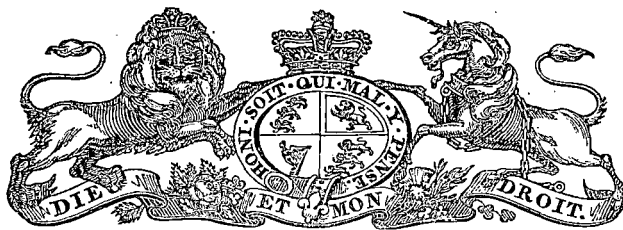


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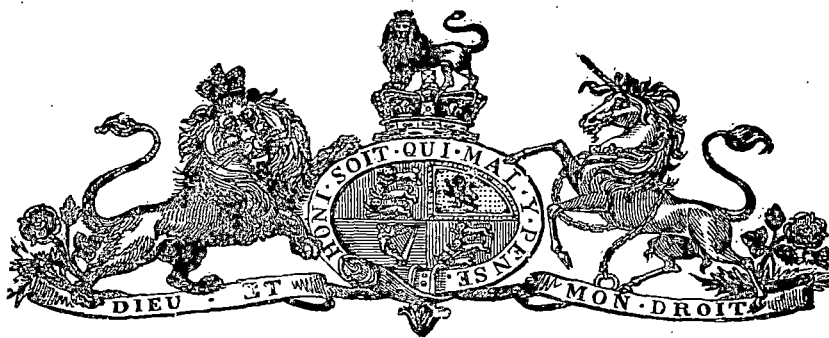
1888.

PARLIAMENT OF TASMANIA.

REPRESENTATION OF TASMANIA AT THE LAST
SESSION OF THE FEDERAL COUNCIL :

CORRESPONDENCE, MEMORANDUM, AND MINUTES.

Presented to both Houses of Parliament by His Excellency's Command.



CORRESPONDENCE, Memorandum, and Minutes in reference to the Representation of Tasmania at the last Session of the Federal Council of Australasia.

Premier's Office, Hobart, 18th November, 1887.

SIR,

I HAVE the honor to call your attention to the provisions of Clause 3 of Act 49 Vict. No. 10, "The (Tasmanian) Federal Council Act, 1885," and to request that you will tender to His Excellency the Governor your resignation of the position you now occupy as a Representative of this Colony in the Federal Council of Australasia.

The Victorian Act in reference to this subject provides specially that "whenever practicable such Representatives shall be Responsible Ministers of the Crown," an arrangement the convenience of which is obvious.

The opinion of Parliament was clearly expressed upon this subject in the discussion upon Clause 3, which discussion, I regret, has been too briefly reported by the Press. I am, however, so strongly of the opinion that the arrangement referred to is desirable, and that it is one which will be followed by all the Federating Colonies, that I purpose to recommend to His Excellency the Governor in Council the Honorable E. N. C. Braddon and the Honorable B. S. Bird as successors to His Honor Mr. Justice Dodds and yourself.

I have the honor to be,

SIR,

Your obedient Servant,

P. O. FYSH.

The Hon. N. J. BROWN, M.H.A., Parliament House.

House of Assembly, Hobart, 21st November, 1887.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of 18th instant, in which you call my attention to the provisions of Clause 3 of Act 49 Vict. No. 10, "The (Tasmanian) Federal Council Act, 1885," and request me to tender to His Excellency the Governor my resignation of the position I now occupy as a Representative of this Colony in the Federal Council of Australasia. You at the same time express your opinion that an arrangement by which Representatives in the Federal Council shall be Ministers of the Crown only is so desirable that you believe it will be adopted by all the Federating Colonies.

The question whether a Member of the Federal Council who ceases to be a Minister should thereupon and therefore resign his seat in the Council is thus raised for the first time in this Colony, and it is one of considerable public importance.

