

VICTORIA.

PARLIAMENTARY DEBATES.

First Session of the Tenth Parliament.

LEGISLATIVE COUNCIL.

Tuesday, May 11, 1880.

Opening of Parliament by Commission.

The Tenth Victorian Parliament was opened this day, by Commission. The Commissioners appointed by His Excellency the Governor for the purpose were His Honour the Chief Justice (Sir W. F. Stawell) and His Honour Mr. Justice Barry.

At noon, the Clerk of the Parliaments (Mr. G. W. Rusden) read the following

PROCLAMATION.

“By His Excellency the Most Honorable George Augustus Constantine, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the county of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross, in the county of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.

“WHEREAS by the Constitution Act it was amongst other things enacted that it should be lawful for the Governor to fix such places within Victoria and, subject to the limitation therein contained, such times for holding the first and every other session of the Council and Assembly, and to vary and alter the same respectively in such manner as he might think fit; and also from time to time to prorogue the said Council and Assembly, and to dissolve the said Assembly, by Proclamation

or otherwise, whenever he should deem it expedient: And whereas by a Proclamation made on the second day of March now instant I, the Governor of Victoria, in exercise of the power conferred by the said Act, did fix Tuesday the ninth day of March instant as the time for the commencement and holding of the next session of the said Council and Assembly, called ‘The Parliament of Victoria,’ for the despatch of business: And whereas it is expedient to vary and alter the time fixed in the said Proclamation: Now therefore I, the said Governor, in exercise of the power conferred by the said Act, do by this my Proclamation vary and alter the time fixed in the aforesaid Proclamation, by substituting for Tuesday the ninth day of March instant, Tuesday the eleventh day of May in the year of our Lord One thousand eight hundred and eighty, and do now fix such eleventh day of May next as the time for the commencement and holding of the next session of the said Council and Assembly, called ‘The Parliament of Victoria,’ for the despatch of business, at twelve of the clock at noon, in the Parliament Houses, situate in Parliament-place, Spring-street, in the city of Melbourne; and the honorable the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

“Given under my hand and the seal of the colony, at Melbourne, this fifth day of March, in the year of our Lord One thousand eight hundred and eighty, and in the forty-third year of Her Majesty's reign.

“NORMANBY.

“By His Excellency's command,
“JAMES SERVICE.

“GOD SAVE THE QUEEN!”

The Commissioners immediately afterwards entered the chamber, and directed that the attendance of the members of the Legislative Assembly should be requested.

The members of the Assembly having appeared at the bar,

The CHIEF JUSTICE said—Honorable Gentlemen of the Legislative Council and Gentlemen of the Legislative Assembly, His Excellency the Governor, not thinking fit to be present in person this day, has been pleased to cause letters patent to issue under the seal of the colony, constituting us his Commissioners to do in his name all that is necessary to be performed in this Parliament. This will more fully appear from the letters patent, which will now be read.

The letters patent having been read by the Clerk,

The CHIEF JUSTICE said—Honorable Gentlemen of the Legislative Council and Gentlemen of the Legislative Assembly, we have it in command from His Excellency to let you know that on a future day, of which due notice will be given, His Excellency will declare to you in person, in this place, the causes of his calling this Parliament together; and, gentlemen of the Legislative Assembly, as it is necessary, before you proceed to the despatch of business, that a Speaker of the Legislative Assembly be chosen, His Excellency requests that you, in your chamber, will proceed to the choice of a proper person to be the Speaker.

The Commissioners and members of the Legislative Assembly then withdrew.

The PRESIDENT (the Hon. Sir W. H. F. Mitchell) took the chair, and read the prayer.

DECLARATIONS OF QUALIFICATION.

The following members delivered to the Clerk the declarations required by the 7th section of the Legislative Council Amendment Act (32nd Vict., No. 334):—The Honorables the President, R. S. Anderson, J. Balfour, W. J. Clarke, A. Fraser, N. Fitzgerald, J. Graham, W. E. Hearn, J. Henty, W. Highett, C. J. Jenner, J. Lorimer, R. D. Reid, F. Robertson, and J. A. Wallace.

The House adjourned at thirteen minutes past twelve o'clock, until two o'clock p.m. next day.

LEGISLATIVE ASSEMBLY.

Tuesday, May 11, 1880.

Swearing of Members—Election of Speaker—Change of Ministry between the General Election and the Meeting of Parliament.

Proceedings commenced at noon precisely, by the Clerk (Mr. J. Barker) reading the Governor's proclamation convoking Parliament.

The Clerk-Assistant of the Legislative Council then appeared at the bar, and intimated that the Commissioners appointed by the Governor to open Parliament requested the attendance of members of the Legislative Assembly in the chamber of the Legislative Council.

The members present, accompanied by the chief officers of the House, at once proceeded thither. On their return, Mr. Justice Barry, one of the Commissioners, was introduced, and took his seat in the Speaker's chair.

The letters patent appointing Mr. Justice Barry to administer the oath of allegiance were then read.

The CLERK intimated that there had been handed to him 63 writs issued by His Excellency the Governor for the election of members to serve in the Legislative Assembly for the several electoral districts of the colony, some of which were dated the 14th February, whilst others were dated the 8th March; and that by the returns respectively endorsed on the writs issued on the 14th February the following members had been duly elected:—

Ararat ...	...	David Gaunson
Avoca ...	...	{ Thomas Langdon
		{ J. M. Grant
Ballarat East ...	...	{ John James
		{ James Russell
		{ W. C. Smith
Ballarat West ...	...	{ Henry Bell
		{ G. R. Fincham
Barwon ...	...	J. F. Levien
Belfast ...	...	John O'Shanassy
Benambra ...	...	P. B. Wallace
Boroondara ...	...	R. Murray Smith
Bourke, East ...	...	Robert Ramsay
East Bourke	{	W. M. Cook
Boroughs		
Bourke, South ...	...	John Keys
Bourke, West ...	{	{ Robert Harper
	{	{ S. T. Staughton
Brighton ...	...	Thomas Bent
Carlton ...	...	John Gardiner

Castlemaine ...	{ J. B. Patterson C. H. Pearson
Collingwood ...	{ G. D. Langridge James Mirams Richard Richardson
Creswick ...	{ Thomas Cooper J. H. Wheeler
Dalhousie ...	{ J. Gavan Duffy
Delatite ...	{ J. H. Graves
Dundas ...	{ John Sergeant
Emerald Hill ...	{ John Nimmo Andrew Lyell
Evelyn ...	{ E. H. Cameron
Fitzroy ...	{ A. L. Tucker W. M. K. Vale
Footscray ...	{ W. M. Clark
Geelong ...	{ Graham Berry Charles Andrews R. de Bruce Johnstone
Gippsland, North	{ James McKean Allan McLean
Gippsland, South	{ F. C. Mason
Grant ...	{ Peter Lalor John Rees
Grenville ...	{ D. M. Davies Alexander Young
Kara Kara ...	{ J. L. Dow
Kilmore and An- glesey ...	{ Thomas Hunt
Kyneton Boroughs	{ Charles Young
Maldon ...	{ James Service Thompson Moore
Mandurang ...	{ H. R. Williams John Fisher
Maryborough and Talbot ...	{ J. M. Barr Robert Bowman
Melbourne, East ...	{ E. L. Zox A. K. Smith
Melbourne, North	{ John Laurens Joseph Story
Melbourne, West ...	{ John Orkney Charles Mac Mahon
Moir ...	{ George Sharpe Henry Bolton
Mornington ...	{ James Gibb
Normanby ...	{ William Shiels
Ovens ...	{ G. B. Kerferd George Billson
Polwarth and South Grenville ...	{ William Robertson
Portland ...	{ H. J. Wrixon
Richmond ...	{ Joseph Bosisto W. F. Walker
Ripon and Hamp- den ...	{ Francis Longmore
Rodney ...	{ Simon Fraser Duncan Gillies Robert Clark
Sandhurst ...	{ Robert Burrowes John McIntyre

Sandridge ...	{ John Madden
St. Kilda ...	{ G. D. Carter Joseph Harris
Stawell ...	{ John Woods
Villiers and Heytes- bury ...	{ William Anderson Joseph Jones
Warrnambool ...	{ J. G. Francis
Williamstown ...	{ A. T. Clark
Wimmera ...	{ William O'Callaghan Walter Madden

The following members approached the table in turn, and took the oath of allegiance:—Mr. Gaunson, Mr. Langdon, Mr. Grant, Mr. James, Mr. Russell, Major Smith, Mr. Bell, Mr. Fincham, Mr. Levien, Sir John O'Shanassy, Mr. Wallace, Mr. R. Murray Smith, Mr. Cook, Mr. Keys, Mr. Harper, Mr. Staughton, Mr. Gardiner, Mr. Patterson, Mr. Pearson, Mr. Langridge, Mr. Mirams, Mr. Richardson, Mr. Cooper, Mr. Wheeler, Mr. Graves, Mr. Sergeant, Mr. Nimmo, Mr. Lyell, Mr. Cameron, Mr. Tucker, Mr. Vale, Mr. W. M. Clark, Mr. Berry, Mr. Andrews, Mr. Johnstone, Mr. McKean, Mr. McLean, Mr. Lalor, Mr. Rees, Mr. Davies, Mr. A. Young, Mr. Dow, Mr. Hunt, Mr. C. Young, Mr. Moore, Mr. Williams, Mr. Fisher, Mr. Barr, Mr. Bowman, Mr. Zox, Mr. A. K. Smith, Mr. Laurens, Mr. Story, Mr. Orkney, Sir Charles Mac Mahon, Mr. Sharpe, Mr. Bolton, Mr. Gibb, Mr. Shiels, Mr. Billson, Mr. Robertson, Mr. Wrixon, Mr. Bosisto, Mr. Walker, Mr. Longmore, Mr. Fraser, Mr. Burrowes, Mr. McIntyre, Mr. Carter, Mr. Harris, Mr. Woods, Mr. Anderson, Mr. Francis, Mr. A. T. Clark, Mr. O'Callaghan, and Mr. W. Madden. Mr. Jones made affirmation. Members were sworn in groups of four.

The CLERK then proceeded to read the returns to writs issued on the 8th March to supply vacancies in the representation of Maldon, East Bourke, the Ovens, Sandridge, Rodney, Dalhousie, Brighton, and Sandhurst, caused by the acceptance of office as Ministers of the Crown, shortly after the general election, by Mr. Service, Mr. Ramsay, Mr. Kerferd, Dr. Madden, Mr. Gillies, Mr. Duffy, Mr. Bent, and Mr. R. Clark.

The returns showed that the whole of the gentlemen named had been re-elected.

Mr. GAUNSON entered a protest against Ministers being sworn, on the ground that they were not members of the House, and intimated that he intended, subsequently, to elaborate reasons in support of his contention.

Mr. Service, Mr. Ramsay, Mr. Bent, Mr. Duffy, Mr. Kerferd, Mr. Gillies, Mr. R. Clark, and Dr. Madden, having been introduced—each by two members—were sworn at the table.

On the completion of the ceremony of swearing members, Mr. Justice Barry left the chair, bowed to the House, and retired.

ELECTION OF SPEAKER.

Mr. ORKNEY rose, and, addressing the Clerk of the Assembly, said—Mr. Barker, as it is the duty of this House to elect a Speaker, I have very great pleasure in proposing that the Hon. Sir Charles Mac Mahon be elected to that office. His previous experience, and his knowledge of the forms and business of the House, eminently qualify him for the position; and I trust that his nomination will meet with the approbation of the House, or, at all events, of a sufficient number of honorable members to secure his election.

Mr. R. M. SMITH seconded the nomination of Sir Charles Mac Mahon.

Mr. LONGMORE.—Mr. Barker, I rise to propose that the Hon. Peter Lalor do take the chair of this House as Speaker. It is not necessary for me to draw attention to the fact that the honorable gentleman has been for a very long time a member of the Legislative Assembly, that he served as Chairman of Committees for many years, and that he is thoroughly conversant with parliamentary law and with the standing orders of this House. I propose Mr. Lalor in no spirit of faction or opposition, but because I think that the House ought to have the opportunity of choosing the member whom it considers best qualified to occupy the position of Speaker.

Mr. SERGEANT seconded the nomination of Mr. Lalor.

Mr. GAUNSON.—Mr. Barker, I think that, before any decision is arrived at upon either of the two propositions which have been submitted, it is very desirable to ascertain the standing of certain gentlemen who are in the House; and I propose to discuss the matter in the simplest possible way that I can. We know very well that, when the general election took place, writs were issued bearing date the 14th February, as you, Mr. Barker, announced just now. The returns to those writs were read, and in the case of East Bourke, Sandridge,

Maldon, and some other constituencies, no gentleman answered to the return. You also read the returns to a second batch of writs, dated 8th March, and then the unusual and unseemly scene was witnessed of members of this House who had been sworn coming forward to introduce persons who had been elected after the general election. I wish to point out in the simplest way that the course which has been pursued is an illegal one, and comes very ill-timed from a constitutional Government. In the first place,—

Mr. ORKNEY.—Mr. Barker, I rise to order. The remarks of the honorable member for Ararat are altogether irrelevant to the matter before the House, which is the election of a Speaker.

Mr. GAUNSON.—I think the honorable member's youth, as a member of this House, does not qualify him to decide whether I am in order, and I am sorry that he has interrupted me. I repeat that I desire to put the case as simply as I can. In 1874, when Mr. Wilberforce Stephen took office as a judge of the Supreme Court immediately after a general election, at which he was returned as one of the representatives for St. Kilda, His Excellency the Governor issued a writ for the election of a member to supply the vacancy, just as was done when the members of the present Government accepted office as Ministers of the Crown after the recent general election. When the House met, the Standing Orders Committee was asked to consider whether that was a proper thing to do. The members of the committee included Mr. Lalor, Mr. Wrixon, Mr. Kerferd, Mr. Grant, Mr. Davies, Mr. Sullivan, Mr. MacPherson, Sir James McCulloch, and Mr. Higinbotham, and they brought up a report which has never been cavilled at. Amongst the resolutions adopted by the committee were the following:—

"That this committee finds that there has been no uniformity of practice with regard to the issue of writs.

"That it is desirable that uniformity of practice should exist.

"That no writ should be issued by the Speaker until the expiry of the time appointed by law for petitioning.

"That the Governor should only issue a writ in the absence of the Speaker such as the Speaker would have been entitled to issue."

If it is improper for the Speaker to issue a writ for the election of a new member before the expiry of the time appointed by law for petitioning, what authority, I

would like to know, has the Governor for doing so? When this report was brought up the Government of the day were a strong one like the present Ministry, but I do not think that strength entitles that might should be right; and, as an independent member, I shall always raise my voice and give my vote against that assumption. However, on that occasion the House did not care to reverse the action which had been taken. Mr. Kerferd was the Attorney-General of the Administration at that time. Having accepted office after the general election, his seat for the Ovens became vacant, but a new writ was issued and he was re-elected before the meeting of Parliament. What took place, however, on that occasion? Sir Charles Mac Mahon was elected Speaker of the Assembly on the 19th May, and on the following day the Speaker presented his commission from the Governor empowering him to swear new members, and thereupon Mr. Kerferd and Mr. Dixon were introduced and sworn. Just see what a departure there has been in this instance from the practice which obtained on that occasion. The Government acted unconstitutionally in taking office in the way they did and neglecting to call Parliament together immediately; but no greater insult has ever been cast on parliamentary institutions than the course which has been adopted to-day. I regret having to take action in the matter, but it is a question of the greatest moment. I therefore desire to call the special attention of honorable members to the difference between the course pursued to-day and the practice which obtained in 1874. As I have already mentioned, Sir Charles Mac Mahon was elected Speaker on the 19th of May in that year. On the following day—

“The SPEAKER announced the receipt of a message from the Governor, intimating that, subsequently to the return of the writs for the general election,—

Which the Clerk did not do to-day.

“vacancies occurred in the representation of St. Kilda, by the elevation of Mr. Stephen to a judgeship of the Supreme Court, and for the Ovens, by the acceptance on the part of Mr. Kerferd of the office of Attorney-General; and that, as there was no Speaker, and the Assembly not being in session, His Excellency, in the exercise of the power vested in him in that behalf by the Electoral Act of 1865, issued writs for the election of new members, which writs had been returned, showing that Mr. Edward John Dixon had been elected for St. Kilda, and that Mr. Kerferd had been re-elected for the Ovens.”

Even taking it for granted—although I deny *in toto* that such is the case—that the Governor had the power to issue the fresh writs which he issued after the recent general election, the report brought up in 1874 by the Standing Orders Committee, which was not an ordinary select committee, but was composed of the best-brained men and the best parliamentarians in the House, was against the exercise of that power in the future; and what occurred on the 20th of May in that year conclusively proves that the present Ministry have no right to be on the floor of this House until the Speaker has been chosen. It is also easy to prove that they are not even lawful Ministers of the Crown. Under the Officials in Parliament Act, at least four of the Ministers must be members either of the Council or of the Assembly, but these gentlemen are not members of the Assembly until the returns to their writs of election have been read in the House by the Clerk, and they come up to take the oath in the regular course. They may be members, it is true, for certain purposes; they may be free from arrest for debt, and they may have certain other privileges; but they are not Members of Parliament in such a manner as to comply with the terms of the Officials in Parliament Act. They come here upon writs which have been issued by an authority that does not exist. The 75th section of the Electoral Act 1865 says—

“Whenever after any general election of the Legislative Assembly, and before the dissolution or other lawful determination of such Assembly, any seat therein shall have become vacant, a writ for the election of a member to serve in the place so vacant shall be issued by the Speaker under his hand and seal; but if at the time of such occurrence of any such vacancy there is no Speaker, and the Assembly be not in session, or if the Speaker be absent from Victoria, such writ shall be issued by the Governor under his hand and seal of the colony.”

I need not argue what is the meaning of this section, because it was argued in 1874. Although the Attorney-General was a member of the Standing Orders Committee that brought up the report to which I have already referred, the present Government have absolutely departed from the practice recommended by that report. I will now call the attention of the honorable member to the way in which the English Parliament have acted in matters of this sort. At the recent general election in England the Beaconsfield Government met with a stupendous defeat, and, following the very excellent course

which the Berry Ministry—whom I do not love—adopted, they resigned office, and their successors immediately called Parliament together. The new Ministry could not take their seats, and they did not make the election of Speaker a party question, but they proceeded to their constituencies for re-election, with the result that one of them—Sir Vernon Harcourt—was rejected. In the year 1874, the same thing occurred on the occasion of the defeat of the Gladstone Government at the general election. They resigned, and the Beaconsfield Ministry came into power. By accepting office the seats of the members of the new Government became vacant, but Parliament was at once called together, and Mr. Chaplin, a comparatively insignificant member of the House of Commons, moved that Mr. Brand—who had been Speaker two years previously—should be re-elected to the chair, which was agreed to. Mr. Gladstone on that occasion showed his wisdom in not making the election of Speaker a party question. I will now refer to the case which occurred here after the general election in 1877. We all know that when Sir Charles Gavan Duffy was elected Speaker of the Legislative Assembly, the Berry Ministry, having accepted office, and thereby vacated their seats, went into the Speaker's gallery, while the honorable member for the Avoca (Mr. Grant), who had not then taken office, was present in the chamber as the mouth-piece of the Government, and supported the claims of Sir Charles Gavan Duffy to the Speakership. What necessity was there for the present Government to depart on this occasion from the course adopted in the three cases to which I have referred? None whatever. Their duty was clear. They could have met the House either by refusing to take office for the time, thus compelling the Berry Government to remain and open Parliament, or they could have accepted office and allowed Parliament to be called together for the swearing of members and the election of a Speaker before they went to their constituents for re-election. In either case the great constitutional wrong which has been committed would not have occurred. The facts I have stated are a few of the reasons which have actuated me on this occasion. It is not pleasant for me to have to say the things I have said; but I feel that I am bound to point out the importance of adhering to constitutional

usage, which is a matter of far more moment than the appearance upon the Treasury bench of Mr. Berry, or Mr. Service, or Mr. Anybody-else. It is our duty, as guardians and trustees, to see that the rules and practice of Parliament are carefully maintained. The 9th standing rule provides that—

“A member returned after the general election shall be introduced to the table between two members.”

That being so, why should this Government—who pride themselves upon being the champions of law and order and constitutional practice—have set such a notoriously bad and illegal example? That is what I complain of. I protest against what has been done to-day. I contend that the Ministers are not members of this House; and I will go further and say that four of them at least are not Ministers. Four of them may be Ministers without being Members of Parliament. Although it would have been opposed to constitutional usage, if only four of them had been Members of Parliament, that would have been sufficient to comply with the letter of the law. Not one of them, however, answered to the first batch of writs, but they answered to the second batch issued by the Governor illegally and unconstitutionally. What justification is there for the Government having failed to meet Parliament at the proper time? Before going to Maldon the Premier issued an address to the electors of that constituency, in which he said—

“We are on the eve of a dissolution of Parliament, not an ordinary dissolution, which we were rapidly approaching by effluxion of time, but a special dissolution on the advice of Mr. Berry, in order to submit to the constituencies a direct and distinct issue. What is that issue is therefore a question of vital importance to the electors of the colony. Let me answer this question, not in my own words, which might be open to dispute or criticism, but in the language of one who in this matter speaks as having authority.”

He then quoted the following extract from a memorandum from the Governor to the late Chief Secretary, which was laid before Parliament in December last:—

“The Governor understood Mr. Berry to tender his advice that the present Parliament should be dissolved as soon as the necessary business of the session could be wound up. . . . It must, however, be remembered that as the dissolution is a direct appeal from Parliament to the country upon a specific measure, it is therefore necessary, according to constitutional practice, that no unnecessary delay should take place in the assembling of the new Parliament, in order that the decision of the country may be ascertained.”

Mr. Gannon.

The action which I feel it my duty to take is a most unusual, unprecedented, and unpleasant course for any honorable member to adopt, but Ministers are entirely responsible for it. I shall feel compelled to move, if I find support, that no one member of the Administration is entitled to vote or to have a voice in the election of Speaker on this occasion. I protested against the oath being administered to the members of the Government before they were sworn; and the question arises whether or not they are going to make might right if they have a sufficient number of supporters who are prepared at all hazards—no matter what the consequences may be—to back them up. Under the circumstances, I consider it my duty to test the feeling of honorable members on the point. So far as the gentlemen who have been nominated for the office of Speaker are concerned, I feel personally the greatest difficulty in deciding which is the better of the two. I feel, indeed, "How happy could I be with neither were both away." This is a matter, however, which goes beyond the choice of a Speaker; it is a matter of proper constitutional usage, and I am perfectly satisfied that the people of this country, as well as those of other countries, will support me in my protest against the commencement of a new Parliament being characterized by the perpetration of a gross and dangerous illegality, for which there exists no precedent, for which none should be permitted, and which, as I have pointed out, is totally opposed to the course followed on previous occasions. I beg to move—

"That the votes of Messrs. Service, Kerferd, Gillies, Madden, Ramsay, Duffy, Clark, and Bent be not allowed in the election of a Speaker of this honorable House."

Mr. MCINTYRE.—Mr. Barker, I would like to know what authority there is for accepting a resolution of this kind? After the very extraordinary circumstances which have occurred to-day, I think the honorable member for Ararat, who appears to be so well versed in every authority, should be prepared to show that the House is competent to deal with such a remarkable motion as he has submitted. I very much regret the course which the honorable member has taken.

Mr. DOW.—I beg to second the motion of the honorable member for Ararat, with the view of expressing my own ideas on this matter. I wish, in a most respectful

manner, to take the earliest opportunity of protesting against what I consider a most undesirable state of things, which has existed during the last two months. We have been taught throughout the colony to look upon the gentlemen who now occupy the Treasury bench as models of law and order. We have been taught to look upon them as the law and constitutional party *par excellence*, whereas we on this (the opposition) side of the House were said to be simply mixed up with the tag-rag and bobtail—the revolutionary party—the party of "broken heads and flaming houses." I think that the Government should have shown a better example of constitutional procedure than they have done on this occasion. I submit that the honorable member for Ararat has given very substantial reasons for his motion. During the last two months I have felt that the highly important constituency which I represent has been decidedly ill-treated by the Government not calling Parliament together. They have not given me, as the representative of Kara Kara, an opportunity of saying whether they should go on with the high and important functions which they have thought proper to take in hand. That is the sort of thing which I deprecate, and I wish, on behalf of my constituency, to protest against it. The House had a right to be called together immediately after the resignation of the late Ministry, in accordance with the precedent set in England and followed in this country on a previous occasion. The Government are simply a committee of this House, yet during the last two months they have been doing what they pleased without having met Parliament at all. They have undertaken very important legislation during those two months without the authority of Parliament. Parliament has simply been ignored. When the honorable members now sitting on the Treasury bench saw an opportunity of "jumping" office, though they had put themselves before the country as the representatives of "law and order," they followed their natural instincts, which are averse to law and order, and seized office without any respect even to appearances. Thus they have been carrying on the government of the country for two months without seeking any authority whatever from Parliament for doing so. The postponement of the meeting of Parliament I attribute to the Attorney-General, for

the antecedents of that gentleman show that he will assist any Ministry with which he is connected to stick to salary and office like barnacles to the last possible moment, even if the whole country came in deputations to the Treasury, as they have done in the past, to protest against the continuance of the Government in office. Two months ago the present Ministry were doubtful whether they had a majority in the Assembly sufficient to carry the election of the honorable member for West Melbourne (Sir Charles Mac Mahon) as Speaker, and they therefore thought it desirable to secure two months' delay in which to operate on honorable members. ("No" from the Ministerial benches.) I don't say they have succeeded, but I am aware, from information which I am not prepared to question, that attempts have been made to operate on honorable members during the past two months. It is, indeed, reasonable to suppose that the time has been utilized to get votes for the Government candidate. No doubt such a statement grates on the ears of the constitutional gentlemen opposite—the "law and order" party. These things are to be done but not spoken about. The country will find that those constitutional gentlemen will not talk very much about doing anything which is not perfectly regular, but that nevertheless they will perform many questionable acts under the guise of the greatest respectability. I submit that we, the members of the Legislature of Victoria, ought to protest against the unconstitutional manner in which we have been treated by the Government in unnecessarily delaying the meeting of Parliament for two months, and in the meantime carrying out legislation without consulting it. I have made these remarks because I feared that the honorable member for Sandhurst (Mr. McIntyre) was seeking to draw a red herring across the trail in accordance with his practice in the past. No one supported the honorable member for Ararat more strongly in his peculiar style of guerilla warfare against the late Government than the honorable member for Sandhurst, but, of course, now that the honorable member for Ararat pursues the same course with regard to the present Government, and does not hesitate to act in the interests of what he considers to be right, we find he is all wrong.

Mr. WRIXON.—Mr. Barker, I would suggest that we should not be doing justice to ourselves or to you if we allowed

ourselves to drift into a general debate in the present unformed condition of the House. The honorable member for Kara Kara has referred to matters of general policy which will very properly become subjects for consideration as soon as the House is formed, but if we lapse into a general debate before the Assembly is constituted we will place ourselves in a very awkward position, for, if any question of order or procedure is raised, we have no competent authority to deal with it. As to the point submitted by the honorable member for Ararat—whether the Ministers are legally returned and entitled to vote in the election of Speaker or not—it is equally unwise to attempt to deal with it at present. Whether they are right or wrong, no vote of this body as at present constituted can disentitle those gentlemen from voting. No vote of ours could constitutionally disentitle from voting any gentleman who has appeared here and taken the oaths as a member of the House. If he is wrongly returned, the Constitution provides a proper tribunal for setting right that wrong in the Elections and Qualifications Committee. It will be quite proper hereafter to lay down rules to meet such cases as the present, but if we were to vote now that the Ministers are disentitled to vote in the election of a Speaker we should be attempting to do something which we cannot legally accomplish. I would suggest, therefore, that we simply proceed in the ordinary way to the selection of a Speaker, and if honorable members feel with the honorable member for Ararat that an inconvenient course has been followed, the House, when it is properly constituted, can take the matter into consideration, and lay down rules for future guidance.

Mr. VALE.—When a wrong has been perpetrated, and, for certain reasons, it is desired that that wrong should have a triumph, there are always certain gentlemen found to say—"Go along peaceably; don't make a disturbance; you can put the thing right afterwards." But the honorable member for Portland knows very well that if this matter goes another stage it cannot be set right afterwards. The wrong will have been perpetrated. I desire to state very plainly two points which occur to me in connexion with this matter. In the first place, it is apparent that the honorable gentlemen who are now on the Treasury bench had not foresight enough in March last to see that it would be much better for them to evade, for a

short time, the responsibilities of office—or, in other words, to deprive themselves of the profits of office—and allow things to take their proper course, rather than, by hastily “jumping” the position of Ministers, to bring about the difficulties which now surround them. Recall the course which was followed in 1874. The present Attorney-General, who was then a member of the Francis Government, was returned at the general election as Solicitor-General, but on accepting the Attorney-Generalship, on the promotion of Mr. Stephen to the Supreme Court bench, he went again to his constituents. There was also a vacancy caused at the same time at St. Kilda by the promotion of Mr. Stephen, and for that seat Mr. Dixon was returned. Parliament met on the 19th of May. The writs certifying the result of those two elections had been in the hands of the Governor some days previously; their return in fact was distinctly announced in the *Government Gazette* of the 15th of May. And remember, the writs under which those two gentlemen were returned were issued under the seal of the late Governor, Sir George Bowen, and were identical in form and character with the writs under which the present Ministers after their acceptance of office were elected. Well, on the 18th of May the Governor issued a commission to Sir Redmond Barry to swear in the members of the Legislative Assembly, and that writ was countersigned, as Chief Secretary, by the honorable member for Warrnambool, who occupies a nondescript position in the present Cabinet—that of a sort of high-priest or chief religious adviser—at all events some position of no responsibility and an immense amount of influence. Under that commission the members of the Legislative Assembly were sworn in on the 19th of May, but, though the honorable member for the Ovens (Mr. Kerferd) was back in Melbourne and at the Attorney-General's office, he was not sworn in under that commission. It is evident therefore that the honorable member for Warrnambool did not then approve of the course which is now being taken by his colleagues. On the contrary, on the 19th of May another commission was issued by the Governor, and on the 20th of May the Attorney-General and Mr. Dixon were sworn in under that commission by the Speaker, to whom it was addressed. We thus see, from the contrary practice which is now being adopted,

that “law and order” means the triumph, at any cost, of the principles of the party who profess that doctrine, and the reward, at any sacrifice, of those who serve them; and that for the sake of carrying out their object they care neither for the practice of Parliament nor the statute-book of the colony.

After a pause,

Mr. RICHARDSON said—I expected that some honorable member on the Ministerial side of the House would rise and defend the course which is now about to be pursued. If the Ministers are not in a position to do so, at all events I think some honorable member supporting them might attempt in some way to justify that course. I deprecate as much as the honorable member for Portland entering into a discussion of a general character; but still the question is so important that, if Ministers persist in pursuing the course they appear to intend to take, they should not be allowed to do so without a strong protest. There is not a single instance in the annals of England or of this country in which gentlemen who have assumed the position of Ministers of the Crown have been sworn in in the manner we have witnessed to-day. If the practice which has been pursued is inconvenient at present, it must also be inconvenient in the future, and honorable members therefore should, I think, take very great care that the practice that is adopted is in keeping with our constitutional usage. I put it to the Premier and his colleagues whether they can justify the course they are taking? I also ask the Premier what is the reason for adopting this course? I do not like to impute motives, but it certainly does appear to me that it is intended to be a party course. If that be so, I ask the Premier whether it is fair, whether it is constitutional, that such a matter as the election of a Speaker should be dealt with in that manner? If it be the fact that the Government will not have a majority for the gentleman whom they wish to see elected Speaker without voting themselves, then I say I would rather not vote against the Ministry on the question than sanction the course they are now taking. It is in this way that unconstitutional practice grows up. The honorable member for Ararat has done good service to the practice of Parliament in calling attention to the matter; and I think the honorable member for Fitzroy (Mr. Vale) has clearly shown that the course which was pursued

in the past by gentlemen now in the Government was totally different from that which is now to be followed. It would thus appear that when it suits the purposes of those gentlemen to take a different course from that which they previously adopted they will not hesitate to do so. I fail to see any reasons to justify the action of the Government, and I think the time will come when Ministers themselves will regret what they are now doing, and be ashamed of the course they are taking on the present occasion. Another point is this: supposing that hereafter, as suggested by the honorable member for Portland, a rule is laid down on the subject, may not the election of the Speaker be rendered invalid? I appeal to the Premier not to form a precedent which may be fraught with evils at present unseen. I trust the members of the Ministry will refrain from voting on this question, as it is clear they have no right to vote, and will allow honorable members to proceed with the election of a Speaker in the usual and proper manner.

Mr. SERVICE.—The course taken of introducing a discussion of this sort at the present stage of parliamentary proceedings is certainly not according to constitutional practice. Whatever may be said at the proper time with respect to the constitutionality of the course pursued by the Government with regard to the non-calling together of Parliament until now, to introduce that subject on the present occasion is a gross constitutional irregularity. Why and under what authority are we here to-day? We have met to-day under the authority of the Governor to elect a Speaker, and to do nothing else. The functions of honorable members now assembled are confined altogether to that one point. The instructions conveyed to us by the commissioners appointed by His Excellency the Governor were simply that we should proceed to the election of a Speaker. No one knows better than the honorable member for Creswick (Mr. Richardson) that the amendment which has been submitted by the honorable member for Ararat would not only, if carried, be *ultra vires* on the part of the gentlemen now assembled in this chamber, but that it is also in itself essentially absurd on the present occasion, because it can lead to no issue whatever. The Government will be prepared at the proper time to discuss fully the interesting question which has been

raised, but at present it would be unwise to go beyond the functions which honorable members have been deputed to perform to-day in the usual way. The Government, therefore, decline to occupy the time of honorable members by entering into a totally irrelevant discussion.

Mr. GAUNSON.—I cannot allow the statement of the Premier to go unchallenged. The commission from the Governor does not contain one word about the election of a Speaker. It is a mere commission to two judges of the Supreme Court “to begin and hold the said Parliament.” And the commission to Sir Redmond Barry simply empowers him to walk into this chamber and administer the oath. Let the Government produce the commission, and show that it does anything else.

Mr. MCINTYRE.—The Commissioners tell the members of the Assembly to proceed to the election of a Speaker in their own chamber.

Mr. GAUNSON.—There is not a word of that in the commission. And, moreover, who is the Governor, or who is Sir Redmond Barry, to dictate to this Assembly as to what it shall discuss? We are here as representatives of the people, and we can, if we choose, by our vote prevent the Ministers from voting in the election of a Speaker. And I submit that, under the circumstances I have related, that is the proper thing for us to do.

Mr. BERRY.—I regret that when the Premier rose to speak on this question he did not address himself to the point at issue. I deprecate as much as he did a useless discussion at the present stage, and I think that a great deal of what has been discussed this afternoon will be more profitably and practically considered by-and-by. But the Premier omitted altogether to refer to the only point which is now before the House—namely, whether he and his colleagues are strangers, or whether they have a right to vote. That is a point on which, I think, either the Premier himself or the Attorney-General ought to enlighten the House.

Mr. SERVICE.—And who is to decide?

Mr. BERRY.—I think the House ought at all events to have the benefit of the view of the Government on the subject, and that is what I have been waiting for. There is no doubt that the one business of the present sitting is to

elect a Speaker, but surely it is an important part of that business to know who has a right to vote in the election. The question raised is that the Premier and his colleagues are not members of this House. I noticed particularly that, when the original writs were called out, no answer was made by any member of the Government, and it was competent for them to elect to which writs they would respond.

Mr. GILLIES.—No.

Mr. BERRY.—Not a single member of the Government came forward to be sworn under the original writs, showing clearly that those gentlemen form no part of the Parliament elected at the general election. They have a right, therefore, to show by some precedent that they are entitled to take part in the proceedings of to-day, instead of waiting, like all new members, until the Speaker has been elected; because they have chosen to become new members by vacating their seats through taking office after the general election and going again before their constituents. Like all new members, therefore, they should be sworn in after and not before the Speaker has been elected. That is the point which has been raised, and is it not right that the Government should convince the House that they are entitled to vote on this occasion? I am not going to taunt the gentlemen who have adopted the title of "the law and order party," because I do not believe one party is in favour of law and order more than the other. The title is a mere assumption which may please those gentlemen who have adopted it, and may serve to throw dust in the eyes of some people, but which has no weight or relevancy to one party more than the other. Surely, however, in the important matter of electing a Speaker, which is not a party question, it is right that the Government should guide the House. Surely all honorable members would like to know how this new precedent has been established. As was pointed out by the honorable member for Fitzroy (Mr. Vale), if the honorable gentlemen opposite had had foresight, and had fully realized their responsibilities, they might have obviated the present difficulty by allowing Parliament to meet on the day originally fixed, and, if they desired to take part in the election of a Speaker, they might have refused to take office until after the meeting of the Assembly. It was not as if weeks had

to elapse between the Governor sending for the honorable member for Maldon and the time fixed for the assembling of the new Parliament. The two events were only within three days of each other, and all the honorable member would have had to do was to keep the negotiations in abeyance for three days—a course, too, which would probably have made his Ministry even stronger than it is—and then the honorable member and his present colleagues could have taken part in the election of a Speaker like other members. I would have announced that my Government only held office until their successors were appointed, and thus every member of the new Parliament could have been legitimately present to elect a Speaker. The whole of this difficulty has arisen because the honorable gentlemen on the Treasury bench could not wait three days before taking office. Or, if they did not desire to take the course I have indicated, they might, after having taken office, have allowed the Assembly to meet on the day originally fixed, and proceed to the election of a Speaker without them. The House would then have adjourned, to give time for the new Ministers to go before their constituents. Plenty of time—even more than has been taken—might have been allowed the Government to perfect their measures, but in that case Parliament would have been a Parliament properly constituted, and not, as it were, hanging between heaven and earth, as it has been during the past two months. For myself, I am quite open to conviction. Will not the Attorney-General, or the Minister of Justice, or some other of the six lawyers there are in the Government, considering the grave difficulty in which the House is placed, rise to his feet and explain the present matter a little more? Surely the question is important enough. It is one of privilege. It is whether the members of the Ministry are not strangers in the House. Will they justify the position they now take up?

