

And whereas Her Majesty is satisfied that the Legislatures of the British possessions hereinafter mentioned have made adequate provision for the recognition in those possessions of probates and letters of administration granted by the Courts of the United Kingdom :

Now, therefore, Her Majesty, by virtue and in exercise of the powers by the above-recited Act in Her Majesty vested, is pleased, by and with the advice of Her Most Honourable Privy Council, to order, and it is hereby ordered, as follows :—

“The Colonial Probates Act, 1892,” shall apply to the British possessions hereunder mentioned : Cape of Good Hope, New South Wales, Victoria, New Zealand, Gibraltar, British Honduras.

And the Most Honourable the Marquis of Ripon, Her Majesty's Principal Secretary of State for the Colonies, is to give the necessary directions herein accordingly.

HERBERT M. SUFT.

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No. 46.

(New Zealand, No. 8.)

MY LORD,—

Downing Street, 17th February, 1893.

I have the honour to acknowledge the receipt of your Despatch No. 57, of the 2nd December, reporting that, in accordance with the advice of your Ministers, you had made twelve appointments to the Legislative Council of New Zealand, as set out in the extract from the supplement of the colonial *Gazette* which you enclosed.

I have, &c.,

RIPON.

Governor the Right Hon. the Earl of Glasgow, G.C.M.G., &c.

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No. 47.

(New Zealand, No. 7.)

MY LORD,—

Downing Street, 17th February, 1893.

I have the honour to acknowledge the receipt of your Despatch No. 60, of the 3rd of December, with its enclosures, respecting the recent appointments to the Legislative Council of New Zealand.

Your Lordship questions in that despatch the propriety of an appeal from the Government of a colony possessing Responsible Government to the Colonial Office upon such a matter.

I would observe in the first place that such an objection to a reference to this department should, if taken at all, be taken at the time of the reference, and comes too late if not made till after my opinion has been asked. Your Ministers submitted to your Lordship a memorandum in which they invited my attention to the difference which has arisen, and this memorandum, with others that passed subsequently, you rightly transmitted to me. In doing so you commented upon the statements of your Ministers, and after expressing your own opinions you concluded by leaving the matter in my hands. I do not find that you raised any objection, either in your correspondence with your Ministers or in your despatches to me, to their action in referring the question to me ; on the contrary, you were, as I understood, and as you recognise in your despatch under reply, yourself a party to the reference.

Neither I nor my predecessor during whose tenure of office this reference was actually made in any way sought it. It came to me as a joint reference from yourself and your Government.

I do not feel myself called upon to express any opinion upon the advisability of the course taken by your Ministers in seeking my advice on such a question ; but I am of opinion that I should not be justified in refusing an expression of my views when it is asked for by the Governor of a colony or by his constitutional Advisers.

You proceed to express the opinion that, when Ministers are unable to come to an agreement with the Government, they should, if they consider the case sufficiently important, tender their resignation. This is no doubt the step which in the last resort a colonial Ministry must take in the case of any acute difference between the Governor and themselves, in order that it may be made apparent whether they are supported by the colony ; but it is for the colonial Ministry to judge whether this step should be taken. On the occasion now under discussion they thought proper to adopt another course, and with your concurrence to refer the matter at issue to my predecessor.