side are prepared to fight out the matter genuinely, I am with them.

Mr. WALKER.—We have been told, from the introduction of the payment of members proposals, that these stages are only formal, and that in allowing the proposals to pass we do not commit ourselves to the principle. But if the statement of the honorable member for Kilmore—who taunted this (the Ministerial) side with acting in a sham manner—be correct, we have been grossly misled.

The CHAIRMAN. — The honorable member for Kilmore has withdrawn the remarks complained of.

Mr. WALKER.—Under pressure.

Mr. HUNT.—I will reiterate them if that is the case.

The CHAIRMAN.—When an honorable member withdraws a statement to which exception has been taken, it is generally supposed that honorable members are satisfied.

Mr. WALKER.—The remarks of the honorable member for Kilmore were very much cheered by honorable members who sit near him. There is no sham about my opposition to payment of members. Honorable members who, like the honorable member for Kilmore, feel that those who vote against payment of members should not take it, will have full opportunity, during the progress of the Bill, of ascertaining the position they occupy with regard to the matter. I believe it is the intention of an honorable member to propose the insertion in the Bill of a clause requiring that, for the future, candidates for seats in Parliament shall state on their nomination papers whether they are or are not in favour of payment of members, and providing that those who are not in favour of the system shall not be allowed to take the money. I will cordially support that proposition, because I believe it will be the means of defining the attitude of members fairly, and do more to kill payment of members than anything else possibly can.

The proposition for reporting progress was withdrawn.

Mr. McINTYRE.—I desire to know whether it would not be right and proper to specify in the motion the amount of the appropriation?

The CHAIRMAN.—It is not necessary to do so.

The motion for the making of provision from the consolidated revenue was carried without a division.

The resolution was then reported to the House.

Mr. WILLIAMS asked leave to move the suspension of the standing orders to enable the report to be considered forthwith.

Mr. McINTYRE objected.

The report was ordered to be considered on Tuesday, June 1.

MONDAY SITTING.

On the motion of Mr. WILLIAMS, the following resolutions were adopted:—

"1. That the sessional order, fixing the days of meeting for the despatch of business, be read and suspended, in order to allow this House to meet on Monday, 7th June next.

"2. That this House do meet for the despatch of business on Monday, 7th June next, at four o'clock."

The House adjourned at thirty-nine minutes past eleven o'clock, until Tuesday, June 1.

LEGISLATIVE COUNCIL.

Tuesday, June 1, 1880.

Dower Bill — Tarrawingee Sludge Channel — Controverted Elections (Council) Bill—Towns Management Bill—Ratepayers—Duties of People Bill.

The PRESIDENT took the chair at twenty-six minutes to five o'clock p.m., and read the prayer.

DECLARATION OF QUALIFICATION.

The Hon. William Ross delivered to the Clerk the declaration required by the 7th section of the Legislative Council Amendment Act (32nd Vict., No. 334).

DOWER BILL.

This Bill was received from the Legislative Assembly, and, on the motion of the Hon. H. CUTHBERT, was read a first time.

TARRAWINGEE SLUDGE CHANNEL.

The Hon. R. D. REID asked the Minister of Customs what action the Government intended to take with respect to finishing the sludge channel at Tarrawingee?

The Hon. H. CUTHBERT replied that he had received a communication from the Public Works department informing him that the Minister of Public Works had

made certain proposals to the North Ovens Shire Council with reference to the carrying out of the work referred to, and that, when favoured with a reply from them, he would be prepared to act in the matter.

CONTROVERTED ELECTIONS (COUNCIL) BILL.

The Hon. W. E. HEARN moved for leave to introduce a Bill to amend the law relating to controverted elections to the Legislative Council.

The motion was agreed to, and the Bill was brought in, and read a first time.

TOWNS MANAGEMENT BILL.

The Hon. W. E. HEARN moved for leave to bring in a Bill to consolidate and amend the law relating to towns and other populous places, and for the suppression of various offences.

The motion was agreed to, and the Bill was brought in, and read a first time.

RATEPAYERS.

Sir C. SLADEN moved—

"That there be laid on the table of the House a return showing the number of ratepayers in the colony qualified as follows, viz.:—Freeholders rated on £10 annual value; freeholders rated above £10 and under £15 annual value; freeholders rated above £15 and under £20 annual value; all ratepayers other than freeholders rated on £20 annual value; all ratepayers other than freeholders rated above £20 and under £30 annual value; all ratepayers other than freeholders rated above £30 and under £40 annual value. And also showing the total number of lessees of land under part 2 of the Land Act 1869, and the number of such lessees included in the above classified list of ratepayers, distinguishing the classes in which they appear and the number in such class."

He said that his proposition bore reference to the Constitution Reform Bill introduced in another place. That measure proposed to extend the Council franchise to owners of property rated at an annual value of £10, and to leaseholders of property rated at an annual value of £20; and he greatly desired information which would show how many persons would come within those limits, and also how far the Bill would touch lessees under part 2 of the Land Act of 1869. Doubtless the preparation of the return would give trouble, but he was sure it would be of great advantage to honorable members to know how far the measure he alluded to would alter the electoral roll of the Council.

The Hon. W. CAMPBELL seconded the motion, which was agreed to.

DUTIES OF PEOPLE BILL.

The Hon. W. E. HEARN moved for leave to introduce a Bill to declare, consolidate, and amend the law relating to the duties of the people.

The motion was agreed to, and the Bill was brought in, and read a first time.

The House adjourned at four minutes past five o'clock, until Tuesday, June 8.

LEGISLATIVE ASSEMBLY.

Tuesday, June 1, 1880.

Water-boring Machines—Visitor: Mr. W. Townsend—State Aid to Religion—Coranderrk Aboriginal Station—Mining Leases—Railway Construction Bill—Friendly Societies—Yan Yean Water Supply—Personal Explanation: Reform Bill Debate—The Chinese—Electoral Provinces—Ventilation of the Assembly Chamber—Government Advertising—Sale of Liquor at International Exhibition Bill—Constitution Act Alteration Bill: Second Reading: First Night's Debate—Expenditure under Loans. Public Instruction: New State Schools: New Law Courts: Yan Yean Water Supply—Waterworks Commissioners Act Repeal Bill.

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

WATER-BORING MACHINES.

Mr. SHARPE asked the Minister of Mines when he would be in a position to send a water-boring machine to test that part of the country lying between the North-Eastern Railway and the river Murray? Nearly twelve months ago, a promise was made that a water-boring machine would be sent to the district to which he referred, but the promise had not yet been fulfilled.

Mr. R. CLARK said there were only three water-boring machines belonging to the Government, and at present they were all fully employed at different places. As soon, however, as one of them was at liberty, he would be glad to send it to test the area alluded to by the honorable member.

VISITOR.

Mr. SERVICE menticned that Mr. William Townsend, Chairman of Committees of the Legislative Assembly of South Australia, was within the precincts of the House, and moved that he be accommodated with a chair on the floor of the chamber.

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

STATE AID TO RELIGION.

Mr. LONGMORE asked the Treasurer whether any portion of the £50,000 a year formerly granted in aid of religious bodies had not been taken up; and, if so, whether the portion unclaimed had lapsed into the consolidated revenue?

Mr. SERVICE replied that during the period of 19 years over which the grant extended, sums amounting in the aggregate to £63,951 were not taken up, and they lapsed into the general revenue.

CORANDERRK ABORIGINAL STATION.

Mr. DOW asked the Chief Secretary if he would take some remedial action in connexion with the present condition of the Coranderrk aboriginal station? The honorable member mentioned that he had visited Coranderrk on several occasions, and last year, at the request of the late Chief Secretary, he furnished a report as to the condition and management of the station. From accounts which he had received lately, the state of things did not appear to be satisfactory.

Mr. RAMSAY said that, from reports he had received, he learned that the condition of the aboriginal station at Coranderrk was very far from satisfactory. Within the last week he had perused various reports and documents connected with the station, particularly the report of a Royal commission appointed by the late Government, and he had arrived at the conclusion that it was necessary to take action in the matter without delay. He hoped in a very short time to be able to state to the House what steps he intended to adopt with the view to effectual improvement.

MINING LEASES.

Mr. WILLIAMS called attention to the following statement in a letter in the *Bendigo Advertiser* of May 29 :—

"The charge brought by 'Leaguer' against the Minister of Mines is this :—That he gave Mr. Lansell, in one mining lease, the entire area of seven surrendered leases, and that by so doing he is furthering the cause of monopoly and playing into the hands of the quartz shark. Such a case of grasping and granting is without a parallel; and, as an aggravating circumstance, the Minister did this for the man who would not permit Mr. Clark to see him or to speak to him."

He begged to ask if there was any truth in the statement?

Mr. R. CLARK said he was very glad the honorable member for Mandurang (Mr. Williams) had given him the opportunity of referring to this charge. The facts of the case were that, in August last, the honorable member for Ripon, who was then acting as Minister of Mines, approved of the seven leases being put into one, and in January last, after a good deal of correspondence, the application concerning them was approved of and granted by the honorable member for Ballarat West (Major Smith), at that time Minister of Mines. The leases never in any shape or form came under his (Mr. Clark's) notice, and he knew nothing whatever of them until he saw the charge made against him in the paper from which the honorable member for Mandurang had quoted. He was sure there was not a member on either side of the House who had the slightest sympathy with unscrupulous abuse or malicious falsehood, such as he had been subjected to in connexion with this matter.

Mr. LONGMORE remarked that it had been the practice of the Mining department, in cases where heavy machinery and expensive works were required, to consent to the amalgamation of two or three, or more, small leases in one.

RAILWAY CONSTRUCTION BILL.

Mr. WILLIAMS asked the Minister of Railways when the Government proposed to bring in a Railway Construction Bill? Many selectors in the district of Mandurang were anxious for railway communication, and he therefore hoped the Government would see their way to introduce the measure at any early date.

Mr. GILLIES replied that he would be extremely happy to introduce a Railway Construction Bill as soon as the Government got rid of some of the business on the paper—for instance, when the Reform Bill was dealt with and sent to the Upper House.

FRIENDLY SOCIETIES.

Mr. LANGRIDGE inquired when the report of the Government Statist in reference to friendly societies, for the year 1879, would be submitted to the House?

Mr. RAMSAY laid the report on the table.

YAN YEAN WATER SUPPLY.

Mr. BENT said he mentioned, the previous Thursday, in reply to a question by

the honorable member for Castlemaine (Mr. Patterson) that a report was being prepared as to the discoloration of the Yan Yean water. He now begged to lay the report on the table of the House, and also a report on the proposed Watts river scheme for water supply to Melbourne and the suburbs.

PERSONAL EXPLANATION.

Mr. GRAVES said that when the last Reform Bill was before the House an arrangement was made, he understood, between the Government of the day and the Opposition, that members who desired to take part in the debate were to be called upon in the order in which their names appeared on a list handed to the Speaker. He was desirous of addressing the House, but, though he rose half-a-dozen times, the division was taken before he had an opportunity of speaking. Subsequent events proved that he suffered a considerable amount of injustice by his enforced silence; and he therefore hoped that nothing of the kind would occur in connexion with the debate on the second reading of the present Reform Bill. He wished to speak upon the question, but not before older and leading members had addressed the House.

The SPEAKER.—No honorable member is precluded from addressing the House once on any motion before the chair. If any honorable member rises to speak before the question is put, it is my duty to hear him.

Mr. GRAVES said a call of the House was made on the day on which it was arranged that the division on the second reading of the last Reform Bill should be taken, and he certainly was precluded from speaking on the question.

The SPEAKER.—The honorable member could have spoken. Nothing can deprive an honorable member of his right to speak on any motion before the chair.

THE CHINESE.

Mr. WOODS asked if the Government were in a position to give any information in reference to the paragraph in the London *Daily Telegraph*, to which he alluded the previous Thursday, to the effect that the Governor of Hong Kong had announced his intention of sending Chinese criminals to Australia?

Mr. SERVICE said he had felt it his duty to address a memorandum to the Governor, calling His Excellency's attention to the extract, and asking that inquiries might be made as to the correctness of the statement it contained. No doubt the matter would be dealt with as carefully and promptly as possible. While on this subject, he desired to allude to a remark made by the honorable member for Geelong (Mr. Berry) on the receipt of the Governor's message in reply to the address which the House ordered to be presented to His Excellency, asking for "copies of all despatches received from the Imperial Government relating to Chinese within Victoria." The reply was that no despatches had been received on the subject, and the honorable member for Geelong said it was within his recollection that a despatch was received some months ago in relation thereto. He (Mr. Service) had since taken the trouble to ascertain the facts, and he found that a despatch, dated "Downing-street, 18th April, 1878," was sent by Sir Michael Hicks-Beach, then Secretary of State for the Colonies, asking if there would be any objection to the appointment of a Chinese consul here. (Mr. Berry—"Does not that refer to Chinese within Victoria?") It was not considered to do so. It was thought that a proposal submitted by the Chinese Government to the Imperial Government for the appointment of Chinese consuls in all the chief British ports throughout the world had really nothing to do with the "Chinese within Victoria."

Mr. BERRY remarked that the appointment of a Chinese consul in Victoria would affect the status of the Chinese within the colony.

Mr. SERVICE assured the honorable member that there was no intention to prevent the Assembly being placed in possession of any information it wished for; but it was considered that the terms of the motion adopted by the House did not apply to a mere inquiry by the Chinese Government as to the appointment of consuls in various parts of the British Empire. A copy of the despatch in question could, of course, be produced if the House desired.

ELECTORAL PROVINCES.

Mr. VALE stated that, the previous Tuesday, he asked the Premier if a map would be supplied of the boundaries of the proposed new electoral provinces, and also a schedule showing the estimated number of electors in each province; and

the honorable gentleman promised that the suggestion would be complied with. It would be better, however, to furnish each honorable member with a copy of the map as well as of the schedule.

Mr. SERVICE said he did not know whether it was desired that each honorable member should have a map? (Mr. Vale—"Yes; a lithographed map.") He had given instructions for the preparation of a large map showing the new provinces, which would be hung up in the House. Honorable members would also be furnished with the necessary statistical information.

Mr. VALE remarked that it would be very convenient for each honorable member to have a small map. Members might wish to converse with some of their constituents about the boundaries of the provinces, which they could not do so satisfactorily without a map as with one.

Mr. SERVICE promised to ascertain what would be the expense of carrying out the suggestion, and to consult the House as to whether it was desirable that it should be incurred.

Mr. McKEAN said the cost would be trifling, as the work could be done in a day.

LEGISLATIVE ASSEMBLY CHAMBER.

Mr. MOORE (in the absence of Mr. C. YOUNG) proposed the following motion which appeared on the paper under the head of "unopposed":—

"That there be laid before this House a return giving particulars and cost of expenditure during the last two sessions in connexion with attempts to ventilate the chamber of the Legislative Assembly outside the Public Works department, showing by whom the payments were authorized, out of what funds paid, and to whom paid, also what portions of such works were found worthless and condemned or removed by the Public Works department."

Mr. STAUGHTON seconded the motion.

Mr. WOODS said he must oppose the motion, unless it was altered so as to make the return complete. It ought not to be confined to the expenditure during the last two sessions, but should give the cost of attempts to ventilate the chamber from the first, including that of the work done by the commission appointed in 1873. Moreover, the motion, instead of asking only for information as to what had been rejected by the Public Works department, should also apply to what had been left by the department, as scientific men differed on nearly all subjects. If the motion was passed in its present shape, the return would simply be misleading.

The motion was ordered to be placed in the ordinary list.

GOVERNMENT ADVERTISING.

Mr. ZOX moved—

"That there be laid before this House a return of the amounts paid for advertising in the *Leader* and *Age* respectively between the 11th May, 1877, and 31st March, 1880, as follow:—1. Amount paid through the Government Printer. 2. Amount paid for railway advertisements. 3. Amount paid for electoral advertisements. 4. Amount paid for education advertisements. 5. Amount paid for curator's advertisements. And any other sum (if any) paid to the proprietors of the *Age* and *Leader*; also the amounts paid for advertising in the *Argus* and *Australasian*, and in the *Telegraph* and *Weekly Times* during the same period and for the same purposes."

Mr. BOSISTO seconded the motion.

Mr. BARR asked if the proposer of the motion would agree to amend it so as to make the return include the amounts paid in the three years preceding the 11th May, 1877, as well as the three subsequent years?

Mr. ZOX said the motion (which appeared on the paper under the head of "unopposed") asked for all the information he wanted. If other honorable members desired similar information relating to the three years preceding the 11th May, 1877, no doubt the House would consent to its production.

Mr. VALE expressed the opinion that it was desirable to amend the motion.

The motion was ordered to be placed in the ordinary list.

SALE OF LIQUOR AT INTERNATIONAL EXHIBITION BILL.

Dr. MADDEN moved for leave to introduce a Bill to authorize the granting of licences for the sale of liquor at the Victorian International Exhibition 1880.

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

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

Mr. MASON rose to a point of order. He submitted that the Bill affected trade, inasmuch as it amended the present Licensing Act. ("No.") He did not wish to obstruct the measure, but called attention to the matter for the purpose of preventing waste of time.

The SPEAKER.—The honorable member is precluded from speaking now, but

he can bring forward his objection on the motion for the second reading. I am aware that the point of order which the honorable member intends to raise is that the Bill ought to have been initiated in committee. Bills affecting trade require to be initiated in committee, but there is a particular exception made to the rule in favour of alterations of the licensing law.

Mr. MASON remarked that he had not yet stated his point of order.

CONSTITUTION ACT ALTERATION BILL.

FIRST NIGHT'S DEBATE.

Mr. SERVICE moved the second reading of this Bill.

Mr. BERRY.—Mr. Speaker, in rising to address some remarks to the House on the motion for the second reading of this Bill, I cannot be otherwise than aware that there must be a feeling of weariness in the minds of honorable members in connexion with this subject. It has been discussed so often and so exhaustively—not only in connexion with Bills actually submitted to this House, but also in connexion with questions which have arisen involving the construction of the Constitution Act and the various difficulties that have occurred between the two Houses—that our records perfectly groan with the reports of speeches made from almost every conceivable point of view with regard to the Constitution of this country. But I don't think that even a feeling of weariness should induce honorable members to turn away from the subject, or to give it less attention or show less interest in it than its paramount importance to the people of the country deserves. Nor do I think that the statement of the Premier about this being the fourth proposition which has been made to amend our Constitution, and that consequently it is scarcely possible to imagine a fifth, should weigh very much with honorable members in considering the merits of the Bill now before us. I am glad that the Premier did not endeavour to give prestige to his measure by asserting that it was affirmed by the country at the recent general election. Whatever may be the individual views of honorable members — however much they may differ on the question of reform —it would have been our duty to carry out the will of the country if it had been unmistakably expressed. But the very fact that the Premier, in moving for leave to introduce the Bill, did not claim for the measure that it had received the approval of the country—which, if he could have done so successfully, would have been of immense importance to him, for it would have greatly increased the probabilities of his carrying the measure—is a clear indication to my mind, as I have no doubt it will be to the minds of other honorable members, that the Government recognise that in regard to the late election, whatever may be stated as to its negative results, it cannot be truthfully said to have been an affirmation by the people in favour of the principles embodied in this Bill. That being so, it is far easier to discuss the measure than it would have been under other circumstances, and removes from the matter what would have been to some honorable members an overwhelming consideration. We may therefore, I think, fairly address ourselves to the propositions of the Government free from any consideration other than their merits or demerits. In the few observations I made when leave was asked to introduce the Bill, I stated that the measure was a totally new departure in the way of reform—that it was different from anything ever proposed in this country.

Mr. JONES.—Hear, hear ; so it should be.

Mr. BERRY. —That may commend itself to the honorable member for Villiers and Heytesbury (Mr. Jones), but I think it is a fact of great significance, and one that should weigh very considerably with honorable members before they arrive at the conclusion that the country has turned its back upon itself, and that it is going to disavow all the decisions which it has previously given upon this most important question. Well, we have at length, by the exhaustive process referred to by the Premier the other evening—and which is, perhaps, a very proper process in a constitutionally governed country—arrived at the point that there are now sitting on the Treasury bench gentlemen who have always, on the matter of reform, or rather on questions as to the construction of our Constitution Act, advocated the views held by a majority of honorable members in another place.

Mr. KERFERD.—That is a most outrageous statement.

Mr. BERRY.—I would be sorry to make an outrageous statement. I think it will be found that for many years past the Attorney-General has almost invariably

sat in opposition to and voted against the party who have advocated the rights of this House as being based on the rights and powers of the House of Commons.

Mr. KERFERD.—Against the party now sitting where the honorable member is?

Mr. BERRY.—Yes.

Mr. KERFERD.—Most decidedly, I have.

Mr. BERRY.—The honorable member has always objected to the propositions made in the direction of construing our Constitution Act so as to make this Chamber occupy a similar position as regards the Legislative Council to that which is occupied by the House of Commons in reference to the House of Lords. That position has been maintained by nearly all our leading politicians. It was insisted upon by the honorable member for Warrnambool in past years, more especially when he was a member of former Governments, and also by Mr. Higinbotham, who was at one time a colleague of the honorable member; in fact, it has been maintained by all the leaders of the liberal party, and it still, I believe, has the approval of an overwhelming majority of the people of the country. I repeat that the gentlemen now sitting on the Treasury bench have in the past upheld the views put forth by the Legislative Council, which body has denied that the rights and privileges of the Legislative Assembly are on a par with those of the House of Commons. Therefore I was surprised that the honorable member for Warrnambool could see his way to join a Ministry which turns its back—and he, by being a member of it, turns his back—on the views he has very strongly advocated in this House as a member of previous Governments. I am prepared with extracts, if necessary, to substantiate anything I say, but I don't wish to weary the House, or to unnecessarily prolong debate, by travelling over ground which has been gone over so frequently before. If there is one thing in our history more patent than another, it is the fact that abundant testimony is to be found in our records—in *Hansard*—that the almost unanimous opinion of the leading public men in the colony has hitherto been that a change in the Constitution, if necessary at all, should be in the direction of bringing the Legislative Council within something like control by this, the larger representative Chamber. I don't think that will be denied. There can be no question as to the position which the honorable member for Warrnambool has taken up. The honorable member, in 1866, defended the most extreme position ever assumed and asserted for this Chamber in its different contests with another place. Having read to this House a minute transmitted to him by Governor Sir Charles Darling, in consequence of the receipt of a despatch from the Colonial-office with regard to the illegal collection of customs duties, the honorable member observed—

> "I received this minute on the 17th of February and yet, sir, on the 11th of April, with the unanimous concurrence of this House, I accepted the responsibility, despite this intimation, of collecting duties which had not the authority of law."

A more extreme position than that, in asserting the rights of this House, has never been taken up by any honorable member.

Mr. GILLIES.—It is done whenever there is an alteration of the Tariff.

Mr. BERRY.—But this was after a Tariff Bill was lost. This was not a case of protecting the revenue by means of a resolution of the Assembly, which is always resorted to whenever a Budget provides for an alteration of customs duties. This was a case of collecting duties after the Bill under which they were imposed was rejected elsewhere—a totally different matter altogether—and yet the honorable member for Warrnambool took the position indicated in the extract I have read, as being within the powers and privileges of this Chamber. Many honorable members might be pardoned for thinking that the gentleman who spoke on that occasion was more like myself than a member of the present Government, because the honorable member for Warrnambool went on to say—

> "There are two points which the Home Government may have in view in dealing with us now. In the first place, we are to be made the shocking example of what universal suffrage leads to."

The honorable member denounced the proceeding as part of a plan which appears to have been consummated since, and which, judging by what is contained in this Bill, he is a party to the perpetuation of. The honorable member likewise said—

> "Sir Charles Darling is to be victim Number One—a gentleman who has filled difficult positions with credit to himself and to the satisfaction of the colonies he has governed, as well as the authorities he governed for, but who falls

at last before universal suffrage. 'Gentlemen of the House of Commons,' it will be said, 'look at Victoria and Sir Charles Darling, and support your Government in giving no more popular power than can be with safety conceded.' The next point is the extension of free-trade."

These were the points which, according to the honorable member for Warrnambool, the Imperial Government had in view in 1866, in giving the help they at that time afforded to the party that then supported the views of the Legislative Council. Curiously enough, in a subsequent portion of the same address, the honorable member, commenting on the remarks of a previous speaker, stated—

"I doubt whether the honorable member is ignorant of the great influences which were brought to bear to coerce Downing-street to recall the Governor, when it was found that Sir Charles Darling would not take a part in the desired direction. Banking influence was brought to bear; and the honorable member is a bank director. Mercantile influence was brought to bear; and as the members of the Government have been charged with adopting a policy conducive to their own interests, I would ask whether the Free-trade League and its secretary are free from the suspicion of interested motives? Has Mr. Lorimer, the agent of the White Star line, merely an abstract interest in free-trade?"

This shows that the underlying feeling in the mind of the honorable member at that time was that the will of the people, as expressed in this House, was being thwarted, not by fair political influences, but by influences of a totally different character. Now have we not seen in 1880 the consummation, still more successfully, of the same kind of proceedings as those which arose in 1866 from the same cause and by the same agency? And how is it that gentlemen who did not hesitate, at that time, to adhere to the popular party in support of the privileges and rights of this Chamber are taking now a totally different position? It may be said, and I think the Premier did say the other night, that in the most important part of the Bill, the part which proposes that the Legislative Council may direct this Chamber as to what shall be or what shall not be in the Appropriation Bill for the year—a question over which nearly all the political disputes that have prevailed in this country for years past have arisen—he is not departing from the usage and custom of the Imperial Parliament; and the honorable gentleman endeavoured to fortify his position by saying that what he proposes to do is to enact directly, by means of this Bill, the custom and usage of the Imperial Parliament. Indeed, he led the House to believe that, on an intimation from the House of Lords that they would prefer a particular item of expenditure to form the subject of a separate Bill, the Commons invariably send up the item in a separate Bill. Now inasmuch as the intimation of a desire to consider a subject in a separate Bill is only an indication of a foregone conclusion to reject the measure, the honorable member would have us believe that the House of Commons, notwithstanding that it has always been so jealous of its privileges, would willingly, of its own motion, take a step in the direction of causing the rejection of some item of expenditure which it believed to be necessary for the good of the country. Why the suggestion carries its own refutation on its face. But it is not necessary to depend upon the common-sense view of the matter; because it is quite easy to show that the precedents which the Premier relied upon are totally different from what he led the House to believe. He referred to the return of 1867, obtained at the instance of the Legislative Council, as to what had been the practice of the House of Commons with respect to certain grants—whether they were included in the Appropriation Bill for the year or whether they formed the subject of separate Bills—but a thrashing out of the question whittles down all the precedents to the one case of Palmer, which admittedly was an anomaly, quite a departure from the usual practice, and not backed up by any similar precedent in modern times. However, the honorable member professed that he had discovered that there were many other cases in which a grant of money for a distinct purpose within the year, without conditions and without continuance, was sent up in a separate Bill for the Lords to consider, and he instanced the cases of the grant to the College of Maynooth and the grant to the Queen's College in Ireland. I interjected at the time that conditions were attached to those grants, but the Premier said there were not. Now I don't hesitate to assert that the Premier misled the House in that part of his speech, and that, in consequence, all the portion of the Bill which is based on the analogy he then endeavoured to establish falls completely to the ground. I will trace the grant to the College of Maynooth in order that there may be no mistake about it. An annual grant had been made to that college for years without any very clear or definite idea as to

the policy involved. That grant was contained in the annual Appropriation Bill. I have before me the Appropriation Bill of the Imperial Parliament for the year 1844, and I find that it contains a grant of £8,928 "towards defraying the charge of the Roman Catholic College in Ireland." That was the mode observed so long as the grant was simply for the year and without conditions. But in 1845 a change took place. The Government then proposed to endow Maynooth to a much larger extent, and to provide for its management in a variety of ways. The proposal, which gave rise to some of the most important debates that ever occurred in the Imperial Parliament, was embodied in a separate Bill—it was not possible to carry out the object in any other way. The measure was called—

"An Act to amend two Acts passed in Ireland for the better education of persons professing the Roman Catholic religion, and for the better government of the college established at Maynooth for the education of such persons, and also an Act passed in the Parliament of the United Kingdom for amending the said two Acts."

The Premier could not have looked into the matter, or he would not have used this case as an illustration. The Maynooth Act consists of some 20 clauses, and it makes a permanent appropriation. In addition to granting £30,000 for buildings and the purchase of land, it contains a schedule providing annual stipends for "20 senior students on the Dunboyne establishment," at the rate of £40 each, and "250 free students in the three senior classes," at the rate of £20 each. This is what we call a special appropriation, and it would have been utterly impossible to embody all these provisions in the Appropriation Act for the year. Hence the necessity for the separate Act. The same thing occurred with regard to the Queen's College. But I find there is a much stronger case, to illustrate the custom of the House of Commons in matters of the sort, so recently as 1878. I dare say honorable members are aware of the history of the Earl of Dundonald, at one time known as Lord Cochrane. In his early life-time he was convicted of a certain offence, about which a great deal of feeling was excited. The Imperial authorities thought fit to stop his half-pay, the accumulations of which amounted probably to some £5,000 when he died. To his grandson (Lord Cochrane) was left not only the late Earl's property, but also the claims which he had upon the Imperial Treasury for money which he contended had been unjustly withheld from him. In 1878, the question was remitted by the House of Commons to a select committee, and that committee recommended the payment to Lord Cochrane of a gratuity of £5,000 which was included in the Appropriation Bill for 1878. Certainly there could not be a clearer refutation of the statement made by the Premier that the custom of the Imperial Parliament was to make all these grants in separate Bills whenever they were for anything outside the ordinary service of the year. I will not say anything about the Palmer case. The authority of Mr. Perceval, which has been relied upon with regard to that case, is very half-and-half. Mr. Perceval has never been looked up to as an authority on such matters; he has been regarded as rather the opposite; and even Mr. Perceval's contention, which does not appear in the extract quoted by the Premier, does not amount to more than this—that it is optional for the Commons to take either the one course or the other; that if there is no special reason why a grant should be included in the Appropriation Bill it may be sent up in a separate Bill. That is the course which has always been pursued in this country. When the present Attorney-General, in the last Parliament, from this (the opposition) side of the House, suggested that payment of members, which was then the bone of contention between the two Chambers, should be embodied in a separate Bill, I immediately responded by saying that, if we had security that the measure would be passed, I had not the slightest objection to a separate Bill. (Laughter from the Ministerial benches.) I hope honorable members are not here to betray the rights of the constituencies that returned them. I hope they are here to listen to reason, and to see whether the course which the Government propose to take is one that they can assent to in justice to their constituents, who have a paramount right to representation in this Chamber—whether they are asked to give up anything which, for the good government of the country, it is essential should be vested in the representative Chamber. We have always understood—I don't think it has been denied—that the country is represented only in this House. When you speak of the country and of the Legislative Assembly, you speak of the

same bodies. Not only does the Assembly represent the country, but it has always been held by text-writers and by the best authorities in this House that the Assembly for the time being is the country; and the constitutional rule is that when it no longer represents the country it should be dissolved, and that the country should elect a new Assembly which, when elected, is the country. When you separate the Assembly from the country except to dissolve it, you are all at sea; you don't know where you are drifting; you are away from the text-books—from the analogy of the English Constitution—and therefore you cannot take up the precedents of the Imperial Parliament for your guidance; you have a fancy Constitution which may be interpreted any way any individual likes, and you substitute for the clear constitutional knowledge of what is the country a piece of intricate machinery which seems to me to be designed to prevent the real will of the people ever being ascertained at all, to be designed not only to give representation to the minority, but to subordinate the majority to the minority. That minority is represented by a majority in the other Chamber and a minority in this. They are the same voters—the same men. You cannot make a majority of them. If a man is in two places you cannot make two men of him, as the Premier is endeavouring by this Bill to do—he is only one man still. You speak of the country deciding, but it is not the country that under the Bill will decide, even with the "Two Houses"—it will still be the minority in the country. I see some honorable members on the Ministerial benches smile. It is quite likely they may imagine that it is far safer to allow the minority in the country to govern than allow the majority. They may be imbued with that strong feeling against universal suffrage which the honorable member for Warrnambool dwelt upon in 1866. It may be that the very arguments which I use, arguments which ought to condemn the Bill, are calculated to commend the measure to the minds of those who desire that this country should be governed by a minority. The Legislative Assembly, under this Bill, will lose all the powers that it has hitherto exercised. You take a new departure. As I said before, you drift from the landmarks we have hitherto had to guide us. Take, for example, the mode in which it is proposed that the Appropriation Bill should be dealt with. The Premier says there are two ways of proceeding—either by beginning at the beginning or beginning at the end—and that he prefers beginning at the beginning because to begin at the end would be to place this Chamber under the heel of the other Chamber. I am glad the honorable member realizes the distinction, but he still does the very thing which he says he does not want to do. The honorable member provides that any item in the Appropriation Bill to which the Council may object may be taken out on a message coming down from the Legislative Council informing this House that they would like to consider it in a separate Bill.

An HONORABLE MEMBER.—An item on the Estimates.

Mr. BERRY.—But that is conceding, what the House of Commons would be very jealous of conceding, that another place knows what we are doing. The House of Commons would not admit for a moment that what transpires in its chamber is known to the House of Lords. That alone is a great departure from the high stand which this House has always taken up. Imagine the annual Estimates laid on the table of this House, and a message being presented intimating that some item on those Estimates is not satisfactory elsewhere. Clause 19 provides that it shall not be lawful for this House to proceed with the consideration of an Appropriation Bill containing any such item. Of course this Chamber could refuse to take the item from the Estimates, and it could refuse to go on with the Appropriation Bill. How then would dead-locks be got rid of? Let honorable members recollect that the boot would be changed only from one leg to the other. The stoppage of Supplies would be transferred from the Council to the Assembly. I can mention a case which is very likely to occur. Imagine this House reasonably divided—divided not quite so closely as at present, but with a Government having a fair working majority, and all the mining members supporting them—and a message coming down from the Council stating that a certain vote for prospecting must be taken out of the annual Appropriation Bill. As a matter of course the mining members would intimate that, if the item were taken out, they would leave the Government. I doubt very much if the Government would take out the item; if they did, they would be ejected from

office — ejected at the instance of the Legislative Council.

Mr. GILLIES.—You advocated that once.

Mr. BERRY.—I advocated the resignation of a Ministry on one occasion in order that the dignity of this House might be supported and its privileges enforced. I advocated what might be called the exhaustive process, so that it would be impossible to form from this House a Government that would submit to dictation elsewhere. But I am now supposing the case of a Government having to leave office because it obeys the behests of the other Chamber not to support but to degrade the position which the Constitution Act gives this House. However, this is an illustration by the way. What I want to show is that the Premier does not escape the degradation which he foresaw of this House having to obey in the end. The illustration which the honorable member gave was that if we sent the Appropriation Bill to the Council, and allowed them to amend it by striking out an item, and to send back the Bill to us for our consideration with that amendment, or if we allowed them to excise the item finally without the Bill coming back, we would degrade this Chamber. But let us look at the course which the honorable member proposes. The annual Estimates are presented to this House early in the session, but frequently there are Additional Estimates, and a question might arise about an item on those Estimates, and a message might come down requesting the excision of that item. The request might be complied with, and yet probably there might not be time after the Appropriation Bill had been sent to the Legislative Council, and before the close of the session, for a separate Bill to be considered by that body. This may take place in the first session of a Parliament, and the separate Bill does not go up until the second session, when it is rejected. In the next or third session, the separate Bill goes up and is again rejected. Then it is that the power as to the double dissolution comes in, but how will it operate in view of the following proviso contained in clause 5 :—

"Provided that a period of six months at least shall elapse between the rejection by the Council of such Bill in the first of such sessions, and the re-introduction thereof into the Assembly in the second of such sessions ; and also that the Council and Assembly shall not be so dissolved within six months of the expiration of the time during which the Assembly could exist and continue"?

I say that the *modus operandi* sketched out by the Premier can be observed only in the case of a Bill rejected by the Legislative Council in the first session of a Parliament. It cannot apply to Bills rejected for the first time in a second or third session. The honorable member for Mandurang (Mr. Williams) put, the other evening, what I thought a very pertinent inquiry — whether a double dissolution could take place about an item involving no more than £1,000.

Mr. KERFERD.—It might ; say over a grant of £1,000 to the Roman Catholics for church purposes.

Mr. BERRY.—You might possibly get up sufficient interest in a double dissolution over a piece of religious bigotry, but, because one grant of £1,000 might have that effect, does it follow that all such grants would ? I may perhaps sketch what might fairly be looked upon as the course of proceeding, with regard to any ordinary Bill, supposing the Ministerial measure were at present in force. This Parliament met in May. We will suppose a Bill sent to the Legislative Council towards the latter end of the session, and rejected. The session of 1881 commences about the same time as this, and the Council again receive the Bill and reject it towards the end of the year. The double dissolution takes place in February, 1882. As soon as possible afterwards —say in April, 1882—the new Parliament meets. The next month (May) the Bill is sent to the Council and is again rejected. The "Two Houses" meet in July, and the Government being unable to secure 65 votes—although they have a marked majority in the Assembly—the Bill is lost. Thus the whole process will have been gone through without the Bill being passed, although there may have been an unmistakable expression of opinion in its favour on the part of the country—that is to say, the majority of the people as represented in this House. Now will any honorable member say that this process is preferable to the underlying principle, as understood by all constitutional writers and authorities, that the second Chamber should be bound to obey the will of the country when unmistakably expressed ? This, as I have said, is a Bill to enable a minority well organized, with the assistance of intricate machinery, to defeat the will of

the country even when it is most unmistakably expressed. The Premier says he does not touch Tax Bills—only the Appropriation Bill. But how can an alteration of this sort take place without inferentially altering the relations of the two Houses with regard to Tax Bills? The only reason that there have been more difficulties with the Appropriation Bill than with ordinary Tax Bills is that this House has a peculiar power with regard to the Appropriation Bill which it scarcely possesses with regard to Tax Bills. If this Bill becomes law, all the constitutional responsibility now devolving on the Legislative Council is taken away—they are made a component part of the country, and consequently have no responsibility and cannot be charged with exceeding their functions in dealing with any Bill, whether an ordinary matter of legislation, an Appropriation Bill, or a Bill imposing taxes. They are perfectly at liberty to deal with any or all of these measures without responsibility.

Mr. KERFERD.—The honorable member overlooks the double dissolution.

Mr. BERRY.—I admit that the prospect of a double dissolution will impose a responsibility.

Sir J. O'SHANASSY.—But a double dissolution is not imperative by the Bill. The Council may make terms with the Ministry, and so the double dissolution may be avoided.

Mr. BERRY.—I see that the double dissolution is not imperative. I wish to give the Government the full benefit of the whole machinery of their Bill; and I desire to point out to honorable members who don't want to take a leap in the dark, who don't want to leave the lines laid down by constitutional writers, the danger of precluding ourselves, as we shall do by passing this measure, from referring to the analogy of the two Houses of the Imperial Parliament. Let it be borne in mind that we shall lose everything in the shape of direct control over the second Chamber, and that, in substitution, we shall have the power of double dissolution, with all the uncertainty as to whether it will ever be exercised. Not only may the double dissolution be avoided, as the honorable member for Belfast suggests, by arrangement between the Legislative Council and the Government, but it may be made the means of destroying a Government. Governments are not so long-lived in this country that any one Ministry could expect to be able to press a measure through all the stages provided for in the Bill before it could become law. Very few Governments have been stronger, in a parliamentary sense, than the last Government, which fell from no fault of its own, but from the mere disintegration which naturally sets in after the lapse of a certain time. No Government in this country was so free from faults. It could not have been said to have lost popular confidence to any appreciable extent whatever. Constitutionally, of course, the gentlemen who now sit on the Treasury bench are entitled to their victory. They are, for the time being, the constitutional rulers of this country. Yet we know that but for a number of side issues and unfair tactics, a great deal of money, plural voting, and that tacit understanding which they had with the honorable member for Belfast, they would not have succeeded in ousting the most popular Government this colony has ever had. I have merely verged on a question which I think of the utmost importance, namely, the removal of the constraint which is placed on the second Chamber under our present Constitution to generally obey the will of the country in matters of taxation. But if this Bill became law, what would be the result? We should be told that, with the consent of the people of the colony, we had repealed the present Constitution, and that the letter of this Bill was all that there was to guide the relations of the two Houses. Under such circumstances, the second Chamber would never pass a tax which the property-holders objected to. Do honorable members think a land tax, a property tax, or an income tax would ever pass the Council if this Bill became law? Never in the history of the country. And who would be the victims of taxation? The 80,000 voters for the Assembly who would not have votes for the Council would have to bear the taxation of the country. That is slating manhood suffrage with a vengeance. Under this Bill the necessaries of life would be taxed by the holders of property having representation in both Houses. We should most probably not have protective taxes, but those free-trade taxes which some honorable members opposite so delight in—taxes on tobacco, spirits, beer, tea, sugar, and coffee—on those necessaries of life which are so largely consumed by the working classes.

The burthen of taxation would be placed on those least able to bear it, and the pockets would be relieved of those who, while very willing to assert their right to representation in both Chambers, are not equally willing to bear the taxation which representation entails in other countries. Why in many countries the suffrage for Parliament is represented by the amount of taxation paid by the inhabitant.

Mr. GILLIES.—And when we proposed a tax on incomes over £500 a year, you opposed it.

Mr. BERRY.—I am disposed to think that those proposals were never made in good faith, else why were they abandoned with a majority sitting on that (the Ministerial) side of the House affirming them?

Mr. JONES.—You "stone-walled" them.

Mr. BERRY.—The head of the Government, after he had got through the "stone wall," when he found he could carry those proposals, abandoned them.

Mr. GILLIES.—In the face of your knowledge, can you assert that?

Mr. BERRY.—Certainly. I assert that, when all danger was past, and when it was possible to carry the Budget including those proposals, the Government abandoned them. To return, however, to the Bill, I say this is a question which we must discuss with a sense of the duty we owe to our constituents, and with a sense of the responsibility imposed on us by its peculiar importance. If it were a measure not dealing with the Constitution, whatever harm it might do would be comparatively immaterial, because it could be repealed. But I will venture to say that if once this Bill is placed on the statute-book, it can never be repealed—in fact, securities are taken in the measure itself to prevent its repeal. It is to be a permanent measure, for the Government have taken good care to except it from the operation of the provisions relating to the double dissolution and the joint meeting of the two Houses. The 60th section of the Constitution Act and parts 1 and 2 of this Bill are excepted from the operation of the provisions I have mentioned, showing that this is more than a mere alteration of the law. It is the consummation of what I stated, the other night, was very much like a conspiracy, by the expenditure of a large amount of money, to stifle and put under the heel of authority the manhood suffrage of the colony. The Bill shows that on the face of it, or else why is it to be exempted from the operation of the provisions relating to the double dissolution and the joint meeting of the two Chambers? The reason is very clear. It is simply because, if the Bill were not so protected, it is possible that the country, when it really understood the character of the measure, might give vent to such an outburst of indignation as to return an almost unanimous Assembly to repeal it. But, by the terms of the Bill, an absolutely unanimous Assembly would be powerless to repeal it, unless there was also an absolute majority in favour of its repeal in the other Chamber.

Mr. SERVICE.—You have not read the Bill.

Mr. BERRY.—Clause 17 says—

> "Nothing in this Act shall in anywise affect, alter, or vary the 60th section of the Constitution Act, and any Bill to repeal, alter, or vary parts 1 or 2 of this Act shall be deemed to be a Bill by which an alteration in the constitution of the Council or Assembly is made, and to be within the operation of the said 60th section, and is hereby excepted from the operation of this Act."

Does not that clause bring parts 1 and 2 of this Bill within the same category as the 60th section of the Constitution Act? And what is the law with respect to that section? Nothing to which that section relates can be altered unless with the consent of an absolute majority of both Houses of Parliament. Does not that prove my assertion that, if you had a whole Legislative Assembly wishing to repeal parts 1 and 2 of this Bill, they could not do it unless there was also an absolute majority of the Legislative Council created by the very measure itself in favour of its repeal?

Mr. KERFERD.—That is the case with the Constitution now.

Mr. BERRY.—But I thought we were altering what is now. I thought we were reforming. I thought we were, under this Bill, to give the people a better hold upon their own affairs. Yet if they wished to repeal the Bill their hands are to be tied, even from using the machinery provided with respect to the double dissolution and the joint meeting of the two Houses. Honorable members opposite may be able to show good reasons for this proposal, but what I want to point out is that members of this Chamber should remember what they are doing, because

according to the proposition their constituents, even if unanimous, would be quite powerless to repeal this measure without the consent of an absolute majority of another Chamber. We are not asked now merely to make a trifling amendment in the Constitution Act within certain lines which are well known and universally approved of. That was the position which was taken up on every previous Reform Bill that has been submitted to this House, not excepting that introduced by the honorable member for Warrnambool in 1874. That measure sought to deal with all questions of constitutional usage upon the basis of the Imperial Constitution, but the present Bill is a totally new departure. I have already pointed out that the utmost the Assembly could do under the measure would be to secure the passage of one Bill brought in during the first session after a general election. I would ask the Government to state what would be done in the event of two or three important Bills being rejected elsewhere in the same session. How would the double dissolution settle that difficulty? Say there were three Bills rejected by the Council — and we have had instances of more being rejected in one session—and there was a double dissolution, who is to say which Bill the country approved of at the general election? Of course the gravest objection to this Bill is that it removes the centre of gravity, as it were, altogether from the majority and transfers it to the minority; but even the machinery by which that is sought to be done is in itself unworkable, and, instead of the Bill facilitating legislation, I venture to say that under it we should have more Bills lost, more time wasted in attempting to get them on the statute-book, and more dead-locks than we have ever had under the present Constitution. The Premier said he thought that if the Legislative Council was altered in its composition as he proposes, a double dissolution would not be required, and that neither would there be any joint meeting of the two Houses. That may be so, but, if the proposal to popularize the Council would achieve that result, what necessity was there for providing the remaining machinery? As a choice of two evils, it would be infinitely better in my opinion to take the Bill which emanated from the Council last year without the addenda of the Premier than to accept this measure. Instead of improving the Bill which the Council sent down to this Chamber on two occasions, he has made it worse. In the proposal of the Council to popularize that House and, to that extent, to make it possibly more amenable to public control, there was no attempt to alter the relations of the two Houses—no assumption of seizing the power of the purse by indirect means—no suggestion to override the absolute majority of this House by a meeting of the two Houses. There was at all events a disposition to bring a larger number of people into the election of the Council, and to divide the electorates so as to bring public opinion to bear rather more forcibly on that House than it has done hitherto. There was no objection to that proposal in itself, but what we wanted first was the recognition of the construction of the Constitution Act in the way in which it has always been construed by every leading man in this country. We said—"First let us understand that the relative powers of the two Houses here are the same as the relative powers of the two Houses at home, and then we don't object to the increase in the electoral power of the Council."