Mr. KERFERD.—The present is not the proper time for that.

Mr. BERRY.—The present is the right time. Besides, they might solve the difficulty by walking out of the House, and not voting. They have already seen the difficulty they are in, because what did they do when they presented themselves to-day to be sworn? They came up each escorted by two honorable members to be introduced—to

whom? To the Clerk. Did any one ever hear of a new honorable member being introduced in such a way to Mr. Barker? They tried to get out of their quandary by complying so far with the 9th standing rule. But the practice there set down is for the time when the Speaker is in the chair. If the members of the Government are not properly members of the House, they are strangers, and ought to be outside the chamber. But they propose to go further than merely sit here. They actually intend to infringe constitutional practice to the extent of voting in Parliament before they are members of it. The whole case has been put before us in a very clear shape, and no defence whatever has been offered by the Government except that which is comprised in the force of numbers. But do we not remember the withering scorn of the Premier when he talked last session of what the mere force of numbers did? Do we not recollect his bitter denunciation of mere dummies voting as they were told? How electrifying were his appeals to honorable members then that they should, as he said, exercise their own judgment. Will not the Government do now what he preached then? Would not one of the utterances I allude to admirably become him on the present occasion? He rose just now to speak, but what did he say? Practically nothing. Had the position of his Government been capable of any real arguable defence, would not one or other of the lawyers on his side have offered it before now? Besides, not only has he so many lawyers with him, but he is almost a lawyer himself, for his mind is of the peculiar stamp that would have enabled him, had he ever adopted that line, to shine as a barrister. Therefore it is not for want of personal ability that he offers no defence of the stand he takes.

Mr. SERVICE.—Nor is it for want of opinion.

Mr. BERRY.—Is it by plunging into fresh blunders, which will create more confusion than ever, that the present Government propose to rectify the mistakes of the last Parliament? But I will not continue. If the majority will make no sign—if those who so recently talked to their constituents of the departure that was to be taken from the alleged unconstitutional practices of the late Government are determined to vote on the present question without a word—all I can do is to leave

those constituents to judge of their sincerity. The whole affair must simply go before the people of the country for their consideration. Only let this be borne in mind, that one of the greatest constitutional innovations, and indeed one of the most unconstitutional acts ever committed in the colony, is about to be committed by the present Administration.

Mr. McINTYRE.—I mentioned just now that one of the Commissioners appointed to open Parliament distinctly stated that the members of the Assembly were at once, before they went on with the ordinary despatch of business, to proceed with the election of a Speaker, but my remark was challenged. Here are, however, in black and white, the very words the Commissioner used—

“And, gentlemen of the Legislative Assembly, as it is necessary, before you proceed to the despatch of business, that a Speaker of the Legislative Assembly be chosen, His Excellency requests that you, in your chamber, will proceed to the choice of a proper person to be the Speaker.”

Mr. GAUNSON.—Then the Commissioner spoke outside his commission.

Mr. McINTYRE.—No matter what the honorable member for Ararat says, I hold it to be impossible—it would be highly improper to even make the attempt—for us to deal with any business now save the election of the Speaker. I dare say that if, upon another occasion, the Opposition would repeat some of what they have said to-day they would find support, but they have no real opportunity for referring to that sort of thing now. Moreover, I am sure that whenever they go into affairs of policy that occurred during the last Parliament, or even since, they will find matters made very warm for them indeed. Let us do at once the only business we can properly do; afterwards what has to be raked up can be raked up in order.

Sir J. O'SHANASSY.—Mr. Barker, I beg to ask you whether you propose to put the honorable member for Ararat's motion? If you do, I will speak to it; if not, I will sit down.

Mr. GAUNSON.—The honorable member for Belfast ought to know that the Clerk has no voice in the matter at all. We are the Parliament, and can do as we like. The Clerk has only to put the question; he can in no way express an opinion or an intention. As for the words quoted by the honorable member

for Sandhurst (Mr. McIntyre), they constitute a mere oral statement made by one who had no real authority for so doing. Besides, what is our business now? To elect the Speaker. What is the question raised in my motion? Simply who are the electors, amongst whom I contend the members of the Ministry are not included.

Sir J. O'SHANASSY.—At all events I will content myself for the present with reserving my right, should Mr. Barker put the question I allude to, to speak upon it before it goes to a division.

Mr. BARR.—I think the honorable member for Sandhurst (Mr. McIntyre) puts upon the words of the Commissioner a construction they will not bear. No matter what particular language the learned judge addressed to us, what we have now to determine is whether the members of the present Ministry are properly Members of Parliament, and have been properly sworn as such. I think we are perfectly entitled to deal with that point, and that we ought to do so without delay.

Mr. FINCHAM.—I cannot let the present matter pass without expressing my views upon it. We are here to select the honorable member best fitted to perform the high and important duty of presiding over our deliberations, and I would like to exercise my vote upon the point freely—irrespective of my allegiance to any Government or party. What I wish to particularly call the attention of the Ministry to is that, probably without design but none the less assuredly, they are the cause of all the present mischief. They, in fact, committed a grievous political crime when they made the election of the Speaker a party question. They did that by their intimation that the nomination of a certain gentleman would receive their support. The consequence is that their followers are precluded from voting for any one else, which I am certain some of them would do if they could. They have in fact expressed to me as much. Looking at the matter in the light of the great mistake the Government have made with respect to it, I am compelled to take a particular course. I would like to vote on the present occasion without the least party bias, but since the case is that one side of the House have put forward one honorable member to be Speaker and the other another, I feel bound to go in a particular direction. Were the affair not made one of party, I would think it wrong to be influenced with respect to

it by party feelings. My opinion is that everything ought to give way in favour of electing for our Speaker the honorable member best fitted because of his ability, knowledge, and temper to manage our proceedings, and prevent such unseemly scenes in the House as we have known to occur in the past. However, let me add that I most sincerely hope that, whoever is elected, all party and personal prejudices with regard to him will be at once buried, and that the way in which honorable members have voted with respect to him will be sunk both by him and them into utter oblivion. My regret is that any honorable member should be put forward to be Speaker by any particular side of the House. By their silence on this point the Government practically confess the crime they have committed. Indeed, that that is the case is really admitted by the honorable member for Portland, whom I regard as a high constitutional as well as a high legal authority. What did he say? He asked the House to be merciful—to forgive the Government this once, and settle the difficulty their proceedings have raised at some future time. They know well enough that they have made a breach in constitutional practice. That they own as much is shown by the distinction they drew with respect to their own introduction to the House. What a solemn farce that was! What will those whom they called upon to vote for them as upholders of the law, and sticklers for constitutional practice—the practice of the House of Commons—say now?

Mr. McKEAN.—I think that, as the present matter is one of constitutional practice, and a great many honorable members are perfectly new to parliamentary life, we ought to adjourn for an hour or two at least. Surely we should hear more from the Government upon the subject. At present only the Premier has spoken. Neither the Attorney-General nor the Minister of Justice has addressed himself to the question.

Mr. SERVICE.—I have not done so either.

Mr. McKEAN.—That makes the call for an adjournment all the greater. I beg to move that the House adjourn until four o'clock.

Mr. COOK seconded this proposition.

After a pause,

Sir C. MACMAHON said—Mr. Barker, as a member of the Legislative Assembly, I

do myself the honour of submitting myself to the will of the House, whether I be elected to the chair or not. I understand that another honorable member has also been proposed, and I beg to say that, whatever the decision of the House on the point may be, I shall cheerfully bow to it. Should it be adverse to me, the honorable member whom the House accepts will receive from me every possible support and assistance in performing his duties as Speaker. Certainly he will need support and assistance, because, looking at how the House is at present composed, and the existing state of political parties, I don't believe any honorable member—myself included—placed in the chair will be competent to please all sides.

Mr. LALOR.—I cannot do better than express myself in the manner the honorable member for West Melbourne (Sir C. MacMahon) has done, for I desire to assure honorable members that I have a similar feeling. Should the House do me the distinguished honour of electing me to be the Speaker, I will endeavour to perform the duties of the office faithfully, and to the best of my ability. On the other hand, should it not do so, I will give every assistance and pay every deference to the honorable gentleman placed in the chair, because I am perfectly sure, from my experience as an honorable member, and in the minor chair, that he will need it. I am satisfied that whoever is Speaker ought to obtain the support of all sides of the House.

Mr. GAUNSON.—Mr. Barker, I beg, before you put the question, to call attention to the fact that there is a third candidate for the Speakership practically before the House, because his name has been mentioned as one to be brought forward in the event of neither of the present candidates being elected. In fact, I beg to propose the honorable member for the Avoca (Mr. Grant) as a fit and proper person to occupy the chair of the House. With reference to him, although, owing to the fierceness of party politics, we have for some time been estranged from each other, I have no hesitation in saying that, in point of his services to the State, the positions he has occupied, and the credit and justice he has done to the country, he bears favorable comparison with either of the two gentlemen already named. I may say the same thing, also, with respect to the qualities that go to make a good Speaker; for,

unquestionably, he has not only an excellent knowledge of constitutional as well as ordinary law, but he is possessed of a very great amount of forbearance and patience. However, there is no need for me to trumpet forth his praises. I may be told that the fact of my making this proposition will act upon honorable members in opposition like hoisting a red rag before a bull. The suggestion is that there is such a strong feeling of animosity towards me on that side of the House, that any proposal emanating from me will surely meet with their resistance. Well, I will, on the present occasion, put that shocking and miserable state of things, if it exists—I don't think it ought ever to exist—to the test. Furthermore, I wish to say that the election of a Speaker ought never to be a party question. In order to render him thoroughly impartial, he ought, if possible, to be elected by the unanimous voice of the House. But, whoever is chosen for the office, honorable members on all sides ought to cheerfully yield to his ruling, at the same time taking care to see that he respects the House and the practice of Parliament. These two points complied with, I am satisfied that the present Parliament will show itself to be, if not greatly superior to, at all events not behind any of its predecessors.

Mr. NIMMO.—I beg to second the motion. I have known the honorable member for the Avoca (Mr. Grant) for 26 years, having had during that time, especially in connexion with municipal matters, frequent contact with him, and I always found him showing very great judgment and knowledge. Moreover, he has a quality very essential to a Speaker, namely, a thorough knowledge of law. It is of great importance that we should have in the chair a well-brained man, who can construe the law for us. If the House elects the honorable member for the Avoca, I am sure he will give every satisfaction.

Mr. WILLIAMS.—We have before us three nominations, but I cannot help thinking that the honorable member most eligible for the position in view has not yet been proposed. There are many who hold that, besides ability and knowledge of parliamentary practice, certain other qualifications are essential to make up a good Speaker. I don't wish to be taken to refer to those requisites in any way disparagingly to the honorable members already nominated, but I think, had the

honorable member for Boroondara been proposed, there would scarcely have been any difference of opinion among honorable members — there would have been a general vote in his favour. I have no desire to place the Government in a false position, they having promised their support to one of the candidates proposed, but I sincerely think neither of the three thoroughly fit to be Speaker, nor do I feel called upon to record my vote for any of them.

Mr. GRANT.—Mr. Barker, I beg to express my deep sense of the high honour done me in proposing me for the chair. In accordance with the usual custom, I submit myself to the will of the House.

Mr. WILLIAMS.—If the honorable member for Boroondara will agree to my nomination, I will propose him as a candidate for the Speakership.

Mr. R. M. SMITH.—I need not say I thank the honorable member for Mandurang (Mr. Williams) for the very kind manner in which he has mentioned my name; but under present circumstances I certainly could not submit myself as a candidate for the position of Speaker.

The CLERK put the question—"That the Hon. Sir Charles Mac Mahon do take the chair of this House as Speaker."

Mr. BOWMAN said he desired to record his protest against Ministers voting on the question.

The House divided—

Ayes	...	...	...	44
Noes	...	...	...	39

Majority for the motion 5

AYES.

Mr. Anderson,	Mr. McIntyre,
" Andrews,	" McLean,
" Bent,	Dr. Madden,
" Bolton,	Mr. W. Madden,
" Bosisto,	" Orkney,
" Burrowes,	Sir J. O'Shanassy,
" Cameron,	Mr. Ramsay,
" Carter,	" Robertson,
" R. Clark,	" Service,
" Cooper,	" Sharpe,
" Duffy,	" Shiels,
" Francis,	" A. K. Smith,
" Fraser,	" R. M. Smith,
" Gibb,	" Staughton,
" Gillies,	" Walker,
" Harper,	" Wallace,
" Harris,	" Wheeler,
" Jones,	" Wrixon,
" Kerferd,	" Zox.
" Keys,	
" Langdon,	
" Levien,	
" Lyell,	

Tellers.

Mr. Moore,
" C. Young.

NOES.

Mr. Barr,	Mr. McKean,
" Bell,	" Mirams,
" Berry,	" Nimmo,
" Billson,	" O'Callaghan,
" Bowman,	" Patterson,
" W. M. Clark,	" Pearson,
" Cook,	" Rees,
" Davies,	" Richardson,
" Dow,	" Russell,
" Fisher,	" Sergeant,
" Gardiner,	Major Smith,
" Gaunson,	Mr. Story,
" Grant,	" Tucker,
" Graves,	" Vale,
" Hunt,	" Williams,
" James,	" Woods,
" Johnstone,	" A. Young.
" Langridge,	Tellers.
" Laureus,	Mr. A. T. Clark,
" Longmore,	" Fincham.

Sir Charles Mac Mahon was then conducted by his proposer and seconder to the chair, on reaching which

The SPEAKER said—Gentlemen of the Legislative Assembly, I have to return my sincere thanks for the honour you have done me in again electing me to the position of Speaker of this House. I can only say that in occupying that position, whether it be for a short or for a long time, I will endeavour, to the best of my ability, to impartially discharge the duties of the office; and I trust that no honorable member will be able to say that I have been influenced in the slightest degree by the free expression of opinion which has been indulged in on this occasion. If I do err—if at any time I am not supposed to act in an impartial manner—it will be an error of judgment, an error of the head and not of the heart. I will do all I can to give fair play to honorable members without any regard to the position they occupy in this Chamber. On the other hand, I trust the House will have some consideration for me. Although the division shows a large minority, I trust honorable members will do as I expressed myself willing to do had some one else been elected to the chair—that is, give the Speaker a warm support in the endeavour to maintain order in this House. Having made these few remarks, I desire to refer to one other matter. I allude to the statement made some time since, in rather violent terms, that I was supposed to be partial to one particular Administration. I can only say that during the six years I occupied the position of Speaker—having been elected twice, and on each occasion unanimously—no Government, no member of

a Government, ever asked from me a personal favour, or ever sought to bias my opinion or influence me in any way except in open debate on the floor of this House, nor did I ever ask a favour from any Government, or seek anything at their hands. Therefore I trust that, whatever decisions I may feel called upon to give in conducting the business of the House, honorable members will do me the justice to believe that I am only acting to the best of my ability. In conclusion, I again thank honorable members for the honour they have done me.

Mr. SERVICE.—Mr. Speaker, I desire to congratulate you on your election to the chair. The experience we have already had of your capacity to preside over the deliberations of this House justifies us in concluding that your rule will be characterized by impartiality and sound judgment; and I have no doubt whatever, in spite of the discussion which has taken place on the present occasion, that all sections of the House will join in maintaining the authority of the chair. I believe you will perform the duties of Speaker with the same urbanity and yet with the same firmness that distinguished you in former years; and I again congratulate you upon your election.

Mr. BERRY.—Mr. Speaker, as it is usual on such occasions, I think I can give the assurance, in the name of the gentlemen who sit on this (the opposition) side of the House, that, in the discharge of the high duties of your position, you will receive every support from them. If those duties are fulfilled impartially, I don't think honorable members on this side will be very exacting if occasionally a mistake arises. While saying this, I must express regret that any allusion should have been made by you to opinions expressed with regard to matters now many years old. I have not the slightest intention of referring to them. We are at the beginning of a new Parliament, and although you have been elected only by a small majority, I think that, the election being over, honorable members, whether they sit on one side of the House or the other, will feel it their duty to give the chair all the support that may be necessary to secure the proper conduct of public business.

Mr. SERVICE announced that His Excellency the Governor would receive the Speaker, and such members as chose to accompany him, at Government House,

on the following day, at eleven o'clock a.m.

The House adjourned at three o'clock p.m., until next day.

LEGISLATIVE COUNCIL.

Wednesday, May 12, 1880.

State Opening of Parliament by the Governor—Elections and Qualifications Committee—New Members—Bills of Sale Bill—Address in Reply to the Governor's Speech—Transfer of Land Statute—Chairman of Committees—Sessional Arrangements: Days of Sitting: Standing Committees.

The PRESIDENT took the chair at two o'clock p.m., and read the prayer.

DECLARATIONS OF QUALIFICATION.

The following members delivered to the Clerk the declarations required by the 7th section of the Legislative Council Amendment Act (32nd Vict., No. 334):—The Honorables G. F. Belcher, W. Campbell, J. Cumming, F. S. Dobson, Sir C. Sladen, T. J. Sumner, and Sir S. Wilson.

STATE OPENING OF PARLIAMENT.

The Clerk-Assistant announced the approach of His Excellency the Governor; and immediately afterwards His Excellency entered the chamber, attended by his suite.

The members of the Legislative Assembly having been summoned,

His EXCELLENCY addressed the following speech to both Houses of Parliament:—

“MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

“MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

“I have called you together at an earlier period of the year than usual in order that ample time may be afforded you for the due consideration of the important measures which will be laid before you.

“The necessary works required to place this colony in a state of defence against possible foreign aggression are in course of construction. Acting upon the request of the Imperial Government to

send a delegate to London to give evidence before the Royal commission now considering the condition of the defences of the empire, a gentleman of acknowledged fitness has been appointed in that behalf.

"The buildings for the International Exhibition intended to be opened in Melbourne this year are approaching completion. The Commissioners estimate that the total expenditure in connexion with the Exhibition will amount to three hundred and twenty thousand pounds; but they are of opinion that the receipts and the sale of the annexes at the close thereof will reduce the total cost to a quarter of a million sterling.

"A large area of land in the settled portions of the colony is totally unprovided with water in the summer season, and the population have suffered in consequence great losses and much personal privation. It has become therefore a necessity that water should be conserved during favorable seasons of the year. My advisers have appointed a board to carefully consider and report upon the various schemes which have been suggested, and to submit proposals for the accomplishment of that object.

"All the lines of railway authorized to be constructed by Parliament have been so far completed as to be opened for traffic. My advisers are fully persuaded that new lines must be constructed to meet the growing requirements of the country. They have carefully investigated and considered the numerous applications which have been made for railway accommodation, together with the means available for that purpose, and you will be asked to deal with proposals which will have the effect of enabling the construction of further railways to be undertaken.

"You will probably be of opinion that the re-arrangement of the judicature, and the blending of the administration of law and equity, recently effected in England,

ought to be adopted in this colony. I have appointed a Royal commission for the purpose of considering how such a change can be best effected, and upon the receipt of their report you will be asked to devote some part of your time to the accomplishment of that object.

"There are evident signs that the great depression upon our trade and commerce which has prevailed so long, and has affected so seriously all classes of this community, is passing away. The late abundant harvest, the high prices obtained for our wool, the speedy prospect of frozen meat becoming a new and almost unlimited article of export from this country, and the restoration of public confidence, will materially assist in promoting general prosperity.

"MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

"In the preparation of the Estimates of Expenditure provision has been made for the maintenance of the public service, but at the same time due economy has been observed.

"MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

"MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

"My advisers regard it as their first duty to submit a measure dealing with the grave and important subject of constitutional reform, and they trust that it will receive your earliest and most attentive consideration.

"The several Land Acts now in operation expire together at the close of this year. A measure will be laid before you making provision for the settlement and pastoral occupation of the remaining portions of unalienated lands belonging to the Crown.

"There are now nearly twelve hundred miles of railway opened for traffic throughout the colony. It is considered that the time has arrived when a more economical and efficient system of management of our

State railways than at present exists should be adopted. A Bill will be introduced dealing with this important matter, and I trust that your deliberations upon the proposals which will be laid before you will lead to a satisfactory solution of this question.

"An amendment of the Public Service Act has long been urgently required. A Royal commission appointed some years ago furnished a most elaborate and exhaustive report upon this subject. My advisers are persuaded that a permanent reduction in the expenditure on the public service cannot be secured nor maintained until radical changes have been made in the conditions upon which persons shall enter and continue in the service. A measure on this subject will be laid before you for your consideration.

"The subject of mining on private property has repeatedly occupied your attention without resulting in legislation. A measure dealing with this most important matter should be passed without further delay, and it is intended to submit proposals for your consideration, which it is hoped will secure a satisfactory settlement of this long-vexed question.

"The recent discoveries of payable quartz reefs upon some of the older alluvial gold-fields have again directed public attention to the state of the law regulating mining for gold and silver, and to the insecurity of tenure to mining tenements. A proposed amendment of the law, providing amongst other things for giving greater security to *bonâ fide* holders, will doubtless receive at your hands the attention it deserves.

"Several other measures of importance will be submitted for your consideration. Among these will be Bills to authorize the construction of further railways, to make better provision for the conservation of water, to provide for the suppression of rabbits and other noxious vermin, to amend the Instruments and Securities Statute 1865, to amend the Public Health

Statute, and to provide for the decennial census.

"All these matters will require your grave consideration, and I pray that the Almighty may guide your deliberations for the welfare of the country."

Copies of the speech were handed by the Governor's private secretary to the President and to the Speaker.

The members of the Assembly then withdrew, and His Excellency and suite also left the chamber.

ELECTIONS COMMITTEE.

The PRESIDENT laid on the table his warrant appointing the Honorables R. S. Anderson, G. F. Belcher, H. Cuthbert, W. E. Hearn, W. Highett, J. Lorimer, and Sir C. Sladen as the Committee of Elections and Qualifications.

NEW MEMBERS.

The PRESIDENT announced that, in virtue of his commission, he was prepared to swear in any new members who might be introduced.

The PRESIDENT likewise announced that a writ which he had issued for the election of a member for the South-Western Province, in the room of the Hon. Henry Cuthbert, who had accepted an office of profit under the Crown (that of Minister of Trade and Customs) had been returned, showing that Mr. Cuthbert had been re-elected; also, that he had received a return to a writ issued for the election of a member for the Central Province (in the room of the Hon. F. T. Sargood, resigned), showing that Mr. James MacBain had been duly elected.

Mr. Cuthbert and Mr. MacBain were introduced and sworn, and they presented to the Clerk the declarations required by the 7th section of the Act 32nd Vict., No. 334.

BILLS OF SALE BILL.

The Hon. H. CUTHBERT moved, without notice, for leave to introduce a Bill to amend the law relating to bills of sale.

Leave was given, and the Bill was brought in, and read a first time.

THE GOVERNOR'S SPEECH.

ADDRESS IN REPLY.

The House proceeded to the consideration of the speech delivered by His

Excellency the Governor to both Houses of Parliament.

The Hon. J. MACBAIN moved—

“That a select committee be appointed to prepare an address in reply to the speech of His Excellency the Governor, and that such committee consist of the Honorables Sir C. Sladen, H. Cuthbert, W. E. Hearn, J. Cumming, J. Balfour, J. Lorimer, and the mover.”

The motion was agreed to.

The committee retired, and were absent some time. On their return they brought up the following report, which was read by the Clerk :—

“To His Excellency the Most Honorable George Augustus Constantine, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the county of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross, in the county of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.

“May it please Your Excellency—

“We, Her Most Gracious Majesty's most dutiful and loyal subjects, the members of the Legislative Council of Victoria, in Parliament assembled, beg leave to approach Your Excellency with renewed expressions of our loyalty and attachment to Her Majesty's throne and person.

“We thank Your Excellency for having called us together at an earlier period of the year than usual in order that ample time may be afforded us for the due consideration of the important measures which will be laid before us.

“We thank Your Excellency for informing us that the necessary works required to place this colony in a state of defence against possible foreign aggression are in course of construction. We express our satisfaction that, acting upon the request of the Imperial Government to send a delegate to London to give evidence before the Royal commission now considering the condition of the defences of the empire, a gentleman of acknowledged fitness has been appointed in that behalf.

“We thank Your Excellency for informing us that the buildings for the International Exhibition intended to be opened in Melbourne this year are approaching completion. Also that the commissioners estimate that the total expenditure in connexion with the Exhibition will amount to £320,000; but that they are of opinion that the receipts and the sale of the annexes at the close thereof will reduce the total cost to a quarter of a million sterling.

“We express our regret that a large area of land in the settled portions of the colony is totally unprovided with water in the summer season, and that the population have suffered in consequence great losses and much personal privation. We concur with Your Excellency that it has become therefore a necessity that water should be conserved during favorable

seasons of the year. We thank Your Excellency for informing us that Your Excellency's advisers have appointed a board to carefully consider and report upon the various schemes which have been suggested, and to submit proposals for the accomplishment of that object.

“We thank Your Excellency for informing us that all the lines of railway authorized to be constructed by Parliament have been so far completed as to be opened for traffic. We concur with Your Excellency's advisers that new lines must be constructed to meet the growing requirements of the country. We thank Your Excellency for informing us that they have carefully investigated and considered the numerous applications which have been made for railway accommodation, together with the means available for that purpose, and that we shall be asked to deal with proposals which will have the effect of enabling the construction of further railways to be undertaken.

“We are of opinion that the re-arrangement of the judicature and the blending of the administration of law and equity, recently effected in England, ought to be adopted in this colony. We thank Your Excellency for informing us that Your Excellency has appointed a Royal commission for the purpose of considering how such a change can be best effected, and that upon the receipt of their report we shall be asked to devote some part of our time to the accomplishment of that object.

“We thank Your Excellency for informing us that there are evident signs that the great depression upon our trade and commerce which has prevailed so long, and has affected so seriously all classes of this community, is passing away. We concur with Your Excellency that the late abundant harvest, the high prices obtained for our wool, the speedy prospect of frozen meat becoming a new article of export from this country, and the restoration of public confidence, will materially assist in promoting general prosperity.

“We thank Your Excellency for informing us that Your Excellency's advisers regard it as their first duty to submit a measure dealing with the grave and important subject of constitutional reform, and assure Your Excellency that it will receive our most attentive consideration.

“We thank Your Excellency for informing us that the several Land Acts now in operation expire together at the close of this year, and that a measure will be laid before us making provision for the settlement and pastoral occupation of the remaining portions of unalienated lands belonging to the Crown.

“We thank Your Excellency for informing us that there are now nearly twelve hundred miles of railway opened for traffic throughout the colony. We concur in the opinion that the time has arrived when a more economical and efficient system of management of our State railways than at present exists should be adopted. We thank Your Excellency for informing us that a Bill will be introduced dealing with this important matter, and we trust that our deliberations upon the proposals which will be laid before us will lead to a satisfactory solution of this question.

“We thank Your Excellency for informing us that an amendment of the Public Service Act has long been urgently required, and that a

Royal commission appointed some years ago furnished a most elaborate and exhaustive report upon this subject. We concur with Your Excellency's advisers that a permanent reduction in the expenditure on the public service cannot be secured nor maintained until radical changes have been made in the conditions upon which persons shall enter and continue in the service. We thank Your Excellency for informing us that a measure on this subject will be laid before us for our consideration.

"We regret that the subject of mining on private property has repeatedly occupied our attention without resulting in legislation. We concur with Your Excellency that a measure dealing with this most important matter should be passed without further delay, and we thank Your Excellency for informing us that it is intended to submit proposals for our consideration which it is hoped will secure a satisfactory settlement of this long-vexed question.

"We thank Your Excellency for informing us that the recent discoveries of profitable quartz reefs upon some of the older alluvial gold-fields have again directed public attention to the state of the law regulating mining for gold and silver, and to the insecurity of tenure of mining tenements. We assure Your Excellency that the proposed amendment of the law, providing amongst other things for giving greater security to *bonâ fide* holders, will receive at our hands the attention it deserves.

"We thank Your Excellency for informing us that, amongst the measures of importance which will be submitted for our consideration, there will be Bills to authorize the construction of further railways, to make better provision for the conservation of water, to provide for the suppression of rabbits and other noxious vermin, to amend the Instruments and Securities Statute 1865, to amend the Public Health Statute, and to provide for the decennial census.

"We assure Your Excellency that all these matters will receive our grave consideration, and we pray that the Almighty may guide our deliberations for the welfare of the country."

The Hon. J. MACBAIN.—Mr. President, in moving the adoption of the report from the committee which has just been read, I am sure I can claim the indulgence of honorable members whom I am addressing for the first time as a member of this Chamber. I can assure honorable members that, while I continue to occupy a seat in the Legislative Council, it will be my care and duty to assist them in discharging the legislative functions which properly belong to this branch of the Legislature, and I trust I shall be at all times guided by a spirit of moderation and forbearance. It is a matter of congratulation, I think, that one of the first measures to be submitted to Parliament this session will be a measure on the subject of constitutional reform. I am one of those who believe that, if all our public men did the right thing at the right time, and considered it their first duty to

advance the best interests of the country, in preference to seeking to accomplish their own personal and political objects, there would be no necessity for any alteration in our present Constitution. Unfortunately, however, the experience of some years has proved that, unless some alteration of the Constitution takes place, injury will be inflicted on almost every interest of the country, and the colony will be retarded in making the progress which a community such as this ought to make. It is evident that, during the last three years, a greater blow has been struck at the prosperity of the colony than it experienced for many years previous, and, indeed, it is my opinion that it will be many years hence before the confidence which existed previously can be fully restored, our public credit re-established, and the value of property brought back to the position it occupied five or six years ago. However, I may say that from conversations with a great number of the electors of the Central Province, as well as from my intercourse with a great many other persons in other parts of the country, I am led to believe that there is a strong and earnest desire on the part of the public that the question of constitutional reform shall be settled, and settled without delay. I am fully satisfied, from the action which the Council has taken in the past in passing a Bill to reform its own constitution, that it will be prepared not only to consider very seriously a scheme of constitutional reform, but also to pass a reasonable measure on the subject as soon as it is afforded an opportunity of doing so. I believe it is the wish of the great bulk of the community that the Legislative Council shall not be considered as a mere Chamber to register the acts of the majority of another Chamber, but, on the contrary, as a guardian of the rights and privileges of the people of the colony, and as a body sent here not to legislate for any one class of the community but for the best interests of all classes. The view which has been sought to be established by a certain class of politicians, that the Council should simply be a Chamber to register the decrees of the majority of another place, is, I believe, totally opposed to the general public opinion. It would be manifestly improper and useless for me on the present occasion to enter into any discussion with regard to the direction which a reform of the Constitution should take, as we have not yet before us the

Bill on the subject which is alluded to in His Excellency's speech, but I may express my confidence that when the subject does come properly before the Council, honorable members will consider it their duty to do everything possible on their part to bring the question to a satisfactory conclusion. The wisdom of the course taken by the Council in rejecting the Reform Bill sent up to it in 1878 has since then been amply proved. Not only has that action been practically confirmed by the authors of the measure themselves, but the Bill has been condemned by the large majority of the people of the country, and has met with the entire disapproval of the leading politicians of England. In my opinion, the members of the Council are sent here to act, not as the mere registrars of the opinions of the majority of another Chamber, but as a kind of court of review whose duty it is to gauge public opinion and to see that any measure passed by another place and submitted here represents the views of the great majority of the people before it can be accepted. In past years I consider the Council has exhibited great care never to refuse to pass any measures which had the unanimous support of the people of the country, and I have every confidence that in the future all measures submitted to the Chamber will receive the careful consideration to which they are entitled. I trust that the question of constitutional reform will receive the serious attention, not only of both branches of the Legislature, but also of the country, and that in a very short time we shall, by its settlement, have a stop put to an exciting subject of discussion which has fostered a great deal of class hatred in the country. I need only allude to a few other matters mentioned in His Excellency's speech. Reference is made to the works required to place the colony in a state of defence against possible foreign aggression, and we are told that a competent gentleman has been nominated to give evidence before the Royal commission which has been appointed in England to inquire into the subject of the defence of the colonies. I think it is very desirable that great care be taken with respect to any system of defence which may be adopted for this colony. We know that for many years past a very large expenditure has been incurred with respect to our defences, yet if you ask where those defences are to be seen, and

of what possible utility they would be in the case of war, I am afraid very small results can be shown for the money spent. I trust the result of the investigation going on in England will be the establishment of some uniform system of defence, not only for this colony but for all the Australasian colonies. With regard to the allusion made to the expenditure on the International Exhibition that is to be held in Melbourne this year, I fear to commit myself to any remarks on the subject of that undertaking. I have always held that that expenditure was utterly out of proportion to the small population of this colony. I trust that the objects for which the Exhibition was initiated will be realized by its friends, but I must say that the expenditure appears to be enormous, and I fear the results will not justify it. If this colony had a population of from two and a half to five millions, as it ought to have by this time, the expenditure of £320,000 on an Exhibition would be something immense in proportion to the number of inhabitants; but when we consider that the present population of the colony is only 900,000, I certainly fail to see any justification for saddling the country with such an expenditure for the sake of having an Exhibition. I trust the anticipation that the receipts and the sale of annexes, &c., will reduce the total cost to a quarter of a million will be realized; but what results shall we have for the expenditure of that quarter of a million? No doubt the expenditure will do some good, but nevertheless, without entering upon the debatable ground of protection or free-trade, I must say that the undertaking never had my approval, and that expenditure of such a character seems to me, in the circumstances of this colony, calculated to do much more harm than good to the community. If the amount of money devoted to the Exhibition had been expended on water conservation in the country districts, I believe a much greater benefit would have been conferred on the colony. The necessity for further railway communication, in view of the extensive settlement of the country, is also alluded to by His Excellency. Having settled a large number of people on the land, whether for good or ill—and I believe as regards a large percentage of the selection great good will result, though I regret to say also from personal experience that a very large number of the selectors have had to

succumb to bad times—it is the duty of the Government to afford them facilities for the carriage of their produce to the markets and sea-ports. Without such facilities, indeed, absolute disaster must fall not only on the selectors settled on the soil but on every business man who has connexions with them. It is satisfactory to find that the Government promise to introduce a Bill for the amendment of the Civil Service Act. A similar promise has been made by successive Governments for many years past, but I trust that on this occasion some action will at length be taken, for the subject is one of vast importance to the colony. The public service has gone on increasing in a much greater ratio than the population, and its present cost is out of all proportion to the expense of conducting any commercial business or private undertaking. So long as Ministers are in a position to bestow patronage on those who support them, and can thus increase the number of the civil servants without any difficulty, this state of things will continue, until the public service will become a huge incubus on the industry of the people of the colony. The time, I think, has now arrived when Parliament should devote serious attention to this question, and place the civil service on a more satisfactory footing, thus saving the executive officers of the Government from being prevailed upon to do a manifest injustice to the public interest. With regard to the question of mining on private property, a Bill on which is also promised, the Council has on more than one occasion been held up to public opprobrium for the manner in which it has dealt with that subject. It is alleged that this Chamber represents only one class in the community, and it should be the earnest effort of the House to meet that statement by showing that its object is not to serve merely the interests of property but of all classes of the people. Indeed, when I look around me in this chamber, I see in it gentlemen who, though they are men of property, have identified themselves with the industrial pursuits of the colony, who have adapted themselves to the circumstances of the country, and who have done more, I venture to say, in one year to advance the best interests of the community than probably their accusers will have done in the whole course of their lives. The Mining on Private Property Bill will, I trust, receive the serious

Hon. J. MacBain,

consideration of the Council. In my view, there are three great pursuits on which the colony mainly depends—the pastoral, agricultural, and mining industries—and upon the prosperity of these three interests depends the welfare of almost every other branch of business in the country. Any legislation, therefore, affecting any of those pursuits should receive the utmost care and attention at the hands of the Parliament of this colony. Among the other Bills promised is one “to provide for the suppression of rabbits and other noxious vermin.” I do not know what the “other noxious vermin” may be, but certainly I can bear witness that the rabbits have become a very great pest to the country. I know a very large tract in the western district, where land which was worth commercially from £10 to £20 per acre has been rendered absolutely useless in consequence of the ravages of rabbits. I consider that it is the bounden duty of the Government to at once submit a Bill to stamp out that class of vermin, which have also been very destructive to the farmers in the north-western portion of the colony. The only other measure mentioned in the Governor's speech to which I need allude is a Bill to amend the Public Health Statute. The nature of the proposed amendment is not indicated, but we are aware, from the discussions in the press, that defects are complained of with regard to the manner in which the public health is attended to by the Government, and I trust the promised Bill will place that matter on a more satisfactory footing. I now beg to move the adoption of the report from the committee.

