

I have thought it my duty to say so much by way of comment upon a proceeding which is not creditable to the cause of constitutional government in Australia, while it tends to weaken the position of the Governor; but I can at the same time make great allowances for the difficulties of the dilemma in which you found yourself placed so soon after your arrival in a new sphere of duty, and I am sure that you acted as appeared to you, at the moment, best for the public interests.

I have, &c.,
NEWCASTLE.

The SECRETARY of STATE for the COLONIES to Governor Sir JOHN YOUNG.
(No. 67.)

SIR,— Downing Street, 21st October, 1861.
I have the honour to acknowledge the receipt of your despatch, No. 55, of the 20th July, reporting the reconstruction of the Legislative Council of New South Wales, as required by the 3rd clause of the Constitution Act.

It affords me much pleasure to observe in the list of Legislative Councillors so many names of gentlemen of eminence and tried ability, and it is my earnest hope that the construction of the new Legislative Council may tend to promote the welfare of the colony.

I have, &c.,
NEWCASTLE.

The SECRETARY of STATE for the COLONIES to Governor Sir JOHN YOUNG.
(No. 68.)

SIR,— Downing Street, 21st October, 1861.
I have the honour to acknowledge the receipt of your despatch, No. 51, of the 19th July, forwarding a statement by Sir William Burton of the circumstances which led to his resignation of the office of President of the Legislative Council of New South Wales, and also explaining to me your view of the public questions to which this statement refers.

You will already have learnt from my despatch of the 26th July that, while making every allowance for the difficulties in which you were placed, I was unable to approve the creation of twenty-one Legislative Councillors for the purpose of carrying a Ministerial measure through the Council. With regard to the other questions raised in Sir William Burton's letter, it does not appear to me necessary or desirable to say more than that I see no reason to doubt that the President and members of the late Legislative Council were actuated by a sense of duty in the proceedings which they adopted during the last session of the Parliament of New South Wales.

I have, &c.,
NEWCASTLE.

Governor Sir JOHN YOUNG to the SECRETARY of STATE for the COLONIES.
(No. 14.)

SIR,— Government House, Sydney, 16th February, 1865.
In accordance with the request of Mr. William Forster, late Colonial Secretary, I have the honour to forward the letter* in which he tendered the resignation of his office, for the reasons therein stated.

It will only be necessary, I think, to give an outline by way of narrative of the circumstances which led to and accompanied his resignation; for, although they bear on the manner in which the issue of the question was brought about, they still have little to do with the question itself.

About a fortnight previous to the meeting of the present Parliament, Mr. Martin, the Premier, mentioned to me his wish to nominate two gentlemen to the Legislative Council. I at once stated the objections which occurred to me, and which I will presently refer to, and, after some conversation, I parted with Mr. Martin, under the impression that the appointments would not be seriously pressed.

About a week later, however, it appeared that Mr. Forster was not satisfied, but insisted on the appointments, and on my definite refusal his letter of 23rd January, 1865, was handed to me.

It will be observed that, in insisting, Mr. Forster had not the support of his colleagues—they had yielded to the gravity of the objections which I urged.

I now pass on to the grounds on which my refusal was based.

The Legislative Council at that time consisted of thirty-two members, three being absent in England, one on his passage out from England, and one on the eve of departure from the colony; so that there were present in the colony twenty-seven members available for service. Nine of this number—i.e., one-third—had been appointed since the accession to office of Mr. Martin's Ministry, in October, 1863. The minimum number of members for the Legislative Council prescribed by the Constitution Act is twenty-one. It appeared to me that the creation of nine new members in so short a period was a large addition to the Legislative Council, and would have been so considered even with reference to so large a body as the House of Lords in England. How much greater, then, to so limited a Chamber as the Legislative Council of this colony?

But was there any imperative reason assigned or existing for the proposed addition, or for these appointments? No attempt was made to justify the addition on the ground of public policy or public exigency.

It was not alleged that the due representation of political parties or of any great interest required it. No special or public reason was adduced in its favour. The construction and actual state of the Council afforded no such reason.

As to the gentlemen proposed, I desire to say very little, because my refusal was not based on any real or supposed unfitness on their part, but I was not pressed to appoint either of them on the ground of any peculiar claim or of any public service.