Mr. SERVICE.—An absolute Assembly.

Mr. BERRY.—Certainly, if the honorable member likes the phrase. It means an absolute country, because there is no difference between the Assembly and the country. If the Assembly is not the country, then we have no *locus standi* at all.

Mr. SERVICE.—Did you not speak of a "corrupt Assembly"?

Mr. BERRY.—The honorable member is unfortunate in his interjection. A corrupt Assembly was never checked by the Council. Any corruption of sufficiently large import—which would give any benefit to the large property-holders—would not be in any way checked by the Council. It never has been and never would be. Therefore, when the honorable member quotes some remarks about the Assembly before the last being corrupt, let me ask was there ever any time in the history of the country when the Council waited more eagerly to pass the measures of the Assembly than they did to pass the measures submitted by the Government which was in office at that time? Was there any check on the part of the Council then? Either that Assembly was corrupt or it was not. Let honorable members opposite choose one horn of the dilemma or the other. If it was corrupt, then the

Council did not check it. If it was not corrupt, then what becomes of the talk about a "corrupt Assembly"?

Mr. SERVICE.—It was your talk, not ours.

Mr. BERRY.—If the honorable member did not believe the statement, there was no pertinency in his quotation. If he does not believe that was a corrupt Assembly, what is his position? He wants us to assume that the Assembly is sometimes corrupt, or may be, and that the Council would check it. I contravene both his propositions. I don't believe the Assembly in Victoria within our time has ever been corrupt in the sense of requiring any check whatever. Politically speaking, there may have been an understanding by which one party has taken undue advantage of the other, but corruption in the sense of money payments to members themselves, or in any way in the form that corruption is usually spoken of, I do not believe can be charged against any Assembly that has existed in Victoria for many years past at all events.

Mr. FRANCIS.—Nor any Council.

Mr. BERRY.—No. The Council has not had the opportunity. It has not had the control of the money. We do not know what it would do if it had, but I do not desire even inferentially to make a charge of that kind. It is not necessary to do so, but, when the Premier interjected "An absolute Assembly," I wished to show I was not afraid of the term. *Hansard* teems with speeches by the honorable member for Warrnambool in which he took up identically the same position that I do now, and I do hope that before this debate is over the honorable member will take an opportunity of telling the country how it comes that he is a member of the present Government—how it comes that he is associated with gentlemen who opposed him in all his previous political career.

Mr. FRANCIS.—Sometimes.

Mr. BERRY.—I do not refer to mere matters of detail. They opposed him systematically upon the same fundamental principles concerning which the two sides of the House differ now. The Minister of Railways is perfectly consistent. There is no man sitting on the Ministerial benches who has been more consistent than he. In season and out of season, he has at all times advocated the views now put forward in this Bill. But that consistency can hardly be ascribed to any other member of the Cabinet. Even the Attorney-General has not always been so consistent but that when in office he has been able to put on the war paint for this House for a short time, and to use language which he had previouly condemned. The honorable member need not shake his head. I have here a few extracts from speeches made by members of the present Ministry which will prove the correctness of what I say. The Attorney-General has used this language:—

"Surely no one will deny that if there is a general desire on the part of the people, extending over two consecutive sessions of Parliament, with regard to any particular measure, it ought not to be in the power of any body of men to resist that Bill, and prevent it from becoming law."

Yet the Government Bill provides the Council with the means of doing that.

Mr. KERFERD.—It provides the means for a Bill becoming law.

Mr. BERRY.—The Premier, again, was not always so willing to sacrifice this House as he is at present. The honorable member, in reference to the Norwegian scheme, said—

"The mode devised by the Government for carrying out the Bill was not in itself objectionable to him, but it might have been provided that after a dissolution or without a dissolution —after a Bill had been passed by the Assembly in two consecutive sessions of Parliament, and rejected by the Upper House in the same sessions—if the Bill passed the Assembly a third time, it should thereupon become law."

I am quite willing to assist the Premier to carry that proposal into law. Does not that mean "an absolute Assembly"? If the honorable member introduces a Bill in accord with the sentiments expressed in that extract, I will do all I can to keep him on the Treasury bench.

Mr. SERVICE.—Why did not you do it?

Mr. BERRY.—That was our identical proposal, and the honorable member objected to it.

Mr. SERVICE.—Oh! I'm afraid there is as much change of front on that (the opposition) side as on this.

Mr. BERRY.—Then what did the Minister of Justice say with reference to the Norwegian scheme? He went further even than any of his present colleagues, and his speech has quite the true ring about it. He said—

"Both electors and members of the Upper House having already in their electoral capacity a voice in respect to Money Bills, I do not see why they should have anything further to do

with them. I would, in fact, take their separate voice as to Money Bills away from them by the most convenient mode I could find."

The honorable member does not propose to take "their separate voice as to Money Bills" away from the Council now.

Dr. MADDEN.—That is just what the Bill does, absolutely.

Mr. BERRY.—No, it increases that power of the Council, and gives them all that they have ever contended for. The honorable member then advocated that the Council should not interfere with the finances after they were settled by this House. Now he gives the Council supreme power over the finances, for they have only to command this House what to do. The honorable member knows very well that if the Council can excise one item from the Appropriation Bill they can excise twenty, and we are not to be told that they will not exercise that power. We have had enough experience to know that, give them the power, and there are certain classes of men who will go to any length. It is all very well for the Government to say that they are proposing provisions that will never be used; but how long will the Council cease to be a political House under this Bill, and how long will a Government be able to exist without a majority in both Chambers? This is not an amendment of the Constitution at all, but absolutely a new Constitution proposed without that due submission to the people which a new Constitution ought always to be subject to. The honorable member for Warrnambool was formerly of exactly the same opinion that I am now. When speaking of the Darling grant in 1866, he said—

"Although I do not desire to detain the House, I wish to point out the striking amount of influence which has been attained by an active minority."

And that influence by the minority has gone on increasing since that day, and now the honorable member is still further helping it. The honorable member continued—

"I do not desire to enter upon the merits, the standing, and the wealth of this minority so much as to point out how the movement has been kept alive by a very small section of the people. For instance, the Executive Councillors declared that they were fortified in their position by the opinion of every barrister of standing in the colony outside the Government."

I believe that was also the position of the late Government—of being opposed to all the outside barristers—but the honorable member now finds himself in accord with all Temple-court. The honorable member for Warrnambool at this time was complaining that his opponents said that all the barristers of the colony except his own law officers were opposed to him, and that was exactly what was said of the late Government in the last Parliament. The honorable member, however, has now placed himself *en rapport* with Temple-court, and I want to know how he can justify the change. He has joined those very tacticians whom he denounced as an active minority. Having led the country to the right, he now leads it to the left, and he is bound to explain his altered position.

Mr. FRANCIS.—I always took my law from my legal advisers.

Mr. BERRY.—This was not a question of law but a question of principles, and the honorable member, in the speech I have quoted from, goes on to describe, in very much the same language as I have used on similar occasions, that all those influences of the minority—banks, merchants, barristers, and others—were exercised in a variety of capacities, sometimes through Executive Councillors, sometimes through speakers at public meetings, sometimes through the leaders of the Legislative Council, but always against the best interests and the express wishes of the people of this country. I want to know how, if it was wrong for those persons to do that then, it is right for them to do it now, and how it is that the honorable member for Warrnambool has taken a new departure and is lending his weight to an alteration of the Constitution totally at variance with all his previously expressed views?

Mr. FRANCIS.—I submitted legislation to amend the Constitution, which was thwarted primarily by you.

Mr. BERRY.—The honorable member is not justified in saying that his Bill was defeated primarily by me. My opposition would have been futile had it not been for the revolt of his own supporters when they found that he proposed to submit financial questions to the joint vote of the two Houses. It was when Mr. Higinbotham and others who were supporting the Government discovered that the Bill was to apply to financial questions, that their loyalty to the people of the colony as represented in this House made them desert the Government, and vote against the third reading of the Bill. That Bill, however, was not so bad as the present

one, because though, under the former, it would have been possible for Appropriation Bills to have been amended, the present proposal is that the Appropriation Bill shall be amended by this House at the dictation of the Legislative Council, and we are to have no voice in the matter. It is not even as though the right was conceded to the Council, which exists in some colonies, of amending Money Bills. There would have been some precedent—some analogy—for giving the Council the right to amend Money Bills. But this Bill does more than that; it gives the Council the right to mutilate a Bill of this House without this House having any power to disagree with the mutilation. Nay, the degradation is even worse than if the Council mutilated the Appropriation Bill themselves—we are to do it at their dictation, or else to stop Supplies. Again, the Premier, when he wanted to impress the double dissolution on the sentiments of the House, thought he was very lucky in having found a precedent in the colony of the Cape of Good Hope. He dwelt, in his speech, on the grand discovery that, as he said, identically the same provision exists in that colony. Has the honorable member discovered by this time that there is a very marked difference between the two cases? In the Cape Colony, the same electors elect both Houses. It is not to two different constituencies that the double dissolution takes place.

An HONORABLE MEMBER.—There is a restricted suffrage there.

Mr. BERRY.—It is almost universal. A man who has a salary or wage equal to 10s. a week is a voter for both Houses, and no doubt the object of this restriction, slight as it is, is to exclude an alien race. Will the honorable member admit that this alters the case very materially? Just as I showed that he had no precedent—especially in regard to the Maynooth College grant—for his statement that an Appropriation Bill was altered at the instance of the House of Lords, so does the fact I have mentioned show that neither has he in the Constitution of the Cape Colony any precedent for the double dissolution. If our two Houses had the same constituencies there would be no objection to the double dissolution from a constitutional point of view, though as a matter of machinery, I think, it would be complex and probably unnecessary. Still there must be a marked difference between the system at the Cape of Good Hope, where the two constituencies are the same, and the proposal here, under which the constituency of the one House is to be 100,000 and that of the other House 200,000. Again, the honorable member for Warrnambool thought he had a precedent in Norway for the joint sitting of the two Houses; but that illustration was just as wrong as the illustration with regard to the Cape. In Norway, the two Houses are elected as one—practically the Constitution is a one-House Constitution. After the members are all elected to form one House, that House out of itself elects a number of its members to form the second Chamber.

Mr. SERVICE.—But the two Houses sometimes meet together.

Mr. BERRY.—Yes; if there is any question they cannot settle separately they come together.

Mr. SERVICE.—And when they meet, what majority is required to carry a Bill?

Mr. BERRY.—Two-thirds; but the two Houses represent one constituency, which makes all the difference. It is the same as though a two-thirds vote of this House made a measure the law of the land. Will the Premier submit a proposal to do that? I would sooner a thousand times accept it than the present proposition. There you would have some safeguard, for the decision would be with this House. But, as I have pointed out, this very Bill, if it is passed, cannot be altered even by a unanimous Assembly. No doubt, with regard to other measures, the Premier showed that they could be passed at a joint sitting, if a sufficient proportion of the members of the Council could be got to support them. But I think that so far from there having been, of late years, a tendency to increase in the proportion of members of the Council who side with this Chamber, the tendency has been to decrease.

Mr. SERVICE.—I don't think so.

Mr. BERRY.—I think it is only natural that it should be so, and I think it would be so to a greater extent still under this Bill. That conclusion is reasonable if we remember how different is the composition of the two Houses, both as to the mode of election and the term for which members are elected, and if we regard also the fact that the Council are never to be subject to dissolution except under the special circumstances mentioned in the Bill, which can only arise when a Government remain long enough in office to follow up

step by step the desire of their party to make a certain measure law—a contingency somewhat remote. With that exception, the members of the Council are not to be elected, like the members of the Assembly, all simultaneously at a time when the country is in a state of excitement and the mind of every man is directed to politics. Moreover, the Council will not, like the Assembly, terminate its existence at a specified time. Every three years, at the most, there is a direct state of relationship between the Assembly and the country, which will not exist, irrespective of the suffrage, in the other Chamber, from the mere fact that the members of that House are to be elected by rotation in batches every two years, and the House is never to be dissolved except for a specified purpose. The probabilities are that, notwithstanding the alteration in the suffrage of the Council, the relative number of members who would support a thoroughly popular policy would be diminished by the Bill. I can, of course, quite understand a conservative Government receiving the unanimous support of the proposed Council; but I refer to a Government who would propose to impose taxation which would affect the constituency of the Upper Chamber. The chances are that such a Government would not obtain in the Council even the proportion of members to support them which supported Sir James McCulloch and the honorable member for Warrnambool in 1865. But even supposing the Premier is right in his anticipation, and that the proportion would be the same, according to his own showing it would require 56 members of this House to pass any measure at the joint sitting. That is a very large number. The present Government cannot command 56 votes, and therefore they would not be able to pass anything at the joint sitting proposed in this Bill.

Dr. MADDEN.—Not on a question of which the Assembly approved? Do you mean to say that no members on the opposition side of the House would vote on the Ministerial side?

Mr. BERRY.—Well, I remember that honorable members opposite when sitting here never did so. Of course, if the question affected the privileges of this House, the whole of the members on this side would help any Government; but you are now, by this Bill, taking away the privileges of this House. What I mean is that the present Government, strong as they believe themselves to be, and fresh as they are from the country, which they consider gave an emphatic declaration that they should take charge of affairs, still have not such a majority as would under this Bill enable them to place a single law on the statute-book. It seems to me that this Bill should be described as "a Bill to enable the Legislative Council to prevent, for all time, any legislation to which they have the slightest objection." Does any one believe that a Mining on Private Property Bill, such as the country really demands, would ever become law under this measure?

Mr. SERVICE.—Certainly.

Mr. BERRY.—Yes, some kind of a Mining on Private Property Bill—a Bill which would practically confer on the owners of the land the whole of the gold discovered in it. I am simply anxious to place these points before honorable members—not in any party spirit, or with any desire to be dogmatic as to carrying out my own views. Very few men, I think, have exhibited so large a disposition as I have done to accept any proposal for an alteration of our Constitution, so long as it was within the lines of the British Constitution.

Dr. MADDEN.—The plebiscite, for instance.

Mr. BERRY.—The plebiscite, for some purposes, might commend itself to the minds of all honorable members. If you want to discover the opinion of the country upon a measure apart from all personal relations to members, and simply for the direction of Parliament, if the measure was of such supreme importance that it would elicit the attention and interest of men in all parts of the country, so that you could be quite sure of having a thoroughly national vote, I say the plebiscite in such a case would be a great, wise, and practical addition to parliamentary government. I never have advocated, nor do I advocate, the submission of trumpery questions to the country.

Dr. MADDEN.—Such as Money Bills.

Mr. BERRY.—Sometimes a money question might be very important although the amount was very small.

Dr. MADDEN.—You excluded all money questions from the plebiscite.

Mr. BERRY.—Yes, because I think this House, by the Constitution, is the country for all matters of finance, and we have many ways of knowing and understanding whether we are in accord with

the country; if we are not, the proper way is to dissolve the House, and that is done. Therefore I contended that any attempt to have two authorities on finance would result in confusion. But the question is not what my views are; we are discussing the Bill before the House, and Ministers cannot get out of the illogical and unsatisfactory nature of their proposals by introducing anything I have said on a former occasion. I have not altered my opinion in the slightest degree, namely, that in certain cases the plebiscite would be beneficial, and that in others it would end in a fiasco, so that instead of 150,000 or 160,000 votes, as at a general election, the ballot-boxes would be found to contain not much more than one-tenth of that number. I do not wish to trouble the House with many further remarks, but I cannot refrain from observing that the Premier referred, with some expectation of help, to the despatch of Sir Michael Hicks-Beach in reply to the reasons I offered him why power should be given to alter our Constitution in a certain way. The points of the despatch to which the Premier particularly alluded were the suggestions made in it, first, that a possible dissolution of the Council might facilitate matters, and, secondly, that there should be no tacks on the part of this House. Well, the idea that a possible dissolution of the Legislative Council might help to mend matters is one that has commended itself to the judgment of many men for many years past. There would be nothing unconstitutional in such a plan—no departure from the ordinary lines of any Constitution framed on the model of that of Great Britain. But the possible dissolution suggested by the late Secretary of State for the Colonies, in his despatch, differs altogether from the double dissolution contemplated by this Bill, which does not even provide that, when it comes into force, a dissolution of the Council should immediately follow. Yet nothing is clearer than that, on the adoption of an altogether new system of election for the Council, the new body of electors being increased in number from 30,000 to 100,000, the proper plan would be to dissolve the Council as at present constituted, and allow the enfranchised people to elect new representatives. That is a principle which is thoroughly admitted with respect to the Assembly. Whenever this House alters its electoral basis, it admits by so doing that it does not represent the country, and consequently a dissolution immediately follows. That is a fundamental constitutional arrangement. I want to know why, this House being always subject to dissolution under such circumstances, when the number of electors for the Council is raised from 30,000 to 100,000 they should be denied the right of at once obtaining fresh representatives? Supposing the Bill to become law as it stands, for eight years there would be sitting in the Council members elected by the present constituencies, and if the measure did not come into operation before the end of the present year some members elected upon the existing limited franchise would be enabled to sit for ten years, notwithstanding that their fellow members were elected on a three times more liberal basis. The kind of dissolution the despatch hints at is one that would take place upon a general disagreement between the Houses, and would not be interfered with by the operation of machinery and safeguards calculated to obstruct the majority of the country in carrying the point they have at heart. Again, there might be a dissolution of the Council at the will of the Government of the day without a necessarily consequent dissolution of the Assembly. There can be little doubt that such an arrangement would have a beneficial influence upon another place. Nothing is clearer than that either of the dissolutions I have just indicated is infinitely more in accord with the terms of the despatch than the one the Bill provides for, the effect of which would be that an Assembly freshly elected by the country, and carrying out what it was sent by the country to do, would be dissolved simply because it was performing its duty, and in order to justify a dissolution of the Chamber that stood in its way. Then there is the other point touched upon in the despatch, namely, that it is necessary that the Assembly should never adopt what is known in parliamentary language as a "tack." Now, in setting forth the undesirability of tacking, the Premier would undoubtedly have all of us with him so long as he adhered to the tack we find described in parliamentary text-books, and to which Sir Michael Hicks-Beach referred; but neither authority in the least backs up the proposal to give the Legislative Council power to direct this House as to what items should not be included in the

Appropriation Bill. Such a plan as that, I venture to say, never entered into the mind of the Secretary of State or any other English statesman. Before I quit this part of the subject, let me thank the Premier for the valuable, though somewhat late, testimony he has practically borne to the usefulness to us of that from which his quotations—I mean those I am now dealing with—were derived. In conclusion, let me briefly call attention to certain passages of a recently published work, in which the question we are discussing is treated from a thoroughly impartial stand-point. I allude to Todd's *Parliamentary Government in the British Colonies.* The portions I will quote are, I think, well worthy the consideration of honorable members, because I presume we are all anxious that, in amending our Constitution, the work should be done in such a way that, while repairing in one direction, we should do no mischief in another. Speaking of the different colonies, the relations of the two Houses in them, and the mode of working out responsible government there, *Todd* says—

"Under parliamentary government an Upper Chamber derives special efficacy and importance from the fact that, being unable to determine the fate of a Ministry, it is much less influenced by party combinations and intrigues than the Lower House. While the Upper Chambers of all constitutional Legislatures recognise their position as one removing them entirely from party considerations, and as designed to be a guard against hasty and immature legislation, they would doubtless feel it to be their duty to weigh with more than ordinary anxiety and care the explicit declarations of public opinion, when deliberately given by all classes of the community upon any measure, after the period of excitement which might have given rise to it had passed away. When such a spirit pervades the Upper Chamber, there need be no apprehension of a conflict between the two branches composing the Legislature."

But would that state of things continue under this Bill? Would not the elevation of the Council to become a more truly representative Chamber lead it to assume functions it never before sought to exercise, and tend to hinder it from that judicial and impartial discussion which it is its true province to develop? *Todd* says further—

"But, whether constituted by nomination or election, the Upper House in every British colony is established for the sole purpose of fulfilling therein 'the legislative functions of the House of Lords,' whilst the Lower House exercises within the same sphere 'the rights and powers of the House of Commons.' It is therefore most desirable that, in general, persons should be chosen as members of an Upper Legislative Chamber who already possess some measure of parliamentary experience and ability, besides being otherwise qualified for such honorable service."

The writer then proceeds to describe some of the differences that have arisen in the various colonies between the two Chambers, and adds, with reference to Upper House claims to alter a certain class of Bills, as follows:—

"In South Australia and in Tasmania this claim has been partially allowed by the Lower House; but in Victoria the strictest limitation of the powers of the Upper Chamber has been insisted upon (as will be presently shown) in conformity with the constitutional practice of the Imperial Parliament."

Now I ask honorable members—I speak in the interest not of this colony alone, but of responsible government at large, which is on its trial in the colonies of the empire—whether they will weaken the hands of the popular branch of every colonial Legislature by now consenting to abdicate the functions conferred upon them, which they have enjoyed for a quarter of a century, and which are always jealously guarded by the House of Commons? If they do—I can scarcely imagine such a thing to be possible—this Parliament, so recently elected, will hardly shine in the annals of constitutional government. We shall thenceforward be placed outside the pale with regard to all constitutional matters. Whatever we do afterwards will not be of the slightest importance or value to the various other colonies of the empire when, being placed in circumstances resembling those that now surround us, they feel the need of some sort of guidance or direction. Instead of our example being one to follow, it will be one to be invariably shunned. We shall be regarded as a people who, having been originally possessed of a Constitution which conferred upon them the fullest powers, but which, because of one unfortunate defect, omitted to give them, through a possible dissolution of the Council or by enabling the Executive Government to exercise means similar to those capable of adoption in connexion with the House of Lords, complete control over their Upper Chamber, became eventually so worn out by constantly recurring difficulties that, in a moment of weakness, they determined to maintain their rights and privileges no longer, and to surrender what the people of every other colony, and of the parent State, most jealously and affectionately

cherish and guard. Moreover, I think the present question should be dealt with in a higher and better light than one of party. I think it most unfortunate that a party spirit was ever entertained with respect to such a subject.

An HONORABLE MEMBER.—Did not you, in your turn, act towards the question in a thoroughly party spirit?

Mr. BERRY.—I think I did not. When I was sitting on the Treasury bench, I even ran the risk of being personally injured by charges of political inconsistency, because, in my desire to find means by which our difficulties could be got over without any surrender by the Assembly of its undoubted rights and privileges, and in my indifference as to what reform machinery was adopted so long as it would effect what I thought essential to our purpose, I did not hesitate, with respect to the second Reform Bill I introduced, to make changes which, however, involved no change of principle, but were simply adopted in order, if it were possible, to satisfy and overcome the objections of those who differed from me. Charges of inconsistency were brought against me on that account, whereas my action could only be truly interpreted by my desire to settle our difficulties with any machinery and by any means so long as the analogy of the two Houses at home was not departed from. Once destroy that analogy, and we have nothing to guide us. We are outside British precedents and British text-books. In view of all this, I ask honorable members to consider well before they destroy for us the landmarks of British history that now we so well know and so thoroughly appreciate, and take a new departure which may land us in difficulties to which those of the past are as nothing.

Mr. GILLIES.—Sir, let me say in starting that I am not at all prepared to deny that it is extremely inconvenient for us that we are necessarily called upon now to discuss the very important matter before us, because I am constrained to think that any such course on our part ought to be unnecessary. The present is not the first time I have expressed my conviction that if the various political parties of the country would work the Constitution we have in the way in which the English Constitution is worked at home, we would never have found ourselves confronted with the difficulties that now face us, the greater proportion of which are of our own raising. But it is too late in the day for us to ask ourselves whether we might not have been wiser in the past than we have proved ourselves to be, seeing that the experience we have gathered during recent years forces us to the conclusion that, if we are to have political harmony in the colony, and continue to work with two Houses of Legislature, we must find some means, even if they be mechanical, of removing the impediments in our path. At the same time, in entering upon the task before us, we may reckon that we do so none the less disadvantageously because we have during the last few years been considering and dealing with very little else than measures of constitutional reform. For example, the Bill we have in our hands is the third one of the kind presented to the Legislative Assembly within the last three sessions. Furthermore, it is utterly impossible for any one to characterize either of its two immediate predecessors as one that even those who supported it can now regard as without blemish. In fact, the first Reform Bill the honorable member for Geelong (Mr. Berry) submitted to us differed markedly in character from his second Reform Bill. Yet, by a curious train of reasoning, some honorable members have arrived at the conclusion that both were practically identical.

Mr. BERRY.—So they were.

Mr. GILLIES.—How can any opposition member really regard the two Bills as identically the same? If there was no substantial difference between them, why was one changed for the other? At any rate it will not be denied that the head of the late Government proposed, after submitting two Reform Bills to the last Parliament, to appeal from its decision to that of the people of the country, and that when he came before the latter tribunal he submitted a measure which was the diametrical opposite of either of those on which he had taken the verdict of the Assembly. In addition to the advantage of which I have spoken, we have another in the circumstance that some portions of the present Bill are nearly identical with the reform proposals that came before the Legislature in 1873 and 1874. As honorable members very well know, the question of a double dissolution and also that of an extended franchise for the Council —not so great an extension as we contemplate—was submitted to the Legislative Council in 1873, and that in 1874,

after a general election had taken place, a meeting of the two Houses was also proposed. So that a large proportion of the present Bill is simply a reproduction of what has been under the attention of Parliament for a considerable period. Let me next remark that I can very well understand the difficulties experienced by the honorable member for Geelong in coming to a real and genuine discussion of the subject before us. He doubtless felt—he could not but feel—that to a number of the proposals now pressed upon honorable members for their acceptance he had already given his assent, and the assent of the party with which he acted.

Mr. BERRY.—To not one of them.

Mr. GILLIES.—The first proposal contained in the Bill is one for the popularization of the Council, a course which has received the support of the late Premier, couched in the most outspoken terms he could use. Surely no one will say that the popularization of the Council is an unimportant portion of our reform scheme. Have not the people out-of-doors generally, as well as their representatives in Parliament, discussed for years past what the Opposition have at various times denounced more or less violently as a sham, namely, the representative character of the Upper House so far as numbers are concerned? The Opposition have over and over again called what I speak of a sham, but now that the Government propose to remove that sham—presuming it to exist—and to popularize the constitution of the Council, and when, moreover, there is an opportunity for carrying their views into effect, what do we find? A universal howl from the opposition press against any proposal of the kind. Sir, I think I am entitled to say that it is not fair for the honorable member for Geelong to object, as he has done to-night, to many of the proposals contained in the Bill, because I can show that he has, on former occasions, substantially given his assent to them. In fact he was then prepared to go, in the direction of reducing the qualification for electors of the Council, much further than even we propose to go. For example, in 1878 the honorable member, speaking of the Reid-Munro scheme, stated as follows :—

"The proposals were that the Legislative Council should be elected by the whole of the ratepayers of the colony; that if on any matter of legislation whatever, not financial legislation merely, the Legislative Assembly had to be dissolved, the Legislative Council should also be dissolved; and that after the joint elections, if there was still a disagreement, the members of the two Houses should meet in one chamber, and the decision then given should be final. I am prepared to say that there are not six men on the Ministerial side of this House who would reject a proposition of that kind made in good faith as a basis for a settlement of the question."

I confess that I have extreme difficulty in understanding how the honorable member can object to the proposals in the present Bill that exactly follow the lines of the scheme to which he was then addressing himself.

Mr. BERRY.—There was nothing in that scheme about the Council taking any item out of the Appropriation Bill.

Mr. GILLIES.—I think it will be proper for us to refer to that part of the question afterwards. We are now discussing something else. Even the honorable member for Geelong will not deny that perhaps the most important portions of the Bill are those in which it proposes to popularize the Legislative Council and to provide first for a double dissolution, and afterwards for a meeting of the two Houses; and I wish to point out that, according to his own statement at the time, there were not, in 1878, six men sitting behind his Government not prepared to assent to and support all those arrangements as a basis of reform. If the honorable member is now as much in a position to speak for his party as he was then, are we to understand that he and they are prepared to afford that support now?

Mr. BERRY.—Are you proposing the same scheme?

Mr. GILLIES.—Undoubtedly we are.

Mr. BERRY.—You do not go so far.

Mr. GILLIES.—At any rate the difference between us may be reduced to this, that while we propose to extend the Council franchise so far, the honorable member is prepared to go further, and to take the ratepayers' roll. Am I to understand that that is the only point of variance between the Opposition and the Government?

Mr. BERRY.—I referred to the scheme alluded to as a whole. It was not my scheme at all. Therefore it is not fair for the honorable member to single out separate points of it.

Mr. GILLIES.—I have great difficulty in following the honorable member, and understanding what he means, when I find that, as to the three principal proposals now submitted by the Government, he intimates one day that there are not six men of his party not ready to adopt

and support them, and on another day—that is, this evening—that when he spoke formerly he was in effect referring to something else. Then I must proceed categorically and say—Are the honorable member and his friends prepared to popularize the Legislative Council? That is proposition number one. If they are so prepared, will they help us so far, even if we go no further? Next, if they are prepared to assist us in popularizing the Council, will they help us in providing for a double dissolution under certain circumstances? Next, will they go still further, and aid us in obtaining what the honorable member himself, in a communication which I quoted from in the late Parliament—I allude to a memorandum addressed by him to the Governor, which he knew would be sent home to the Secretary of State—has called the Norwegian principle? Of course, the object the honorable member had then in view was to impress upon the Secretary of State that his Government and their friends were thoroughly moderate and reasonable, in fact, so much so that they were prepared to accept, in some instances, suggestions from their opponents, even to the extent of adopting an extreme proposal, namely, that to let the two Houses meet together after a general election. Is the honorable member prepared to go so far now? Because, if we can come to an understanding now upon the points I have indicated, and the honorable member is as much able now to speak for his party as he was formerly, we may find ourselves competent to arrive at a very important agreement on the question of constitutional reform.

Mr. LONGMORE.—Are you prepared to alter the Bill?

Mr. GILLIES. — There can be no doubt that the Government will willingly alter their Bill if the honorable member for Ripon will point out a way in which it can be improved. Let me at this point, Mr. Speaker, direct your attention to a curious circumstance, namely, that, since the Bill was printed and circulated, a large proportion of the opposition offered to it by the opposition press is simply confined to the proposal to liberalize and popularize the Legislative Council. But I think it is too late in the day to offer objections on that head. I am convinced that, throughout the length and breadth of the country, there is a strongly prevailing feeling that the Council ought to be liberalized and popularized. The honorable member for Geelong himself confessed to a belief that that is the case when, urged by public opinion and his own supporters, he dropped the nominee principle out of the reform measure he went upon at the general election. Why did he take that course? Because he recognised that, if he appealed to the country upon the basis of the nominee principle, he would not come back to the House with half the supporters he now has. The mere fact of his omitting from his new Bill that particular portion of his former one shows clearly that he perfectly appreciated that the people of the country are prepared to stand up for the Legislative Council, so far as their claim to be able to elect that body themselves is concerned. The fact is that the great bulk of the community—those who have no vote for the Legislative Council—are not willing to remain disfranchised for ever. They are satisfied that the time has come when they ought to be entitled to vote for the election of members of the Upper House, and they are not prepared to listen to any one, no matter on what side of the House he sits, who tells them that it is right for them to rest content without the privilege they wish for. That being the case, I assert that the proposal of the Government to popularize the Council is one of the matters that have the approval of nine-tenths of the electors of the colony. I am not going to discuss the details of our propositions at the present stage. There is no occasion for me to do so. I want rather to get honorable members in opposition to ascertain how far we can travel together, and then, when we come to a point upon which we find we disagree, we shall, I dare say, be willing, as reasonable men, to discuss our differences. If, for instance, we find we are all agreed that to popularize the Council would be a very proper thing to do, I ask honorable members on all sides to assent to the first proposition the Government lay down in their measure. Let me say that even the honorable member for Belfast has often expressed opinions favorable to popularizing the Upper House. For example, in 1879, when he joined in the debate on the second reading of the last Reform Bill, he put forth views on the subject almost identical, as far as I could understand them, with those embodied in the Bill now before us. He was then willing to accept a £10 franchise, to increase the

number of provinces to twelve, and to provide for the retirement of members of the Council by rotation, in almost precisely the way proposed in the Bill. I apprehend then that at any rate our proposals with regard to the popularization of the Council will have his powerful support. And now with reference to the provision in the Bill for a double dissolution. I believe that although, in the first instance, the idea of rendering the second Chamber of the Legislature liable to dissolution appeared to a number of honorable members to be a very novel one, the proposal is now so familiarized in their minds that it will be accepted without any great trouble. Indeed, I have always thought that the opposition it was likely to meet would come not from honorable members of this Chamber, but rather from honorable members elsewhere. I cannot indeed conceive what objections honorable members here can raise to there being, when the Assembly is dissolved, a dissolution of the Council as well.

Mr. LALOR.—Why should this Chamber be dissolvable upon a Money Bill?

Mr. GILLIES.—If the honorable member who interrupts me will kindly wait until I reach the point he raises in the ordinary way, I will be obliged to him. What I am now discussing is the abstract proposition whether it is desirable or otherwise that there should exist somewhere power to dissolve the second branch of the Legislature. The honorable member for Geelong appeared, just before he concluded his speech, to place a particular interpretation upon the language used by the late Secretary of State for the Colonies in his despatch, with reference to a dissolution of the Council, but I confess I did not very clearly understand the nature of the distinction he then drew. Looking to the language itself, I don't see how there could be any difficulty in interpreting it properly. To my mind, the right interpretation is that, whereas the Council is now protected by Statute from being dissolved, it might be deemed well to render it liable to dissolution.

Mr. BERRY.—Why should not the language be taken to refer to a dissolution of the Council under any circumstances?

Mr. GILLIES.—I don't gather from the observations of the late Secretary of State that he alludes to anything of the kind. Certainly, if he did, our difficulty in the matter would be more serious than it is. For instance, we all know that no Government ever thinks of dissolving the Assembly unless the Assembly disagrees with them.

Mr. LALOR.—I beg your pardon, but you are wrong there. There have been dissolutions of the Assembly at the instance of the Council.

Mr. GILLIES.—An exceptional instance is not sufficient to alter the constitutional rule I have just laid down, and the correctness of which cannot be disputed. It is with the Assembly as it is with the House of Commons; so long as it agrees with the Government in office, it is not likely to be prematurely dissolved. But if a general power were given to the Governor to accept advice from his Ministers to dissolve the Council, upon the votes of which, be it understood, they are not dependent for their existence, what would be the result? The Ministry would be endowed with the means of coercing the Council to pass every measure the Assembly carried. Would it not be rather unfair to render the Council liable to dissolution whenever it displeased a Ministry by a particular vote, while, at the same time, the Assembly might be left untouched? The point I draw particular attention to is that, under such an arrangement, the Council could be dissolved for an act which did not touch the life of the Ministry of the day; whereas the rule is that the Assembly is never dissolved unless it has challenged the Ministry's tenure of office. The possession of such a power by the Administration would mean coercion towards the Council quite as bad as that which may be exercised by means of an Appropriation Bill. But, after all, the words of Sir Michael Hicks-Beach's despatch are not capable of misinterpretation. They can have only one meaning. The passage alluded to is as follows:—

> "If, however, it should be felt that the respective positions of the two Houses in matters of taxation and appropriation can only be defined by an amendment of the Constitution Act, there may be other points, such as a proposal to enact that a dissolution of Parliament shall apply to the Legislative Council as well as the Assembly, that might usefully be considered at the same time."

Honorable members will observe that the dissolution here referred to is distinctly one affecting Parliament as a whole, and inclusive of both Houses. It is plain, therefore, that the interpretation the honorable member for Geelong placed upon the passage is one which it

will by no means bear. Furthermore, it cannot be said that the proposal to make a dissolution of the Council consequent, under certain circumstances, upon a dissolution of the Assembly is at all an unprecedented one. For example, we find that the Legislative Assembly of South Australia passed, the other day, a Bill providing for a dissolution of the Council under circumstances exactly similar to those under which the Bill before us contemplates a dissolution of our Upper House, namely, that when a measure, previously adopted by the Assembly, shall have been rejected in two successive sessions by the Council, both Chambers shall be subject to dissolution. The Bill I allude to as having passed the Legislative Assembly of South Australia did not, however, become law, because it was lost in the Council by one vote; it failed, in fact, to obtain a statutory majority of the Upper House, just as the last Reform Bill of the late Government failed to obtain a statutory majority in this Chamber. So much for the constitutional character of our proposition with respect to a double dissolution. As to the two Houses meeting together, I confess I have great difficulty in understanding the strong objections the honorable member for Geelong has to-night urged against such an arrangement. He appears to think that under our proposals it would be quite impossible to submit a Bill for the consideration of the joint Houses except it had been rejected in the first two sessions of Parliament. Now that is quite a mistake, as I will show, although the subject is properly one for discussion in committee rather than in the House. I want, however, to make it plain that the matter has been not overlooked, but, on the contrary, carefully worked out by the Government in framing their measure. Take the case of the present Parliament. Its first session began in May, 1880, and we may naturally expect its second session to begin in May, 1881. Well, suppose a Bill to be then introduced and to be rejected by the Council in the following December. Let us follow the progress of things in the third session. Parliament re-assembles in May, 1882, and the Bill is re-introduced in June, re-sent up to the Council in August, and re-rejected by that body in October. A dissolution may then follow in April, 1883, or otherwise within the prescribed period, without any difficulty at all.

Sir J. O'SHANASSY.—Cannot the Council hold the Bill over if they please?

Mr. GILLIES.—The honorable member for Belfast will find a provision in the Bill to prevent the Council doing anything of the kind. Now the first proposal of the Government is the popularizing of the Legislative Council. That, as I have already said, appears to have met with a strong expression of support not only in this House, but outside of it. The second proposal is that the Legislative Council shall be liable to be dissolved as well as the Legislative Assembly; and the third is that, in the event of disagreement on the question in dispute continuing after a general election, there shall be an opportunity of submitting the matter to the decision of a joint meeting of the two Houses. These proposals, I assert, obtained substantial support from the honorable member for Geelong when sitting on this (the Ministerial) side of the House, and speaking for himself and his party. That being the case, it is too late in the day for the honorable member to turn round and object to these proposals being contained in the present Bill.

Mr. LALOR.—Did the late Government submit these proposals?

Mr. GILLIES.—No; but the late Government, through the head of the Ministry, approved of these principles, and I say that when these principles are now submitted to them in a form to be legislated upon, they are bound, if they have any consciences at all, to support them. There is one important consideration which must not be lost sight of, namely, that the late Government went to the country on their Reform Bill, and they are bound to acknowledge that they were defeated upon it.

Mr. LONGMORE.—No.

Mr. GILLIES.—The late Government went to the country on what they considered the most perfect scheme of reform. They had previously abandoned their first proposal; they would not even follow out their second proposal; but they submitted a third proposal to the country, on which they were defeated. Seeing that they went to the country principally on this important question, and that they were defeated, we must accept the constitutional doctrine that both the late Government and their Reform Bill were defeated at the general election. The late Government, I submit, are compelled to acknowledge that the measure which they submitted to

the country did not meet with the approval of the country. That being the case, the proposals for reform brought forward by the present Government must be of a very different character from those which the country has already rejected. The proposals contained in this Bill have met with such a large support in Parliament on former occasions, and in the country, that the Government, I contend, are justified in believing that they will still meet with a large support from the country. Scarcely any member of this House will deny that the first proposal—the popularizing of the Legislative Council—is one of the most important in the Bill. Of course that proposal, as well as the other two connected with it, would be wholly incomplete if it was not followed by the third. It is necessary to provide for something like a finality of veto with reference to the second branch of the Legislature in matters of ordinary legislation, but even that would not overcome the difficulties in which the Assembly has been placed. The real difficulties which have occurred with us have all been dead-locks in connexion with our Appropriation Bills, and any proposals which fell short of submitting a plan to cut that Gordian knot would be unsatisfactory both to this House and to the country. Honorable gentlemen opposite submitted a proposal which they told us would be sufficient for the purpose, and they challenged us to deny that it would. I always did acknowledge that the proposal of the late Government in their first Reform Bill would have been perfectly sufficient for the purpose; that is to say, it would have placed the most absolute authority and power in the hands of the Legislative Assembly, and would have given no power elsewhere. Their last proposal was of the same kind. The 6th clause of their Bill of last session placed the most arbitrary power in the hands of the Assembly, and, so far as votes of public money were concerned, gave the second branch of the Legislature no voice whatever. That proposal was one of the most simple and perfect kind to accomplish its object; but I venture to think that at the last election honorable members found that the people of this country are not in favour of an absolute Assembly any more than an absolute Council. In fact, as the Premier pointed out the other evening, the principal journal which has supported honorable members opposite for such a long time has demonstrated over and over again that, though the utmost possible reasonable latitude should be given to the Assembly in matters of finance, it must not be absolute—that there ought to be provision for some check and control.

An HONORABLE MEMBER.—The plebiscite.

Mr. GILLIES.—The late Government did not propose that the plebiscite should be applied, under any circumstances, to votes passed in Committee of Supply. They proposed that the authority of the Legislative Assembly for the expenditure of money should be absolute under all circumstances. I assert, however, that the people are not in favour of what is known as the 6th clause of the Bill of last session—they are not in favour of placing uncontrolled authority, so far as expenditure is concerned, in the hands of the Legislative Assembly. If they are not prepared to accept the doctrine of absolute uncontrolled authority on the part of the Assembly in regard to the public expenditure, the only alternative is that there must be a check. The question then arises—Where is the check to lie? We must work out this proposition if we are to provide against the recurrence of dead-locks, and we are bound to face that matter. We have, in fact, to provide a check against uncontrolled power on the part of the Assembly in regard to expenditure, and to prevent dead-locks. I again call on the honorable member for Belfast to give any practical assistance which his experience can suggest to bring about a solution of this difficulty.

Sir J. O'SHANASSY.—It is quite easy.

Mr. GILLIES.—I am very glad to hear that, but I will point out to the honorable member for Belfast——

Sir J. O'SHANASSY.—Will you take my advice?

Mr. GILLIES.—In 1868, when the honorable gentleman was a member of the other branch of the Legislature, he acknowledged the necessity for Parliament dealing with the question of dead-locks, and said that dead-locks could not be got rid of by simply popularizing the Legislative Council. He pointed out that the power to create a dead-lock at any time would still lie in the hands of either House.

Sir J. O'SHANASSY.—That will also be the case if this Bill is passed.

Mr. GILLIES.—I don't think so, and I believe I shall be able to show the honorable member that it will not. In 1868, the honorable gentleman, who was then a member of the Legislative Council, said—

"It will be generally acknowledged that no measure of reform can be satisfactory which will not provide against what seems likely to be a continual disturbing element, namely, a frequent recurrence of dead-locks. We cannot shut our eyes to the fact that it is in the power of either branch of the Legislature to precipitate a dead-lock at any time, and, therefore, that the removal of the present dead-lock would give no guarantee to the public that the same state of things would not be repeated."

Therefore the honorable member has expressed his concurrence as to the necessity of making some provision for the prevention of dead-locks. I believe that the provision which the Government have submitted in this Bill, although not in the same form, will practically bring about the same results as in England, where the practice is recognised that each branch of the Legislature ought to consider the other. The House of Commons, while asserting its right to control in money matters, recognises the desirability of the second branch of the Legislature exercising its ordinary functions of expressing approval or disapproval upon important public questions, even though they may include questions of finance. Reference was made, the other evening, by the Premier to the principle which underlies all the propositions as to the control of finance, and especially as to the improper use of financial measures. I think that, unless we are prepared to recognise the principle which has been laid down, it will be utterly impossible for us to come to any reasonable solution of the difficulty of dead-locks, which is a matter that we have to face. The leading principle connected with the practice of the Imperial Parliament is that no Appropriation Bill, and no Supply Bill of any kind, is ever sent from the House of Commons with anything inserted in it to coerce the House of Lords into passing something which otherwise it would not like to pass. The principle which underlies the whole practice of the Imperial Parliament is that no attempt shall be made to use the annual Appropriation Bill in a way to coerce the Lords to do something which otherwise they might not do. That principle has been so clearly laid down, over and over again, that it has become thoroughly accepted by the Imperial Parliament, and no attempt is now made to depart from it. The other evening, the Premier quoted a passage from *Hatsell*, a portion of which is so extremely applicable to some of the illustrations I am about to give that I will take the liberty of citing it again. It is as follows :—

"The Commons are by the practice of Parliament entitled to insist 'that the Lords shall make no alteration in a Bill of Supply ;' but to avail themselves of this right, and thereby refuse to the House of Lords the exercise of that privilege which they have as one of the branches of the Legislature ('to give their dissent to a proposition they disapprove of'—without, at the same time, being obliged to reject the Supply which the public necessities demand, and which they are ready and desirous to grant) is to confound those separate rights that belong to each House of Parliament, and thereby to introduce and encourage proceedings which must in their consequences prove dangerous to the Constitution. The Lords, therefore, in their answer to the attempt which was made by the Commons in 1699, replied with great weight—'The joining together in a Money Bill things so totally foreign to the methods of raising money, and to the quantity or qualification of the sums to be raised, is wholly destructive of the freedom of debates, dangerous to the privileges of the Lords, and to the prerogative of the Crown. For by this means things of the last ill consequence to the nation may be brought into Money Bills, and yet neither the Lords nor the Crown be able to give their negative to them without hazarding the public peace and security.'"

If this passage had been written in the light of our own experience, it could not have better shown the principle for which I am contending. It is written exactly as if the writer had in his mind some of the things which this House has avowedly done in the past. We have absolutely attempted to use Appropriation Bills for the purpose of passing things which we knew were objectionable to the second branch of the Legislature ; and that is the principle which is condemned in the quotation I have read from the high authority of *Hatsell*. It is also condemned by *May ;* and it is likewise condemned in one of the despatches from the late Secretary of State for the Colonies. Practically what is condemned is a tack, and a tack is the insertion in a Money Bill of something which ought not to be placed in it, with the view of coercing the other branch of the Legislature to do something in regard to which it ought to be able to exercise a deliberative and independent voice.

Mr. BERRY.—Have we ever done that?

Mr. GILLIES.—Certainly.

Mr. BERRY.—Never.

Mr. GILLIES.—Unless we had resorted to that practice there would never have been a dead-lock, and there would be no need for such a reform of the Constitution as is now suggested.

Mr. LONGMORE.—Name an instance.

Mr. GILLIES.—It is not necessary, because the cases are in the mind and recollection of honorable members. The tack of the Tariff to the Appropriation Bill is notorious.

Mr. LALOR.—Of course.

Mr. GILLIES.—And yet the existence of a tack was denied just now. Tacks are the foundation and cause of our difficulties. The dead-locks we have suffered from have all arisen in connexion with annual Appropriation Bills. To show that the principle laid down in the quotation I have just read from *Hatsell* is recognised and acted upon in the Imperial Parliament, I will direct the attention of honorable members to two kinds of cases. The first class consists of cases in which, before a separate Bill that proposes a grant of public money is dealt with at all, a message from the Crown is sent to both Houses of Parliament—to the Lords as well as to the Commons—in which the concurrence of each House is asked to the grant. I want to know how it is that this practice has been so peculiarly absent from our practice in this colony?