The Hon. J. LORIMER.—I beg to second the motion, and, in doing so, I am sure I express the opinion of every member of the Council when I say that we are all very pleased to see the honorable member who has proposed this motion among us. With respect to His Excellency's speech, it is not surprising—in fact, it was only to be expected—that the subject of constitutional reform should occupy a prominent position in the programme of the ensuing session. I need not refer to the causes which have interfered with the settlement of that important question at an earlier date. This Chamber, at all events, is in no way responsible for the failure of the late Government to dispose of that question, and I think, after the expression of opinion which has been given by the constituencies at the recent

general election, we may look forward to having placed before us, at an early period, a measure of reform of a reasonable nature, which will be entitled to our serious and favorable consideration. If one thing was more clearly manifested than another at the late election, it was, I think, the wish of the constituencies to have a real Legislative Council and not a sham one—a determination not to allow the representative character of this Chamber to be destroyed, or its legitimate influence on legislation to be weakened. I think it was also made abundantly manifest that the people will not intrust the expenditure of the public funds to the exclusive and uncontrolled power of one House without the check of a second Chamber. If the Government keep these two points in view in submitting to us a Bill calculated to settle the differences which have frequently arisen between the two Houses of Parliament, and which have proved so disastrous to every interest in the colony, I am quite sure that it will receive favorable consideration from the Council. All that is wanted to obtain a satisfactory solution of the question is a conciliatory and moderate spirit on the part of honorable members of both Houses, and I very much mistake the signs of the times and misread the lessons of the late general election if the country will not insist on that spirit in the future. The country desires that honorable members shall treat the subject on its merits and bring to bear upon its consideration a purely patriotic spirit, subordinating all selfish ends and party objects to the public good. If honorable members will only follow that course, I think all impediments in the way of useful and practical legislation will be speedily removed. Among the measures of practical utility alluded to in the Government programme, the first I desire to refer to is that dealing with the land question. It is stated that a Bill will be submitted “making provision for the settlement and pastoral occupation of the remaining portions of unalienated lands belonging to the Crown.” Having had no share in the land legislation of the colony, and having never been connected either with the pastoral or free selection interests, I am enabled to look impartially on the question, and I have no hesitation in condemning our land system as an utter failure. In my opinion the public estate has been simply wasted. The public at large have not derived the benefit from that estate

which under more beneficial legislation they might have done, and I sincerely hope that the remainder of the public lands will be used in a manner which will bring in some revenue that will lessen the burthens of the people, which every year are becoming more oppressive. I really trust that some common-sense principles will be introduced into our next land legislation, and that something will be done to relieve the taxpayers from a portion of their burthens. With reference to the question of railway construction and railway management, I think we must all pretty well agree with the opinion expressed in His Excellency's speech. No doubt further railways will be needed to meet the growing requirements of the colony, but I hope that will be the chief object held in view in constructing new railways. I hope there will be no more political railways—lines constructed for the placation of political supporters rather than for the promotion of the interests of the country at large. I think the time has come when our railways must be made to pay—not only to meet the interest on the money borrowed for their construction but to realize a profit. Our taxation has reached that point beyond which, I think, it cannot be safely increased, and therefore I consider that in our railway management we should keep steadily in view the object of making the lines pay. I believe no better plan to attain that end can be adopted than the system foreshadowed in His Excellency's speech, namely, of separating the management of the railways altogether from political influence. If that is done and the railways are managed on purely business principles—the best men being appointed to fill the different positions in the department, and no more money being expended than is absolutely necessary—we shall speedily have a valuable property in the hands of the State, the revenue from which will go a long way towards enabling us to reduce the taxation of the country. As to the question of mining on private property, it is certainly not the fault of this Chamber that the subject has not been dealt with long ago. Repeated efforts have been made here—more especially by my honorable friend, Mr. Wallace—to have the question settled on a fair and equitable basis, and, if the measures which have been more than once passed in the Council had been received in a proper spirit elsewhere, there would have been no necessity

for the subject appearing in His Excellency's speech to-day. I am quite sure that any fair and reasonable Bill dealing with the question which the present Government may submit will receive the favorable consideration of the Council. With regard to the subject of water conservation, I think the Government have acted very judiciously in appointing a board to inquire into and report on the whole question before proposing any legislation. It is a matter of congratulation that the Government have been enabled to avail themselves of the services of an engineer who is eminently qualified for the work—a gentleman who was brought to the colony specially in connexion with this subject, and who on a late occasion received very scant justice. I have no doubt that the report, when it is submitted, will be very valuable, and I am quite sure that the whole country will be anxious to see adopted some practical scheme for conserving and utilizing the surplus water for the benefit of the various districts of the colony. Another most important matter alluded to in His Excellency's speech is that of law reform. Here again I may say that it is certainly not the fault of the Council that the question has not been dealt with ere this. We cannot but concur in the opinion that—

“The re-arrangement of the judicature, and the blending of the administration of law and equity, recently effected in England, ought to be adopted in this colony,”

seeing that this Chamber has already passed a Bill to effect that object. I hope the Royal commission which is now inquiring into the subject will be instrumental in improving, if possible, the Bill passed by the Council last session; but I am perfectly certain that if that measure had become law it would have been found a very valuable addition to the statute-book. I do not think I need trouble the House by referring to any of the other matters mentioned in His Excellency's speech. Suffice it to say that I do most sincerely hope that the inauguration of this new Parliament will mark the commencement of a fresh era in the practice of both Houses of the Legislature. I trust we shall all follow the advice which I feel certain the constituencies have given—namely, that men must moderate their views all round, and apply themselves strenuously to the work of practical legislation. I hope the session now commenced will not be so barren in this

respect as recent ones have been. Seeing that we have this year invited all the nations of the world to compete with us in friendly rivalry, I trust that by our conduct towards one another, and by our legislation, we will show them not only that we can vie with them in arts, manufactures, and products, but that we are at all times influenced by our glorious national traditions, and not unworthy of the race from which we have sprung.

The motion for the adoption of the address was then agreed to, and it was resolved that the address should be presented to His Excellency by the President, and such members of the House as desired to accompany him.

TRANSFER OF LAND STATUTE.

The Hon. G. F. BELCHER moved that the return laid on the table of the House, on the 4th February, relative to the assurance and indemnity funds under the Transfer of Land Statute, be printed.

The Hon. J. GRAHAM seconded the motion, which was agreed to.

CHAIRMAN OF COMMITTEES.

The Hon. H. CUTHBERT.—Mr. President, in accordance with the usual practice at the commencement of each session, it is necessary to appoint a Chairman of Committees. I beg to move that the Hon. C. J. JENNER be Chairman of Committees for the present session. We have had the opportunity of judging how the honorable gentleman can fill that position. He has discharged the duties of the office in the past with efficiency, and with satisfaction to every member of the House.

Sir C. SLADEN.—I have much pleasure in seconding the motion. I can bear personal testimony to the attention which the honorable gentleman has given to the duties of Chairman of Committees, and to the general efficiency with which he has discharged them. In saying this, I believe that I express the feelings of all members of the House.

The motion was agreed to.

The Hon. C. J. JENNER.—I beg to thank honorable members for the honour they have again conferred upon me, and for the confidence which they have reposed in me as Chairman of Committees during the last six years. I look forward with pleasure to the business of the present session, because I believe we shall have a large amount of important work before us,

and that honorable members of another place will endeavour to co-operate with this Chamber, so that the country may have the benefit of the wisdom of both Houses in the discussion of the measures which will be submitted for the consideration of Parliament.

SESSIONAL ARRANGEMENTS.

The Hon. H. CUTHBERT moved—

“That Tuesday, Wednesday, and Thursday in each week be the days on which the Council shall meet for the despatch of business during the present session; and that half-past four o'clock be the time of meeting on each day; and that on Wednesday in each week the transaction of Government business shall take precedence of all other business.”

The motion was agreed to.

STANDING COMMITTEES.

On the motion of the Hon. H. CUTHBERT, the standing committees for the session were constituted as under :—

STANDING ORDERS COMMITTEE.—The Honorables the President, R. S. Anderson, C. J. Jenner, Sir C. Sladen, F. S. Dobson, W. E. Hearn, and H. Cuthbert.

PRINTING COMMITTEE.—The Honorables J. Lorimer, J. Cumming, W. Highett, F. Robertson, and J. MacBain.

PARLIAMENT BUILDINGS COMMITTEE (JOINT).—The Honorables the President, J. Buchanan, Sir S. Wilson, C. J. Jenner, W. Ross, and J. A. Wallace.

LIBRARY COMMITTEE (JOINT).—The Honorables the President, N. Fitzgerald, F. S. Dobson, J. Balfour, and J. Graham.

REFRESHMENT ROOMS COMMITTEE (JOINT).—The Honorables T. Bromell, T. F. Hamilton, R. D. Reid, G. F. Belcher, and W. J. Clarke.

The House adjourned at four o'clock, until Tuesday, May 25.

LEGISLATIVE ASSEMBLY.

Wednesday, May 12, 1880.

Opening of the Session—Presentation of the Speaker to the Governor—New Members—Visitor: Hon. F. M. Innes—Ballarat East Election—Dower Bill—Address in Reply to the Governor's Speech: First Night's Debate—Elections and Qualifications Committee.

The SPEAKER took the chair at three minutes past two o'clock p.m.

Two minutes afterwards, the Clerk-Assistant of the Legislative Council brought a message from His Excellency the Governor, requesting the attendance

of honorable members in the chamber of the Legislative Council.

The members present, headed by the Speaker, and attended by the Clerk, the Clerk-Assistant, and the Serjeant-at-Arms, proceeded to the chamber of the Legislative Council.

Business was afterwards suspended until half-past four o'clock, when the Speaker again took the chair.

ELECTION OF SPEAKER.

The SPEAKER said—I have the honour to report to the House that, according to the usual custom, I have attended at Government House, and presented myself to His Excellency the Governor as the Speaker of this Assembly, and that His Excellency has been pleased to address me in the following terms :—

“Mr. Speaker,—I have great pleasure in congratulating you on the high and honorable position to which the confidence of the House of Assembly has for a third time raised you, and I doubt not that your former experience as Speaker will prove of essential benefit both to the House and yourself.”

NEW MEMBERS.

The SPEAKER presented his commission from the Governor, empowering him to swear members who had not already taken the oath of allegiance.

VISITOR.

Mr. FRANCIS mentioned that the Hon. F. M. Innes, President of the Legislative Council of Tasmania, was within the precincts of the House, and moved that he be accommodated with a chair on the floor of the chamber.

Mr. BERRY said he would second the motion, although he regarded it as unconstitutional for a gentleman who was not invested with Ministerial responsibility in any way to undertake the duties of the leader of the House.

Mr. FRANCIS explained that before he submitted the motion he mentioned the matter to the Premier and he also consulted the Speaker. It was by no means the invariable custom for such motions to be submitted by the head of the Government.

The motion was agreed to.

PETITION.

A petition was presented by Mr. LYELL, from certain leaseholders of Crown lands on the south bank of the Yarra, below Prince's-bridge, praying the House to take their case into favorable consideration.

BALLARAT EAST ELECTION.

The SPEAKER announced that the Clerk of the Assembly had been served with a subpoena to attend on Friday, May 14, at Ballarat, "to give evidence on the part of the Queen, before the Justice assigned to hold pleas, touching a certain presentment to be preferred against Peter Geoghan, in a case of personating a voter at the last election for Ballarat East;" and to produce certain documents.

On the motion of Mr. KERFERD, leave was given to the Clerk or some other officer of the Assembly to comply with the terms of the subpoena.

DOWER BILL.

Mr. KERFERD, without notice, and in order to assert the privilege of the House to initiate legislation without reference to the particular purposes for which it was convoked, moved for leave to introduce a Bill to abolish dower.

Mr. RAMSAY seconded the motion, which was agreed to.

The Bill was then brought in, and read a first time.

LUNATIC ASYLUMS.

Mr. KERFERD (pursuant to order made on November 13, 1879) laid on the table a return relative to paying patients in lunatic asylums.

ADDRESS IN REPLY TO THE GOVERNOR'S SPEECH.

FIRST NIGHT'S DEBATE.

The SPEAKER reported that, pursuant to the Governor's summons, the members of the Assembly attended in the chamber of the Legislative Council that afternoon, when His Excellency delivered his speech on opening the session.

The speech having been read,

Mr. SHIELS said—Sir, in rising to propose an address in reply to the gracious speech which His Excellency the Governor has delivered to us this day, I must express the deep satisfaction I feel that we have now in the chair of this House a gentleman who from his former conduct, as Speaker during two Parliaments, affords to the House and the country the strongest assurance that his decisions will always be founded on sound parliamentary law, and be prompted by an incorruptible spirit of fair play and integrity. Sir, I do hope that your term of office may mark a red-letter day in the political annals of this colony—that you will be able to look back upon it, when it

has expired, with the proud reflection that during the period many wise and well-matured laws were placed on the statute-book, that an honest administration of public affairs prevailed, that due economy was practised in all the public departments, and, lastly, that the civil servants, from the highest to the lowest grade, could set about their daily tasks with the light heart that comes from a feeling of security against wrong and oppression. Sir, what I expressed on the hustings I crave leave to express on the floor of this House. In my humble opinion, the first duty of this new Parliament—the tenth Parliament of Victoria—is to devise means for bringing about a restoration of public confidence. We have had, as it were, hurricane politics with a most bitter experience of their effects. We now want a calm to repair the wreckage, and enable the good ship Victoria to get into quiet waters. Let any one consider the evil effects of a distracted state of the public mind. Whether the distraction arises from a carnival of pleasure, from fear of plague or famine, from unwise legislation, or from the adoption or proposal of revolutionary changes, he must feel that it is quite detrimental to trade and commerce, that it blunts the edge of the desire for gain, that it benumbs enterprise, and that it paralyzes trade and industry in every quarter. I believe I am expressing the clear conviction of thousands in the colony when I say that Victoria to-day would be richer, more contented, higher in prestige, and enjoying a better name had the ninth Parliament never existed. I don't desire that either my language or my manner should be offensive to honorable gentlemen in opposition. I have come into this House with the hope that I would be able to exercise to the fullest extent my right of criticism and censure, and yet be on terms of private friendship and social courtesy with those of my brother members on whose public acts or public works I may have occasion to animadvert. Sir, I feel deeply, as a Victorian, that the rancour and the savage bitterness which disgraced the last Parliament also disgraced the whole colony. I desire that we shall act as the custodians of the public honour of Victoria; and I believe there is one rule which, if we observe it, will do much to secure that end, namely, that there shall be no hitting below the political belt—no going into private life and dragging out its transactions as

political weapons. I believe the observance of that rule has contributed very much to produce the chivalrous and high-toned warfare of the Imperial Parliament. Now how is the restoration of public confidence to be brought about? In my opinion, by a steady observance on both sides of the House of the counsels of moderation—by an unwillingness to sanction revolutionary acts or violent changes. It is because I believe we have sitting on the Treasury bench gentlemen who are actuated by those principles, and because the speech which His Excellency has delivered to Parliament to-day darkly limns forth measures to secure the end which I desire, that I am here to offer the Government a loyal support. Coming more directly to the Governor's speech, I may say that I see nothing heroic in it. It is a plain business statement of measures to be brought before Parliament, which I am sure will advance the permanent interests of the country. It is a trite saying in Governors' speeches that "the Estimates have been framed with due economy." I don't suppose the oldest member of this House ever heard a Governor's speech, at the opening of a session, without that phrase in it; but I see in the speech which has been delivered to-day one thing that pleases me greatly, namely, that the Government do not propose any additional taxation. ("Oh!" from the Opposition.)

AN HONORABLE MEMBER.—How do you know?

MR. SHIELS.—I see that in the Governor's speech they do not propose any additional taxation; and for that I thank them in the name of my constituents. The last Parliament bore the name of the Taxation Parliament; but I hope that this Parliament will deserve the name of, if not the Tax Repealing Parliament, the No Taxation Parliament. The position which Victoria occupies seems to me very much like that of Jacob's son, Issachar, "an ass crouching down between two burthens." Victoria is crouching down between the two burthens of extraordinary taxation and a glaring deficiency in the revenue. I see in the Governor's speech evidence of a desire on the part of the Government to push on public works. If their performances in this direction do not come up to expectations, the cause must be put down to what Tennyson calls—

"That eternal want of pence
Which vexes public men;"

and which I believe at this time vexes the present Government more than it has vexed any other Government that ever held office in this colony. The paragraph in the Governor's speech which has given me the most satisfaction is that in which the Government announce their intention of making provision for the conservation and storing of water. In this colony we have had serious and oft-recurring droughts which have inflicted wide-spread disaster upon nearly every interest. Unfortunately we have not hitherto conserved the water which has come down in the past in such plentiful streams, but have allowed it to run to waste. I believe that, both as regards nations and individuals, the Lord helps them who help themselves, and that if we had stored water as we might have done in times past, instead of allowing it to run to waste, we would have increased the fertility of our gardens and orchards, and have been able to give pure water to many persons who have been forced to drink water so impure as to be really dangerous to health. If the Government do nothing more than formulate some useful scheme of water supply, I believe they will do more "to scatter plenty o'er a smiling land," and to earn the gratitude of the people of the colony, than they will do by having half-a-dozen Exhibitions. With respect to the International Exhibition, it reminds me of the custom of the King of Siam to give away a white elephant when he wishes to make a ruinous present to any one. I look upon the Exhibition as a white elephant. It has practically destroyed a garden which acted as a lung to a crowded suburb, and it is eating away slowly but surely a third of a million of money—money extracted from the pockets of the taxpayers of this country just at a time when they can ill afford it. The Government announce their intention of proceeding with the construction of several new lines of railway; and, in connexion with this subject, I must express my satisfaction that they have restored Mr. T. Higinbotham to the head of affairs at the Railway department—a gentleman who in times past opposed every Administration when they proposed political railways. That is the kind of servant which the people of Victoria need to enable them to judge whether or not the proposals of the occupants of the Treasury bench will conduce to the real and permanent interests of the colony.

AN HONORABLE MEMBER.—When did Mr. Higinbotham oppose a Government ?

MR. SHIELS.—He opposed the McCulloch Government when they desired to purchase the Hobson's Bay Railway, because, in his opinion, it would be an unwise expenditure of public money ; he opposed the late Government when they attempted to carry a railway on one side of the river that ought to have been constructed on the other ; and I think I am correct in saying that, had he been Engineer-in-Chief at the time, he would have opposed them even more strongly when they changed front and proposed to purchase a railway which, when in opposition, they said was not worth the money they were about to give for it. The chief subject of interest in the Governor's speech is undoubtedly the announcement of the intention of the Government to proceed at once with constitutional reform. I admit that our Constitution has not the same claims upon our veneration that the English Constitution has—a Constitution which is a marvel of history, and is surrounded with a halo of antiquity—but it has claims upon our respect which it is only the vandalism of politics to ignore. It is the dower which the mother country gave us when we were setting up house for ourselves as a nation. It has an expansive force which has enabled us to effect many liberal reforms, and has contributed to make us as free and prosperous a community as God's sun shines upon. I know that there is a party in the State who are always clanking imaginary chains and attempting to get other people to clank them also ; but even the Constitution of Heaven, if they were there, would not suit those gentlemen. The Constitution of this country is the great charter of the people—the deed of partnership into which they have entered—and it is intended for the minority as well as for the majority, the claims of both having a right to be considered when it is proposed to alter it. In what attitude should a sober, sensible, English community approach the consideration of the grave question of constitutional reform ? It should not be dealt with with any desire to snatch a mere evanescent party victory, but with a determination to apply the teachings of statesmen and philosophers to our own political ends, and to promote the future welfare and prosperity of this colony. The people of the country have pronounced in distinct terms their

desire that the fortunes of the colony shall be reposed on two independent Chambers ; they want no dummy—no sham—House. I believe the necessity for reform has arisen because the Upper Chamber has been composed for too long a time on too narrow a basis, giving it the character of a class House. It has been said that it has looked simply to the class who elected it for approval or condemnation, instead of looking to the whole country. It has had attaching to it the odium of being a class House, so that, on occasions when it has done the right thing in acting as a check, the people have not been willing to submit to the check. I understand the object of the Government in proposing a reform of the Constitution is to remove this class appearance from the Upper Chamber, and give us a House that will pursue a moderate and a patriotic course—a House which will endear itself to the people, and to which we can look as a sheet-anchor in times of danger. I believe the intention of the proposed reform is to give us a Legislative Council eminently fitted to perform the salutary functions which the people expect from an Upper Chamber. There has been a great deal of talk at different times about the safety-valve of the British Constitution. In my opinion the real safety-valve of that Constitution is not any power or prerogative of the Crown, but the moderation, good sense, and noble patriotism which have ever characterized English statesmen, whose pride in the British Constitution makes them strive to work it without friction or undue violence. But if we, in this young country, rely upon men in feverish haste to reform everything exhibiting the same great qualities that generally distinguish British statesmen, our past experience, I am afraid, must teach us that we are indeed leaning upon a broken reed. I do not know the precise intentions of the Government, but I believe that they will carry out the promises which have been made in their name, and attempt to give to the people of this country a safety-valve which will teach both Houses to practise moderation, and make them desire to conciliate each other—one that will recognise the supremacy of Parliament, and leave the legislation of the country in the only proper hands, namely, in the hands of the representatives of the people of Victoria in Parliament assembled. For the sake of this country's prosperity—for its peace sake—let us settle this question of reform quickly ; let us settle it

moderately, and in a sober fashion ; let us settle it in accordance with the glorious traditions of our race for forbearance and practical good sense, and with a loyalty and a devotion to the traditions of parliamentary government. It is the principles of the British Constitution which have raised the mother country to such a pre-eminent position amongst the nations of the earth ; and, if we are true to those principles in the reform of our Constitution, they will do the same for us. We are engaged in the important task of building up a younger England, and we start this new nation under the most favorable auguries for a splendid future. We have amongst us the very pick of the population of the three kingdoms—men and women with high hopes and fearless hearts—who have come here to find that room in the new world which they could not find in the old. Let us, who are in the position of their legislators, give to them and to their descendants the priceless heirloom of institutions which will secure them against the tyranny of any one, and also against the arts of demagogues. (" Oh ! " from the Opposition.) Yes, we must guard the Constitution of the colony just as earnestly against the arts of demagogues as against the tyranny of any one. We have lately passed through a trying ordeal—through the gloom of an unexampled depression affecting all interests. Fortunately the sun of our prosperity is again beginning to shine upon us. Let us, the representatives of the people in the tenth Parliament of Victoria, see to it that we impress the institutions of this young country in the mould of freedom, and that we do not chase political will-o'-the-wisps. The sober details of rails and roads are subjects which are poor indeed for rhetoric, but rich with solid and permanent advantage to the colony. If we attend to such things as these, and so advance the material interests of the colony, when our time comes to yield up to our constituents the noble trust they reposed in us last February, and to render an account of our stewardship, we will secure the approving verdict—" Well done, good and faithful servants." Thanking the House for the patient audience they have given me, I beg to move—

" That this House do now resolve that a respectful address be presented to His Excellency the Governor, expressive of our loyalty to our Most Gracious Sovereign. Thanking His Excellency for having called us together at an earlier period

of the year than usual in order that ample time may be afforded us for the due consideration of the important measures which will be laid before us. Thanking His Excellency for informing us that the necessary works required to place this colony in a state of defence against possible foreign aggression are in course of construction, and expressing our satisfaction that, acting upon the request of the Imperial Government to send a delegate to London to give evidence before the Royal commission now considering the condition of the defences of the empire, a gentleman of acknowledged fitness has been appointed in that behalf. Thanking His Excellency for informing us that the buildings for the International Exhibition intended to be opened in Melbourne this year are approaching completion, also that the commissioners estimate that the total expenditure in connexion with the Exhibition will amount to £320,000 ; but that they are of opinion the receipts and the sale of the annexes at the close thereof will reduce the total cost to a quarter of a million sterling. Expressing our regret that a large area of land in the settled portions of the colony is totally unprovided with water in the summer season, and the population have suffered in consequence great losses and much personal privation. Concurring with His Excellency that it has become therefore a necessity that water should be conserved during favorable seasons of the year, and thanking His Excellency for informing us that his advisers have appointed a board to carefully consider and report upon the various schemes which have been suggested, and to submit proposals for the accomplishment of that object. Thanking His Excellency for informing us that all the lines of railway authorized to be constructed by Parliament have been so far completed as to be opened for traffic. Expressing our concurrence with His Excellency's advisers that new lines must be constructed to meet the growing requirements of the country. Thanking His Excellency for informing us that they have carefully investigated and considered the numerous applications which have been made for railway accommodation, together with the means available for that purpose, and that we shall be asked to deal with proposals which will have the effect of enabling the construction of further railways to be undertaken. Informing His Excellency that we are of opinion that the re-arrangement of the judicature and the blending of the administration of law and equity, recently effected in England, ought to be adopted in this colony ; and thanking His Excellency for informing us that His Excellency has appointed a Royal commission for the purpose of considering how such a change can be best effected, and upon the receipt of their report we shall be asked to devote some part of our time to the accomplishment of that object. Thanking His Excellency for informing us that there are evident signs that the great depression upon our trade and commerce which has prevailed so long, and has affected so seriously all classes of this community, is passing away ; and concurring with His Excellency that the late abundant harvest, the high prices obtained for our wool, the speedy prospect of frozen meat becoming a new and almost unlimited article of export from this country, and the restoration of public confidence, will materially assist in promoting general prosperity. Thanking His

Excellency for informing us that in the preparation of the Estimates of Expenditure provision has been made for the maintenance of the public service, but at the same time due economy has been observed. Thanking His Excellency for informing us that His Excellency's advisers regard it as their first duty to submit a measure dealing with the grave and important subject of constitutional reform, and assuring His Excellency that it will receive our earliest and most attentive consideration. Thanking His Excellency for informing us that the several Land Acts now in operation expire together at the close of this year, and that a measure will be laid before us making provision for the settlement and pastoral occupation of the remaining portions of unalienated lands belonging to the Crown. Thanking His Excellency for informing us that there are now nearly twelve hundred miles of railway opened for traffic throughout the colony. Informing His Excellency that we consider the time has arrived when a more economical and efficient system of management of our State railways than at present exists should be adopted. Thanking His Excellency for informing us that a Bill will be introduced dealing with this important matter, and expressing our trust that our deliberations upon the proposals which will be laid before us will lead to a satisfactory solution of this question. Thanking His Excellency for informing us that an amendment of the Public Service Act has long been urgently required, and that a Royal commission appointed some years ago furnished a most elaborate and exhaustive report upon this subject. Informing His Excellency that, with His Excellency's advisers, we are persuaded that a permanent reduction in the expenditure on the public service cannot be secured nor maintained until radical changes have been made in the conditions upon which persons shall enter and continue in the service, and thanking His Excellency for informing us that a measure on this subject will be laid before us for our consideration. Expressing our regret that the subject of mining on private property has repeatedly occupied the attention of Parliament without resulting in legislation. Concurring with His Excellency that a measure dealing with this most important matter should be passed without further delay, and thanking His Excellency for informing us that it is intended to submit proposals for our consideration which it is hoped will secure a satisfactory settlement of this long- vexed question. Thanking His Excellency for informing us that the recent discoveries of payable quartz reefs upon some of the older alluvial gold-fields have again directed public attention to the state of the law regulating mining for gold and silver, and to the insecurity of tenure to mining tenements; and informing His Excellency that the proposed amendment of the law, providing amongst other things for giving greater security to *bonâ fide* holders, will receive at our hands the attention it deserves. Thanking His Excellency for informing us that several other measures of importance will be submitted for our consideration; and that among these will be Bills to authorize the construction of further railways, to make better provision for the conservation of water, to provide for the suppression of rabbits and other noxious vermin, to amend the Instruments and Securities Statute 1865, to amend the Public Health Statute, and to provide

for the decennial census. Assuring His Excellency that all these matters will receive our grave consideration, and that we pray the Almighty may guide our deliberations for the welfare of the country."

Mr. ANDREWS.—Sir, in rising to second the motion submitted by the honorable member for Normanby, I must ask the forbearance of honorable members on both sides of the House while I, as a new member, briefly express my views in regard to the Governor's speech. In taking up the position of seconder of the proposed address in reply, I am aware that I accept to a certain extent the responsibility of the Ministerial policy, but I am prepared to defend my position and to share the responsibility with other honorable members who are sitting behind the Government. In the first place, I desire to congratulate honorable members all round upon the fact that, notwithstanding that an appeal has recently been submitted to the country bearing on the important question of constitutional reform, reviewing the foundations upon which society here is built, and also critically examining the relations that subsist between this country and the mother country, there has been throughout the constituencies a clearly-defined and well-expressed demonstration of loyalty to Her Majesty the Queen. The utterances of public men of all parties have also been clear and satisfactory on that point, and we are therefore justified and strengthened in approaching the Governor in the attitude of loyalty which characterizes the proposed address in reply to His Excellency's speech. Honorable members all round will also find a source of satisfaction in the fact that the cloud which hung over the meeting of Parliament three years ago, and which was referred to at that time in the Governor's speech—namely, the breaking out of a war in Europe, which threatened to involve Great Britain in hostility with other nations—has now passed away, and that at the present time, although provision is being made for the defence of this colony should any emergency arise, the political horizon, so far as Great Britain is concerned, gives promise of continued peace. I congratulate the colony on the acceptance of office by the present Ministry. That their assumption of office has given satisfaction throughout the colony is proved not only by the emphatic decision of the people at the general election, but by the reception which Ministers have

since met with at various places where they have had the opportunity of testing public feeling. The question which was submitted to the people at the recent election—constitutional reform—is one which has occupied the attention of Parliament for a considerable period. This, I believe, is the third Parliament that has been elected to deal with it. The question has wasted the energies of our public men on both sides more than any other subject. It has introduced into politics a greater feeling of bitterness and more asperity than has been engendered by any other public question. The feeling of the country, as far as I can ascertain it—at all events, as far as my constituents are concerned, such is the case—is that this question must be removed at once from the arena of party politics. It must be settled at once and for all. The country has declared itself in favour of a moderate measure of reform. It has turned its back most emphatically upon the proposals of the late Government. It has declared that it will not listen to any specious arguments or proposals which involve the abolition of the Upper House, or the reduction of it to a humiliating farce. On the other hand, the people have most emphatically declared in favour of the proposals of the present Government. They have shown that they desire a measure of reform which will conserve the best interests and true prerogatives of this Chamber, and provide for the clearly-defined will of the people becoming the law of the land; but at the same time a measure which will not abolish the other Chamber, or prevent it from exercising the privilege of that check which is so necessary for the country. Honorable members opposite smile, but I believe the people are perfectly convinced as to the necessity for there being a check against hasty legislation on the part of this House. If any proof of such a necessity be required, I need only refer to what occurred during the last Parliament. So far from it being desirable that every measure should become law immediately it is passed by this House, I believe that if such were the case it would be one of the greatest curses that could fall upon the country. We want the check of an Upper House; and the people have unmistakably expressed the opinion that the true interests of the country are bound up in the maintenance of the bicameral system. The country is strongly opposed to the

Upper House being either abolished or reduced to a farce; at the same time it desires that the true prerogatives of this Chamber shall be preserved, and that such a measure of reform shall be passed as will provide that the will of the people, properly and maturely expressed, shall become the law of the land. I believe that the proposals of the Government will secure all that.

AN HONORABLE MEMBER.—How?

Mr. ANDREWS.—The details have yet to be submitted to us, but I believe that the proposals of the Government are made in the true interests of the country, and are entitled to the support of all true liberals. I am satisfied they will secure all we want, and that the country is thoroughly in unison with them. I believe that the other proposals shadowed forth in the Governor's speech will, by their practicability, commend themselves to honorable members. Before assuming the responsible position of seconding the motion for an address in reply to the Governor's speech, I asked myself what prospect there is of the Government being able to carry their Reform Bill. After the emphatic decision given by the people at the recent election, the Government have a right to expect that their reform scheme will not only meet with the sanction of gentlemen sitting on their own side of the House, but also receive generous support from honorable members opposite. I trust that, by mutual forbearance and concession, a measure will be speedily passed, and become the law of the land; and that the vexed question of constitutional reform, which has been a source of constant irritation for a long period, will be settled once and for all. I will now take the opportunity of congratulating the Ministry on securing the services of a gentleman of well-known ability and experience for the administration of two important departments of the State, and who will, at the same time, represent them in the Upper House. The liberality of that gentleman's opinions, his legal knowledge, and breadth of view in dealing with public questions, have already won for him reputation as a statesman amongst all classes of the community. By having secured his services, the Government have a guarantee that their measures will be introduced in the Legislative Council in such a respectful manner, and argued there with such force and ability, as to commend them to the

careful consideration of that Chamber. With regard to railway management, I need not, to-night, go into the details of the subject, but I will say that, undoubtedly, it is a source of great dissatisfaction to the people of the colony. In connexion with that management there has been an amount of expenditure and the adoption of a policy that is now challenged throughout the length and breadth of the country. Honorable members must be thoroughly aware that there is a strong feeling abroad that the exercise of political patronage should be wholly absent from the conduct of what I may call the trading departments of the State, and that especially our railways should no longer be a kind of loose box, into which political hacks may be turned. Besides, the Railway department has become altogether too large to be able to longer bear the incubus to which I allude. Under these circumstances, I hope the proposals of the Government on the subject, to which allusion is made in the Governor's speech, will go in the direction I have indicated, and that all the purely business concerns of the State will hereafter be carried on in the only way in which true success in their regard can be obtained, namely, on proper trade principles. As to the measures for the conservation of water which are shadowed forth in the speech, I regard the whole matter as one of the most important that can be dealt with. Indeed, I believe the constituencies of the country are more interested in that subject than in any other that can be named. My own opinion is that it should be linked with the land question that will so soon have to be disposed of. As to the latter, I trust that, when the Government take it in hand, they will do so in a spirit of equity, fair dealing, and prudence, and that honorable members generally will act in the same way. I hope we shall all seek, on the one hand, to secure the settlement of the people on the soil, and, on the other, to afford proper facilities for the advantageous occupation under lease of the waste lands of the colony that are not suitable for agricultural purposes. I beg to thank honorable members all round the House for so patiently listening to my remarks.

Mr. FISHER.—Sir, if a compliment from one new member to another would be deemed of any value, I would congratulate the mover of the address upon the happy confidence with which he

performed his task, and the seconder—an old friend whom I regret to see on the Ministerial side of the House—upon the plain and unassuming nature of his remarks. But, at the same time, I don't altogether agree with some of the sentiments which the honorable member for Normanby so eloquently gave utterance to, nor with some of the views put forward by the honorable member for Geelong (Mr. Andrews). I refer in particular to the allusions both of them made to the last Parliament. There is an old saying with regard to dead persons—*de mortuis nil nisi bonum*—which, I think, will very well apply to that subject. If we are not disposed to say any good of the last Legislative Assembly, I don't think it behoves us to be constantly raking up accusations against it. Let us rather do our best, in the Assembly of which we are members, to bring about what changes we can for the better. There are some features of the Governor's speech with which I cordially agree. I am glad to find it contain such a pointed allusion to the intention of the Ministry to bring in a Mining on Private Property Bill. I have a very high opinion of the Minister of Mines, who, I apprehend, will have charge of the measure, and, if the rest of the Ministry will only give him something of his head, I have not the slightest doubt, in view of his ability and experience, that he will place before us a Bill which will enable us to do something very definite indeed for the advancement of the important industry of gold mining. With regard to the conservation of water, I desire to say that the references to it in the speech have my hearty approval. In the course of my late canvass of the northern districts of the colony, I became deeply impressed with the great necessity that exists for the early adoption, in that part of the colony especially, of some efficient system of water storage. If we are going to allow the selectors in those parts to live on their selections, it is absolutely essential that something of the kind I speak of should be accomplished for them. It pleases me, therefore, to find the subject holding such a prominent place. I am also glad to notice what is said on the matter of new railways, although I cannot but regret that no mention is made of one from Eaglehawk to Kerang forming a portion of the Government scheme. It is agreeable, however, to observe that the Government are impressed

with the need there is for railway extension, and no doubt, when the proper time comes, the requirements of my district will meet with their proper share of attention. But with one portion of the speech I am not able to so cordially agree. For example, it makes allusion to a "restoration of public confidence," and the words seem to imply that there has been some loss of public confidence. Now I am not aware of any public confidence being lost. If it has been lost, I don't think keeping Parliament from exercising its functions for eight or nine weeks a very happy method of restoring it. Again, look at the position in which we found ourselves yesterday, when certain gentlemen, who occupy the most honorable position in Parliament, walked into the chamber and took their seats in a most peculiar fashion. When the Minister of Public Instruction came up to be sworn, escorted by two honorable members, and the honorable member for Ararat, who, if he will allow me to say so, spoke in very happy style, entered his protest against the proceeding, how did the House find itself placed? In this most curious and anomalous position—that there was nothing else to be done but protest. As far as the cat could be belled the honorable member for Ararat belled it; but the cat was—to coin a word for the occasion—simply unbellable. No opportunity whatever was afforded for removing the members of the Ministry from their seats of honour, unless driving them out forcibly was resorted to, and certainly I would not like to signalize what some gentleman outside has termed my advent to Parliament by taking part in any transaction of the kind. I don't regard the present Administration as—to quote a phrase of the old royalists—the Lord's anointed; but I have some respect for them, and nothing can obscure from my vision the fact that, however irregularly and by whatever means the thing has been brought about, they constitute the Ministry of the Crown for the time being. There is no doubt in my mind that the Governor had power to issue the writs he did issue. At the same time I think the gentlemen I allude to would have shown better taste and feeling than they did show had they left the Assembly chamber until a certain proceeding had taken place. I regard the course adopted by the Ministry as most irregular if not unconstitutional, but I will not pursue the subject further. Next let me call attention to another of the matters

that have transpired during the eight or nine weeks in which the House did not sit, although it ought to have then been sitting. There is an old saying that—

"Satan finds some mischief still
For idle hands to do."

