Copy

No 404.

Downing Street

18th February 1874.

My Lord,

I have to acknowledge the receipt of your Despatch No 34 of the 26th January enclosing Copy of an approved Report of a Committee of the Privy Council recommending

Governor General
The Right Hon
The Earl of Dufferin
KP & KCB &c

that six Members be added
to the Senate in accordance
with a Memorandum
by Mr. Mackenzie of the
22nd December.

2. After careful examination
of the question which is one
of considerable importance
I am satisfied that the
intention of the framers
of the 26th Section of the
British North America Act
1867 was that this power
should

should be vested in Her Majesty in order to provide a means of bringing the Senate into accord with the House of Commons in the event of an actual collision of opinion between the two Houses.

3. You will readily understand that Her Majesty could not be advised to take the responsibility of interfering with the Constitution of

of the Senate except upon
an occasion when it had
been made apparent
that a difference had
arisen between the two
Houses of so serious
and permanent a character
that the Government
could not be carried on
without Her intervention,
and when it could be
shown that the limited
creation of Senators

allowed

allowed by the Act would apply as adequate remedy.

4. This view is, I may observe; strongly confirmed by the provisions of the 27th Section; which show that the addition to the Senate is only to be temporary, and that the Senate is to be reduced to its usual number as soon

as

as possible after the necessity for the exercise of the special power has passed away.

5. It follows from what I have said that I am not prepared to advise Her Majesty to direct the proposed addition to the Senate.

I have &c

(Signed) Kimberley

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Sent + despatched 17 D
Mont inclosure by
Senate 7th Feb 74

Lord Kimberley
to the
Governor General
Lord Dufferin

No 404. 18 Feby 1874.

Proposed addition
to the Senate.

Returned to the Privy
Council
But [illegible]
[illegible]
[illegible]
9 March 1874.