

for the Upper House, and even for the Throne. A proof of this power had recently been exhibited in England; and many such proofs existed in earlier history. An Upper House had occasionally attempted to resist the popular will, but never determinately and with ultimate success, because the popular will was found to be irresistible, and an Upper House which would be obstinate in its resistance would surely be swept away. The reasons cited by the opponents of the nominee principle, in behalf of an elective Upper House as superior to a similar structure on the nominee principle, was its unexpansive and inflexible character; and for the very same reason he had been strenuous in his opposition to the elective principle prevailing in the Upper House. The erection of such a body would lead to a revolution. (Hear, hear.) It would control the Lower House, and could trample on the rights of the people. Therefore he was in favour of a nominated Upper House, which he felt assured would and must give way, rather than excite a revolution, and also because he felt assured that the Responsible Minister of the day would compel it to give way in such an exigency. He was opposed to the principle of an elective Upper House on account of its inflexible and unexpansive character, an argument which, though used in its behalf, was fraught with the most dangerous character; and because he preferred the British Constitution, which had stood the test of ages, which had worked well, and had been found congenial to the feelings and sentiments of Englishmen. (Loud cheers.) It was because under such a Constitution Englishmen could live contentedly and securely that he proposed giving such a Constitution to the colony, and such an Upper Chamber to the Legislature; and he therefore trusted the House would show their concurrence in his opinion by passing the third reading of the Bill by a large majority. (Loud and prolonged cheering.)

The SECRETARY of STATE for the COLONIES to Governor the Earl of BELMORE.

(No. 77.)

MY LORD,—

Downing Street, 2nd October, 1869.

I have the honour to acknowledge the receipt of your despatch, No. 109, of the 14th July, enclosing a memorandum by Mr. Robertson on the subject of my despatch, No. 2, of the 18th December last, relating to some additional appointments which had been made to the Legislative Council of New South Wales.

When writing that despatch I was fully aware that the number of the Upper House in New South Wales was unlimited. I am also fully aware that on certain critical occasions it may become not only expedient but indispensable to bring the two Houses into harmony, by creating, or threatening to create, a number of Legislative Councillors sufficient for that purpose. But it is not the less clear that the whole value and character of the Upper Chamber will be destroyed if every successive Ministry is at liberty, without any sufficient occasion, to obtain a majority in the Council by the creation of Councillors. To prevent this, some constitutional understanding, having in the public eye the form of a valuable though not absolutely inflexible precedent, and limiting the circumstances under which such creations can properly take place, is desirable. Such an understanding did, in fact, exist between Sir John Young and his successive Ministers; and the object of my despatch of the 18th December was to enforce on you the inconvenience of any course which was calculated, without necessity, to impair the authority of that understanding, and to the expediency of making it clear, in the interest of the colonial Constitution, that any necessary violation of its letter was not really a violation of its spirit—that is to say, that it was resorted to not to strengthen a party, but in reality for the convenience of legislation.

I have, &c.,

GRANVILLE.

PROCEEDINGS of the Executive Council, on the 28th March, 1861, relative to the Appointment of the Hon. JOHN ROBERTSON as a Member of the Legislative Council.

MINUTE No. 61/13.—Confirmed 8th April, 1861.

HAVING been invited to the consideration of the subject by His Excellency the Administrator of the Government, at the instance of the Hon. the Vice-President, the Council advise that the Hon. John Robertson be appointed to a seat in the Legislative Council.

EDWARD C. MEREWETHER,

Clerk of the Council.

PROCEEDINGS of the Executive Council, on the 2nd September, 1861, relative to the Appointment of New Members of the Legislative Council.

MINUTE No. 61/40.—Confirmed 9th September, 1861.

REFERRING to the proceedings on the 11th June last, His Excellency the Governor, at the instance of the Hon. the Vice-President, invites the attention of the Council to the desirability of making some further appointments to the Legislative Council.

The Council advise that Samuel Deane Gordon and Edward Butler, Esquires, both of Sydney, who have expressed their willingness to accept seats in the Legislative Council, be appointed members of the said Council, and summoned thereto accordingly.

CHARLES COWPER, Jun.,

Clerk of the Council.

MINUTE 62/34, 13th October, 1862.—Confirmed 20th October, 1862.

HIS EXCELLENCY the Governor acquaints the Council that William Charles Wentworth, Esquire, has resigned the office of President of the Legislative Council, and invites their attention to the necessity of appointing his successor.

HIS EXCELLENCY having informed the Council that Terence Aubrey Murray, Esquire, late Speaker of the Legislative Assembly, has expressed his willingness to accept a seat in the Legislative Council, they thereupon advise that Mr. Murray be summoned to the Legislative Council accordingly, and further advise that he be thereupon appointed President