

which I had then approved of, and which, if constantly pursued, might gradually be confirmed by usage, and serve to maintain the strength and usefulness of the Council.

Notwithstanding the general views I took of this matter, I showed my willingness to meet the wishes of Mr. Martin's Ministry by increasing the number of the Legislative Council to twenty-seven actually present in the colony.

I met the wishes of the Ministry, of course, so far as I conscientiously could do so.

Thus I have stated the reasons, both general and particular, which guided me in the performance of the duty and in the exercise of the power intrusted to me by the Constitution Act—reasons which I believe justify the course I have pursued. You will observe from Mr. Martin's letter to Mr. Forster that the Ministry, with the exception of Mr. Forster, did not meet my refusal by the resignation of their offices.

I hardly feel called upon to notice Mr. Forster's charge of partiality. I am utterly unconscious of any such bias as he has attributed to me, and I deny that there is any foundation for this accusation, which he, and he alone, has so unjustifiably preferred. I read for the first time Mr. Forster's letter a few minutes before I attended a meeting of the Executive Council, and I at once appealed to the Ministers, all of whom, except Mr. Forster, were present, to state openly, in my presence, whether there was, in their judgment, any foundation for such an imputation. They one and all, on the spot, assured me that they considered the charge unjustifiable and untenable. This disclaimer is repeated in the Premier's letter to Mr. Forster, and, if further justification were necessary, I could rely on the verdict of public opinion which Mr. Forster's charge against me called forth, and which, having been contradicted by his colleagues, did not find a single voice of support in the Assembly, and was met with general approbation by the public Press of all shades of opinion.

I feel, therefore, that I need do no more than record this, my protest, against an accusation so ignoble and unfounded.

In conclusion, I must add that the position which Mr. Forster has assumed is unfortunate in this respect: that it lessens the safety of the Upper House by seeking to establish the evil precedent that the refusal of the Governor to add to its numbers when urged on no public grounds, but merely for the satisfaction of a Minister or his private friends, may be considered as a legitimate ground for the abandonment of office. The right of a Minister to resign when his advice is not taken is unquestionable, but the right should be exercised in the public interest, sparingly and upon sufficient cause.

I have reason, however, for hoping that no difficulties will arise on this question. I sincerely trust that such may be the case, and that the moderation and wisdom of the leading men in the various sections may induce them to exercise with a cautious sense of their responsibility the powers which the Constitution places in the hands of the holders of office for the time being.

I have, &c.,

JOHN YOUNG.

The SECRETARY of STATE for the COLONIES to Governor Sir JOHN YOUNG.

(No. 37.)

SIR,—

Downing Street, 26th May, 1865.

I have the honour to acknowledge the receipt of your Despatch No. 14, of the 16th February last, enclosing a letter of remonstrance from your late Colonial Secretary, Mr. W. Forster, against the course which you took in refusing to appoint two additional members to the Legislative Council on the recommendation of your Responsible Advisers. The reasons which you give for this refusal appear to me sound and convincing; and I am glad to perceive that Mr. Forster's proceedings have not met with the approval of his colleagues.

I have, &c.,

EDWARD CARDWELL.

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

(No. 109.)

MY LORD DUKE—

Government House, Sydney, 29th September, 1868.

I have the honour to inform your Grace that I have, at the instance of my Responsible Advisers, appointed three additional members to the Legislative Council.

2. The only reason for this addition is, as stated in the enclosed letter* from the Attorney-General, the difficulty experienced in securing a quorum for the transaction of business, and on that ground alone I have sanctioned the increase.

3. As I have not been able to find any instructions on record making it necessary for me to refer to your Grace before taking this step, as it is an understood thing that, as a rule, no nomination to the Legislative Council is to be made during the session of Parliament, and as Parliament is appointed to meet on the 13th proximo, I appointed, on the 28th instant, with the advice of the Executive Council, the following gentlemen to be members of the Legislative Council, viz: Frederick Matthew Darley, Esq., barrister-at-law; John Richardson, Esq., formerly a member of the Legislative Assembly; and Thomas Holt, Esq., formerly a member of the Legislative Assembly, and some time Colonial Treasurer.

4. Two death vacancies also have occurred during the recess; these I have filled up by the appointment of Henry Moore, Esq., a merchant, and the agent to the Peninsular and Oriental Steam Navigation Company; and Alexander Park, Esq., a former member of the Council before its reconstruction.

5. The Council, thus increased, now consists of thirty members, being about two-thirds of its number prior to 1861.

6. I trust that what I have done will meet with your Grace's approval.

I have, &c.,

BELMORE.

*Enclosures Nos. 1 and 2.