

(Enclosures.)

The ATTORNEY-GENERAL to Governor the Earl of BELMORE.

MY LORD,—

Attorney-General's Office, 24th September, 1868.

When the first permanent nominations to seats in the Legislative Council were made by Sir John Young, an understanding was come to (as he informed me) between him and his then Executive Council that the number of members should not, as a rule, be allowed to exceed twenty-seven. The Constitution Act fixes a minimum number of twenty-one, but there is no maximum; and, consequently, it is open to the Governor, with the advice of the Executive Council, to appoint as many Legislative Councillors as he may think expedient. When I went into office in 1863 my colleagues and myself acquiesced in the view taken by Sir John Young in this matter, and we did not press upon His Excellency to depart from the understanding already mentioned. The gentleman who succeeded us in 1865 adhered to the same understanding, and no attempt, so far as I am aware, was made by them to act in opposition to it.

The experience of the last two sessions has, however, shown that, with so small a number as twenty-seven, it is very difficult to procure the requisite quorum to enable the House to proceed with its business. Many of the members reside at considerable distances from Sydney, and cannot be expected to give that continuous attention to their legislative duties which residents in Sydney might render without much inconvenience. Under these circumstances, it has occurred to my colleagues and myself that it would greatly facilitate the despatch of business in the Legislative Council if the number of members were increased to thirty, and we accordingly recommend that your Lordship will be pleased to sanction such increase.

I have, &c.,

JAMES MARTIN.

Governor the Earl of BELMORE to the ATTORNEY-GENERAL.

SIR,—

Government House, Sydney, 25th September, 1868.

I have to acknowledge your letter of the 24th instant, recommending me to sanction an increase in the number of the Legislative Council from twenty-seven to thirty members.

I am aware of the reasons which led to the understanding between my predecessor and his successive Executive Councils that the number of the Legislative Council should be limited to twenty-seven, and I fully admit the force of these reasons.

As, however, it now appears to be very difficult to procure the requisite quorum to enable the House to proceed with its business, and as such a state of things cannot but lead to public inconvenience, I am prepared to sanction, for the reason put forward in your letter, an increase of the number of the Legislative Council to a maximum of thirty members.

I have, &c.,

BELMORE.

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

(No. 2.)

MY LORD,—

Downing Street, 18th December, 1868.

I have to acknowledge the receipt of your Lordship's despatch, No. 109, of the 29th September, reporting that on the recommendation of your Responsible Advisers you had appointed three additional members to the Legislative Council.

Any increase of the number of the Legislative Council is likely to be used as a precedent for further additions, and is therefore to be regretted; but I see no cause for doubting that the reasons for the increase adduced on the present occasion are *bonâ fide* and sufficient.

At the same time I should have been glad to have been assured that the addition was not in fact politically material as altering the balance in any important degree in favour of the Ministry by whom it was suggested by you.

I have, &c.,

GRANVILLE.

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

(No. 109.)

MY LORD,—

Government House, Sydney, 14th July, 1869.

I referred your Lordship's despatch, No. 2, of the 18th December, 1868, on the subject of the appointment of three additional members of the Legislative Council by the advice of my late Government, to the present Prime Minister, with reference to its concluding paragraph.

Mr. Robertson has this day submitted to me the accompanying paper on the general question of limiting the numbers of the Legislative Council, to which I beg to draw your Lordship's attention.

I have, &c.,

BELMORE.

(Enclosure.)

Memorandum from the COLONIAL SECRETARY to Governor the Earl of BELMORE.

YOUR Excellency's memorandum accompanying the despatch of the Right Hon. the Secretary of State for the Colonies, dated the 18th December, 1868, No. 2 (M. 2190, B), is marked "private"; and all that your Excellency therein appears to desire at my hands is my concurrence in an assurance to Lord Granville that the addition made by the late Ministry to the number of the Legislative Council, as then existing, was not in fact politically material as altering the balance in any important degree in favour of the Ministry by whom it was suggested to your Excellency; and I should, I beg to say, be most glad to concur in such assurance and make no further comment did I not conceive that the despatch was based on a misapprehension which it is very important in the true interests of this colony that I should endeavour to remove.

I presume from the tenor of his Lordship's despatch that he is under the impression that a maximum number of the Legislative Council has been defined or implied, and that the Responsible