Mr. BERRY.—One House must "grant" and the other "concur."

Mr. GILLIES.—I don't care whether the word used be "grant" or "concur." A distinction of that kind makes no substantial difference to my argument. The practice in England is that before certain grants are initiated—before they are placed in any Bill—both the Lords and the Commons are asked to concur in them; and I want exactly the same practice to be followed in this country. From 1808 to 1874, in every case where a separate grant was made by the Imperial Parliament, to any person, by means of a separate Bill, a message was first sent to each House asking its concurrence in the grant. During that period grants were made by means of separate Bills to Lord Lake, Lord Wellington, Lord Lynedoch, Duchess of Kent, Countess of Elgin, Princess of Cambridge, Princess Helena and Prince Alfred, Sir R. Napier, Princess Louise, Duke of Edinburgh, and Prince Leopold. One might imagine that, as the grants in all these cases were to be made by means of separate Bills, a preliminary message would not have been sent to the House of Lords; but so anxious are the Imperial Government to be courteous and considerate towards the House of Lords that in each case a message was sent both to the Lords and Commons, asking their concurrence in the proposed grant, before the Bill to give effect to it was even introduced. There is another class of cases, apparently of a much more delicate character, and yet the same course was pursued in regard to them. I refer to cases where the intention was to insert a grant in the annual Appropriation Bill. If there is anything out of the usual way in connexion with a proposed grant—anything which induces the belief that the Lords would like to consider the matter separately—it is the invariable custom for a message to be sent to the Lords, asking their concurrence in the proposal.

Mr. LALOR.—Read the message.

Mr. GILLIES.—I will read the message in one case.

Mr. LALOR.—Oh!

Mr. GILLIES.—Surely the honorable member did not expect me to bring into the chamber about 20 volumes of the *Commons' Journals* for the purpose of reading the messages sent in all these cases. I will give one example.

Mr. LALOR.—Are they all identical?

Mr. GILLIES.—As nearly as possible. I will refer to one, which is an exception because the language is much stronger than in the other cases. In 1797 a message was sent to the House of Lords, asking it to concur in taking measures to grant the Princess Royal £80,000 in view of her approaching marriage. The Lords concurred. A similar message was sent to the Commons, who also concurred, and the £80,000 was placed in the annual Appropriation Bill. A similar course was followed in 1816, in connexion with the grant made on the marriage of Princess Charlotte. In 1857, on the marriage of the Princess Royal, a message was sent to the Lords asking their concurrence in making provision to grant Her Royal Highness £40,000; and a similar message was sent to the Commons. Both the Lords and the Commons concurred, and the amount was placed in the annual Appropriation Bill.

Mr. BERRY.—Will the honorable member say how the Lords concurred except by passing the Appropriation Bill?

Mr. GILLIES.—They concurred by resolution. In 1864, a message was sent

to the Lords and Commons asking their concurrence in a proposed grant of £20,000 to Sir Rowland Hill. Both Houses concurred, and the amount was placed in the annual Appropriation Bill. The same course of procedure was followed, in 1874, in making a grant of £25,000 to Sir Garnet Wolseley, in recognition of his services in the Ashantee war.

Mr. LALOR.—The honorable gentleman promised to read one of the messages, but he has not done so.

Mr. GILLIES.—I said I would make reference to one case in which the language used was stronger than in the others. In all the cases except one the message to the Lords asked them to concur; in one case it asked the assent of the Lords in making provision. The message in each case was sent to the Lords before the proposed grant was placed on the Estimates.

Mr. BERRY.—The Lords always do concur. We will do the same for the Council as is done in England for the Lords, if that is all you want.

Mr. GILLIES.—As I have shown from *Hatsell*, the principle laid down by the Imperial Parliament is that where there is the slightest reason to believe that the second branch of the Legislature desires an opportunity of considering even a grant of public money, it should have the opportunity of doing so separately. The instances I have quoted illustrate two important classes of cases, namely—first, those where the approval of the Lords is asked before a separate Bill is introduced; and, secondly, those in which the approval of the Lords is asked before an amount is placed in the annual Appropriation Bill. Our practice has been in direct antagonism to this practice. It has been not to consult the Legislative Council upon any case in which it was doubtful whether they would approve, but to insist that their approval should be coerced, and forced from them, by applying the screw by means of the annual Appropriation Bill. Honorable members have preferred that the public service should suffer rather than that they should not get their own way. That is wholly opposed to the practice of the Imperial Parliament. The House of Commons has always been anxious to show that it considers the public interest first, and the convenience of the two Houses of Parliament afterwards. That is what we wish to see in this country. We desire to introduce here the practice followed in the Imperial Parliament—we desire to consult the public convenience first, and then the convenience of both Houses.

Mr. LALOR.—Will the honorable gentleman give an instance in which the Lords were asked to concur in a grant, but refused to do so?

Mr. GILLIES.—It is not necessary to do that, for a case of the kind would not affect my argument in the slightest. I have shown—and this is all the length my argument goes—that the principle laid down by constitutional authorities is that the annual Appropriation Bill should not be used for the purpose of coercing the assent of the second branch of the Legislature to a grant of public money which there is reason to believe it will otherwise not approve of. In the measure we have submitted, the first thing we do is to lay down the principle upon which Appropriation Bills shall be based and framed. We set out by saying that an Appropriation Bill ought never to be used with the view of coercing the second branch of the Legislature—that it shall be framed on the lines on which Appropriation Bills ought to be based. Is there anything to prevent this House—coming, as it does, fresh from the country after a general election—setting forth on the face of an Act of Parliament the only principles it will recognise upon which an Appropriation Bill ought to be constructed? We do that by this Bill. We say that an Appropriation Bill shall not include anything except grants for the ordinary service of the year—that it shall not include items which involve questions of public policy, on which the second branch of the Legislature has a fair right, under our Constitution, to be consulted. If this principle be adopted, there will no longer be occasion for any interference on the part of the Legislative Council, and there will be no need for any message from the Council asking that an item may be taken off the Estimates, because the Appropriation Bill will only contain such items as are recognised by law as proper to be placed in the Appropriation Bill.

Mr. PATTERSON.—Which may be challenged.

Mr. GILLIES.—I don't think we need be under any apprehension of any interference with regard to salaries. The Bill proposes that the Legislative Council shall be popularized in the way set forth in the measure, and there need be no apprehension of improper interference by such a

body with the annual Appropriation Bill. I repeat that if we lay down, as the principle on which Appropriation Bills shall be framed, that they shall not include any matter of public policy, but only grants for the ordinary service of the year, we need be under no fear whatever. If our Appropriation Bills are framed in that way, we shall overcome the whole difficulty. If by any accident or oversight the Government of the day submit Estimates to the Legislative Assembly involving matters of public policy, having no relation to the ordinary service of the year, provision is made to meet such an exceptional case. It is provided that on the Legislative Council passing a resolution, by a majority of two-thirds of the whole of its members, asking the Assembly not to insert such an item in the annual Appropriation Bill, then the Assembly shall not do so. If we can agree upon the principle upon which Appropriation Bills shall be based, what difficulty can there be in arriving at a satisfactory conclusion? Can any one imagine the Council, popularized as it will be, passing a resolution by two-thirds of its members, asserting that there is an item on the Estimates which violates the principle agreed upon in reference to Appropriation Bills, if there is not just reason for the assertion? If their resolution did not bear truth on the face of it, it would stamp them as improper interferers, and raise the feeling of the great bulk of the community against them. They would pass the resolution with their eyes open to the fact that they might be brought face to face with the country on the very item to which they took exception. Honorable members may contend that the Legislative Assembly is giving up too much, but practically what is it giving up? Has it not been pointed out over and over again, even by the journal which supports the Opposition, that absolutely the country gains what the Assembly may think it loses? It is a gain to the country that there shall never be the opportunity for a dead-lock to occur over an Appropriation Bill. In 1878, the honorable member for Geelong wanted to force an agreement from the Council, to start reform upon the basis that it should be impossible for the Upper House to reject an Appropriation Bill. Well, we start upon that basis; we say that the annual Appropriation Bill shall not be rejected, if the Assembly confines its functions to inserting in that measure only items which come within the principle laid down in regard to such Bills.

Mr. DOW.—Define who is to be the judge on that point.

Mr. GILLIES.—The people will be the judge in the event of a dispute occurring, but I venture to say no dispute will arise. I want to impress upon honorable members that, in order to prevent dead-locks, we must make some provision of this kind. If we are to prevent the rejection of annual Appropriation Bills, we must take care that things are not inserted in them which ought not to be there. In the event of dispute about any item, of course the people must ultimately determine it, when the time comes.

Mr. LONGMORE.—Three years after the dispute arises.

Mr. GILLIES.—Even assuming that length of time may elapse, it is better that the ordinary Supplies for the year should be voted, and that the country should pay its debts, than that there should be a dead-lock to satisfy some honorable members' notions as to the privileges of the Legislative Assembly. What are the privileges of either Chamber if they interfere with the liberties, rights, and claims of the people? Our privileges ought only to be used for the purpose of benefiting the people, not injuring them. If we hold a single privilege which interferes in the slightest degree with the rights of the people, it ought to go. But I deny that we have any such privilege. If we are to make provision to prevent dead-locks —to prevent the second branch of the Legislature rejecting an Appropriation Bill—we must make some provision to prevent items being inserted in the Appropriation Bill which ought not to be there. Lay down your lines—set out the principles upon which an Appropriation Bill should be based—and then stick to them. If you do that, there never need be such a thing as the rejection of an Appropriation Bill. Some persons, I am aware, have contended that instead of the Council having the power, on a resolution carried by two-thirds of the members, to object to the insertion of a certain item in the Appropriation Bill, it would be even better to give the Council power to eliminate the objectionable item from the Appropriation Bill, when the measure goes before them, and allow the Bill to pass without it. That plan was under the consideration of the Government. The Government recognised that, though

it might be a simpler way than that which they propose, it would be impossible to say whether such a Bill had passed with the approval both of the Legislative Council and the Legislative Assembly, because it might be amended in a direction which the Legislative Assembly never had an opportunity of expressing an opinion about—an item might be eliminated, and the Bill minus that item might become law without the Assembly having any say in the matter. The Government did not think that a proper course to suggest. Another proposal was that the Legislative Council should have power to amend the annual Appropriation Bill; but it must be evident to honorable members that if that power were granted to the Legislative Council the result would be constant dead-locks. The moment the Council amended an Appropriation Bill and sent it back to the Assembly, a dispute would in all probability arise, and that would be followed by a dead-lock. So that that would be no solution at all of the constitutional difficulty. I am aware that some persons object to our Bill containing a provision that the Legislative Council shall not reject an annual Appropriation Bill. But this provision has been placed on the face of the measure in consideration of our giving to the Legislative Council the power they do not now possess to ask the Assembly not to insert items to which they object in the Appropriation Bill. If the Assembly are prepared to accept the position that items objectionable to the Council shall not be inserted in the Appropriation Bill, security should undoubtedly be taken against the rejection of the measure. That is only fair. It was one of the contentions on the part of the Assembly at the conference between the two Houses in October, 1878. I know it is said that no branch of the Legislature ought to have placed upon it the disability of saying it cannot reject a Bill. I believe also that it is said of what use is the provision seeing that no penalty is attached. But there are, in the present Constitution Act, hosts of provisions limiting, in some cases, the powers of Parliament, and, in others, the powers of one House or the other. There are many instances in which it is provided that it shall not be lawful to do this or that. For example, it is not competent for the Legislative Council or the Legislative Assembly to proceed to business unless there is a quorum of members present. Of course it may be said—"Supposing either House proceeds to make laws without a quorum?"

Mr. PATTERSON.—It cannot.

Mr. GILLIES.—I was just going to say the same thing. Of course it would be illegal. Why, in 1874, the then Minister of Lands (Mr. Casey) quoted in this House the dictum of one of the Judges of the Supreme Court that the court recognised that it might have the power, under certain circumstances, of taking into consideration whether a measure placed upon the statute-book was really an Act of Parliament at all. So that if the Council or the Assembly choose to pass measures illegally, in violation of the terms of the Constitution Act, those measures can have no effect at all. Then again, the 42nd section of the Constitution Act contains a limitation as to the imposition of duties. It says—

"It shall not be lawful for the Legislature of Victoria to levy any duty on articles imported *bonâ fide* for the supply of Her Majesty's land or sea forces."

Supposing the Legislature of Victoria were to impose duties on such articles, the imposition would be illegal. Then the 56th section provides that it shall not be lawful for the Legislative Council to alter certain Bills. Supposing the Legislative Council were to alter such Bills, they would commit an illegal act. Of course they don't do it, not because of any penalty, but because they know the Statute expressly forbids them from doing it. Then the 57th section provides that "it shall not be lawful for the Legislative Assembly to originate or pass any vote, resolution, or Bill for the appropriation of any part of the consolidated revenue fund" unless it is first preceded by a message from the Governor. The question may be asked—Suppose the Legislative Assembly pass such a vote or resolution? The answer is that the proceeding, being in defiance of the Constitution Act, would be illegal. Lastly, the 60th section declares that it shall not be lawful to present to the Governor, for the Royal assent, Bills of a certain kind which have not been passed by an absolute majority of both Houses. These provisions set out what it shall not be lawful to do; and, up to the present time, no branch of the Legislature has openly and avowedly ignored the law and the Constitution. There have been differences of opinion as to what should be done, but no attempt has been

made to override the plain written Statute; and that is the answer to the objection which has been raised to the appearance in the Bill of the provision that it shall not be lawful for the Legislative Council to reject an Appropriation Bill. The provision will add only one more disability to a number of others already contained in the Constitution Act. I say we are entitled to place the provision on the statute-book because we take care that the annual Appropriation Bill shall contain only what it was intended originally it should contain—provision for the ordinary Supplies for the year. So long as it contains nothing more, I submit we are entitled to say to the Legislative Council—"You shall not reject the annual Appropriation Bill."

Mr. McINTYRE.—Suppose they lay it aside?

Mr. GILLIES.—That is provided for. If honorable members will look at the interpretation clause, they will find the following:—

"'Reject,' 'rejecting,' 'rejected,' shall mean and include any resolution, form, or proceeding adopted or taken by the Council, or omitted to be adopted or taken by the Council, during any session of Parliament, whereby any Bill has been prevented from being passed into law."

Mr. FISHER.—Supposing the Legislative Assembly decline to take out of the Appropriation Bill an item objected to by the Legislative Council?

Mr. GILLIES.—The 19th clause provides that the annual Appropriation Bill shall not contain anything which has not been previously submitted to the Assembly in the Estimates of Expenditure, and that it shall not be lawful for the Assembly to proceed with the consideration of any such Bill containing any matter which the Council may have requested, in pursuance of a resolution passed by at least two-thirds of that body, to be dealt with in a separate Bill. No doubt if we set out with the idea that we may insert anything, no matter what it is, in the annual Appropriation Bill we shall soon get into difficulties; but if we lay down the principle that the Bill shall include nothing except the grants for the ordinary service of the year, such a case as that which the honorable member for Mandurang (Mr. Fisher) suggests will not arise. I will go further, and take the case assumed by the honorable member for Geelong as one likely to occur. "Supposing," asked the honorable member, "the Legislative Assembly should decline to proceed with the annual Appropriation Bill?" To that I say it is certainly within the power of any branch of the Legislature to decline to proceed with business. This House may decline to proceed with business. It may decline to consider the Estimates. It may decline to elect a Speaker, although the Constitution Act says it cannot proceed to the despatch of business until it has done so. But I will not take it for granted that any branch of the Legislature would think of saying that it would not proceed with the necessary business of the country.

Mr. GAUNSON.—It has been done in other countries.

Mr. GILLIES.—It may have been done and may yet be done, but I will not assume that any branch of the Legislature of Victoria would decline to proceed with public business. It would be an extremely undesirable state of things, though no doubt the constituencies would soon redress matters. For my part, I do not think the Legislative Assembly would decline to pass an Appropriation Bill simply because the law said it must not insert certain items in that Bill. The Legislative Assembly is as much bound by the law as any individual in the community. I will not take it for granted that the Legislative Assembly, after assisting in framing a law, would be the first or the second party openly and avowedly to violate that law. Moreover, it would be impossible for men to legislate on any such lines at all. If we can legislate only on the supposition that something monstrous or outrageous will be done by one branch of the Legislature, all legislation is hopeless. But we should assume that our Constitution will be worked reasonably and well. Unless we are prepared to assume that, we ought to give up any idea of amending the Constitution at all. In support of that view, I take the liberty of quoting a passage from an article by Mr. Gladstone. It was quoted by the honorable member for Belfast, last year, and is extremely apropos of the very objection I am now dealing with, that the Legislature might refuse to proceed to business at all under such circumstances. The article originally appeared in the *North American Review* of September, 1878, and has been included in the first of a series of volumes lately published under the title of *Gleanings of Past Years*. In speaking of the British Constitution, Mr. Gladstone says—

"When men repeat the proverb which teaches us that 'marriages are made in Heaven,' what they mean is that, in the most fundamental of

all social operations, the building up of the family, the issues involved in the nuptial contract lie beyond the best exercise of human thought, and the unseen forces of providential government make good the defect in our imperfect capacity. Even so would it seem to have been in that curious marriage of competing influences and powers which brings about the composite harmony of the British Constitution. More, it must be admitted, than any other, it leaves open doors which lead into blind alleys; for it presumes, more boldly than any other, the good sense and good faith of those who work it. If, unhappily, these personages meet together on the great arena of the nation's fortunes as jockeys meet upon a race-course, each to urge to the uttermost, as against the others, the power of the animal he rides; or as counsel in a court, each to procure the victory of his client, without respect to any other interest or right, then this boasted Constitution of ours is neither more nor less than a heap of absurdities. The undoubted competency of each reaches even to the paralysis or destruction of the rest. The House of Commons is entitled to refuse every shilling of the Supplies. That House, and also the House of Lords, is entitled to refuse its assent to every Bill presented to it. The Crown is entitled to make a thousand peers to-day and as many to-morrow. It may dissolve all and every Parliament before it proceeds to business; may pardon the most atrocious crimes; may declare war against all the world; may conclude treaties involving unlimited responsibilities, and even vast expenditure, without the consent, nay, without the knowledge, of Parliament; and this not merely in support or in development, but in reversal, of policy already known to and sanctioned by the nation. But the assumption is that the depositaries of power will all respect one another; will evince a consciousness that they are working in a common interest for a common end; that they will be possessed, together with not less than an average intelligence, of not less than an average sense of equity and of the public interest and rights. When these reasonable expectations fail, then, it must be admitted, the British Constitution will be in danger."

And I say that if we are not prepared to acknowledge our responsibilities as a branch of the Legislature, to legislate in a form in which legislation is possible, to obtain such things as we can obtain without straining either the Constitution or the law too far, I have no hope of our being able, in this session of Parliament or in any other, properly to amend the Constitution of Victoria.

Mr. PEARSON.—Mr. Speaker, the Minister of Railways and I think the Premier also—certainly the journals that speak for them—claim among other things that the Reform Bill of the late Government was distinctly rejected at the general election; and also, by implication, that the country assented to the proposals for reform propounded by the present Ministry. Now the sooner we clear the ground with regard to this matter the better I think it will be. The honorable member for Belfast, in his speech the other night—which, I am sorry to see, has not been answered at all—told us that one-fourth of the population did not vote on the constitutional question at all; that they voted solely with reference to a supposed grievance which they had against the educational system of the country.

Sir J. O'SHANASSY.—I did not say that.

Mr. PEARSON. — Anyhow, if the statement does not come from the honorable member, it comes from others. For myself I may say that, as far as my experience goes, I fully endorse what the honorable member said as to his claims to the gratitude of the Ministerial party. At my first election for Castlemaine, when I stood partly on the question of the plebiscite, my supporters admitted that I got three-fourths of the Catholic vote; at my last election I believe I did not get 5 per cent. of it. The proposals of the Government were not put forward, at the general election, in the matured shape in which they are presented now; and the one great argument used, especially by members of the corner party, who exercised a great influence on the destinies of the election, was—"You have before you the scheme of the plebiscite, which may be good or which may be bad"—the corner party, I think, generally said it was good—"but it cannot be carried, while, on the other hand, you have the Norwegian scheme and Mr. Service's proposals, which can be carried through the Council if the Assembly will only send them up." What do we know about that? We are told there was a conference between certain gentlemen who were good enough to make themselves the representatives of the Assembly with certain others who represented the Council, and that they could not come to an agreement. Therefore, whatever reason the representatives of the conservative party may have had for saying this—whatever hopes they may have entertained of the Council accepting one particular scheme — they had no ground at the time the general election came off, and they won the election, in great measure, under false pretences. Under these circumstances, I regard the Reform Bill which they have brought forward simply as a fancy proposal which the Ministry have got the opportunity of proposing from the Treasury bench; and what we have to consider is not

whether it is good enough to be carried, but whether it is really the best that can be carried. The time when a Ministry could call upon the Opposition to support them was when the honorable member for Geelong (Mr. Berry) commanded a majority of nearly two-thirds of this House—in fact, he had a majority of two-thirds for the second reading of his Reform Bill. If the then Opposition had chosen to take a patriotic part—if they had said, "Give up the clause we all object to, the clause which makes the Assembly absolute over monetary matters, and we will support you with a unanimous vote"—no Government could have rejected such a proposal; and a Bill so sent up to the Legislative Council, whatever its provisions might have been, would have had a better chance of becoming law than any Bill the present Ministry can pass through this Chamber. I regard it as a great misfortune that that opportunity was lost; but I hope the fact won't lead us on this (the opposition) side to forget that we are bound to consider the Government Bill, such as it is, with all possible candour and disposition to do it justice. I think the members of the Ministry will be themselves ready to admit, by this time, that a great many of their attacks on the late Government were not altogether justified—that it is not quite so easy to reform the Constitution as they seemed to think when they sat on the opposition benches. They attacked Mr. Berry's Bill for having a certain simplicity about it—they asserted that it decapitated the Council and put its head on a pole. That, certainly, is not the fault of the present Bill. There is no simplicity about the measure. It is so complicated in its mechanism that one can hardly tell in what direction it will work. It does not propose to decapitate the Council or the Assembly. What it proposes is rather to give a tonic to the Council, and to bleed the Assembly at every pore—cutting off its hands and feet so as to make it powerless. I scarcely ever saw a Bill which, coming from gentlemen who once called themselves conservatives, proposed such a maximum of unnecessary changes. I think there are nine different alterations proposed. We are to have the numbers of the Council increased—a very important point, which I think the Minister of Railways did not address himself to as he might. The number of provinces is to be increased; the qualification of members and the qualification of electors of the Council is to be reduced; the tenure of office is to be shortened; there is to be a concurrent dissolution; the Council are to have the power of making amendments in Money Bills; the Assembly are not to be at liberty to make tacks; and lastly, the so-called Norwegian system is to be adopted. With regard to the last proposal, I desire to say that if honorable members on the Ministerial side don't object, I will not call it the Norwegian system, because it has nothing in common with that system. The Norwegian system, as the honorable member for Geelong (Mr. Berry) has shown, is different in the way in which it works, and is intended to make the Lower House supreme. But the joint vote proposed by the Government very nearly corresponds with the Hessian system, and has this great point of resemblance—that it tends to make the Upper Chamber supreme. Therefore I think a better and truer name for the Ministerial proposal will be the Hessian system. Another objection to the Bill is that its different parts are not in the least homogeneous. The arrangement reminds me of the five orders of architecture which are in such close proximity at Oxford, which device is not considered altogether successful. We have the Roman-Dutch system of the Cape of Good Hope; a bit of the American system, by which the Upper House may make amendments which they are now precluded from making; a new doctrine as to tacks, taken from Mr. Perceval, who is not generally quoted as a constitutional authority; the principle of altering the electoral basis of the Council which, as far as I can see, is taken from France; and, lastly, the Hessian system. Now two of these systems—that of the Cape and that of America—are known to have failed; and as to the French and Hessian systems, we really have no information about their working. Thus, as far as any experience goes, we are in the most complete uncertainty as to what the result of the Bill will be. The great point which the Minister of Railways dwelt upon was the popularizing of the Council. And how is it to be popularized? By a deliberate invasion of a principle which has been sanctioned by this House. Our numbers have been altered on two occasions, and on neither occasion have we proposed or assented to the idea that the numbers of the Council should be increased at the same time—our predecessors, I presume,

thinking that there was no reason why the Council should be to the Assembly as one is to two. Of course, I know why the change is proposed. It is to make the Council more powerful when the two Houses meet. But why is not that stated openly? Why are we not told that the Council is supposed to be too weak, and that, therefore, additional voting power must be given to it? I will add that there is nothing whatever in the Cape or Hesse systems to warrant the proposal.

Mr. FRANCIS.—It was advocated here long before the adoption of the Norwegian system was suggested.

Mr. PEARSON.—This country has been so fertile in constitutional disputes that there is hardly a suggestion which can be offered that has not already been made at some time or other. I submit that to increase the number of members of the Legislative Council is not to go in a popular direction. But we are told that it will be a grand thing for so many thousand men to be added to the electoral rolls of that body—for so many more to have a share in the constitution of the Council, and so in the government of the country. Let us consider what is really the effect of that proposal. We all know what may happen in business. Two banking institutions may be amalgamated; the one is encumbered with debt, the other is perfectly solvent; and, however good the united organization may be, it is not in the least probable that the shareholders of the solvent concern will benefit by the union. Well, how can the Ministerial proposal be of benefit to the electors who hold liberal sentiments if they are to be steadily out-voted by the other side? Is not the proposal one calculated to defeat any liberal tendency whatever? If this were not so, what the Premier has said shows that his object is to introduce a new element into our Constitution, and to base the two Houses upon what I regard as a most dangerous principle. He says the Council has hitherto represented wealth, and he is anxious that it should now represent property. Then it appears we are to have two Houses—the one representing property, and the other representing labour, or whatever you may choose to call it. I think that will be introducing a most dangerous distinction. It will be putting class against class. Does any one suppose that property is in danger in this country?

Several HONORABLE MEMBERS.—Yes.

Mr. PEARSON.—I would be glad to hear, at a future stage of the debate, how that supposition arises. Looking back at the legislation of the colony, I see no attempts to place unfair taxes on property. Until a few years back, the general cry was that it was the working man who had to pay all the taxes. If you want to see countries where property is taxed, you must go to England, Belgium, and Austria; or if you want to find a progressive income tax in operation, you must go to North Germany. In Victoria, until the other day, working men consented to be taxed on every article they wore and every implement they used before they would consent to put taxes upon land. Again, have we here a dangerous class? In Europe, there is an enormous distinction of classes—a distinction which no statesman can disregard. There are the class who have, and the class who can never expect to have. Here the distinction is very different. Here are, on the one hand, the men who have already; and, on the other, the men who are going to have in a very short time—mostly young men who have not yet had time to accumulate.

Dr. MADDEN.—Class cannot be set against class under this Bill.

Mr. PEARSON.—That is what the Bill will lead to at a future time. You are creating a distinction which should not exist. I would like to ask whether any honorable member has witnessed any communistic leanings in the colony except in a publication called *The Two Worlds*, the author of which may be traced by his style in leading conservative journals? I suppose he has gone over, from conscientious convictions, to the cause of "law and order." Let me ask whether any institution is strengthened by having separate representation? It is supposed that, in all ages of the world, religion has had a formidable enemy to encounter in the person of free thought; and accordingly in every country a church was organized for the protection of religion, and, in England, separate representation was given to it. Was the church a bit stronger for that? No, it was weaker. And when property gets separate representation in this country, depend upon it that will be the time when property will be assailed, because that will be the time when working men will think that legislation of an unfair character is aimed at them. What we want to do is

to protect property in a very different way. We want to subdivide land, to give every man a stake in the country as far as we can, to check barbarian immigration, and to diffuse education as far as possible. I believe in that manner we shall prevent any question arising as between labour and capital. What is capital but the reserve fund of labour, and what is labour but a kind of capital? Differences between the two can be solved with the most perfect quietude by committees of arbitration composed of competent and moderate men. Depend upon it that, if this country should come to have a large impoverished class, no Council of 30 or even 42 will be able to sit on the safety-valve and save a tremendous explosion. You must guard against danger at the beginning, and not when it has grown great. The Minister of Railways has argued that the power of suggesting, to put it in the mildest form, given by the Bill to the second Chamber will be an extremely moderate one—one that will not frequently be used; but it seems to me that if the second Chamber deliberately desires to draw all the power of the country into its hands it can do it under that provision. All it has to do is to desire that any extraordinary grant —any grant which is not connected with the ordinary services of the year—shall be struck out of the Estimates and sent up in a separate Bill, in order to starve any Ministry you like out of existence. No Cabinet could support a war of that kind continuing over eighteen months. The second Chamber can strike out any matter it chooses; there is no limitation. We have instances how this power of amending Money Bills operates. Take America. What we call dead-locks—conflicts between the two Houses—are of annual occurrence. Do honorable members desire that state of things to exist here? I, for one, would like to see tacks abolished. I think, when I find a conservative journal talking of tacks being a relic of a bygone age, and as unfitted for the present civilized times, it is necessary to call to mind why the principle of tacks was introduced, and what good service tacks did in their time. The Petition of Right was virtually carried by a tack. The King sent an intimation to the Commons that he would prefer Supply being proceeded with first, and the Petition of Right afterwards; but the Commons fell back on their ancient privilege of having grievances redressed first, and in that way carried their point. In 1685, there is an instance of a very different kind. A Bill was then before the Commons for regulating the militia. The idea was to remove the standing army which James II thought to employ to the danger of the country. Courtiers mingled with the members, and urged them to grant Supplies, and trust to the King's grace and good will for the granting of their reasonable requests afterwards. Parliament took that view of the matter, and, because it did so, was prorogued the next day. Before the next Parliament met, there occurred the Revolution which cost the King his crown. In 1693, the Commons tacked what was known as the Place Bill to the Appropriation Bill. In 1699, the Irish Estates Confiscation Act was passed by means of a tack. The Whig historians express high approval of that proceeding, and, without endorsing all that they put forward on the subject, I must say there was a great deal of reason for the course then pursued. The Commons appear to have dropped the exercise of the right of tacking when the King gave up the right to veto legislation. However, the King retained the right of swamping the House of Lords by the creation of new peers. That right was exercised in 1712 with reference to the Treaty of Utrecht.

Mr. JONES.—And those who were instrumental in swamping the House of Lords were banished.

Mr. PEARSON.—At all events the House of Lords was made to feel that its position was endangered if it opposed the Commons in a matter with respect to which they had the nation behind them. It was thought that the power of swamping would have been used, in 1832, in connexion with the Reform Bill, but happily the House of Lords thought it prudent to yield to the popular voice. Since then the House of Lords has very wisely given way on all great questions. I know perfectly well that cases may be quoted of the Lords having been ostentatiously consulted on money matters. Such a case may be cited as that of the endowment of education in 1839, when the control of the national educational system was transferred to a committee of the Privy Council. But the fact is that the House of Lords has the gravest possible reasons for not pressing matters to extremities; and therefore matters are not pushed to the extremity they are here. I would also ask honorable members opposite to

remember this—that any Lower House now has much stronger reasons for not abusing the power of tacking than existed in former times. In those days, if Parliament refused Supplies, the persons inconvenienced were the King, his household troops, who were not numerous, and the Custom-house officers, few in number. In fact the King, out of his ordinary receipts, could defray most of the charges of State in times of peace. Now, on the other hand, the whole service of the State is unhinged if the Supplies are stopped, and the country is thrown into disorder, and that is the great reason why the Assembly or House of Commons must be trusted not to enter lightly upon a contest of this kind, as it is also a reason why the contest, if it occurs, is much more terrible and should be guarded against by some expedient. I suppose we all agree that tacks had much better be abolished if that can be done without giving up the privileges of the Assembly—if in doing it we can secure at the same time that a Bill which is definitely approved of in the country shall become law. But you do not secure finality by destroying the power of the Assembly and transferring it to the Council—by giving the Council power to carry out its own will, while taking that power from the popular Chamber. Surely that is not consulting the wishes of the body of the people more than they are consulted now. I ask why, when the Ministry introduced this clause regarding the suggestion of amendments in the Appropriation Bill, they did not give the power of suggestion to one-third of the Assembly? Surely the Assembly might be trusted, in a matter of this kind, to decide what was objectionable matter, or not, in the Appropriation Bill; and surely experience proves that one-third of the Assembly can be perfectly well relied on to side with the Council in almost all matters of constitutional conflict. I come next to the question of the double dissolution. We have been told that this system has been introduced at the Cape of Good Hope, and has worked there for a good many years. Now the system was introduced there under rather peculiar circumstances. It was not demanded, as far as I can discover, by the colonists themselves, but was recommended by a committee of the Privy Council who went very carefully into the consideration of the whole of the circumstances of the Cape Colony, and apprehending, as they did from various reasons, that there might be dead-locks between the different branches of the Legislature they devised this expedient to remedy them. That tells to a certain extent in favour of the Government Bill.

Mr. GAUNSON.—Did they provide for a joint meeting of the two Houses?

Mr. PEARSON.—No. Although, as I have said, this action of the Privy Council tells somewhat in favour of the Bill, at the same time it must be remembered that all the other features connected with the Cape Constitution are different from ours. One difference has been mentioned—that the Council and the Assembly are elected by the same constituency. There are also two or three other important differences. For example, in the elections for the Council the minority are represented. There are seven provinces which return three members each, and every elector in each province may give his three votes either jointly or separately. Consequently you can always be assured that out of the 21 members of the Council at least seven will represent the liberal side. Again, the Council of the Cape Colony, as compared with the Assembly, has never numbered more than one-third and at present numbers rather less. Moreover, the system of the double dissolution, as it exists in the Constitution of the Cape, is guarded by a large number of precautions which the Government have not introduced into their Bill. Yet that system has not succeeded. Theal, the historian of the Cape Colony, says—

"The Constitution had hardly been promulgated when its defects became apparent. A permanent Ministry appointed by the Crown, and independent of the representatives of the people, frequently came into collision with the Chambers, and when neither party would give way a dead-lock in government was the result."

Sir P. Wodehouse, on one occasion, transferred the Parliament to Graham's Town with the result that almost all Bills passed there were repealed next year at Cape Town. He then proposed either to substitute a council of Government nominees for Parliament or to introduce responsible government. Theal continues—

"In October, 1869, he dissolved the House of Assembly and appealed to the country. The result of the election was a majority in favour of responsible government. But the Legislative Council, which had not been dissolved, held out against the measure until 1872, when it was carried through by 11 votes against 10."

So it seems that this expedient of a concurrent dissolution of the Council and the

Assembly was not thought by an experienced Governor even worthy of trying. There was a dead-lock of three years, and there has been another since the change in the Constitution of the colony in 1875, though not a very important one. But the most important point of all, and that to which I would call the attention of honorable members is this: the Privy Council, which pays a most intelligent attention to all colonial matters, has never, as far as I know, introduced this principle of a double dissolution into any colonial Constitution since it was introduced in the Cape Colony. In fact, the Privy Council has sat in judgment on the system and condemned it. Clearing the Roman-Dutch precedent out of the way, as it does not seem to tell much one way or the other, I will give the Government a precedent of a different kind, which will tell much more for the Government if they will only alter their Bill a little, as they will have to alter it a great deal. In Belgium, where the number of members in the Senate is to the number of members in the House of Representatives in the proportion of one to two, there was a quarrel in 1851 between the two Houses on the subject of the succession duty, which the Upper House refused to pass. Indeed, members of that Chamber used language which of course would sound very odd in Victoria —they said in effect that they would not tax themselves.

Mr. DOW.—It has been used here.

Mr. PEARSON.—The honorable member's correction shows the advantage of knowing the ancient history of the country. King Leopold, having the power to dissolve both Houses together or separately —and that seems to me a fair system— dissolved the Senate alone, and sent it to the country, and the country returned a more liberal Senate, which passed the succession duty instantly. But mark the results of that. There was thus a Senate which had been elected upon a single issue alone. Men who otherwise were the fittest persons to represent the constituencies on general subjects were put aside for a time simply because they differed from the Assembly on a matter which was for the moment of capital importance. And I say if you have a dissolution in this way—merely on any point concerning which the two Houses are in dispute— you are brought face to face with the danger that the country may have to choose the less fit of two men simply because he is right on the particular point at issue. You may have in the Council 30 members out of the 42 who would not otherwise have been in it but that they were prepared to vote for, say, a measure like the Darling grant or payment of members, in order to end a contest of which the country has become perfectly sick. Nothing will strike at the roots of parliamentary government more than that. To propose to sacrifice the constitution of the Council for six years, and that of the Assembly for three years, in order to settle a single point, is a measure which is infinitely more revolutionary in its tendency than anything which has yet been proposed in this colony. But what, after all, will be the effect of the concurrent dissolution? Surely it will be a question of purses between the two Houses—the rich House and the poor House. I do not for one moment say that, if you put the question to the Council now, they would like the concurrent dissolution. Of course they would dislike being sent to their constituents, and it would be a penalty upon them. But once let men's blood get heated, once let it be a question of measuring purses against the Assembly, and what will be the result? Would not the penalty of dissolution be much smaller for the Council than for the Assembly? Are they not much freer from competition in the electoral districts than we are; and cannot they exercise a perfect reign of terror over us through this proposal of a double dissolution? How many Parliaments will face being sent to the country in this manner? And suppose there is a concurrent dissolution, and the two Houses happen to be returned with precisely contrary instructions from their respective constituents, the quarrel is actually envenomed. In that case we are to have recourse to the last expedient—that which the Government hope will not often be resorted to — the meeting of the two Chambers together. Now, as to this proposal, I have always felt that it had a great deal more in its favour than most of the different propositions which make up the Government scheme. At the same time, as part of the whole scheme, it seems, in its connexion with the other proposals, a most dangerous one. In the first place, the number of the members of the Council is to be increased. We are told that there will be a difference of opinion between the members of the Upper

Chamber—that six members voted for the Darling grant. But why did they vote for it? Not in the least because they approved of it, but because they wanted to prevent a dead-lock—they were not prepared to face the consequences to the country. Those six would have voted to a man to maintain the corporate privileges of the Council, or for any Bill in which the feeling of the Council was interested, so long as there was no danger to the country of a dead-lock. You may therefore rely upon it that under this Bill the smaller House will always vote as a compact body; there will always be 42 members on one side when the two Houses meet together. And what reason is there to assume that a Ministry, generally speaking, will be able to command 65 votes in the Assembly? Fifty-nine or sixty votes make a strong Ministry; but when you demand more than that, what chance is there of passing any measure at the joint sitting unless it is in the interests of the Council? The course which the Council would follow can be easily imagined. Suppose a Bill sent up from the Assembly and rejected by the second Chamber—say a Mining on Private Property Bill such as was drafted by the late Minister of Mines—is submitted to the joint meeting of the two Houses. Now, according to the Government scheme, any Bill submitted to the joint meeting can be amended, so that every clause of that Mining on Private Property Bill might be separately amended, and, clause by clause, the Bill substituted which the Upper House passed last year and which was rejected by the Assembly. That system might be carried on to any extent in regard to questions in which the country was immensely interested. To take another example, suppose the Bill submitted to the joint meeting was a Bill which had been passed by the Assembly to regulate the influx of Chinese—a question which is exciting a good deal of popular feeling at present. The Assembly might propose to impose a heavy poll-tax upon Chinamen; yet, at the joint meeting, that proposal might be altered into a very slight poll-tax upon those Chinese in the country, with the offer of a bounty to all Chinamen who might arrive here. There would be no end to the alterations that might be made in important measures, and in that way the effect would be really to make the Council perfectly absolute.

Mr. GAUNSON.—In the case of an Electoral Bill the system would work worse still.

Mr. PEARSON.—In fact, there would be no end to the combinations, yet the Ministry call this a measure of peace! It is a measure calculated to cause any amount of discord. An epigram, written by one of Charles the Second's courtiers, has often been in my mind since I saw this Bill. It is supposed to represent the feelings of the Commons towards the King at that time, and is as follows:—

> "In all humility we crave
> Our Sovereign may be our slave,
> And humbly pray that he may be
> Enslaved to us most thoroughly,
> Which if he'll please once to lay down
> His sceptre, royalty, and crown,
> We'll make him for the time to come
> The greatest king in Christendom."

This Bill seems conceived in much the same spirit. If the Assembly will once lay down all the privileges it has received from old times and give up its power to the Council, we are promised that the Council will never demand anything but what is reasonable, and that the Assembly will, at some indefinite time, be able to carry through all the wishes it ought to have. In fact, the whole plan seems to me, if I may use so humble a comparison, very much like the thimble-rigging that goes on at a fair. The Premier is the artful sleight-of-hand man, who tells you that the popular rights are under one thimble or another, and you seem to see them there, while, in fact, they are all the time in his own custody, and will never pass from it. The only reason why the country has submitted so peaceably in the past to these long constitutional conflicts—the reason why it has watched with such interest each attempt at a possible solution of the difficulty—has been because it has had the conviction that the Constitution was substantially right, and only required a little filing here and oiling there to render the machinery perfectly workable. But once bring the Constitution into such a state that everything can be done according to law, and yet the results be such as to outrage the popular sentiment on every subject, and can it be believed for one moment that the people will submit to such a system? Will not there rather be a renewal of agitation of the worst kind? Will not every Ministry be compelled, for its existence, to address itself only to "stump" questions—to make "burning" questions their whole topic before the

people, if they do not desire to submit to a perfect and ignominious compliance with the demands of the Council? And, lastly, is this Bill in the interests of the Council themselves? I know it gives them enormously more power than they have now. It reconstitutes them in such a way that they will be masters of the situation for all time. But I think even the members of the Council will reflect that they will be giving up a secure position behind an Imperial Statute, under which they have been able to do all they wish, for a delusive security, if they accept this Bill with all its innumerable complications and its encroachments on popular liberty. I cannot believe, however, that this popular Chamber will ever, by passing the Bill, sign away the rights which belong to the people of this country.

Mr. McINTYRE.—Sir, we have just listened to a very interesting lecture from the honorable member for Castlemaine (Mr. Pearson), but I may be permitted to express the opinion that the lecture was more fitted for the class-room than for this Assembly, where we have to deal with practical questions. Personally I enjoyed the lecture very much, but unfortunately it has given me nothing to reply to. I thought the honorable member, when he rose, would have attempted to criticise the very able speech of the Minister of Railways, but he carefully avoided dealing with the points in the Bill which the Minister of Railways explained and dilated on. The honorable member started by attempting to show that the verdict of the country at the late election was not against the Berry Reform Bill. Now that is an assumption which I controvert utterly. I am prepared to assert that the result of the late election was an emphatic protest by the country against every part of the reform scheme of the late Government. Honorable members may say what they please with regard to the influence of a certain vote upon the elections. Personally I can say that that vote was diametrically opposed to me and my two colleagues in the representation of Sandhurst at the recent contest. It was well known in Sandhurst that the influence referred to was not cast in our favour.

Sir J. O'SHANASSY.—Who said it was?

Mr. McINTYRE.—When it is said, by the honorable member for Castlemaine and others, that many gentlemen on this (the Ministerial) side of the House were returned by the influence of that vote, it is only fair that I should give a denial to the statement on behalf of myself and my colleagues. As a matter of fact, that vote, at Sandhurst at least, went absolutely with the Berry party, although, no doubt, I got a fair share of support from leading members of the section of the electors alluded to, as I always have done, and as I hope I always shall do. But this is beside the question. I want to disabuse the minds of the late Government and their supporters of the idea that the verdict of the country was not a direct condemnation of the Berry reform scheme. As far as my constituency was concerned, every effort that the late Ministry and their party could bring to bear was employed against the return of myself and my colleagues. A few weeks before the election, the late Ministry actually "stumped" the district, four or five Ministers addressing a meeting in one night. Yet notwithstanding every effort, notwithstanding the late Premier setting forth in his speech at Geelong all that the Government had done for Sandhurst in connexion with the miners' strike, the people were not to be hoodwinked, and demanded reform in a totally different direction from that suggested by the late Government. The present Bill, I am pleased to say, goes more in the direction of public opinion than any Reform Bill that has ever yet been submitted to this House. For the last 17 years the public feeling has been in favour of making the Upper House more popular in regard to its electoral basis than it is now. The cry of the country has been that that Chamber was an oligarchy representing only property. We find, therefore, that the present Government attempt to popularize the Council by increasing its electoral power from 30,000 to 110,000 voters. The Opposition thereupon exclaim that this is a blow at manhood suffrage. Was there ever such an absurdity advanced? I do not agree with all the provisions of the Bill, as I shall show presently; but it must be admitted that it goes in the direction, at all events, in which public opinion has tended for many years. Sixteen or seventeen years ago, the Bendigo Liberal Association advocated the extension of the franchise for the Council to the very limit now fixed in this Bill, and also the power of dissolving the Upper House. They maintained that, if those two points were carried, there would never be any

dead-locks in the future. Therefore, whatever the faults of the Bill may be in other respects, I think the Government deserve credit, at any rate, for following public opinion to the extent they have done. I hold, myself, that they would probably have done better if they had gone a little lower with respect to the franchise for the Council. I distinctly told my constituents that I was in favour of the ratepayers' roll as the basis for the election of the second Chamber, and that statement was highly approved of by all the meetings I addressed. I think the Government, having gone so far, should not "make two bites of a cherry," but should settle the question definitely by agreeing to the ratepayers' roll as the electoral basis of the Council. Moreover, by doing so, they would bring this portion of their Bill within the basis which the honorable member for Geelong (Mr. Berry) said in the last Parliament he was willing to accept. If the Government allow an amendment to that effect to be made in the Bill in committee, I feel sure that they will render their measure so popular that this House, at all events, dare not interfere with its passage. I confess, however, I would be sorry to see any attempt at amendment which would lead the Government into difficulties, and I merely express what my own ideas on the subject are. The Government should also, I think, reconsider the proposal of the double dissolution. I do not see why the Assembly should be called upon to go to the country because the Council does an act for which it alone should be held responsible. I hope the Government will think this matter carefully over, for I believe that, more especially if the ratepayers' roll is adopted for the Council, there will not be the shadow of a doubt that the second Chamber will pause before attempting to throw out any measure which has received the sanction of a large number of members of this House. I make these suggestions in all friendship towards the Government. Another point of objection is the principle of the double sitting. That is a principle which I have always looked upon as very dangerous to the popular Chamber, and I would really like to see some other solution of the difficulty proposed. However, I am still in the fix that I cannot get away from supporting the Government, for I know that the country is heartily sick of this reform question, which has been debated *ad nauseam* for the last three years. Indeed, I am quite sure that if the Government had an opportunity of going to the country on this question, whatever may be the faults of their Bill, a very large majority would be returned to support it. At the same time I think that, as fair men, they have a right to accept any reasonable suggestions that may be made by members on either side of the House. Many of us are pledged to a certain line of reform, and though we cannot possibly all have our ideas accepted, still, if we feel strongly on any particular point, I think the Government should, when the Bill gets into committee, give due weight to the representations made. Another somewhat dangerous point in the Bill is the provision with regard to the rejection of items in the Appropriation Bill by the Legislative Council. I asked the Minister of Railways, while he was speaking, what would happen in the event of the Council laying the Appropriation Bill aside, and he endeavoured to explain from the interpretation clause that that would be an illegal act. I would like to be assured upon that point, and I would also desire the Government to assure the House that they will be able to define precisely the character of the items with which the Upper House will have power to interfere. The honorable member for Belfast, perhaps, may be inclined to assist the Government to properly define the items which may be rejected by the other Chamber.

