

2. To end, however, any controversy, he hopes the Premier will see his way to advise that a message be sent to the House of Parliament recommending that for clause 4 in the Bill the following be substituted, namely: "This Act shall not come into operation unless the Governor notifies by Proclamation that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the Governor shall notify by the same or any other Proclamation."

3. This was the form which the Secretary of State for the Colonies requested (see his despatch of 20th June, 1884) should be adopted in the colony, and the Deputy Governor knows no reason why the request should not be complied with.

4. If it is not complied with, it would not surprise him if the assent of Her Majesty were refused to the Bill.

Government House, Wellington, 17th October, 1900.

Memorandum for His Excellency the Governor.

THE Premier presents his compliments to His Excellency the Deputy Governor, and, whilst giving full consideration to His Excellency's minute on the New Zealand Ensign Act, and memorandum of the 17th October, regrets to say that as a great constitutional principle is involved—namely, the right of Parliament to provide by Act that an Act shall be reserved for Her Majesty's pleasure—he does not feel warranted in departing from the advice respectfully tendered, to assent to the above-named Bill, and in the usual course he therefore returns the Bill and respectfully repeats his advice.

The Premier further desires to assure His Excellency that Parliament in no way wishes to invade the prerogative of the Governor, nor does the Premier see how, on a fair reading of the clause, any such construction can reasonably be drawn from it.

The Premier would further add that the clause suggested by His Excellency is precisely to the same effect as the clause to which exception has been taken.

Premier's Office, Wellington, 18th October, 1900.

Memorandum for the Right Hon. the Premier.

THE Deputy Governor begs to acknowledge the Premier's memorandum of the 18th instant referring to the New Zealand Ensign Bill.

2. He will transmit the Bill to the Right Hon. the Secretary of State for the Colonies for submission to Her Majesty. He will forward the memoranda that have passed concerning the Bill.

3. He much regrets that the suggestions he made have not been accepted.

4. If the clause he suggested, which was in the form that the circular despatch from the Right Hon. the Secretary of State for the Colonies requested should be followed in the case of Bills to be reserved, is "precisely to the same effect as the clause to which exception has been taken," he is at a loss to conceive why his suggestion should not have been accepted. He cannot understand how any "great constitutional principle" can be involved when both clauses have "precisely the same effect."

5. He has made his objection and his suggestion for three reasons: (a) He considered, though he thought it had been done inadvertently, that in the Governor's absence the prerogative and functions of the Governor were being interfered with. (b.) He thought the request in the circular despatch referred to, which was agreed to by all the colonies (New Zealand included) in 1884, might have been acceded to. It seems to him but scant courtesy to the Imperial authorities that this small and admittedly formal request should be denied, and that a new practice should, sixteen years after the colony had agreed to the request, be set up, and this at variance with what the Imperial authorities desired. (c.) He was under the impression that the clause had been inserted through inadvertence by the draftsman, and that the circular despatch of 1884 had been overlooked. It appears that he was in error in that respect. He must assume that as "a great constitutional principle" is involved, the Parliament knew this, and deliberately refused to accept the form of clause recommended by the Secretary of State for the Colonies. He thinks he should have been informed that this was intended to be done, and not left to discover it after he had taken objection to the wording of the clause.

Government House, Wellington, 19th October, 1900.

Memorandum for His Excellency the Deputy Governor.

THE Premier begs to acknowledge the receipt of His Excellency's memorandum of the 19th instant, with respect to the New Zealand Ensign Bill, and notes with satisfaction that the usual course is being adopted in transmitting the Bill for submission to Her Majesty.

It would appear that the Premier must have failed to put clearly before His Excellency the reason why he did not feel justified in asking Parliament to alter the Bill in terms of His Excellency's objections, or His Excellency would not have misapprehended it, as he seems to have done in the memorandum now under reply.

His Excellency in his first memorandum objected to the clause in the Bill as being an invasion of the Governor's prerogative, and expressed the opinion that the House had no right to require the Bill to be reserved. This is the constitutional principle involved; and, in pointing out that the clause in the Bill and the clause suggested by His Excellency were of precisely the same effect, the Premier hoped to satisfy His Excellency that the one clause no more invaded the Governor's prerogative than the other.

With this explanation His Excellency will scarcely need the Premier's assurance that there has been no intention to show discourtesy to the Imperial authorities, or deliberately refuse to accept the clause recommended by the Secretary of State.

The Premier may add that the position he has felt compelled to take in this matter was taken after consultation with Mr. Speaker, who fully concurred.

The Premier will feel obliged if His Excellency will forward this memorandum with the others relating to the Bill.

Premier's Office, Wellington, 25th October, 1900.