I don't say that the Ministry have had nothing to do, and that in consequence Satan found them some impolitic mischief to accomplish; but I think one of his chief ministers must have been at work when they set themselves to effect certain departmental changes which, with due submission, I regard as unconstitutional, and such as no Government professing to be a constitutional one ought, under similar circumstances, ever to effect. I think it was the Minister of Railways who, on a late festive occasion at Hamilton, said he wished his friends not to expect too much from the Ministry, and he explained who his friends were, namely, that they were the friends of good government. If by good government he meant constitutional government, I would like him or one of his colleagues to give some explanation of the peculiar course they adopted, not only in taking their seats yesterday, but with regard to certain land regulations—I refer to what are known as the Longmore regulations—that received the sanction of the last Parliament. I am not at this stage going to say anything about the intrinsic merit of those regulations. I will not say whether I approve or disapprove of them. But what I lay stress on is that they received the sanction of the last Parliament. It will be recollected that, shortly after those regulations were issued, the honorable member for Ararat moved in this Chamber the following tersely worded resolution:—

"That, in the opinion of this House, the regulations restraining lessees in dealing with their leases should be repealed."

What did the House do with respect to the subject? It was debated for three nights, on the second of which the honorable member for Kara Kara proposed an amendment to the effect that only the 6th, 7th, 8th, 9th, and 10th regulations should be repealed. How was that amendment dealt with? It was lost by 41 votes against 33—a majority of 8 votes—and subsequently the original motion was lost by 44 votes against 2, only the tellers voting for it. In that way the Longmore regulations received the sanction of Parliament. What has occurred since to cause

those regulations to be altered? What public meetings have been held to condemn them? What was there in the manifesto of the leader of the Opposition with regard to them? I find in it nothing whatever on the subject. Neither was any reference made to it in the carefully prepared speech to his constituents in which the honorable gentleman elaborated the policy of the then Opposition. In the report of that speech which appeared in the journal the conservatives of the colony delight to honour, a portion came under the heading "Administration of the Departments," but I cannot find there, or anywhere else in the whole utterance, any mention whatever of the Longmore regulations. So that it cannot be said that the then Opposition announced in any way their intention to rescind them. Yet the present Government, before the new Parliament had held a single sitting, rescinded a large number of those regulations, and made others in their place. I contend that that course was an unconstitutional one. For proof of this assertion I refer honorable members to certain corresponding proceedings taken in the English Parliament, in 1861, the Palmerston Administration being in power, with respect to a re-revision of the educational code. It is impossible to my mind to draw any essential difference between the two cases. In the House of Commons, Mr. Walpole, who brought the matter forward, said—

"He wished to raise the question whether, when any alteration is made in a system of education which the country has adopted, accepted, and acted on, it is to be in the power of any Government, at any future period, by its own mere motion, and without the concurrence and sanction of Parliament, to alter that system, fundamentally and entirely, in the manner they are now attempting to do."

In a similar spirit I contend that before the Ministry made any alterations in the Longmore regulations they ought to have brought the subject pointedly under the attention of the House, and obtained its sanction to what they proposed to do. Todd, in his well-known *Parliamentary Government in England*, makes the following statement :—

"The responsibility of Ministers to Parliament necessarily implies the right of either House to express its opinion as to the legality or expediency of any particular act of administration; and to proceed to call to account any Minister of State, or department of Government, who may have exceeded the limits of constitutional authority in the execution of public duty. . . . But while it is necessary from time to time to issue minutes of council, departmental regulations,

and other formal directions from the governing heads of the principal executive departments, in reference to many matters of administration which require to be determined by competent authority, it is also important that whenever either the expenditure of public money or other great public interests are concerned in the matters thus disposed of, an opportunity should be afforded to Parliament of expressing its opinion in regard to the same, before any action is taken thereon by the Government."

Further on, Todd gives a long account of the affair respecting the re-revised code to which I allude, and the particular constitutional rule then laid down may be judged from the following concluding passage :—

"Thus ended a severe and protracted contest, wherein the right of Parliament to exercise a constitutional control over the executive Government, in a matter which seriously affected a large portion of the community, was amply recognised and sustained."

In another portion of the narrative it is stated as follows :—

"With these views Mr. Walpole submitted to the House a series of resolutions condemnatory of certain parts of the revised code, for the purpose of obtaining, in committee of the whole House, a full discussion of the scheme, and the introduction of certain changes therein. With the general principle of the code he entirely concurred, but he considered the mode of effecting these objects, as set forth in the code, to be quite unpalatable to Parliament and to the country. . . . And in order to prevent a proceeding so objectionable from being drawn into precedent by the Government, Mr. Walpole appended two resolutions to his series declaring that in the event of any revision or material alteration being proposed by the department at any time, it shall not be lawful to take any action thereon until the same shall have been submitted to Parliament and laid on the table of both Houses for at least one calendar month. Secretary Sir George Grey, on behalf of the Government, acquiesced in the course suggested by Mr. Walpole, and also in the principle involved in the last two resolutions. . . . No further action was taken in the House on the subject until May 5, when Mr. Walpole stated that the conduct of the Government had been so conciliatory and satisfactory, that he was prepared to abandon his resolutions, and to accept the revised code in its amended shape."

The point here established is that not only should no fundamental alteration of the kind I refer to be introduced while Parliament is not sitting, but that Ministers should be careful to refrain from attempting, by a mere change in departmental regulations, to abrogate a policy adopted by a previous Parliament, particularly when the country has expressed no opinion whatever upon the subject of the alteration. I call what the Ministry have done respecting the Longmore regulations an unconstitutional stretch of power;

and I point out that, but for their putting off, for some special purpose of their own, the assembling of the House for two months, those alterations could not have been effected without Parliament being able at the time to criticise them. It is no matter whether there is or is not now a majority in this Chamber against the Longmore regulations, because that is something which in no way affects the unconstitutional character of the Ministry's proceedings. Lastly, let honorable members notice that what I have been describing is the action of a Ministry representing what is called the "constitutional party." A fine constitutional party indeed! "Constitutional" they may be called, but only in derision, for true constitutionalists they certainly are not.

Sir J. O'SHANASSY.—Mr. Speaker, I don't wish the present occasion to pass without making a few observations. I have spent many years in this country, I am a strong advocate of constitutional government in it, and therefore I would not like it to be supposed, through silence on my part, that I countenance the unconstitutional conduct we have witnessed during the past nine or ten weeks. In taking this course I do not seek the approbation of any honorable member in any part of the House, but I conceive that, did I not enter my protest on the subject now, I would be precluded hereafter from expressing my condemnation of what I take to be extremely wrong. Indeed, I take such a lively interest in preserving in this country everything that conduces to constitutional government that I will never fail, when the constitutional line is departed from, whether it be by friends or foes, to rise in my place in Parliament and express my censure of the proceeding. First, as to the resignation of the late Ministry on the assumption that the constituencies throughout the colony had declared against them. In this regard they undoubtedly followed two examples of very modern date set in the mother country, namely, first, by Mr. Disraeli, now Lord Beaconsfield, and, secondly, in 1874, by Mr. Gladstone. But the course pursued on those two occasions is entirely opposed to all previous practice, and one of the best writers on constitutional law in England, Mr. Freeman, unmistakably condemns it as introducing a new and improper precedent into the unwritten Constitution of England. Whether it has led to any inconvenience at home or not I cannot say, but

it seems to me perfectly clear that its adoption in the mother country forms no reason why it should also be adopted here. In the first place, there is a traditional mode of governing in England which can hardly be said to be adapted to Victoria, where the adjustment of political circumstances is so different. Look, for example, at the state of things in England—the distribution of power throughout all the departments of the State, and the well-regulated organization of party government that is continually carried on. There, after a general election, it is known with almost the closest accuracy what the state of parties is, and where and to what extent there is a majority. Under such circumstances there is a practical means of guidance to Her Majesty to which she can safely trust, and the chiefs of parties are able to ascertain for themselves, with almost complete exactitude, whether they have a majority in the Commons. The Queen, who is practically, although not theoretically, guided in her selection of Ministers by what is the feeling of the majority of the Commons, cannot be misled as to whom to call to her councils, because she is able to know with certainty who can or cannot command the Lower House. There is, however, a striking disparity between our political circumstances, immediately after a general election, and those of the mother country. The first to take the particular step I am alluding to in this country was Sir James McCulloch, in 1877, when, a new Parliament having just been elected, he found himself with a very small band of supporters, and it was obvious that a particular party opposed to him possessed an extremely predominant influence. Undoubtedly, however, the Governor could then have had no difficulty whatever in discerning who ought to be asked to carry on the government of the country. Nevertheless, I disapprove of the resignation that took place then on the same grounds as those put forth by Mr. Freeman. I regard it as unnecessary, and almost, in a political sense, as cowardly.

Mr. BERRY.—No.

Sir J. O'SHANASSY.—Surely it is somewhat cowardly to retire in such a way from the scene where the law and constitutional practice of the country are framed, and where Governments are made and unmade. Especially do I disapprove of the manner of the resignation of the late Government. Seeing how vehemently,

and in some cases unjustly, they had been attacked, why did they not, with the force we now see they could command, meet the new Parliament face to face, and fight their battle with it on their merits, retaining their position if they showed themselves to be in the right, or, if they found themselves in a minority, retiring with some degree of dignity and honour? Holding such a course to be the right one, I would not be a true friend to good government if I did not, on the present occasion, express my views on the point. Well, the honorable member for Geelong (Mr. Berry), having resigned, recommended the Governor to send for the honorable member for Maldon.

Mr. BERRY.—No.

Sir J. O'SHANASSY.—I beg the honorable member's pardon. I understood that he did so, but as my statement is contradicted I withdraw it. However, the Governor did send for the honorable member for Maldon, who constituted a Ministry, and then, instead of the House meeting three or four days afterwards, according to the proclamation issued under the advice of the late Government, a fresh proclamation was put forth, and the meeting of Parliament was postponed for a couple of months. Why? To give the new Government time to prepare the measures they intended to introduce to the House, it being obviously a matter of great convenience to them that they should be afforded such an opportunity. I say that for that course of action no precedent whatever has been set in the mother country or in any of the colonies. At home the Queen's proclamation dissolving one Parliament declares at the same time when its successor shall meet. Here, however, the thing is done by means of two separate proclamations. Also, it is an established rule in England that when a Parliament is dissolved the new Parliament shall be called together as soon afterwards as may be possible. No interregnum is allowed. It does not matter what Ministry is in office; the new House meets, a Speaker is appointed, Parliament is at once placed in full control over the business of the country, and the Queen has the assurance that, whatever may go on in the world, she is secure, because she has her faithful Commons to appeal to and rely upon. But that safe and salutary rule was, in this colony, some nine weeks ago, departed from. Why, it is not for me to divine. I have not heard or read

one word of a justifiable defence of the proceeding. Supposing the ordinary course had been followed, and the House had met in compliance with the first proclamation on the subject, what would have ensued? The new Government need not then have entered upon office, or, if they had done so, a Speaker could still have been elected under circumstances like those under which the last Speaker was elected. Surely the House could have been trusted with that duty. But it was not so trusted. It has been suggested that if the House had been so trusted an improper appointment would have been made, and it was necessary for the Ministry to defeat that project. It is also assumed that the new Ministry would not have had time to prepare their measures. Well, my connexion with the Parliament of Victoria has lasted from 1851, and I do not remember a new Ministry ever being refused the ordinary period of adjournment—generally about 35 days, although in one instance it was 42 days, if not more. That has always been cheerfully given to them to enable them to complete their elections, and prepare business to bring down to the House. I think I have shown that the course which has been taken with regard to delaying the meeting of Parliament is a new departure, and unless the proceeding is corrected by some step taken by the House—I do not know in what form—the country may be at some future time compromised. According to the precedent which has been set, a Ministry, after being formed, may, by further proroguing Parliament beyond the time fixed for its meeting, perform all the functions of government—which in this country amount almost to legislation—for months without having in fact ascertained whether they possess the confidence of Parliament at all or not. That is one of the inconveniences of the course which has been adopted in this case. A remarkable instance of what may be the result of such a course has been cited by the honorable member for Mandurang (Mr. Fisher). Though I thoroughly disapproved of the Longmore land regulations, and voted against them, yet I must say I think the ground taken by the honorable member is unanswerable. The abolition of those regulations by the present Government, in face of the knowledge that the previous Parliament had approved of them, was an act of legislation and not administration. Again,

there was the action of the Government in taking upon themselves the re-appointment of certain persons to the civil service. Whilst I might approve individually of the cases they have dealt with, the same objection applies to their proceeding in this matter. The previous Parliament had, whether rightly or wrongly—and I said, in my place in the House, wrongly—sanctioned the action of the late Government in their dismissal of a large number of civil servants; and certainly the least that was due to the new Parliament, which was about to assemble, was for the present Government to come down with some equitable plan of restoration, if the majority of the new House were in favour of such restoration, instead of selecting for reinstatement two or three gentlemen, and leaving all the rest, as I understand, out in the cold without any prospect of restoration whatever. In both these matters the action of the Government has been clearly high-handed and, as yet, is unsanctioned by the House. I will not at present go into detail with regard to other matters which will probably form the subject of discussion during the present session, but I repeat that there was no precedent whatever to justify the delaying of the meeting of Parliament so that honorable members might be enabled to form a judgment as to the side on which the strength of parties lay, and so that the Governor of the colony, when he was about to summon a new Ministry, might also learn indirectly that there was a reasonable certainty of the gentlemen he was about to choose being able to command the confidence of a majority of this Chamber. Assume for a moment that the honorable member for Geelong had not resigned at the time fixed for the meeting of Parliament, and that he had met the House with 37 or 39 supporters. Suppose then that the honorable member for Maldon had given notice of a motion to displace the Government, I ask would not the honorable member have been compelled to do what he has not done? Would he not have been forced to consult the opponents of the Government, 22 of whom were new members, and many of them old ones, as to what policy he proposed to adopt if they voted with him to displace the Ministry? He would have been compelled to take that course as a mere matter of prudence and propriety. I would have been one of those present at such a consultation, and I

would have asked the honorable member for Maldon plainly—"If you are going to oust this Government, what are you going to do when you take their place?" and the honorable member would have been obliged to answer me. He would have had to say not only what was going to be the policy of the new Government, but probably also who were to be the agents to carry out that policy. But nothing of that kind has been done. In England, of course, Mr. Gladstone or Lord Beaconsfield is not required to take such a course, because, as I have said, party lines are thoroughly defined there. Indeed, we see that for a number of years past there has been little or no change in the personnel of the new Ministry which succeeds to office when the party they represent have obtained a majority. But what have we here? In the last Parliament, at the beginning of the first session, there were some 60 members on one side, and not more than 22 on the other; one portion of the minority consisting of the members of the late McCulloch Ministry, with a few adherents, and most of the remainder being new members. The Opposition had no cohesion or plan whatever. For three years that small body of men confronted a powerful party and Government, and by dint of argument and force of reasoning—for there was no other force—finally defeated the main object for which that Government came into existence, the passing of a Reform Bill on certain lines. The final result was that the Government could not obtain the constitutional majority necessary to pass their Bill through this Chamber. The minority which voted against the third reading of that Bill consisted of 38 members, and what happened to those 38 members? Why some of them were as bitterly opposed at the elections as though they had supported the late Reform Bill. A small number of the late Opposition, composed of four or five of the leading members of the present Government, constituted themselves a party to dictate a policy not only for the whole 38, but absolutely for the whole colony. They also put before the country a sort of manifesto, apparently as the proposition of the Opposition which had defeated the Reform Bill. Now, as far as I am aware, the gentlemen composing the late Opposition were never consulted on the subject of that proposition. I have it on the authority of a Minister himself that a meeting was

held, at which 22 gentlemen were present, and that they refused to be bound by that manifesto. I have also spoken to several members, and they said they were never consulted on the subject. Therefore, when any one comes forward and says that even the late Opposition were favorable to the programme put before the country by the honorable member for Maldon, I am bound in defence of my own honour to give the statement a flat contradiction. Each of us, in going before his constituents, expressed his own individual desires and opinions. I, as is well known, thoroughly and steadily, at the sacrifice of health and time, opposed what I regarded as a very great wrong which was sought to be done to the Constitution of this country in attempting to substitute for it a Constitution which was laid on foreign lines—mainly on the plan of the Swiss form of government. The Opposition having succeeded in the last Parliament in defeating that proposal, something more remained to be done. This small body of men had to be assisted at the elections, and influences had to be combined so that the Berry Government should not be able to secure a majority for the Swiss scheme of reform, which we had steadily opposed. Yet we are now told that we are to accept the reform programme of the honorable member for Maldon which was put forward in the manner I have only faintly described—for I shall have something more to say on the subject hereafter—simply because, it is said, there was no other proposition before the country except the Berry Reform Bill, which was rejected. Further, we are informed that it has taken two months for the Government to perfect their proposition. Yet this is the scheme to which every member who has been returned to the House on constitutional principles was supposed to have given in his adherence! To a Bill which he has never read or seen! It is almost an insult to a man's common sense that such an attempt should be made to bind any member of this House on that subject. I must altogether dissent, therefore, from the statement of the honorable member for Geelong (Mr. Andrews)—whom, as a new member, I desire to compliment for his calm and judicious speech—that all the members on this (the Ministerial) side of the House were returned pledged to support the scheme of reform proposed by the present Premier. There is no substantial ground for such an assertion, I

know several members on this side of the House whom, although they would prefer almost anything to the last Reform Bill, it would be rash to consider, at present, as pledged to the Bill to be submitted by the present Government which they have not yet seen. I understand that the scheme to be proposed by the Government is a bastard system of Norwegian origin. It gives me almost a cold shiver to think of it—to think that, after we have declined to have anything to do with the Swiss scheme, we are to go to the northern latitude of Norway for another Constitution. And we are to be asked to do this by men who profess a strong attachment to the lines of the British Constitution! I vehemently opposed the Swiss scheme, and I think I shall not be deemed unreasonable when I say that I shall object to have the Norwegian system grafted on our British form of government. I cannot agree to any such proposal. I have steadily opposed all these schemes by which gentlemen in Parliament have endeavoured to initiate novel and curious forms of government among a British people. That being so, I see no reason why, because the gentlemen in office hold constitutional opinions, they should ask me, or any other member on this side of the House, to be bound by their opinions or crotchets on this subject. Then we were told by the honorable member who seconded the motion for the address in reply—and I have no doubt his statement was inspired—that he hoped the time had arrived in this country when we might set about, in a reasonable and moderate manner, to amend the defects of our Constitution without making the question a party one. Now, during all the period I have been in Parliament, whether in this Chamber or the other, I have set my face against the principle of amending the Constitution from a party point of view. I steadily resisted the attempt in the last Parliament, and I maintained that the work could not be performed by a party. I maintain now, as I did ten years ago, when I moved a resolution on the subject, that if we are to amend the Constitution in a permanent manner, and not piecemeal—if we are to consolidate all previous amendments and make the Constitution Act one complete measure—the work can only be done by experts, by men of experience, who in the committee room can bring their legal knowledge to bear on the preparation of

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the instrument. We should endeavour to get men who will forget it is a party question, and who will strive to render the Constitution a permanent work worthy of the colony. That is the manner in which I intend to regard the question on the present occasion. I declined to treat the matter as a party question when it was last before the House, and I shall follow the same course in the future. It is not fair that honorable members should be placed in the position of having to regard the question of the reform of the Constitution in a party light, nor can I find any example in other countries for adopting such a practice. The Constitution of the Dominion of Canada, which was to unite all the provinces of that country, was framed by experts who came together, and in four days, with doors closed till the work was done, drew up thirty-two resolutions. That measure was taken to London, and I had the pleasure of being present in the gallery when it was passed through the House of Commons. And that Constitution, I believe, has not been altered since.

Mr. LALOR.—What about the Reform Bill of 1832?

Sir J. O'SHANASSY.—The difference between the two measures should be manifest to the honorable member, who has so large an experience in parliamentary law. Amending the unwritten Constitution of England, which is the growth of tradition, in one small particular, namely, the alteration of the franchise and the extension of electoral districts, is surely a different thing from framing a Constitution which is to determine whether there shall be two Houses or one, and, if two, what is to be the distribution of power between them. There is no parallel between the two things.

Mr. LALOR.—The Canadian Constitution was for the union of several states and colonies, and not merely for one. The Constitution of the United Kingdom was altered in 1832 by Parliament, and by a party.

Sir J. O'SHANASSY.—The Reform Bill of 1832 did not alter fundamentally the Constitution of England. It did not touch the position of the House of Lords; it simply altered the constituencies of the House of Commons and enlarged the franchise. If we were to pass a new Electoral Bill here, we should be doing exactly the same thing for this country. It is proposed, however, to alter the constitution of the two Houses of Parliament,

and that makes all the difference. Of course my argument is addressed to the late Government as well as the present one, and therefore I am not likely to please either. Still it is perfectly consistent on my part to say, as I said in the last Parliament, that for a party to attempt to get the constitutional majority required to amend the Constitution is a utopian idea. The last Government had at first such a majority, but on debate it dwindled down and could not stand the test. If the present Ministry intend to follow the example of their predecessors, and make this a party question, the only result may be three more years of party warfare. If the Government wish to set about this work in a business manner and as if they were in earnest about it, let them appoint an equal number of members from this and the other Chamber to draw up a measure with a report showing how each point has been thrashed out and the whole made symmetrical. By taking such a course we shall get nearer to the accomplishment of the end desired than we ever shall by way of party government from session to session and from Parliament to Parliament, the country in the meantime being left in a state of thorough distraction. As to the question of public confidence, I ask is not this party mode of attempting to amend the Constitution the very way to create a want of confidence among the whole population? Will not the people say—"We see that whether you are on one side or the other you are constantly keeping the question of amending the Constitution before us; you are distracting every interest, and you are no nearer a solution of the question now than you were six or nine years ago"? There is another reason for condemning the course of re-inviting us to discuss this bastard Norwegian scheme of reform. I understood that that scheme was set at rest some years ago by reason of the failure, and that under the most favorable circumstances for success, to obtain a constitutional majority to pass any such measure in the Assembly. Why then is that scheme re-introduced now as the only practical system of carrying on government by two Houses of Parliament in the interests of the country? I relieve myself from any obligation to support a measure of that kind for the same reasons as I refused to support the last reform scheme. As to the personnel of the present Government,

I do not hesitate to say that the body of gentlemen sitting on the Treasury bench do not represent the constitutional electors of this colony. I make that statement from a thorough knowledge of what took place during the general election, in which I took an active part. There is a large section of the community who possess a considerable amount of influence, and whose votes at the late election influenced the return of at least half the members on this side of the House. The votes of that body were given in the belief that, as the late Government and their supporters would not do them justice, they might at least have some hope of obtaining justice from another set of men with different opinions. That was one of the main causes why so large a number of members were returned on this side of the House, and why a smaller, though still, no doubt, a very respectable, number were returned on the other side. Yet the body of persons I speak of, numbering more than one-fourth of the population, have been thoroughly ignored in the formation of the Government by the adroit combination I have described. I should not be doing justice to them or to myself, who contributed to bring about the result of the general election, if I did not take this opportunity of complaining of the manner in which their interests have been ignored and trampled upon in this combination. With regard to His Excellency's speech, I find, on looking through it, that it contains nothing whatever of a positive character. It leaves things exactly as they were left by the party last in power. Although at the election one of the leading and favorite grounds on which the late Government were condemned was that they had overtaxed the country to the extent of half a million when retrenchment was necessary, I find in the speech not the smallest promise or allusion on the subject. I myself loudly condemned the taxation imposed by the late Government, and my complaint is that those who agreed with me in doing so are silent now when they are given the opportunity of acting. The interests of the country are so much superior to anything like party that I expected that this would be made a leading subject by any new Ministry who ventured to represent constitutional opinion. During the election, wherever one went, the statement which found most applause was that there should be retrenchment to a large extent, and that the

taxation—especially the unnecessary taxes—should be reduced as rapidly as possible. Whether that can be done immediately or not it is not for me to say, but not the smallest reference is made to the subject in His Excellency's speech. The speech says—

"In the preparation of the Estimates of Expenditure provision has been made for the maintenance of the public service,—

What else could have been done ?

"but at the same time due economy has been observed."

Where? In the public service. But what about the total expenditure of some £5,000,000? Is there a word said about taking half a million of that off? Not a syllable, and mere economy in preparing the departmental estimates does not touch the question on which we went to the country. The speech in fact merely skims the surface. We are told of the great things in store for us owing to the "late abundant harvest, the high prices obtained for our wool"—for which, I presume, the Government can hardly claim any credit—and "the speedy prospect of frozen meat becoming a new and almost unlimited article of export." What in the world had the Government or the Legislature to do with the discovery of freezing meat? The members of the Ministry, to a man, voted with me last session for the repeal of the stock tax, and would have put the late Government to any inconvenience which might have been occasioned by its repeal, but, now those gentlemen are in power themselves, I ask them are they going to repeal the stock tax or not? The export of frozen meat is a matter for private enterprise, and we are not to be fobbed off by an allusion to it. The only hindrance in the way that the Government can remove is the stock tax, and it is for those gentlemen who voted with me last session for its repeal to give effect to the view they then put forth, now that they are in power. The reference to this matter, however, in the speech is followed immediately by an allusion which must be eminently satisfactory to all, namely, to "the restoration of public confidence." The Ministry still keep on the stock tax and hinder the unlimited export of frozen meat, and thereby they bring about "the restoration of public confidence." That would appear to be the train of argument, the logical sequence of which I confess I fail to follow. Reference is also made to the "conservation of water," which no

doubt is a delightful thing to talk about, and we are informed that, for the first time, a Minister has actually been told off to take charge of the question and a board appointed to report on it. Of course it is most agreeable to talk about watering the dry plains of the selectors; but I would like to know, whilst we are told that the Treasury is insolvent and yet that no new taxes are to be imposed, where the money for water conservation is to come from? I confess I don't like anything that appears misleading, and I venture to think that, in the financial condition of the country, it will be many years before any project of the kind can be carried out successfully. The extension of railways must be carried on by loan, and we all know that this colony has almost arrived at that point in its history when there must be a cessation of loans. We cannot go on borrowing money to an unlimited amount, because we shall not be able to pay the interest. I hope I have not been unduly severe in any remarks I have made. I felt it my duty to give fair notice that I am not precluded in the smallest degree by any arrangements from dealing as a perfectly free agent with all questions which come before the House, as I have a right to do. I claim to exercise that right without appearing to be at all dissatisfied with the present Administration.

Mr. McLEAN.—Sir, I rise to support the motion which has been submitted to the House, and in doing so I beg to claim the indulgence which I feel sure will always be accorded by the House to a new member. I feel much pleasure in supporting the proposition for a reply to the speech of His Excellency, because that speech promises a large number of useful measures, which, if considered in the spirit of moderation and mutual conciliation, as I trust they will be by honorable members on both sides of the House, will be productive of beneficial results to the people of this country. I need only allude to one or two of the subjects referred to. The most important is the great question of constitutional reform—a question which above all others should, I consider, engross the attention of honorable members on both sides, for, unlike any other measure, which may be altered during any session of Parliament, the Constitution which is adopted will in all probability stamp its impress on the future legislation of the country for many years, perhaps for all time to come. In dealing with a subject of such magnitude and

fraught with such important consequences to the people—affecting, it may be, the rights and privileges of future generations—we should approach it in the most cautious spirit, we should endeavour to forget selfish interests and any temporary advantage or disadvantage which may accrue to any Government or political party, and we should try to look into the future, and to mould our Constitution purely and simply in the interests of good government and the permanent and solid advantage of the people. I trust the question will be approached in that spirit by honorable members on both sides of the House, for I consider that the best and wisest laws are ever the result of mutual concession and compromise between parties holding different opinions. Next to the question of reform, perhaps the most important subject which will engage the attention of the present Parliament is that of land legislation. The importance of this question will readily be realized when we remember that it involves the mode of the settlement on the soil of the country of that class upon whose intelligence, industry, and perseverance the future progress and prosperity of the colony will in a great measure depend; for certainly no class can be more closely identified with a country than those who are permanently planted on its soil, and who have to extract from the soil those elements of wealth on which the prosperity of the community chiefly hangs. Without reviewing the various measures promised to be submitted for our consideration, I may be permitted to express the hope that they will all receive the careful attention to which their importance will entitle them, and that the session of Parliament now opened will be productive of a large amount of useful and practical legislation. I believe that never in the history of the country were wise and moderate counsels more necessary than at present. The colony has passed through a period of almost unprecedented depression, and it lies with this Parliament, as far as legislation can do so, to restore prosperity, to re-invigorate trade and commerce, to re-establish confidence in our institutions, and, above all, from the chaos of conflicting opinions to produce a measure of reform which will be acceptable to the country and effectual in preventing a recurrence of those deadlocks which have so frequently obstructed legislation and paralyzed the whole political machinery of the colony in the past.

I am aware that it is far easier to speak of achieving these results than it is to effect them ; but I trust the present Parliament will prove equal to the occasion, and that when the chapter in the history of the colony relating to it comes to be written, it will be regarded with satisfaction by posterity, and as creditable to the judgment of the people of Victoria as expressed through the ballot-box on the 28th of February last.

Mr. SERVICE.—Mr. Speaker, before commencing my remarks on the question raised by the honorable member for Belfast, I think it is my duty to compliment the honorable gentleman who has just resumed his seat, and to say that the new members of the House who have already spoken have shown debating talent in this Parliament not at all inferior to that exhibited in the last. I think that, on the whole, we may congratulate ourselves on the tone and spirit of the remarks made by new members on both sides of the House, and the ability which they have shown in connexion with the subject-matter under discussion. Referring to the remarks made by the honorable member for Belfast—whose speeches I, in common with all whom he addresses, listen to with great pleasure, and with the respect which the experience of the honorable gentleman, and his great talent, especially in connexion with constitutional law, necessarily inspire—I must say that some of those remarks seemed to be a long way out of course in dealing with the constitutional question. One statement of the honorable member was that the present Government do not possess the confidence of the country. I must congratulate the honorable member on possessing the confidence of the Opposition in this House. Certainly the cheers with which his remarks were received came entirely from that side of the chamber. But if it be the case, as the honorable member alleges, that one-half of the gentlemen who sit on this (the Ministerial) side of the House were returned by his assent, how is it that one-half of the gentlemen who sit on this side were not prepared to cheer and back him up in the statements which he made ? I am not going to follow the honorable member in his remarks about the land laws or retrenchment or constitutional reform. To deal in detail with the retrenchment question on this occasion would be to anticipate the Budget ; and to raise a discussion on the details of the reform scheme

which the Government propose to submit would really be to anticipate the discussion which will take place on the second reading of that measure. The honorable member sneered somewhat at the allusion in the Governor's speech to the frozen meat question. He could not understand why it appeared in the speech. I remember, in olden times, the honorable gentleman, when Chief Secretary, bringing down a speech containing a passage referring to the Indian mutiny, although it was well known that a member of his own Cabinet objected to that particular clause because he thought it had nothing to do with the people of this colony. I don't object to the honorable member holding a different opinion from the Government as to what ought to be and what ought not to be in a Governor's speech ; but I wish to show that criticism is always available whether you leave out a thing or put it in. The honorable member canvassed and criticised somewhat severely the action taken by a number of the gentlemen who compose the present Administration, and he went back a considerable time with a view to show to the House the course which had been pursued by those gentlemen in connexion with the reform question. The honorable member seemed to feel aggrieved that he was not consulted with reference to the proceedings of the then Opposition in dealing with the reform question. Now I think I stated on the floor of this House during the last Parliament that at the time I assumed the leadership of the then Opposition every member who sat on that side and in the opposition corner, by his voice and his vote, requested me to occupy that position, except the honorable member for Belfast.

Sir J. O'SHANASSY.—And the honorable member for Ararat.

Mr. SERVICE.—The honorable member for Ararat was not an exception, though he afterwards renounced the leadership. The names are down in black and white. The honorable member was one of those who gave in his cohesion to the arrangement. I say, when we are having history, let us have it all. The honorable member for Belfast complains that he was not consulted with reference to the reform question, but the honorable member will admit that he has no grounds for complaining that he was not invited. The honorable member, at that time, gave

as his reason for not uniting with the rest of the Opposition—in fact it was the only reason which he gave publicly in the opposition room—that he could not associate with any party in politics unless they agreed with him on the education question. I expressed then, as I have done again and again, my warmest respect for the honorable member because he has always been honest, straightforward, and upright in holding to his views, and everybody knows where to find him; but the great body of the Opposition felt that the honorable member himself, by that one statement, placed an impassable gulf in the way of political co-operation. I may mention that at the end of the second session of the last Parliament, when on the floor of this House I proposed certain resolutions having regard to the constitutional question, I stated then and there—and the statement appears in *Hansard*—that I submitted those resolutions on behalf of the Opposition, not with the hope of the Government of the day accepting them, but as a manifesto on the part of the Opposition to the country as to what their views were; and I was authorized to make that statement by the members of the Opposition assembled together. The honorable member for Belfast has twitted me with not having said anything about the Longmore regulations; and the honorable member for Mandurang (Mr. Fisher) has stated that, in my speeches to the people of Maldon and elsewhere, I never said a word about those regulations. Why in my speech at Maldon, when I announced the programme of the then Opposition, according to the resolutions submitted to this House, I specifically referred to the fact that the country was “no longer under law but under Longmore.” I referred specifically and in detail to the regulations which had been denounced both on the floor of this House and at meetings of selectors throughout the country. The statement, with respect to the motion submitted by the honorable member for Ararat, and the amendment proposed by the honorable member for Kara Kara, that the division was as 44 to 2, is certainly a misleading statement. It was well known that a majority of this House would have voted for the repeal of the regulations except for political reasons, and that the honorable member for Kara Kara withdrew his amendment from fear that the late Government would be

defeated. That being the case, I don't think any reason has been shown why the regulations should not have been dealt with departmentally, as they were dealt with when originally promulgated. Honorable members must bear in mind that the regulations which were repealed by the Governor in Council were regulations which had been made by the Governor in Council. Those regulations were made under statute law, and they were repealed according to statute law and within statute law. The Minister who repealed the regulations performed no higher, greater, or more unconstitutional action than the Minister who originally propounded them. Nobody ever charged the late Minister of Lands with having acted unconstitutionally in promulgating those regulations. What we did find fault with was the policy of certain regulations—not the power of the Minister to make the regulations, or at least some of them; I will not say all.

Mr. LONGMORE.—The whole of them.

Mr. SERVICE.—There is no doubt that the House recognised the power, though there was very great difference of opinion as to the policy. I think the honorable member for Belfast himself held the opinion that it was not right that a Minister should possess such great powers, and I think there is a very strong opinion throughout the country that, in connexion with the land question, it is desirable, as far as possible, to avoid giving the control of the lands into the hands of any one man, or into the hands of any Government, so that they may be used for political purposes instead of for the general good. Having dealt with that little matter, I come back to the question of the mode in which this Government went before the country. On the second occasion—that is to say, after the dissolution—the programme announced by myself in the last Parliament was again considered in the opposition room, and the question was discussed as to whether that programme should again be put before the country. It was decided that it should be, and I issued to the people of Maldon the written manifesto, in anticipation of my spoken speech, after it had been distinctly criticised in the opposition room. That being the case, surely we may claim some recognition as a party, although we had not the assistance—the want of which we regretted, and no one regretted more

than I did—of the honorable member for Belfast.

Sir J. O'SHANASSY.—How many were present at that caucus?

Mr. SERVICE.—I did not keep the minutes, but I know there was a large number.

Sir J. O'SHANASSY.—Not the number you have now.

Mr. SERVICE.—The gentlemen composing the late Opposition never, at any time, formed a majority in this House. The late Government dissolved Parliament because they could not pass their Reform Bill by the statutory majority, not because we out-voted them. Nevertheless, for from fourteen to eighteen months, the late Opposition presented an unbroken front. From the beginning to the end of that period they submitted the self-same scheme of reform, and that scheme having been thoroughly before the country, side by side with the proposals of the late Government, and without any scheme of reform suggested by the honorable member for Belfast or his party, I think there can be no dispute whatever that the country, by the elections on the 28th February, distinctly and deliberately accepted the scheme propounded by the present Government in preference to the scheme submitted by the honorable member for Geelong (Mr. Berry). Having dealt with that part of the subject, I would like to go at once to the larger question raised to some extent last night, but so irregularly that the Government had not the opportunity of saying a word on the subject; and therefore they are glad now to have the opportunity of putting their case before the public. The question which has been raised is that this Government did an unconstitutional thing in varying the proclamation of the Governor calling Parliament together, and in postponing the meeting of Parliament for two months or ten weeks. The honorable member for Belfast also complains that that action interfered with the ordinary constitutional practice. That is to say the late Government should have come back from the country and submitted itself to the will of Parliament; and that then a consultation would necessarily have taken place on the opposition side of the House, and it would have been arranged by honorable members in opposition who should submit the motion with the view to oust the Government and the programme of the new party. The honorable member

for Belfast seemed to blame me because that opportunity was not afforded.

