to the appointment.

"There is but one practising member of the legal profession in the Legislative Council, the Hon. Mr. Hart, and it is exceedingly desirable that the Council should have further legal assistance to assist in their discussions.

"This want has been much felt since the resignation of the Hon. Mr. Sewell. Mr. Wilson stands very high in his profession, and is much respected in his own district. This appointment would not be a political measure, but one of great advantage to the Council, and through the Council to the country, and on this ground it is brought forward. Mr. Wilson has never taken any part in politics in this country, though he has been at the head of his profession in his own district for the past twenty years.

"G. S. WHITMORE.

"I concur in above recommendation.

"J. SHEEHAN.

"J. MACANDREW.

"J. T. FISHER.

"W. J. M. LARNACH.

"24th October, 1877."

"MEMORANDUM for His Excellency the GOVERNOR.

"Wellington, 27th October, 1877.

"His Excellency the Governor is respectfully informed that, notwithstanding the opinion yesterday expressed by His Excellency that notice of a vote of want of confidence in the Government having been given, he ought not to accept any advice given for calling Mr. John Nathaniel Wilson to the Legislative Council until the decision of Parliament upon that vote had been given, when, if it was favourable to the present Government, His Excellency would, in pursuance of advice then given, call Mr. J. N. Wilson to the Legislative Council, it is thought necessary, hoping this can be done without causing embarrassment to His Excellency, respectfully to advise the Governor to sign the accompanying writ summoning John Nathaniel Wilson, Esquire, to the Legislative Council.

"G. GREY."

"MEMORANDUM by His Excellency the GOVERNOR.

"Wellington, 27th October, 1877.

"The Governor presents his compliments to Sir George Grey, and in reply to his memorandum on the subject of the appointment of Mr. Wilson to the Legislative Council, the Governor regrets that after the opinion expressed by him yesterday to Sir George Grey, the Government should have considered it necessary to press this appointment upon him, and he can only repeat in a more formal manner what he said yesterday. If Sir George Grey informs the Governor that he requires this appointment for the purpose of enabling Mr. Wilson to take office in the Government, he will make it at once. If, however, it is as Sir George Grey informed him yesterday, simply for the purpose of adding to the Legislative Council another gentleman belonging to the legal profession, there can be no pressing urgency for the appointment; and the Governor is of opinion that it would be undesirable to make it at a time when a vote of want of confidence is pending.

"If the Government are supported by a majority of the House, the Governor will be happy to accept their advice and appoint Mr. Wilson to the Legislative Council; but, pending the decision of the Assembly, the Governor must decline to make the appointment.

"NORMANBY."

After deliberation, it was moved by the Hon. Mr. Gisborne, That, whereas certain memoranda relative to calling J. N. Wilson, Esq., to the Legislative Council have been presented to the House of Representatives by command of His Excellency the Governor, and whereas from one of the said memoranda, being the memorandum by His Excellency the Governor, dated the 27th of October, 1877, it appears that His Excellency has taken notice of a matter in debate in the House, and has been influenced in his conduct as Governor towards the Ministry by the fact that a vote of want of confidence in them is pending in debate in this House; and whereas it has been referred to the Committee to consider whether a breach of the privileges of Parliament has been committed by His Excellency the Governor, as disclosed in such memorandum, it be resolved:—

That, in refusing to act in accordance with the advice of responsible Ministers upon the expressed ground that there was a question pending in the House of Representatives affecting the position of Ministers, His Excellency the Governor committed a breach of the privileges of the House.

*Resolved*, on motion of Mr. Travers, That written copies of the Hon. Mr. Gisborne's motion be sent to each member of the Committee by 8 o'clock to-morrow morning.

The Committee then adjourned until 3 o'clock to-morrow afternoon.