I beg, first, to invite your attention to the provisions of the Federal Council Act of Queensland, under which the qualifications of Representatives are stated to be solely membership of the Executive Council or of the Legislative Council or Legislative Assembly; and to the provisions of the Tasmanian Act on the same subject, from which it will appear that the sole qualification required for the Tasmanian Representatives is that they shall be Members of the Legislative Council or of the House of Assembly. It is true that the same Clause in the Tasmanian Act contains a provision that any Representative may be removed by the Governor; and although this power was evidently intended to be only used in any case of incapacity or misconduct, yet I am compelled to assume that it is to this particular portion of the Clause that you have ventured to call my attention. Not to assume this would be to deprive your words of all meaning.

With reference to your statement that the opinion of the Tasmanian Parliament was clearly expressed in favour of the view that the Members of the Federal Council should be, "whenever practicable, Responsible Ministers of the Crown" is provided in the Victorian Federal Council Act. I am unable to find, either in my recollection of the debate on the Bill or in the Press reports, anything that can justify such an assertion. On the contrary, I have a very clear recollection that both at the Conference at Sydney, at which the Enabling Bill was drafted and agreed to, and in subsequent discussions, both in public and privately, that have occurred upon the subject, the prevailing opinion has been that the Council should be so constituted as to remove it as far as possible from the influence of petty local dissensions and party feeling. It has been held that while it is obviously convenient and proper that the Premier of any Colony, or a trusted colleague, as representing the majority in the Legislature for the time being, should be one of the Representatives, yet that, apart from this consideration, the Representatives should be chosen for their fitness to deal with large questions outside of the local affairs of the Colony, rather than with any reference to the accident of their being or not being at any particular time during the tenure of their seats in the Council in the position of Ministers of the Crown. It was contended, and I think rightly, that the joint public opinion of the Colony on matters of general Australasian interest should be represented in the Council, and not the chance majority of the hour exclusively. If I am reminded that the late Government appointed two of its Members as Representatives in the Council, I can only say in reply that at the time those appointments were made I held and expressed the same views as I do now.

If my late colleague (Mr. Justice Dodds) had remained with me a Member of the Federal Council I readily admit that in order to enable the Premier of the Colony to take his seat in the Council it would be so reasonable and right as to be virtually mandatory, although not legally so, that one of the two Members should tender his resignation; and I believe that in such a case there would have been no objection to deciding, either by lot or otherwise, which of the two Members should retire.

You will observe that in the Victorian Act there is a proviso that even if a Minister of the Crown retires in accordance with the provisions of the Statute, yet he may be re-appointed. From this it is evident that even the Victorian Legislature did not regard it as indispensable that the Members of the Council should be invariably Ministers of the Crown.

As to the question of convenience to which you refer, I am not aware of any inconvenience that ought to arise from the fact that the Representatives acting together in an assembly such as the Federal Council may take opposing views upon comparatively small local affairs. Certainly no such inconvenience would arise from any disinclination on my part to co-operate cordially with my colleague, whoever he might be, or to observe those rules of loyalty and discretion which any Member of the Executive Council is bound to respect. I conclude, therefore, that the convenience to which you refer is neither the public convenience nor mine, but that of yourself and your colleagues.

After due consideration I have decided to afford you an opportunity to re-consider your request before giving my final answer. I shall be glad, therefore, if you will as early as possible inform me whether you adhere to the terms of your letter now under reply.

I have dealt with the question raised by you on public grounds only, and apart from personal considerations. But I cannot conclude this letter without expressing my opinion that, considering our relative positions in connection with the establishment and the working of the Federal Council, the request that you have conveyed to me is extremely discourteous, and had it come from anyone less habitually studious than you are to avoid intentional offence I should regard it as insulting.

I have, &c.

NICHOLAS J. BROWN.

The Hon. P. O. FYSH, Premier.

Premier's Office, Hobart, 22nd November, 1887.

SIR,

I HAVE the honor to acknowledge the receipt of your communication dated yesterday, and to repeat the request made in my letter to you bearing date the 18th instant.

That request was made upon public grounds only, and regardless of those considerations of friendship with yourself which in other than public matters would influence my action.

I have, &c.

P. O. FYSH.

The Hon. N. J. BROWN, M.H.A., Parliament House.