Mr. BERRY.—He blamed me for that.

Mr. SERVICE.—And I also blame the honorable member. The entire onus of this departure from parliamentary practice, so far as not enabling the honorable member for Belfast and other members to co-operate together, rests solely with the honorable member for Geelong. The honorable member took a course for which there was only one precedent in this colony—that of Sir James McCulloch, three years ago—and very few precedents in England; he responded directly to what he conceived to be the opinion of the constituencies throughout the country, and threw up the sponge before meeting Parliament. Having done so, it was impossible for the honorable member for Belfast, or any one who thinks with him, to have the opportunity which he considers he should have had. But that was not the fault of the present Ministry. The present Ministry did not get into office by any cabal of their own. They did not seek to get into office except in a legitimate and constitutional fashion. We were quite prepared to meet Parliament when it had been summoned at the instance of the honorable member for Geelong for a given day, because we believed that this was the arena where the fate of the late Ministry should have been determined. I am not prepared to say that the honorable member for Belfast is wrong when he expresses a doubt as to whether the recent innovation is an improvement. I think there is a great deal to be said on both sides—as to whether it is a desirable thing for a Ministry to resign after a general election and before meeting Parliament, or whether it should meet Parliament and take the consequences. It appears to me that the practice, as laid down by constitutional authorities, goes to indicate that the latter course should be adopted. No doubt serious inconvenience may arise when that course is not followed. If it had been followed in this instance, probably there would have been clearer and more distinct action on the part of the late Opposition than could possibly take place under the circumstances that arose. Having thus explained that it was from no action of ours that the honorable member for Belfast was deprived of his constitutional right, let me now come to the question, a question of greater importance—Did the Government do wrong in

varying the proclamation so as to prevent Parliament meeting for a period of ten weeks? That leads one to the inquiry—What is the object of the Government meeting Parliament in the first instance? What would have been gained in any aspect if Parliament had been allowed to meet on the 9th March—the day for which it was originally summoned? If Parliament had met on that day, members would have been sworn in. No honorable member has attempted to show that we would have got any further. One honorable member stated last night that we ought to have met then, and gone on with the business of the country. I think the honorable member for Geelong himself used that remark.

Mr. BERRY.—No; there must have been the usual adjournment.

Mr. SERVICE.—Therefore, nothing could have taken place on that day except the swearing of members.

An HONORABLE MEMBER.—And the election of Speaker.

Mr. SERVICE.—The appointment of Speaker would have followed as a matter of course. No doubt the present Government considered that appointment in the same light as that in which the late Government considered it three years ago. They recognised the appointment of Speaker as a very important appointment. The appointment is recognised even in England as a party appointment.

Sir J. O'SHANASSY.—No.

Mr. SERVICE.—I shall be glad to quote an important authority on the point, showing distinctly that the Speaker of the House of Commons should not only possess the unusually high personal qualities which ought to appertain to him, but, what is of still higher consequence, that he should fairly represent the majority in the Chamber.

Sir J. O'SHANASSY.—Is not the honorable gentleman aware that Mr. Brand has recently been chosen Speaker from a minority in the present House of Commons, and that twice before he was elected on the nomination of private members.

Mr. SERVICE.—We know that these things will occur. But in 1835—

Sir J. O'SHANASSY.—Oh!

Mr. SERVICE.—Does the honorable member wish to limit us to precedents which have arisen within the last thirteen or fourteen years? In 1835, Mr. Denison, in proposing Mr. Abercrombie

for the office of Speaker, after discoursing very highly as to the attainments of that gentleman, observed—

“It will be incumbent upon this House to have in its chair a gentleman who, combining impartiality and courtesy with dignity, shall likewise agree in opinion with the majority of its members.”

And Mr. Ord, in seconding the nomination, remarked—

“My right honorable friend has another qualification without which all those others that I have mentioned would be insufficient. I mean his known political opinions and feelings, which will make him what, in my estimation, the Speaker of this House ought to be—the fit representative of the opinions and principles of what I believe to be the great majority of this House.”

I think these quotations show that the party element has entered, and does on occasion enter, into the election of Speaker. No doubt, when the whole House is agreed that some one person is more highly qualified for the position than another, no conflict arises; but when the choice of Speaker is a matter which has to be dealt with in the ordinary way, the question of party does enter largely into the consideration of both sides of the House. It did so in the case of the honorable member for Geelong and his Government three years ago. We all remember the correspondence which passed between the honorable member for Geelong and the Governor in 1877—it appeared, I think, in the *Argus* newspaper of the 22nd May in that year—when it was urged that the new Government, having to relinquish their seats in the House, would be placed at a disadvantage in the choice of Speaker if the House were to meet at the time it had been summoned for by the Governor at the instance of Sir James McCulloch. All of us who take an interest in the matter know that, to meet this difficulty, Sir James McCulloch actually proposed that the old and the new Governments should pair off on the question, so that the House, in dealing with the election of Speaker, would have been fairly balanced from a party point of view. Certainly no one who was here last night, and saw the fight over the election of Speaker, will hesitate for a moment to say that the election on this occasion was regarded as a very important question even from a party point of view. It is idle and useless to argue that question. Now if we could have done nothing on the 9th March except proceed to the election of Speaker, and if no honorable

member will say that anything else was ever attempted to be done on any similar occasion, what good would have accrued by the House meeting on the 9th March? Some honorable members may argue that it was the constitutional thing to do. No doubt the Imperial practice is for Parliament to meet immediately after a general election; and I admit that we are bound by the precedents of the Imperial Parliament unless we have got our own statute law to guide us. Having our own statute law to guide us, I say we can go outside that law and appeal to Imperial precedent only when that law fails us. Then, with respect to the House entering on business, it has never been done and it cannot be done. The House cannot enter on business beyond the election of Speaker until it has been convened by the Queen, and cause has been shown for that convocation. *Todd* says—

“In order to give life and existence to a Parliament, and to enable it to proceed to the execution of its functions, the personal presence or delegated authority of the Crown is required for the formal opening of the session. At the beginning of every new Parliament, and of every session after a prorogation, the cause of summons must be declared to both Houses, either by the Sovereign in person, or by commissioners appointed to represent him in a speech from the throne. Until this has been done, neither House can enter upon any business. The act of the Commons in choosing a Speaker is no exception to this rule, for they are specially empowered to make choice of a presiding officer by command of the Sovereign, who refrains from making known the purpose for which Parliament has been convened until the Commons are completely organized by the election of their Speaker.”

Now it is quite evident that it would have been utterly impossible, on the occasion in question, for the new Government to be prepared with any proposals to submit to this House. In fact, as has been already admitted, there must of necessity have been an adjournment for a period of five or six weeks.

Sir J. O'SHANASSY.—By the authority of Parliament.

Mr. SERVICE.—I will come to that. I am now endeavouring to ascertain what advantage would have accrued if we had met Parliament on the 9th March. The only answer to the question is that members could have been sworn in and elected a Speaker. How could we know whether the Government possessed the confidence of the House unless the programme of the Government was laid down? The thing itself seems to be unworthy of argument.

Some people seem to think there is something mysteriously efficacious in connexion with the swearing of members—that there is something in the statement which has been made by some members of the House out-of-doors, that they hardly knew whether they were Members of Parliament because they were not sworn in. But the youngest student of constitutional law knows perfectly well that it is as Members of Parliament we are summoned together to be sworn in. Therefore the mere swearing in is not necessary to constitute us Members of Parliament at all. It is a peculiar circumstance that the practice of swearing members in England is altogether different from the practice in this colony. In point of fact, the practice in England is to elect the Speaker before there is any swearing in at all. It is only after the election of Speaker that the Speaker, under the authority delegated to him by the Crown, swears in Members of Parliament, he himself having taken the oath on the dais on which he stands. The history of the House of Commons discloses many cases of gentlemen who were Members of Parliament for years without having been sworn in.

Mr. WILLIAMS.—What is to prevent a stranger from coming and voting?

Mr. SERVICE.—The Serjeant-at-Arms. I say there is nothing in connexion with the swearing of members to justify the meeting of the House for that particular purpose alone. If members are not to be invited to go on with the business of the country, the calling of them together merely that they may be sworn in seems to be unnecessary. It is scarcely worth while to deal with the question raised by one honorable member, that the Governor was not authorized to issue writs at all. I think it was acknowledged by the honorable member for Mandurang (*Mr. Fisher*) and the honorable member for Belfast that the Governor was perfectly justified in issuing the writs.

Sir J. O'SHANASSY.—I did not say so.

Mr. SERVICE.—The honorable member for Mandurang, at all events, made the admission, and other honorable members have done so. But if the matter is doubted, let me call attention to the 75th section of the Electoral Act of 1865, which is as follows :—

“Whenever, after any general election of the Legislative Assembly, and before the dissolution or other lawful determination of such Assembly, any seat therein shall have become

vacant, a writ for the election of a member to serve in the place so vacant shall be issued by the Speaker of the said Assembly under his hand and seal; but if, at the time of such occurrence of any such vacancy there be no Speaker, and the Assembly be not in session, or if the Speaker be absent from Victoria, such writ shall be issued by the Governor under his hand and seal of the colony."

Thus it appears that the issue of writs by the Governor is not optional—it is imperative.

Mr. PATTERSON. — That section does not imply that there shall be no Assembly.

Mr. SERVICE.—The Assembly was not in session, and there was no Speaker. Therefore the conditions laid down in the section were fulfilled in the case of the vacancies in constituencies represented by Ministers. That being the case, no question can possibly arise as to the power and duty of the Governor to issue the writs. There is no doubt that the section was passed in anticipation of cases identical with that which arose within the last few months. Well, the Governor having legally issued the writs, surely the Commissioner appointed by His Excellency was legally and constitutionally justified in swearing in the gentlemen whose names were returned on those writs. If the Governor was justified in issuing the writs in the first instance, he was bound to take cognizance of the names endorsed on them, and, that having been done, the gentlemen returned were entitled to be sworn in. That is exactly what did occur. With reference to the practice of the Imperial Parliament to meet immediately after a general election, there is very substantial reason for that, as there is for almost every form connected with constitutional government. How does it become absolutely necessary that the Parliament of England should meet or be called together immediately after a general election? It is because writs are issued by order of the House of Commons on a motion made in the House of Commons. No Minister who accepts office under the Crown in England can possibly have a writ issued for a new election for his district unless Parliament assents to the proceeding. It is for the express purpose of meeting a case of that kind that the Queen's proclamation dissolving one Parliament mentions the date of the assembling of the new Parliament. Take the case of Mr. Gladstone in 1868. Immediately on the meeting of the Imperial

Parliament, after the general election in that year, motions were made for the issue of writs to supply the vacancies caused by the acceptance of office by Mr. Gladstone and his colleagues. The House of Commons then adjourned, having done no business, for identically the same period taken by this "unconstitutional" Government. That is to say, ten weeks elapsed between the time the new Government accepted office and the time they assembled Parliament for the transaction of business. The honorable member for Belfast stated that there were no precedents to justify Ministers in holding office without having, at all events, received some expression of confidence from Parliament.

Sir J. O'SHANASSY.—What I said was that, according to modern practice, the Queen thoroughly understands that, though she may call new Ministers to her councils, they must possess the confidence of Parliament.

Mr. SERVICE.—I will proceed to cite one or two precedents of an interesting character. In October, 1809, while Parliament was in recess, the Duke of Portland resigned; Mr. Perceval took office in the following month; and Parliament did not meet until the 23rd January, 1810, on which occasion writs were moved for the constituencies represented by the new Ministers. In August, 1827, when Parliament was out of session, on the death of Mr. Canning, Lord Goderich accepted office, and held it until January, 1828, when he resigned. He occupied office for a period of five months, and never met Parliament at all. That was in constitutional England. I will come next to what occurred in 1868, which is the first occasion that the new practice was put in force. Mr. Disraeli, now Lord Beaconsfield, resigned after the general election, and before the meeting of the new Parliament, and Mr. Gladstone and his colleagues, who succeeded to office, were put in what may be called rather a fix, and they got over the difficulty in what may be characterized as a somewhat peculiar fashion. One of the advantages which statesmen have under the British Constitution is that when peculiar circumstances do arise they can meet them in some common sense way, and the course adopted forms a precedent and becomes part of the constitutional law of England. In this country, however, we are bound by our statute law in all cases in which it is applicable; it is only in cases in which

we are compelled to go outside the statute law that it is our duty to follow the precedents of the Imperial Parliament. *May* says—

"In 1868, an exceptional course, in the opening of Parliament, was rendered necessary by peculiar circumstances. Parliament had been dissolved in November, and was to meet on Thursday, 10th December. A week before this time, however, Ministers resigned, and Mr. Gladstone was summoned to Windsor to form a new Administration, which was sworn in on the 9th December. To have prorogued Parliament at so short a notice would have been highly inconvenient; while without any Ministers in the House of Commons, and without previous consultation, it was not possible to open Parliament in the accustomed manner, with a Queen's speech, and addresses from both Houses. A precedent was found in December, 1765, when the Rockingham Ministry having come into office during the recess, the King, in person, opened Parliament in a speech in which he adverted briefly to the troubles then commencing in the American colonies, but said he had then called Parliament together to give an opportunity of issuing writs. This precedent, however, was so far objectionable, as the speech, having all the usual solemnities, required addresses in answer, and was, in fact, the occasion of amendments and debates. A more convenient course was therefore taken. Instead of a Queen's speech, the Lords Commissioners, under the great seal for holding and opening the Parliament, had it further in hand to acquaint both Houses that since the time when Her Majesty had deemed it right to call them together, several vacancies had been caused by the acceptance of office from the Crown; and that it was Her Majesty's pleasure that an opportunity should now be given to issue writs, and that after a suitable recess they might proceed to the consideration of such matters as would then be laid before them. By this proceeding, which was merely formal, the necessity of addresses was avoided; there were no debates; the new writs were issued, and both Houses adjourned."

The Imperial Parliament was called together on that occasion for the express purpose of issuing the writs to supply the vacancies caused by certain members having accepted office as Ministers of the Crown, because the writs could not be issued without the authority of Parliament. There is a fundamental difference in this matter between the practice in this colony and the practice in England. In England the new Ministers could not have been re-elected unless Parliament had been called together to issue writs for elections to supply the vacancies caused by their accepting office; but in this colony we have statutory authority and instructions as to the issue of writs. In the event of there being no Speaker, and Parliament not being in session, the Governor is authorized—indeed, he is imperatively bound—

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to issue writs to supply any vacancies that occur. That is what His Excellency did in the present instance, and Ministers, being re-elected, were here yesterday to meet Parliament under the same authority as other members presented themselves to be sworn. I think I have shown, in a way that will take some trouble to controvert, that there has been no unconstitutional action on the part of the Government, that no practical inconvenience has arisen from the course adopted, and that it is not likely to be attended with any practical danger. It is admitted that if Parliament had been called together in March it could not have proceeded to any other business than the election of a Speaker. There never has been a case in which Parliament attempted to go on with business when it met only for the swearing of members and the election of a Speaker; the Governor's speech not being delivered, there was no possibility of going on with business. The present Government cannot be found fault with on the ground that they ought to have called Parliament together in March to go on with business. The question then really comes to this—Was the time taken by the Government, before calling Parliament together, an unreasonable time? That is the whole practical question. Now, the first statement in the Governor's speech is that Parliament has been called together at an earlier period of the year than usual. No one will be able to controvert that statement.

Mr. HUNT.—Did you not stipulate that Parliament should meet immediately after the election?

Mr. SERVICE.—Had the late Government remained in office they would have been bound to meet Parliament earlier; but the circumstances in our case were totally different. The dates on which Parliament has been called together since the period when the time of meeting was changed from summer to winter are as follows:—In 1871 it was convened on April 25; in 1872 on April 30; 1873, May 13; 1874, May 19; 1875, May 25; 1876, July 11; 1877, May 22; 1878, July 9; 1879, July 8. In point of fact, then, the present Government have called Parliament together two months earlier than it was convened by the late Government on the two last occasions. For some years past the month of May seems to have been regarded as the most convenient time for the assembling of

Parliament, and no doubt the late meetings in 1878 and 1879 occurred from peculiar circumstances. However, the dates I have quoted justify the statement that the present Parliament has been called together at an earlier period of the year than usual. I wish to point out that it is recognised by constitutional authorities in England that the question of convenience may affect the time at which Parliament should be opened. *May* observes—

“The interval between a dissolution and the assembling of the new Parliament varies according to the period of the year, the state of public business, and the political conditions under which an appeal to the people may have become necessary.”

The question now remains—Did the Government come to a fair and reasonable conclusion when they decided to postpone the meeting of the present Parliament till the 11th May? Some people ask—“Why should the Government take all this time to mature a Reform Bill, the main features of which were submitted to the country long ago?” In reply, I may ask why did the honorable member for Geelong take 13 months to draw up his first Reform Bill, although reform was one of the principal topics in his programme when he went to the country in 1877? In the Governor's speech, at the opening of Parliament in 1877, it was stated—

“My advisers regret that the important subjects of constitutional and civil service reform cannot be dealt with satisfactorily at present.”

The honorable member for Geelong did not introduce his first Reform Bill until 13 months after this statement was made. Moreover, when the present Government took office they were threatened with the most violent opposition. At first the seat of every member of the Government was to be contested; and if that threat had been carried out, as we were bound to contemplate would be the case, it would have been after the Easter holidays—the beginning of April—before Ministers could have assembled in Cabinet to consider one single question. Honorable members must also recollect that the Government were pledged to make the Reform Bill the first measure they submitted to Parliament; and I think I am justified in saying that this Government, whatever be their merits or demerits, at all events possess the one qualification that they shrink from submitting to Parliament a measure which they have not

thoroughly thought out and thrashed out in Cabinet. They regard it as the first duty of a Government to fully consider a subject before submitting legislation upon it, in order that Parliament may be able to deal with the Bill, and deal with it effectively, and that the Ministry may not have their measure so mutilated on the floor of the House as to be beyond recognition when it comes on for its third reading. Again, there were a great many points in connexion with our Reform Bill which had to be dealt with. The consideration of the schedules alone occupied a large portion of time. Although the Bill itself has been printed and ready for some weeks, it was only this very week that the schedules were completed, notwithstanding that the Surveyor-General has been for some time exclusively engaged in their preparation—engaged in nothing else than completing the schedules setting forth the boundaries of the new provinces. We could not introduce the Bill incomplete in this respect; we were bound to have it perfected. Taking all the circumstances into consideration, and bearing in mind that for many years the month of May has been found the most convenient for the assembling of Parliament, we felt we were justified in the belief that we were consulting the convenience of honorable members in fixing the 11th of May as the day for Parliament to meet. The honorable member for Belfast has said that something might have happened in the interim before Parliament met, and that in England the Queen always has her faithful Commons at hand if any circumstances should occur to require their services. The honorable member, however, knows perfectly well that the Governor here, like the Queen in England, can call Parliament together, in spite of any adjournment, at any moment, if an emergency should arise. Therefore the mere fact of the meeting of Parliament being postponed from the 9th March to the 11th May did not prevent the services of “the faithful Commons” in Victoria being available in case of any emergency occurring in the interval. With respect to the question of Ministers taking their seats here yesterday afternoon, although some remarks have been made which were uncalled for, and although more courtesy might have been shown to Ministers, the interesting debate which has taken place will doubtless prove beneficial both now and hereafter. The whole question has

been raised by an innovation that commenced in England in 1868, which has occurred twice there since then, and has happened twice in this colony within the last four years. The subject has been fully entered into, and if any dangers can possibly arise from the course which has been adopted they will be more likely to be prevented after the discussion that has taken place. I think, however, that Ministers ought to have been treated with perfect courtesy in the matter, because we simply did what we thoroughly believed we were justified in doing. We appeared on the floor of the House yesterday by precisely the same authority as other honorable members. We were members of the Assembly. It has been said that we did not answer to our names when the returns to the first writs were called. The reason is that we had vacated the seats to which those returns related, but we were duly and properly re-elected under the second writs. What would our constituents have said if we, knowing that we had been duly returned, and believing that we were acting rightly and constitutionally in the course we adopted, had allowed eight constituencies to be disfranchised in the election of a Speaker? What substantial or practical difference was there between the position of Ministers and that of other members that we should not be sworn yesterday and take part in the election of Speaker? None whatever. To contend otherwise is to argue contrary to common sense. Is there anything in what occurred to lead to practical danger in connexion with the government of the country at any future time? In one respect, Ministers, when taking the oath, had an advantage over other honorable members, inasmuch as they had been twice elected by their constituents. Sir, I think I have disposed of most of the points that have been raised, and have shown that, taken in any point of view, the Government were justified in the course we adopted. We were justified both by the statute law of the colony and by Imperial precedent. There is one thing in connexion with the recent dissolution in England which I desire to mention. When the dissolution was announced, Sir Stafford Northcote stated that the Government had thought proper to dissolve Parliament at Easter, so that the new Parliament might have three months before it to pass measures for the benefit of the country. The reason of that was

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that the Imperial Parliament was dissolved in the middle of a session. The Victorian Parliament was dissolved at the end of a session, with a recess to come; and it would have been a departure from ordinary usage, and Parliament would have had just reason to complain, if, after sitting eight or nine months, it had been convened again and asked to go on with public business, without having, at all events, an ordinary recess.

Sir J. O'SHANASSY.—I desire to offer one word of explanation. The Premier, in the course of his remarks, made a statement which did not contain the whole truth. He referred to a meeting at which he was chosen, before I entered the room, to be the leader of a party of about 20 members in the last Parliament, and he mentioned that he asked me on that occasion whether I was acting politically with any other body in the colony. The honorable gentleman, however, omitted to state the important fact that I told him I was; that he then inquired what body it was, and that I mentioned the body.

Mr. SERVICE.—I don't remember the circumstance. If the honorable member will now state what body he referred to, perhaps the circumstance will be recalled to my recollection.

Sir J. O'SHANASSY.—I mentioned the Registration Society, and the honorable member went next day to denounce the association for acting with me, though they concurred with me on the very point I raised, namely, that we had a grievance and that it ought to be remedied.

Mr. BERRY.—Mr. Speaker, I think I ought to congratulate honorable members on the very excellent speeches they have made. The honorable member who has proposed the motion for an address in reply to the Governor's speech was a little warmer than he need have been, but perhaps that may be excusable under the circumstances. Taken as a whole, however, the debate has been one which the new House may be proud of. I never heard the old and experienced member for Belfast speak with greater effect; and, although not often astonished at what takes place in Parliament, I was a little surprised when the Premier said he had listened to the honorable gentleman's speech with a great deal of pleasure. Immediately afterwards, however, the Premier taunted the honorable gentleman as to where his adherents were. The honorable member for Belfast said that at

least half-a-dozen members sitting on the Ministerial benches are not in accord with the Government, but the honorable member will probably find that after having helped the gentlemen referred to into the House he will not now have the same influence over them. The astute Premier knows very well that, having secured a majority by any means, he is tolerably sure of their fealty. The Premier complained that the Governor's speech has been criticised for not including a little more about finance and indicating something as to the character of the proposed Reform Bill. If the speech had dealt only with large questions, without going into any details, there might have been good excuse for these omissions; but that is not the case. It is probably the weakest Governor's speech that was ever delivered to Parliament. Such utterances are not generally remarkable for exhibiting any great capacity or large scope, but if the whole of our records were searched I don't believe any Governor's speech could be found of such a neutral tint as the one we are considering to-night. The paragraphs of which it is composed really convey nothing, or are simply a repetition of what has been contained in previous speeches. There is no new matter in them; and the debate has shown that the most important questions are those which have been left out. This is evidenced by the fact that a great deal of the laboured defence of the Premier related to what is not contained in the speech. The honorable gentleman dwelt on the paragraph which says that Parliament has been called together at an earlier period than usual. That may be true, but it does not touch the question which he knows is in the mind and mouth of every person, namely—Why was Parliament not called together two months earlier, in order that members might be sworn, and that there might be a complete and perfect Parliament? That is not alluded to in the speech, although this debate has shown that it is the most important matter upon which honorable members desire enlightenment. We are told about the cost of the Exhibition; that is not a very important matter. ("Oh!" from the Ministerial benches.) Well, it is important in one sense, because it sets at rest one of the exaggerated statements made against the late Government by certain honorable members and by a section

of the press—namely, that the Exhibition would cost half a million of money. We are now told in the Governor's speech that it will only cost a quarter of a million. I venture to say that the assertions previously indulged in about the cost of the Exhibition are only a fair sample of the exaggerated statements made against the late Government. Again, it has been repeatedly stated, in the press and elsewhere, that the present Ministry have found the finances in a dreadful state, yet no reference is contained in the speech to that subject. This is another of the exaggerated statements which have been made in order to damage political opponents. It has leaked from the mover of the address in reply to the speech—I presume with authority—that there is to be no new taxation; we are told, in fact, that this is to be a "No Taxation" Parliament. As the honorable member for Belfast has pointed out, no allusion is made in the speech to retrenchment. If there is to be no retrenchment, and if it is true that there is a deficit in the revenue of £500,000 or £600,000, how is the Treasurer to do without new taxation? There is another very notable omission in the Governor's speech. Who was more eloquent than the Premier, in the last Parliament, in denouncing the stock tax? How is it we are not informed that the stock tax will be repealed? When honorable members now occupying the Treasury bench were in opposition they were most anxious that the stock tax should be repealed, but they don't indicate that they propose to abolish it now that they have obtained office. If they intended to repeal the tax I think they would certainly not have omitted to mention the circumstance in the Governor's speech, when they have evidently been hard put to it to find materials for the document. Again, when in opposition, the present Ministry contended that there was no need for the stamp duties; yet there is no indication of a repeal of those duties. They are very glad indeed to take advantage of the action adopted by their predecessors to put the finances right. I will here remark that if the late Government had cared less for the finances of the country, and more for our party organization, we might have been in office now. It was our determination to put the finances right, even by new taxation, that gave honorable members opposite the opportunity which they seized of trading

upon the prejudices they created in the minds of the people. There is another striking omission in the Governor's speech; it contains no reference to the Education Act. How are that large section of the community—numbering a quarter of the population of the colony—with which the late Government were handicapped, because they were outspoken in their utterances in reference to the maintenance of the Education Act, to be dealt with? Are honorable members opposite, having got their seats through that section, going to deceive them and give them nothing? If not, why have they not the courage to say what they are going to do in the direction of altering the Education Act?

Mr. FRANCIS.—What did your Government say?

Mr. BERRY.—Our utterances were always straightforward. We always had the courage of the principles we avowed; and we never deceived any party in the country as to the course we were taking. I don't hesitate to say that had we been willing, tacitly or otherwise, to encourage the section of the community to which I have referred to believe that their grievances, or supposed grievances, would be redressed by our efforts, we would still have had a majority, and been sitting on the Ministerial side of the House. That section of the community considered an alteration of the Education Act of far more importance than constitutional reform, and I think they should have been told on this occasion, by those who had the advantage of their votes, how it is proposed to meet their views on the subject. But, after being instrumental in enabling the present Ministry to obtain office, they have received no consideration either in the formation of the Government or in the Governor's speech to Parliament. The Premier, in defending himself from the charge forcibly made by the honorable member for Mandurang (Mr. Fisher), and reiterated by the honorable member for Belfast, in regard to one of the important administrative acts of the Government during the time Parliament was not in existence, said he told the public at Maldon that the country was no longer under law, but under Longmore. Well, did he better that by placing it under Duffy instead of Longmore? What is the meaning of his denouncing Longmore for governing by regulations in spite of Parliament if he did not denounce the

same thing in Duffy? The Premier also asserted that but for political reasons the late Parliament would have abolished the Longmore regulations, when the subject was discussed in the Assembly last session. Well, I venture to say that, but for political reasons, the present Government would be out of office. Does not the honorable gentleman know that every Government must depend upon political reasons for its majority? Why, then, did he attempt to throw dust in the eyes of the country? All Parliaments are governed by political reasons; and, just as the late Parliament was governed by those reasons, so will the present one be. We have had an example of that already by the silence of the twenty members on the Ministerial side who owe their election to the honorable member for Belfast, but who could not give him one cheer to-night while he was addressing the House. The honorable member for Belfast challenged the action of the late Government in resigning. I am glad of the recognition from the other side of the House—though it is somewhat tardy—of the fact that we did not stick to office too long, but left it too soon. Instead of being the needy and greedy lot of men they were described to be by their opponents, the late Government voluntarily resigned place and pay the moment they ascertained they were left in a minority on the one great issue they put to the country. I do not agree with those honorable members who think that a Government beaten in the country ought to remain in office. We knew that our reform scheme was condemned by the country, and—without stopping to consider how the majority against it was obtained—I don't think we had a right to remain in office twenty-four hours after we knew the decision arrived at. Before resigning, we advised the Governor to sign a proclamation calling Parliament together at an early date. We did that because we believed it was right, and because we were under a double obligation to do it. We had promised the Governor that Parliament should be called together as soon as possible after the election, as appears from the published correspondence, and that correspondence was obtained, I don't hesitate to say, in consequence of debates which took place in this House. The present Premier made reiterated demands in the House, before the dissolution, that Parliament should be called together in a

few days, or in a week at the most, after the election. The only advice we gave the Governor after the election was to sign a proclamation convening Parliament on the 9th March, and no inconvenience—no constitutional difficulty—would have arisen if the new Ministry had let the proclamation alone and allowed Parliament to meet on the day therein appointed. The Premier has made an elaborate apology for not calling Parliament together before the 11th May, and has asked what harm has resulted from that course. Well, one great harm he has done is that, instead of having a three-year Parliament, he has made it possible to have a Parliament extending over three years and three months, because the period from which the existence of Parliament is dated does not commence until members are sworn in. A precedent has been created for delay in calling Parliament together which on another occasion may be extended to a much longer period than two or three months. There is another evil. Honorable members on both sides of the House have been endeavouring for years past to establish a rule that Parliament should meet at such a reasonable time of the year that the Assembly can have full control over the finances of the country. If members had been sworn on the 9th March, the present Parliament—supposing it to last its full term—would have expired on the 9th March, 1883, and there would have been ample time to elect its successor early enough for it to meet at a period which would give the new Assembly full control over the finances. By delaying the meeting of this Parliament for two or three months that hope has been largely destroyed, and so much harm, at all events, has been done. Moreover, the precedent is undoubtedly a bad one, and, even if no great harm should result from it, it certainly cannot be defended. Let me also remind the Premier that even where there is a Parliament in existence, but in recess, it is the custom and usage to prorogue it for only six weeks at a time, because it is considered not desirable that a prorogation should be for a longer period. In the present case, however, although there was no Parliament in existence, and it was understood that the new Parliament was to be called together as soon as possible after the election, the Ministry kept it in abeyance for nine or ten weeks after the time originally fixed.

It is impossible, I repeat, to defend their action. I will not go into the question of whether the Governor had any right to issue writs for the elections to supply the vacancies caused by Ministers accepting office, although the Attorney-General, when a member of the McCulloch Government, raised that very point, and contended that the Governor should not have issued writs under similar circumstances.

Mr. KERFERD.—No ; that was not the point.

Mr. BERRY.—Well, I don't hesitate, with my present experience, to say that if ever in future I find myself in the position of having, as the head of a Government, in consequence of the issue of a general election, to tender my resignation, I certainly will not do so until Parliament has actually met. I should take that course, not because I think it a really necessary one, but because it would otherwise be possible for my successor to do what the present Premier did last March, and the only safeguard against such a proceeding would be to resign practically, not to an irresponsible Governor, but to a responsible Parliament. When I resigned, I never anticipated in the least that the proclamation calling Parliament together in March would be rescinded. I have been told that the course I then followed was also taken on the last previous case of the kind, but that is by no means the fact. The proclamation calling the new Parliament of 1877 together, which was issued at the instance of the McCulloch Government, was respected and obeyed, part of the new Government resigning, and part—of course they were then only the intended part—remaining in the House. Thus it was on the motion of the late Minister of Justice, before he actually took office, that the last Speaker was elected.

Mr. SERVICE.—Was he not one of your supporters ?

Mr. BERRY.—Sir Gavan Duffy was, during the general election of 1877, an opponent of the late Government. He was then an ally of, and acting in concert with, the honorable member for Maldon. He formed the party which expected to exterminate both the then direct Opposition and also the McCulloch Government. Unfortunately for that party, however, nearly all its nominees were beaten at the elections, and although Sir Gavan Duffy was elected Speaker, it was only, so far as I am concerned, because he was the most

fit person for the chair within my knowledge. Besides, his nomination could not be regarded in the light of a party one, because no second candidate was proposed, and there was no contest. But I will not, on the present occasion, speak at length. I think we on this side of the House feel that something like tardy justice is being done to us. For myself, I do not complain in the least of loss of office. I am truly glad, after three years' hard toil, to be relieved from the anxieties which, as the Premier will find, a seat on the Treasury bench entails, let the majority behind be ever so large and ever so staunch. Therefore my regret at the change of Government is not a personal one. But I deplore, and the feeling will remain to my dying day, the means employed to bring that event about. Every form and shape of false statement that could be devised, and every misrepresentation in which the human mind could indulge, was put forward in order to secure a majority against the late Ministry. It was not in fair warfare that we were beaten. We were stabbed right and left by machinations that did not and will not bear the light of day. Do honorable members think that, if any proof of the charges which, while the general election was going on, were sown broadcast throughout the country, could possibly be produced, it would not be forthcoming now, when the new Ministry have been in office nine or ten weeks and had under their control during that period the whole of the public service, in which there is a strong *esprit de corps* in their favour? I am satisfied that the whole people of Victoria now know how far they should believe certain prints and certain men with regard to the accusations they make against their political opponents. Where are the charges those to whom I allude brought against the late Government? They have wholly disappeared. Why? From the fact that not one of them has been substantiated. Of course honorable members sitting on the Ministerial benches may still animadvert upon certain acts of the late Government—open acts, done in the light of day, and many of them endorsed by Parliament—but the next Parliament may be found to differ on the subject from the present one. Doubtless criticism of the kind I speak of cannot be avoided. But it is seldom a party obtains office by means that will so little bear examination as those employed by the party now on the Ministerial side of the

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House. I refer to not only the large matter dwelt upon to-night by the honorable member for Belfast, when I tell honorable members on that side that when they talk of the opinion of the country they will be wise if they do so with moderation and somewhat bated breath; because if we had a political system under which each man was confined to giving only one vote where would they be now? Do they think they represent the majority of the men of this country?

AN HONORABLE MEMBER.—Certainly we do.

Mr. BERRY.—My respected colleague in the representation of Geelong (Mr. Andrews) has spoken about the will of the people being made law, but I ask him what he calls the will of the people? Does he mean the will of a majority of the living men of the country—men who are of age and untainted by crime? Well, I will claim his assistance in altering the electoral law so that each elector shall have no more than one vote. Sir, I congratulate honorable members on this side of the House on the whole tone of the debate on the address, and honorable members on the other side on the attitude assumed so far by the occupants of the Treasury bench. I will not descend to the question of whether Ministers are or are not legally in the House. That matter has passed and gone. I was certainly convinced, at the time the question was raised, that they had no right to take their seats. Of course, if they made a mistake they will brazen it out. But I believe that had the honorable member for Ararat, when he made his protest against their being sworn, submitted a motion, the Commissioner sitting in the chair would have accepted it.

AN HONORABLE MEMBER.—He had no power to accept it.

Mr. BERRY.—If he would not have accepted it, why did he practically ask for it?

Dr. MADDEN.—He wanted to snub the honorable member for Ararat.

Mr. BERRY.—I am sure the Commissioner is maligning by that statement. I am certain he wished to snub no one, but was acting in perfect good faith. It was at that moment that Parliament was complete, and, without dealing with the new writs at all, the House should have proceeded at once to the election of a Speaker. But all that is over now, and there need be no more feeling in the matter. I am as

delighted to find the present Speaker in the chair as I would have been to find the late Minister of Customs there, with the exception that I undoubtedly have personally a special desire to see an old colleague elevated to a high position, for which I think he is well fit. For the rest I may say that, looking at what is omitted from the Governor's speech, as well as the little that is in it, and also at the tone assumed with respect to it, I think honorable members in opposition may well feel satisfied that, in the estimation of the country, all the charges so prolifically made against the late Ministry have vanished into thin air just at the moment when, had they any real foundation, they might have been sustained.

