

Mr. Ballance for perusal) for his successor, in which was contained an extract from a Wellington Opposition newspaper extremely hostile to the Government, containing reasons for not accepting the advice of Ministers. The responsibility was transferred from Lord Onslow to his successor, Lord Glasgow.

Between the departure of Lord Onslow and the arrival of Lord Glasgow the strength of the Council was still further diminished by one death. Upon the arrival of Lord Glasgow Mr. Ballance tendered His Excellency the same advice as he had given Lord Onslow—namely, to call twelve new members to the Council. His Excellency declined to accept the advice, but offered to appoint eight, with an additional member when the written resignation, telegraphed by the Agent-General, of the Hon. Randall Johnson arrived in the colony. Ministers declined to accept a less number than they advised. Since then a member of the Council—the Speaker—Sir Harry Atkinson, has died, while another has resigned. In this position the question remains.

Ministers would point out that the Parliament is in session, and they are answerable to the House of Representatives for the advice tendered to His Excellency. It has been alleged that they ought to have resigned when their advice was declined, but they rely on the constitutional practice as expressed in Todd's Parliamentary Government in the British Colonies, 1880, p. 590, which is as follows: "They would be responsible for the advice they gave, but could not strictly be held accountable for their advice not having prevailed; for, if it be the right and duty of the Governor to act in any case contrary to the advice of his Ministers, they cannot be held responsible for his action, and should not feel themselves justified in retiring from the administration of public affairs."

Ministers are of opinion that the responsibility of appointments to the Council should have rested with the responsible advisers of His Excellency, and that the refusal to accept their advice is in derogation of the rights and privileges of a self-governing colony. In this case His Excellency is placed in the position of acting without advice, unless it be the advice of persons who are not responsible, and withdraws from those responsible the confidence which the Constitution requires him to repose in them, upon the inadequate ground that nine are preferable to twelve additions to the Council. It is further to be observed that, while the advice of a Government that had just been defeated at a general election was accepted, the advice of a Ministry enjoying the confidence of a large majority of the representatives of the people is declined. Ministers, in fact, are impelled to the conclusion that the way in which their advice has been treated is more in harmony with the methods of a Crown colony than with the practice followed in a great self-governing colony which has long enjoyed the advantages of a free constitution and a wide autonomy within the limits of the Empire.

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

J. BALLANCE.

No. 11.

MEMORANDUM for the PREMIER.

THE Governor begs to acknowledge the memorandum dated the 2nd instant which the Premier did him the favour to send, accompanying a return of present members of the Legislative Council.

His Excellency does not know that it requires any specific reply. In his memorandum of the 4th August will be found the Governor's views as to the state of parties in the Legislative Council.

Wellington, 5th August, 1892.

GLASGOW.

No. 12.

MEMORANDUM for the PREMIER.

THE Governor in reply to Ministers' memorandum of the 5th instant does not propose to make any comment upon it, except, in the first place, to explain that "the best information he was able to obtain" was procured solely from public documents and the memorandum left by Lord Onslow.

In the second place, with regard to the passage where Ministers submit "that the Governor, being neutral in politics, is in no way permitted by the spirit of the Constitution to do anything which will prevent the feelings of the country from being expressed by legislation," he wishes it to be distinctly understood that the sentence quoted accurately expresses the principle which has actuated him in the course he has adopted. The country should not in any way be prevented from expressing its feeling as to legislation.

The fact is that the idea underlying the whole case of Ministers is that whatever measures an Administration bring forward are certain to express the feeling of the country.

The Governor directly traverses that assumption, and points out that the suspensory powers conferred by the Constitution on the Second Chamber is a constitutional check intended to give power to the electorate, through the intervention of the Legislative Council, at any time to step in and control legislation.

This plan insures greater freedom to the electorate than that favoured by Ministers.

The Governor sees no reason for continuing the correspondence, and he intends to send the series of communications between Ministers and himself—of which this is the last—along with the reference which he has been asked to send to the Secretary of State for the Colonies.

8th August, 1892.

GLASGOW.