Molle-street, Hobart, 23rd November, 1887.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of 22nd instant, in which you repeat the request made to me in your letter of 18th instant, as to the resignation of my position [as a Member of the Federal Council of Australasia.

In reply I have the honor to inform you that I decline to comply with your request. If I were to comply with it I should become a party to the establishment of a precedent which I believe would be mischievous.

I have, &c.

NICHOLAS J. BROWN.

The Hon. P. O. Fysh, Premier.

MEMORANDUM submitted by Ministers to His Excellency the Governor in reference to the removal of the Honorable NICHOLAS JOHN BROWN from the Office of a Representative of the Colony of Tasmania in the Federal Council of Australasia.

By the Act of the Imperial Parliament (48 and 49 Vict. Chap. 60), establishing the Federal Council of Australasia, it is provided that "Every Bill passed by the Council shall be presented for Her Majesty's assent to the Governor of the Colony in which the Council shall be sitting, who shall declare, according to his discretion, but subject to the provisions of this Act and to Her Majesty's Instructions, either that he assents thereto in Her Majesty's name, or that he withholds such assent, or that he reserves the Bill for the signification of Her Majesty's pleasure, or that he will be prepared to assent thereto subject to certain amendments thereto, to be specified by him;" and in the Interpretation Clause of the said Act "Governor" is defined as "the Governor, Lieutenant-Governor, or other Officer administering the Government of the Colony referred to, with the advice of His Executive Council, except in the case of a Crown Colony, in which case the word shall mean the Governor, Lieutenant-Governor, or other Officer alone."

The effect of the above-mentioned provisions of the Act of the Imperial Parliament by which the Federal Council of Australasia is established is to make the Responsible Ministers for the time being of the Governor of the Colony in which the Council is held his legally constituted advisers in regard to his relations to the Council; and it is therefore eminently desirable that the Representatives of that Colony in the Council should be Responsible Ministers of the Crown in that Colony, inasmuch as if none of those Ministers was a Member of the Council it is scarcely conceivable that they could tender to the Governor that information and advice in reference to the proceedings of the Council which they ought to be in a position to give him; and if only one of them was a Member of the Council, and his colleague in the representation of the Colony should hold opinions antagonistic to those of Ministers on any important question under consideration by the Council, and seriously affecting the intercolonial relations of the Colony, the situation might be productive of very embarrassing results. Particularly in the case of the Legislatures of any two or more Colonies having referred any matter to the consideration of the Council, it would probably be found especially inconvenient if any of those Colonies should be represented by two gentlemen who had differed in the local Legislature as to the propriety of referring such matter to the Council; but so long as the Representatives of each such Colony are selected from its Responsible Ministers such inconveniences will be effectually avoided, inasmuch as the Ministers of the Crown in each Colony would always act in unison in the local Legislature on any such question.

It will not be disputed that the Premiers of all the Colonies included in the Federation should, whenever practicable, represent their respective Colonies in the Council; and it is also desirable that, whenever practicable, the Attorney-General of each Colony included in the Federation should be one of its Representatives in the Council, inasmuch as the majority of the subjects which have been placed by the Imperial Parliament within the purview of the Council are such as require legal knowledge for their satisfactory treatment.

If the Premier of any Colony desires, for personal or other reasons, not to represent his Colony in the Council, it is for him to indicate which of his colleagues he would desire to be his substitute.

The primary limitation of the legislative authority of the Council to purely intercolonial relations, and the special provisions of the Act of the Imperial Parliament under which the Council is constituted, authorising the Governors of any three Colonies to summon special Sessions of the Council, and enabling the Legislatures of any two or more Colonies to refer specified matters of intercolonial

importance to the Council, indicate that the intention of the Imperial Parliament in regard to the Federal Council of Australasia was that the Council should be so constituted as to provide an organ for united action on the part of the several Governments of the Colonies included in the Federation in their authoritative and representative capacity, and not to provide for the direct representation of the people of the Colonies for the purposes of ordinary legislation; and to give effect to such intention of the Imperial Parliament in regard to the functions of the Council it is a practical necessity that the Representatives of the several Colonies should be in a position to speak authoritatively for the Governments of the Colonies they represent, and it is difficult to understand how they could conveniently do so without being Members of those Governments for the time being.