Sir J. O'SHANASSY.—I would not ask them to do what is impossible.

Mr. McINTYRE.—I think it is possible. The annual Appropriation Bill should only provide for the general expenditure of the year, such as the salaries of the civil servants and the amounts necessary for the management of the railways and public works. These are items which can be easily defined, and if we once obtain such a definition we can say that all matters outside those lines would be matters of public policy which the Upper House would be perfectly entitled to ask the Assembly to reconsider. If the Government can clearly define what items the Council can ask this House to omit from the Appropriation Bill, I think the difficulty of dead-locks will be settled for ever. If I understand the Government Bill, there can be no danger of a dead-lock ever occurring in this colony once it is passed into law. Dead-locks can only occur over money matters, and if the passage of the Appropriation Bill is

secured the general business of the country will go on without interruption, even though a difference of opinion may exist upon a particular measure for years. If the Bill proposed to give the other Chamber power to interfere with the privileges of this House with regard to the initiation of anything connected with money, I would oppose it; but the measure does not propose to give the Council the slightest additional power over the control of the purse beyond the power of asking this Chamber not to place certain items in the Appropriation Bill, and I think that is not asking too much. If honorable members on both sides of the House will give the matter their careful consideration, they will see that the Council is fully entitled to be granted this particular check in the control of the affairs of the country. The Council must be either an absolute nonentity or have some power of this kind. The late Government were defeated primarily because they attempted to carry the 6th clause of their Bill. Even the nominee House and the plebiscite might have been passed, but the country was determined never to allow the Assembly unchecked control of the finances. The honorable member for Castlemaine has talked about the extraordinary changes in the Constitution proposed by the present Bill, but did he not give an unhesitating—but that he is a professor I might almost say an unthinking—support to the proposals of the late Government, the object of which was to entirely kill the other Chamber? What are the changes proposed in the present Bill compared with the proposals of the late Government, which would have removed the Constitution altogether out of the lines of the British Constitution? The measure now submitted, on the other hand, is laid as nearly on the lines of the British Constitution as is possible. The Minister of Railways must have satisfied every honorable member that the Government are doing all they can to keep within the bounds of the British Constitution, and, that being the case, I trust that honorable members on the opposition side who are doubtful as to how they shall vote will give the Government a fair support to get the Bill at all events into committee. No doubt several honorable members on both sides will consider it their duty to endeavour to further liberalize the basis of the Council, but I do not think the Government are determined to stand hard and fast to the particular franchise they have proposed, or to the proposal for the double dissolution. I dare say that, if there is a strong and general feeling in regard to both points, they will be prepared to give way on them. The joint meeting of the two Houses I have already said I am opposed to; at the same time, if the ratepayers' roll is adopted for the Council it will be rendered less objectionable. One proposal in the Bill from which I strongly dissent is the proposition to increase the number of the members of the Council. I think that the provinces might have been re-arranged, and every necessary power of check maintained by the present number of members. Although in the past we have got nearly all the liberal legislation we have asked for, we know that the Council, consisting of 30 members, has been able to keep back many important measures. Of course, I cannot expect to have my own wishes with regard to reform carried through, but I make these suggestions in the most friendly spirit, and with the utmost anxiety to get this bugbear of reform satisfactorily disposed of, so that we may be able to proceed with the practical legislation for which the country is pining. We know that can never be done until this question is taken out of the agitators' hands. We know that the Opposition are attempting to work up the question again, but they have had little success so far, for the recent extraordinary meeting in the People's Theatre was an utter failure, though the highways and by-ways were scoured to bring up every man possible. The country demands that every member shall set aside his own personal proclivities on this question. The people say—"Cease to agitate this question for your own personal ends, and let us have the Service Reform Bill, and chance it." That is the feeling of the country. If honorable members opposite delude themselves with the idea that the country is with them, on the strength of the demonstration at the People's Theatre, they will find themselves sadly mistaken. Honorable members who lately occupied this side of the House talk about the liberties of the people being infringed by this Bill. Why no one ever did more to infringe the liberties of the people than the late Ministry and their party. Greater tyrants never existed. The honorable member for Geelong (Mr. Berry) astounded me by his audacity when he

said that nothing has been proved against the late Government. Sir, the time has not arrived yet. In a very short time, the honorable member will find what we can say with regard to the acts of the late Administration, and I warn him that the country will never tolerate him or any part of Berryism back in power again. The country wants reform, and it will have reform. Honorable members on both sides have spoken of the constitutional view of the question; I speak of the practical desire of the people, and I know they demand reform in, at all events, the direction of the present Bill. I thoroughly agree with the honorable member for Belfast, that the Constitution would work well as it stands if it was desired to work it. But we cannot let things rest as they are. The question has been worked up to such a degree by the agitators that we must have some change, and I only hope the honorable member for Belfast will lend the Government the benefit of his great experience in achieving the most desirable reform. I say he ought to do so, for no man did more to put out the late Government than he did, and how, in the name of common sense, can he vote to bring them back again? If the honorable member assists the Government in this matter, he will do great good, and will help to bring back that fame which he enjoyed many years ago. I remember that, in 1858, he was called "the father of democracy," "the people's friend." I want him to be the people's friend now, to help to settle this question once for all, and to settle it on lines which will not interfere with the liberties of the people. I am sure that if those who were lately in power get back to office again there will be no reform for years to come, and we know that those men have already put back the progress of this country a whole generation. I believe we shall get this Bill passed into law, for I believe the common sense of a reasonable number of honorable members opposite will cause them to come across the floor of the House and assist the Government to pass it. Many of them have pledged themselves in their speeches to their constituents to support a reasonable and moderate scheme of reform. I am sure many of them trimmed upon the Berry reform scheme, otherwise they would not be occupying seats in the House now. I do not desire to talk about the possibility of a dissolution. No such threat should be held out to honorable members. Nevertheless, should a dissolution occur, I venture to say honorable members opposite will find that the feeling of the country generally is in favour of a moderate reform scheme, and not of any extreme proposals such as those which were submitted in the last two sessions of Parliament. In the few remarks I have made—and which have been made wholly without preparation, for I rose merely to fill a gap—I have endeavoured to address myself to the question not from a constitutional but from a practical stand-point, and I hope my observations will commend themselves to honorable members.

Mr. DOW.—Sir, as one of those who wish to take a very moderate view of the reform question, and are, in common with an extremely large proportion of our fellow citizens, thoroughly disgusted with the way in which constitutional reform has occupied for many years the exclusive attention of the body politic, I must say I deeply regret the features of the present debate which seem to me to some extent to hinder those who are for conciliation and concession, in order to arrive at a rational settlement of the question that vexes us. For instance, there is the address of the last speaker. He assumed a style of manner—I may say the same for his matter—of which we have had a great deal from honorable members on the Ministerial benches, and the key-note of which has undoubtedly been given in the leading journal that represents the party in power. Notwithstanding that many honorable members in opposition, besides myself, claim to be not altogether beyond hope from the "law and order" point of view—not altogether out of the running in favour of the Bill if we find ourselves able to come in for it, and are properly treated—and to be as truly moderate in our aims as any member of the House, how are we dealt with? We are mixed up with the crowd of gentlemen—I notice we are not even addressed as gentlemen—who are said to be bent upon doing the "broken heads and flaming houses" business. I don't wish to speak uncomplimentarily of the leading journal, but I desire to show the sort of treatment we get from it. For example, what does the *Argus* of this morning tell us? It cries out that there is nothing will please honorable members in opposition so much as an indefinite prolongation of the reform agitation, because it is only while political affairs

remain in that condition that they can find room for displaying their peculiar talents. It also tells us that, if we do not keep the colony in a state of confusion, uproar, and anarchy, we will, like Othello, find our occupation gone. Well, if the leading conservative organ will kindly permit it, I claim to be left out of reference in that kind of talk. I am a liberal and anxious to go in for liberal principles, but at the same time I have, as a citizen of Victoria, just as great an interest in settling the question of reform in a moderate way as any honorable member on the Ministerial benches. Why, if honorable members on the Ministerial side are anxious for moderation and quietude, do they go on fanning the flame they profess to wish to see quenched? Why are we not addressed in a more conciliatory spirit? Then I come to the Minister of Railways' speech. The Premier dissected the Bill, but how did the Minister of Railways treat it? He made an *ad misericordiam* appeal to us to vote for the second reading, and promised that, when it was in committee, we would see what we would see. Now surely all that kind of proceeding must tend to an indefinite prolongation instead of a prompt settlement of the reform agitation. Furthermore, the way in which the Minister of Railways presented the Bill to us to-night was most indecent, at least towards every honorable member representing what I may call a "selecting" constituency, such as mine is. Did he not say in effect—"Recollect our Bill is one for popularizing the Upper Chamber, and if it is not carried we will send you to your constituencies, who will say to you, 'You voted against a measure that would give us votes for the Legislative Council'"? That was the key-note of the honorable member's address. It was the only argument he offered, and he put it forward as unanswerable. But what, after all, does the popularization of the Upper House the Ministry speak of mean? What will giving a large number of the electors of the country votes for the Council amount to if they are not allowed to send to that Chamber those who will truly represent their views? Let the Upper House be popularized under the Bill as much as the Ministry please, their measure nevertheless practically provides for leaving the Council, strictly speaking, pretty much as it is at present. I don't object to the representation of property. We represent property in this Chamber. For instance, how many honorable members here were returned more by manhood suffrage votes than by votes based on a property qualification? A mere fraction, I venture to say. But there is, of course, an important distinction between property and wealth. What I ask is—When all these new electors are added to the Council's franchise, what kind of representation in the Upper House shall we have? Will it be composed of men like those in this Chamber? Will it not consist of men of wealth? Will it not, in point of fact, take a wealthy man to run an Upper House electorate? Will any one else be able to afford to do so? That is about the way the thing stands. Nevertheless, I would go a long way to adopt the Government measure if I could fairly expect to achieve in the slightest degree, through its means, the settlement of the question which I, as much as any member or supporter of the Government, desire to see settled. Let me here refer *en passant* to what the Premier told us in the second-reading speech he made in introducing his Bill. He assured us, two months ago, that the measure he would bring in would be so complete and perfect that it would be hardly possible to alter it, and he wound up his speech of the other night by saying—"These, Mr. Speaker, are our proposals; they are so perfect that I believe they are not capable of amendment, and if they do not meet with the approval of the House they will with that of the people of the colony from one end to the other." Now, however, the ex-Premier has shown us that the measure is not anything like a perfect one. It does not even provide for any amendment of it in the future. I think that is a great omission. Well, supposing I were to give in my adhesion to the Bill so far as to admit that the popularization of the Council proposed by the Government would be a good thing. Doubtless it would be a good thing, and greatly reduce the danger of the Houses coming into collision in the future. But what next? What about the double dissolution? The idea is perhaps that it would act, with a popularized Council, the part of a plebiscite. Now while I would be satisfied with the plebiscite, I do not say I would take nothing else. But would the gain from the double dissolution be worth all the trouble it would entail? I want, when we have a question we cannot settle ourselves, to get the

verdict of the people upon it, and, that being rendered obtainable, I would not be very particular as to the means to be employed for the purpose. But I don't see how, under the proposition of the Government, such a verdict could be got. When we have had a double dissolution, and re-elected an Upper House on a popularized basis, we shall not have obtained a simple declaration of the popular will. It seems to me that a double dissolution would only bring into play in our political life an element never heard of before, to counteract the will of the people declared at a general election of the Assembly. Can such be said of the plebiscite, un-English as it may be? Would not the joint vote of the two Houses be un-English? Has it been ever heard of under the British Constitution before? I would like to know if, after the present Premier had been to the country, and got such an adverse vote as the late Government got—whether it was a fair one or not is perhaps open to discussion—he would at once give way, as the late Premier did, or would he want to appeal to a tribunal like the one he proposes to create under the Bill? Do the Government think to dupe us with their story of popularizing the Council and having a double dissolution? In my opinion, the whole scheme is a cleverly constructed device for, practically, creating a new Chamber to overrule and override the Legislative Assembly. It is merely an outcome of the extreme disinclination the conservative party have always had to accept manhood suffrage. If they don't believe that manhood suffrage should rule in the colony, why don't they say so plainly? The fact is they are afraid to say so.

Mr. HARPER.—If they did say so, they would not speak the truth.

Mr. DOW.—They have constructed a Reform Bill the object of which is to get rid of manhood suffrage.

Mr. LYELL.—You simply say so; you do not prove it. In fact, your assertion is utterly incorrect.

Mr. DOW.—Well, at this late hour, I will not go into the subject further. I say that, were the Government really serious in their desire to achieve the object they profess to aim at, they would have brought in a different Bill—one that would command the support of all moderate men. But they have not done so. The nature of their Bill shuts us out from giving it any support whatever. We have heard a good deal from the Government benches about the will of the country, and that it ought to be paramount, and every utterance of the kind has been cheered by honorable members on the Ministerial side; but, if Ministers are really sincere in wishing to afford means whereby the will of the country can be ascertained, they must lay before us something different from what they have done. At all events, they must explain away more than they have explained away. Perhaps we shall hear something on that point from the honorable member for Warrnambool. At present, the Bill is about nine-tenths bad and one-tenth good; perhaps we may be told that the Government will, in committee, give up the nine-tenths in order to secure the one-tenth.

On the motion of Mr. WRIXON, the debate was adjourned until the following day.

PUBLIC INSTRUCTION.

The resolution authorizing the expenditure from the loan moneys raised under the authority of the Act No. 608 of £76,686 for the erection of State school buildings throughout the colony (passed in committee on Thursday, May 27) was considered and adopted.

PUBLIC WORKS.

The House went into committee to consider the following estimate of expenditure which the Board of Land and Works proposed to incur during the year ending 30th June, 1881, under the Loan Act No. 608:—

Second Schedule, Item 8.

Towards the construction of the Houses of Parliament, the Law Courts, and the Public Offices.	
Towards contract now in progress for superstructure of the new law courts, including supervision, &c. ...	£25,000

Second Schedule, Item 9.

Towards works in connexion with the Yan Yean Water Supply.	
Expenses in connexion with surveys, extension of reticulation, purchase of pipes, and material in connexion with Yan Yean works	£23,500

Mr. BENT moved the adoption of the estimate.

Mr. VALE stated that complaints had been made to him of the way in which the Yan Yean department dealt with its employés. For instance, he was told that, the other day, a man was put to work in

Flinders-street, and then suddenly removed to Hawthorn, and that he was made to lose the time he occupied in going from one place to the other.

Mr. BENT said he would mention the complaint to Mr. Davidson. He did not, however, believe that any man had been treated in the way described. If he had, the evil should be remedied at once.

The resolution was agreed to, and was reported to the House.

WATERWORKS COMMISSIONERS ACT REPEAL BILL.

The House went into committee for the consideration of the postponed clauses of this Bill.

On clause 4, indicating who should elect and appoint commissioners,

Mr. BELL said he would test the feeling of the committee by moving an amendment to the effect that the commissioners to be appointed by the councils of Ballarat and Ballarat East should instead be elected by the ratepayers.

Mr. KERFERD expressed the hope that the amendment would not be pressed. The corporations of Ballarat and Ballarat East had spent large sums upon the waterworks, and it would be unjust to take the control of what they regarded as a prospective source of income away from them, and hand it over to a new body.

Mr. JAMES observed that another view might be taken of the question. There were several citizens of Ballarat, not now in either of the local councils, who had in former years deeply interested themselves in, and in a measure helped to initiate the waterworks, and it was thought hard that they should not be eligible for appointment as members of the commission.

Mr. SERVICE remarked that, inasmuch as the Government would be empowered by the clause to appoint three of the commissioners, it would be open to them to select the gentlemen the last speaker alluded to for the purpose. Certainly they had no intention of going outside Ballarat for their appointees.

The amendment was withdrawn.

Mr. RICHARDSON said he regretted the withdrawal of the amendment, because he thought the election of the commissioners ought to rest more with the ratepayers than it did.

Mr. KERFERD pointed out that the proposed mode of appointing commissioners was in strict accordance with the plan adopted throughout the colony with respect to local bodies in the possession of waterworks. If there was to be a change with regard to Ballarat, it would have to be also made with regard to a variety of other localities.

Mr. FISHER considered that the ratepayers, who had to find the money the commission would have to spend, were entitled to a direct voice in choosing by whom it should be spent.

On clause 16, which was as follows:—

"The land now known as Lake Wendouree, reserved for water supply purposes by Order in Council dated the 30th day of September, 1861, published in the *Government Gazette* of the 15th October, 1861, and the land at Moorabool and Devil Creek reserved by Order dated the 24th September, 1866, published in the *Government Gazette* of 2nd October, 1866, shall no longer be vested in the Ballarat and Ballarat East Water Commissioners, and the same shall revert to Her Majesty, her heirs and successors, and be Crown lands; and it shall be lawful for the Governor in Council, in the name of Her Majesty, to grant to the corporation of the mayor, councillors, and citizens of Ballarat, subject to such exceptions, reservations, terms, and conditions as the Governor in Council shall think fit, the whole or any portion of Lake Wendouree, and the shores thereof, and of any Crown land adjoining, to be held by the said corporation upon trust for recreation purposes,"

Mr. KERFERD moved the omission of the portion of the clause relating to Moorabool and Devil Creek. He said the object of the amendment was to leave the land it referred to in the hands of the commission.

Mr. JAMES asked that Lake Wendouree should also be left vested in the commission, so that it might, in case of drought, be resorted to as a means of water supply for domestic purposes for Ballarat East as well as Ballarat West.

Mr. SERVICE stated that in the "exceptions, reservations, terms, and conditions" referred to in the clause there would be full provision that, in cases of drought, the waters of Lake Wendouree might be taken in the manner the last speaker had indicated.

The amendment was agreed to.

Mr. KERFERD moved that clause 18 be amended to stand as follows:—

"The Ballarat Water Commissioners may, under the provisions of the Act No. 500, make and levy rates upon all land and tenements within the water supply district of Ballarat not exceeding the amount of £10 per centum per annum on the annual valuation of the property rated. The said commissioners shall have power to fix, from time to time, the minimum sum to be charged in lieu of rates upon land and tenements the valuation of which is less than

£20 per annum, such charge not to exceed £1 per annum; but whenever the said commissioners shall make a rate of more than 1s. in the £1, then in that case the extra rate over and above 1s. in the £1 shall be charged upon the valuation of such land and tenements, in addition to the said minimum of £1 as aforesaid. The said commissioners may make a by-law for the half-year ending the 31st day of December, 1880, increasing the rates and charges fixed by Bye-law No. 6 of the Ballarat and Ballarat East Water Commissioners and dated the 19th day of December, 1879, provided that such increased rates and charges shall not exceed such amount of £10 per centum per annum and shall not be chargeable until after the 30th day of June, 1880."

Major SMITH asked the Government to strike out the latter portion of the clause.

Mr. KERFERD said that the clause, as it was proposed to amend it, would be in strict accordance with the agreement which had been entered into between the Government and the present commissioners. If, after further inquiry, the honorable member for Ballarat West (Major Smith) was not satisfied on the point, an opportunity would be afforded him, at a subsequent stage, of proposing any alteration of the clause he deemed desirable.

The amendment was agreed to.

Mr. KERFERD proposed two new clauses, one giving power to the Ballarat Water Commissioners (the commissioners appointed by the Bill) to enforce all existing by-laws, and to recover all rates and charges as fully and effectually as the present commissioners "could have done if this Act had not passed"; and the other empowering the Governor in Council, on petition, to proclaim any municipal district, or part thereof, to be a "water supply district within the meaning of Acts Nos. 448 and 500," and to appoint the council of such municipality the "local governing body" of such water supply district.

The clauses were agreed to.

Major SMITH said it had been represented to him that the Ballarat Water Commissioners had not the same power of enforcing payment of rates that was possessed by municipal bodies.

Mr. KERFERD promised to make a note of the matter.

The schedules and preamble were agreed to, and the Bill was then reported with amendments.

The House adjourned at twenty-two minutes past eleven o'clock.

LEGISLATIVE ASSEMBLY.

Wednesday, June 2, 1880.

Postal Department: Footscray Delivery—Fires in the Goulburn Valley—Public Instruction: High Classes: School at Hotham—Local Land Boards—Marriage and Matrimonial Causes Statute Amendment Bill—Electoral Provinces—Colonial Museum—Despatch from the Secretary of State—Customs Act (Inland Bonding Warehouses) Amendment Bill—Mr. R. W. Beach—Railway Construction and Management—Mining Leases—Railway Map—Exclusion of Strangers: Mr. Zox's Motion—Mr. John Brown—Chewton Railway Station—Business of the Supreme Court—Civil Service: Dismissals and Reinstatements—Ventilation of the Assembly Chamber—Payment of Members Bill—Constitution Act Alteration Bill: Second Reading: Second Night's Debate—Expenditure under Loans: Yan Yean Works—Falsification of Accounts Law Amendment Bill—Census Bill.

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

POSTAL DEPARTMENT.

Mr. W. M. CLARK asked the honorable member representing the Postmaster-General whether arrangements would be made for ensuring a more punctual and rapid delivery of letters at Footscray than existed at present? Only one letter-carrier, he observed, was employed in the borough, and, in consequence, many of the inhabitants did not receive their morning letters until one or two o'clock in the afternoon.

Mr. SERVICE stated that the subject was under the consideration of the Postmaster-General, who had directed an officer to report as to the best means of providing the increased accommodation desired.

FIRES IN THE GOULBURN VALLEY.

Mr. SHARPE asked the Minister of Railways whether any report had been received from the officer sent to inquire as to the origin of the fire in the neighbourhood of Nagambie on the day of the opening of the Goulburn Valley Railway to Shepparton; and, if so, when would it be dealt with?

Mr. GILLIES said he had not yet received the report. He expected it the next day, and he hoped that, as soon as it came to hand, he would be able to deal with it.

PUBLIC INSTRUCTION.

Mr. W. MADDEN asked the Minister of Public Instruction whether, on an early day, he would take action with the view

to establish, in one of the most centrally situated schools in each country school district, a high class in which children who showed exceptional talent might be prepared for the University?

Mr. RAMSAY observed that the subject raised by this question was one of considerable importance; and, if the Education department had funds at its disposal, he would be glad for high schools to be established in the different centres of population; but the money voted for educational purposes was to a great extent absorbed in supplying elementary instruction to up-country districts, many of which had been but recently settled. Indeed the district represented by the honorable member (Mr. Madden) was one of the chief claimants on the educational fund at the present time, and had been for the last two or three years. However, section 15 of the Education Act mentioned the following as one of the duties of boards of advice:—

"To recommend the payment by the Education department of school fees, or the grant of a scholarship or exhibition, in the case of any child displaying unusual ability."

In order to carry out the idea involved in this provision, it had been the practice of the department for some years to send a person capable of conducting a matriculation class to the principal State schools in the colony; and since he took office he had ascertained that in almost every large centre of population there was one State school teacher capable of conducting a matriculation class, and preparing scholars for the University. The practice would be continued as far as possible until the department could undertake the work—which he would like, and which he hoped, to see undertaken before long—of establishing intermediate schools between the ordinary State schools and the University.

Mr. LAURENS inquired whether the Minister would erect, out of the unexpended balance of the £5,000,000 loan apportioned to the erection of State schools, a school in Queensberry-street, Hotham, the plans of which had been drawn some two years?

Mr. RAMSAY stated that no doubt the case was one which should be dealt with as early as possible, but if the plans were prepared two years ago it seemed extraordinary that the work was not undertaken when the late Minister of Public Instruction had about £107,000 at his disposal for the erection of State school buildings. He (Mr. Ramsay) had at his command no more than £76,000, and yet he was called upon to provide school buildings which would absorb no less than £230,000. He was endeavouring to meet all the cases which were represented by the department as most urgent. The school recommended by the honorable member for North Melbourne (Mr. Laurens) would cost £5,000, and to proceed with it meant excluding a number of country districts from all school accommodation whatever. A school just within the Carlton electorate had been recommended by the department as one much more urgent; and he was sorry that the funds at his disposal would not enable him to undertake the erection of the Queensberry-street school at the present time.

LOCAL LAND BOARDS.

Mr. ROBERTSON asked the Minister of Lands whether he intended to revive the practice of appointing representatives of local bodies to act on local land boards?

Mr. DUFFY observed that, when local land boards were first instituted, shire presidents and chairmen of mining boards were asked to give their assistance to the Government, because, from their local knowledge, they were likely to be acquainted with the character and antecedents of applicants for selections, and with the country necessary to be reserved for roads, access to water, and other purposes. He understood that although there was some objection in the department to these gentlemen sitting on local boards, their presence at those boards, on the whole, had been useful. He intended, if possible, to make some slight change in the arrangements connected with the holding of local boards whereby the local land officer himself would be able to deal with unimportant and trivial cases, while important cases, in which some conflict between selectors and the local body, or some other difficulty arose, would be heard by the local officer and some more responsible officer of the department. In all cases affecting local interests with respect to which it might be thought beneficial, in the interests of the State, to have the presence of shire presidents or mining board chairmen, those gentlemen would be asked to attend as was formerly the practice.

MARRIAGE AND MATRIMONIAL CAUSES STATUTE AMENDMENT BILL.

Mr. McKEAN mentioned that this Bill had not yet been distributed, and, that being the case, he begged to suggest that draft copies should be sent to the police magistrates throughout the country with an invitation to recommend any amendments which they might think necessary. The matter was one with which magistrates had a great deal to do, owing to the maintenance cases which arose by reason of the frequent desertion by husbands of their wives and families.

Mr. KERFERD remarked that when the Bill was distributed the honorable member for North Gippsland (Mr. McKean) would find that it simply enacted a law which had been passed in England. The Chief Justice, who had been consulted on the subject, considered it very desirable that the law should be extended to the colony. If it should be deemed desirable, after the Bill was printed, to circulate copies, as the honorable member for North Gippsland suggested, there would be no objection to that course.

ELECTORAL PROVINCES.

Mr. VALE reminded the Premier of his promise to let the House know what could be done in the way of furnishing honorable members with maps showing the boundaries of the proposed new electoral provinces, and a schedule of the estimated numbers that would be added to the roll of electors for the Legislative Council by the passage of the Constitution Act Alteration Bill.

Mr. SERVICE stated that two large maps had been prepared—the one showing the new provinces, the other showing the old and new provinces combined. They would be hung up in the chamber. He had been furnished with an estimate of the cost of lithographing the maps, and he had given instructions for lithograph copies to be executed. The schedules of voters were being prepared, and, when ready, would be laid on the table.

DESPATCH.

Mr. RAMSAY presented, by command of the Governor, a despatch from the Secretary of State for the Colonies, relative to the establishment of a colonial museum in London.

CUSTOMS LAW AMENDMENT BILL.

Mr. McINTYRE moved for leave to introduce a Bill to amend the Customs Act so far as it related to the establishment of inland bonding warehouses. He explained that the Bill was practically the same measure that he brought before Parliament in the last two sessions. Its object was to give effect to the existing law which contemplated the establishment of bonds in inland towns like Sandhurst, Castlemaine, Ballarat, and Beechworth, and also at the ports of Geelong, Belfast, Portland, and Warrnambool. Under the existing law it was impossible to establish a bonding warehouse at any one of those places without paying £250 a year for a locker to look after it; but under the Bill this expenditure would to a great extent be saved, because the intention was that the bond should be managed by some clerk in the local Treasury.

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

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

MR. R. W. BEACH.

Mr. ROBERTSON moved—

"That there be laid before this House all papers connected with the granting of an allotment of land in the parish of Birregurra to Richard West Beach."

Mr. A. K. SMITH seconded the motion.

Mr. DUFFY suggested that the words "copies of" should be inserted before "all papers."

The motion, amended as suggested, was agreed to.

RAILWAY CONSTRUCTION.

Mr. A. K. SMITH moved—

"That a select committee be appointed to inquire into and report to this House on the following subjects in connexion with the Victorian Railways, since 1858:—1. The methods and cost of construction. 2. The methods and cost of maintenance. 3. The methods and cost of management. 4. The methods and estimated cost of construction proposed for future extension of the Victorian railways. The committee to consist of the following members:—Mr. Madden, Mr. Longmore, Mr. Harper, Mr. Mirams, Mr. Bosisto, Mr. Lyell, Mr. Fincham, Mr. Wallace, Mr. Johnstone, and the mover, three to form a quorum; and to have power to call for persons, papers, and records."

He observed that the first railways constructed in the colony (extending a length of 198½ miles) cost on an average £38,409

per mile. It appeared by the last report from the Board of Land and Works that the length of railway constructed up to the end of 1878 was 1,035 miles, the average cost of which (including the first 198½ miles) was £14,824 per mile; but the average cost of the last 836½ miles was no more than £8,629 per mile, showing a saving of something like £29,780 as compared with the cost of the earlier railways. It should also be borne in mind that, on the 29th January last, the late Minister of Railways submitted to the Legislative Assembly a schedule of new railways which he proposed to construct, the total length being 410 miles, and the estimated cost something like £2,294,000 or £5,596 per mile. Another fact which should be recollected was that the lines from Melbourne to Sandhurst and from Geelong to Ballarat were double lines, but experience had proved that in neither case was the extra line required. The unnecessary expenditure in those cases, with 20 years' interest added, represented a very large sum indeed, which, if it had been available at the present time, would have been of material assistance in the construction of new railways. He brought forward the motion because he held it to be most desirable that such an important business as railway construction should not be engaged in without the matter being first coolly and fairly inquired into. He was well aware that the present Engineer-in-Chief of Railways was in no way responsible for the heavy cost of the first railways. At the same time, he held it to be important that the House should be fully posted up as to what had been done in this and other countries with reference not only to railway construction but also to railway maintenance and management. He believed that, if his motion were adopted, the labours of the committee would result in the placing before the House of an amount of information which would be of great value in connexion with the consideration of future railway proposals. The scarcity of information on these subjects had prevented him giving an intelligent vote on many occasions. It had been too frequently the practice to bring down plans and specifications, and deal with them the same evening—before there was any opportunity for mastering details.

Mr. BOSISTO seconded the motion, but said he must decline to serve on the committee. He begged to suggest that the name of the honorable member for Rodney (Mr. Fraser) be substituted.

The motion was amended accordingly.

Mr. GILLIES stated that the only objection he had to the motion was that it necessarily involved a tax on the time of officers of the Railway department. Already one inquiry was being prosecuted by a select committee, and that inquiry, he undertook to say, would cost the country hundreds of pounds. If the committee now proposed were also appointed, the time of professional officers of the Railway department would be taken up to such an extent in attendance at Parliament-house that it would not be possible for them to perform their ordinary duties.

Mr. FRASER expressed the opinion that not the slightest good would accrue from the adoption of the motion. He quite concurred with the Minister of Railways that the appointment of the committee would lead to a large amount of the valuable time of officers of the Railway department being lost, with no prospect of any good result whatever. He noticed that most of the gentlemen named on the committee were not versed in railway matters. If there were any misgivings on the subject of railway construction, he would be one of the first for applying a practical remedy. In such a case, he would have the matter referred, not to a select committee of the Assembly, but to a board of professional men connected with the other colonies. He must repeat that he believed the appointment of the proposed committee would be of no service whatever.

Mr. SERVICE recommended that the debate should be adjourned for a fortnight, in order that the Government might have the opportunity of consulting with the professional head of the Railway department on the subject.

Mr. A. K. SMITH said he had no objection to this course, but he considered the matter one of great importance. Even if the proposed inquiry did cost some hundreds of pounds, it would probably be the means of saving thousands of pounds to the State.

The debate was adjourned until Wednesday, June 16.

MINING LEASES.

Mr. FISHER moved—

"That there be laid before this House a return showing the number of mining leases granted in

the Bendigo district, the date of granting, and the time for which granted, and also the number of men to be employed per acre in order to comply with the covenants of each lease."

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

RAILWAY MAP.

Mr. McKEAN moved—

"That there be laid before this House a map of the colony of Victoria, showing the lines of railway carried out; the lines, in different colours, projected by each Ministry; the lines where flying surveys have been made; and the lines where actual surveys have been made; with a foot-note showing what Minister caused the respective surveys to be made."

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

EXCLUSION OF STRANGERS.

Mr. ZOX moved—

"That if, at any sitting of the House, or in committee, any member shall take notice that strangers are present, Mr. Speaker or the Chairman, as the case may be, shall forthwith put the question that strangers be ordered to withdraw without permitting any debate or amendment; provided that Mr. Speaker or the Chairman may, whenever he thinks fit, order the withdrawal of strangers from any part of the House."

In bringing forward this question (said Mr. Zox), I desire to assure honorable members on all sides of the House that I am not actuated by any party feeling at all. I desire the motion to be discussed entirely upon its merits; but, considering what transpired during the last session of Parliament, I think it becomes the duty of every honorable member who desires to see the debates of this House conducted in an orderly way to give me their support on this occasion. I believe it will be admitted on all hands that for one honorable member, by his mere fiat, to be able to clear this House of strangers is a thing which should be done away with as quickly as possible. It may be all very well that there should be opportunity for the exercise of such a power when honorable members lose their own self-respect, and conduct themselves in such a way as to deprive debate of the dignity which should attach to it; but the power should be exercised with extreme caution. Certainly, for an honorable member to rise in his place and call the Speaker's attention to the presence of strangers when some action of his own may be under discussion, is not at all in accordance with what should be done in this House. I myself have sat in this House after strangers have been excluded, only to hear debates conducted in a way that I was ashamed of. The question has occupied the attention of the House of Commons. A motion similar to that which I submit was passed at the instance of Mr. Disraeli; and I will take the liberty of reading the following remarks which were made during the debate on that occasion by the Right Hon. Robert Lowe:—

"An honorable gentleman takes it into his head that he will exercise this privilege. From that moment he is our master; he brings every one of us on his knees. Whatever the member may be, whether important or otherwise, matters nothing; he becomes our king for the time being, and every one begs and entreats that he will not exercise his power. But who gave him that power? What induces us now to place ourselves at the feet of any man who chooses to exert his mastery over us? If the whole of this House wishes that its proceedings should be open, except one man, what sense or reason is it that one man should be able to prevent it? There is nothing that I am aware of in our Constitution or history which should induce us to give to one single man the power to do what was done the other day—on the approach of a most interesting and harmless discussion, to stop our proceedings and absolutely to turn out the Heir Apparent. We have been told that we were gentlemen first, and Members of Parliament afterwards; but if every member has the right properly vested in him of excluding strangers, what business has the right honorable gentleman or any one else to challenge him for the exercise of it? That one single member should be allowed to overrule 650 members of a contrary opinion, and to put upon the House this injury and degradation, is to me utterly inconceivable. The right honorable gentleman has given us no reasons except the wisdom of our ancestors, and that was exercised in reference to a state of facts entirely different from those which exist at the present moment."

The power of excluding strangers at the instance of one member has been exercised in a most extraordinary manner even in the House of Commons. Mr. O'Connell used to have the galleries cleared because he laboured under the impression that his speeches were not properly reported by the newspapers. I am sure we have all the privileges we can legitimately wish for. There is no doubt that the press exercises a very beneficial influence over the debates, and I hold that the greater publicity is given to our proceedings the better it will be for the House. Moreover, what right has an honorable member, who has perhaps gone cap in hand to one of his constituents to solicit his vote, to cause the galleries to be cleared at the very moment, it may be, when that constituent is listening to a debate? The more disorderly honorable members

become, the more publicity should be given to their proceedings. Let the country know exactly how its representatives conduct themselves. I am sure that the certainty of our proceedings being impartially and correctly reported at all times cannot fail to exercise a great influence on the utterances of honorable members. When the press is excluded, what happens ? Why, on such occasions, members are to be seen on all sides with paper and pencils taking notes for the express purpose of supplying them to the reporters. I would say emphatically that is not the way to obtain an impartial report of what transpires in the House. Every member is to a certain extent biased, and the result is that when, in some of those secret sittings, proceedings of a disgraceful character take place, the press publishes a more or less garbled statement of what occurred. By the last mail I received a letter from my father in England, telling me that a long account of the last scene which took place in this Assembly had appeared in the *Times* newspaper. I do not know who supplied that report to the *Times*, but, to show the impression it created in England, I may mention that my father actually congratulated me upon having escaped personal violence. "What a mercy it was," he said, "you were not greatly injured." Honorable members who were present during that scene all know that nothing really transpired of a nature to put any honorable member in personal fear, with the exception of the honorable members engaged in the conflict. This is an illustration of how undesirable it is to exclude the press from our discussions, and shows that some action on the subject is absolutely necessary. I may mention, with regard to the latter part of the motion, that my reason for placing power to exclude strangers in the hands of the Speaker or Chairman was to provide for an emergency when strangers might misconduct themselves in the galleries. Such a thing has never occurred yet, nor is it likely to occur, but still in such matters it is always necessary to provide for possibilities, and I admit that majorities are not always right. Consequently I propose to vest this power in the Speaker as a gentleman in whom the House has implicit confidence, and also in the Chairman of Committees, being confident that the power will never be used by either unless in the event of an extreme emergency rendering its exercise desirable. I trust the motion will receive from honorable members the consideration which its importance deserves.

Mr. HARPER seconded the motion.

Mr. McKEAN. — This motion is an attempt to alter one of the standing orders of the House, but I submit that its wording does not carry out what is the evident intention of the mover.

Mr. ZOX.—I have copied verbatim the motion carried in the House of Commons.

Mr. McKEAN.—I cannot help that. The motion says that if any member take notice that strangers are present the Speaker or Chairman "shall forthwith put the question that strangers be ordered to withdraw," but it does not say what is to happen if that motion is carried. No machinery is provided to compel strangers to withdraw. According to the remarks of the honorable member for East Melbourne (Mr. Zox), his desire is that, if one member calls attention to the presence of strangers and the majority oppose their withdrawal, they may remain. No doubt scenes have been enacted in the House in past times which it would have been well to allow the press and the public an opportunity of witnessing. Still the withdrawal of strangers may on many occasions be desirable, but, according to the motion, they would not be required to withdraw unless the majority of the members present, or the Speaker or Chairman, as the case might be, desired their withdrawal. The Speaker and Chairman are thus given greater power than a minority of the House, which might comprise 40 honorable members. I think the more regular way to proceed in this matter would be to move for an alteration in the standing order dealing with the subject, rather than to attempt to deal with the question by a motion of this kind, which I consider is not properly before the House.

Mr. VALE.—I think it is somewhat unsatisfactory that one honorable member should have the power of clearing the galleries of strangers, and so preventing the proceedings of the House from being reported, but I think it would be equally dangerous to place the power absolutely in the hands of a majority, and not, instead, with some reasonable safeguard, in the hands of a minority. I would suggest that a better arrangement than that proposed would be to provide that the Speaker or Chairman should not have power to direct strangers to withdraw unless at the

request of six or ten members—I am not particular as to the exact number. Even the proposer of the motion admitted that majorities are not always right. In fact, majorities are sometimes tyrannical, and minorities sometimes very irritating and annoying; and it would be well to surround any new method of excluding strangers with some safeguard as to its exercise.

Mr. LAURENS.—Mr. Speaker, I have a notice of motion on the paper with respect to this question to the following effect:—

"That, in the opinion of this House, when an honorable member calls the attention of either the Speaker or the Chairman of Committees to the presence of 'strangers,' the then occupant of the chair should, without previous discussion, put the question 'That strangers be excluded'; and that no strangers should in future be requested to withdraw unless such question is carried by a majority of the members present."

I desire to know whether I would be in order in moving my motion as an amendment to the present motion?

The SPEAKER. — The honorable member cannot move as an amendment any motion which he has placed on the notice-paper.

Mr. LAURENS.—Then I desire to say that I entirely agree with the reasoning of the honorable member for East Melbourne (Mr. Zox) on this subject. I concur with him that it should not be within the power of one member of the House to cause the withdrawal of strangers. During the three sessions of the last Parliament, I can recall no single occasion on which strangers were ordered to withdraw when the order appeared to me right, nor was there one of those occasions on which, if the question had been put to the vote, I believe half-a-dozen members would have been found to vote for the exclusion of strangers. It is certainly strange that at this period of the nineteenth century such a power should still be given to one member of the House. The power is one which should no longer exist. Whether the motion of the honorable member for East Melbourne or the suggestion of the honorable member for Fitzroy (Mr. Vale) is the more likely to secure the support of the House I cannot say, but either arrangement would be an improvement upon the present system, by which one member—who perhaps might have been drinking something stronger than coffee—has the absolute power, without the question being even discussed, of clearing the galleries. I can scarcely conceive any circumstances occurring in a colony like this which would render the exclusion of strangers a proper proceeding. Such occasions might possibly arise in the Imperial Parliament, which has to deal with questions affecting war or peace, but I cannot imagine them arising in Victoria. In any case, if a valid reason existed for the withdrawal of strangers, the power to exclude them would still be given under the motion, or the arrangement suggested by the honorable member for Fitzroy. By way of explanation, I may mention that my notice of motion was not given with the intention of trenching on the domain of the honorable member for East Melbourne. Honorable members who were in the last Parliament will recollect that I openly expressed my dissent from the exclusion of strangers, and the motion of which I have given notice was written out by me before the opening of the present session. It would have been the first on the list but that the honorable member for East Melbourne, when giving notice, happened to catch the Speaker's eye before me.

Mr. HARPER.—I trust the House will adopt this motion, more especially as it is, I understand, a transcript of one recently passed by the House of Commons at the instance of the leaders on both sides of the House. During last session, it unquestionably became evident that the power vested in one member of ordering the withdrawal of strangers was a power which should not be allowed to continue. There can be no doubt that the presence of the press and the public has a moderating effect. Honorable members then know that their constituents and the colony at large will learn next day how they are performing their duty, and therefore it appears to me that that moderating influence, which we have unfortunately reason to consider so necessary, should be established permanently. There is some force in the suggestion of the honorable member for Fitzroy (Mr. Vale) that six or eight members should have the right of excluding strangers, but still I think, considering the House of Commons has adopted the practice stated in the present motion, we shall be safe in following the precedent set us. It may seem that the motion asks us to give up one of the privileges of the possession of which honorable members are naturally jealous, but I think it

will be admitted that this particular privilege is one which is dangerous and ought not to exist.

Mr. GAUNSON.—I approach this subject with some diffidence. On no occasion that I am aware of did I ever order strangers to withdraw—for practically a member orders them to withdraw — but I was the cause of the late Ministry ordering their withdrawal, last session, on three separate occasions in one night. I did not approve of that; but, nevertheless, I think there is a great deal of twaddle in the notion that when members are in the presence of the public they conduct themselves like gentlemen, but that when the public eye is off them they do not. Then when it is stated as a reason for altering one of the laws of Parliament that we are reported in the newspapers, I say that is not true. We are not reported in the newspapers. Some honorable members here and there may possibly get a line, but the bulk of them do not get that. Moreover, I submit that if this motion is passed it can have no effect—it will be a mere *brutum fulmen.* There is a standing order on the subject of the exclusion of strangers, and the proper way is to refer the matter to the Standing Orders Committee with a view to their considering and reporting as to the desirability of repealing or amending the 12th and 13th standing orders. In connexion with this matter, I desire to say that there are certain press men who come into this House and take advantage of their position by ingeniously twisting a word here and there so as to make what are simply gross misstatements of facts, dangerous to the reputation of members, and for which there is positively no remedy whatever. I think it would be a very desirable thing for the Standing Orders Committee to consider the advisability of licensing the gentlemen who report in the House, so that if any of them misbehaved himself his licence could be taken away. I have seen in the columns of the *Argus* attacks upon the honorable member for Delatite which were grossly untrue and ungenerous. Nay, they were maliciously untrue, for the calumnies were reiterated after a letter had appeared in the *Argus* itself from the honorable member pointing out the untruthfulness of the statements made. What the papers choose to say about myself is a matter of supreme indifference to me. I have learned to regard the press as a very useful institution for advertising one, and my firm conviction is that the more a man is abused the better it is for him. But there are other honorable members who feel very keenly papers coming to their houses, containing malicious slanders which are read by their wives, children, and other relatives. As to the motion, I submit, as a point of order, that it must be ineffectual in its present shape, and therefore I beg to move the following amendment :—

"That the 12th and 13th standing orders be referred to the Standing Orders Committee for consideration and report to this House, as to whether the same should be repealed or amended."

The SPEAKER.—As to the point of order raised by the honorable member for Ararat, I think there would be some difficulty in the honorable member for East Melbourne (Mr. Zox) effecting the object he has in view by carrying this motion. In our Constitution Act it is provided that we are to be governed by the rules of the Imperial Parliament at the time of the passing of that Act, and although the House of Commons has, since then, changed those rules, and has by resolution provided for excluding strangers under different conditions, I fear we are bound by the practice which prevailed up to the time of the passing of our Constitution Act. I think the amendment of the honorable member for Ararat to refer the matter to the Standing Orders Committee suggests the proper means of dealing with the subject.

Mr. BARR.—I beg to second the amendment of the honorable member for Ararat. While I consider that the power of excluding strangers is too great to be intrusted to one member, I am inclined to agree with the honorable member for Fitzroy (Mr. Vale) that it should be given to a smaller number of members than the majority of those present. At the same time, I would call attention to the fact that the power of causing the withdrawal of strangers has sometimes been exercised with a very beneficial result. I have failed to observe the moderating effect alluded to by the honorable member for West Bourke (Mr. Harper) as produced by the presence of the press and a number of strangers in the galleries. It was often evident in the last Parliament that the flood of talk poured out by certain honorable members was governed exactly by the number of persons in the galleries. When the galleries were full it seemed to flow in one endless

stream, but when they were emptied it soon dwindled down, and what had been a disorderly scene soon abated in the absence of strangers. There is therefore something to be said on both sides of the question, and it would be advisable to refer the matter to a tribunal which may be able to arrive at a fair and satisfactory arrangement.

