

That the information referred to is supported by the return is not shown. His Excellency has apparently made a mistake in respect to the members appointed by Conservative and Liberal Governments. In the memorandum of Ministers of the 2nd August they gave the numbers as 26 and 9, whereas His Excellency states the numbers as 22 Opposition members and 12 Government supporters.

His Excellency believes that, "when the crisis is over, members generally will return to their party allegiance."

Ministers do not know of any "crisis," and think that there is as little likelihood of members returning to their party allegiance as there is of a Whig who had become Tory after being made a Peer returning to his allegiance to Mr. Gladstone. The precedents are so few for such a reversion in politics, that they prove the rule that, once members leave the Liberal fold, they leave for good. The "crisis," in this instance, is the well-developed policy of the Liberal party in the country, which an overwhelming majority of Tory gentlemen in the Legislative Council have found themselves in a position to mutilate and destroy.

Nor do Ministers understand why the phrase used by the Premier—"to perform those functions more in harmony with the feeling of the country"—should confirm the Governor in the opinion that he should not grant more than the number he has offered. Ministers respectfully submit that the Governor, being neutral in politics, is in no way permitted by the spirit of the Constitution to do anything that will prevent the feeling of the country from being expressed in legislation. It would indeed be a dangerous doctrine, keeping in view the friendly relations that should exist between the colony and the Mother-country, that the Representative of Her Majesty should consider it to be his duty to thwart the people of the colony in giving expression to their feelings and opinions.

Ministers do not consider the authorities, quoted in his last memorandum by His Excellency, are applicable in the present case, and they need not be more particularly noticed.

Ministers thank His Excellency for the intimation that he will forward their memorandum to the Secretary of State, and they respectfully request that the whole of the memoranda on the subject may be forwarded at the same time.

Premier's Office, Wellington, 5th August, 1892.

J. BALLANCE.

No. 10.

MEMORANDUM FOR HIS EXCELLENCY.

THE Premier presents his compliments to His Excellency, and begs to submit for His Excellency's information a memorandum which it is the desire of Ministers should be transmitted for the consideration of the Right Honourable the Secretary of State for the Colonies, relative to the difference of opinion which exists between Ministers and His Excellency as to the appointment of Legislative Councillors.

The Premier begs respectfully to request His Excellency to be good enough to forward the memorandums to the Secretary of State.

Premier's Office, Wellington, 5th August, 1892.

J. BALLANCE.

Enclosure.

MINISTERS respectfully desire, through His Excellency, to direct the attention of the Right Honourable the Secretary of State for the Colonies to a difference between His Excellency the Governor and his Ministers, on a question which Ministers think involves the status of a self-governing colony of the Empire.

The facts are briefly as follows: Immediately after the last general election the then Governor, Lord Onslow, appointed upon advice seven members to the Legislative Council. The Government of Sir Harry Atkinson was, as the result of the election at the time, in a minority, and resigned office upon the day of the meeting of Parliament. Mr. Ballance was sent for to form an Administration, and his Government was supported by a large majority of the House of Representatives. A short session was held, and the General Assembly was prorogued to enable the Government to bring down their policy in another session. In that session their principal measures were carried by large majorities in the House, but some of the vital points of policy in these measures were defeated by still larger majorities in the Legislative Council, the position of the Government in the second Chamber on the question being represented by adverse votes of 18 to 5. In the majority were included six out of the seven members (the seventh being the Speaker) appointed on the advice at the time of a defeated Ministry. During the recess, and shortly before Lord Onslow's departure from the colony, Mr. Ballance advised His Excellency to appoint twelve members as the least number thought necessary to allow the Government to be fairly represented in the second Chamber, and to enable the legislative and other functions which constitutionally pertain to this branch of the Legislature to be adequately performed. Between the time of Mr. Ballance's Government being formed and when advice was offered to Lord Onslow there had been six deaths, one vacation through absence, and leaves of absence extending over the next ensuing session, while it was notorious that several members were, through old age, extremely unlikely to attend the next meeting of Parliament. Notwithstanding these facts, Lord Onslow refused to appoint a greater number of Councillors than eight, which number Ministers refused to accept. Lord Onslow left a confidential memorandum (which he was good enough to submit to