This fact has been most distinctly recognised by the Legislature of the Colony of Victoria, which has provided, by its "Federal Council Act, 1885," that whenever practicable the Representatives of that Colony "shall be Responsible Ministers of the Crown, and shall cease to hold office as such Representatives on vacating office as Ministers of the Crown, but may be re-appointed thereto;" and the Legislatures of all the Colonies possessing Responsible Government, and included in the Federation, have provided in their several Acts relating to the subject that their Representatives in the Federal Council shall from time to time be appointed by the Governor in Council, and that the Representatives may from time to time be removed by him from office.

These provisions of the Acts of the Legislatures of Queensland, Victoria, and Tasmania relating to the appointment and removal of the Representatives of those Colonies in the Council have a special significance in relation to the question of when a Representative's tenure of office should terminate, inasmuch as the Act of the Imperial Parliament constituting the Council specially empowers the Legislature of any Colony to make such provision as it thinks fit for determining the tenure of office of that Colony's Representative; but none of the Colonial Parliaments, excepting that of Queensland, has made any provision in that direction other than those above mentioned; and the immediate inference to be drawn from this fact is that the intention in each case was that the Representatives of the Colony in each Session of the Council should hold their seats as the nominees of the Governor in Council of the day.

The additional provision made by the Legislature of Queensland is that each Representative of that Colony shall hold office for the term of three years from the date of his appointment; but this provision is expressed to be subject to the provisions thereafter contained respecting the removal of a Representative from office, and such last mentioned provisions directly contemplate a discretionary discharge and removal of a Representative from office by the Governor in Council as distinguished from a removal for the peremptory causes therein specified.—See "The Federal Council (Adopting) Act, 1885," (Queensland), 49 Vict. No. 16, Sect. 4.

The Hon. Mr. Dickson, who represented the Colony of Queensland in the last Session of the Federal Council, and who was then a Minister of the Crown in that Colony, but who has since then ceased to be a Minister, has tendered the resignation of his office as a Member of the Council to the Governor of Queensland, from which fact it may fairly be inferred that Mr. Dickson has interpreted the provisions of the Act of Parliament of Queensland relating to the appointment and removal of the Representative of that Colony in the Council as embodying an intention that they should be Ministers of the Crown in that Colony for the time being. Ministers have been informed that the Hon. Mr. Dickson has been requested by Sir Samuel Griffith, the Premier of Queensland, to retain his position as a Representative of that Colony in the Council; and it is probable that, in view of the fact that the changes which have occurred in the representation of the Colonies of Victoria and Tasmania have displaced one-half of the Members who constituted the Council in its last Session, this request has been made in order to preserve such a measure of continuity in the *personnel* of the Council as, within certain limits, must undoubtedly be convenient and desirable; but no such reason exists for the retention of the Hon. N. J. Brown in the office of a Representative of Tasmania in the Council, inasmuch as he has never taken his seat in it.

All the Representatives of the Colonies possessing Responsible Government in the only Session of the Council which has yet been held were Responsible Ministers of the Crown in those Colonies; and when the first vacancy occurred in the representation of the Colony of Tasmania in the Council another Responsible Minister of the Crown in that Colony was appointed to fill that vacancy.

In view of those precedents, and for the reasons hereinbefore stated, Ministers submit that it is desirable that the Hon. Nicholas John Brown should be removed from the office of a Representative of Tasmania in the Council, in order that two Responsible Ministers of the Crown may be appointed to represent the Colony in the forthcoming Session of the Council.

P. O. FYSH.

3rd January, 1888.

HIS EXCELLENCY THE GOVERNOR TO MINISTERS.