Mr. KERFERD.—I think the House is indebted to the honorable member for East Melbourne (Mr. Zox) for having, at so early a period of the session, brought forward a question which is really very interesting, and which the House would be glad to see settled on a satisfactory basis. Of course the theory is that the Assembly, like the House of Commons, sits in secret. It will be remembered that Dr. Johnson used to write out supposed speeches of members of the House of Commons without ever visiting the House at all. The times, however, have so greatly changed that it is now considered both for the interest of the House and the public that the utmost publicity should be given to all the debates and proceedings, and the House of Commons has at length recognised the presence of strangers. If an honorable member does exercise the privilege which he still possesses here, of causing strangers to withdraw, what follows? Next morning the papers contain garbled statements of what transpired during the time strangers were absent. Under these circumstances, there is no doubt that the question ought to be grappled with and settled on a satisfactory basis. I hope, therefore, the House will deal with the matter; but, as the motion of the honorable member for East Melbourne, if carried, will have to be embodied in a standing order to give it effect, perhaps the best course would be to refer the subject to the Standing Orders Committee.

Mr. PATTERSON.—I think there cannot be two opinions as to the desirability of changing the present system with respect to the exclusion of strangers. The honorable member for East Melbourne (Mr. Zox) only proposes to carry out here the practice which is now the law in the British House of Commons, and I entirely agree with the terms of the motion, because it is one of the fundamental rules of Parliament that the proceedings should be guided by the majority, and we, on the opposition side of the House, are very desirous of following the precedent of the House of Commons in all matters. I believe the old-fashioned system still in existence here arose when the House of Commons used to sit without any audience at all, and the "stranger" to whom attention was called was a stranger actually sitting among the members themselves. The practice is an old-fangled one, which should have been swept away long ago.

The SPEAKER. — The Premier has suggested an amendment of the original motion which, I think, will better meet the difficulty to which I alluded than the amendment proposed by the honorable member for Ararat.

Mr. SERVICE then moved the insertion, after the word "That" commencing the original motion, of the words "it be referred to the Standing Orders Committee to consider."

Mr. GAUNSON observed that, as he only desired to have the matter referred to the Standing Orders Committee, he would withdraw his amendment.

The amendment was withdrawn accordingly.

The amendment of Mr. Service was agreed to, and the motion, amended to read as follows, was then adopted:—

"That it be referred to the Standing Orders Committee to consider that if, at any sitting of the House, or in committee, any member shall take notice that strangers are present, Mr. Speaker or the Chairman, as the case may be, shall forthwith put the question that strangers be ordered to withdraw without permitting any debate or amendment; provided that Mr. Speaker or the Chairman may, whenever he thinks fit, order the withdrawal of strangers from any part of the House."

Mr. LAURENS withdrew the motion on the same subject of which he had given notice.

MR. J. BROWN.

Mr. McKEAN moved—

"That there be laid before this House copies of the papers relating to the selection of land by Mr. John Brown, at Warruk Warruk, North Gippsland."

Mr. W. M. CLARK seconded the motion.

Mr. DUFFY suggested that the motion should be withdrawn on the understanding that he would place the original papers on the table of the Library.

The motion was withdrawn.

CHEWTON RAILWAY STATION.

Mr. C. YOUNG moved—

"That there be laid before this House a return showing—1. The expenditure incurred in opening the Chewton station for traffic. 2. The

weekly receipts at said station from passengers, parcels, and goods. 3. The annual cost of keeping the station open."

He thought the House was entitled to the information asked for, and he did not know any valid reason why the motion was objected to, the previous week, when it appeared on the "unopposed" list. The honorable member for Castlemaine (Mr. Patterson) stated that there was no accommodation for goods traffic at Chewton station. He (Mr. Young) was quite willing to strike out the reference to goods traffic, but he framed the motion in its present form so that the return might show all the traffic there was at the station.

Mr. FRASER seconded the motion.

Mr. PATTERSON contended that the return ought also to show how many trains a day stopped at Chewton, and other particulars, or it would be valueless. Stopping a train, for the convenience of the residents in the locality, at a place on a railway already constructed was a very different thing from extending a line to a place where previously no train passed. If the motion was carried in its present form, he would be compelled to ask for returns relating to 40 other stations similarly situated to Chewton.

The motion was agreed to.

SUPREME COURT.

Mr. McKEAN moved—

"That there be laid before this House a return from the year 1860 to the year 1869, both inclusive, showing the number of causes that were tried by the Judges, respectively, of the Supreme Court, at the common law side of the said court, in Melbourne and on circuit; also, the number of causes and motions heard by the Judges of the said court sitting in banco, including equity and other appeal cases, and divorce and judicial separation causes; and a return also of the number of days which the said Judges sat in court, individually or collectively, to discharge said business during the said period; and also, a similar return from the year 1869 to 1879 inclusive; and also, a return showing the period of leave of absence granted to the Judges of the said court respectively."

Mr. HUNT seconded the motion.

Mr. KERFERD said he was not aware whether all the information asked for could be obtained, but there was no objection to furnish such a return as far as it was possible to do so.

The motion was agreed to.

PUBLIC SERVICE REDUCTIONS.

Mr. LAURENS moved—

"That there be laid before this House a return showing—1. The number of persons dismissed on 'Black Wednesday' who have asked, either in writing or verbally, the present Government to reinstate them. 2. The respective salaries of such persons at the time of dismissal. 3. The number of persons so reinstated, and date of such reinstatement, and also their respective salaries. 4. The respective amounts of compensation, if any, paid previously to such persons, and whether they have returned the compensation previously paid to them."

Mr. BELL seconded the motion.

Mr. A. T. CLARK objected to the term "Black Wednesday" being used in the motion. In his opinion, the day referred to ought more properly to be called "White Wednesday." It was, however, not desirable that such expressions should be contained in any resolution placed on the records of the House. Last session, he gave notice of a motion in which a similar phrase—he could not remember precisely what it was—was employed, but it was not even allowed to appear on the notice-paper in that form.

Mr. LAURENS intimated that he had no objection to "the 8th January, 1878," being substituted for the words "Black Wednesday."

The SPEAKER.—If my attention had been called to the matter when notice was given of the motion, I would have informed the honorable member for North Melbourne (Mr. Laurens) that it would be better to substitute some other words for "Black Wednesday."

Mr. A. T. CLARK moved that the words "Black Wednesday" be struck out, with the view to insert, in lieu thereof, "8th January, 1878."

Mr. LAURENS intimated that he would accept the amendment.

Mr. SERVICE remarked that the adoption of the motion as it stood, or as it was proposed to amend it, would scarcely carry out the object which the honorable member for North Melbourne (Mr. Laurens) had in view, because the whole of what were known as the "Black Wednesday" dismissals did not take place on that eventful day. Certainly it was not desirable to persist in retaining in a motion phraseology which was objectionable to either side of the House.

Mr. HARPER contended that the words to which exception was taken ought not to be altered, because the day in question was known throughout the colony—and, he believed, throughout the world—as "Black Wednesday." To begin to object to the term now showed a large amount of squeamishness. It was time such nonsense was done away with. He

might point out that the words "Black Wednesday" were printed in the notice of motion within quotation marks.

Mr. GAUNSON said he agreed with the honorable member for West Bourke (Mr. Harper) that it was time the nonsense was put an end to; but where was the nonsense? The nonsense—he might say the cant and hypocrisy—consisted in the fact that the present Government, who denounced the action of their predecessors, and promised the restoration of the dismissed civil servants, had, for political objects, reinstated two or three officials with high salaries, and left the others to starve. In his opinion, it was improper that such an expression as "Black Wednesday" should be inserted in any official parliamentary document.

Mr. KERFERD observed that the honorable member for Ararat was rather premature in condemning the Government, as he really did not know what had been done in reference to the dismissed civil servants. When the honorable member did know, probably he would alter the tone of his remarks. As to the motion containing the words "Black Wednesday," he (Mr. Kerferd) agreed with the Premier. He thought the notice-paper ought not to be made a vehicle for conveying anything unpleasant to either side of the House.

Mr. FRANCIS suggested that the motion should be amended by the substitution of the words "during the months of January and February, 1878," for "on Black Wednesday."

Mr. A. T. CLARK accepted the suggestion, and altered his amendment accordingly.

Mr. BENT said he desired to mention that, since taking office, he had reinstated 80 laboring men who had been dismissed.

Mr. PATTERSON remarked that the men reinstated by the Minister of Public Works were not what, in slang phraseology, were called "Black Wednesday victims." He desired to call the attention of the honorable member for North Melbourne (Mr. Laurens) to the fact that the return asked for would not show anything about the dismissal of Dr. Knaggs. (Mr. Service—"Nor about his appointment.") The dismissal of Dr. Knaggs was about the blackest and most unjustifiable proceeding that any Government could be guilty of. (Mr. Service—"Is the honorable member going to discuss that now?") It was a matter that would have to be discussed. The case of Dr. Knaggs was the dismissal of a man against whom no fault whatever could be found. If the present Ministry were determined to try the Yankee principle, it would have to be pursued out-and-out.

The question that the words "on Black Wednesday" stand part of the question was put and negatived.

The blank thus created was filled up by the insertion of the words "during the months of January and February, 1878," and the motion, as amended, was agreed to.

LEGISLATIVE ASSEMBLY CHAMBER.

Mr. C. YOUNG moved—

"That there be laid before this House a return giving particulars and cost of expenditure, during the last two sessions, in connexion with attempts to ventilate the chamber of the Legislative Assembly outside the Public Works department, showing by whom the payments were authorized, out of what funds paid, and to whom paid; also what portions of such works were found worthless and condemned or removed by the Public Works department."

Mr. FRASER seconded the motion.

Major SMITH suggested that the words "during the last two sessions" be struck out, in order that the return might include the cost of all the attempts which had been made to ventilate the chamber.

Mr. SERVICE pointed out that the motion referred to attempts at ventilating the chamber made "outside the Public Works department."

Major SMITH submitted it was not desirable that the return should be imperfect.

Mr. C. YOUNG said he had no objection to the omission of the words "during the last two sessions."

Mr. PATTERSON urged that the return ought not to be limited to works undertaken "outside the Public Works department," but should give the particulars and cost of all attempts that had been made to ventilate the chamber.

Mr. GAUNSON remarked that the return, to be a fair and accurate one, ought to include a statement of the amount paid by honorable members as medical fees, and what it had cost them for medical comforts, during the last two sessions, in order to remedy the ill effects they had suffered from the atrocious arrangements made to ventilate the chamber.

Mr. LEVIEN expressed the hope that there would be no opposition to the motion, because it was very desirable that the

information asked for should be supplied. He knew from bitter experience that the atmosphere of the chamber was sometimes the reverse of agreeable, and he considered it essential that something should be done, if possible, to effect an improvement. He was told that some persons who had done certain work in connexion with the ventilation of the apartment, by order of the late Minister of Railways, who acted under some commission or other, were unable to obtain the money due to them for their labour.

Mr. LANGRIDGE stated that he had recently been informed that one of the contractors for work in connexion with the ventilation of the chamber could not get his account paid. The amount of it was £24 9s. The man first applied to the Railway department, and was then referred to the Public Works department, but he could not obtain payment from either. This was a matter which it was desirable the Premier should inquire into.

Mr. BOSISTO said great complaints were made, last session, about the defective ventilation of the chamber, and the late Minister of Railways was authorized to take steps to improve it. He believed the House consented to sanction any expenditure which the honorable gentleman might deem necessary for the purpose.

Mr. JONES observed that, if there was such a thing as an authority for the expenditure, surely it could be produced. It was very discreditable that persons who had done work in the chamber which they had been ordered to do were unable to get payment for it. He hoped that the ex-Minister of Railways, or some other member of the House, would throw some light on the matter.

Mr. WOODS said he was sorry he was not in his place when the debate commenced. He desired to offer some observations, but he did not object to any return being produced which the House chose to order. He might tell the honorable member for Villiers and Heytesbury (Mr. Jones) that there was authority for everything he did in connexion with the ventilation of the chamber—namely, the authority of the late Speaker and of a committee of the Assembly, before whom the accounts were placed, and by whom they were passed to the Public Works department for payment, after they were initialed by the proper officer. Everything was done not merely on the authority, but at the request of the late Speaker. (Mr. Gillies—"That was not the way it was done.") The honorable gentleman did not know how it was done. He would tell the honorable member how it was done. The late Speaker stated he would resign his position unless the ventilation of the chamber was improved. He said so publicly from the chair, and requested him (Mr. Woods) to take the matter of ventilation in hand. He told the honorable gentleman that, if he took the matter in hand at all, he must have *carte blanche* —that he would decline to have anything to do with it if he was to be interfered with by any of the officers of the Public Works department. It was under the late Speaker's authority, and with the sanction of the House, that the work was done, or partly done, for it was not yet finished. The very thing which had lately been boasted of as an improvement made by the Public Works department was a portion of the original plan which he had not time to carry out. Everything he did was perfectly regular. (Mr. Francis—"One of the contractors has not been paid yet.") He could only say more shame to the Government if they had not paid the man.

At this stage, the time allotted for giving precedence to private members' business having expired, the debate stood adjourned until Wednesday, June 9.

PAYMENT OF MEMBERS BILL.

The resolution passed in committee, on Thursday, May 27, in favour of making an appropriation "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," was taken into consideration.

Mr. JONES said he did not understand why this matter should be thrust in the front before other business. It was now being taken out of the ordinary course.

Major SMITH remarked that the adoption of the resolution passed in committee was merely a formal matter. It was necessary that the resolution should be adopted now, and the Bill introduced and read a first time, in order that the second reading, when the whole question of payment of members could be debated, might be moved on the following Monday, on which day the House had agreed to sit.

Mr. JONES observed that the business of the country received very different treatment at the hands of honorable members from that given to the question now

before the House. The other day, a motion was brought forward by the honorable member for Emerald Hill (Mr. Nimmo), with a view to the introduction of a measure of great public importance; and, though it ought to have been regarded as of a purely formal and preliminary character, it was stopped *in limine*, and thrust aside for a fortnight. The question of payment of members, however, was brought forward on all occasions as soon as ever it could be advanced a stage, other business being put on one side to make way for it. Such a mode of dealing with the question was not decent. It showed that honorable members were far more deeply interested in what affected themselves than in what concerned the interests of the country. He did not intend to obstruct the present proceeding, but he was determined that the Bill for payment of members should be treated like any ordinary measure; and, if there was any attempt to deal with other important public business in the same way that the motion affirming the desirability of amending the Melbourne Harbour Trust Act had been hitherto dealt with, he would take advantage of the forms of the House to stop the progress of the Payment of Members Bill whenever he could.

Mr. SERVICE said he thought the honorable member for Villiers and Heytesbury (Mr. Jones) had very properly brought under the notice of the House the treatment which the honorable member for Emerald Hill (Mr. Nimmo) received in connexion with his motion as to the amendment of the Harbour Trust Act. He sympathized with every word the honorable member said on that matter. The question now before the chair, however, was purely a formal one, which it was necessary to dispose of, in order to carry out a decision already arrived at by the House that the Payment of Members Bill should be thoroughly discussed on the following Monday.

Mr. VALE complained that an unfair attack had been made on honorable members in reference to the course adopted in connexion with the motion of the honorable member for Emerald Hill (Mr. Nimmo).

The resolution was then adopted.

Authority being given to Mr. Williams and Mr. Sergeant to prepare and introduce a Bill to carry out the resolution,

Mr. WILLIAMS brought up a Bill "to provide for reimbursing members of the Legislative Council and of the Legislative Assembly their expenses in relation to their attendance in Parliament," and moved that it be read a first time.

The motion was agreed to, and the Bill was read a first time.

CONSTITUTION ACT ALTERATION BILL.

Second Night's Debate.

The debate on Mr. Service's motion for the second reading of the Constitution Act Alteration Bill (adjourned from the previous day) was resumed.

Mr. WRIXON said—Mr. Speaker, I am glad to have heard the Premier, and also the ex-Premier and the Minister of Railways, observe that the question of constitutional reform ought not to be treated as a party one. With that view I entirely concur. Indeed, if any other one is to be acted upon, great difficulties are sure to ensue. For example, I am most anxious to support the present Government, having confidence in them with respect to their administration and their general legislation; but, at the same time, with regard to two of the prominent features of their Reform Bill, I have for years entertained and frequently expressed adverse opinions. For a considerable period I have expressed and maintained the view that the Norwegian system of the two Houses meeting together is a mistake, and for so long as at least the last ten or twelve years I have contended that no proposition to divide the control of the financial affairs of the country between this Chamber and another could be anything but a delusion and an error. These have been my opinions, and, when I recently went before my constituents, I took occasion to reiterate them. Therefore, if the constitutional reform question is to be dealt with as a party one, I find myself placed in this difficulty, that, while I feel bound to support the Government of the day, I am unable to extend the obligation to the organic changes in our Constitution —the Constitution which is to serve for me and my children after me—which the present Bill embodies. I quite admit that, with respect to any ordinary matter of legislation, an honorable member anxious to support the Government of the day ought to be ready to waive his private opinions. Indeed I may say that even during the present session, short as the time has been, I have once or twice put that principle into practice. But when we have

before us a question so important as that of making, in the Constitution under which we are expected to live continuously for generations and generations, an alteration of so radical a kind that it involves the introduction of a totally new form of government, it is idle and vain to call upon a representative to adopt, for the sake of any party in the country, what in his heart of hearts he believes to be bad. The Government of the day can only, at the utmost, last a few years, whereas we expect the Constitution of the country to endure continually. Take, for example, the case of the honorable member for Belfast. He was one of the framers of our Constitution, and, indeed, was busy in politics when many of us had not left school. No doubt every vote he then gave with respect to the Constitution was a thoroughly honest and upright one. But let honorable members conceive for themselves what a melancholy retrospect he would have, now that he is gradually approaching the end of his long career, if, when taxed with the imperfections and deficiencies in our Constitution, he was only able to reply—"I always knew the thing was bad; I never believed in it; but I voted for it at the time because I was anxious to serve a particular party." On these grounds I am glad to be told that the present question is not to be considered a party one. For myself, I would have deemed it a good method of dealing with the question in detail to refer it to a select committee, and would have moved a motion to that effect, but the Government thought that would be an inconvenient and improper course to take, and I yielded to their views on the subject. Had I not done so, I would probably have proposed a resolution couched in terms similar to those of the 3rd paragraph of the resolution moved by the present Premier on the 28th August, 1878, namely :—

"That the most satisfactory way of dealing with a subject of such vital importance as the amendment of the Constitution, and the way most likely to result in a comprehensive and permanent measure of reform, is to refer the question to a select committee of this House for consideration and report."

In support of the method here laid down, the honorable member then made a series of observations so true, and so adapted to the present time, that I will venture to read them. They are as follows :—

"Both sides have, in fact, been placed in a false position by being compelled to regard that which does not belong to party, and ought not to be legislated upon in a party spirit, as a thoroughly party question. I am sure the country feels bitterly, and as time advances will feel even more bitterly, that this question is one that ought to be removed from the arena of party, in order that it might be dealt with altogether apart from faction. When the Constitution we live under was first framed, how was the thing done? By the appointment of a select committee comprising the political notabilities of the day, namely, gentlemen eminent in various walks of life, to some extent versed—at least some of them were—in constitutional law, of great political experience, and, lastly, holding opinions of their own. They came to their task with their minds open to what they were doing. They certainly did not, in the first place, plunge into a foolish party debate lasting over four or five weeks. . . . . That is not at all how they worked. On the contrary, they commenced with a full determination to thrash out the whole matter before them in the light of all the information they could get, and the strongest possible criticism each member could bring to bear upon every proposition of the others. I say that was the true course to take. . . . . If, without committing himself in the least to the mere machinery by which the alteration of the Constitution was to be carried out, the Chief Secretary had brought down resolutions stating the nature and character of the amendments to be made and the direction in which they would go, the consequence would have been that we should have carried these resolutions by a unanimous vote. He would, in fact, have placed us all in the right position. Every one of us would have been enabled to bring all the intelligence we possess to bear upon the discussion of the question in this general aspect, and we would then have been unanimous in leaving the matter to a select committee. . . . . There is no possible way of contrasting, comparing, and dealing with the various schemes—and they are legion, or at least they are very numerous—by which the objects sought to be attained by this House and the country can be brought about except by referring the matter to a select committee."

In fact, in no other way can we expect to frame perfect constitutional legislation. Surely it will not be said that, for party purposes, we ought to hurriedly adopt constitutional changes that are marked, as I will shortly show, by imperfections that will prevent them from working successfully. Is it possible for us to wish, merely for the sake of getting over a temporary difficulty, to fasten permanently on the country constitutional blots which a little discussion, investigation, and dealing with the difficult problems underlying the subject would enable us to avoid? Surely no one desires to force the present proposal through as a mere party question, when it is quite possible to reach the wished-for end in a perfectly safe and easy method, one that has been adopted in almost every other constitutional country in the world. It was availed of when the Constitution of the United States, of Canada, and also

of each of the Australian colonies was framed.

Sir J. O'SHANASSY.—And also when the present French Constitution was framed.

Mr. WRIXON.—Furthermore, it was adopted when the last great change in the franchise of England was made by Earl Beaconsfield, then Mr. Disraeli. That question was not treated by even him as a party one. Having brought down reform proposals which the House of Commons did not like, he at once recognised the greatness of the occasion, and, rising superior to the promptings of mere party feeling, said at once—"Well, then, let us all join together over the matter; I will take the House into my confidence." He did so, and, after three or four months of deliberation and discussion, a measure widely different from that first brought down, but consonant with the wants and wishes of the people of England, was duly passed into law. I will, before I sit down, offer certain suggestions on the point I am now dealing with; but, meanwhile, let me call the attention of the House to one or two matters that, in my opinion, require very attentive consideration. The Minister of Railways, in the course of the forcible speech he made yesterday evening, invited criticism upon the Government proposals. Well, I will now proceed to criticise them with all the care I can. I shall not do so in any spirit of hostility to the Government, but simply with a desire to show that there are, connected with the scheme before us, difficulties that demand most thoughtful and deliberate treatment. In the first place, the Minister of Railways started last night with a complaint about dead-locks, and incidentally he glanced at the unreasonableness that produced them. I am sorry he did not carry his investigations deeper, and consider, not merely the proximate cause of our dead-locks, but the faults and evils in our Constitution which primarily led to them, and are practically responsible for them. When we realize the true foundation of our complaint will be the right time for us to apply the remedy. As the doctors say, a correct diagnosis of a disease is at least half way to its cure. Also we may ask why it is that our dead-locks have been always productive of such animosity of feeling and bitterness of spirit. The answer to the question is simple and short. My belief, which I have often expressed, is that the weakness of our Constitution lies in the fact that we alone of all the constitutionally governed British communities in the world—with one doubtful exception—have attempted to unite a Chamber based on universal suffrage with a class Chamber. That is the origin of all our difficulties. People generally are susceptible, in the first place, of only simple and obvious ideas; and that our two Houses of Legislature should consist of one representing every class and one representing only the better-off class could not fail, from the beginning, to excite class animosities, bitterness, and antagonism. Such sentiments may, under the circumstances I describe, take a short or a long time to mature, but they are bound to assert themselves in the end. The great mass of the community are sure to consider what are called the interests of conservatism to be no business of theirs, and, on the other hand, the better-off class are sure to regard the Chamber representing them as essentially one to protect them, and defend the interests of property generally. Two Houses of Legislature of this kind existing together necessarily, in course of time, afford opportunities for conflict. I am not prepared to deny that there are always many politicians ready in their eagerness and enthusiasm, and also in their desire to make their way, to avail themselves of the chances that antagonism affords. When you find that in this country such individuals are easily and often able to go to the country with the cry—"You are under an oligarchy on the one hand, support us on the other," you have necessarily a ready solution of the undoubted fact that we have here more class hatred, more dead-locks, and more conflicts between the Upper House and the Lower than any other country has known. That is my idea, and my opinion is that the only true remedy for the evil is to do away with the existence of a Chamber representing only one class. Do away with that cause of antagonism, and the two Houses will work together with the common sense and moderation Englishmen generally possess. The view I individually hold, and have often expressed outside these walls, as to the most scientific and reasonable method of achieving the end I refer to is that our Upper House should be a nominee one. But that plan appears to be very unpopular, and, inasmuch as it is only a means to an end which can be attained in other ways, such as the reduction of

the Council franchise to a point where it will no longer have merely class limits, I answer the appeal the Minister of Railways made to us, last night, to ascertain for ourselves how far we can go with the Government propositions, by saying that I heartily agree with the first proposition he laid down. I regard the intended reduction of the franchise as excellent. It does not go the length I would go, because I would have the Upper House elected by every ratepayer in the country, but I am not prepared to differ from the Government upon a point so slight. I object also to the landed estate qualification for members of the Upper House, which I regard as a mistake, but I will not part company with Ministers on that ground. Therefore I unhesitatingly say that, if the present proposals stopped with the reduction of the Council franchise, I would give them my most thorough support. I believe a Bill embodying that principle would be a most excellent measure, and, further, that it would accomplish all that is wanted. So much for the first proposition dwelt upon by the Minister of Railways. But the moment he left the safe ground he then occupied, he appeared to me to be betrayed into inconsistency. Having said, or rather conveyed—if I recollect right, the Premier did the same thing—that the portion of the Government Bill he had dealt with might, in a measure, be said to accomplish all they cared about, he proceeded to observe that, inasmuch as dead-locks had occurred, mechanical means to avoid them must be adopted, and then (here comes the inconsistency) he wound up with an eloquent peroration to the effect that, after all, there was no occasion for these mechanical means. He started with the theory that, if people would only be reasonable, there would be no need to change the Constitution, and then admitted that, after all, the new machinery would be useless if people were not reasonable and moderate. Furthermore, he proceeded to say that these unreasonable people would be sufficiently met if we, in the first place, agreed as to the matters the Appropriation Bill should contain, and, secondly, laid down rules on the subject for the guidance of the future legislators and politicians of the country. But he ought to have gone further. What are rules and regulations unless you have some clear method of interpreting them? Practically nothing. They may be construed one way or another at pleasure. Nothing is more common than for half the judges in England to be divided as to the meaning of a few simple words which an unlearned man would consider simple enough. Look at clause 20 of the Bill. It is as follows:—

"The Council may, in pursuance of a resolution passed by at least two-thirds of the whole number of members of the said Council, transmit a message to the Assembly requesting that any specified proposed grant of money, clause, or matter appearing on the Estimates of Expenditure for the year which, in the opinion of the Council, is not a grant of money for the ordinary service of the year, may be dealt with in a separate Bill from the annual Appropriation Bill."

Now what makes a grant of money one "for the ordinary service of the year" we can very readily understand, but the character the same thing may assume "in the opinion of the Council" may be something extremely different. Are we to be ensured good and safe government by provisions of that sort?

Mr. FRANCIS.—Every decision that a particular grant is not one for the ordinary service of the year must be arrived at by a two-thirds vote of the Council.

Mr. WRIXON.—I am quite aware of that. But the point is—you lay down a rule; who is to interpret it? In truth the clause means simply that the Council will be enabled to object to any grant they choose. It is idle to pretend that it means anything else. Refer the point to any committee of lawyers or constitutional students you please, and I will stake my reputation their verdict will be the same as mine. Surely, what I now refer to affords a strong reason why the subject-matter of the Bill should, in the first place, be submitted to the investigation, inquiry, discussion, and criticism of a select committee. It seems to me that the Minister of Railways (whose remarks I desire more particularly to follow) did not attach very much weight to the Norwegian scheme, nor to the proposed method of giving financial control to the Upper House. Certainly he laid it down that the two proposals were only rendered necessary by the unreasonable conduct of those who caused dead-locks. The Premier also, in his speech in introducing the Bill, told us that probably neither of the two arrangements I indicate would be resorted to once in a decade. But, at the outset, I protest against this manner of regarding the subject. If the

proposed expedients for averting deadlocks are never, or scarcely ever, to be required, we have at once afforded us the clearest possible reasons why they should not be adopted.

Mr. FRANCIS. — What about the creation of peers in England?

Mr. WRIXON.—Well, that is a sort of dormant right that has never been exercised, although it was once very nearly being brought into play. The provisions we are asked to adopt are totally new, and therefore I contend that, if they will never or hardly ever be used, there is clear and strong reason why we should not adopt them. The remarks of the Minister of Railways and the Premier on this head remind me of the words of Edmund Burke—"When you introduce a new thing, you never know how it will work, and for that reason alone you ought to be afraid of it." If there is no pressing need for a novel and therefore possibly dangerous arrangement, why should we resort to it? On the other hand, my scrutiny of the Bill leads me to the conclusion that, if the mechanical means in question once existed, they would be employed very often indeed. When I am told that their adoption is really a matter of no consequence, because there is no fear of their ever being used, I am disagreeably reminded of an observation frequently made respecting bills of another kind. In business a man is sometimes requested to put his name to "a little bill," and at the same time told that his doing so really means nothing, because he will never hear of the thing again. But experience teaches that such instruments very often turn up again most inconveniently. On these grounds, I decline to accept the view on this part of the present subject which the Premier and the Minister of Railways have put forward. The Minister of Railways addressed us yesterday at such length on the Government proposals with respect to the Appropriation Bill that I began to be slightly confused as to whether the provisions of the 1st part of the present measure would also refer to Money Bills and Tax Bills, but I have since been privately informed that it will do so. That being the case, let us look at the situation for a moment. Honorable members must understand that my main object in dwelling on the points I am now dealing with is to show the necessity that exists for the matter before us being sifted in committee before we pledge ourselves with regard to it one way or another. At present the Assembly have by law absolute control over not only the Appropriation Bill but all Bills of Taxation, of Supply, or for raising money. The 56th section of the Constitution Act states distinctly—

"All Bills for appropriating any part of the revenue of Victoria, and for imposing any duty, rate, tax, rent, return, or impost, shall originate in the Assembly, and may be rejected but not altered by the Council."

The constitutional reading of that section is that the Council have the bare legal right to reject any such Bill, but that it would be unconstitutionally exercised except in a case of overwhelming emergency. Unless the emergency is extraordinary, unforeseen, and overwhelming, they have no right to reject. That is not only my reading of the section, but that of the Council themselves. For example, a few years ago they passed the following resolution :—

"That, inasmuch as doubts have arisen respecting the form, or contents of, and practice relating to Bills required by the 56th section of the Constitution Act to originate in the Legislative Assembly, it is expedient that the practice of the Lords and Commons respectively be observed as to such Bills, and as to all subjects of Aid and Supply, and that each House should be guided in all matters and forms relating thereto by the precedents established by the House of Lords and by the House of Commons respectively."

The principle here laid down the Council have not only acknowledged but acted upon. Quite recently, when called upon to deal with the Land Tax Bill, which they avowedly regarded as an unjust and therefore objectionable measure, they passed it in obedience to the constitutional reading of the section of the Constitution Act I have just now quoted. They regarded the measure as something upon which it was for this Chamber to determine. Again, towards the end of last session, a question having been raised in the Council as to their power to touch the Stamp Duties Bill, the subject was inquired into, and an able and learned report, in which I can easily trace the hand of a certain erudite member, was laid before them. That document defined the position occupied by each Chamber with regard to Supply, and the conclusion arrived at was that all that needed to be done was to follow English precedents, the effect of which is to give the Assembly the privileges of the House of Commons, and the Council those of the House of

Lords. The Minister of Railways, in adverting to this part of the subject, detailed to us how the concurrence of the Lords in certain matters was asked for, and he cited a number of instances in which messages were sent to the Lords as well as to the Commons. No doubt that was done. No doubt politeness ought always to be observed towards both branches of the Legislature, and of course, when affairs run smoothly, it always will. But what does the history of every Supply Bill, Appropriation Bill, and Tax Bill tell us? That we inherit the privileges of the House of Commons, which they have enjoyed for centuries, and therefore we have the right—which we are now practically asked to surrender—of completely controlling Taxation and Supply, the other House having cast on them the duty of consenting to the measures of that kind we pass, except in cases of extraordinary emergency, when they may interfere to stop them. Now, sir, that being the legal position of the matter, let me ask what are the proposals of this Bill? I am the more incited to follow up this question, I feel more bound to press it on the attention of the House, because the organs of public opinion on one side and the other seem to give forth a very uncertain sound, and because I am one of those who, years ago, took part in the controversy between the two Chambers. In the first place, we are asked to give up altogether that constitutional position which the House of Commons occupies. Nothing seems to me more clear on the Bill than that proposition. If it be not so, it is only another reason why we should have the matter carefully investigated by a body that would look into it. The law is as I have said; the Constitution is as I have stated to the House; and yet we are asked to pass a Bill which provides that any Money Bill, including a Tax Bill, may be rejected by the Upper House, and machinery is provided for giving effect to the results of that rejection. I am talking to reasonable men, and I ask—Am I to be told that a provision of this kind means nothing, that the Upper House is not to interfere with taxation? Why, as I have said, the very machinery by which the position is worked out is provided for in the Bill—namely, the passing in two sessions, the double dissolution, and the joint meeting. At present you send up a Tax Bill, and the Upper House says—as has happened more than once—"We don't like it, but we bow to public opinion." But if you pass a Bill which provides that the Upper House may reject, and contains machinery for so doing, will not the right to reject carry with it a duty? I say it will. If I were now a member of the Upper House, I would say that if the representatives of the people chose to pass a Bill providing that I might reject, and also the machinery by which I might do so, the legal right carried with it a duty, and that it would be the duty of every conscientious member of that House to reject every Tax Bill which he in his heart believed to be bad. Now is that desired? Do we wish it? Do the Government themselves wish it? I don't think they do.

Mr. LONGMORE.—Yes, they do.

Mr. WRIXON.—I don't believe they do for a moment. They were hurried into office, and after a short consultation of a couple of months how could they—unless possessing the gift of inspiration—have managed to frame a perfect Bill? I am as anxious as any one for good steady government, but how could good government be carried on under this Bill? Supposing this Bill were to become law, and the Premier brought down his financial proposals, and that those proposals included a tax—say, for the sake of argument, a stock tax. The Premier ascertains the financial requirements of the year, and he provides Ways and Means to meet them; he has the whole thing in his hands; he confides in us, and the matter is discussed; we have the responsibility of dealing with the subject, and we do deal with it; the Bill goes elsewhere, and honorable members there—not knowing the necessities of the Premier and not understanding the financial position, knowing nothing of the departments or of every-day government—throw it out; and are we then to wait six months, and afterwards have a dissolution, and then a joint meeting of the two Houses, before the matter can be settled? How could government be carried on under such circumstances? Would any one be able to control the finances—to have them in hand—on such terms? I don't believe it possible.

Mr. GILLIES.—That was the proposal in the last Reform Bill.

Mr. WRIXON.—I equally condemn the last Reform Bill and the present. Both are equally inconsistent with the privileges of this House.

Mr. ZOX.—Show us a way out of the dilemma.

Mr. WRIXON.—I tell you frankly that I disbelieve in all mechanical contrivances. My idea as to the cause of all our difficulties is that we have a class House on the one hand, and a House elected by universal suffrage on the other; and I say if you abolish the class character of the other Chamber you will have dead-locks no longer. Honorable members will recollect that that opinion—which I may say I expressed many years ago—has been endorsed by the highest possible authority at home, who cannot for the life of him make out why we cannot get on like other British communities. At one time we adopt a Norwegian scheme, at another a Roman-Dutch contrivance, but we never act with the broad common sense of Englishmen. Then again, let me call attention to the power which will be given to the Legislative Council with respect to the Appropriation Bill. If they object to an item on the annual Estimates, they can send down a message to this House requiring us to leave out that item, and send it up in a separate measure which may have to run the gauntlet of the machinery provided by this Bill. But does any honorable member believe that that would tend to promote good government, or to prevent abuses? I certainly am of a totally different opinion. Sir, when you give this power to the Legislative Council, you cast upon that body the duty of examining every item on the Estimates. You take away from them the power of rejecting an Appropriation Bill, and therefore the only way in which they can make their weight felt is by objecting to the items as they appear on the Estimates. At present, in the event of an extreme case arising, they can deal with it in the Appropriation Bill. Their present view of their rights is explained very clearly in some remarks by Sir Charles (then Mr.) Sladen when Mr. Degraves submitted to the Upper House a motion to this effect:—

"That, in the opinion of this House, any claims for gratuity in lieu of pensions to any individuals should be made the subject of a Bill, in order to give this House an opportunity of considering the same."

The motion was objected to by Mr. Fellows and other members of the Council, on the ground that that House did not want any such power; and Mr. Sladen said—

"I think the proper time for us to review any items of expenditure is when the Appropriation Bill is under consideration. The Assembly has a perfect right to deal with these financial matters as it pleases. It may send them up in a separate Bill, or it may place them on the Estimates. The House of Commons sometimes takes the one course, and sometimes the other, and we have agreed to abide by British precedent."

Mr. SERVICE.—In what year was this?

Mr. WRIXON.—In 1867—the year they entered into the agreement I have already referred to. So that, on that footing, they have no right to look at our Estimates until the Appropriation Bill comes up; and then, if any extravagant or extraordinary matter is included, they claim the right to reject the Bill. But if the present measure were to become law, the Council would be unable to reject the Appropriation Bill, even if it went up with a vote of £50,000 for each member of this House. Therefore their only security will be to scrutinize every item on the Estimates. That will be the duty cast upon them by law. And any conscientious man in that House, any man having a sense of the duty thus imposed, will carefully scrutinize the different items on the Estimates, and if he does not agree with any item he will be bound to object to it—because if he does not object to it he will be consenting to it, just as in the case of a firm that has got into financial difficulties, through which it becomes necessary for a new deed of partnership to be drawn up, when a sleeping partner has the power, which he had not before, to object to anything which he thinks wrong or may have to complain of. It is idle then to talk of the previous arrangement—the parties have to be bound by the new arrangement. So here, when you take from the Council the right to reject an Appropriation Bill—when you kill the ancient principle of the English Constitution—when you set off on a new journey for a totally new Constitution, you alter the whole constitutional status and obligation of members of the Upper House; and whereas hitherto their only right was an overwhelming necessity to check our accounts, now you cast upon them the duty of examining every item and objecting to every item of which they don't approve. I won't waste the time of the House by arguing whether good government could go on under such terms. At the same time it is still provided that there shall be a distinction of class between the two

Houses. The Upper House will still represent the better-off order of the people, and we will still represent the mass of the people. Does any man mean to assure me that he believes conflicts will not arise?—that, when we still provide for a class demarcation in the Constitution, there will not be conflicts over monetary matters in the future just as there have been in the past, if not so aggravated? Supposing that we had in power a Government desirous of stringently carrying out, for example, the provisions of a land law, and that, in order to prevent dummyism, they put on the Estimates the sum of £10,000 or £20,000 for inspectors and other officers, and that members in another place objected to it, and threw it out, where would be our undivided control of the finances which Mr. Gladstone, the greatest financier living, has declared to be absolutely necessary for the carrying on of government? And here I come to the point which the Minister of Railways asked me about just now—the question of dead-locks. I know of dead-locks in the past. I trace them, on the one hand, to class antagonism; and, on the other, to the feelings of the people being excited, perhaps unduly, on various occasions. But will this measure stop dead-locks? Suppose such a case as that which I have just put. Suppose we had in power a Government with a triumphant majority such as the honorable member for Geelong (Mr. Berry) had after the famous 11th of May, and that that Government proposed a scheme for extinguishing dummyism, and that the other House struck out the item as an improper waste of money, what would follow? Do you suppose that the Ministry, with their 50 or 60 followers, would quietly submit? Would they cultivate the virtues of moderation and restraint of which the Minister of Railways speaks? Would they quietly consent to such an item being struck out, and the settlement of the question postponed for perhaps eighteen months or two years, with the probability of their having to submit themselves to a penal dissolution in the meanwhile? Do you think they would stand all that? No, they would not stand it. It is not in human nature to do so. I tell you what they might do. They might take a hint from the following passage in a despatch written by the late Lord Canterbury, a man who possessed a remarkable knowledge of constitutional matters:—

"If the Legislative Council should persevere (there is no doubt that they are legally empowered to do so) in continuously refusing Supplies, because a grant to which they object is included in the Appropriation Bill by the Legislative Assembly, who are unquestionably entitled by law to include all grants in a general Bill of this character, it is clear that the Legislative Assembly will hereafter refuse Supplies unless and until the Legislative Council is reformed or abolished."

Mr. GILLIES.—Refuse Supplies to an innocent party that never offended them!

Mr. WRIXON.—That has been done before. The fact that, through a dead-lock, innocent persons may suffer does not determine the question. Would an excited and triumphant majority sitting on the Ministerial benches be restrained from enforcing their right to carry on the government of the country as they thought proper by the feeling that innocent persons might suffer? I am afraid they would not. There is another thing which they might do. They might adopt the course of going on with the Appropriation Bill without taking out the item objected to. No machinery is provided for compelling the Assembly to take out an item. No such machinery can be provided. This House is in the position of a corporation—it has neither body nor soul; there is no way by which it can be reached. Here is ground for my pressing upon the House the necessity, before they adopt a fundamental change, for taking care that it will work. I want the House to get some value for the fundamental change if it is carried out. There is another evil I foresee. If the Upper House were to interfere with the Estimates, I think it highly probable that this House, jealous of that interference, would revert to the ancient practice of voting sums of money in the lump for the different departments, as it did a little while ago for one particular department, the Government giving the House all the information it may require on the subject. That course I would greatly deplore, because I think it a great security for the public that every item of expenditure should be set out and clearly expressed. If the Government plan really did come into operation, with the result of the Upper House interfering with finance, I think the proceeding would lead to this House enforcing upon Ministers the giving up of the present manner of presenting estimates, and keeping the accounts ourselves. But if that were to take place, where would the check be? Let me here

read the words of Mr. Gladstone, with regard to the attempt to divide financial control, uttered in connexion with the paper duties question :—

"The question at issue is whether it is to remain in the House of Commons alone to adjust, in the regular course, the income and charge of the year. Now, sir, the doctrine upon which all our financial proceedings until last year have been founded is this, that such and no other has been the exclusive right, and not the exclusive right only, but the exclusive duty and exclusive burthen of the House of Commons. Is the charge capable of being divided between the two Houses of Legislature? Is such a course practicable? Does it strengthen or does it destroy our responsibility to the people? Can it lead to anything but mischief and confusion? . . . One consequence would be this—heretofore the finance of this country has upon the whole been creditably distinguished from that of other countries, and consequently the credit of the country has been raised to a height never known in other countries; for there has been a principle of unity in its management, and the control of public money rests with the representatives of those who pay the taxes. But if we break up this rational and effective system, tested by long and varied experience, hereafter all this benefit will be lost."

Mr. SHIELS.—What about the division of control in America?

Mr. WRIXON.—That is much the same point that the Minister of Railways raised yesterday—a point to which I pray the earnest attention of honorable members. The Minister of Railways asked—"Is there to be no check on this House?—are we to do whatever we like?—can we vote any money we please?" But the Minister overlooked the fact that this House can vote no money except on the invitation of the Crown—that this House can vote no money except by the concurrence and at the instance of the Governor. Herein is the wide difference between our case and the case of America. In America, neither House has anything to do with the Executive Government. The Executive Government is outside both the Senate and the House of Representatives, except that the Senate has the right of veto on certain executive acts. Here the Government are a committee of the Legislative Assembly, and no member of this House can propose the expenditure of sixpence on his own will; not a £5 note can be voted by this House except on the invitation of the Governor.

Mr. GILLIES.—Do you approve of the 6th clause of the Bill of last session?

Mr. WRIXON.—Certainly I do approve of the principle of it.

Mr. GILLIES.—The people don't,

Mr. WRIXON.—Whether the people approve of it or not, I will say what I believe to be true. I won't allow myself to be accused of having come into this House twelve years ago to maintain this very position, and of now turning round upon it. To resume my argument, I assert that when it is asked "Is there to be no check?" the situation, which applies equally to the plebiscite and the Norwegian scheme, is overlooked. Before there can be any improper vote of money, or any improper public expenditure, there must be a bad Government and a bad House. I say without fear of contradiction that when such a combination arises, with a reckless Government and a reckless House, reckless money grants will be a great evil; but it will not be the principal evil. Much more serious evils than the evil of recklessness in money grants will then set in. I will tell you of some of the things I would fear if we were to have a Government we could not trust and a House demoralized. I would be afraid of seeing rogues put on the judicial bench, of seeing the public service filled with loafers, of seeing wholesale and unjustifiable dismissals from that service. I would be afraid of seeing a tampering with the currency. These are the things you have to fear when you have a bad Government and a bad House. It is a delusion, shared in by both sides, to say that the principal difficulty is the money vote. I deny it. A grant of money may be wrong; it may be wasteful; but it is made in the light of day. It appears on the Estimates, it is questioned by the Opposition, it is canvassed in the press, and before three years are over, if the representatives of the people have done wrong, the people have the remedy in their own hands. It is not an occasional bad money grant, but the demoralization and profligacy of the Government that we have to fear. The mother country possesses an upright judiciary, honest public servants, and a just and proper administration of finance. In these things we approach the mother country. If we wanted them, we would degenerate into a mere rabble. And yet we are asked to upset our entire Constitution for the sake of a fundamental reform which deals with only one difficulty. The honorable member for Normanby has referred to America. If he asks me whether the Upper House in America, having control over finance, has proved any real check, I answer most sincerely and implicitly, it has not. It has not, in

any way, checked improper expenditure. It has not, in any degree, promoted purity in the administration of finance. More than that, owing to the divided responsibility which prevails, instead of having one House to point to as answerable for misconduct, the thing is muddled up between the two. I hope it will not be supposed that I am speaking in disrespectful terms of American Legislatures, but it is a fact that, owing to the lobbying which prevails, the division of responsibility between the two Chambers, instead of being a security, is rather the contrary. Take, for example, the Silver Bill. That was a measure under which the United States paid to the public creditor from 7 and 8 to 10 per cent. less than they owed. That Bill was passed through both the Lower House and the Senate without objection. Where then was the check? It lay with neither House but with the President, who was the representative of the whole people. He objected to the measure, and vetoed it. Then it had to come back to the Legislature, and each House passed it by a majority of two-thirds. If the honorable member for Normanby thinks that a satisfactory proof of the value of two Houses, I make him a present of it. So far I have explained my views with regard to the financial question. I will now say a few words about the principle of the "Two Houses." I have always opposed it. I am pledged to oppose it. I thoroughly disbelieve in the idea. In the "Two Houses," as proposed to be constituted by this Bill, you will have a great powerful engine, and you really don't quite know how it will work. It all depends upon who gets hold of it. This joint House can do any mortal thing it likes. Any Bill can be sent to it, and it can amend the measure as it thinks proper. Once in existence, the joint House will labour under what John Stuart Mill considers fatal to deliberative assemblies—it will labour under a sense of absolute omnipotence. Nothing can stop it. The great value of an Upper House is supposed to be that it prevents the Lower House from feeling absolute. But this joint House will be a sort of little legislative omnipotence. Once there, the triumphant party—I have great doubts as to which would have the majority, it might be the one or it might be the other—would be able to carry everything before them; and there would be no appeal from their decisions. Now I cannot think that would be a useful institution. I do again protest against this matter being put through as a mere party matter. I object to be called upon to vote "Aye" or "No" upon the Bill, after I have shown that there are matters which want investigation before the measure is imposed upon us and our descendants as part of the Constitution of this country. If the Bill is passed, there will be no Constitution on the face of the earth like ours. We have no experience as to how the measure will work—we have nothing by way of tradition, legislation, or analogy to guide us. We are enacting something wholly new; but surely that is a thing we ought not to rush into improvidently. I am as anxious as any man to support the present Government. I am inimical to the late Government. But I cannot consent for a moment, for party considerations, to mortgage the future of this country. I have been subjected to a little pressure on this point by an honorable friend who takes a great deal of interest in the Government, and I would have been quite willing to have waived my views if they were views on mere minor matters; but I don't think my friend, when he put the matter to me, entirely realized the situation. Some twelve years ago, as I mentioned just now, I came into public life as a supporter of Sir James McCulloch and Mr. Higinbotham, who were then engaged in a determined, and in some respects a disastrous conflict to enforce this very financial supremacy which it is now proposed to give up. I by no means say that if, looking back upon that time, I were satisfied I was wrong then, I would not now willingly recant the error I fell into. But surely it would be a painful humiliation, it would be submitting to sackcloth and ashes, for any one who went through that conflict to assist in the passage of a Bill which is a solemn statutory condemnation of the whole party in that struggle. Of course I don't for a moment attempt to judge honorable members who may have somewhat modified their views on the subject; but the case I want to put is this—What would be said of us, what indeed would we say of ourselves, we who remain unconvinced, who still believe that the principle we fought for was right, that the struggle was a just and true one, if we, not having changed our views or opinions, were parties to this Bill of Attainder against ourselves? We would

indeed reduce ourselves to the level of that scurvy politician mentioned by Shakspeare, whose function was "to seem to see the thing that is not." But my conviction remains unchanged. I believe it is a good thing for the Government of the country to have the financial supremacy in this Chamber. I do not think you will check dead-locks one bit by this proposition; I think that is a fallacy. My proposal—which I press upon the attention of both sides of the House, for both the Government and the Opposition are equally interested in getting this question settled—is that we should take the second reading of this Bill *pro formâ*, so as to save the Government from any possible discredit, and then refer the matter to a select committee by which the question can be thoroughly looked into, and it can be ascertained whether the objections I have urged have any foundation in truth. That is the course which I respectfully suggest to the House, and I do hope that in some way this question will be dealt with so as to promote the peace and prosperity of the country.