Mr. GAUNSON.—Sir, when the late Premier congratulates himself and his party that the charges made against the late Government are not likely to be raked up hereafter, he would do well to remember the old axiom—"Do not halloo until you are out of the wood." Moreover, I tell him that his complaint against the means used for the purpose of obtaining a majority against him is one of the most flagrant instances of the pot calling the kettle black ever known. Pray what sort of means did the late Government use to keep their majority in the last Parliament together? But there is no need to go into that matter now. For myself, I have always endeavoured to act in Parliament as an independent member, but I tell the late Premier that perhaps the only thing that keeps the present Government in their places is the fear that, should they leave them, their predecessors will return and again seek to bring destruction on the country. Let there be no mistake on that point. At the same time I consider the conduct so far of the present Government to be simply indefensible. Why, when the Premier to-night weakly urged that the statute law of the country ought to be obeyed, did he not throw some light upon what the statute law is? First, however, let me touch for a moment upon the reasons why the late Premier ought, instead of resigning, to have met Parliament. It is very well stated in *Todd* that the House of Commons is the only legitimate means by which the feeling of the country can be expressed. *Todd* says—

"The verdict of the country having been pronounced against Ministers at a general election, it is, nevertheless, competent for them to remain

in office until the new Parliament has met, and given a definite and final decision upon their merits; for the House of Commons is the legitimate organ of the people, whose opinions cannot be constitutionally ascertained except through their representatives in Parliament. It is necessary, however, and according to precedent, that the new Parliament should be called together without delay."

In the first place, what induced the Governor to turn his back on himself? Why, having come to a certain definite agreement with the late Premier that Parliament should meet immediately, did he, upon the pressure of the present Premier, allow him and his colleagues to keep Parliament out of this chamber for two months, while they themselves enjoyed office and its emoluments?

AN HONORABLE MEMBER.—What harm has been done?

Mr. GAUNSON.—"What harm has been done?" I am a strenuous opponent of payment of members, but, undoubtedly, a great many honorable members believe in it, and they think they are in a majority. Under such circumstances they have naturally just grounds for complaining that they have, for two months, been kept out of payment of members by a Ministry who, while upon the whole professing themselves to be opposed to that system, have throughout the entire period been in receipt of the salaries of offices which they practically "jumped."

Mr. STAUGHTON.—And they were quite right.

Mr. GAUNSON.—A large estate owner, like the honorable member who interrupts me, whose sole qualification for Parliament is perhaps his wealth, can afford to look at payment of members differently from other honorable members, who are, to say the least—although I oppose payment of members with all my heart—as able, as honest, and as fit to be a representative as he is. "What harm has been done?" Every species of injustice is harm. Besides, what earthly good has the postponement of the meeting of Parliament done? The Premier tells us that the reason why in England every new Parliament is called together as soon as possible is that the sole power of issuing writs lies with the Speaker. But, let me ask, is not the Victorian Constitution on the lines of the British Constitution? Why do I object to the Governor issuing the second batch of writs he did issue last March? Because he thereby constituted himself judge, on the advice of his Ministers, of

the validity of the elections under which the honorable members who now hold place and pay were originally returned; and so superseded the functions of the Elections and Qualifications Committee. We know that in England no new writ can be issued until the period for petitioning against the return to the old one has expired.

Mr. GILLIES.—That is not correct.

Mr. GAUNSON.—Perhaps the Minister of Railways will mention a case to the contrary.

Mr. GILLIES.—There are excellent precedents to the contrary.

Mr. GAUNSON.—But the present practice of the British Parliament is no certain guide to us in Victoria. We have a written Constitution, and under it we simply possess the same powers, privileges, and immunities as those enjoyed by the House of Commons, not in 1880, but in 1855. Now the edition of May's *Parliamentary Practice* in use at the latter date contains the following passage:—

“But where a vacancy has occurred prior to, or immediately after the first meeting of a new Parliament, or within 14 days after the return of the member whose seat is vacated, the writ will not be issued until after the time limited for receiving election petitions.”

An HONORABLE MEMBER.—Well, a petition against the returns now in question can be sent in.

Mr. GAUNSON.—But look at the absurdity of the thing. Supposing any person entitled so to do were to petition against the return to the writ issued for the first election of Mr. Service—I cannot call him by any parliamentary designation—for Maldon.

Mr. McINTYRE.—I rise to order. The honorable member for Ararat has no right to speak of the Premier as Mr. Service.

The SPEAKER.—An honorable member mentioned in the House should be designated by either his official rank or as member for the district he represents. However, I do not think I need interfere unless the honorable member referred to takes exception to the way it is done. I presume the honorable member for Ararat does not mean to be personally offensive.

Mr. GAUNSON.—Look at the ridiculous position in which affairs would stand if the return I allude to were petitioned against, and the Elections Committee decided that Mr. Service's opponent ought

to have the seat. Who would then be honorable member for Maldon?

Dr. MADDEN.—The man whom the Elections Committee declared entitled to be so.

Mr. GAUNSON.—Then it would follow that issuing the second writ was an impropriety.

Dr. MADDEN.—The second writ would become a nullity.

Mr. GAUNSON.—I contend that the terms of the 74th section of the Elections Act, interpreted in the light of the well-known legal maxim that the expression of one thing means the exclusion of another, lead directly to the conclusion that no one but the Speaker, unless he happened to be then absent from the colony, or incapacitated by death or some other cause, could legally issue the writs for certain second elections which the Governor issued in March last. That is as plain as the nose on a man's face. And now to another point. I wish it to be clearly understood that I never gave in my adhesion to the Service Constitution reform scheme without first protesting that I believed in the nominee system, and only accepted the former as something to be preferred to the Berry Constitution Reform Bill. Moreover, how can I be bound by what the honorable member who sits here as Premier laid before his constituents at Maldon, seeing that his principal reason for postponing the meeting of Parliament for two months was that it was not fitting that he should present to the House a plan of reform which was in fact but ill-digested?

Mr. FRASER.—The delay was required simply to arrange details.

Mr. GAUNSON.—But how can I be bound by details I know nothing of? On the other hand, at the time the Service reform scheme was propounded here last session, it was essential that at all hazards the Berry Government should be got rid of. To gain that end I went in heart and soul, but I also said clearly on the floor of the House that I refused to follow any leader—even the then honorable member for Maldon. The honorable member for Belfast said the same thing. Does not the honorable member for Boroondara recollect that I, as well as the honorable member for Warrnambool, was included in the deputation that waited on the honorable member for Belfast, in order to induce him to enter the Opposition fold?

Sir J. O'SHANASSY.—And to undertake the drawing up of a platform.

Mr. BENT.—And yet the honorable member for Belfast refused to support the honorable member for Ararat when he went up for re-election.

Sir J. O'SHANASSY.—On what authority is that stated?

Mr. BENT.—The honorable member for Belfast told me so himself.

Sir J. O'SHANASSY.—The Minister of Public Works has made a statement he ought not to make. I assert that the decision of the honorable member for Ararat to stand for that district was not known to me when I started for Belfast. I could not therefore have supported or opposed him.

Mr. BENT.—I beg to state, that at the Registration Society's offices, the honorable member for Belfast said to me that he could not support Mr. Gaunson's candidature for Ararat, because that gentleman would not answer two questions he put to him. What is more, he did not support him at Ararat. I am surprised at the honorable member for Ararat saying what he has said. If we are going to have all that took place, I may have something more to state.

Sir J. O'SHANASSY.—That conversation occurred in a private manner in a private office. At that time too the mind of the honorable member for Ararat was undecided—he did not know whether he would go for Maryborough or Ararat. I assert that the question whether I should support Mr. Gaunson for Ararat never came before me previous to my departure for Belfast.

Mr. GAUNSON.—If this sort of thing is to go on, it will only show that the Ministry are on their last legs. I don't see how I could expect the support of the honorable member for Belfast at Ararat, seeing that I am totally opposed to the Roman Catholic claims respecting the Education Act.

Sir J. O'SHANASSY.—Did I interfere with your election in any way?

Mr. GAUNSON.—I will not say that the honorable member did, at all events to my knowledge. I come now to the Longmore land regulations, which, as most honorable members know, I always protested against as illegal. But I protest too against the new Duffy regulations as also illegal. (Cheers from the Opposition.) What right or authority has the Minister of Lands to insist upon having submitted

to him for his approval, even though it be only formally, the lease to which a selector is entitled by law? My objection to the Longmore regulations was not that they were impolitic, but that, in the first place, they were contrary to the plain terms of the Land Act of 1869. The Opposition cheered me just now, but they must not suppose I am going over to them. Indeed, my opinion is that the fears generally entertained of the Berry Government coming back to power constitute capital upon which the Service Ministry may safely trade for some time to come. I may go further, and say that public confidence having been rudely shattered by a prominent member of the late Government saying that he had his hands on the throat of capital—

Mr. LONGMORE.—I never said that.

Mr. GAUNSON.—The honorable member's denial comes too late in the day. That the statement I quote was made by the honorable member is part of the history of the colony.

Mr. LONGMORE.—Long ago I denied having made it.

Mr. GAUNSON.—What a shocking thing it is, then, that people have gone on believing that the honorable member did use such words. I am afraid his denial now cannot well be accepted. The real ground for the reference in the Governor's speech to a restoration of confidence is that the colony has got rid of a Ministry whose policy was to denounce the banks, the squatters, and indeed every one who has more money in his pocket than any one of them happens to have. They cried out for equality, but of what sort? An equality of wretchedness. It was not that any class was to be elevated, but that every one was to be dragged down to the miserable Ministerial level. As perhaps one of the poorest men in the House, I have a lively sympathy with those who are also poor, but—

Mr. LONGMORE.—Your sympathy is with dummy-mongers.

Mr. GAUNSON.—Will the honorable member for Ripon repeat that? But, pooh! it is not worth while to interfere on such an account with the sociality of the Victorian Parliament. It is stated that the country prefers the Government reform scheme, but I assert that it simply objects to the Berry reform scheme. However, we can talk about all that when we come to see details. Let us remember that we have not yet seen the

Service Reform Bill. We are told that much of the delay in the meeting of Parliament is due to time being occupied in adjusting the boundaries of the new Upper House constituencies; but surely that is, according to constitutional practice, a subject which ought to be dealt with in another place before it comes to us. Let me also say a word or two upon the subject to which so much reference was made last night. Is "What practical harm was done by the Government taking the course they did?" the only defence they have to offer? I have mentioned this circumstance because I take a very keen interest, not only in politics and public life, but in seeing that the laws of the country are fairly respected; because it is upon their observance that the great national life of English-speaking communities is founded. As Hallam has pointed out, the great success of the English people in guarding their liberties arises from their unsleeping jealousy and mistrust of those who are in power. That is precisely my case. When an enemy comes to me and suggests something, I am always on my guard; but, in politics, you must never be so much on your guard as with respect to a proposal made by your friends. The honorable member for Belfast has urged that the great question of constitutional reform cannot be thrashed out as a party question. On the 8th of August, 1878, I uttered precisely the same sentiments. Speaking of the Reform Bill then submitted, I said—

"Although this debate has been most creditable in its tone, and has elicited a large amount of information, the time at our disposal is really not sufficient for the consideration of so vast a question. Therefore, I think the subject should be referred to a select committee, composed of the best men in the House, taken from both sides indiscriminately, and by them thrashed out in the same way as the Petition of Right was thrashed out by members of the House of Commons before it was presented to the King. None of the fundamental charters for the liberties of England were passed in this haphazard style."

I repeat that expression of opinion now. Are we to be called upon to deal with the great question of constitutional reform in a House inflamed with passion—to use the words of the late Premier on the occasion of the memorable embassy banquet at the Melbourne Town Hall—to "fever heat"? That is not the proper frame of mind in which to approach such a work. But my own opinion is that there is no necessity at all for an alteration in the Constitution of

this country if we would only be moderate. It has simply been because we have been immoderate in the past that the agitation for an alteration has arisen. As a great writer has said—"Give me a people who are strong in their respect for the law, and with the worst Constitution that was ever yet created they will yet be a well-governed people; but give me a people with no respect for the law, and with the best Constitution that ever man framed they will still be an ill-governed people." It may be asked—"What reason had the Government for delaying the meeting of Parliament?" If I were on the opposition side of the House I would certainly reply that their object was to go about to the constituencies of various members who were rather "shady," so as to have pressure brought to bear upon them. But that sort of thing would not have weight with me for a moment. I hold, with the great Edmund Burke, that, if Members of Parliament are fit for their position, their duty is to exercise their judgment as best they can for the advancement of the general good, and they are not to go to their constituents to learn of them, but—if, as representatives, they are fit for their office—to teach their constituents what is good for them. In connexion with the point as to whether there is any necessity for this reform scheme, the following remarks on the reform question in Victoria in the London *Times* of March 3 are instructive:—

"Mr. Berry has raised it into an importance which it hardly deserved, and which has agitated and discredited the colony for three years past."

Those words—"discredited the colony"—are absolutely true.

Mr. LONGMORE. — Written in the *Argus* office.

Mr. GAUNSON.—I don't care where the article was written; it exactly expresses my sentiments. I always twitted the late Premier for agitating this into a burning question, and it will be a long time before my vote is given to bring that gentleman back to office, owing to the manner in which he "discredited the colony." The *Times* further says—

"The Reform Bill which he introduced in the last session was in palpable conflict with all the prudent counsels which he received at home."

I repeat that there is no necessity whatever for reform if we are only moderate ourselves, and insist on moderation in another place, and least of all is there any necessity for the wretched abortion,

the water-on-the-brain scheme, which the Government intend to propose. This wretched question of reform has stopped the way of practical legislation for three years, and I sincerely trust the present Assembly will show its wisdom by kicking the question out of doors as one which we need not consider if we are only moderate and desirous of passing peaceful legislation which will forward the best interests of this miserably distracted country.

Mr. WRIXON.—Sir, I do not desire to follow the honorable member for Ararat through all the topics to which he has referred. On some of the points he has advanced I agree with him, while on others I differ from the views he has expressed. I concur with him that it would be well if this question of constitutional reform could be dealt with as one apart from mere party politics. I believe, with the honorable member for Belfast, that it will never be settled, whatever party takes it up, until that course is adopted, and the question dealt with as a subject above and beyond a mere party question. So long as reform is made a question on which the fate of Ministries depend, so long will the question remain unsettled, and, as I am anxious to settle it—and herein I differ altogether from the honorable member for Ararat, for I believe we shall not have settled and stable government until the subject is disposed of—I am desirous of seeing some agreement come to among the members of this House, by which we shall be enabled to deal with the question as one above and beyond a subject of mere party conflict. Whatever machinery seems to me best fitted for carrying out the object in view, I shall heartily assist in having it adopted, and if supporting the particular Bill of the Government—the details of which I do not yet know—through its second or even its third reading will tend to promote any useful reform of the Constitution, I shall certainly support it as far as I can. But I doubt whether any really useful or effectual scheme of reform can be brought about if the question is left as a mere matter for Governments to champion and for parties to contend over. This, however, is beside the topic to which I wish chiefly to refer, as my principal object in rising was to deal with one or two of the constitutional points which have been raised this evening. We must,

I think, observe a difference in considering those points as mere abstract questions of constitutional law, and in discussing the further question as to how far the Government may or may not be censurable for what they have done. I fully believe that it is an inconvenient practice—indeed, an indefensible practice—for a Government to resign merely on the vote of the constituencies, because I consider that the only true constitutional method of expressing the opinion of the country is through this House. No Minister is entitled, I hold, to decline to carry on the Queen's government until the representative body of the country has informed the Sovereign that his or her existing advisers no longer possess its confidence. In expressing that opinion, I must admit that a somewhat different view has been taken by eminent authorities in England. Both Lord Beaconsfield and Mr. Gladstone—whether they considered the subject very deeply I don't know, but I doubt if they did—have followed a different course, and so have leaders of political parties in this country. Nevertheless, I think the practice an unwise and indefensible one, but at the same time I by no means censure the present Government in connexion with the matter. It was the honorable member for Geelong (Mr. Berry) who, by resigning in a manner of which I do not approve—and of which he scarcely seems to approve himself now—necessarily placed the present Government in the position which followed. The honorable member, having taken the first false step, is really answerable for what ensued. His resignation before the meeting of Parliament was, in my opinion, an unwise proceeding, alien to the spirit of the Constitution; but he having resigned, the honorable gentleman who was sent for by the Governor and intrusted with the duty of carrying on the Government was placed in such a position that I think we have really little to complain of in his conduct. Because if we look at the matter merely as one of dry constitutional law or precedent, there is no constitutional duty whatever upon the Minister of the Crown to submit himself to the judgment of this House until the usual time for asking Supplies. The theory of the Constitution is that the Crown selects any advisers it thinks proper, quite irrespective of the views of this House, and, having been selected, it is the constitutional duty of this House to give them a fair trial—to try them by

their measures. It has been repeatedly laid down that it is the duty of the House, not to pass judgment whether it likes the Sovereign's advisers personally or not, but to try them on their merits—that is, by the measures they submit. If that be the constitutional position, I apprehend it necessarily follows that the advisers of the Crown should have time to prepare the measures by which they are to be tried, and I do not think that two months is an unreasonable period to allow for that.

Sir J. O'SHANASSY.—The Crown selects its advisers in the belief that they have the confidence of the majority of the House.

Mr. WRIXON.—Leaving that to be tested by the measures they bring forward. But, apart from the mere dry question of constitutional law, I apprehend we may ask, as a matter of common sense, whether the Government have been guilty of a really unreasonable delay in meeting Parliament. If we consider that they were called suddenly to office, that they did not know whether or not their seats would be contested, and that they had to prepare their measures for Parliament, I think, as a mere matter of common sense, it cannot be said that the Ministry have caused any unreasonable delay.

Mr. GAUNSON.—Could not the Government have got an equal amount of time, in a constitutional way, from the new Parliament?

Mr. WRIXON.—I quite admit that, as a matter of technical procedure, it would have been more proper to have met Parliament; but, as I have already shown, the Constitution imposed no absolute duty on them to do so, and, as a matter of common sense, they were entitled to time to prepare their measures. The question is whether they have taken an unreasonable time, such as would appear to show any disrespect to the House, or any desire to evade its authority. If a Ministry do that, the simple remedy is to pass a vote of want of confidence in them when they do meet the House. The original error in this case, however, was the resignation of the late Government, in the train of which a certain amount of further irregularity followed. Unless the delay by the present Ministry can be shown to be such as indicated any substantial disrespect for the authority of this House, I submit that, although it would be wise to adopt a different course in future, there is nothing in the case particularly calling for censure on

the present Government. A further constitutional point which has been raised is that relating to the election of Ministers. I think it must be admitted that the writs issued by the Governor—the House not having met, and not being constituted—were issued on very questionable authority. Indeed the point which has been raised by the honorable member for Ararat this evening is not a new one. It has been suggested before, and is to my mind unanswerable; namely, that at the time when the Governor issues the writs for the second election of the Ministers there may be persons who are legally entitled to those seats, persons who would have been seated by the Elections and Qualifications Committee. The Governor, however, by issuing writs for those seats, assumes that they are vacant, whereas, in fact, they may be legally occupied. Of course that is an inconvenient practice, but it does not involve any particular censure on the present Government. The point it raises is whether we should not reconsider the whole question of giving the Governor power to issue writs at all—whether we should not follow more closely the example of the House of Commons, which keeps the issue of writs altogether in its own hands. According to that practice, it would be necessary for the House to have met, and the Speaker to be elected, before writs for the election of Ministers could be issued. I think there is a necessity for dealing with the question of the issue of writs by the Governor in such cases as that now under notice, because the present practice leads to obvious inconveniences, and may cause considerable abuses. The practice cannot, however, be regarded as a matter for censure on any particular Government. There is only one other thing I desire to allude to, namely, to a remark made by the honorable member for Geelong in the course of his speech. I do not think it is at all profitable or desirable on this occasion to enter into any party conflict as to the merits of the late Government, and I, for one, am quite unwilling to do so. The honorable member however adverted—and somewhat feelingly—to the effect of the misrepresentations which he said he and his party had suffered, and he stated that he was heartily glad to get out of office. Now that is a statement to which I give the most perfect credence. Because, what was the position of the honorable member?

He was in the position of a man who had been drawing a great number of bills for three years and he was about to be called upon to meet them, which he was really not in a position to do. He had just come to that point when he would have had to endeavour to make good the various promises he had made, the various hopes he had raised, and the various expectations he had excited. I, for one, think it a matter for regret that the honorable member, having reached that point, should have been turned out of office. Had I come here one of a tolerably strong minority, I would have urged with all the power I possessed that he should be left in office, for I believe that the only way we can work out political problems, and teach the people of this country political lessons, is by experience. If you have a powerful and popular Minister, as the honorable member was, a Minister holding reins of real power, backed by an enthusiastic party, and floated high on the popularity of the country for three years, making many promises and professions, I say that the very best thing that can happen to that man, from a mere personal point of view, is for him, when the time for payment has arrived, to be relieved of his obligations; but the best thing for the country is that he should be left to work out the problem, and see if he can satisfy the expectations he has raised and the promises he has held out. I quite agree with the honorable member that he was misrepresented in many things, and I never believed, or assented to, many of the charges that were made against him. It is the misfortune of political life here that all public men are misrepresented and things are put against them in an exaggerated way. My complaint against the honorable member is a political one, and I think he must now be coming to perceive the mistake he made in his career, prosperous as it was, namely, that he was gradually bringing the people of this country to regard the liberal creed, not as a political creed, but as a mere class cry. That was the course which gave him temporary popularity, and he rode high on the waves of it for the time; but he found it failed him at a critical juncture, and, looking back, I do not think his career will bring him an altogether satisfactory recollection. I make these remarks, not in the least spirit of bitterness or hostility to the honorable member, but merely as indicating, since he has

raised the question, the view which many of us take on this (the Ministerial) side of the House, apart from the mere heat of party feeling. The few observations I have made may possibly furnish the honorable member, in his comparative retirement, with a profitable subject of consideration.

On the motion of Mr. PEARSON, the debate was adjourned until next day.

ELECTIONS COMMITTEE.

The SPEAKER laid on the table his warrant appointing Mr. Berry, Mr. Fisher, Dr. Madden, Mr. Orkney, Mr. Pearson, Mr. R. M. Smith, and Mr. Wrixon as the Committee of Elections and Qualifications.

The House adjourned at eleven o'clock.

LEGISLATIVE ASSEMBLY.

Thursday, May 13, 1880.

Commonage Fees—Parliament House: Approaches and Fencing—Railway Department: Relief Works at Edom: Free Passes: Fatal Accident at Talbot—Township Allotments at Warragul—Improvement of the Yarra—Municipal Endowment—Chinese Immigration: Personal Explanations: Mr. Vale and Mr. Service—Public Instruction: Schools in North Gippsland—Daylesford Railway Station—Supreme Court Judges—Sessional Arrangements: Days of Sitting: Private Members' Business—Payment of Members—Standing Orders Committee—Library Committee—Parliament Buildings Committee—Gippsland Lakes—Reserves in the Wimmera District—The Police at Elections—Woods' Railway Brake—Printing Committee—Refreshment Rooms Committee—Address in Reply to the Governor's Speech: Second Night's Debate.

The SPEAKER took the chair at half-past four o'clock p.m.

COMMONAGE FEES.

Mr. DOW gave notice that, on a future day, he would ask the Minister of Lands whether he had finally arranged for the reduction of commonage fees?

Mr. DUFFY said he would answer the question at once. He had already made arrangements for a reduction of the fees.

PARLIAMENT HOUSE.

Mr. A. K. SMITH asked the Minister of Public Works whether he would undertake to have the approaches to Parliament Houses from Gisborne-street and Albert-street placed in good order? At present the state of the locality was a nuisance. The remedy could not be applied by the City Council, inasmuch as the

thoroughfare was not within their jurisdiction. The matter was one for the attention of the Government.

Mr. BENT stated that he had ascertained that the approach referred to was a private road, and therefore not within the control of the Corporation of Melbourne. Under these circumstances, he would have men put on to improve the locality on Monday morning.

Mr. VALE suggested that the Minister of Public Works should make a note of the fact that the fencing round the Parliamentary reserve was in a defective condition, and that if left in that state until the opening of the Exhibition, when a number of strangers might be expected in Melbourne, it would be absolutely disgraceful.

Mr. BENT said he would make a note of the representation.

PETITIONS.

Petitions in favour of a Bill to amend the Melbourne Harbour Trust Act were presented by Mr. NIMMO, from the Harbour Trust Commissioners, and by Mr. ORKNEY, from 348 labourers in the employment of the trust.

RAILWAY DEPARTMENT.

Mr. WOODS asked the Minister of Railways whether, considering the poverty and wretchedness of many of the men employed on the relief works at Edom, he would allow them to travel over the railway to and from their work at a nominal rate—say 1s. per week? In view of the small amount which the men earned, he regarded it as a shame to charge them anything for railway fare.

Mr. GILLIES said he was not aware whether the men referred to paid railway fare or not, but the Minister of Public Works had on several occasions applied to the Railway department for free passes, and in every case the request made had been complied with. But the Railway department intended to charge the Public Works department for such passes, and no doubt the money would be voted by Parliament, which was the only proper authority for the expenditure.

Mr. WOODS remarked that at present each man had to pay 9d. per day for travelling although he might not earn 9s. per week. Under the circumstances, as the arrangement would cost the Railway department nothing—the train having to

stop at Edom anyhow—he thought the men might be carried for a nominal sum.

Mr. GILLIES said if the Public Works department were to make a request of the kind, he would be happy to consider it.

Mr. FINCHAM inquired of the Minister of Railways whether it was the fact that free railway passes were issued to gentlemen who occupied the position of Executive Councillors?

Mr. GILLIES replied in the affirmative.

Mr. FINCHAM asked to which department they would be charged?

Mr. GILLIES suggested that notice should be given of the question.

Mr. BARR asked the Minister of Railways if he would take steps to prevent similar fatal accidents to that which occurred recently at Talbot station, by adopting some method of communication between passengers in trains and the engine driver or guard? At the time of the recent accident the Talbot station was crowded, and a great noise prevailed, in consequence of which, when the gentleman who was killed fell between a carriage and the platform, the cries of the passengers who saw the accident could not be heard by the railway officials. Consequently the train started with the deceased partially mangled hanging on to the footboard, and thus he was carried a mile and a half, during which distance the train might have been pulled up and assistance rendered if the passengers could have communicated with the engine driver or the guard.

Mr. GILLIES stated that he had endeavoured to obtain some information as to the facts of this case, and it had been reported to him that the night was both dark and stormy; that there was a large crowd at the station, and footballers in the train singing; that the deceased was shaking hands with friends, through a carriage window—a habit which, according to the station-master, he frequently indulged in; that none of the station hands saw the deceased fall, but the constable did, and endeavoured to pull him up; that several persons tried to attract the guard's attention without success on account of the noise made by the train and by footballers; and that the Traffic Manager was of opinion that the accident would have been prevented if barriers had been erected at the station. (Mr. Woods—"Hear, hear.") At up-country towns there was stronger objection to barriers than at any other place, because the local

railway station was a sort of public rendezvous on the arrival and departure of trains. Both the Traffic Manager and the Locomotive Superintendent were of opinion that if, at the time of the accident, there had been a means for passengers to communicate either with the engine driver or guard the life of the deceased could not have been saved. However, the question of the desirability of providing such a means of communication was an important one, and he had caused inquiries to be set on foot with the view of ascertaining whether anything could be done in that direction.

Mr. BARR observed that he had it from the lips of a person who was in the railway carriage at the time of the accident that had he been able to attract the attention of the guard, even after the train left the station, the life of the deceased might have been saved. The unfortunate victim was then lying on the footboard, and was not seriously injured until the train had travelled some distance further.

WARRAGUL TOWNSHIP ALLOTMENTS.

Mr. BARR asked the Minister of Lands whether he intended to continue the practice of the department, with reference to township allotments at Warragul, of allowing applicants for sale of allotments to fix their own valuations, and alter the same even after the sale was gazetted?

Mr. DUFFY said it was not his intention to continue the practice, as all the improved allotments had been sold. The practice arose under a peculiar state of circumstances. A number of men squatted illegally on land near the Warragul railway station, and made their improvements. When the township was afterwards surveyed, they wanted to buy the allotments, and it was agreed that if they accepted the department's upset price—which was the highest price for unimproved lands—they should have their own valuation. That appeared to the late Minister of Lands and himself a fair arrangement, and it was duly carried out.

YARRA IMPROVEMENT.

Mr. NIMMO asked the Minister of Public Works whether the opinion of the Inspector-General of Public Works had been obtained regarding the immediate necessity of forming the river Yarra from the Falls to Prince's-bridge, in accordance with the plans and specifications prepared by Sir John Coode?

Mr. BENT observed that the Government were impressed with the importance of this subject; and more than three weeks ago he asked Mr. Steel to furnish a report, which, he believed, would be ready in a few days.

MUNICIPAL ENDOWMENT.

Mr. LAURENS asked the Treasurer when he would pay to the local bodies the first moiety of the municipal endowment or subsidy for the municipal year 1879-80? Usually, he remarked, the payment was made during the month of March at latest.

Mr. BARR, who had a similar question on the notice-paper, stated that for want of the subsidy many municipalities were not in a position to carry on works which would absorb a large amount of labour.

Mr. SERVICE said the payment for the present half-year would commence in the course of a few days, and would be completed in the early part of next month.

CHINESE IMMIGRATION.

Mr. BILLSON inquired of the Premier whether the Government intended to take any immediate steps to stop the immigration of Chinese? He considered that the evil arising from the influx of Chinese was growing, and that it was likely to be a source of great annoyance and difficulty; and therefore he held that it ought to be promptly dealt with.

Mr. SERVICE.—In answer to the question I desire to say I believe there are not two opinions in this colony, or in the colonies generally, as to the undesirability of a large influx of Chinese. There is a general agreement that any such influx as would tend to depress the condition of the artisans and mechanics of the colony would be a most undesirable thing. No one who takes a broad public view of the question would desire such an influx as would affect the social condition of the working classes, or would in any way influence the political condition of the colony. At the same time it should be borne in mind that questions of this sort must be dealt with not only from an intercolonial point of view, but from an international point of view. It cannot be dealt with by a sudden outburst of indignation, or by a mere dash of the pen. However, I have already given instructions for the obtaining of information, for the use of the Government and the public generally, as to the precise influx and efflux of Chinese during the last few

years, as to the number actually in the colony, as to their distribution in the various centres of population, and as to the occupations in which they are engaged. On receipt of that information, which it will not take very long to acquire, the Government will be prepared to give some indication as to their intentions.

Mr. VALE.—Perhaps the House will pardon me for putting a question to the Treasurer. Recently a deputation waited upon the honorable gentleman in connexion with the question of the unemployed, and he then made a statement that he had been informed by letter that Mr. Murphy had said that I had said he (the Treasurer) was favorable to Chinese immigration. Since then, Mr. Murphy, I believe, has informed the Treasurer that he never said what was attributed to him. Certainly I never said anything of the kind to him. Under these circumstances I think the Treasurer, whatever he may do as regards other parties, should withdraw the statement so far as it affects me.

Mr. SERVICE.—I am always glad to be afforded an opportunity to explain even a misconception which may have arisen with regard to any gentleman, whether he may be inside this House or out of it. A gentleman whom I do not know, but who lives in one of the suburbs, wrote me a letter, stating that at a meeting held, I think, at the Trades Hall, or some such place, Mr. Murphy stated that Mr. Vale had informed him that Mr. Service was opposed to the restriction of Chinese immigration. I simply folded down a corner of the letter and wrote thereon—

“Either Mr. Murphy has stated a falsehood against Mr. Vale or Mr. Vale has stated a falsehood against me. Inquire into the matter.”

I sent back to the writer his own letter thus endorsed. When I saw the statement questioned, I felt that I had made a mistake in returning the letter because I did not know the writer, and I had kept no memorandum of his address. However, I was relieved from that unpleasant position by finding, a day or two afterwards, in one of the public journals, a letter evidently written by the same person though bearing an anonymous signature. This satisfied me that I could find out who the writer was if it was necessary to do so. If the honorable member for Fitzroy (Mr. Vale) merely wishes that any imputation against him should be withdrawn, my answer is that I never made any imputation.

I merely stated, on certain information being conveyed to me, either that the statement with respect to Mr. Vale was not true, or that Mr. Vale had made such a statement with respect to me. So far as I am concerned, I acquit the honorable member of any blame in the matter.

PUBLIC INSTRUCTION.

Mr. MCKEAN asked the Minister of Public Instruction the cause of the lengthened delay in establishing State schools at Upper Moondara, Lower Moondara, and Eaglehawk, in North Gippsland? About five or six months ago he waited upon the Education department as to the granting of schools for the places named. Sites were marked out, and he was given to understand that the necessary steps would be taken to have the sites reserved and surveyed, that portable schools would be erected, and that teachers would be appointed. Since then he had repeatedly called at the Education department, and each time he had received the same answer. It would appear that the delay had arisen through some want of harmony between the Education and the Lands departments. The residents of the localities interested were anxious to know what period would elapse before they were provided with school accommodation, and particularly because—State schools having been promised—private schools could not be sustained there.

Mr. RAMSAY observed that the form of the question was somewhat objectionable because it assumed that there had been delay, which was not the fact. A portable school building was forwarded to Eaglehawk on the 22nd April, and would be erected in the course of the next fortnight. With regard to Upper Moondara and Lower Moondara, some difficulty had arisen among the residents, not in connexion with the school buildings, but as to the selection of site. However, a site would be gazetted the following week, and the buildings would be proceeded with immediately afterwards.

DAYLESFORD RAILWAY STATION.

Mr. RICHARDSON asked the Minister of Railways when he would be in a position to give a definite answer respecting the station site at Daylesford?

Mr. GILLIES replied that he was not in a position to answer the question, but he hoped to be able to do so next week.

SUPREME COURT JUDGES.

Mr. McKEAN inquired of the Premier whether the Government intended to increase the number of the judges of the Supreme Court?

Mr. SERVICE said the Government had arrived at no final decision on the matter.

SESSIONAL ARRANGEMENTS.

Mr. SERVICE moved—

"That Tuesday, Wednesday, and Thursday, in each week, during the present session, be the days on which the Assembly shall meet for the despatch of business, and that four o'clock be the hour of meeting on each day, and that no fresh business (except the postponement of business on the paper) be called on after eleven o'clock p.m."

Mr. GILLIES seconded the motion, which was agreed to.

Mr. SERVICE moved—

"That on Tuesday, Wednesday, and Thursday, in each week, during the present session, the transaction of Government business shall take precedence of all other business, except that on Wednesday private Bills, notices of motion relating to Bills, and orders of the day, and notices of motion other than Government business, shall have precedence from half-past four o'clock till twenty-five minutes past six o'clock; and that on alternate Wednesdays orders of the day relating to other than private Bills, and to other than Government business, shall take precedence of notices of motion."

Dr. MADDEN seconded the motion.

Mr. GAUNSON said he thought it not desirable that the motion should pass as it stood. There was a great deal of useful legislation which could very properly be taken in hand by private members—useful legislation which invariably, in the old country, was taken in hand by private members—but the time given here to legislation which was not in the hands of the Government was so wholly insufficient for any practical purpose that it was really useless for any private member to attempt to bring forward any measure of public importance. Let honorable members look at how matters were arranged in the Imperial Parliament. There the House sat five days per week, and fully one day, at least, was devoted to business in the hands of private members. Again, would honorable members observe how backward the colony was with regard to legislation? It was a frequent complaint on the part of the Supreme Court bench that with respect to law reform Victoria was in quite the dark ages—fully ten years behind the mother country. Then what was the good of the Assembly

devoting only two hours per week to private members' business, seeing how frequently it used to happen, under the arrangement exactly similar to that now proposed which formerly existed, that when a measure of importance, such as one for the amalgamation of the legal professions, was brought on by a private member, some long-winded honorable member opposed to it would speak against time, and so cause the utter waste of the whole afternoon? Under these circumstances, he begged to move that the resolution be amended to stand as follows:—

"That on Tuesday and Thursday in each week, during the present session, the transaction of Government business shall take precedence of all other business."

That would leave all Wednesday free for private business. If, however, the concession he asked for was too great for the Government to make, he would—not being greedy—be satisfied if they would give up only the whole of every alternate Wednesday.

Sir J. O'SHANASSY seconded the amendment. He said his experience was that the allowance of only two hours per week for private members' business was utterly inadequate, especially as whether the period could be usefully employed entirely depended upon how far every honorable member would refrain from speaking against time. It would be better for the Government to allow no time at all for private members' business than adopt the truly farcical arrangement they now proposed. It was well known that Ministers could not undertake the whole of the legislation of the country, and inasmuch as, in consequence, responsibilities in the matter were thrown upon private members, they ought to have some opportunity of fulfilling them. But what opportunity would the Government give them? What chance, for instance, if the old system was continued, would the honorable member for Emerald Hill (Mr. Nimmo) have of carrying through his Bill to amend the Harbour Trust? To adopt the Premier's motion was simply to lay it down as a rule that every private member's measure might easily be strangled by its opponents.

Mr. TUCKER expressed the hope that the Government would accept the amendment, because every old honorable member knew that, under the arrangement adopted during the last Parliament, the brief interval devoted to private members' business

was usually so absorbed by honorable members, principally of the legal profession, talking against time, that there was really hardly any opportunity for the transaction of any private members' business whatever.

Mr. BERRY thought that, if honorable members considered for a moment, they would see that it was impossible for them to support the amendment. It was scarcely reasonable to expect the Government to transact the legislative work of the country in two nights per week. Hitherto three days per week in a long session had been found hardly sufficient for getting through the business it was absolutely necessary to dispose of. He was not, at the present stage, prepared to say that the afternoon of Wednesday was enough for all private members' business, but he believed it to be so for all useful business of that nature. If, owing to the accumulation of notices of private members on the business paper, more time was really wanted, it could be obtained by the House sitting an additional night per week, say on Friday.