BEFORE assenting to the recommendations of Ministers that the Honorable John Brown should be removed from the office of a Representative of Tasmania in the Federal Council of Australasia, the Governor points out to them that while in his opinion there is much force in the reasons which they urge in favour of the Representatives of the Colony in which the Federal Council is held being Ministers of that Colony for the time being, he would be glad to know whether they have fully considered the effect of their recommendations as regards the Federal Council itself.

In the Governor's view it is very desirable that so extreme a measure as the *removal* of a Representative of the Council, whose only disqualification is that he is no longer a Minister of the Crown, should if possible be avoided, as it might tend to create an impression in the public mind which might not be advantageous to the operations of the Council.

This view he considered it to be his duty to place before Mr. Brown, who, however, adheres to his decision not to resign.

It is within the Governor's knowledge that Ministers have given grave consideration to the question of Mr. Brown's removal, and he has had several conversations with the Premier on the subject, but he thinks it well that the views of Ministers as regards this aspect of the case, together with his own, should be on record.

R. G. C. HAMILTON.

3rd January, 1888.

THE PREMIER TO HIS EXCELLENCY THE GOVERNOR.

MINISTERS have upon several occasions fully considered in all its bearings the "removal" of a Member of the Federal Council, and have most reluctantly been impelled by conviction to make the recommendations to Your Excellency which has caused the "removal" of the Honorable N. J. Brown.

They are not fearful of any disadvantageous impression upon the public mind locally, because the desirability as a matter of public policy that representation in the Council should be Ministerial is admitted.

That public opinion may be moved to a degree adverse to Ministerial action is inseparable from the discharge of all Executive responsibilities under popular forms of Government; but Ministers believe that the animated discussion upon the Federal Council Adopting Act, and especially upon the clause which provides for the appointment of Representatives, has left upon the minds of public men generally the conviction held by Ministers, that the intention of the clause is best carried out by the course now recommended; and it is some gratification to find that an important section of the local press agrees with this opinion, and that the Melbourne *Argus* has supported the same view.

P. O. FYSH.

MINUTE PAPER FOR THE EXECUTIVE COUNCIL.

Chief Secretary's Office, Hobart, 3rd January, 1888.

SUBMITTED,

THAT the Honorable Nicholas John Brown, one of the Representatives of the Colony of Tasmania in the Federal Council of Australasia, having ceased to occupy the position of a Minister of the Crown in the said Colony which he held when he was appointed such Representative as aforesaid, be "removed" from the office of such Representative as aforesaid in the said Federal Council.

P. O. FYSH.

The Governor in Council approves.

R. G. C. H.

JAMES ANDREW.

3 January, 1888.

MINUTE PAPER FOR THE EXECUTIVE COUNCIL.

Chief Secretary's Office, Hobart, 3rd January, 1888.

SUBMITTED,

THAT in accordance with the provisions of "The Tasmanian Federal Council Act, 1885," (49 Victoria, No. 10), the Honorable Edward Nicholas Coventry Braddon, a Member of the House of Assembly, and the Honorable Andrew Inglis Clark, a Member of the House of Assembly, be respectively appointed Representatives of the Colony of Tasmania in the Federal Council, in the place of the Honorable John Stokell Dodds, who has ceased to hold office as a Representative of the said Colony in the said Council, and the Honorable Nicholas John Brown, who has been "removed" from his office of a Representative of the said Colony in the said Council.

P. O. FYSH.

The Governor in Council approves.

R. G. C. H.

JAMES ANDREW.

3 January, 1888.

Chief Secretary's Office, 5th January, 1888.

SIR,

I HAVE the honor to inform you that, in view of the approaching meeting of the Federal Council of Australasia, and the Government holding the opinion that it is of great importance, if not absolutely imperative, that the Representatives of the Colony in the Council should be Members of the Administration, His Excellency the Governor in Council has, in accordance with the provisions of the 3rd Section of "The (Tasmanian) Federal Council Act, 1885," (49 Victoria, No. 10), been pleased to "remove" you from your office of a Representative of Tasmania in the Federal Council.

