

Enclosure.

Name of Member.	Date of Appointment.	Premier in Office.
W. D. H. Baillie ...	8th Mar., 1861	Stafford.
Sir G. S. Whitmore ...	31st Aug., 1863	Domett.
J. B. A. Acland ...	8th July, 1865	Weld.
H. J. Miller ...	"	"
W. B. D. Mantell...	19th June, 1866	Stafford.
Mathew Holmes ...	"	"
Henry Scotland ...	24th Feb., 1868	"
J. A. Bonar ...	27th June, 1868	"
M. S. Grace ...	13th May, 1870	Fox.
Robert Hart ...	9th July, 1872	"
G. R. Johnson ...	23rd July, 1872	"
Daniel Pollen ...	12th May, 1873	Vogel.
J. T. Peacock ...	9th Oct., 1877	Atkinson.
J. N. Wilson ...	23rd Nov., 1877	Grey.
W. H. Reynolds ...	30th April, 1878	"
Sir P. A. Buckley...	25th July, 1878	"
Patrick Dignan ...	3rd Feb., 1879	"
Richard Oliver ...	10th Nov., 1881	Hall.
George McLean ...	19th Dec., 1881	"
E. C. J. Stevens ...	7th Mar., 1882	"
Henry Williams ...	"	"
J. C. Richmond ...	14th May, 1883	Whitaker.
J. W. Barnicoat ...	"	"
C. W. A. T. Kenny ...	15th May, 1885	Stout.
G. B. Morris ...	"	"
Robert Pharazyn ...	"	"
Joseph Shephard ...	"	"
S. E. Shrimski ...	"	"
William Swanson ...	"	"
H. K. Taiaroa ...	"	"
Lancelot Walker ...	"	"
Ropata Wahawaha ...	10th May, 1887	"
C. C. Bowen ...	20th Jan., 1891	Atkinson.
C. J. Johnston ...	"	"
J. D. Ormond ...	"	"
W. D. Stewart ...	"	"
J. B. Whyte ...	"	"

Colonial Secretary's Office,
Wellington, 13th July, 1892.

HUGH POLLEN, Under-Secretary.

No. 8.

MEMORANDUM for the PREMIER.

IN reply to the Premier's memorandum of the 2nd August, the Governor notes that Ministers do not admit that the case is one in which it is the duty of a Governor "to exercise the power vested in him as an Imperial officer without limitation or restraint;" in that he agrees with Ministers; and, as the inference (which the Governor still thinks he was justified in drawing, from the reasons given by Ministers for not resigning) turns out to have rested on a misconception, the argument which he based on it falls to the ground, and it only remains for him to notice one or two points.

The Premier directs attention to the use the Governor made of the words "prerogative right." The sentence should have run thus: "Considering that the Governor is personally responsible to the Crown for the manner in which he exercises the prerogative right in discriminating as to the number of appointments which ought to be made to the Council, he considers," &c.

With regard to the statement that in the opinion of Ministers the appointment of Councillors is not a "personal act" on the part of the Governor, the Governor replies that the appointment of Councillors is, in his opinion, a matter in which he is not bound to follow the advice of his Ministers, except on the occasion of great emergency, and that precedents in the history of the Mother-country exist sufficient to show what are to be considered such occasions. In ordinary circumstances the Governor would naturally accept Ministers' advice as to appointments, but occasions may arise when the Governor is of opinion that the appointments proposed may interfere with the balance of parties in the Upper House; in such a case it is essential, in the interests of the colony, that appointments should only be made to such an extent as shall be safe.

In a despatch written by Sir H. Robinson to Lord Kimberley, on the 27th August, 1882, will be found the following: "It will be seen that in every instance when questions have arisen as to the appointment of additional members of Council, the Governor has acted on his own responsibility, without previous reference to the Secretary of State, and that, when the course adopted has been