Mr. VALE.—Sir, I am quite sure that honorable members on both sides of the House feel that the honorable member for Portland has returned from that banishment of which he complained with renewed vigour to take part in the responsibilities and labours of public life, and that he has come back with his old faith in the rights and privileges of this Assembly unshaken, and worthy to do battle for them again as he did in times past. For my own part, I fear that in dealing with this subject, especially after the speech which has just been delivered, I shall only be adding my quota to that dreary waste of talk and type which is enrolled in *Hansard* in connexion with the constitutional question. Moreover, I shall perhaps expose myself to a charge, which it appears now is not a charge of wrong-doing but rather of patriotism—the charge of inconsistency. I am glad to find that the honorable member for Portland has not taken that view of the question, and has not sacrificed his old convictions to the exigencies of the present political situation. I think honorable members could not feel too greatly the evident earnestness with which the speech we have just listened to was delivered—that it was a speech delivered against personal likings and as the result of a calm and matured judgment. For that reason, the observations of the honorable member must carry a weight perhaps beyond that which under ordinary circumstances they would be entitled to bear. I think it would be well if this debate were conducted from beginning to end in a fair and calm spirit; but I would point out to honorable members on the Government side of the House that, if that is to be the case, the calmness and quietude cannot be expected to be exclusively on the side of those who are supposed to be the defeated party. Last night, the honorable member for Sandhurst (Mr. McIntyre) made a speech in which he talked about the "agitators" on this (the opposition) side of the House. The honorable member, I suppose, did not really mean much; or, if he did, there was not much in his observations. It is quite true that there are some political agitators on this side of the House. I have no particular objection to the term myself. I think I have heard it applied occasionally to such men as Mr. Gladstone and Mr. Bright; and, while I make no pretensions to their ability, I am disposed to shelter myself under their great fame in this matter. But, if political agitation detracts from the respectability or enlightened political influence of honorable members on this side of the House, I would remind the honorable member for Sandhurst that the time is within the memory of man when the Premier was the ruling stage agitator of the "iron house" on the Sandridge-road. Moreover, the Minister of Railways, in the early days of the Convention, was the chief attraction to the ladies who visited that assembly, and, having now passed the age when his attractions were remarkable in that direction, he has become unrivalled in parliamentary debate. I would also call the attention of the honorable member for Sandhurst to another fact. We have now one remarkable prodigy on the Ministerial bench—that peculiar curiosity of Australian life, the first gentleman who, like his father, has become a Minister of the Crown, and who, like his father, is an unrivalled agitator. Was he not one of the chief adornments of the travelling camp of Ministers in anticipation, accompanied by that champion—shall I say of the light, or the heavy, weights?—the Minister of Public Works, a gentleman equally good on the stump or in "settling differences outside"? I say all this in good part, and merely with a desire to point out that, if this debate is to be characterized by a spirit of

forbearance, the forbearance must be exhibited on both sides of the House. Now, in relation to this question, I am not going to endeavour to justify myself against any charges of inconsistency which may be founded upon any utterances I may have made shortly previous to my entrance upon parliamentary life anew. I simply say that I have always held this contention —that in the government of any community the ultimate resort should be the free men of that community. That doctrine may be a mistake. I admit that it is in advance of the ordinary practice of Great Britain ; but it is merely the full extension of the lines in which the British Constitution has been advancing with marked and rapid strides since the Reform Bill of 1832. Since that time, the continual direction of English parliamentary government has been to bring within the suffrage the largest possible portion of the community. Even the great struggle which has recently occurred turned to a certain extent upon a principle which is one of the outcomes of public opinion in that direction—and a principle which is likely to receive the force of legislation—namely, that the men who reside in the counties have an equal right with the men who reside in the towns to a share in the franchise. But I go for the extension of that line to its ultimate limit—that each free-born man in the community is entitled to a share in the government of the country, and I maintain that he is entitled to that privilege by virtue of his manhood. I was somewhat pleased to learn from the Premier's speech that, while he does not go that length entirely at present—though he once did when he was the adornment of the Chartists of Glasgow—he at least goes the length of saying that his own personal conviction is that the Reid-Munro scheme of the ratepayers' roll is even preferable to his own proposal. I think, however, the honorable gentleman might have gone further, and been in a better position, if he had asserted that it would be safer for the truest interests of the country—and, in saying that, I do not fall back upon any general utterance of the rights of man—to have taken, as his basis, the ratepayers' roll or manhood suffrage. I believe that would have been a safer basis for absolute and perfect justice in legislation as between those who have not and those who have—those who simply win their bread, and the more fortunate possessors of comfort which comes not from personal toil but from past savings. I do not wish honorable members to entertain any foolish impression that I have any aversion to property—that I believe there is any crime in banks or institutions of that sort. We may differ about the duties which property owes to the State, and yet agree in recognising its claim to support and justice. Now this Bill professes to prevent dead-locks ; but the honorable member for Portland has very clearly shown that, while it might possibly prevent dead-locks in one direction, it would be utterly impotent to prevent them in another. A majority of 60 or 65 calm, patient, and forbearing men, supporting a Government in whom they had confidence, might form a solid phalanx on the Ministerial benches in this House, and say "Redress of grievances before Supplies," and the minority on this side might cross the floor of the House over and over again, and attempt to carry on the government, without any effect. I admit that the Governor might exercise his power of dissolution on this House, and ask the country whether it would allow the continuance of such perversity—indeed I have no doubt it would be called disloyalty, though it might in reality be the truest loyalty to the Throne, being that loyalty to the people which would make them feel that they were under a Government which sympathized with their rights and would redress their wrongs. And that dead-lock might go on until general election after general election had only solidified the phalanx on the Ministerial side of the Assembly claiming that the Council should consent to redress grievances before the Assembly granted Supplies. The Bill would not affect that state of things. It provides no means by which such dead-locks as that could be overcome. It leaves that phase of the question of dead-locks—which has never yet arisen in this country —perfectly open ; but it might occur, and, indeed, I might venture to say, it would be almost certain to occur. The only difference from past dead-locks would be that the Bill would throw on the Assembly, instead of, as hitherto, on the Council, the absolute responsibility of initiating a dead-lock, whatever value there may be in that change. But I will go a little further. The Premier, very properly, dilated with glowing pride upon the great progress of the colony during the past 25 years. He showed that the aggregate real property of the country had

risen to a rateable value of £85,000,000, apart, of course, from mere personal property. It is perfectly refreshing to find that honorable members on the Ministerial side of the House acknowledge that the country has progressed, and the sum mentioned is undoubtedly a large one. But what is the annual wage value of the bread winners of the colony? Is it short of £20,000,000? I think it is not. Well, this £20,000,000 a year as the wage earnings of the bread winners of the country is a fact which claims for that section of the community paramount consideration, even beyond mere accumulated wealth, because it shows that the bread-winning class have an equal interest—and numerically a stronger interest—in good government than the holders of accumulated wealth in its fixed forms of household property, stations, or farms. I do not wish to underrate the value of accumulated property. We may well be proud of the progress which has been made in this direction, in these the early days of the colony. But let us put side by side with that the immense value of the annual wage earnings of those who win their bread by toil. Now the franchise for the Council is by this Bill reduced to £10 freehold and £20 leasehold. Of course honorable members opposite say that this proposal will give the franchise to a very large number of electors. That is quite true, but I do not think the Ministry have calculated what may be the real effect of the limitation they have fixed. There is one element they have not taken into consideration, or which they pass over lightly because perhaps they reckon that its effect may suit their political purposes. Suppose it should happen that a measure of large importance was submitted to the joint sitting of the two Houses, and that the majority in the Assembly in favour of the measure was not the 56 which the Premier admitted would be necessary with a minority of nine in the Council, but 48. If that measure was lost in the joint sitting, would not there be a feeling of exasperation in the minds of the electors of this Chamber at their having been thwarted? And might it not absolutely be the case—I do not say it necessarily would, but might be—that a majority of the minority was ruling this country; because the 38 members of the Assembly, comprising the difference between 48 and 86, would just be the section who sympathize with the Council and hold their opinions? In such a case it would not be the majority of this House who would rule, but the majority of the Council, not necessarily representing even the majority of those who have the franchise for that House. I say under such a system there would be a chance of continual irritation, and such a proposal, if carried into law, could only inevitably result in the very early commencement of a most bitter and determined agitation outside, which would enrol, without doubt, all the men who were, so to speak, disfranchised by this Bill. Those men number at present between 90,000 and 100,000 persons, if we calculate the difference between the present electoral roll of the Assembly and the contemplated arrangement of the franchise for the Council under the Bill, but in addition to them we must include the many thousands who have not registered at all, and the exact number of whom may be 50,000, or perhaps 100,000. All this goes to show that the Bill, in the case of a dispute between the two Houses, would leave out of effective parliamentary action a very large and compact portion of the community, who would remain dangerous possibly just in proportion to their sense of the injury done them under the measure. I will now ask the attention of the House and the Government to another fact. The Bill gives the franchise to a certain class of the community, a large portion of whom are supposed to have political sympathies with honorable members opposite, and to look upon the protectionist party in this House as having views opposed to their interests and dangerous to the profitable carrying on of their pursuit—I refer to the free selectors. The franchise for the Council is given to the free selectors as an entire mass, and the free selectors of the colony number probably 25,000 or 30,000, nearly one-third of those who will be received into the extended franchise for the Council. What may reasonably be expected to be the result of this provision? The division of the provinces is manifestly unfair in one item, and I speak of this one item because, as a member for a town constituency, I am entitled to do so. I say that to make the Central Province one constituency, returning nine members, is nothing more nor less than to disfranchise all the liberal electors in and around Melbourne, for I defy any draughtsman to cut the Central Province into three

constituencies, returning three members each, without leaving to the liberal party at least one of the three electorates. That is such a manifest and glaring injustice that it must be remedied in committee, if the Bill should ever get into committee. But suppose the Bill is modified as I have indicated, and the Central Province is divided into three electorates. If there are fourteen provinces, we may fairly calculate that the Central and four or five other provinces, representing a total of some 20 or 21 members, will be mainly controlled by that half of the population which lives in the towns—Melbourne, Sandhurst, Geelong, Castlemaine, and Ballarat. I do not venture to express an opinion as to which side the representatives of those provinces would take—it is not necessary for my present purpose to do so, though I may reasonably form somewhat gloomy expectations as to the probability of the bulk of those members sympathizing with the views with which I have been connected for the last sixteen years. What I desire to point out is that, under the estimate I have given, there will be 21 members left to be elected by the country districts, and the whole control of those 21 elections will be held by the free selectors. What will be the necessary result of that? No doubt the Ministerial party bid well for the support of the free selectors by professions and arguments in relation to free-trade; but let them face this state of things—21 seats for the Upper House under the new Constitution to be in the gift of the free selectors, the debtors of the State! I think that, even in the aspect of political morality, this Bill involves a serious wrong, almost a political crime, by offering such a temptation to the free selectors to perpetrate financial and political injustice. The only way to get out of that position, if the second reading of the Bill is carried, will be to bring down the qualification of voters for the Council to the rate roll, if not to assimilate it to the electoral roll of the Assembly. As to the double dissolution, I do not think that proposal is at all necessary for the purposes of the Bill, at all events until a certain stage has been reached. If the Assembly passes a measure by a large majority, clearly it is not for it to challenge the fact that it possesses the confidence of the country. It appears to me that the time for this House to be dissolved would be when it had not the confidence to face the other branch of the Legislature in a joint sitting. Supposing the other House challenged us to a joint sitting, I think we should be the parties to say—"We prefer to go to a joint sitting after a general election." Of course I see the difficulty of any argument against a dissolution. It lays us open to the charge of being afraid to meet our constituents. I do not think we ought to be, though I know full well that every election entails many difficulties, annoyances, and expenses. But this joint dissolution will be a punishment mainly to this House, and I do not think it will produce a satisfactory result. The honorable member for Portland has dealt so exhaustively with the question of expenditure and appropriation that I do not feel disposed to weary the House by entering into that subject. My own feeling in relation to this Bill is that it tends entirely to change and turn in another direction the balance of political power in this country. I do not need to say that the present Administration have framed the measure with that deliberate purpose; on that point, the scrutinizing and inquiring public to whom the Premier appealed at the conclusion of his address in introducing the Bill can judge for themselves. Of course I object, and have always objected, to handing over, even in part, the financial power which this House possesses under our present Constitution to any other branch of the Legislature. I believe, in fact I know, from careful reading of all the speeches delivered by the ablest men in Parliament when the Constitution was framed—Mr. Childers, Mr. Griffith, Dr. Murphy, and others—and which were taken down by Mr. G. H. F. Webb, now Queen's counsel, but then Government Shorthand Writer—that they clearly and distinctly laid down that the principle of that measure was to give to the Legislative Assembly those rights and powers which the House of Commons has ever of late years exercised in all matters of finance, both in relation to Supply and Appropriation. It is quite true that I have said—and from that opinion I am not at all disposed to turn aside—that, if the plebiscite were the ultimate reference on any matter of dispute between the two branches of the Legislature, I would not have the slightest objection to accept the challenge of the Council that an item in the Appropriation Bill might be sent

for the "Aye" or "No" of the population of the colony. But it is quite a different thing to propose that, if two trustees disagree, the one shall submit his action to the arbitration of the other rather than refer it back, supposing there was the power to do so, to those who confided the trust. There is so little likelihood of this Bill being reasonably amended if it gets into committee that I shall feel it my bounden duty to vote against the second reading. I do not—I never did—feel that horror of party which some honorable members profess to entertain when the preparatory division lists show a nice and even balance. I have always found that a Ministry in difficulties have great compunctions about party tactics. I have not discovered any indication on the part of Ministerial members of an intention to evade their party claims. It is not, indeed, our business to ask them to do so. But I cannot help feeling also that it is the duty of honorable members on this side of the House, who have been returned on what is known as the liberal platform, to abide by the pledges which they gave to their constituents. What I said to my constituents was this—that I believed the true basis for all constitutional and liberal government in a free community was that the government should be in the hands of all free men governing themselves for the benefit of themselves. I do not desire to throw into this discussion one word of bitterness. If this measure should, by an unfortunate accident—as I believe such a contingency would be—become the law of the land, I only trust that the opinions I have expressed regarding it may prove mistaken. I shall rejoice should it turn out to be a successful act of great statesmanship; and, if it does, I hope I shall have the opportunity of making any amends which might be due for the speech which I have just delivered, with such brevity, on so important a question.

Dr. MADDEN.—Mr. Speaker, there was once a man who was exceedingly deaf, and who called to his aid his medical adviser. After the doctor had roared into his ear to ascertain the symptoms, he told his patient that he had been drinking too much and that he must give it up. The doctor called again in a week—the man having in the meantime been a total abstainer—and was commencing the roaring process a second time when the patient said —"Don't make so much noise; I can hear very well." On a third visit, however, the doctor, on beginning to speak softly, found his patient was as deaf as ever. "So," said the doctor, "I see you have been drinking again." "Yes," replied his patient, "the fact is that, during the whole time I had my hearing, I never heard anything worth a single glass of brandy." That story, I think, will correctly indicate the position of the honorable member for Portland. (Murmurs from the Opposition.) Honorable members opposite may groan dismally, but not one of them entertains an atom of the respect that I feel for that honorable member. The story I have related applies in this way:—The honorable member for Portland has been absent from this House for some considerable time—more's the pity—and during his absence from it he has failed utterly to observe what was passing in the world around him. Constitutional reform is the question which, above all others, has occupied the attention of this community for the last eight or ten years, and I venture to think that the sifting which the question has received in this House, as well as its criticism in the press, has not been wholly without effect. I make bold to say that, apart from the honorable member for Portland, there is not one member in this House who has not gathered certain distinct principles from the passage of the question through the hands of the community during the past ten years. But the honorable member for Portland seems to have been living in a dream since 1865. When, at that time, the honorable member was a young and inexperienced politician, he was caught by the glamour and the ability of Mr. Higinbotham, and he adheres to this very day to the theories which that gentleman then propounded. But the process of time has wrought out certain distinct results. In regard to reform, it has shown that the people are resolved upon two things—first, that, as far as it is possible for them to command it, finality in legislation shall be brought about, so that the desires of the people may have effect in legislation; and, secondly, that dead-locks shall not occur if means can be provided to prevent them.

Mr. BERRY.—Our last Bill provided for those things.

Dr. MADDEN.—I am very glad to hear the honorable member speak of his "last" Bill, for all his Bills have been so bad that it is a comfort we have had the last of them. The honorable member for

Portland has forgotten the facts I have mentioned, and he has also overlooked the fact that the country demands also that any attempt to solve the problem of constitutional reform must include two principles—first, that there shall be a second Chamber substantially existing and independent in its existence; and, secondly, that the Legislative Assembly shall not have uncontrolled power over Money Bills. The honorable member has read no lesson from the recent elections. He has not observed the fact that the late Chief Secretary and his Government submitted nothing so distinctly to the country as the 6th clause of their Reform Bill. The honorable member for Portland has to-night declared that that 6th clause is the one suggestion in the way of constitutional reform with which above all others he agrees.

Mr. WRIXON.—I said I agreed with the principle of the clause, but not with the manner in which it was expressed.

Dr. MADDEN.—I accept the correction, though I think the principle of the clause and the clause itself cannot be distinguished. The country took that clause to mean that uncontrolled power over Money Bills should be given to the Assembly, and the country said it would not agree to that.

Mr. BERRY.—Put that to the country as a single issue, and it will affirm it now.

Dr. MADDEN.—I am content to look at what the country has affirmed. The honorable member for Portland, in the sincerity and fulness of his belief in what I may take the liberty of saying is in this country a mere theory, has forgotten the practical questions which are involved in this Bill. The House, in dealing with this question, must keep in view the fact that the country will have a real second Chamber, and will not give this Assembly uncontrolled power over Money Bills. Those two points must be conceded in any attempt to solve the problem, and how, then, are we to get rid of deadlocks? The honorable member for Portland suggests that, for the purpose of saving the Government, forsooth, the House should pass the second reading of this Bill *pro formâ*, and then submit the question to a select committee. I think the honorable member will do this Government the justice to believe that it seeks no such protection. The result of the discussion of this question, for many years past, has made it plain to every practical politician that no Government could exist for one hour that would not face the question of reform as a question to be solved by the Government. Supposing, for a moment, that the body of gentlemen behind the Government were capable of so far forgetting themselves as to allow the Government to refer the question to a select committee, I ask whether the Government, which had, by taking such a course, forfeited all claim to respect and consideration, could ever hope to carry any other practical measure of legislation? But that, after all, is a personal question which affects merely the self-regarding views of the Government of the day. There is a much more practical objection to the proposal of the honorable member. He does not seem to have observed that honorable members on the Ministerial side of the House are pledged to one system of amending the Constitution, and that honorable members on the other side are pledged to another system of a diametrically opposite character. Where would the honorable member get the materials in this House for a committee who would draw up a Bill which would be tolerated for one instant by the majority of the House? I venture to say that, if the honorable member got up and named his committee now, he would find members on one side and the other declining the proffered honour, on the ground that they could not work together—that it would be a mere sham for them to meet on such a question. All that would be left to form the committee would be the honorable member for Belfast and the honorable member for Portland, with, possibly, the honorable member for Ararat added to make things lively.

Mr. GAUNSON.—All these objections applied when the Premier himself moved for a select committee.

Dr. MADDEN.—I am obliged to the honorable member for smoothing the way to the next observation I was about to make. Another practical objection to the proposal for a select committee is that there is a phalanx of gentlemen opposite who declined with indignation to accept that suggestion when it was made in the last Parliament. There was a time when the members of the present Government were willing to send the question to a select committee, and not to treat it as a party question, but the late Government decided that it should be nothing but a party question. They threw down the challenge, and the present Government

took it up in the face of the country, and, so long as they sit here as a Government, they will endeavour to carry the question through as a Government question. An honorable member who at this time of day suggests that the question of reform can be remitted to a select committee, and dealt with in that way, really forgets everything that has happened in the last three years. It is impossible for any one who remembers those events to be sincere and suggest this as a practical solution of the difficulty. A proposal to remit the question to a select committee is, in fact, one that it is impossible to adopt — it is entirely outside the pale of our consideration. This being so, and seeing that it is necessary to deal with reform as a matter of public policy, I will now refer to another view which the honorable member for Portland takes. The honorable gentleman said that we have one House which represents the country—the manhood of the country—and another House which represents a class. The honorable member urged that objection, some years ago, when debating the Norwegian scheme submitted by the Francis Government. On that occasion, I pointed out that in this country there really exists no such thing as a class in the sense that the honorable member speaks of. The honorable gentleman must feel conscious of a tinge of insincerity when he says the Bill we have introduced proposes to perpetuate a class as against the will of the country. A class may perhaps be defined as a portion of the community to which the rest have no access ; but, abandoning the term " class " as too technical, and assuming that at present the Legislative Council represents what may be called the wealth rather than the property of the country, then the proposal of the Government is to do away with that distinction. The honorable member for Portland is too sensible a man to contend for one instant that no distinction whatever should exist between the thrifty, the industrious, the saving man—the man with ambition to acquire a stake in the country—and the man who lives from day to day satisfied with gratifying each desire as it arises, and having no regard for the future. That is the only distinction drawn by the Bill between one set of men and another. I ask the honorable member whether he knows any one man in this community, within the whole range of his acquaintance or observation, whom he thinks worthy of his consideration for a moment, who will not come within the classification upon which the Government base their proposed franchise for the Legislative Council, or who cannot come within it in a very limited time if he chooses ? The persons who will be entitled to the franchise under the measure are all freeholders of £10 annual value and leaseholders of the annual value of £20. Will that be setting class against class ? The real meaning of the measure is simply this, that any man in the community who is the owner of a house or land worth £100, or who lives in a house for which he pays a rental of 7s. 6d. per week, shall have the franchise for the Council. Men of that sort will constitute the class which the honorable member fancies will be set against the rest of the community. Where is the rest of the community ?

Mr. FINCHAM. — How will the holders of miners' rights be affected? There are hundreds—indeed thousands—of them.

Dr. MADDEN.—Assuming there are thousands of holders of miners' rights, I ask whether in these days of building societies, savings banks, and other facilities for promoting and utilizing the saving tendencies of a British community, there is any man amongst us who will degrade himself so far as to admit that he cannot be a voter for the Upper House under this Bill ? By the merest self-denial, combined with the exercise of industry, for a very short period, any man may become a member of the class which in the opinion of the honorable member for Portland stands so prominent amongst the rest of the community. That being the case, the argument that the Bill will perpetuate class representation certainly seems very strange and far-fetched. It is desirable, as I have already said, to give something to thrift and industry, and that is all the proposed franchise for the Council will do. So far from this provision crushing out manhood suffrage, I say that those who vote under manhood suffrage are the commanders of their own fortunes, and can easily bring themselves to the level of their envied fellow countrymen who possess the franchise for the Upper House. The honorable member for Portland next contended that the popularization of the Legislative Council—of which he is in favour as an abstract principle, although he believes it will give something to a

class—will remove the principal evils he complains of, and that when that is once achieved the present state of things is all that is desirable. Here, again, the honorable member seems to have utterly forgotten what has taken place in the course of the last few years. The honorable member at once admits that it is outside the power of any draftsman or legislator to devise a measure which will make dead-locks impossible, and he states that their prevention depends upon the existence of a spirit of moderation in the community, and the exercise of forbearance towards one another by the two branches of the Legislature. No doubt forbearance is absolutely essential to the carrying out of any Constitution that may be devised, but it cannot be said that forbearance is the only means that is necessary to secure legislation. The honorable member, however, evidently regards everything else as a vain effort—he looks upon the provisions of the Bill as so many words declaring certain facts, but in other respects meaningless. Let us consider whether this is so or not. The honorable member said that, when he was formerly associated with an eminent gentleman (Mr. Higinbotham), he contended for certain privileges of this House, and that now he will not turn upon himself in that respect, that he considers the privileges previously claimed by the Assembly still exist, and that any proposal likely to derogate from them is entirely reprehensible. The honorable member admits that it is desirable to do away with dead-locks, but he argues that it is impossible to do so by Act of Parliament. The honorable member says that, supposing the Bill is carried into law, and its provisions forbid a certain course to be taken by the Assembly or by the Council, all those provisions may be thrown to the winds and disregarded. But the honorable member may as well say that with respect to any legislative enactment. No doubt any law may be ignored; but we must deal practically with the question. We must suppose that men are reasonable beings, and not lunatics. We must presume that there will be an intention to observe measures which are passed for the good of the community, or otherwise all legislation is absurd and futile. Under the 56th section of the Constitution Act, the Legislative Council are prohibited from amending Money Bills, though they may reject them. Supposing they said—"Although we are forbidden to do so, we will amend them," they would be acting in the way indicated by the honorable member; but, as a matter of fact, even in the greatest heat of conflict, the Council have never ventured to suggest that such a course was open to them. The honorable member is evidently falling back on that old theory in reference to dead-locks which has been argued threadbare in this House when he says that, under the 56th section of the Constitution Act, the Council have a bare legal right to reject Money Bills, but that constitutionally they ought not to exercise that right. From time immemorial that has been the contention of various honorable members of this House, but it is perfectly well known that, whatever may be the constitutional meaning of the 56th section, the Council have on several occasions rejected Appropriation Bills, and caused great inconvenience and trouble thereby. That being so, what is the use of saying—"Let things go on in the same way in the future, and all will be right"? The honorable member suggests nothing to take the place of the present law—he suggests no means of curing the difficulty which exists—whereas the Government propose what they believe to be a declaration of the law of Parliament, as it exists at the present time in England; and precedents have been quoted to prove that the provisions of the Bill merely embody the practice which prevails in the Imperial Parliament. Let us see how those provisions will work. The honorable member for Belfast has twitted the Government on different occasions, alleging that it is out of their power to enact any law that can control dead-locks; but I venture to say this Bill will undoubtedly have that effect.

Sir J. O'SHANASSY.—There is no tribunal to enforce the law.

Dr. MADDEN.—I think I shall be able to show there is a tribunal that will enforce the law. I presume, of course, that I am speaking to men who are in their senses, like the honorable member for Belfast, and not to lunatics. The Bill provides that, when any item which is objectionable to the Legislative Council appears on the Estimates, the Council may request the Assembly to remove it, and it also enacts that it shall not be lawful for the Assembly to go on with the Appropriation Bill if it contains any item that has been objected to by the Council. The result will be that as soon as a message comes down from the

Council objecting to any item on the Estimates, if the Government of the day will not take that item off the Estimates, with the view to place it in a separate Bill, any member of the Assembly can call the attention of the Speaker to the fact that, under the provisions of the new Constitution, the Appropriation Bill cannot be proceeded with. The Speaker will therefore be the tribunal to enforce the law and thus prevent a dead-lock.

Sir J. O'SHANASSY.—The honorable member said, on a previous occasion, that the tribunal was in the Bill.

Dr. MADDEN.—I say again that the tribunal is in the Bill.

Sir J. O'SHANASSY.—Where?

Dr. MADDEN.—These words are in the Bill:—

"It shall not be lawful for the Assembly to proceed with the consideration of any such Bill containing any grant, clause, or matter which the Council may have requested . . . . to be dealt with in a separate Bill."

The moment any honorable member calls attention to the fact of the presence in the Appropriation Bill of any item which has been objected to by the Council, it will be the duty of the Speaker to rise in his place and say that the Bill can go no further. The Speaker will be as potent a tribunal as any tribunal in the land could be. In this country there never has been a Speaker who would allow himself to be corrupted by the influences of any Government, or of any majority in this House; and I venture to say there never will be one. Even if the House desired to elect a Speaker for the purpose of acting corruptly and committing a breach of the law, I do not believe a Speaker could be found who would degrade his lofty office in such a way; and if such a thing is possible, and did happen, the country would very soon demand a reckoning, and have it. Those honorable members who, whilst professing to be very familiar with the standing orders of the House, yet laugh at the idea of the Speaker being arbiter in a question of the kind I am alluding to, must have forgotten that not a session passes during which the Speaker does not exercise the office of arbitrator in matters of a somewhat kindred character. Our standing orders forbid that any Bill affecting trade or religion shall be proceeded with unless it has been initiated in committee. If an honorable member calls attention to the fact that there is a Bill of that character before the House which has not been originated in committee, the Speaker at once intimates that it cannot be proceeded with any further, and the measure accordingly falls to the ground.

Mr. GAUNSON.—Because the majority acquiesce.

Dr. MADDEN.—The reason is that the majority in the Assembly, when they are not endeavouring to snatch a victory, act as reasonable men, and with the knowledge that the standing orders, to be of any value, must be adhered to.

Sir J. O'SHANASSY.—The House may suspend the standing orders.

Dr. MADDEN.—The honorable member knows that the House cannot suspend a Constitution Act when it is once passed. Of course, if honorable members reduce themselves to the level of those who habitually disregard the law, everything is possible. Some people might contend that if the Speaker were ordered by the Assembly to go forth to the Legislative Council and shoot the President of that body, he would be held free from responsibility if he acted upon the order. If the Speaker were afterwards seized by officers of justice, with the view of being tried for his deed, the Assembly might regard such a procedure as a breach of privilege and punish it accordingly, if they had the power to do so, and it is not clear to my mind that they would not have the power. In speaking of absurdities, it is necessary to carry them to their full length; and the case I have imagined is no more absurd than to suppose that when a law has been enacted one branch of the Legislature will utterly defy and break it. I take it for granted that the Premier and the Minister of Railways have fully explained the intentions of the Government in introducing the Bill—that they have clearly pointed out the meaning, scope, and object of the various provisions of the measure—and I am confining myself to answering the objections which have been urged against the measure so far as I can recollect them. The honorable member for Geelong (Mr. Berry) has suggested, as a test of the possibility of working the machinery of the Bill, that when the Council requested that an item should be taken off the Estimates and placed in a separate measure, the Government and the majority of the Assembly might refuse to adopt that course. In that case, as I have shown, the Speaker would not allow the Appropriation Bill to be gone on with until the

provisions of the new Constitution Act were complied with. The honorable member for Geelong also asked this question —"Supposing the Assembly took off the Estimates the item objected to by the Council, or left it on, and refused to send up an Appropriation Bill at all, what would be the result?" The answer is very simple. Dead-locks are detested by the people of this country. The people detest dead-locks when they are occasioned by the Legislative Council, and they regret that they have no power over that body to prevent it causing dead-locks. If the Legislative Assembly created a dead-lock, the position of affairs would be greatly altered, because the people hold the Assembly, as it were, in the palm of their hands. They will not, for the sake of enabling the Assembly to assert what is really a mere sentiment, allow the stoppage of payment of the public creditor, the dismissal of civil servants, and other evils connected with dead-locks, which have been so severely reprehended when caused by what some honorable members choose to characterize as the selfish obstinacy of the Council.

Mr. McKEAN.—That will make the Council absolute.

Dr. MADDEN.—Honorable members who have criticised the Bill adversely have forgotten the fact, when speaking of the absolutism of the Council, that they must look at the Council in the light of what it will be under its altered constitution. If the 2nd part of the Bill becomes law, the Council will be composed of men whose sympathies are in common with those of the people of the country at large. Unless honorable members take into account the alterations proposed to be made in the constitution of the Council—the lowering of the qualification for electors and members, the subdivision of the provinces, and the reduction of the tenure of seats—they cannot properly understand the other provisions of the Bill. By popularizing the Council, the constituencies for both Houses will be practically the same; and how will it be possible to have a set of opinions in the other Chamber hostile to the opinions entertained by the members returned to this House by the same constituencies that elect the Council? Honorable members in both Chambers will have to regard their pledges to their constituencies, and the provision for a double dissolution will have the effect of preventing hostility between the two Houses. Each House, in fact, will enter upon the discussion of a question with a halter round its neck, so to speak—knowing that a dissolution will be the result of any serious hostility between the Chambers — and therefore it will not take any course unless it has a *bonâ fide* belief that it has the people of the country at its back.

Mr. McKEAN.—There will be two years to play the game in.

Dr. MADDEN.—The very utmost time will be six months, and during that period the people will not be precluded from expressing their views. It does not take this House very long to find out what the people mean. The people have their public meetings and newspapers, through which they make known their sentiments; and it takes a very short time indeed to find out which way the wind of popular opinion blows. The members of the other Chamber will have the same facilities as the members of this House for ascertaining what is the opinion of the public on any important Bill brought before them, and, if they find it to be in favour of the Bill, they will scarcely resort to a second rejection of the measure, which will necessarily bring about an almost instantaneous dissolution of both Houses, with the certainty that the Council will be defeated and that the Assembly will be successful. The honorable member for Portland said it is quite possible that a double dissolution might arise over a Tax Bill, in which case the measure would be hung up for some time, and the Treasurer would be deprived of his Ways and Means. The 6th clause of the Reform Bill of the late Government did not, however, make any provision for this emergency; it did not embrace Tax Bills; it had nothing to do with any resolutions passed in Committee of Ways and Means; it simply provided that the Assembly should be absolute in matters of expenditure — that is, as to all votes emanating from Committee of Supply. The only provision in the Reform Bill of the late Government for carrying a Tax Bill into law if rejected by the Council was by means of a plebiscite upon it, taken after an interval of two years had elapsed. As the law stands at present, the Treasurer is, at all events, in a worse position than he will be under the present measure, because the Council can now reject a Tax Bill for an indefinite period. The honorable member for Portland further remarked that if a member of the Upper House conscientiously

objects to any item on the Estimates he will be bound, assuming the Bill becomes law, to endeavour to get it withdrawn, in order that it may be dealt with in a separate measure. Possibly that may be the case, but the objection of one honorable member can have no effect unless he gets 27 other members to support him, because the Bill provides that a message sent to the Assembly requesting the withdrawal of any item on the Estimates must be in pursuance of a resolution passed by at least two-thirds of the whole number of members of the Council. Moreover, a member who objects to an item must declare the principle on which he does so, and, if the Council are of opinion that the proposed expenditure is for the ordinary service of the year, the objection will be of no avail. Some honorable members have argued that if, at the request of the Council, an item is taken off the Estimates and placed in a separate Bill, and the Council afterwards reject that measure, the item is gone for ever; but such is not the case. The utmost that can befall is that the question will be suspended for six or eight months, that at the expiration of that time there will be an appeal to the country, and the country will give its decision on the matter. ("No.") If the Council reject the separate Bill in one session, it will be sent up to them again in the next session, and, if it is again rejected, a dissolution will follow at once.

Sir J. O'SHANASSY.—The Council may hang up the Bill to the end of a session, and then reject it, so that a much longer period than eight months may elapse before there is an appeal to the country.

Dr. MADDEN.—There is a provision which excepts any Bill from the operation of the measure unless it is sent up to the Council 30 days before the prorogation of Parliament; but, assuming that condition is observed, all that is required is for the Government and the Assembly to show that they are in earnest. If they are in earnest, and believe that the country really approves of the item contained in the separate Bill which has been rejected by the Council, the Council cannot help themselves. They are bound to receive the Bill when it is sent up to them again, and, the moment they receive it, they are bound to pass it or reject it.

Sir J. O'SHANASSY.—There is no such provision in the Bill.

Dr. MADDEN.—If they pass it, the matter is at an end; if they reject it, or even do nothing, the matter is equally at an end, because the interpretation clause contains the following provision:—

"'Reject,' 'rejecting,' 'rejected,' shall mean and include any resolution, form, or proceeding adopted or taken by the Council, or omitted to be adopted or taken by the Council, during any session of Parliament, whereby any Bill has been prevented from passing into law."

Sir J. O'SHANASSY.—But the Council need not deal with the Bill until the end of the session.

Dr. MADDEN.—The Governor, upon the advice of the Government of the day, can close a session at any time, and dissolve Parliament; so that, if 30 days elapse without the Council dealing with the Bill, the Governor can at once dissolve Parliament, and the measure becomes a rejected Bill. It will, therefore, be seen that a difficulty which has suggested itself to the minds of some honorable members is at once disposed of. In point of fact, if an item is taken off the Estimates at the request of the Council, it is not necessarily rejected, but is merely reserved for the Council to exercise a deliberative voice upon it; and if they do not pass it, the people will, within a very reasonable time, decide whether it ought to be passed or not.

Mr. BOSISTO.—In such a case, the Council ought to be the only House dissolved.

Mr. GAUNSON.—Hear, hear; don't punish the innocent along with the guilty.

Dr. MADDEN.—Wherever there is a difference of opinion, there are of course two sides to the question. If the Assembly assert that the country desires that a particular item on the Estimates shall be passed, and the Council assert that the country does not desire it, there is at once a difference of opinion. I admit the reasonableness of the remark of the honorable member for Ararat, that the innocent ought not to suffer for the guilty, but the difficulty in a matter of this kind is to find out which is the guilty party. The only tribunal to decide the question is the country. The great value of this measure is its complete elasticity, because it makes the Assembly really the master of the position, inasmuch as the Assembly can send both Houses to the country if it honestly believes that the country approves of its proposal. Of course, if the Assembly thinks that the country is not backing it up, it need not bring about a dissolution—it can withhold its hand, and

abandon the question in dispute. That may involve the giving up of office by the Government of the day, but that is a small thing in comparison with the privileges of the Assembly. If the Assembly is right, it will not hesitate to assert its right; and, if it is wrong, probably it will perceive that in time to prevent a double dissolution. The Council will have the same opportunity of withdrawing from the attitude it has taken up if it finds that it has adopted a mistaken course. Taking all these things into consideration, it will be seen that the measure consists of three principles running one into the other, each being dependent upon and essential to the others. There is the popularizing of the Council, which will bring that body into very close proximity of opinion with the Assembly. There is also the double dissolution, which will have a controlling influence on each body, prompting it to consider before it acts. It will induce the Assembly to deliberate before it becomes aggressive, as it certainly sometimes has been in the past; and it will control the Council from being selfishly and obstinately defiant to the Assembly, as it has been at times. The third principle is the power to prevent all dead-locks. The possibility of dead-locks occurring is prevented by the Council being prohibited from rejecting Appropriation Bills. If the Council is prohibited from doing that, which under the present law it has the right to do uncontrolled, surely it is entitled to have some consideration shown it. Some honorable members, holding the extreme liberal view, assert that the Council cannot reject an Appropriation Bill—that the 56th section of the Constitution Act does not mean what it says—but, as a matter of fact, the Council has rejected Appropriation Bills. At present, the 56th section of the Constitution Act is a stumbling-block in the way of the Assembly and the privileges which it has claimed in the past. It, therefore, cannot be said that it will sacrifice its privileges if it adopts the proposal to take an item off the Estimates if the Council requests that to be done by a resolution passed by a majority of two-thirds. It is childish to argue that the Council, in giving up the power to reject Appropriation Bills, will yield nothing, because that is a power which it undoubtedly possesses and has exercised. I would again remind honorable members that an item cannot be taken off the Estimates at the mere capricious will of one member of the Council. It must be shown to be an item extraneous to the ordinary service of the year, because a vote of two-thirds of the Council is required before a message can be transmitted to the Assembly requesting the removal of any item. In addition to that, we have in the Speaker of this House an independent officer who, it must be presumed, will recognise the law, and interpret it fairly, as Speakers have hitherto always done. Then, again, the Governor alone is to be the judge as to whether a Bill rejected by the Council in two sessions of Parliament is substantially the same as the Bill placed before the country at a double dissolution. It has been asserted abroad, for the purpose of damaging the proposals of the Government, that a Bill rejected by the Council may be wholly altered before the appeal to the country is made, or have different matter inserted in it, and yet be submitted to the country as the one upon which the two Houses differed. That, however, is not so. The Governor is made the sole arbiter as to whether the Bill is substantially the same, and it is not likely that he would ever permit a different Bill to be submitted as the same Bill that was rejected by the Council. Another matter to be borne in mind is that the Government of the day would either advise the Assembly to acquiesce in or disagree with any request made by the Council for an item to be taken off the Estimates, with the view to being placed in a separate Bill. If the Government entered into a contest with the Council, they would, of course, stake their existence upon being in the right. They could obtain no Appropriation Act unless the item objected to was removed; and, of course, if no Appropriation Act was passed, the Government would have to answer to the country for their proceedings. For all the reasons I have urged, I submit, Mr. Speaker, that it is highly desirable, at this time of day, that the question of reform should be fairly faced by us. It has occupied the House and the country long enough for the community to be sickened with its very name. Moreover, large sections of the body politic are languishing for practical legislation in their behalf, but, with the stumbling-block of reform in the way, their wants cannot be met nor their wishes complied with. If we do not carry the present proposals, what other solution of our difficulties is

possible? Can anything else be suggested short of falling back on the state of things that has existed in the past, and which has come to be regarded as evidencing an absolute failure of our Constitution? Honorable members in opposition cannot fail to regard the present subject differently from the honorable member for Portland. Doubtless he thinks it possible to evolve some other scheme of reform, but they know how utterly the late Government, with the largest majority ever seen in the House, failed to settle the question. The result is that they now wish matters to remain as before, because, reform being beyond their power, their object is then to work their ends by the lever of the Appropriation Bill. Should they again sit on these benches, their aim would be to deal with the Council in their old aggressive spirit, and, whenever one of their measures was thwarted elsewhere, to send it up in such a form as should compel the Upper House to accept it, or encounter the opprobrium necessarily attached to stopping Supplies. There is no choice between that state of things and the adoption of our proposals. All other schemes, some of them evolved from the best minds in the colony, have failed. Of course it is possible to take views adverse to those expressed in the Bill. All I can say is that the Government have honestly and laboriously turned their closest attention to the subject, and their considerations have resulted in this, that they regard the propositions they have laid before the House as embodying the only means by which deadlocks can be averted, and the will of the people carried, after a reasonable time, into law. Having done so much, they must be held, even though their proposals fail now to be accepted, to have performed their duty; and I venture to say that the people of the country will not only credit them with an honest endeavour to achieve a most difficult task, but approve of the method they have adopted for the purpose.

On the motion of Mr. JAMES, the debate was adjourned until the following day.

PUBLIC WORKS.

The resolution passed in committee, the previous day, authorizing certain expenditure proposed to be incurred by the Board of Land and Works during the year ending June 30, 1880, under the Loan Act No. 608, was considered and adopted.

FALSIFICATION OF ACCOUNTS LAW AMENDMENT BILL.

Mr. KERFERD moved the second reading of this Bill. He explained that the measure followed the terms of a recent English enactment, and was simply proposed in order that the statute law of the colony should be rendered complete in a particular direction. At present the falsification of the books or accounts of a banking or other corporation was punishable in the colony in a way that did not apply to the falsification of the books or accounts of an ordinary individual, whereas in England both offences stood on a similar footing; and it was deemed desirable that the same law should exist here.

The motion was agreed to.

The Bill was then read a second time, and passed through its remaining stages.

CENSUS BILL.

Mr. RAMSAY moved the second reading of this Bill. He stated that its object was that the decennial census which would be taken in every other part of the British dominions in 1881 should also be taken here. The phraseology of the Bill was exactly the same as that of the last Census Act with the exception of a slight alteration in the principal schedule, to which he would call attention when the measure was in committee.

Major SMITH suggested that provision should be made in the Bill for showing in the census all the children of school age in the colony—for, in fact, a school census.

Mr. RAMSAY said he would be glad to accept the suggestion, but, as a matter of fact, it had been practically anticipated. The 5th column of every census paper was intended to show the age last birthday of every person above a year old mentioned in it, and it was expected that the information so derived would serve as a capital check upon the educational census lately taken. The Secretary of the Education department believed that this arrangement would be amply sufficient.

Mr. MASON observed that the Bill evidently contemplated a certain amount of expenditure, but yet it had not been originated in committee, nor by a message from the Crown. Could it be regarded as in order?

The SPEAKER.—The Bill does not provide for the appointment of any one. I presume that the expenditure to be incurred in connexion with it will appear on the Estimates.

Mr. KERFERD remarked that the Bill contained no clause of appropriation.

Mr. HARPER expressed the hope that the suggestion of the honorable member for Ballarat West (Major Smith) would be adopted, inasmuch as it was not likely the educational census recently taken would be very correct; first, because the rate at which the collectors were remunerated was so low, and, secondly, because there was no check upon them. Also, he begged to ask whether the Government had taken any steps towards the holding of an intercolonial statistical conference, so that the census returns obtained by each colony might be framed on the same basis?

The motion was agreed to.

The Bill was then read a second time, and committed.