Mr. LANGRIDGE considered that the best plan would be for every alternate Wednesday to be given up to private members' business. Friday sittings would not suit country members.

Mr. SERVICE said two nights per week were insufficient for the despatch of Government business, and it was undoubted that the two hours per week hitherto allotted to private members had not been, as a rule, spent usefully to the country. Under these circumstances, he saw no great need for altering the arrangement on the subject that had now lasted many years. As to sitting on Friday, that was a matter which honorable members had to a large extent in their own hands. He was, however, convinced that Friday sittings would not be popular—indeed they would be the reverse—with country members. Allusion was sometimes made to the fact that many years ago the House sat on Friday, but it should be remembered that country members then had to reside in town during the session, whereas now they could, when their week's work in Parliament was over, travel by rail to their homes. Perhaps in the course of a month or two, when the work of the session was well advanced, the Government would be disposed to give up alternate Wednesdays, but at present, in view of legislative matters as they

stood, such an arrangement was totally impossible.

Mr. VALE remarked that he would vote for the Government proposition. As for Friday sittings, he was satisfied that if they were adopted country members would absent themselves from them, and that a "no House" would frequently result. Perhaps an arrangement to the effect that private members' business on Wednesdays should commence at two o'clock in the afternoon might be found convenient.

Mr. LALOR observed that many honorable members appeared to confuse private members' business with private business. Now the two things were very distinct. The former might be described as, generally speaking, public business in the hands of private members, and the latter as relating to purely private affairs, such as private Bills brought forward by joint stock companies, &c. For dealing with the latter every facility ought of course to be afforded, but, as a matter of fact, there was very little of such business in the colony. As for the former, he did not see why it should be greatly encouraged. Why should private members relieve the Government—that was the way to put the case—of a portion of their duties and responsibilities? If the honorable member for Ararat desired that a Bill reforming the practice of law should be passed, and the Government of the day refused to satisfy him by introducing one and pressing it forward, it was his clear duty to endeavour to relieve them from office.

Mr. WHEELER said he had no desire to relieve the Government from any portion of their responsibilities, but there could be no doubt that it was frequently of public importance that a private member should be able to introduce and press forward a Bill of a public nature. In his own case, he was anxious to introduce a Bill with respect to a subject of which he had some special knowledge, namely, the conservation of forests. Under the circumstances, he thought the suggestion of the honorable member for Fitzroy (Mr. Vale) might well be adopted.

Mr. R. M. SMITH stated that his experience was that the arrangements of the House with respect to private members' business had hitherto been extremely unsatisfactory. If the proposition that two nights per week were not sufficient for Government business was correct, it was equally true that two hours per week were

not nearly enough for private members' business. If the enormous number of private members' Bills and notices of motion, which regularly each session accumulated on the business paper, and were with equal regularity disposed of in the "massacre of the innocents" that invariably preceded the prorogation, were worthy of the slightest consideration, surely some adequate time ought to be allowed for dealing with them. He would recommend that the House should sit to dispose of such business either on Fridays or early on Wednesdays.

Mr. JAMES remarked that he would on the present occasion support the Government. He had sat in the House for a number of years, and knew from experience that private members' Bills, to say nothing of their notices of motion, were, with few exceptions, little more than so many farces. Of course the Government ought to be answerable for all important legislation, and for himself he would endeavour to make them feel the responsibility. It should be borne in mind that frequently important subjects, that would be treated very seriously when in the hands of the Government, were, when in private hands, very cavalierly dealt with. As to the House sitting on Fridays, or earlier on Wednesdays, both plans had been already tried again and again, and found to fail utterly. Why, then, should either be resorted to now? The concession offered by the Premier was an extremely fair one, and he thought it ought to be gratefully accepted.

Mr. WOODS said honorable members could gain an extra hour per week for private members' business, and two extra hours per week for Government business, if they adopted the plan pursued in the New South Wales Parliament of not adjourning for refreshment at all. In the Lower House in Sydney there was no hour allowed for dinner, but honorable members went out for it as it suited them. (Mr. Lalor—"What about the officers of the House?") Of course the arrangement he suggested would involve some difficulty on their account, but it was not insuperable.

The House divided on the question that the words proposed to be omitted stand part of the motion—

Ayes ...	...	...	59
Noes ...	...	...	11

Majority against the amendment 48

AYES.

Mr. Anderson,	Mr. Lyell,
" Andrews,	" McKean,
" Bent,	Dr. Madden,
" Berry,	Mr. W. Madden,
" Bolton,	" Mirams,
" Bosisto,	" Nimmo,
" Cameron,	" O'Callaghan,
" R. Clark,	" Orkney,
" Cooper,	" Patterson,
" Dow,	" Pearson,
" Duffy,	" Ramsay,
" Fincham,	" Richardson,
" Fisher,	" Robertson,
" Francis,	" Russell,
" Fraser,	" Sergeant,
" Gardiner,	" Service,
" Gibb,	" Shiels,
" Gillies,	" A. K. Smith,
" Harper,	" R. M. Smith,
" Harris,	" Staughton,
" James,	" Story,
" Johnstone,	" Vale,
" Jones,	" Walker,
" Kerferd,	" Wallace,
" Keys,	" Wheeler,
" Lalor,	" Williams,
" Langdon,	" Woods.
" Laurens,	<i>Tellers.</i>
" Leven,	Mr. Moore,
" Longmore,	" Zox.

NOES.

Mr. Billson,	Sir J. O'Shanassy,
" W. M. Clark,	Mr. Rees,
" Davies,	" Tucker.
" Gaunson,	<i>Tellers.</i>
" Graves,	Mr. Barr,
" Langridge,	" Bell.

Mr. GAUNSON said he would now, if in order, propose that certain words be added to the motion.

The SPEAKER.—The honorable member, having already spoken to the main question, cannot move another amendment.

Mr. FINCHAM suggested that it would be more convenient if the House adjourned for refreshment from six to seven o'clock, instead of from half-past six to half-past seven.

The motion was then agreed to.

PAYMENT OF MEMBERS.

Mr. WILLIAMS moved—

"That this House will, on Tuesday next, resolve itself into a committee of the whole for the purpose of considering the propriety of presenting an address to His Excellency the Governor, requesting that he will recommend an appropriation out of the consolidated revenue for the purposes of a Bill for reimbursing members of the Legislative Council and of the Legislative Assembly their expenses in relation to their attendance in Parliament."

He said he hoped honorable members would consent to pass the motion *pro forma*, so that two discussions on the same subject might be avoided. When

the House went into committee the whole question of payment of members could be fully discussed. He intended to submit two resolutions in committee, one affirming the principle of payment of members, and the other declaring the form which, in his opinion, the payment should assume.

Mr. SERGEANT seconded the motion.

Mr. SERVICE stated that, on the understanding that this was merely a formal motion, and that the passing of it would not commit any member of the House on the subject of payment of members, the Government would not offer any opposition to it, but leave the whole subject to be discussed in committee.

Mr. GAUNSON remarked that he thought the Government were taking up a very extraordinary position in saying that the House would not commit itself on the subject by assenting to a resolution involving public policy of the utmost moment to the Constitution of this country. The Premier must know that practically payment of members was one of the questions submitted to the country at the late general election, and that between 30 and 40 members of the House were pledged to vote against the system. (An Honorable Member—"They will vote against it.") Of course they would, but there was a way of voting against a thing and yet praying that it might pass. He did not propose to do more at this stage than enter his protest against the weak-kneed, want-of-backbone disposition which the Premier had shown on this matter. By allowing the motion to pass the House would, for all practical purposes, approve of going into committee to discuss the propriety of payment of members. Honorable members had been elected to deal with the burning question of reform, and yet the first thing they were about to do was to put money into their own pockets. It would be the first step in the *facilis descensus* if the Government permitted this little ruse to go through. When the matter came to be discussed in committee, he would fulfil the pledges he had made to his constituents on the subject. There was one thing that might be said in favour of the motion, namely, that the state of conservative politics in this country was such that when so-called conservatives could not get their own way with members opposed to them in politics they did not hesitate, if those members were in embarrassed circumstances, to press them to vote on the conservative side, and, if

they refused, to drive them into the Insolvent Court and out of Parliament. Although this was not an argument which would apply to him, it would commend itself to the sound feeling, if not to the common sense, of the people of the country.

Mr. LEVIEN observed that the passing of the motion would not commit honorable members to the principle of payment of members in any shape. He regarded the proposal as simply tantamount to a motion for the first reading of a Bill, which was invariably consented to as a matter of form.

The motion was agreed to.

STANDING ORDERS COMMITTEE.

Mr. SERVICE moved—

"That the following members form the select committee of the Assembly on standing orders during the present session, five to form a quorum:—Mr. Speaker, Mr. Gillies, Mr. Kerferd, Sir John O'Shanassy, Mr. R. Murray Smith, Mr. Levien, Mr. Wrixon, Mr. Grant, Mr. Berry, Mr. Lalor, Mr. Cooper, and Mr. James."

Mr. FRANCIS seconded the motion, which was agreed to.

LIBRARY COMMITTEE.

Mr. SERVICE moved—

"That the following members form the Library Committee of the Assembly during the present session, with power to confer with the committee of the Legislative Council:—Mr. Speaker, Mr. Jones, Mr. Ramsay, Mr. Pearson, and Mr. Vale."

Mr. FRANCIS seconded the motion.

Mr. LALOR inquired why the name of Sir John O'Shanassy, who had been for many years a member of the Library Committee, had been left off on this occasion? He begged to suggest that the name of the honorable member be substituted for that of Mr. Jones.

Sir J. O'SHANASSY remarked that he had been a member of the Library Committee almost the whole time he had been in Parliament. He took a special interest in literature. If the action of the Government in striking his name off the committee this session was intentional, of course he would accept it as such.

Mr. SERVICE said that the Government intended no discourtesy to the honorable member. They had followed the usual course in selecting the members to compose the various committees. Although the honorable member for Belfast was on the Library Committee during the last two sessions, he was not a member of it in the session before. If the House

desired that the name of Sir John O'Shanassy should be substituted for that of another member, the Government would prefer to omit one of their own body—Mr. Ramsay—rather than appear to show any discourtesy to the honorable member for Villiers and Heytesbury (Mr. Jones), who was not in his place.

Mr. JAMES urged that it was very desirable the honorable member for Belfast should be on the Library Committee.

Mr. FRANCIS assured the honorable member for Belfast that no personal reflection or design was intended by the omission. The chief anxiety of the Premier, in the selection of members to form the various standing committees, had been to distribute these little obligations of a parliamentary character as widely as possible, and it would be observed that no member except the Speaker had his name placed on more than one committee. The honorable member for Belfast was chosen as a member of the Standing Orders Committee.

After some further discussion, the name of Sir John O'Shanassy was substituted for that of Mr. Ramsay, and the motion, as amended, was agreed to.

PARLIAMENT BUILDINGS COMMITTEE.

Mr. SERVICE moved—

"That the following members form the Parliament Buildings Committee during the present session, with power to confer with the committee of the Legislative Council :—Mr. Speaker, Mr. Bent, Mr. Orkney, Mr. A. K. Smith, and Mr. J. B. Patterson."

Mr. BARR called attention to the fact that, with the exception of the late Minister of Public Works, it was not proposed to place any member of the Opposition on this committee. The constitution of the committee in such a one-sided way was inconsistent with what the Premier, in a previous session, advocated as the proper course to adopt in forming the standing committees.

The motion was agreed to.

GIPPSLAND LAKES.

Mr. McKEAN moved—

"That there be laid before this House all papers relating to the various works in connexion with the proposed opening of the Gippsland lakes."

The present means of communication between the metropolis and Gippsland were not sufficient. There was a railway

to Sale, and an extension of it to Bairnsdale was being agitated in various portions of the district. There was also water communication, but it was of a most uncertain character, as the lakes' entrance was very often closed, in which case the people of Bairnsdale and the surrounding locality were without communication with the metropolis by rail or sea. Ten or twelve years ago £20,000 was spent in connexion with the lakes' entrance, but it was squandered away in a fruitless experiment. If half the amount had been expended in a proper manner, the object desired would have been attained. To show the agricultural capabilities of the locality, he begged to submit for the inspection of honorable members a head of maize which was grown at Bairnsdale. He ventured to say that a better head of maize could not be produced in any part of Australia, and the honorable member for East Melbourne (Mr. Smith), to whom the maize was sent, had informed him that the stalk was from eight to ten feet long. He was also told that 100 bushels to the acre could be grown at Bairnsdale and the Tambo, but the grain could not be got to market except by land carriage, and the roads were almost impassable. As he had already mentioned, in the attempt which was made, ten or twelve years ago, to improve the entrance to the lakes, £18,000 to £20,000 was absolutely thrown away by the incompetency of those in charge of the work. The consequence was that, between the piers intended for the opening, there was now a large quantity of sand. This, he believed, could be removed by 20 to 25 men in two months, if they were sent down to the entrance with a few trucks and two or three hundred yards of rails and sleepers, which could be landed at the spot. If that was done, no further works would be required, because the lakes would force an opening there, and the present one would naturally fill up.

Mr. STORY seconded the motion.

Mr. BENT remarked that the honorable member for North Gippsland (Mr. McKean) must admit that he, at all events, since he had been in office, had done all he could to assist Gippsland. (Mr. McKean—"Hear, hear.") There was no objection to the production of the papers asked for, if the honorable member, in order to save expense, would be content with their being placed on the table of the Library.

As to sending men and trucks to the lakes' entrance, he had already called for a report as to whether the suggestion of the honorable member could be carried out with any prospect of good results, and he would be glad to receive any assistance on the subject which the honorable member could afford him.

Mr. McKEAN said that, on the understanding that the papers would be placed on the Library table, he would withdraw the motion.

The motion was withdrawn accordingly.

RESERVES IN THE WIMMERA DISTRICT.

Mr. O'CALLAGHAN moved—

"That there be laid before this House a return showing—1. The number of public reserves in the electorate of Wimmera. 2. The number of acres in each. 3. The parishes where situate. 4. The purposes for which they were reserved. 5. The date when gazetted. 6. The names of the various land officers who recommended such reservations."

He explained that his object in moving for the return was to inform the people living in the neighbourhood of these reserves as to whether they were available for the purposes for which they were intended. He believed a great many of them had been monopolized by the pastoral tenants, and the residents in the locality were afraid to enter upon or use them for the purposes for which they were originally reserved.

Mr. LALOR seconded the motion.

Mr. DUFFY observed that there was no objection to supply the information desired, as far as it was possible; but he would suggest that the 6th portion of the motion—namely, that asking for "the names of the various land officers who recommended such reservations"—be omitted, as it would be difficult, if not impossible, to comply with that portion of the order, if it was made.

Mr. O'CALLAGHAN said he objected to amend the motion as suggested. It was highly desirable that the names of the officers who recommended these reservations should be given, as he believed many of the recommendations were made irregularly and improperly.

Mr. DUFFY remarked that his only reason for making the suggestion was that it might not be possible to give the information sought. However, the order of the House would be complied with as far as possible.

Mr. GAUNSON pointed out that there were various kinds of reserves, and, unless

a more distinct phrase than "public reserves" was used in the order made, the return furnished would be misleading. Besides the permanent reserves, temporary reserves, and reserves under the 102nd section of the Land Act, there was another kind of reserve which was illegally made simply by some gentleman in the Lands-office sticking the word "reserve" on the public maps, and thus keeping choice pieces of land from selectors.

Mr. O'CALLAGHAN stated that he would, with the leave of the House, amend the motion by substituting the word "all" for "public" before the word "reserves."

The motion was amended accordingly, and was then agreed to.

THE POLICE AT ELECTIONS.

Mr. RICHARDSON moved—

"That there be laid before this House a copy of the instructions given by the Chief Commissioner of Police to the constabulary for their guidance at the polling-booths at the late election."

He remarked that, on the day of the general election, one of the polling-booths in the Creswick electorate was crowded by some 60 or 70 persons, and, on his calling the attention of the deputy returning officer who presided to the fact, the latter stated publicly that he had requested the police to clear the room, but they had declined to do so, on the ground that they were instructed not to interfere. The object of the motion was to ascertain whether any such instructions were given, and, if so, of what nature they were.

Mr. VALE seconded the motion, which was agreed to.

WOODS' RAILWAY BRAKE.

Mr. NIMMO moved—

"That an official report be furnished showing the action of 'Woods' automatic continuous brake,' its value to the department, and the cost to date in experiments on the same."

He observed that his object was to obtain correct information as to the cost and working of this brake, as a great deal of public discussion had taken place on the subject. It was stated that a large amount of money had been spent on experiments in connexion with the brake; but Mr. Woods and himself entertained a different opinion, and it was as well that authoritative information on the subject should be furnished from the department.

Mr. LAURENS seconded the motion.

Mr. McINTYRE remarked that he was taken somewhat by surprise by this motion,

which he had not observed on the notice-paper. He was glad that the request for the information had come from the opposition side of the House ; but, at the same time, he thought, if an investigation was to be made, the matter should be gone into from the very beginning. It must be remembered that, about two years ago, the House was supplied with information that the Woods brake had cost the country £1,746. He desired to know whether the object of the honorable member for Emerald Hill (Mr. Nimmo) was to obtain thorough information with regard to this brake from the time of its initiation up to the present? (Mr. Nimmo—"I want to know its entire cost to the department.") He did not know what the honorable member meant by an "official" report ; what he (Mr. McIntyre) desired was a thorough investigation into the whole affair. (Mr. Nimmo—"I mean a report from the Engineer-in-Chief.") If he understood that the investigation was to be a thorough one, he would be glad to support the motion, not only in the interests of the country, but in the interests of the late Minister of Railways himself, whose reputation was somewhat affected by the matter.

Mr. BARR suggested that, in any information furnished regarding the brake, it would be well to include a list of the number of times it had failed to act, as compared with similar failures by other brakes. The House would then have some information as to whether this brake was better or worse than others.

Mr. McKEAN directed the attention of the Library Committee to the fact that the *Scientific American* and the *World of Science* contained a great deal of useful information on the subject of railway brakes. One of those journals recently gave an account of the respective number of accidents which had occurred to trains fitted with the various descriptions of brakes.

Mr. GAUNSON said he would request the honorable member for Emerald Hill (Mr. Nimmo) to allow his motion to be amended so that the "whole cost" of the brake might be furnished. (Mr. Nimmo—"I have no objection.") He begged to move that the motion be amended to read as follows :—

"That an official report be furnished showing the action of 'Woods' automatic continuous brake,' its value to the department, and the whole cost to date of the same."

He had been one of the most strenuous opponents of the late Minister of Railways' conduct in connexion with this brake, on account of the honorable member using the public funds to perfect a private invention of his own, but he had never thought himself competent to pronounce an opinion on the merits of the invention itself. The honorable gentleman had now left office, and he (Mr. Gaunson) hoped would never trouble the country again with his valuable services ; but, at the same time, nothing would give him greater pleasure, if the invention was proved to be a sound, useful, and original one, than to vote that it should be purchased by the State, and the inventor amply recompensed.

Mr. MCINTYRE seconded the amendment.

Mr. VALE observed that, if the report was to be of any value, it should not only furnish official information as to the success or otherwise of the brake, but also separate information as to the expenditure in connexion with it, distinguishing the expenditure on experiments and the actual expenditure in its application to the service of the department.

Mr. GAUNSON remarked that he had an object in view in desiring the word "experiments" to be struck out of the original motion. If the invention was a valuable one, it was desirable that it should be fully and fairly considered. It would have a much better chance of fair consideration now than it had when its inventor was Minister of Railways.

Mr. LAURENS objected to the amendment of the honorable member for Ararat. It was desirable that the expenditure on experiments should be shown, as a great deal had been said about the amount which had been spent in that way. He did not object to a return of the whole cost of the brake being supplied, if the amount spent on experiments was shown separately.

Mr. STAUGHTON expressed the opinion that the return should also show the cost which had been entailed on repairs to the brake since it had been in use, as he understood that was a very heavy item.

Mr. MIRAMS said there should be two returns furnished—one showing the expense incurred in experiments to perfect the brake, and the other the cost of keeping it in working order while it had been in use.

Mr. GILLIES remarked that, as the House evidently desired to have all the

information regarding this brake that would be of any use, the form of the motion was not of much importance, as he would take care that the report supplied gave the most complete information possible.

Mr. GAUNSON said that, after the assurance given by the Minister of Railways, he would withdraw his amendment.

The amendment was withdrawn accordingly.

Mr. A. K. SMITH suggested that, in order to render the report which was to be supplied complete, it should show the amount of time which had been saved by the use of the brake in short journeys, where there were numerous stopping places, and the consequent economy of fuel; for a saving of time meant also a saving of fuel. He had no hesitation in saying, as an engineer, that the Woods brake was perfect. It skidded the wheels sooner than any other brake.

Mr. FRASER considered that the report should afford some comparative information with regard to the effects of other brakes. The House would then be able to judge fairly as to the merits of this brake compared with others. No doubt the Woods brake might be an improvement on that previously in use on the Victorian railways, but he did not hesitate to say that there were other brakes superior to it.

Mr. RICHARDSON thought the professional opinion given by the honorable member for East Melbourne (Mr. Smith) as to the value of the Woods brake should allay the feeling of antagonism which appeared to exist among some honorable members as to this invention. He (Mr. Richardson) was present at a number of trials of the brake, and they were eminently satisfactory. A return of the cost of the maintenance of the brake, however, would afford no criterion of its value, as the more effective the brake was the more it would cost in repairs. It was necessary to rely on professional opinion in a matter of this kind.

Mr. ZOX said he thought honorable members should be satisfied with the assurance of the Minister of Railways that he would furnish the House with all the information at his disposal with reference to this brake. He was sure the late Minister of Railways would receive justice at the hands of his successor. It would require technical knowledge to enable honorable members to form an opinion as to the comparative merits of different

brakes, so that he thought the information supplied should be confined to the Woods brake.

Mr. R. M. SMITH remarked that he could not agree with the last opinion expressed by the honorable member for East Melbourne (Mr. Zox), as, with the mere information asked for by the motion, the House would not, from want of technical knowledge, be able to form an opinion as to the merits of the Woods brake. He did not think this invention should be dealt with as a party question now that the inventor was out of office. He admitted that he strongly objected on former occasions to the line of conduct pursued by the late Minister of Railways, because, however honest his intentions might be, and however confident was his belief in his invention, experiments could not be conducted independently by officers of a department of which he was then the head. That difficulty being now removed, he would be just as sorry to deprive the honorable gentleman of the merit of his invention as he was before to see him experimenting with it in his position as Minister of Railways. Experiments with railway brakes had been most exhaustive, not only in England, but on the continent of Europe, and the information asked for in the motion ought to be supplemented by information regarding the results of trials with other railway brakes. The report could then be referred to a board, whose opinion would be worth having. If this invention was a useful one, he was desirous that the inventor should have full justice done to him in regard to it.

Mr. WOODS said he desired to express his gratitude to the House generally for the way in which the motion had been received. It was brought forward at his request, but with no other thought than to place himself right before the House and the country. He had no ulterior views about getting the value of the invention or anything else—all that he wanted was that the plain, simple, straightforward facts should be placed before the public. He could have published those facts had he so pleased when he was Minister of Railways, but they would not have had the same weight. They would now come through the hands of his successor; and he had every confidence that the Minister of Railways would carry out his promise, and give the House facts, and that was all that he (Mr. Woods) wanted. If the Minister

would ask his officers to supplement the report with a comparative statement relating to the brakes now at work in Europe and America, it would be a guide to honorable members as to the relative value of the various systems. For his own part, he did not care how many brakes were compared with his brake, but to make the comparison anything like complete the brakes should be automatic. On flat lines automatic brakes were scarcely required. It was on lines with gradients of 1 in 50 or 1 in 30—like those in Victoria, or the Zig-zag in New South Wales—that they were absolutely essential for the protection of life. He had been asked to explain what an automatic brake was. Supposing, for instance, that a train was going up a very heavy incline—for example, the incline between Everton and Beechworth—and the couplings snapped, and the train became divided into two, if that train were fitted with his brake, both parts of the train would be brought to a standstill. If the wheels made one solitary revolution more, he would disown the brake altogether. On three occasions within his recollection the automatic action in connexion with his brake had been brought into force. One was when a pipe burst between North Williamstown and Williamstown. On that occasion all at once the train was pulled up. At that time the power to put the brake on or off each particular carriage was not available. The brake had to be put on or taken off all the carriages together. Since then the power to put the brake on, or take it from, each particular carriage had been acquired. That was a feature peculiar to his brake. No other brake in the world had it. He would ask the Minister of Railways to produce before the House the authenticated comparisons relative to the action of brakes in England presented by the Board of Trade to the House of Commons. The Board of Trade compelled the various railway companies in England to give an account, under certain headings, of the character of each brake in use, and every failure, with its cause and extent, had to be recorded. Then again instructions were issued by the Board of Trade to the various engine drivers to prevent them relying upon any continuous brake at present in use in Europe at either junction or terminal stations, showing clearly that at present there was not in England a brake which could

be depended upon with absolute certainty when it was wanted. The report of the Board of Trade showed that, in six months, the Westinghouse brake—and he would not think of comparing his brake with any other—travelled over 1,600,000 miles, during which the number of recorded failures from improper action was 231. His brake, on the other hand, had travelled over 1,000,000 miles, and it had never refused to act when it was wanted. He hoped the report would be as full and complete as possible. He would like to see a column showing the cost of experiments, for it would astonish honorable members. There had been no experiments with his brake. It had been successful in its application from the first; and he was satisfied that for controlling trains, ensuring the safety of passengers, and saving both time and money, it would bear comparison with any brake in the world.

Mr. JONES observed that, if there was to be any inquiry, he would suggest that the Minister of Railways should consult railway travellers as to the operation of Woods' brake. If the honorable gentleman did that, the evidence he would get would force him to the conclusion that if the brake were continued in use it should be applied only to cattle and goods trucks. He admitted that he had had only a limited experience of the brake. Last Christmas, when travelling to Ballarat, he made his first acquaintance with it; and it had the effect of rendering the journey very much like travelling over the old corduroy roads when in bad repair. The operation of the brake was trying even to robust persons, and it must be exceedingly injurious to those who were not in good health. Under these circumstances, he hoped the Minister of Railways would not be content with merely obtaining opinions that the brake, if applied in a particular way, would stop a train. The brake might be everything that a brake should be as far as that went, and yet might be the very worst brake that could possibly be applied to passenger carriages.

Mr. LONGMORE stated that he had travelled by trains fitted with Woods' brake scores of times, and had never suffered the slightest inconvenience.

Mr. ORKNEY asked whether he understood the honorable member for Stowell to say that in the event of a train fitted with Woods' brake being separated

by couplings breaking, the two parts would be brought to a stand-still without any action on the part of the engine driver?

Mr. WOODS replied in the affirmative. If the honorable member for West Melbourne (Mr. Orkney) cared, practical proof of the correctness of the statement could be shown him the following day.

Mr. DOW remarked that the honorable member for Sandhurst (Mr. McIntyre), who attempted, the previous session, to cast ridicule on Woods' brake, was indulging in strong language with reference to the brake when travelling on the railway by a train to which he supposed the brake to be attached, and, when it was suggested that the brake should be examined, it turned out not to be Woods' brake at all.

Mr. McINTYRE said the statement of the honorable member for Kara Kara was absolutely without foundation. He could tell, without the slightest difficulty, when Woods' brake was attached to a train and when it was not.

The motion was agreed to.

PRINTING COMMITTEE.

Mr. SERVICE moved—

"That the following members form the Printing Committee of the Assembly during the present session, three to form a quorum:—Mr. Speaker, Mr. Bosisto, Mr. Sharpe, Mr. Gaunson, Mr. Lyell, Mr. Harper, Mr. McIntyre, Mr. Williams, Mr. Hunt, Mr. Johnstone, Mr. Nimmo, and Mr. Cameron."

Mr. GILLIES seconded the motion.

Mr. GAUNSON observed that young members who had come into the House for the first time, in seeking to make their way into public esteem and favour, would have a serious fight to encounter in getting the slightest reports of their utterances in the public prints. Take the *Argus* newspaper. Its readers demanded that it should give pretty full reports of what took place in Parliament. Yet how small, comparatively speaking, a report there was of the proceedings which took place after ten o'clock at night. Neither the *Age* nor the *Daily Telegraph* gave such full reports as the *Argus*, and if either had a "down" on a particular member, it said, "after an interruption from Mr. Jones," or "after a few remarks from Mr. Smith." He desired to call, in this pointed way, the attention of honorable members to the absolute necessity, in the interests of their own safety and of the public convenience, and for the purpose of giving the public the fullest information of what transpired

in the House, for going in for a daily issue of *Hansard*, to be distributed not only among themselves, but among the people. He would not leave the matter where it was, for he was determined to be independent of the newspapers, and every honorable member ought to be in a like condition. Honorable members should not be subject to the tyranny of the press.

The SPEAKER.—The question which the honorable member is raising is scarcely pertinent to a motion for the appointment of the Printing Committee.

Mr. GAUNSON explained that he was anxious that the Printing Committee should take into consideration the necessity for the reform which he advocated.

The motion was agreed to.

REFRESHMENT ROOMS COMMITTEE.

Mr. SERVICE moved—

"That the following members form the Refreshment Rooms Committee of the Assembly during the present session, with power to confer with the committee of the Legislative Council:—Mr. Carter, Mr. Zox, Mr. Burrowes, Mr. Fraser, and Mr. Fincham."

Mr. FRANCIS seconded the motion, which was agreed to.

ADDRESS IN REPLY TO THE GOVERNOR'S SPEECH.

SECOND NIGHT'S DEBATE.

The debate on Mr. Shiels' motion for an address to the Governor, in reply to the speech delivered by His Excellency on opening Parliament (adjourned from the previous evening), was resumed.

Mr. PEARSON.—Mr. Speaker, I think the advantage of a debate like this is commonly understood to be that it gives the Ministry of the day an opportunity of testing their real strength. I have been rather astonished to find that two or three of their most ardent supporters last session do not seem quite so enthusiastic about them on the present occasion. One of them went so far as to say that the only thing which keeps them in power is the strong feeling in the House against the restoration of the late Ministry to office. Now I am only speaking for myself, though I think I represent a great deal of the feeling on this (the opposition) side of the House, when I say that we, as a party, accept the beating we got some weeks ago frankly and unreservedly; in fact, as democrats, we accept the results of universal suffrage. I don't mean to say for one moment that I agree with the justice

of the decision which has been given. I am just as hearty a supporter of the late Ministry now as I was before the dissolution of Parliament. I will say, once for all, that I think they were slandered in the press—and obstructed in the House—out of office. But I don't wish to revive these old questions, and I don't believe they wish to revive them either. Should they, or any of them, get back to office, I hope they will be above the puerile vanity of appointing the first meeting of Parliament for the 28th February—that they will begin again as a new Administration altogether. I say this because I wish it to be understood that I shall consider it my duty to support the present Administration as far as I conscientiously can. In fact we are held together by a certain body of common principles, and no longer by allegiance to a Cabinet which we regard as entirely deceased for the present. To give an instance of what I mean, I don't profess in the least to understand what the new reform scheme is going to be. There have been so many different utterances about it that we cannot tell whether it is the Norwegian scheme in its original purity, or compounded in a very different way. That does not matter much, as we shall soon have our curiosity gratified. However, I will say that, although I very much prefer another principle, and though I hope I don't yield to the honorable member for Belfast in attachment to the English Constitution, yet, if the Norwegian system is so adjusted as not to interfere with the real working of the Constitution, I, for one, will do my best to give my support to the Ministry. From what I can see, they need a good deal of support from this side of the House if they are to carry any Reform Bill at all. Take another instance. My honorable friend, the member for Portland, said last night—and it struck me a good deal—that he would have liked the Berry Ministry to continue in power in order that they might be forced to meet some of the bills they have been floating, so to speak, on public confidence. But it is not only the Ministry in power that floats these bills. The Opposition floats a great many; it makes many promises; and my honorable friend will have an opportunity now of seeing how the present Ministry will redeem their promises about finance and retrenchment, which, if I remember aright, were of an extremely magnificent kind. I say at

once—I tell them frankly—that although I won't support them in undoing the land tax or the stamp duties, yet there is a great deal in which I will support them. For instance, if they will redeem that pledge which they gave about the stock tax, I for one will vote with them; or, if they like to dishonour that particular bill, I will not interpose any obstruction. In fact I don't think, in that way, they will have any reason to complain of the support I shall be able to give them. I may add that I have the greater pleasure in doing all this because I am glad to find that the differences between us are a great deal lessened from what they were last year. The Ministry have shown great good sense, I think, in their public utterances since they took office, by entirely discarding the old terms “conservative” and “constitutionalist.” I admire that very much. I always thought the term “constitutionalist” a most foolish one, because it came to this: they either went in for the Constitution unimproved, which could hardly be called a wise course, or they went in for the Constitution improved, and in that case they really agreed with us in principle though they might differ from us as to details. I don't admire the term “conservative” in a new country, for I can hardly think we have such perfect institutions as have grown up in the old country. Now the Premier, in a rather remarkable utterance which he made at Geelong the other night, was so anxious to claim association with the liberal party that he went back, to speak of himself as a liberal, to times twenty years ago. It really reminded me of the remark made by Cromwell on his death-bed—that he knew he must be saved, for he was sure that he had been once in a state of grace. The Premier knew he once had been a liberal. Another point that has struck me as a credit to the Ministry is that one of their first acts was to take into their Cabinet a member of the old Berry Ministry. They had twenty-nine members of the Legislative Council to choose from, and they chose the one who was associated with the honorable member for Geelong (Mr. Berry) on Black Wednesday.

AN HONORABLE MEMBER.—He dissociated himself.

MR. PEARSON.—Afterwards, when the privileges of the Legislative Council were attacked, but that was an extremely different thing; and I say it is most

creditable to the Ministry, after having talked a great deal of nonsense about Black Wednesday, that they should have taken prompt advantage of the opportunity of backing out of a perfectly untenable position. I hope we shall never hear from them anything more about the iniquity of that particular measure. They have condoned it as far as they could, whatever the rest of their followers may have done. Lastly, their programme is very largely taken from the programme of the late liberal Ministry. They begin with the reform of the Constitution. It may be said that their scheme is not that of the late Ministry. Certainly it is not. Two of the gentlemen now in the Cabinet voted against the Norwegian scheme six years ago ; and, as a curious coincidence, those very two have been sent down to Castlemaine and other places to support it. There is nothing like thorough conversion in these matters. Then again, the ex-Premier was a good deal attacked in the conservative press for speaking about a system of assisted irrigation which he hoped to establish in the colony. He was told that he had promised to bring water to every man's door. I am glad the Cabinet have taken over that part of his policy. Then again, they promise liberal land legislation ; and also a Judicature Bill, which means reform of the Supreme Court, though they complain that the Bill of the late Ministry is not at their disposal through the accident of a copy not being left for their use. Therefore I take it that the Ministry show every sign of being converted, and that the conversion is going on as rapidly as the most ardent philanthropist could desire. At the same time, a young convert cannot be expected to be thoroughly grounded in the doctrines of the church ; and I am bound to say there are one or two passages in the Governor's speech which strike me as not entirely consistent with the liberal views which the Ministry profess. "I have called you together," the speech says, "at an earlier time than usual." Now that shows, I think, that the Ministry did not understand in the least the particular objection which we liberals took to the House not being called together. We did not care whether Parliament met in March or May or June. It was not the season of the year which was in question. We might just as well claim credit for Parliament meeting in Melbourne instead of Geelong, as for

meeting in May instead of in June or July. What we do claim, and what I hope we shall claim for all time, is that the old principle of the British Constitution shall be maintained by which Ministers acknowledge their responsibility to Parliament without any interval of time whatever. I don't think the importance of this can be exaggerated. We know, of course, that Ministers are sent for, in the first instance, by the representative of the Crown. We know also that then they have to obtain sanction for their taking office from two sources. In the first place they have to consult their constituents. The old reason for that proceeding, no doubt, was that the constituency might object to lose the special services of its representative. The modern reason is that the constituency is supposed to be at one with the country, and may have a particular wish for an opportunity of pronouncing upon the formation of the Cabinet. Now on that comparatively unimportant point the Ministry adhered most rigidly to the constitutional rule. It did not matter whether they presented themselves for re-election, for in every instance their seats were supposed to be safe. It was not likely that constituencies that returned them when they were out of office would reject them when they were certain of it. But though they did not violate the Constitution in that respect, they did in the other. They deliberately neglected to present themselves before Parliament. And what is the excuse made for them by the honorable member for Portland ? He broached what I venture to think a most dangerous doctrine. He said that the accepted rule was that the Crown might appoint almost any one it liked, and that Parliament is bound to give Ministers of the Crown a fair trial. Now I don't say that something might not be said for that in old times—that we may not find instances where that theory of the Constitution was held, though it was protested against, as far back as the time of Edward I, with the most emphatic success. So far as I know, the last occasion of the theory being acted upon was in 1835, when Sir Robert Peel was invited by William IV to form a Cabinet ; and that is generally supposed to be a precedent which ought not to be repeated. The honorable member for Portland went on to speak of Parliament giving Ministers a fair trial ; but Parliament, in this instance, was not asked to give them a trial at all. They

have been ruling as irresponsible governors of the country for the last ten weeks—and, as far as I can see, they might have gone on ruling for twice or thrice as long—and during that time we have had no opportunity of expressing our view even on this theory of the Constitution. Another view which was put forward last night I must also dissent from, and that was that the late Ministry did wrong in resigning in the way they did; that they ought to have met Parliament and invited a vote of want of confidence, and to have defended themselves. I won't waste time over this, because it is simply arguing an abstract question. At present we may be quite certain that no Ministry in this country will repeat the mistake made by the late Ministry—that no Ministry will ever act with the same generous frankness that the late Premier and his colleagues did.