The Government desire, on this occasion, to convey to you an expression of their regret that, owing to their deep conviction of the desirability, as a question of public policy, that the Representatives of the Colony in the Council should be in perfect accord with the Members of the Executive Government upon all matters that may be brought under consideration, they have felt compelled to advise His Excellency to relieve you of your duties in connection with the Federal Council.

I have, &c.

P. O. FYSH.

*The Honorable NICHOLAS J. BROWN, M.H.A., Hobart.**Molle-street, Hobart, 6th January, 1888.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of 5th instant, informing me that the Governor in Council has, in accordance with the provisions of the 3rd Section of "The (Tasmanian) Federal Council Act, 1885," (49 Vict. No. 10), been pleased to "remove" me from my office of a Representative of Tasmania in the Federal Council.

On referring to the terms of the Commission by virtue of which I hold my seat in the Federal Council, I find that I am appointed to be a Representative of Tasmania in the Council, as being "a Member of the House of Assembly," which position I still have the honour to hold; and I submit that, whatever may be the opinion of Ministers as to the necessity that the Representatives of the Colony in the Federal Council should be Members of an existing Administration, such an opinion must be first clothed with the approval and authority of the Legislature before it can be legally acted upon. I therefore protest against the action that His Excellency the Governor has been advised to take in this matter as illegal; and, even if it could be proved to be legal, I should denounce it as an arbitrary and unreasonable, and therefore an unjustifiable, exercise of power.

I have, &c.

NICHOLAS J. BROWN.

The Hon. P. O. FYSH, Premier.

FORWARDED to the Hon. the Attorney-General for his perusal. Return.

P. O. F.

Premier's Office, Hobart, 11th January, 1888.

SIR,

I TAKE advantage of the opportunity afforded to me, in acknowledging the receipt of your letter of the 6th instant, of expressing my regret if there has been any appearance of abruptness in my request to you, dated 18th November last, to resign your position as a Representative of Tasmania in the Federal Council of Australasia. I trust that if you entertain any such opinion it may be removed by a recollection of a previous conversation I had with you, and which led to that official request. I stated, in the conversation referred to, that I had delayed to move earlier in the matter because I thought the absence of your resignation was an oversight of which you only required to be reminded. I briefly enumerated such reasons for asking you to resign as I considered were sufficient, and you requested me to communicate with you officially.

I am at all times desirous of remembering that courtesy which should be observed in conducting correspondence, but, in this instance, I was under the impression that you expected from me only an official intimation of the wishes of the Government, and I limited my letter accordingly.

No one regrets your removal from the Federal Council more than myself, but I am unable to arrive at any other conclusion than that the precedent is necessary in order to effectually carry out the provisions and intentions of the Act.

I have, &c.

P. O. FYSH.

The Hon. N. J. BROWN, M.H.A., Hobart.

Molle-street, Hobart, 11th January, 1888

SIR,

HAVING observed that it has been publicly stated, apparently upon the authority of Ministers, that a Memorandum on the subject of my "removal" from the position of a Representative of the Colony of Tasmania in the Federal Council, which has been submitted to His Excellency the Governor by Ministers, is intended to be forwarded by His Excellency to the Secretary of State for the Colonies, I have the honor to request that copies of your letter to me of 5th instant, in which you inform me that the Governor in Council has "removed" me from my office as a Representative, and my reply thereto, dated 6th instant, may be forwarded to the Secretary of State for the Colonies, together with the Memorandum referred to.

I have, &c.

NICHOLAS J. BROWN.

The Hon. P. O. FYSH, Premier.

Premier's Office, Hobart, 11th January, 1888.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of to-day's date, in reference to a Memorandum which has been submitted to His Excellency the Governor by Ministers in regard to your removal from the position of a Representative for Tasmania in the Federal Council of Australasia.

In reply I have to inform you that I am not in any way responsible for the statement that this Memorandum will be forwarded to the Secretary of State for the Colonies, and I have no knowledge that this course is contemplated. If, however, the report should prove to be correct, I am of opinion that all correspondence bearing on this subject should also be transmitted for Sir Henry Holland's information, and I will take an early opportunity of communicating with His Excellency to this effect.

I have, &c.