On clause 1, setting forth the title of the measure,

Mr. RAMSAY stated that he had arranged to have information by telegraph as to the exact date at which the decennial census would be taken in England, in order that it might be as nearly as possible simultaneously taken here. As to the matters referred to by the honorable member for West Bourke (Mr. Harper), he would deal with them when the schedule came under consideration, which he proposed should be on a future evening.

On clause 14, imposing a penalty for non-compliance with the Act in the shape, *inter alia*, of a refusal to answer "any inquiry made by a sub-enumerator,"

Mr. HARPER said he thought the inquiries of a sub-enumerator should be restricted to matters connected with the Act.

Mr. RAMSAY mentioned that the clause was exactly copied from the English Act.

Mr. SHIELS observed that English Acts were often very faultily drawn, and there was no occasion to leave the present clause ambiguous.

Mr. SERVICE pointed out that the penalty mentioned in the clause could only be imposed by a magistrate, who would, of course, have a discretional power in the matter.

Mr. RAMSAY said he would make a note of the point raised.

The remaining clauses of the Bill having been passed,

Progress was reported.

The House adjourned at five minutes past eleven o'clock.

LEGISLATIVE ASSEMBLY.

Thursday, June 3, 1880.

Fencing and Impounding Acts—Public Instruction: Classification of Teachers—Mr. Rowand—The Police: Mansfield District—The Chinese—Melbourne Harbour Trust—Constitution Act Alteration Bill: Second Reading: Third Night's Debate.

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

FENCING AND IMPOUNDING ACTS.

Mr. SERGEANT asked the Premier whether the Government intended to introduce, this session, a Bill to amend the Fencing and Impounding Acts?

Mr. SERVICE said the Government intended to do so if time would allow.

PUBLIC INSTRUCTION.

Mr. RICHARDSON inquired of the Minister of Public Instruction when he would be in a position to submit to the House the scheme prepared for the classification of teachers?

Mr. RAMSAY said the scheme was ready, and he proposed to submit it to the House as soon as the Reform Bill was disposed of. He might mention that there had been great pressure on the Education department from arrears of work extending back a year, but this pressure had now been overcome.

MR. ROWAND.

Mr. MASON asked the Minister of Public Works the following questions:—

"1. What was the name of the office held by Mr. C. Rowand in the Roads and Bridges department?

"2. Was he a classified officer under the Civil Service Act, or was his office only a temporary one?

"3. Were his services dispensed with?

"4. Was he legally entitled to claim compensation on account of his removal from the public service?

"5. Was any money voted to him by Parliament as a gratuity; and, if so, what was the amount?"

Mr. BENT replied as follows:—

"1. Engineer of roads and bridges.

"2. He was not a classified officer, the Roads and Bridges branch having been declared 'temporary.'

"3. His services were dispensed with on the 3rd January, 1878.

"4. He was not legally entitled to compensation for loss of office.

"5. The sum of £1,438 was voted by Parliament as compensation."

THE POLICE.

Mr. GRAVES, without notice, asked the Chief Secretary whether it was the fact that the inspector of police stationed for some time past at Mansfield had been permanently removed? He believed that to a similar removal prior to the Kelly murders those frightful outrages were to a great extent attributed. He put the question without notice because of the receipt of a telegram only a quarter of an hour ago, and because he feared that, before the next meeting of the House, owing to the removal of the officer, something very serious might occur in the Mansfield district.

Mr. RAMSAY stated that the Chief Commissioner of Police had reported to him that it was not necessary for an inspector of police to be stationed any longer at Mansfield, and, as he regarded the Chief Commissioner as the best judge in the matter, he intended to act on the recommendation unless some good reason could be shown why it should not be adopted. If the honorable member for Delatite could submit any facts which might influence his action, he would be glad to consider them.

THE CHINESE.

Mr. PATTERSON called the attention of the Premier to an article in the *Argus* newspaper of that day, with reference to the deportation of Chinese criminals from Hong Kong to Australia, and asked what steps he proposed to take in the matter?

Mr. SERVICE stated that he had already intimated to the House that he had addressed a memorandum to the Governor calling His Excellency's attention to the desirability of inquiring into the whole matter. The course usual in such cases would be pursued; but the Government would take care that there was a full and thorough investigation of the entire affair.

MELBOURNE HARBOUR TRUST.

Mr. LONGMORE called attention to a newspaper paragraph stating that the Minister of Public Works had asked permission from the Melbourne Harbour Trust to lay down a tramway in order to cart earth from the cutting at Fisherman's Bend, and said he would like to know what necessity there was for asking for such permission?

Mr. BENT said the permission was asked simply as a matter of courtesy.

CONSTITUTION ACT ALTERATION BILL.

Third Night's Debate.

The debate on Mr. Service's motion for the second reading of the Constitution Act Alteration Bill (adjourned from the previous evening) was resumed.

Mr. JAMES.—Mr. Speaker, I think that the House may congratulate itself on the tone of this debate so far as it has gone, with very few exceptions. Among the exceptions I must include the address, last night, of the Minister of Justice. That honorable gentleman departed so far from the course which he usually takes as absolutely to descend to what I call nothing less than low vulgarity, because he absolutely compared the honorable member for Portland to a drunkard. No other inference is to be drawn from the story which he narrated. However, the honorable member for Portland needs no defence at my hands, because all who know him can declare that no such aspersion whatever can properly be cast upon him. I hope that kind of thing will be abandoned, and particularly during a debate of such importance as that in which we are now engaged. I have had the honour of being a member of this House for a number of years, during which I have been called upon to consider various schemes for the reform of the Constitution. The first was that submitted by the honorable member for Warrnambool, which meant simply the meeting of the two Houses. I supported that scheme somewhat under pressure, because I had pledged myself to my constituents to vote for anything in the way of reform if it was likely, in the smallest degree, to improve the state of things then existing. During the last Parliament two schemes were brought forward by the honorable member for Geelong (Mr. Berry). Both I supported, but both were defeated in this House. It is said by Ministerial members that the last scheme was not approved of by the people at the general election, and that in consequence the late Government were removed from office, but I have great doubts about the correctness of the statement. It will be recollected that, long before the dissolution of Parliament, a determined effort was made on the part of honorable members then in opposition, and on the part of the conservative press, to get rid of the Berry Ministry whether right or wrong, and in a most unscrupulous manner, in my

opinion, they succeeded in gaining what is said to be a majority in this Chamber. The Premier has stated, in effect, that the country has given him a majority in favour of this Bill. But considering the manœuvring which took place at the general election, I ask whether the country had then a fair opportunity of judging of the two reform proposals placed before it—the Bill of the honorable member for Geelong and the manifesto of the honorable member for Maldon? The honorable member for Maldon issued his manifesto some time before the dissolution, and it was understood that, if he came back to Parliament with a majority, it would be something like the basis on which he intended to proceed with the reform of the Constitution. The honorable member for Belfast has told this Chamber that he was instrumental in depriving 20 supporters of the late Government of their seats, and in obtaining the return of 20 new men; and, I ask, was the question with those members the reform of the Constitution or the reconstruction, if not the destruction, of the Education Act? Under these circumstances I assume that a large number of members who now sit on the Ministerial side have been returned because of their opinions, not on this Bill but on another question altogether. I don't profess to be able to criticise the Bill as some honorable members can. I would not, for a moment, place myself on a par with the honorable member for Portland and other honorable members whose training and knowledge qualify them to speak with authority on constitutional questions. But from what I can gather as to the contents of the Bill, I am bound to tell the Government, at the very outset, that I cannot give them my support. I would be very glad to do so if I could, because I have always told my constituents that if I can get anything in the way of improvement on our present Constitution I will support it. Instead of the Bill being an improvement on the Constitution, I think it is simply going from bad to worse. Moreover, I regard it as striking a blow at the very foundation of parliamentary institutions—institutions that have been built up in the fatherland during hundreds of years. Surely, if we are anything at all, we are Englishmen. Although we have migrated to this country, we are part and parcel of the old British stock; and we enjoy, equally with our brethren in the old country, the privileges that pertain to the British people. Now the Government profess that they are going so to amend the Constitution as to bring about a state of peace in this community, and remove all the difficulties which have arisen among us from time to time. But if the Government think that the country generally is prepared to have peace at any price, a peace which may be purchased at the expense of our liberties, they very much underrate the temper of the people, and their representatives on this (the opposition) side of the House. I consider that in this Bill there is a serious departure from the traditions of the fatherland—that it will take us quite in an opposite direction from that in which the House of Commons has been going for the last 500 years; and, I ask, are we to cast aside the institutions of England as being of no value, and start on a new basis which will lead us nobody knows where? Honorable members are aware of the conflicts which took place ages ago between the House of Commons and the Stuart Kings. In those conflicts the Commons were sometimes assisted and sometimes opposed by the House of Lords. In later times, the House of Lords endeavoured to trench upon the rights of the House of Commons. So that the House of Commons had actually to fight for its privileges against the Sovereign at one period, and against the House of Lords at another. Notwithstanding this, there has been no attempt on the part of the House of Lords, for the last 200 years, to make any such innovation upon the British Constitution as the Government now propose with regard to the Constitution of this colony. Two hundred years ago, the House of Lords insisted on their right to alter and amend Money Bills. The House of Commons voted that to be an infringement of their privileges. The House of Lords made a second attack, which was again resented. A conference followed, at which no progress was made, and therefore it very much resembled the conference held during the last Parliament between the Legislative Council and this House; and before anything further could be done Parliament was dissolved. Since then the contest between the House of Lords and the House of Commons with respect to Money Bills has never been renewed; and it is left for us in this far off land, in this latter half of the nineteenth century—albeit we call ourselves Britons, and admirers of the British Constitution—to

seek to undermine the noble system of representation and control over finance that the House of Commons have built up. And now I desire to refer, for a few minutes, to one of the leading principles of the Bill—the principle of the two Houses meeting together. It is well known that liberalism and Upper-Houseism do not generally prove harmonious, and, though it is proposed to liberalize the other Chamber, I venture to say it must necessarily be the conservative Chamber of the two. Now I will suppose that the two Houses are called together in the large hall here, that the total number of members is 128, and that the Government go there with 50 members from this Assembly to support their measure, and that is about 10 more than the Government will secure in favour of this Bill. I will suppose also that of the members of the liberalized Upper House, 10 would vote with the Government. But even then the Government would be left in a minority of 8. Then in what position would this House find itself? Would it be any longer a representative Chamber or an independent body? The Council would be triumphant, and the Assembly would be beaten and degraded. Is that what honorable members who support the Ministry desire? Is their aim the degradation and humiliation of this House? In the last Parliament we were told over and over again, until we were wearied of the assertion, that the intention of the late Government and their supporters was to destroy the Upper House. I hurl back the statement, and at the same time say that, if honorable members on the Treasury bench want to destroy the independence of this House, they are taking the very step calculated to effect their purpose. Just contrast the action of the present Ministry with the conduct of the right honorable gentleman who is now at the head of affairs in England, and guides the destinies of the empire. Is it likely that Mr. Gladstone, if placed in a difficult position with regard to the House of Lords, would resort to any such step as is proposed by this Bill for the purpose of humiliating the House of Commons and contributing to the triumph of the House of Lords? We have evidence of what Mr. Gladstone would do. The history of the Paper Duties Bill is known to most honorable members. In 1861, after the House of Lords had rejected the Bill to repeal the paper duties, Mr. Gladstone being determined to carry it, inasmuch as it was an essential part of his financial scheme, sent it again to the House of Lords grouped with other measures of taxation. It is quite true that the Earl of Derby, who was then the leader of the House of Lords, complained seriously of the great innovation, but the Lords contented themselves with grumbling. They accepted the Bill, and the House of Commons was triumphant instead of being debased as this Bill proposes to debase us. Here then is a leaf from the records of the House of Commons which I think we may profit by. I say that although our present Constitution is defective — it is admitted, on all hands, to be defective— we can do better under it than we can possibly do under the measure which the Government propose. I now desire to call attention to the position which a few honorable members of this House took up in the last Parliament—to the apparent earnestness which they manifested in the interests of the independence of this Chamber. The Premier said, on one occasion—

"I don't for one moment say that this House should not have the control of the public finances;—

Perhaps he has forgotten that.

"on the contrary, I urge that it should have that control."

But does not this Bill give away that control? Can it be any longer said, if this Bill pass in its present form, that this Assembly will have control over the public finances? Twelve months ago, the honorable member, when addressing his constituents at Maldon, said that "neither House, but the people, should have the supremacy." Well, I thought that was coming very near to the plebiscite. I would not have been surprised if, after that speech, the Premier had declared on the floor of this House that he would vote for the plebiscite. However, the supremacy which it appears the honorable member is disposed to give is not to the people, but to a portion of the people. Then the honorable member for Emerald Hill (Mr. Lyell) said, last session, that he would never be a party to giving "absolute control to any single Chamber." But does not the honorable member see that the propositions contained in this Bill are of such a character as to enable the Council to control the finances of this country according to its own will—to have the Appropriation Bill made just as it thinks fit and not as this Assembly pleases?

("No.") I simply take the Bill as I find it, and I say it provides for making the Upper House absolute with regard to money matters. Then there is the Minister of Mines. Most of us have known him for a number of years, and I have always been in the habit of regarding him as one of those staunch liberals who fought at Sandhurst and elsewhere in the interests of manhood suffrage and in the interests of the people generally.

An HONORABLE MEMBER. — And of communism.

Mr. JAMES.—That doctrine may suit the honorable member who interjects, but it is not endorsed by any honorable member on this side of the House. The Minister of Mines said a little time ago—

"My belief is that, if we give up control over Money Bills, we give up one of the greatest privileges we possess. What I stand up for is that this House has the same rights as the House of Commons."

Subsequently he declared himself in favour of the plebiscite. What does he think of his former statements now? I cannot believe he finds the position he holds, as a member of the Government, a very easy one. He can scarcely think that a majority of the electors of Sandhurst who first returned him are in harmony with the present reform propositions. I am sorry he has so warped his political career, and gone so far from the liberal party to which he once belonged. His seat on the Treasury bench may appear very nice, but I would imagine he has very little real comfort in it. I fancy that in the long run he will not get the enjoyment from it he seems to look for. I come next to the honorable member for Rodney (Mr. Fraser), who once told us—

"If the Assembly is made supreme in money and other matters, the other Chamber becomes merely a sham."

Does he want to turn the tables, and make the Assembly the sham? Then the honorable member for Sandhurst (Mr. McIntyre) has stated—

"In my opinion, the 6th clause would absolutely wipe the Upper House out of existence."

In the last Parliament, the honorable member showed great interest in the Upper House; I wonder whether, in this Parliament, he will show some interest in the Lower House, now that its privileges are so sorely assailed. I wish also to give a quotation from a speech of the honorable member for Warrnambool, whom, I am bound to say, I have always respected, and whom I am sorry to see so led away from his real, honest, and true convictions. I can only suppose that he thinks it a far greater achievement to get rid of the "Berry mob" than to secure for the colony institutions based on broad liberal principles. I take it that I may fairly assume that he had a hand in drafting the present Bill; certainly he must be regarded as a party to it; but, nevertheless, it is not long since he said in this Chamber—

"I am prepared to reduce the franchise of the Upper House to £10 ratepayers, dispensing with plural votes."

Let us look at this latter statement in connexion with the proposed meeting of the two Houses after a double dissolution. Is it not a well-ascertained fact that plural voting largely affects elections in this country, and that its influence was never more apparent than at the last general election? Well, let us inquire what its results would be under the Bill, when, after a double dissolution, 86 members had to be elected for the Assembly, and 42 members for the Council. For my purpose it will be sufficient to take, as an illustration, what might be expected to happen in the Melbourne district proper. In and around Melbourne there are something like 18 electoral districts, containing an aggregate of 62,944 *bonâ fide* Assembly electors, but how many plural votes should be allowed for in addition I cannot say, because we have no specific knowledge on the subject—the information asked for respecting it has not yet been supplied. Being thus left to conjecture, I will assume that the plural votes in and around Melbourne—I mean the votes, varying in each case from 2 to 10 or 15, that are possessed by gentlemen having property in different metropolitan electorates beside the one in which they reside—number about 15,000, which makes up an aggregate of 77,944 votes for the entire district.

Mr. LYELL.—How can that calculation hold? Every plural vote must appear on the roll already, and be allowed for in the list of 62,944 voters.

Mr. JAMES.—I think my reckoning a very fair one. I take it that three-fifths of the total *bonâ fide* electors in these 18 districts are liberals, and that, being generally persons of small property, they have only one vote each. That will account for say 37,770 electors, and leave say 25,180 electors—the remaining two-fifths—to the conservatives. But add to the latter quota the 15,000 plural votes,

and the total number of conservative votes runs up to 40,180, which constitutes a majority of 2,410. How, under such an unfair arrangement, can the liberal party expect to hold their own, no matter how strong they may be numerically?

Mr. COOPER.—You assume that all the 15,000 votes would go one way.

Mr. JAMES.—They always do go one way. Mr. Speaker, I don't think the honorable member for Creswick (Mr. Cooper) is acting quite fairly. When I was Chairman of Committees, I voted for my party straight, but I never interfered in debate, and I think my successor ought to do the same thing. Surely we have enough speakers without the Chairman of Committees putting in his oar. I come next to the Upper House elections, taking for my particular instance the case of the Central Province, which will, under the Bill, return nine members representing together about 23,600 electors, or about 2,620 electors per member. Well, in these days of rapid transit, may we not take it for granted that, when there is a general election for the Upper House, many Council electors having property in different districts will be able, by means of a little energy and activity, to record votes first in the Central Province, and afterwards in at least two or three other provinces? In that way the plural votes will go, under the Bill, for the Council as well as the Assembly, to such an extent that the liberal party will be greatly disadvantaged. Under these circumstances, I ask the honorable member for Warrnambool what has become of the conviction he expressed when he declared himself in favour of dispensing with plural voting? And now I come to an observation made, last night, by the honorable member for Portland, of whom we have heard the Minister of Justice say that he has a far greater respect for him than we opposition members have. But I beg to remind the Minister of Justice that our respect for the honorable member for Portland is based on the fact that we have in former years worked with him and fought with him. The observation I allude to was to the effect that the press of the colony utters something like a very uncertain sound towards the propositions of the Government. I know there has been some denial of that assertion, but how does the matter really stand? For my own part, I came, more than a week ago, long before the honorable member for Portland spoke, to the conclusion that the sound of the press on the subject of the Government Reform Bill is so uncertain that actually the conservative journals do not agree together to support the measure. Indeed, I venture to say that even the *Argus* would condemn it if it had not something in view beside reform. I believe that that newspaper is prepared to make a sacrifice of principle to some extent for the purpose of keeping the present Government in office, and the late Government out of it. As an example of what I mean, I will refer to the habit the *Argus* and other journals have of quoting the opinions of up-country contemporaries on their own side, with the object, doubtless, of showing that they have the up-country press with them. I don't object to the practice, but I simply refer to it, in order to call attention to a certain thing. Pray, are all the conservative journals of the country in favour of the Bill? How is it that the *Argus*, in its quotations from them, has omitted to refer to one to whose remarks it usually gives great prominence, namely, the *Ballarat Star*? Yet I venture to say that the gentleman who contributes the leading matter of the *Ballarat Star* is as good an authority on constitutional questions as any writer for the press in the colony. I do not say this by way of a bid for the favour of the *Ballarat Star*, because it never fails to have a dig at me whenever it thinks it can. The fact is that the conservative *Ballarat Star* has stated that if the Assembly are prepared to give up their control over finance they will pass the Bill, but otherwise they will not. Coming, as that remark does, from such a quarter, it is worth notice. I will also draw attention to a criticism of the Bill published in another newspaper of my district, namely, the *Ballarat Courier*, which, although it supported the Berry Ministry, never did so contrary to its principles, and, while always going straight for liberalism, has never descended, as other journals have, to low vulgar abuse. It has always maintained a high reputation for integrity and respectability. The criticism I refer to is as follows:—

"The Bill can only pass assuming three conditions—1st That the electors desire that the Council shall be made more powerful than the Assembly. 2nd. That the Assembly should no longer have any positive control over the public purse. And, 3rd. That dead-locks should be put an end to, no matter how high a price has to be paid for the purpose."

I commend this extract, and also the others I have quoted, to the attention of honorable members generally. In conclusion, I beg to say that, having looked at the Bill carefully, I am convinced that its chief result would be to give the conservative party a large and unfair advantage in the country. Certainly it would cut off all chance of any measure which the Council opposed passing into law. Then look at how it would allow the Appropriation Bill to be dealt with. That, of all Bills, ought to be the last to be mutilated by the Council. If it were a measure that the Upper House could be safely allowed to touch, surely the House of Commons would not have always been so anxious to keep it in its own hands. Besides, how could honorable members elsewhere deal properly with the Bill embodying the annual expenditure of the country, seeing that they could have only a casual and slight knowledge of the requirements of the public service? They would be utterly destitute of the advantages in the matter we derive from our close criticism of every portion of the Estimates. Then, of course, if they were once enabled to object to an item of the Appropriation Bill, they would always be doing so, and we may be sure that they would be far more apt to touch small votes, such as those for the payment of people of the lower classes of society, than votes for officials drawing £1,000 or £1,200 a year.

Mr. SHIELS.—They would no longer have power to reject the Appropriation Bill.

Mr. JAMES.—That is true, but they could knock items out of it at their own sweet will. I regard the Bill as a blow at the foundations of the Assembly, and an attempt to humiliate and degrade us to the last degree, and consequently I will offer it my uncompromising opposition.

Dr. MADDEN.—Sir, I wish to make a personal explanation. The last speaker stated, in the earlier portion of his remarks, that I, last night, in vulgar and coarse language, compared the honorable member for Portland to a drunkard. I cannot undertake that every little joke I employ for the purpose of argument shall be intelligible to the honorable member whose accusation I refer to, but I am sure no other honorable member, the honorable member for Portland included, will say that any portion of my speech last evening can possibly be held to justify the imputation in the least.

Mr. WRIXON.—Hear, hear.

Mr. LYELL.—Mr. Speaker, I think I ought, in rising to take part in the present debate, to almost apologize for offering any remark upon a subject so thoroughly thrashed out, and upon which all honorable members have so completely made up their minds, as the one before us. At the same time, it seems to be admitted on both sides of the House that the question must be once more fully discussed, and therefore I feel called upon to do my fair share of the work. I will commence by quoting a few words of the speech made by the honorable member for Geelong (Mr. Berry) upon the Reform Bill of 1874. He said—

> "If one thing was more clearly manifested than another during the last general election, it was that the practical work of legislation should go on. Practical men—men engaged in business, who have their own affairs to attend to—are not fond of mere theoretical questions, of constitutional crises, of conflicts between the different branches of the Legislature. On the contrary, they desire the adoption of measures which will enable them to fight the battle of life on better terms than at present—measures which will help them to improve their physical and social condition."

Sir, those words had force then, but they have much more force now. I assert that at no period of our history has it been more than it is at the present moment the duty of every man amongst us to strive to bring about a settlement of this question of reform. I have as large and varied an experience as any business man in the House, and I am satisfied that longer to delay definitely dealing with the subject would be to inflict a serious injury upon every interest in the colony. I affirm further that the symptoms of division which have cropped up since the commencement of the debate have already been productive of great hurt to the community; and I cannot but add that, whatever honorable members may regard as due to their own consistency, they would evince more patriotism by considering rather what is due to the country. As for the Bill, I believe it to embody an honest and well-meant effort to enable the agitation for reform to come to a conclusion, and I intend to support it, although I cannot say I approve of every one of its details. At the same time I regard it as consistent with the views upon the subject entertained by the honorable members who formed the late Opposition. Certainly it is on all fours with the proposal put forward by the present Premier on the 3rd December, 1878, when we took

into consideration the reform resolutions of the Council, and with what he lately laid before his constituents; and also we are bound to regard the recently given verdict of the country as distinctly in its favour. I believe that at the general election the country decided against the Berry scheme, and in favour of the Service scheme.

Mr. LAURENS.—That was not the decision at Emerald Hill.

Mr. LYELL.—I don't know that. At all events, I assert that, were I and my colleague to appear upon an Emerald Hill platform and there put the Bill to the electors, supposing all party considerations were placed on one side, the verdict would be *bonâ fide* in favour of the measure. Much as the electors who returned my colleague and myself differ on such questions as free-trade or protection, on that of constitutional reform they would willingly join hands, in order to bring it to a settlement. The very fact that they have elected both of us as their representatives is sufficient to indicate that, could they put their sentiments into so many words, they would say to us—"Gentlemen, you are both competent to deal with the matter; go and settle it as best you can." And now let us look at the leading points of the measure. They are, first, the popularization of the Council; secondly, the double dissolution; thirdly, the joint sitting; and, lastly, the provisions for the Assembly making a concession to the Council, and the Council making a concession to the Assembly. I will take them in order, beginning with the popularization of the Upper House. I beg to say, in the first place, that I have carefully noticed all the expressions of public opinion in the press since this particular scheme was announced, and I find that there is a fair balance in its favour. Next, it is worth notice that both the members of the Council elected since the Bill came before the country have, although returned unopposed, declared themselves prepared to support it. Indeed, to the proposal to lower the Council franchise, in order to popularize it, all parties seem pretty well agreed. I could quote remarks made in its favour, during the debate I have already referred to, by the honorable member for Ballarat West (Major Smith), the honorable member for Castlemaine (Mr. Patterson), and also by the honorable member for South Gippsland; but I will not take up the time of the House by reading them. It is sufficient that all those honorable members have expressed themselves as regarding the popularization of the Council by lowering the franchise as a necessary element of any suitable reform scheme. The only point on which there seems to be any material difference of opinion is the extent to which the lowering should go. For myself, I would prefer to adopt the ratepayers' roll as the basis, but, nevertheless, I recognise that a Ministry framing a measure are bound to have regard not only to what they wish to achieve, but also to what is practicable. The Council's proposition was that the limit of the franchise should be £20 freeholders and £40 leaseholders; but, in the Government scheme, each of those amounts is reduced by one-half. Be it remembered, too, that the limit now proposed practically represents a rental of 7s. 6d., or at the utmost 10s., per week, and that it will comprehend a very large proportion indeed of the electors of the colony.

Mr. LAURENS.—There are 1,400 persons in the town of Hotham who would not come under this Bill.

Mr. LYELL.—It would appear that my experience differs from that of the honorable member. I have an extensive acquaintance with the working classes of the metropolis, and I know very few tenements occupied by them that do not each represent a rental of 7s. 6d. per week. After all, let us consider that if the second Chamber is to have any value as a check it should represent as a rule rather the classes that may be called permanent, such as householders, than the classes whose social position is of a more transient character, such as those who only hold the suffrage because of their manhood. As I have said before, I would prefer to make the ratepayers' roll the limit of the Council franchise, but, inasmuch as I cannot gain that point, I accept the £10 limit as a fair compromise. In considering the question of a double dissolution, it ought to be remembered that this was the Council's own proposal. They themselves transmitted certain resolutions to this House, in which—under certain conditions and in return for certain concessions—they offered to submit themselves to this test of public opinion, and surely the Assembly ought to meet them half-way in such a matter by accepting their offer. The honorable member for Castlemaine (Mr. Pearson) stated that

the scheme of a double dissolution would degenerate into a question of purses. No doubt that is true; but, as it applies to one House as much as the other, the argument seems to me to have no force. The statement, if an argument at all, is an argument against the dissolution of either House. Moreover, as was explained by the Premier, the chances of a double dissolution are, after all, extremely remote; because when the Assembly gets back a rejected measure it has the question of a dissolution entirely in its own hands. If the question at issue was of such vital importance that the Assembly considered it desirable to anticipate the usual general election on the expiration of Parliament, the House would probably be glad of the opportunity of doing so. On the other hand, if the subject was considered not of such a pressing nature, two courses would be open—either to postpone it until the next general election, or to empower those who represented the Assembly to make terms with the Council and settle the difficulty. In that way the possibility of a double dissolution would be a very useful lever on both Houses; it would throw upon them a sense of responsibility which has never existed in the past, especially in the case of the Legislative Council, and would have a practical effect in aiding the settlement of disputes. Coming to the question of the joint sitting, I desire to point out that some honorable members on the opposition side of the House cannot oppose this proposition without turning their backs upon their previous utterances. In 1874, the honorable member for Grant (Mr. Lalor) made the following remarks on this proposal:—

"No reduction of the qualification for electors and members of the Upper House will meet the exigencies of the case; but if you put the members of the two Houses into one Chamber, and let the majority decide upon any question in dispute, I think that under universal suffrage the people of the country will succeed in carrying any measure that they are determined to carry. . . . But with one Chamber composed of 78 members of this House, representing manhood suffrage, and 30 members of the other House, representing the conservative interest—a narrow conservatism, I believe—the majority would, I think, as a rule, be led in the direction of carrying measures in accordance with the views of this House. If that result did not happen, it would only be in cases in which the majority of the representatives elected by manhood suffrage in favour of the particular Bill in dispute was so small that it would be desirable to allow the measure to be submitted to the country at a general election before it became law."

Several references have been made to the opinion of Mr. Higinbotham, and I would like to call the attention of honorable members to what he said, during the same debate. He observed—

"Now, if the two Houses are brought together, I think it is certain, in some cases where there is a very strong majority of representatives in the Legislative Assembly, that the will of that majority must prevail. At present it does not prevail at all. We may have a majority of 77 to 1, and it is worth nothing. A majority of 16 members in another place may reject a Bill passed by an overwhelming majority in this House, and there is absolutely no remedy. If the two Houses come together, in that case at all events the will of the majority in this branch of the Legislature will certainly take effect. And where it does not take effect we shall be in no worse position than before. But it seems to me, apart altogether from the fate that may attend particular measures before that joint body, that the effect of bringing the two Houses into joint deliberation will be a very profitable one, in view of the educating influence which it will certainly have on the public mind."

It is singular to remark, with reference to this joint sitting, how curiously agreed both sides of the House are in being afraid of the result of such a meeting of the two Houses. I was discussing this proposal, some time ago, with a gentleman whom I might call one of the ultra-conservatives of Melbourne, and he appeared to entertain a strange dread of the possibility of the Council being swamped. On the other hand, we are continually hearing remarks from the opponents of this Bill as to the fear that the majority of the Assembly would in the joint sitting be converted into a minority. The arguments of honorable members opposite on this point seem to me to proceed upon false premises. They appear to think that the motives governing members of another place would not be as honest, pure, and liberal as our own.

Mr. LONGMORE.—They never have been.

Mr. LYELL.—Are we to suppose that 114,000 out of 200,000 electors will elect a totally different class of men from those elected by the 200,000? We can imagine the possibility of them doing so, but I think we have a reasonable right to calculate that the representatives elected to another place under this Reform Bill would be just as liberal and patriotic as we are. I would mention one simple circumstance in support of this view. At the recent general election, I may be regarded, for the purposes of argument, as having stood for Emerald Hill as a conservative,

and my colleague (Mr. Nimmo) as a liberal. Yet what occurred at that election? On the manhood suffrage roll I beat the honorable member by a small majority, while he beat me in every division on the ratepayers' roll. The ratepayers of Emerald Hill elected a liberal to this House, yet honorable members opposite seem afraid of the ratepayers' roll.

Mr. BERRY.—No. It is the more liberal roll of the two.

Mr. LYELL.—Then is it that they are afraid of it so far as it is to be used under this Bill? If the argument against the Bill is of any value, it must mean that the 114,000 ratepayers, who will have votes under the Bill, will swamp the remainder of the electors of the colony.

Mr. LONGMORE.—They will have double voting power.

Mr. LYELL.—Yes; but the two exercises of the power will run in parallel lines. There is no rational ground for supposing that they will run differently. My own case proves, I think, that the ratepayers having voting power under the Bill and the great mass of the electors for the Assembly will vote almost concurrently. I think, if we look into the probable results of the extension of the franchise for the Council as proposed, we will see that only a very modest majority of the Assembly will be requisite to turn the scale at a joint sitting. Assuming the proposal for a double dissolution agreed to, at every such election there will be five members of the Council elected for each ten members of the Assembly, and we have fair reason to suppose that, under the most adverse circumstances, there will be two liberals out of every five elected to the Council.

Mr. McKEAN.—Not one in the Central Province.

Mr. LYELL.—I am not dealing with the Central Province. If the honorable member wants to alter any detail of the Bill, so as to prevent inequalities, I am here to help him to do so in committee. I will not assist in doing injustice to any party. At present, however, I am speaking of the measure as a whole, and assuming that the electorates are fairly divided. It is not unreasonable to suppose that, out of every five members elected for the Council when the latter go before their constituents under the extended franchise proposed, two, at all events, will be liberals. What would be the effect of that? There would be in the Council 17 liberals and 25 conservatives, so that a majority of 48 in the Assembly would suffice to turn the scale. In other words, instead of a majority of 44 members of this House carrying a measure into law, a majority of 48 would do it at the joint sitting. But even if we go to the extent of saying that two conservatives would be returned to the Council for one liberal, even then a majority of 51 in the Assembly could always carry a measure at the meeting of the two Houses. In any matter of serious importance in which the Assembly was interested, the Government might always expect to command as large a majority as that, which means only eight members beyond the half of the House. Thus, even in the case of the Council consisting of two conservatives to each liberal, the Assembly would still have a reasonable prospect of obtaining a majority.

Mr. JAMES.—You are allowing a larger percentage than your chief; he only reckoned on nine liberals in the Council.

Mr. LYELL.—The Premier was taking an extreme illustration, and I contend that some of the extreme illustrations which have been advanced by honorable members opposite — especially by the honorable member for Ballarat East (Mr. James) himself—were very unfair ways of treating the subject. For example, the honorable member, in attempting to show what might possibly be the effect of plural voting on the metropolitan constituencies, actually added 15,000 votes to the roll instead of deducting them from it. As the honorable member said there were 62,000 electors in the metropolitan districts, the 15,000 plural votes must have been included in the 62,000, because no man could vote unless his name was on the roll. It is true that some of those who vote in Melbourne may also have votes elsewhere in the country, but is it likely that many will vote in both places on the same day? I know, of course, that in some cases it has been done.

Mr. LONGMORE.—The same persons voted at Maldon, West Melbourne, and St. Kilda at the last election.

Mr. LYELL.—I am prepared to admit that, as affecting one metropolitan constituency against another, plurality has a very important influence. In any case, however, it was an extremely false illustration for the honorable member for Ballarat East to add the 15,000 plural

votes to the total of 62,000, and then to proceed to argue on that basis. I now come to what I consider to be the key-stone of the Bill, namely, the power given to the Council to transmit a message to the Assembly requesting it to send up in a separate Bill any item on the Estimates which the Council might object to. I confess my own opinion in favour of this proposal is so strong that, if I could carry this part of the Bill alone, I would almost be willing to make the House a present of the rest. Let this proposal be passed, and we get rid of dead-locks for ever. I believe thoroughly in lowering the franchise for the Council, but apart from that I consider the proposition I am now dealing with the essence of the Bill. Perhaps I am extreme in my views, but I say emphatically that I never will be a party to giving the Assembly uncontrolled liberty to deal with the finances of this country. I think it is a good thing for the country that the Upper House should have some voice in the control of the finances.

AN HONORABLE MEMBER.—So they have now.

Mr. LYELL.—Yes, but what I say is that they should have such a control as will enable them to check particular expenditure without having the responsibility cast upon them of throwing out the Appropriation Bill. At present they can only exercise control by throwing the whole country into disorder, and I think it would be a good thing that the Assembly should be compelled to send up separately items of importance for the consideration of another place. As an illustration of this, I may point out that, some two years ago, the Exhibition Bill having been thrown out in the Legislative Council, a sum of money was placed on the Estimates for the Exhibition, and was sent up to the Council in the Appropriation Bill. If the Upper House had been able to deal with that question on its merits, not one shilling would have been spent on the Exhibition-building until a separate Bill had been passed for the purpose.

Mr. LONGMORE.—Money had been passed on the Estimates for the Exhibition before that.

Mr. LYELL.—My contention is that we should have such a system of legislation as will give the other House a check upon the expenditure without causing trouble to the country. In Melbourne alone, there are many illustrations of very injudicious expenditure to an enormous amount upon public buildings which would have been checked by the Council had such a power as is now proposed to be given to that House existed in the past. I will do all I can to support any scheme which will give another place the right of checking such expenditure as that—in the sense, of course, of the check being suspensive. This Bill simply gives the Council the right to ask that certain items in the Estimates shall be sent up to them in a separate Bill.

Mr. GAUNSON.—No; the right of ordering us to do it.

Mr. LYELL.—The clause says that the Council may, in pursuance of a resolution carried by a majority of two-thirds, transmit a message to the Assembly "requesting" that any proposed vote on the Estimates not for the ordinary service of the year may be placed in a separate Bill.

Mr. GAUNSON.—And what is to follow? The item must be taken out of the Estimates.

Mr. LYELL.—I will meet the honorable member for Ararat on his own ground. Speaking on the 3rd December, 1878, the honorable member himself said—

"As a proof that the principles of our Constitution are based upon the English Constitution, but the framework upon the American Constitution, I may point to the fact that in every state in America both Houses are elected, and both have the right to alter Money Bills. Why have they both the power of altering Money Bills? For the simple reason that, as both represent the taxpayers, each has an equal right to have a voice in the expenditure of the taxpayers' money, and to see that it is not fooled and frittered away, as £5,000 of the money of the taxpayers of this country is about to be. The House of Lords, I repeat, does not represent taxpayers, and therefore there is some degree of reason for the House of Commons saying that it will not allow the House of Lords to interfere in matters of taxation or with the appropriation of revenue. In this country both Houses are elected by and represent taxpayers, and I am prepared to go the length of insisting that the logical conclusion from this fact is that each House ought to have the right of amending Money Bills."

That is the statement of the honorable member who has interrupted me.

Mr. GAUNSON.—That was an argument intended to show that the Upper House should be a nominee House.

Mr. LYELL.—The honorable member continued to say—

"The resolutions of the Council ask that that right may be conceded to them, and they say that if it is given to them they are willing to be dissolved. How is that an infraction of the

rights and privileges of this House, or of the rights and privileges of the people, which is the only true and proper way to put the matter ?" Like the honorable member, I am perfectly willing that the people shall decide——

Mr. BERRY.—A portion of them.

Mr. LYELL.—But I am anxious that another place shall have a suspensive veto, so as to keep a check upon the expenditure of this country. Passing to another part of the subject, I contend that the concession from the Assembly to the Council is far more than counterbalanced by the concession which the Council grant the Assembly. They distinctly agree that there shall in future be no rejection of Appropriation Bills, and, if I read this Bill aright, their powers as to dealing with Bills of Taxation and Supply are to be neither greater nor less than at present.

Mr. LONGMORE.—Oh, yes; read the 19th clause.

Mr. LYELL.—I have read the Bill carefully, and, as far as I can see, nothing in it repeals the section of the Constitution Act limiting the Council's power in connexion with Bills of Taxation and Supply to mere rejection. If it should be found in committee that the Bill gives another place the power of amending Bills of Taxation and Supply, except in the sense I have referred to, I shall be willing that it should be amended ; but I do not think such is the case. In conclusion, I desire to mention a reason, in addition to those I referred to in my opening remarks, why we should settle this reform question. Honorable members are aware that, in a few weeks, we shall require to go before the British public to borrow another £2,000,000, and I venture to say, if you asked any of the working classes which they would prefer—the money or a Reform Bill—they would reply, "Give us the money." I say, therefore, it behoves us, on the present occasion, to present to the British public a country united in an honest endeavour to settle this question. Speaking from the experience I gained by coming in contact with many people at home recently, I believe our political squabbles did a very great deal to injure our credit there. Under ordinary circumstances, they might not have a very large effect in that direction, but it must be remembered that the borrowing powers of these colonies are being now closely scrutinized, and it has become a question with the capitalists of the old country as to whether these colonies are not borrowing to an undue extent. I am prepared to show, at any time, that we are borrowing within reasonable limits ; but, at a period when such a question is being discussed, we should also show the British public that we are endeavouring to get on with the practical legislation of the country. Moreover, in a few weeks, we shall be called upon to face the whole Budget expenditure, and it behoves us more particularly at the present time to unite in an honest endeavour to settle this question of constitutional reform.

Mr. FISHER.—Sir, while I highly esteem the honorable member for Emerald Hill (Mr. Lyell) as an authority upon financial matters apart from politics, I do not agree with some of the figures he has submitted to the House on this occasion, any more than I agree with those opening remarks of his in which he deprecated honorable members prolonging this debate. As I understand my position, I have been sent into this House, not to be a "dumb dog," but to speak out my mind upon this subject and every other subject that may engross the attention of the Assembly. Moreover, I observed that the honorable member himself, notwithstanding his remarks, made a speech of some considerable length, and, I grant also, of some considerable ability from his point of view. Referring to the question before the House, I desire to express my dissent altogether from the idea that the popularizing of the Council, as it is called, which is put forward by honorable members on the Ministerial side as the first great principle of this Bill, is a liberalizing of the Council. It is true that the Bill will add a number of extra voters to vote for the particular principles of the Council, but I do not conceive that that will at all liberalize the other Chamber ; and I understand that the question before us is the liberalizing of the Council, and not merely the popularizing of it as regards the number of voters on the roll. I have not heard of any public meetings assembled to say that the electors wished to have the Upper House popularized, nor of any petitions having been presented either to the present or the last Parliament on the subject. In the course of my canvass through the district which I represent, I addressed 40 meetings, and I always distinctly stated, as my opinion of the way in which the Council should be popularized or liberalized, that the franchise for that Chamber should be

extended not only to the whole of the ratepaying electors, but to all the manhood suffrage voters as well. On no single occasion was there a strong manifestation that there was any objection on the part of those electors to the proposal I have mentioned. But I said more than that; I asked—"What does it matter how far you extend the franchise for the Upper House so long as the electors have only a limited choice of selection?" The men from whom they are to choose their representatives must be men who represent a certain amount of property; under this Bill they must have a property qualification of £150 a year. Of what advantage is it to the electors to receive the franchise so long as they are limited to the selection of some moneyed man, and cannot select any man they desire to have? If this is a boon on the part of the conservatives to the liberal electors of the colony, each elector may very well say, in the language of the poet, "*Timeo Danaos et dona ferentes*," which I may freely translate thus—"I fear the constitutionalists and the Service Ministry even when they give me a vote for the Upper House." I will now refer to some of the facts and figures which have been dilated upon from the Ministerial benches. The Premier sought to show, in moving the first reading of this Bill, that any measure supported by two-thirds of the Assembly would be certain to be carried at the joint sitting of the two Houses, because something like one-fifth of the Council voted for the Darling grant. Now when I remember that two of the members of the Council who voted stoutly with the liberal party in those days—one a gallant as well as honorable member, and the other a gentleman closely connected with Episcopalian matters—have since vacated their seats in the Council, I doubt very much whether any popular measure would command the support even of one-fifth of that Chamber. But I object to the Premier's arithmetic in this matter. Of course it was necessary for the Premier, in order to make out his case, to suppose at least nine members of the Council would vote on the same side as the 56 members of the Assembly. The honorable gentleman was so anxious to establish his point that he made a mistake in his calculations. He said that during the Darling controversy six members of the Council were in favour of consenting to the course taken by the Assembly. We know that six is one-fifth of 30, the present number of members of the Upper House; and the Premier contended that, as one-fifth of the Council sided with the Assembly on the Darling question, we might fairly reckon upon receiving the votes of one-fifth of that Chamber in the event of the two Houses sitting together to deal with a Bill on which there had been an appeal to the country. If any young gentleman in a Collins-street counting-house told his employer that £9 was one-fifth of £42 he would be very considerably stared at; but the calculation is not at all affected by the substitution of men for pounds. It is absurd to argue that one-fifth of 42 can by any possibility be nine; it may be eight and something over, but it is certainly not nine. The fact of the Premier contending that nine bears the same proportion to 42 that six does to 30 shows the straits to which the honorable gentleman was driven in order to make out that a liberal measure would stand a fair chance of being carried at a joint sitting of the two Houses. If only eight members of the Council—the legitimate fifth of 42—voted with 56 members of the Assembly, the total number of votes would not be a statutable majority, and the measure would be lost. Therefore two-thirds of the Assembly, representing 133,000 electors, would be beaten by two-thirds of the Council, representing 66,000 electors; in other words 66,000 electors would lay down the law to 133,000, and compel them to obey the behests of the minority. Is that fair or equitable? As the Premier, who is known to be clever in figures if not in facts, was a little wrong in one of his calculations, we need not wonder that the Minister of Justice, who is a lawyer, was also deficient in his arithmetic. The Minister of Justice told us, last night, that, under the provisions of the Bill, every man who pays a rent of 7s. 6d. per week will have a vote for the Upper House.

Dr. MADDEN.—Hear, hear.

Mr. FISHER.—If the honorable gentleman will, with the assistance of the Premier, multiply 7s. 6d. by 52, the number of weeks in a year, he will find that the product does not amount to £20, but falls a good deal short of that sum. No man who pays only 7s. 6d. a week rent will get a vote for the Council. The Premier and the Minister of Justice are both wrong in their arithmetic—one in saying that nine is a fifth of 42, and the other in saying that the Bill will give the franchise for the Upper House to any man

who pays 7s. 6d. a week rent. If the provisions of the Bill are as defective as the arithmetic of those honorable gentlemen, they are defective indeed. I now come to something much more serious. Why do the Government draw the line at a £20 rating? On what principle do they exclude the man who pays only 7s. 6d. a week rent from having a vote for the Upper House?

Mr. SERVICE.—And the man who sleeps in a gas-pipe.

Mr. GAUNSON.—Has not the man who sleeps in a gas-pipe got jawbone like the Premier?

Mr. FISHER.—Yes; and backbone too. I think it is bad policy to exclude the man in a gas-pipe from having a vote, because no man ought to stop the light from coming in upon us. We had better keep the man in a gas-pipe on the safe side, and, in order to do so, give him a vote for the Council. The Council will not be in the least liberalized by the Bill. The same amount of property qualification is required for every member.

Dr. MADDEN.—No.

Mr. FISHER.—A property qualification of £150 per annum is required; is not that enough?

Dr. MADDEN.—It is quite enough, but it is not the same as the present qualification.