Mr. GILLIES.—Were they the first to do that?

Mr. PEARSON.—No. It was done before; and the fact that the present Ministry, having their own example before them, actually turned their backs upon themselves, makes their case even worse than it might otherwise have been. But I would ask honorable members who advance this argument to consider seriously what the facts of the case were. The late Ministry were replying to personal charges during the whole of last session. Nothing else went on in this House. There was one perpetual series of attacks upon them. Under these circumstances, what possible good could have been gained by answering a few more charges and inviting assaults of rhetoric from a few new members, who, without disparagement I may say, would not know so much of the situation as the older members of the House? Surely it was much better, in the interests of all, that they should yield their seats gracefully, and give their successors every facility for taking possession of office as easily as possible. I regret most deeply that a precedent has been now established which will make it impossible for any future Administration to act in the same way. Then the Premier advanced what seems to me a most dangerous argument. He said, as I understood, that it was important that the Ministry should take part in the election of Speaker, in order that they might not be out-voted on an important party question. In other

words, he considered it more important that the Ministry should gain a small party victory—or a great party victory if you like—than that the principles of the Constitution should be adhered to. That is the doctrine which gentlemen who are supposed to retain some recollection of the old principles of law and order—of which they declared themselves the representatives last year—wish to have included in our constitutional text-books. It is not even an accurate reason. The fact is that if four members of the Ministry had delayed taking office for a few days, as the honorable member for the Avoca (Mr. Grant) did in 1877, they might perfectly well have taken part in the election of Speaker; the public would at once have made allowance for the absence of four other gentlemen whereby the votes for the election of the honorable member for West Melbourne (Sir Charles MacMahon) would have been reduced by that number. But the actual consequences of this action on the part of the Ministry have been extremely bad. I will say, first, what I think they ought to have done. I will point to the precedent of 1877. On that occasion, when the Speaker had been elected, Mr. Grant answered two questions put by private members. Those questions were not particularly important, and the answers of the honorable member for the Avoca were a little vague, but there was no reason why more important questions should not have been put, or why answers which probably would have given the greatest satisfaction to the public mind should not have been furnished. We know now for the first time that the party in power is composed of two utterly discordant elements. We know now that the Ministry cannot hope for the support of all their allies in carrying one of the most important Bills that have been before us. They will have to rely upon our patriotism to assist them in carrying that measure; and I think we ought to have known that before. Then, again, the most uncertain language was held prior to the general election, both in this House and out of it, about the line of conduct that the new Ministry intended to pursue towards those persons who were deprived of office at the time of the *coup d'état* by the Legislative Council; and I don't think it would have been at all amiss if the Government had known a little of what this House felt on the subject. It might have been the means

of making the Ministerial policy more logical or coherent, or a great deal more moderate than it has been. As it is, we have had a state of uncertainty subsisting ever since the Ministry assumed office. Changes have been made at haphazard. We have had what seems most dangerous language from the Premier from more than one aspect. He complained on the one hand, and I think most unfairly, of 200 or 300 appointments not being left for him, but being filled up by the late Ministry; and he went on to invite, as it were, accusations against any of those officials who might have been hurried, by an indiscreet zeal, into speaking or acting a little too prominently during the late elections. I confess I think it would have been far better for a matter of that kind to be discussed in Parliament for a few hours than that we should be reduced to glean what we know about it from the Premier's utterances at Maldon. I do not propose to enter upon the question of the reinstatement of certain officers, because I think the honorable member for Belfast has said, in the most perfect manner possible, all that can be said respecting it. He pointed out that what had been done in that direction seemed to him to have been done on no system whatever—that, for instance, A and B had been put back over the heads of men insulted out of the service, if not actually dismissed. The honorable member could not discern the slightest principle on which these things were managed, and, further, I believe that none or hardly any of the disappointed gentlemen know in the least what their chances of reinstatement are. But let me draw the attention of the House to something that concerns opposition members a great deal more, namely, the question of what a large number of the present officials have to expect from the existing Government. My colleague and I represent a borough which is rather noted for its liberal principles, and I wish to mention three acts of the Ministry which seem to evince a determination on their part to punish Castlemaine for the political opinions it holds. I will take first the dismissal of the Parliamentary Librarian, Mr. Farrell. I am not going to treat that matter at any length, because it will, no doubt, be discussed hereafter, but I desire to refer to it in some way for my own sake, and also on account of the untruths stated in connexion with Mr. Farrell's appointment,

Mr. Pearson.

which have had something like two years to sink into the public mind, and the refutation of which I would like to go abroad before the future discussion I allude to comes off. I ask honorable members to understand that there was absolutely no arrangement between myself and Mr. Farrell in connexion with his resignation of his seat for Castlemaine. I had no particular wish at that time even to stand for a seat in Parliament. I had mentioned, some months before, that I was quite willing to become a candidate for a constituency inclined to accept me, but latterly, inasmuch as no opening in that direction seemed likely to occur, I gave up the idea, and wrote to England stating to my friends there that I proposed to return thither in the autumn. At last, however, it appeared that there was to be a vacancy. In fact, Mr. Farrell came to me about it. He said he was determined to resign, but that the Government did not wish him to do so, at all events until some one who would be ready to vote with the party was found to take his place, and he asked me if I would be willing to stand for Castlemaine. I put one or two questions to him about my chances, and then concluded that if I was pressed by the constituents of Castlemaine to become a candidate I would accept that position. That is the whole case with regard to myself. The late Chief Secretary can tell the House also, on the part of the late Ministry, that whatever promises Mr. Farrell had from him were made many months before the time I speak of, and without any desire on his part to create a vacancy for Castlemaine. If necessary, a third witness can be called to bear the same testimony, namely, Mr. Farrell himself. I have never deemed it necessary to reply to the public attacks on my private character with reference to this subject which have been made in the press, and I do not mention it now in order to vindicate my personal honour. If a man's personal honour does not vindicate itself, it is generally something little worth possessing. I speak now because I find Mr. Farrell an innocent sufferer from being supposed to have lent himself to a combination that was to assist the liberal party.

Mr. R. CLARK.—No.

Mr. PEARSON.—I am delighted to hear the contradiction. In view of it I have no wish to make this matter a party one. But I say to the Government that

they ought to deal with Mr. Farrell as they would deal with any other dismissed officer of the civil service. I never advocated his being put into the particular position from which he has been dismissed, but I have had from many of my constituents requests that I would support his claim to be the recipient of some appointment at the hands of the State. I never advocated his receiving the Parliamentary Librarianship. I was astonished at it being conferred upon him. Indeed I had not anticipated it being vacant. I desire, in fact, to express no opinion whatever on the subject. But I believe he has discharged the duties of the office to the satisfaction of those with whom they have brought him into contact. That, however, is not the point. I say to the Government—"If you abolish the office filled by Mr. Farrell on grounds of public policy, deal with him at least as any other civil servant would be dealt with under corresponding circumstances; let him get the first vacancy that occurs; treat him as the Berry Government treated the unfortunate victims of the Council's policy at the time known as Black Wednesday." The second matter I will allude to is with regard to perhaps the most liberal portion of my constituency, namely, the liberal town of Chewton. Chewton as a whole comprises about 2,500 persons in the township, and about 2,500 more in the outlying district of Fryerstown. This population of 5,000 have been suddenly deprived of railway accommodation. I shall be told, no doubt, that the Railway department does not choose to detain trains at Chewton because of the steepness of the line there. But if that rule is applied to one place, why is it not also applied in perfect fairness to other places? For instance, there is a much worse incline at Beechworth. There is not a single argument based on the steepness of the line at Chewton that does not apply with tenfold force to Beechworth. Why is not Beechworth—which, notwithstanding its small population, was not only treated by the late Cabinet with the most perfect impartiality, but was absolutely protected by them—made an example?

Mr. GILLIES. — The Beechworth Railway was ordered by Parliament.

Mr. PEARSON.—The third case I wish to mention is one with respect to which I really hope I am misinformed. One of my constituents who holds the commission of the peace, a man of the

highest respectability, and, like some of the honorable members on the Ministerial benches, a substantial landowner, lately received, on a sudden, the following letter—signed, I am informed, by Mr. Harriman—from the Crown Law department:—

"Crown Law Offices, Melbourne,

"April 30, 1880.

"Sir,—I am instructed by the Minister of Justice to inform you that representations have been made to him to the effect that you voted at the last election at three different polling divisions, viz., Sutton Grange, Elphinstone, and Taradale, and probably at Faraday, these divisions being separate polling-places in the electoral district of Castlemaine, contrary to the provisions of the law in that behalf. The Minister of Justice desires to afford you an opportunity of advancing any reason that you may deem proper against the removal of your name from the commission of the peace."

Mr. GAUNSON.—Were the words "and probably at Faraday" actually included in the letter?

Mr. PEARSON.—I cannot exactly say. What I am reading from is a copy, for the accuracy of which I am not responsible. I cannot, however, doubt its correctness. I appeal to the House whether this letter is one that ought to have issued from any public office?

Mr. MCINTYRE.—Are you sure it is not a joke?

Mr. PEARSON.—If it is a joke, it is one which has appeared in all the newspapers, and I think the Minister of Justice ought to at once relieve the mind of the gentleman concerned on the point.

Mr. ZOX.—Did he or did he not vote at three divisions, if not more, of one electoral district?

Mr. PEARSON.—I hope I am not supposed for one moment to be defending an offence against the law. For my part I wish to see plural voting done away with altogether. It is not to my interest at Castlemaine that any person should be permitted to vote at more than one polling-place. For example, I heard, in connexion with the late election, that one man held 16 electoral rights, and was going to employ them all against me; and I had in consequence to have somebody at each of the polling-places where they could be used to see that nothing of the kind was done. Men like that I would most heavily punish, but such a letter as the one I read just now ought not to be sent to a magistrate of the country—one of a class deserving the highest consideration from the State, because they fulfil difficult and important duties. Surely the Crown

cannot expect the public to treat the justices with respect if it does not itself treat them with respect. To bluntly ask this gentleman, without even furnishing him with the name of the informant against him, or letting him know what evidence he had to meet, to show cause why his name should not be at once struck off the commission of the peace is monstrous. I can imagine that some great mistake was committed; but that the letter was sent in the shape I have presented it I have not the smallest occasion to doubt. I think these three cases together furnish reasons which the House will admit to be ample why the country should not be handed over to a practically irresponsible Government—no matter whether it is a weak or a strong one—for even ten weeks. There is only one other point I will allude to. In a passage of the Governor's speech to which allusion has already been made there is a reference to "the restoration of public confidence." I would like to know what that particular expression means. When was public confidence lost? I know there was a great deal of tall talk last year about capital leaving the country, and the working man not being able to get employment; but I know also that not the smallest evidence was ever afforded that any class of the community were sending money out of the country, or were putting it, as it were, into an old stocking, so that it should not be used until certain political elements ceased to be predominant. The only actual facts brought forward were that a few wealthy gentlemen had stopped building big houses and retrenched their subscriptions to charities, and instead were putting their money into the banks, by whom it was, I am sure, much more profitably used in the employment of labour. I venture to say that within the last three years not one sixpence was ever turned from the employment of labour by any shock given to public confidence. But, even supposing there has been such a shock, will the Government assert that their accession to office ever inspired the faintest confidence in the capitalist class?

Dr. MADDEN.—It is undeniable that such is the case.

Mr. PEARSON.—Have the banks altered the rate of discount?

An HONORABLE MEMBER.—Yes.

Mr. MCINTYRE.—Look at how shares rose in the market.

Mr. PEARSON.—Well, the banks met week after week without touching the rate of discount. As for shares, let me speak of mortgages. I know from my own experience that $7\frac{1}{2}$ per cent. was asked for on good landed security just before Mr. Berry left office, whereas a month afterwards 8 per cent. was the rate demanded.

Mr. FRASER.—And if you inquire to-morrow you will find the rate 6 per cent.

Mr. PEARSON.—Why is that the case?

Mr. ZOZ.—Because public confidence has been restored.

Mr. PEARSON.—And why has public confidence been so far restored? Because telegrams have told us that a liberal Ministry is in power in England, and the moment it was known that such a consummate financier as Mr. Gladstone was at the head of affairs there, it was anticipated that the 3 per cents. would be reduced, and that in consequence, and also as a result of the rise in the price of wool, money would flow out here for investment. When the Ministry claim for themselves the credit of the changes going on in the great commercial world outside them, they remind me of the poet who, having recently written and published a rather worthless poem, entered the theatre just as the Royal family came in, and, hearing the plaudits of the crowd, immediately fancied he was being cheered for his execrable production, and came forward, hat in hand, to acknowledge the compliment paid him. There was no special restoration of confidence when the Service Ministry came into power. What they have been deluded by is the circumstance that a few estimable persons living in fashionable suburbs give each other cheerful looks every other morning, saying, "Thank God! the Berry crew are out;" and possibly the same people have suspended on their walls the portrait of the honorable member for Boroondara as the saviour of society. But there is, I think, another side to these intense self-gratulations of the wealthier classes. There are a few thousand working men in the country who were taught by the members of the present Ministry, and the agitators they employed, that there was unlimited employment for them the moment the conservative party came into power, whereas now the story from the same quarter is that one of them can live in perfect comfort in a tent for half 10s. per week.

Mr. R. CLARK.—That is not true.

Mr. PEARSON.—Were they not invited to break stones?

Mr. MCINTYRE.—Will you say they were told, as they were told by the late Government, that they might live upon "spuds"?

Mr. PEARSON.—Be that as it may, I tell honorable members that these men, however unreasonable it may appear, don't appreciate the millennium that has dawned upon them. I met 3,000 of them in the Town Hall the other night, and they spoke, not of a restoration of confidence, but of a great loss of confidence on their part, and a stern determination to have done in a summary way with the Ministry who had deceived them.

Mr. WHEELER.—Mr. Speaker, I beg to congratulate the House and the country upon the discussion that has taken place within these walls during the last two days, and also to thank the honorable member for Ararat for raising a question about the delay that has taken place in calling Parliament together. It is not my intention to go into the legal or constitutional aspect of that subject, but I wish to say that the difficulty with respect to the matter arose not so much from any mistake committed by the present Government as from the late Government resigning at the time they did. A great deal has been said about the present Ministry committing an injustice by not calling Parliament together sooner, but I can scarcely take that view of the matter. Supposing Parliament had been called together immediately after the 28th February, it could not possibly have achieved anything then, save swearing in honorable members, and electing a Speaker. That accomplished, the next thing to be done would have been to ask honorable members to adjourn for a reasonable time, in order to allow the new Government an opportunity for maturing their measures. Now I don't think two months or ten weeks an unreasonable period for that purpose. It was undoubtedly much better that Parliament should adjourn for that length of time, in order that the Government should be enabled to shape the business they intended to bring down to the House in a proper manner, and so give their measures a chance of being recognisable when they were sent to the Upper House, than that there should be a repetition of what was done during the last Parliament. The House was then frequently asked to consider Bills presented in a shape

so crude that eventually it became necessary that they should be withdrawn, or else, if they were accepted, mutilated so as hardly to be known again, a course that generally rendered it requisite that they should, in the succeeding session, be either radically amended or wholly repealed. Of course, had the late Government come back with a majority, it would have been incumbent upon them to meet Parliament at once, because their principal measure—their Bill dealing with the question of constitutional reform that has so long stood in the way of other legislation—would have only needed the withdrawal of the nominee clauses to be rendered complete, and that proceeding need scarcely have occupied twenty-four hours. But how did the case stand with the present Government? Very differently indeed. Although the scope and nature of their reform scheme was comparatively familiar to the country, its provisions having been in a more or less general way presented to the constituencies during the general election, its details had yet to be elaborated, which was a work of some amount of time. It has been contended that the election of a Speaker should not be made a party question, but precedents have been quoted showing that a different course has been followed by the Imperial Parliament, and that it is held by many authorities to be to a considerable extent expedient that the contrary doctrine should prevail. In any case the present Government would undoubtedly have done an injustice to themselves, as well as to their supporters and the country behind them, if, by absentsing themselves from the House for a day, they practically allowed the Opposition to elect the Speaker. We all know that the withdrawal, on the occasion I allude to, of the votes of the members of the Cabinet would have given the Opposition the majority in the House. And now I come to the Governor's speech in opening Parliament. Sneering remarks have been made to the effect that many of the paragraphs are little more than copies of paragraphs in former Governors' speeches. But what do those paragraphs contain? Matter which, I am prepared to prove, could not by any means have been omitted. Moreover, they were so many legacies from the late Government. For example, the very first thing we come to is constitutional reform; could that have been left out? Next we have the land question. Could that have been

not referred to, when every honorable member knows that our Land Acts expire at the end of the year, and that therefore the subject of our future land legislation must be dealt with before the session of 1880 ends? Next comes the matter of railways. Perhaps that might have been passed over, but I think such silence would have been very unwise. I think it was the bounden duty of the Government to act up to the statement they made before the country, namely, that they were prepared to establish our railway management upon a more satisfactory basis than it has at the present time. In my opinion, it is requisite that the Railway department should be placed outside political influences altogether, and if the Government are true to their election utterances they will take steps in that direction with as little delay as possible. In this light, I consider that the allusion in the Governor's speech to the railway policy of the present Government may be fairly regarded as fresh matter. Next we find a Civil Service Act referred to. Now, although complaints against the law relating to our civil service form an old story, surely, although for years past every succeeding Government have promised us civil service reform, the way the subject is now presented to us is comparatively novel. I am sure the Service Government will deserve the warm thanks of Parliament and the country if they contrive to put our civil service on such a foundation that no favour on personal or political grounds can ever be shown to any of its members. The next topic touched upon in the speech is mining on private property, dealing with which question no doubt formed a portion of the policy of the late Government. But at the same time it has in equal measure, for very many years past, formed a portion of the policy of every preceding Government. In fact the country is determined to have a Mining or Private Property Act, and hence the necessity for each succeeding Government in power promising to do its best to get one passed. I have now shown, with respect to four out of five paragraphs in the Governor's speech, that the subjects referred to in them are only not new so far that, the late Government having failed to deal with them—at all events satisfactorily—it behoves the present Government to take them in hand. When we had the Education Bill before us, many years ago, we

heard a good deal of the three R's, but what we want now is three R's of a different sort, namely, reform, retrenchment, and redress. We want constitutional reform on the lines of the Service scheme, retrenchment in every department of the public service, and redress of the wrongs inflicted on the 8th January, 1878—in other words, on Black Wednesday. Upon those three points I consider the country spoke out at the general election most emphatically, and if the Government are prepared to fulfil their pledges respecting them, and so carry out the will of the constituencies, they shall have my support. Otherwise I will walk over to the opposition benches. Now is the time for honorable members to show their patriotism, by subordinating the interests of party and faction to those of the whole people, and so restoring the public confidence, which is necessary if we are to have peace and prosperity.

Mr. LAURENS.—Sir, in rising to speak from the opposition benches I experience a sensation entirely new to me, for I was a very strong supporter of the late Government—indeed so faithful to them that on many occasions I refrained, at their request, from expressing my views, lest by so doing I should in any way delay the settlement of the particular question they were at the time anxious to have disposed of. At present, however, I am under no such restriction, and at liberty to tell the present Government that I have no intention to be a party to the unnecessary obstruction of any measure I consider likely to be beneficial to the country. For example, if the Reform Bill about to be presented to us promises to carry into law the clearly expressed will of the people as I understand it, it shall undoubtedly have my support. And now with regard to the subject so much discussed last night and the night before, namely, the delay that has taken place in the meeting of Parliament. With the legal aspect of the question I have no desire to deal. It has been ably handled by the honorable member for Belfast and the honorable member for Ararat, and also, I venture to say, by the Premier, because, when he showed us that there does not exist here the stern necessity for a new Parliament meeting at the earliest possible moment that exists in England, I think he made a pretty fair reply to the arguments on the other side. But, nevertheless, he did not fully meet the charge

to which I deem him to be amenable. For example, when he referred to the dates at which, since 1870, Parliament has been called together, he hardly addressed himself to the real point, because, during the last Parliament, it was a frequent subject of complaint by myself, the honorable member for Creswick (Mr. Cooper), and the late honorable member for Carlton (Mr. Munro) that, inasmuch as we were not asked to deal with the Estimates until a comparatively late period of the year, the Assembly had not that control over the public expenditure—that power of the purse—which we are so frequently told it possesses. The precedents the Premier ought to have dwelt upon are those which would show how soon, after a dissolution other than one occasioned by effluxion of time, it has been the rule to call the Assembly together. Had he referred to the only cases of that sort which have occurred since our constitutional practice in such matters first assumed definite form and shape, he would have discovered that in 1861, Parliament having been dissolved on the 11th July, the last of the elections took place on the 19th August, and the Houses met again on the 30th August; also that after the dissolution of the 21st December, 1865, the last batch of the elections came off on the 27th January, 1866, and Parliament met again on the 12th of the next month; and, lastly, that Parliament having been dissolved on the 30th December, 1867, the last batch of the elections came off on the 21st February, 1868, while His Excellency called honorable members together on the 13th March following. It will thus be seen that, on each of the occasions I allude to, but a few days elapsed between the final day of election and the date at which the new members were called together. It is obvious therefore that the present Government did not comply with the recognised Victorian parliamentary practice. For my part, I believe there are very many reasons why Parliament should have been convened at an earlier period than it was. The last speaker said he hoped every person who was dismissed from the public service on the day called Black Wednesday would be reinstated. When that remark was made I interjected—"Yes, from the highest to the lowest." If it was a virtuous act on the part of the Ministry to reinstate some of the dismissed civil servants, they ought to have applied the principle all round. They should have

been as ready and willing to do justice to gentlemen who, when in the service, were in receipt of a salary of £50 or £100 a year as they have apparently been to do justice to those who received £1,200 a year. Indeed the men who had only small salaries are likely to have suffered far more severely from the loss of their appointments than those who were paid very high salaries. The next paragraph of the Governor's speech to which I desire to call attention is the following :—

"The buildings for the International Exhibition intended to be opened in Melbourne this year are approaching completion. The commissioners estimate that the total expenditure in connexion with the Exhibition will amount to £320,000; but they are of opinion that the receipts and the sale of the annexes at the close thereof will reduce the cost to a quarter of a million sterling."

Two or three weeks before the election the present Chief Secretary stated, at a meeting at Wallan Wallan, that all the money expended by the late Government on public works was spent in the metropolis, to the detriment of the country, and asserted that the International Exhibition would cost half a million of money. According to the *Argus* report, that statement was received with cries of "Shame." It is very easy to provoke cries of "Shame" by making exaggerated statements. A day or two afterwards the Premier, in addressing his constituents at Maldon, said that the cost of the Exhibition would be a quarter of a million, so it will be seen there was a difference of £250,000 between the estimates of those two honorable members. We are now told through the Governor's speech, on proper authority, namely, that of the Exhibition Commissioners, that the net cost is likely to be a quarter of a million, or exactly the amount mentioned by the honorable member for Maldon. Nearly the whole of the expenditure on the Exhibition is a thing of the past so far as the next financial year is concerned.

AN HONORABLE MEMBER.—What?

Mr. LAURENS.—Well, barring the £99,000 which the Treasurer has promised the commission. I assume that the whole of that sum will be paid during the next financial year. With the late Government it was all expenditure, but during the next financial year the present Government will have the "fair field and no favour" which the Minister of Public Works is so fond of asking for, and of course the Government will find no

difficulty in providing the £99,000. The Chief Secretary, on the occasion to which I have alluded, did not content himself with over-rating the cost of the Exhibition by £250,000, but also stated that the Opposition in the last Parliament repeatedly attempted to prevent the undertaking being gone on with. Now I venture to say that not one member of the last Assembly uttered a single syllable against the Exhibition. It is very easy to create sensations if you fabricate facts for the purpose. After statements like those made by the Chief Secretary about the Exhibition, it is not surprising that the honorable member for Geelong (Mr. Berry) complained that the late Government were lied out of office. To a great extent they were. The next paragraph of the Governor's speech relates to the difficulty which selectors in some portions of the colony have in obtaining water in the summer season. I notice this simply for the purpose of alluding to the subject of the repeal of the Longmore regulations, which has already been referred to by some honorable members. The repeal of those regulations without Parliament having been consulted has been objected to, and it is no answer to that objection to say that the Minister now in charge of the department had the same authority to repeal them and make fresh ones that the late Minister had to frame the regulations that have been revoked. The fact is that the Longmore regulations were fully discussed in the last Parliament, and, after due deliberation, it was decided that they were to stand as they were, a large majority of honorable members voting against their repeal. The present Ministry had therefore no right to assume that this Parliament would reverse them. I do not know much about the merits or demerits of the Longmore regulations. For aught I know they were good and sound; and I believe they were calculated in their tendency to prevent the land from falling into the hands of those who already possess very large areas. It has been said that they had the effect of making it impossible for selectors to borrow money on their leases; but the fact is that at the time the leaseholders found great trouble in obtaining advances it was just as difficult to borrow money on the best of security. The 7th paragraph of the Governor's speech says—

"There are evident signs that the depression upon our trade and commerce, which has

prevailed so long, and has affected so seriously all classes of this community, is passing away. The late abundant harvest, the high prices obtained for our wool, the speedy prospect of frozen meat becoming a new and almost unlimited article of export from this country, and the restoration of public confidence, will materially assist in promoting general prosperity."

It would have been much honestier if, instead of this language, the Ministry, for whom the Governor is simply a mouth-piece in the matter, had made His Excellency say—

"There are evident signs that the late abundant harvest, the high prices obtained for our wool, the speedy prospect of frozen meat becoming a new and almost unlimited article of export from this country, will cause a restoration of public confidence, and will materially assist in promoting the general prosperity."

If the late harvest had been a failure, like the two or three preceding harvests, would there have been any restoration of public confidence? If public confidence is being restored, the late abundant harvest and the prospect of a large export trade in frozen meat are the kind of things which will restore it. When the Ministry speak of public confidence being restored, I would ask them whether they can see that restoration in the constituency of the Minister of Mines? Why the *Bendigo Advertiser* stated, the other day, that in Sandhurst alone there were 500 men out of employment. The restoration of confidence which we were told would ensue consequent upon the present Ministry obtaining office was to be manifested in abundance of employment being furnished by private individuals for the artisan and laboring classes. We were assured that numbers of wealthy gentlemen, who had had plans prepared for the erection of large dwelling-houses, stores, and warehouses, and who were in a position to carry out various other undertakings, had buttoned up their breeches' pockets and would not spend one penny more than they could avoid while the Berry Ministry remained in office, but that as soon as a new Government came in they would only be too anxious to expend some of their capital in giving employment to the people. Did the honorable member who has proposed the motion for an address in reply to the Governor's speech give the slightest evidence of such a restoration of confidence? Has there been any attempt to show what shape it has taken? Not the slightest. If the relative price of Victorian debentures on the London market had

increased £5, £6, or £7 per cent. since the advent of the present Ministry to office, I could understand the statement about the restoration of public confidence, but the fact is that the price of our debentures has not advanced one penny since the late Government resigned. No honorable member has attempted to produce a particle of evidence that there has been a restoration of public confidence by the change of Government. About the time of the change of Government the *Daily Telegraph* referred with great glee to the sale of some land at Emerald Hill at a price which it regarded as showing signs of increased prosperity, but no mention was made in that paper of the fact that on a subsequent day land within 20 chains of the town hall of Hotham was offered at £3 per foot and there were no buyers for it. Does that speak much for the restoration of public confidence? Either the alleged shaking of public confidence during the tenure of the late Ministry is a myth, or the restoration of confidence since the access to office of the present Government is a myth. The next paragraph of the Governor's speech is as follows:—

"In the preparation of the Estimates of Expenditure provision has been made for the maintenance of the public service, but, at the same time, due economy has been observed."

If there is to be economy and retrenchment, what are the Government going to do with the £600,000 of additional taxation alleged to have been imposed on the people by the late Ministry, and of which we heard so much during the election campaign? What will become of it? Last session, the present Minister of Public Works tabled a motion affirming that, instead of taxation being increased, the public expenditure ought to be retrenched. It is, therefore, not unreasonable to assume that the new Government will strike off the £600,000 of extra burthens alleged to have been placed on the people. No indication, however, has been given of any remission of taxation. No mention is made in the Governor's speech of any intention to revise the Tariff. The truth is that there has not been £600,000 additional taxation, and that the taxation per head in 1878-9 is less than it has been for several years past. In point of fact there has been a falling off in some sources of revenue—for instance, the revenue from spirits has decreased at the rate of £100,000 a year—and this

deficiency had to be provided for by new taxes, but it does not therefore follow that the taxation has been increased. As an illustration of some of the unjust charges made against the late Government, I may mention that they were urged to improve the defences of the colony, and to spare no expense in endeavouring to capture the Kellys, the notorious bushrangers and murderers, but when Parliament was asked to provide the money required for these purposes, a cry of extravagance was raised. In conclusion, I desire to say a word in reference to the measure *par excellence*—the *raison d'être* of the present Government. Before they obtained office the Ministry said their Reform Bill could be made law in the course of a month, but it has taken ten weeks to prepare, and I am afraid its discussion on the floor of this House alone will occupy two or three months. I hope that it will be such a measure as I can support; if it is, I will support it, and endeavour to get rid of a question which has embarrassed the country for many years.

Mr. ANDERSON.—I have listened with great pleasure to some of the speeches which have been made during this debate, and particularly to the unanswerable reply of the Premier to the charges brought against the Government. The chief charge is that they have been guilty of delay in calling Parliament together. Now if that delay has been productive of any injury to the country, what is the practical and common-sense way to remedy it? In my opinion the best method is for honorable members to cut their speeches very short. Last night should have seen the end of this debate, and we ought now to have been fairly launched on the business of the country. The various matters referred to in the Governor's speech will come on for legitimate discussion at other times. Amongst the subjects which have given rise to discussion this evening is the Woods continuous brake. If any one would invent a brake to be placed on the speeches of honorable members, I think the business of the country might be proceeded with in a deliberate and temperate manner, much more to the credit of this Chamber, and to the welfare of the community.

Mr. GARDINER.—I did not intend to take a prominent part in this debate, but, as young members on the other side of the House have spoken, I consider

it my duty also to make a few remarks on the Governor's speech. I may say that I am almost prompted to do so by the utterances of the honorable member for Ararat yesterday, when he contrasted the haste in which the Ministry took possession of the Treasury bench with the postponement of the meeting of Parliament for ten weeks, which postponement he spoke of as detrimental to the gentlemen sitting on this (the opposition) side of the House. The honorable member referred to the haste in which the Ministry took office, power, and pay, and he also alluded to the circumstance that, as has been said already, honorable members on this side of the House were, as it were, "done out of their sugar." I speak at this moment from patriotic feelings, knowing that I have been sent here at my country's call; and I trust that no private nor personal considerations will ever prompt me in any way to obstruct or pass any remarks about any Government or Parliament that will in any way be detrimental to the good of the Constitution or to the interests of the country. We have heard much about the restoration of prosperity, peace, and good-will to our community, but I almost venture to say the postponement of the meeting of Parliament caused a simmering and an under-current of feeling which would have led to agitations and large mass meetings throughout the country if it had only had the recognition of prominent members of the Opposition. But, with consideration for the good government of the country, the members of the Opposition kept themselves aloof from any meetings or agitations that might have caused any ill-feeling, or anything to stop the interests of the country being attended to. I myself felt the postponement most seriously—seriously in this way, that I could not take my proper position in reference to my constituency; I could not go before any one and present anything that might be beneficial to them, knowing that I was not a sworn-in Member of Parliament. We had constitutional law referred to yesterday from the year 1800 up to the present time, but not a single precedent quoted proved to my mind that the action of the Ministry was right. When I sat here on the previous day, and heard the name of the first Minister called out, and observed that he did not move from his seat, I looked round to see whether any one else would answer, thinking that perhaps there were two members of the

Mr. Gardiner.

same name; but I found that such was not the case. According to constitutional law, the Ministers, in my opinion, acted unconstitutionally. I will conclude by saying that I trust that on all occasions, being a young member, I will give to those who are older members than myself, and deserve consideration, that respect which is due to them and to their position.

Mr. MIRAMS moved the adjournment of the debate.

Mr. GILLIES thought it was too early in the evening to propose the adjournment of the debate.

Mr. MIRAMS remarked that he expected some member of the Government would have risen to reply to the speech of the honorable member for Castlemaine (Mr. Pearson).

Mr. RICHARDSON expressed the hope that the Government would consent to the adjournment.

Mr. GILLIES said the Government did not desire to stop discussion, but it was not customary to protract a debate on the Governor's speech unless some amendment was proposed. He would like to hear whether the leader of the Opposition really desired that there should be any further adjournment of the debate.

Mr. BERRY said it was usual to allow considerable latitude for a debate on the Governor's speech. By taking that course a large number of matters which were in the minds of honorable members had a legitimate opportunity of being presented to Parliament, and probably a day or two's discussion of that kind saved time in the end. Foreign matter would not then be drawn into every discussion, as was the case last session, when, owing to the want of a regular debate in which the various charges made could be answered, there was a continual repetition of insinuations which could not be fairly met. Moreover, although no amendment had been moved on the motion for the preparation of an address in reply to His Excellency's speech, very serious allegations had been made against the Government—charges more serious probably than were ever made against any previous Government so short a time in office. It was very unusual for a Government to have made so many blunders so early in their career. It would be much more convenient for the Ministry to allow all their misdeeds to be brought before Parliament before they

became so overwhelming in number that it would be impossible for the House to deal with them. Certainly the speech of the honorable member for Castlemaine (Mr. Pearson) required an answer from the Minister of Justice. Another reason for adjourning the debate was that a great part of the evening had been occupied by the preliminary business, which, if he (Mr. Berry) had had the conduct of the sitting, he would have asked honorable members to postpone until after the debate on the address was finished.

Mr. SERVICE observed that the honorable member for Geelong (Mr. Berry) was full of facetiousness on the present occasion, and he never liked the honorable member better than when he was in that mood. (Mr. Berry—"It's the relief of getting to the opposition side of the House.") The honorable member had referred to the number of charges made against the present Ministry; but they could, at all events, boast that their organs in the press had not said that the angels had wept over their follies. (Mr. Berry—"That will all come.") The honorable member, when he made his speech the previous evening, did not seem to think that the Government had made any mistakes at all, because he (Mr. Service) specially remarked at the time that the honorable member had taken no notice whatever of the administrative acts of the Government. The honorable member seemed to be pleased now because the honorable member for Castlemaine (Mr. Pearson) had discovered a number of mares' nests. That honorable member's speech, however, appeared to be more a humorous attempt than anything which required a serious reply. As to the conduct of the sitting, the only two motions which it was thought would provoke any discussion were postponed at the request of the Government, so as to allow the debate to come on; but the unexpected discussion which arose on the subject of the Woods brake stopped the way. The Government had no objection to the adjournment of the debate until the following Tuesday, on the understanding that, unless an amendment was moved, it would be concluded on that evening.

Dr. MADDEN remarked that, before the debate was adjourned, he desired to make a brief explanation with respect to the letter sent to a justice of the peace which was referred to by the honorable member for Castlemaine (Mr. Pearson).

The letter read by the honorable member was not couched in the terms he (Dr. Madden) directed, but any misconception was corrected by a minute which he subsequently caused to be sent to the gentleman, stating that there was no intention on the part of the department to deal with the matter *ex parte*, and asking him to admit or deny the charge made. All that was done was amply warranted by the evidence in the possession of the department, which called for a searching inquiry into the circumstances. Before any action was taken adversely to the gentleman concerned, of course the fullest opportunity would be afforded him to disprove the allegation made.

Mr. GAUNSON expressed the opinion that the explanation of the Minister of Justice was self-condemnatory. A gentleman holding the commission of the peace was practically charged with an offence against the electoral law, and yet the Minister so far forgot the fundamental principles which actuate the course of law as to call upon the alleged criminal to say whether he was guilty or not. What authority had the Minister of Justice, or any other Minister, to depart so far from the beaten track as to call upon any man to answer such a question? The only place where an alleged criminal could be tried was in a court of law, and one of the commonest rules of the criminal law was that a person charged with a crime could not be asked to convict himself.

Dr. MADDEN explained that he warned the gentleman referred to that he might refuse either to admit or deny the charge. He had no intention of taking criminal proceedings; he simply wanted to keep the commission of the peace pure.

Mr. GAUNSON remarked that, under the specious pretext of "keeping the commission of the peace pure," the Minister of Justice had no right to constitute himself a court of law. The honorable gentleman had practically admitted that he departed from the ancient British custom of always presuming the innocence of any person until he was proved guilty. This was another of the indefensible acts of the present Government.

The motion for the adjournment of the debate was then agreed to, and the debate was adjourned until Tuesday, May 18.

The House adjourned at a quarter to eleven o'clock, until Tuesday, May 18.