P. O. FYSH.

The Hon. N. J. BROWN, M.H.A., Premier.

Molle-street, Hobart, 13th January, 1888.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of 11th instant, in which you inform me that you have no knowledge that it is contemplated by His Excellency the Governor to forward to the Secretary of State for the Colonies the Memorandum on the subject of my removal from the office of Representative of Tasmania in the Federal Council of Australasia which has been submitted to His Excellency by Ministers.

I beg to thank you for your assurance that, should the Memorandum of Ministers be forwarded to the Secretary of State for the Colonies, all correspondence bearing on the subject shall be forwarded with it.

I presume that there will be no objection to furnish me with a copy of the Memorandum referred to, and I have the honor to request that a copy may be forwarded to me.

I have, &c.

NICHOLAS J. BROWN.

The Hon. P. O. FYSH, Premier.

Premier's Office, Hobart, 24th January, 1888.

SIR,

IN reply to your letter of the 13th instant, and with reference to previous correspondence on the subject of the Memorandum submitted by Ministers to His Excellency the Governor concerning your removal from office as a Representative of Tasmania in the Federal Council of Australasia, I have the honor to point out that in my second communication to you, of the 11th instant, I stated it as my opinion that the correspondence on this subject should be transmitted to the Secretary of State for the Colonies with the Memorandum referred to, but I did not give you my assurance that this course would be adopted, as the decision must rest with Sir Robert Hamilton himself.

I have now to suggest that you should make your request direct to His Excellency, and, when an intimation of his compliance is received, the necessary papers will be furnished to him for transmission to the Colonial Office; but I must decline to accede to your desire to be supplied with a copy of the Memorandum respecting your removal from office.

I have, &c.

P. O. FYSH.

The Hon. N. J. BROWN, M.H.A., Molle-street.

Molle-street, Hobart, 26th January, 1888.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of 24th inst., in which you point out that you did not give me your assurance that all correspondence on the subject of my removal from the office of a Representative of Tasmania in the Federal Council of Australasia should accompany the Memorandum on the same subject submitted to His Excellency the Governor by Ministers, should the latter be forwarded by His Excellency to the Secretary of State for the Colonies.

In reply, permit me to say that the words of your letter of 11th instant, to which I referred as an "assurance" on this subject, were as follows:—"If, however, the report" (that is, the report that the Memorandum of Ministers is intended to be forwarded by His Excellency to the Secretary of State for the Colonies) "should prove to be correct, I am of opinion that all correspondence bearing upon the subject should also be transmitted for Sir Henry Holland's information, and I will take an early opportunity of communicating with His Excellency to this effect."

I think that upon consideration you will see that I was justified in accepting those words as carrying an assurance that my request would be complied with, inasmuch as I feel the utmost confidence that if that request had been brought under the notice of His Excellency its fairness and reasonableness would have been readily recognised; and, indeed, if His Excellency alone were concerned in the matter, I should not have considered it in the slightest degree necessary to make any such suggestion or request.

With reference to your refusal to accede to my desire to be supplied with a copy of the Memorandum of Ministers, I regret the decision that you have arrived at. An inference to be drawn from this refusal is that Ministers themselves are dubious as to the adequacy of the grounds upon which they have advised His Excellency to exercise his power of removal. It is quite easy to understand that it would be inconvenient to Ministers if at the present time the weakness of the reason they have given in attempted justification of their conduct were detected and exposed. No great length of time, however, will elapse before Parliament will have an opportunity of extracting the Memorandum, and of expressing an opinion upon the whole transaction.

I now propose to hand this correspondence to the Press for publication.

I have, &c.

NICHOLAS J. BROWN.

The Hon. P. O. FYSH, Premier.

Premier's Office, Hobart, 28th January, 1888.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 26th instant, in reference to the transmission to the Secretary of State for the Colonies of the correspondence relating to your removal from the office of a Representative of Tasmania in the Federal Council of Australasia.

I have, &c.

P. O. FYSH.

The Hon. N. J. BROWN, M.H.A., Mole-street.