Mr. FISHER.—I say it is more than enough—it is exactly £150 too much. In justice to the people of this colony, who are a moderation-loving people, a law-abiding people, and a better politically educated people than can be found anywhere else, they ought to be allowed to choose the men they wish to send to the Upper Chamber irrespective of any property qualification. There should be no more restriction as to the choice of members of the Council than there is as to the choice of members of the Assembly. I wish the people to have the power of selecting whom they please for seats in the Upper House. I want them to have the power of selecting men of brains, men of ability, men who will have the courage of their opinions, and who will stand up for the rights and privileges of the people. Until the electors are allowed to choose whom they like, the Upper House will never be really popularized or liberalized. But there is another view to be taken of the Bill—the Upper House may refuse to be popularized even to the extent proposed by the Government. The members of the Upper House may say—"We have had a great trust committed to us, and we cannot deprive ourselves of the functions imposed upon us under that trust." If they take up that position, and refuse to be popularized in the way now proposed, they will adopt a line of argument that will be quite unanswerable. They may, in fact, refuse to abandon the trust that has been committed to them unless the same authority which placed them in the position of trustees—namely, the Crown and Parliament of England—removes them from that position. Notwithstanding that the late mission or embassy to England may have been somewhat hurriedly organized, and perhaps did not take with it sufficient weighty memorials from the people of this country, yet the true way of altering the Constitution is for the people of the colony to approach the Imperial authorities — the Crown and Parliament of England—and say to them—"You have given us a written Constitution; we find it does not work, and we therefore ask you to give us a new Constitution." The Upper House, I repeat, may refuse to be popularized as the Government propose; and so long as they do refuse, so long must the Ministry despair of carrying their proposal into law without the aid of the Imperial Parliament. The second great principle of the Bill is the double dissolution. Now this seems to me to be nothing less than legislation by menace. It means that a threat is to be perpetually held over honorable members of this House. They are to be told that their political lives are in their own hands. If they have the courage of their opinions on any occasion, and are determined to go forward with certain legislation, the threat of a dissolution is to be held over them.

Mr. GAUNSON.—Hear, hear; this Bill is being discussed under such a threat now.

Mr. FISHER.—I can quite understand a proposal to dissolve the Upper House in the event of it twice rejecting a Bill passed by this House in two successive sessions, but the Government propose that in such a case the Assembly shall be dissolved as well as the Council. That is really a penal dissolution of the Assembly, and is manifestly unfair. It is holding out threats to this House. If this Bill is passed there will be the sword, not of Damocles, but of the Upper House, continually held over the Assembly. The Council will be complete masters of the situation, and this

House will only be fit to humbly obey their behests. I don't say that the Upper House should be the only one liable to be dissolved if it refuses to pass a measure which has been twice sent to it by the other Chamber. I would apply the same principle to both Houses, and I think that would be a truly liberal provision; that is to say, if the Council refused to assent to a measure passed by the Assembly in two successive sessions, the Council should be dissolved; and if the Assembly rejected a measure initiated in the Council and passed by that Chamber in two consecutive sessions, the Assembly should be dissolved. The proposal contained in the Bill, however, is, I repeat, simply legislation by menace. If it becomes law, a threat of dissolution will be continually held over the members of this House if they attempt to legislate in an independent and straightforward manner for the benefit of the country. It must be remembered that, as a rule, the members of this House are much less able to stand frequent dissolutions than are the members of the Council, who must possess a large property qualification, and who, moreover, are almost invariably elected by their constituents as a matter of course. The proposal for a double dissolution is one which ought not to receive support from either side of this House. Supposing it becomes law, we can never get any liberal legislation carried under the double dissolution arrangement unless it is introduced in the first session of a Parliament; for if a liberal measure is introduced in the second or third session, the Assembly will be dissolved by effluxion of time before the stage can be reached at which a double dissolution can be obtained. In fact, liberal legislation will be utterly at a stand-still, or at most only one liberal measure can be dealt with every three years. This House may be anxious to go on with four or five such measures in the first session of a Parliament, but it will be useless to bring them all up to the stage when the two Chambers will be dissolved, because the country cannot decide as to four or five different measures at one election. It will not be able to express its opinion on more than one measure at a time. The machinery of the Bill is decidedly cumbersome. The Ministry cannot have fully elaborated their scheme, for such a provision as that relating to the double dissolution could never have been brought forward by a number of sane and intelligent gentlemen unless it had been prepared in a hurry. Supposing that a dissolution of the two Houses takes place, and two-thirds of the Assembly—56 members—are returned to support the Bill that gave rise to the dissolution, they will not be able to carry it at the joint sitting unless more than one-fifth of the Council are on their side. I don't know, however, of any measure of great importance that has been carried on its second and third readings in the Assembly by 56 votes. I don't think it is at all likely that there will be a two-thirds majority of the Assembly on any important Bill; but unless there is a two-thirds majority of the Assembly when a joint sitting occurs, there will be no chance whatever of any liberal measure being passed by the necessary statutory majority. Again, there is nothing to prevent the two Houses, when they sit together, amending any Bill which comes before them in any way they think fit, so that a Bill which, as passed by the Assembly was a most liberal measure, may leave the "Two Houses" a most conservative measure. The principle of the double dissolution is a delusion and a snare. It is, I again assert, a palpable threat held over the members of this House, and can only induce legislation by menace. It is not such a provision as the members of this House, if they have a due regard for their constituents, can give their adhesion to. I now come to the third principle of the Bill, which is intended to prevent dead-locks. The honorable member for Emerald Hill (Mr. Lyell) said that, if the Bill will prevent dead-locks, he does not care about anything else. I certainly do not approve of dead-locks—I am aware of the disasters which they have caused—and I hope that in future they will be avoided; but it is possible there might be an occasion when a tack would be a desirable thing. Sir Michael Hicks-Beach, in his celebrated manifesto, received in the colony on the return of the embassy from England, says that in this country we should endeavour to make this House the reflex of the House of Commons, and the Upper House the reflex of the House of Lords. That is the main principle upon which Sir Michael Hicks-Beach insists. It is true that he says something about a dissolution, but that is merely a subsidiary matter—something to be brought into operation as a last resource. The great thing dwelt upon in the despatch is that the two Houses of Parliament here ought to follow the practice of the two

Houses of Parliament in England. Now is this House, or is the Upper House, or are the two Houses combined, to attempt to be wiser than the House of Commons and the House of Lords? What has been done by the House of Commons in the way of a tack? When the House of Lords threw out the Paper Duties Repeal Bill in 1860, the House of Commons at once recognised that the Lords had the bare legal right to reject the measure, and passed the celebrated resolutions, which have been repeatedly quoted in this Chamber, upholding that the House of Commons, as the representatives of the people, has alone the right to deal with the people's money. I need not read the resolutions, but I will quote the following passage from *May* in reference to the course which the House of Commons adopted in the following session :—

"The significance of these resolutions was illustrated in the next session, when the Commons, without exceeding their own powers, were able to repel the recent encroachment of the Lords, and to vindicate their own financial ascendency. They again resolved that the paper duties should be repealed; but, instead of seeking the concurrence of the Lords to a separate Bill for that purpose, they included the repeal of those duties in a general financial measure for granting the property tax, the tea and sugar duties, and other Ways and Means, for the service of the year, which the Lords were constrained to accept. The financial scheme was presented, for acceptance or rejection, as a whole; and, in that form, the privileges of the Commons were secure. And the Budget of each year has since been comprised in a general or composite Act."

So that the Commons not only maintained their power to deal as they chose with the money of the people of England, but, in a legitimate way, they compelled the House of Lords to admit they had the power. That surely is an example which may well be followed in this colony. We ask for no more for this House than the House of Commons asks for itself, and we ask that the Legislative Council shall claim no more than the House of Lords does in England. No doubt if ever there was an occasion on which the Lords might have shown some feeling—on which they might have departed from the high tone which, on the whole, they preserve so well—it was when they were overruled on the Paper Duties Bill. Then again let me remind the House that in their disputes with the Commons the Lords have never attempted to embroil the Crown. I ask you, sir, whether the Lords in another place have always adopted that high tone? Now it being the case that tacks have not been done away with in England—that no statesman in England has ever submitted to the House of Commons a proposal to do away with the power of that House to tack if it chose—I ask why should we, in this House, seek to make ourselves wiser, or assume ourselves to be better, than the House of Commons? Let us follow in the footsteps of the House of Commons; and let the other Chamber follow in the footsteps of the House of Lords. If that be done, we shall have legislation on an equitable basis, and the rights of both Houses will be respected. The 20th clause of the Bill has been referred to by the Minister of Railways as cutting—I fancy he meant to say untying—the Gordian knot. I confess that it is cutting the Gordian knot. The way in which that clause proposes to enable the Upper House to deal with the annual Appropriation Bill is something of a most extraordinary character. I venture to say that never was such an extraordinary proposal brought before any Assembly in the world. The clause authorizes the Council to require the Assembly to remove from the Estimates for the year "any specified proposed grant of money, clause, or matter, which, in the opinion of the Council, is not a grant of money for the ordinary service of the year" in order that it may be dealt with in a separate Bill. Let me call particular attention to the words "in the opinion of the Council." The Council is to have an opinion. But what about the opinion of the Assembly? Is there to be no such thing as an opinion of the Assembly? What man with proper feeling would care to sit in this Assembly if we are to have no opinion of our own, if we are to eat our own words and swallow our own thoughts—if, in short, we are to do nothing except at the beck and call of members of the Upper House? I say that under this 20th clause the whole power of the Assembly will be taken away, and nothing will be left for us to do but to obey the sweet behests of another place.

Mr. WILLIAMS.—It is simply a sacrifice of foolish dignity to the interests of the country.

Mr. FISHER.—I will come to that by-and-by. For the present, let me say that, so far from popularizing and liberalizing the Upper House, the provisions of this Bill will tend to make it still more conservative than it is; and I call upon even Ministerial members to pause before they

do their level best to make the measure law. Under the Bill the people would be kept in a state of constant subjection, and the whole power to manipulate the finances and resources of the country would be thrown into the hands of a few rich men. I ask honorable members to pause before they perpetrate this unclean thing—before they emasculate this House. For the House to pass the Bill will be to do nothing less than to commit political suicide. Those being my sentiments, I cannot support the measure. On the contrary, I must give it my unflinching opposition. I said to my constituents at least 40 times, for that was about the number of times I addressed them, that I would oppose any measure which went in the direction of this Bill; and I heard nothing from them calculated to make me suppose that they are in favour of so illiberal a measure. The action of the Premier and the gentlemen who are aiding and abetting him in trying to take away the liberties of the people, to retard the prosperity of the country, and to throw all power into the hands of a few moneyed men, reminds me of the old story of Sisyphus. The Premier is engaged in rolling the constitutional stone up hill with the aid of his followers, but that constitutional stone will roll down as it has done before. Whether it will crush the Premier and his party politically remains to be seen. The stone of the classical story never did reach the top of the hill, and I am satisfied that this unconstitutional Bill will never reach the stage necessary to make it law. I feel that if I did not manfully raise my voice against what I call the monstrous provisions of this Bill I would not be doing my duty to my constituents—I would be playing fast and loose with the professions which I made to them. In conclusion, I desire to say to honorable members on all sides—"Let us be true not only to the British Constitution, not only to the people who sent us into this House to legislate for their interests, but let us be true to ourselves."

Mr. WALKER.—Sir, the honorable member who has just resumed his seat, has been most emphatic as to the views of his constituents ; but I think the honorable member forgets that he is only one of three gentlemen who were returned for Mandurang, and that the other two have been sent here to represent views diametrically opposed to those which he has just given expression to. Therefore, I think the honorable member is scarcely justified in assuming that the electors of Mandurang sent him here solely for the purpose of giving expression to those views. The honorable member, in criticising the Government scheme of reform, has touched upon a great many matters, which appear to be minor matters, and which may easily be dealt with, if necessary, in committee. For example, the honorable member entered into an elaborate argument to prove that a much greater length of time must elapse between the first rejection of a measure and the finality contemplated by the Bill than is assumed by Ministers who have addresed the House. The House was assured by the Minister of Justice, last night, that eight months would suffice to bring about that finality, and I say with that assurance from an honorable gentleman occupying the position of a law officer of the Crown, if we find, when we reach committee, that the provisions of the Bill are defective in that regard, we will have the right to amend them. A great many other objections raised by the honorable member may be dealt with without any sacrifice of principle. For example, he alluded to the qualification of electors and members of the Legislative Council ; and if it will ease his mind to reduce the qualification of electors by 2d. per week, I dare say there will not be any great difficulty in meeting him on that score. With regard to the qualification of members, I suppose the £150 mentioned in clause 35 is not an absolute sum. All these, I say, are matters which, without sacrificing the main features and principles of the Bill, may be amended in committee if it is thought necessary to do so. Now I don't think anything has come out more prominently in the discussions on the question of constitutional reform than the great wisdom, skill, and foresight of the framers of the Constitution under which we live. Theoretically, that Constitution is almost perfect; and, although one of the framers of that Constitution—I refer to the honorable member for Belfast—stated, during the debate on the first reading of this Bill, that there was no necessity for altering the Constitution—that the fact of four dead-locks having occurred within a few years was not sufficient reason for an alteration—I cannot forget that the honorable gentleman, on a previous occasion, expressed the very opposite view, that it was absolutely necessary, in order to prevent dead-locks, that the Constitution should

be altered. I quite admit that if moderation could always be ensured in the application of the Constitution there is really no need to alter it; but we have to deal not with things as they ought to be but with things as they are; and, as a matter of fact, the Constitution, as it exists at present, has failed. I am sorry to have to admit that it has failed—that an absolute necessity exists for the adoption of some steps to prevent the recurrence of failures that have taken place in the past. However, this Assembly has been returned for the very purpose of making the alteration. The late Parliament was dissolved on this very question, and therefore it is too late in the day to say now that the Constitution needs no alteration.

Sir J. O'SHANASSY.—I never said an alteration was not required. The honorable member is in the habit of misrepresenting me.

Mr. WALKER.—I cannot be much in the habit of doing so, seeing that this is only the second time that I have taken part in debate in this House. The honorable member for Belfast was annoyed at my remarks on a previous occasion, and I have made sure, this time, that I would not misrepresent him. I will endeavour to read his own words. The honorable gentleman, when a member of the Legislative Council, in a speech which he made in that House, said——

"I venture to say that it is not possible for the other Chamber——

That is this Chamber.

"to continue to attempt to carry on the machinery of government under the Constitution as it exists, even if this Bill were passed, without some amendment of the Constitution in another direction. . . . It will be generally acknowledged that no measure of reform can be satisfactory which will not provide against what seems likely to be a continual disturbing element —namely, a frequent recurrence of dead-locks."

I have given the honorable gentleman's own words, and I hope I shall not be accused of misrepresenting his views. I have no wish to do so.

Sir J. O'SHANASSY.—The honorable member said, a few minutes ago, that I asserted there was no occasion for any amendment of the Constitution. What I said, in the words the honorable member has read, was that there was.

Mr. WALKER.—I understood the honorable member for Belfast to say, during the debate on the first reading of the Bill, that there was no necessity,

Sir J. O'SHANASSY. — Read my speech on that occasion.

Mr. WALKER. — If the honorable member says he did not say so, I will accept the assurance.

Sir J. O'SHANASSY.—I will not say anything of the kind. It is for the honorable member to sustain his statement. He should not assert anything unless he can sustain the assertion.

Mr. WALKER.—As I was saying, the country expects this Parliament to deal with the question. The leading principles of the Bill now before us, in my opinion, were affirmed by the country at the recent general election; and I gave my reasons for saying so in the speech which I delivered during the debate on the address in reply to the Governor's speech. Any one who examines closely into the history of nations and peoples, especially of British extraction, that have had to frame a Constitution for themselves, will be struck with the fact that, in almost every case, it has been found necessary to provide a second House of Parliament. There is scarcely any instance of a people, however free, however democratic they may be, framing a Constitution that gave the sole power to one House. And it is the more remarkable that, in extreme democracies, where manhood suffrage has been the basis of the popular Chamber, it has been found necessary to have a check upon that Chamber, by creating a second, with a restricted suffrage. The Constitution of the United States has been often referred to, and it might naturally be supposed that the framers of that Constitution — who undertook the work immediately after the War of Independence — would have been prejudiced against British institutions, and would have been disinclined to adopt any such system as that which was in force in the country with which they had been engaged in a disastrous and bitter strife. Yet, we find, notwithstanding they were perfectly free to make their Constitution to suit themselves, they did create a check upon the popular Chamber—two checks in fact—and those two checks continue to the present day. So with regard to the British colonies of which we are one. The framers of our Constitution found it necessary to provide for a second House; and, wherever the second House is elective, invariably the franchise is limited and restricted. Now what is the meaning of this check which it has been found

necessary to place upon the popular Chamber? In my opinion, the object of it is to give to the larger taxpayers—to those who are most interested in good legislation, and who are most injured by bad legislation—a check upon the proceedings of the more popular Chamber, until, at last, the will of the country has been thoroughly ascertained.

Mr. LAURENS.—That is the will of the country through the constituents of the Assembly.

Mr. WALKER.—I will deal with that presently. The extremely democratic country of France—a country which theoretically is the most democratic, I suppose, on the face of the earth—has recently had the opportunity of reforming its Constitution. It has begun life afresh as it were. All vested interests in regard to constitutional matters were swept away. It was perfectly free to frame any Constitution which it might think most suitable for the government of the country, and most in accordance with the democratic sympathies which undoubtedly prevail there. And what do we find? Not only was it deemed necessary to create a second Chamber with a very restricted suffrage, but it gave power to that Chamber to join in the most important legislation which can possibly be gone on with in that country—namely, the election of President, to whom enormous powers are given—in the very way in which one of the principles of this Bill indicates, namely, by a joint sitting. Looking at all these things it seems to me that, notwithstanding all the cant that is talked about manhood suffrage, there is absolutely no such thing in the world as unchecked manhood suffrage. I am an ardent admirer of manhood suffrage. At the same time I do not consider it inconsistent with the principle of manhood suffrage that there should be some check or control by the larger taxpayers, those who have the greatest interests in the country, upon the exercise of legislative functions by the popular Chamber.

Mr. MIRAMS.—Why?

Mr. WALKER.—Why have all these countries found it necessary to create a second Chamber? Their instincts were against it, and, if they could have done without it, they would have done without it. It does appear to me that this desire for giving a second voice, as it were, in legislation, to those who have vested interests in the country, and who cannot escape from the country if they should ever wish to do so, is founded on reason and common sense. I may say that my own sympathies go with the giving of this second voice entirely to married men with families. I consider that married people with families have a greater interest in the prosperity of the country than even property-holders — because a man may be a property-holder without having a great tie to the country—and if any machinery can be devised for giving the franchise for the future Council to the whole of the married people in the country, it will have my hearty support. Consider the case of a married man with a family, say of six or eight children, several of them perhaps daughters—I don't care how poor the man is—he represents not only himself but his wife and his family; and is it reasonable to suppose that he is to have no greater voice in the management of the affairs of the country than his son who has just arrived at the age of 21? I say the thing is absurd. Then again, representation ought to be made as much as possible in regard to the taxes paid by the different sections of the community. A married man pays, through the Custom-house, on an average, four or six times as much in the shape of taxes as a single man; and therefore I say that the proposition of the Government to extend the franchise of the Council so as to include, as I believe it will, nearly the whole of the married men in the country, is one which meets with my cordial approval, and, I am inclined to think, will meet with the approval of the country at large. The honorable member for Geelong (Mr. Berry) and also the honorable member for Portland still believe in an absolute Assembly. In fact the honorable member for Geelong says that this Chamber is the people—that this Chamber, for the time being, is the country. Now is that true? Is it true that this Assembly is always the people—that it always represents the people? Did it represent the people in 1876—the last session in which Sir James McCulloch held office — when the honorable member for Geelong and his friends took the extreme course of using the forms of the House for the purpose of defeating all legislation on the very ground that the Assembly did not represent the people? It did not represent the people. Sir, there are times in the history of all representative Chambers when it is impossible to

say whether they represent the people or not. Hence the need of a dissolution. But for that, there would be no need for a dissolution. However, there is always need for a second Chamber. The experience of the countries I have referred to shows that a second Chamber is absolutely necessary to give the people time to consider measures of legislation, and to prevent their being hastily rushed through Parliament. The honorable member for Portland, in the speech which he delivered last night, objected to the Council being put into the position of judging what is improperly placed in the Appropriation Bill. But are not the Council in that position at the present time? If the Council had not scrutinized the Appropriation Bill in times past, how could they have discovered the items to which they objected? It may not be according to parliamentary etiquette, but, as a matter of fact, the Council know as well as members of this House what is in the Appropriation Bill; and therefore I say that there is very little force in the objection that the measure gives the Council the power to scrutinize the items in the Appropriation Bill. The honorable member for Portland also referred to the land tax. I will quote his words. He said—

"Recently the Council passed a land tax which avowedly and admittedly they all objected to as an unjust tax, but they passed it in obedience to the constitutional reading of the 56th section of the Constitution Act, which provides that they may reject, but cannot alter, Money or Tax Bills."

Now listening to the honorable member's speech—and an eloquent and admirable speech it was—it appeared to me that the very quotation of that case completely upset every argument he used. The Council, he admits, passed a tax which affected their own interests unjustly. Surely if ever there was an occasion when the Council might have been justified in exercising—in wrongly exercising, for that is the point—their powers, that was one. And what did they do? Why they passed the tax. But would they have passed it if it had been appended to an Appropriation Bill? I say they would not. That case proves clearly that the Council, as at present constituted, with their limited suffrage and high qualification for members—and with the members belonging, to a great extent, to a certain class—nevertheless passed a tax which, it is admitted on all sides, they regarded as unjust. They passed it because it was sent to them in a legal and proper form. They would not have passed it if it had been put in an Appropriation Bill. That seems to meet all the objections which have been raised as to the possible arbitrary conduct of the future Council in persisting in having items eliminated from the Appropriation Bill, and in persistently getting up majorities to defeat the popular will. Here we have a case of their power to reject an unjust tax, and their not using it.

Mr. LONGMORE.—It was not unjust.

Mr. WALKER.—It was unjust from their point of view. I simply quote the language of the honorable member for Portland—that from the Council's point of view it was admittedly and avowedly an unjust tax; yet they did not reject it.

Mr. LAURENS.—All those who were affected by it voted against the Bill.

Mr. McINTYRE.—That is not exactly true.

Mr. LAURENS.—Well, except Mr. Wilson.

Mr. WALKER.—We have heard from the opposition side of the House that the Council, as at present constituted, are a class Council, and yet the Council, as at present constituted as a class Council, passed a tax which unjustly affected them as a body of men. That simple fact meets all the objections I have heard raised to the Council having authority to object to an item in the Appropriation Bill, and to the joint sitting of the Houses, and also disposes of all the assertions that, supposing the Council to have a majority when the two Houses meet, it would be bound to misuse the power that circumstance might be supposed to confer upon it for the time being. Then, with regard to this joint sitting, it has occurred to me, while listening to honorable members in opposition, and also to the honorable member for Portland, that they all persist in reasoning as though the Council were to remain as it is at present constituted. They never appear to take into account the very much more popular character the operation of the Bill will give that body, and which indeed it ought to have if there is to be in future greater harmony between the Chambers. If they would look at the subject in that aspect, I venture to say the very extreme cases they have imagined, such, for instance, as one in which the Council would vote as one man, would never occur to their minds. Because, supposing the Council to vote in such a

manner upon a particular question, and that it was joined by a considerable minority of this Chamber, how many of the electors of the country would the result temporarily disfranchise? I venture to say the number would be extremely small, and also that, in estimating that particular portion of the constituencies, the Opposition have made very great mistakes. Reference in all these constitutional debates is frequently made to the Imperial Parliament, but I assert that there is practically no analogy between that body and our two Houses. It has often been contended that there is no analogy between the House of Lords and our Legislative Council, but I go further and say there is very little between the House of Commons and our Legislative Assembly, because, after all, the former represents only a section of the British community. Moreover, I am prepared to prove that the proportion of the British people represented in the House of Commons is not so large as the proportion of the people of Victoria which would, under the Bill, be represented in the Council. I have figures for what I say. For example, at home, 51,000 of the population go to each member of the House of Commons, whereas, under the Bill, 21,000 of our population would go to each member of the Council. Then the House of Commons franchise is much more restricted than it is proposed the Council franchise should be.

Mr. GAUNSON. — That is not the case. The English franchise goes down to £5 lodgers.

Mr. WALKER.—The honorable member for Ararat ought to be aware that there are more ways than one of restricting the franchise. For example, I invite attention to the following extract from a *Nineteenth Century* article by Professor Fawcett, who has just joined the new liberal Ministry at home :—

"Why should political power be so unequally distributed that 47,000 people living in ten small English and Irish boroughs return ten members to the House of Commons, while only nine members are returned by Liverpool, Glasgow, and Manchester with a population of 1,349,000, and only eight are returned by four metropolitan constituencies with a population of 1,671,000?"

Mr. GAUNSON.—That does not touch the point.

Mr. WALKER.—I can find the honorable member reasons, but I cannot force him to understand them. I will, however, give him another illustration of my meaning. Supposing that Toorak, St. Kilda, and Brighton, with a population of say 5,000, returned ten members to the Assembly, and that Richmond, Emerald Hill, Collingwood, Fitzroy, and North Melbourne, with a population of say 150,000, also returned only ten members to the Assembly, would not that show a restricted suffrage? I assert—the point is unchallengeable—that the House of Commons suffrage is greatly more restricted than the proposed Council suffrage would be, and that all the arguments so plentifully put forward by the Opposition, about how the liberties of the British people are guarded by the House of Commons, would apply far better if used in support of the new Upper Chamber contemplated in the Bill before us. Therefore all the talk I hear about antagonism between the proposed Legislative Council and the Legislative Assembly seems so much unreason, because if the British people, with their suffrage what it is and has been, have maintained their liberties and guarded their rights, what danger can this country possibly be in under a suffrage vastly more liberal, even with respect to the second Chamber? It seems to me that, under no possible combination of circumstances, could any danger to our liberties accrue from the adoption of the present proposals, because we have to continually bear in mind the great difference in character there would be between the present Council and the one the Bill would give us.

Mr. LONGMORE.—There will not, there cannot, be any difference.

Mr. WALKER.—The new Council will represent two-thirds of the people of the country. It is proposed to extend the Upper House franchise to 114,000 electors, which will leave outside a balance of about 85,000. But from the latter number there must be taken off at least 20 per cent. for persons whose names appear on the roll two or three times over, or who are dead, or have left the country. Here is a piece of my experience. When I offered myself for Richmond at the last election, I came before a great many of the people as a comparative stranger, and it was therefore necessary that I should send what I may call my election programme by post to every elector, taking names and addresses from the electoral roll. What was the result? Why that no less than 1,200 of those documents were returned endorsed to the effect that

the postmen were unable to find the persons to whom they were directed. Those 1,200 names represent about 20 per cent. of the total number on the Richmond roll, and I believe a similar proportion exists throughout the electoral districts of the country. When the reduction I indicate is made, the total number of electors outside the proposed Council franchise will be found to be exceedingly small.

Mr. LONGMORE.—Must we not make a similar reduction with respect to Council electors?

Mr. WALKER.—By no means. They will have votes because of the special qualification by virtue of which they each appear on the roll. And now with regard to the joint sitting of the Houses, about which opposition members have said so much. In the first place, they seem to suppose that the system will come into operation upon every trivial occasion. But no idea could be more erroneous. The action of the Council with respect to the land tax effectually disposes of that argument. My belief is that a joint sitting will be a very rare occasion, and that it is quite possible, as the Premier has told us, that not a single member of this Chamber will live to see one. The fact that one can occur under certain contingencies will, in the vast majority of instances, constitute the safety-valve the actual sitting is intended to be, and prevent it from taking place. As Mr. Gladstone says, in the quotation referred to, the other night, by the Minister of Railways, the Crown in England could, at the instance of the House of Commons, make a thousand peers to-day and another thousand to-morrow, but the thing is never done; and the arrangement for a joint sitting of the Houses will act in the same way. So much for the opposition arguments to the effect that, if a joint sitting is allowed at all, one will be continually taking place. Then let me point out that a joint sitting of two Houses is not a new thing. As I have said already, it is resorted to in France for the election of the French President, whose powers are of an enormous character—almost as great as those of one of the French Houses of Legislature. Be it remembered also that France is now one of the most democratic, as well as most energetic, countries in the world, and that the suffrage for the Upper House there is far more restricted than even our existing Council suffrage.

Mr. LAURENS.—The election of a French President is not legislation.

Mr. WALKER.—I repeat that the powers of the French President are almost equal to those of a legislative House. In Belgium also, the two Houses are required to sit together to effect almost the most important piece of legislation they could take in hand. When a vacancy occurs in the throne, the two Chambers of Legislation have to meet to elect a regent; and they have then to be dissolved, and, on re-assembling, to select a person for their sovereign. These instances do away with the assertion that the proposed joint sitting of our Legislative Chambers is a novel and untried thing. On all these grounds, I affirm that the arrangements I have just dwelt upon are admirably adapted for the purpose the Government propose to achieve, in order to remedy the existing state of affairs. The late Government had three years allowed them to apply the remedies they fancied, but they failed, and it is now therefore too late in the day for them to cry out that the subject ought to be referred to a select committee, and not be treated as a party question. As a matter of fact, the question before us is a party one. The late Parliament was dissolved, and we have been returned, upon it, and the country expects us to deal with it. Moreover, I do not think we would be justified in hanging it up by remitting it to the consideration of a select committee. In the first place, the country has pronounced in favour of the Bill. Certainly my own constituency has done so. Upon that let honorable members with more political experience than I have decide when they realize what I now tell them, namely, that I went before the electorate of Richmond with every disadvantage, because my opponent had all the prestige that attaches to an old representative, and was also up to every electioneering move, but nevertheless I was returned by a strong majority, strictly to support the measure of reform the party now in power had placed before the country. I firmly believe that at least 20 out of the 25 new members of the House were returned upon similar grounds. Will it be said that the country did not know what the reform proposals of the present Government mean? I reply that every point of consequence they involve was placed before the electors in the most definite manner possible. On every

platform in Richmond they were discussed with the utmost attention, and I may add that the people of that large constituency thoroughly believe in them. Look also at St. Kilda; was ever a more emphatic verdict given than that which an enormous majority of the electors there returned in favour of the Service scheme? I do not say that the whole of the people of the colony were, at the time I speak of, perfectly well qualified to judge completely of the present plan of constitutional reform, but that does not obliterate the circumstance that they have so judged, and that we are returned to carry out the terms of the judgment. Moreover, I am certain that, so soon as the Bill is thoroughly understood by the country at large, it will be intensely popular. I come next to another point. It has been found very easy, on certain platforms outside this House, where both speakers and hearers were on one side in politics, to contend that carrying the measure would have an injurious effect upon manhood suffrage and place the liberties of the people in danger; but I venture to think it has been found extremely difficult to do the same thing here. At all events, although I have listened attentively to all the arguments on the subject that have been put forward from the opposition benches, and have all along felt every possible readiness to be convinced by them, I have not had afforded me the slightest ground for being so. The Government are making a gallant and determined effort to settle the question of reform which has kept the country in turmoil so long, and I think they are entitled to be supported. Also, I am satisfied that, if the country had an opportunity of expressing an opinion on the matter, Ministers would have a greater majority than they can boast of now. Certainly they shall have all the assistance I can give them, because I firmly believe that carrying the measure they have introduced would afford the community a speedy and happy release from the distraction and turmoil it has known so long. If they are not successful in the present Parliament, I am convinced that their proposals are so framed to obtain the approbation of the country that, should it be necessary to have another general election on the question—I hope it will not, for I can as ill afford election expenses as any man, and may reasonably doubt if I would be justified in entering upon another election contest so soon after the last—the popular reply will be so emphatically in their favour that they will thereafter have no difficulty in carrying their Bill.

Sir J. O'SHANASSY.—Mr. Speaker, I wish to make a personal explanation, to this effect: I beg to challenge the last speaker to put his finger on a single passage of *Hansard* in which I am shown to declare myself against an amendment of the Constitution on the ground there was no necessity for anything of the kind.

Mr. MIRAMS.—Sir, this is the third time, during the short period I have had the honour of a seat in this Chamber, that I have risen to address myself to the question of the second reading of a Constitution Reform Bill; and although, on each of the two former occasions, I strongly realized the importance of the subject under discussion, I feel it to even a greater degree now, partly for reasons I will presently explain, and partly because of the very mixed character of the circumstances under which we now find ourselves. We are here to-day, in the year 1880, discussing a proposal almost identical with that which occupied our attention, and that of the country, in 1874. It is true there are points of difference between the measure then before Parliament and that with which we are dealing now, but, so far as I can discern, they tell rather against than in favour of the latter. Then we have to observe that several of the honorable members who opposed the former Bill are in favour of the present one, and that the leading journal of the colony, which in 1874 bitterly denounced what was and is called the Norwegian scheme, on this occasion persistently supports it. Six years ago, the *Argus* devoted about 27 columns of its leading matter to the denunciation I refer to, and, inasmuch as several passages of what it then published on the subject are singularly applicable to the present juncture, I will take the liberty of quoting them. For example, in its issue of the 15th April, 1874, it stated as follows:—

> "Lord Palmerston observed—'If the country don't want a Reform Bill, I am sure I don't;' and dropped the abortive draft into the waste-paper basket. Mr. Francis and his colleagues may advantageously go and do likewise; and, as they consign their misshapen bantling to the pigeon-hole labelled 'still-born projects of law,' they may inscribe upon it the venerable epitaph—
>
> 'So quickly was I done for,
> I wonder what I was begun for.'"

I fancy that epitaph will shortly suit the similar production of the present Ministry.

On the following 22nd April, the same journal—I suppose it employed a special poet on the occasion — published the following lines :—

"We really don't think this queer plan of the Storthing
Is worth the one-half of an ancient brass farthing ;
And believe that the land would have made much more way
If naught had been heard of the project from Norway."

Surely the sentiment there expressed is exceedingly appropriate to the Bill before us. I think the country would have made much more way if we had never been troubled again with the scheme that was introduced to this House six years ago, and then ignominiously rejected. Furthermore, at the time I am alluding to, the *Argus* offered the Government of the day the following recommendation :—

"We think we may take it for granted that the members of the Government will see that it is their duty to drop their Scandinavian monstrosity, and go on with the practical work of the session. . . . The country has watched its birth and its nursing with stolid indifference, and will receive the intelligence of its death with frigid apathy. Nobody wanted it; nobody will mourn over it."

The same thing may be said with respect to the Bill before us. I am now brought to the fact that the present Ministry seem to be faithfully working out the plan laid down for them by their sponsors in the press—the *Argus* and *Australasian*—by which journals they have been told that it is their duty to repair and restore. They are to be a reparative and restorative Government. Their newspaper supporters, not giving them credit for being able to elaborate a reform scheme of their own, have directed them to confine themselves to repairing and restoring some scheme of the past. The consequence is that they have followed a course which, I doubt not, they found a tolerably convenient one. They went to the grave in which the body of this ancient measure had lain dead and buried for six years, brought it back to life, and having dressed it up in what they doubtless consider a few Serviceable garments, for the most part stolen from the Hon. R. D. Reid, of the Upper House, they think to palm off this repaired and restored bantling upon the country as a measure entitled to its approbation and support. Nevertheless, I can in some measure understand the conduct of the Premier—although I cannot that of some of his colleagues—in proposing the present measure, because we have known all along what we had to expect from him. For example, with regard to the first Berry Reform Bill, he made the following statement :—

"I have no hesitation in stating that to give this House, or any legislative assembly of a similar character, unchecked power over the finances of the country is a thing I, for one, will not concur in."

At that time he proposed a series of resolutions, the 1st affirming the necessity for reform, the 3rd declaring that the subject of reform ought to be referred to a select committee, while the 2nd—the central one—was as follows :—

"That the proposal in the Bill now before the House enabling a single branch of the Legislature to impose burthens on the people, and to expend the public revenue without any check whatever is contrary to the principles of the British Constitution, and would in its operation prove disastrous to the best interests of this country."

But when that resolution, containing what I may call the present Premier's creed in relation to the constitutional question, went to a division, some of his present colleagues actually voted against it, thereby practically declaring that the doctrine it enunciated was wrong. Next I wish to say that although, when the abstract proposition I have just read was before us two years ago, inasmuch as there existed no chance of it being accepted, nor likelihood of it bearing much fruit, there was little need for honorable members opposed to it to refute it, or indeed to take much notice of it, matters do not now stand in the same position. That resolution forms the basis of the Bill now submitted to the House and the country for acceptance, and therefore we, as representatives of the people, are called upon to consider how far the assertion that to give the Assembly uncontrolled power over the finances of the country is contrary to the principles of the British Constitution is true or the reverse. If it is true, undoubtedly I and every other honorable member who wishes to abide by the lines of the British Constitution will be bound to vote for the Bill, and secure it passing through the House ; whereas, if it is shown to have no foundation in fact, history, or practice, we will be equally bound to declare the Bill unworthy of either the acceptance or the consideration of a people such as we in this country boast of being. It is fortunate for me that, in dealing with this question, I am saved a great deal of trouble by

being able to refer to what was said in the House of Commons during the celebrated dispute that took place, some years ago, in the Imperial Parliament with respect to the Paper Duties Bill, and especially to the utterances on the subject of one of the greatest statesmen England possesses, one whom we all delight to honour, and of whom we were all glad to hear the honorable member for Richmond (Mr. Walker) say, the other night—"If I am shown that John Bright holds views in accordance with those of the Opposition, I will leave my place behind the Government and follow John Bright and the honorable members opposite." I think that before I resume my seat I shall have shown that, according to John Bright, the doctrine laid down by the Premier, when he declared that for this Chamber to have the uncontrolled management of the finances of the country is contrary to the British Constitution, is altogether incorrect and false. I dare say honorable members recollect how the dispute to which I refer arose. The Budget of the Imperial Government of the day provided for the repeal of the paper duties, but that portion of their proposals was rejected by the House of Lords. Subsequently a committee of the House of Commons was appointed to inquire for precedents as to the power of the Lords to deal with Money Bills. Mr. Bright served on that committee, and drew up a report, and afterwards, in a speech on the resolutions on the subject which were submitted to the House of Commons, he offered ample proof that the Lower House in England have always claimed and now possess the uncontrolled management of the finances of the English nation. I ask the indulgence of the House while I read a few passages of this speech that refer to some of the precedents the committee discovered, and upon which their report was based. They are as follows :—

"I will first refer to that very case which the right honorable gentleman, the member for the University of Cambridge, and myself fixed upon as the starting-point of our precedents—the precedents of the year 1407. . . . Then we come to 1640. The declaration of 1640 set forth that the Lords stated at the conference that 'My lords would not meddle with matters of subsidy, which belong naturally and properly to you—no, not to give you advice therein, but have utterly declined it.' Mr. Pym told their lordships that they had not only meddled with matters of Supply, but that they had 'both concluded the matter and order of proceeding, which the House of Commons takes to be a breach of their privilege, for which I was commanded to desire reparation from your lordships.' The Lords made reparation by declaring that they did not know they were breaking a right of the Commons in merely suggesting that Supply should have preference over the consideration of grievances. . . . In 1678, the House of Commons declared this ; and it was not one of those sudden acts which the House of Commons is now alleged to continually commit ; but it was a resolution drawn up by a committee specially appointed for that purpose—a resolution specially considered and solemnly entered in the Journals of the House. It was in these words—'All Aids and Supplies, and Aids to His Majesty from Parliament, are the sole gift of the Commons, and all Bills for granting such Aids and Supplies are to begin with the Commons; and it is the undoubted and sole right of the Commons to direct, limit, and appoint in such Bills the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed or altered by the House of Lords.' At this time, when the Lords had never pretended to reject a Bill, it is probable that such a proposition was a thing that never entered into the head of any member of the House of Peers. I undertake to say it would be difficult for any member of this House to draw up a resolution more comprehensive and conclusive as to the absolute control of the House of Commons than that of the year 1678, which I have just now read. Shortly afterwards, in the year 1691, there is another resolution which goes minutely to the case before the House. In that year a Bill was passed for appointing commissioners to examine the public accounts of the kingdom. The House of Lords amended, the House of Commons dissented; and, among the reasons which the House of Commons gave was this—'That in Aids, Supplies, and grants the Commons only do judge of the necessities of the Crown.' What are we asked now ? We are asked to take into partnership another judge of the necessities of the Crown. . . . A few years afterwards, our forefathers were concerned in a question about the paper duties, just as we are at this time; only they managed it better than we are doing now. In the year 1699, they declared—'It is an undoubted right and privilege of the Commons that such Aids are to be given by such methods, and with such provisions, as the Commons only shall think proper.' In the year 1700, the Commons again affirmed—'All the Aids and Supplies granted to His Majesty in Parliament are the sole and entire gift of the Commons, and that it is the sole and undoubted right of the Commons to direct, limit, and appoint the ends, purposes, considerations, limitations, and qualifications of such grants.' And in 1702, there was another statement that—'The granting and disposing of all public moneys is the undoubted right of the Commons alone.' In the year 1719, they objected to a clause which the Lords had introduced, on the ground that it levied a new subsidy not granted by the Commons 'which is the undoubted and sole right of the Commons to grant, and from which they will never depart.'"

I think these precedents conclusively prove, to every man open to conviction, that the House of Commons have always

claimed the uncontrolled management of the finances of the nation.

Mr. GAUNSON.—The Lords have never conceded that.

Mr. MIRAMS. — The Commons not only claim the right I speak of, but they exercise it, and, ever since the Paper Duties Bill dispute, they have included all measures of the kind in a composite Bill. Upon these grounds I submit that the measure before us is not worthy our consideration. It is contrary not only to what I have shown to be the principles of the British Constitution, but also to the principles which the most prominent politicians in this Chamber have for years past laid down with relation to the control of public finance in this country. *Hansard* literally teems with statements of the kind I refer to. For example, when the Darling grant was under consideration in this House, and reference was made to the Palmer case, Mr. Higinbotham said—

"It is clearly established that it is in the power of this House to adopt the one form or the other, according as it thinks fit."

Meaning that we can include a public grant in a separate Bill, or in the Appropriation Bill, exactly as we choose. In that way the honorable gentleman claimed for this Chamber full and free control over the finances of the country. In the same debate, the late Mr. Bindon spoke as follows :—

"Once admit the principle that such a matter must form the subject of a Bill, and every sum voted for a road or a bridge may have to be dealt with in the same way, and on these questions, if submitted in such a way, another place would claim the right of expressing an opinion. If this House is to continue to hold the purse-strings of the country, such items as these must form a portion of the Appropriation Bill for the year. You might as well make the gratuity to Mrs. Ramsay—as the gratuity to Lady Darling—the subject of a separate Bill. I repeat that there is something behind this vote, in the way of principle, which I hope this House will not permit to be forgotten. I hope it will never be said of this House that it permitted its rights and privileges to be interfered with."

Mr. Balfour, then a member of the Assembly, now of the Council, said—

"I consider that the question, whether the House should send up this vote to the Legislative Council in the Appropriation Bill, or in a separate Bill, has been fully disposed of by the Attorney-General (Mr. Higinbotham). It has been clearly shown by that honorable and learned gentleman that the way in which this House votes grants of money is entirely in the keeping of this House ; that the right of this House to determine the amount and the manner of making grants cannot be disputed."

Sir James (then Mr.) McCulloch said—

"Now, I ask, when did the House of Lords throw out an Appropriation Bill ? When did the House of Lords single out a particular vote, passed in the House of Commons, and included in the Appropriation Bill, and say, 'This must be rejected, or we shall throw out the Bill' ? I say 'Never.' It has never done so."

Yet this Bill absolutely asks us to give the Legislative Council the power to do what Sir James McCulloch very truthfully said the House of Lords had never claimed to do.

Mr. FRANCIS.—No.

Mr. MIRAMS.—It asks us to give the Council the power to send the Assembly a message to take anything they wish out of the Estimates, and the Appropriation Bill is merely the inclusion of the Estimates in the form of a Bill at the end of the year. The denial of the honorable member for Warrnambool is only a quibbling on terms.

Mr. FRANCIS. — There is a substantial difference between the Estimates and the Appropriation Bill. The Estimates are simply estimates of expenditure submitted by the Government for the consideration of the House.

Mr. MIRAMS.—Whether you use the term "Appropriation Bill" or "Estimates," I maintain it amounts to the same thing in the end. The Bill asks this House to give the Council the power to tell us what we shall have on the Estimates first, in order that it may go in the Appropriation Bill afterwards—perhaps that statement of the case will suit the honorable member for Warrnambool. Now, I maintain, to ask us to do that is to ask us to give up one of the privileges which the House of Commons has been battling for for centuries and still retains ; and we shall be unworthy of the kingdom from which we came, and the place where we now are, if we consider such a proposal seriously for one moment. What did the late honorable member for Mandurang (Mr. Casey) say on the occasion to which I have referred ? He observed, alluding to a speech of the present Minister of Railways—

"One of his arguments was that the vote ought not to be passed in its present form, as it would not afford the Legislative Council an opportunity of discussing the question. On that point I at once join issue with the honorable member. I maintain that the Legislative Council has no right to discuss a question of this description. . . . . Honorable members opposite have endeavoured to alter the Constitution from what it is known as in Great Britain to some construction they wish to place upon it

here. On the last occasion we had to contend for the right of levying our own taxes; and in this Parliament, and I presume in the next, we shall have to contend for the right of appropriating our own Supplies."

Prophetic words, judged by the light of present events!

"We might well say, 'Take away this bauble—dismiss us about our business,' if it is to be understood that we have not the sole right of voting Supplies in any direction we may think proper. And, if we are to be terrified by a threat from another place that the country will be thrown into confusion should we send up the Appropriation Bill in its present shape, would not the effect be to establish a precedent which would destroy the exclusive right of the Assembly to deal with matters of Supply? If we let in the thin edge of the wedge, where will it stop? Next session we shall be informed that we must not put such and such votes on the Estimates, and then it will come to pass that we shall be informed what votes must be placed on the Estimates in order that they may be approved of. I hope that the Government will send the Appropriation Bill to the Upper House with this vote in it, and will insist upon its being passed without the slightest alteration. I would withdraw my support from any Government—certainly from this Government—which would yield one iota in this direction. It is not for the grant I care so much as for the principle that all matters relating to Supply shall be contained in the Appropriation Act, and that another place shall not interfere with our right of dealing with money appropriations."

Not only have the foremost politicians of this colony claimed that the Assembly has the same uncontrolled power over money matters as the House of Commons, but the claim has been admitted by the Council themselves, as was shown by the honorable member for Portland, last night, by reading an extract from a resolution passed at the conference between the Council and the Assembly. That resolution affirmed that it was expedient that the practice of the House of Lords and the House of Commons respectively should be observed as to Money Bills, and as to all subjects of Aid and Supply, and that each House should be guided in all matters relating thereto "by the precedents established by the House of Lords and the House of Commons respectively." That was the utterance of the Council when met in conference, but we are not confined to that alone. Several influential members of that Chamber individually expressed a similar opinion. In 1867, in a debate which took place with reference to gratuities and pensions, the Hon. W. Degraves observed—

"At all events, if the Legislative Assembly can give £1,000 to one person they can give £60,000 to another, and I feel, therefore, that it is time we had some say in the matter."

In reply to this, the Hon. T. H. Fellows, referring to the proposed vote to Mrs. Ramsay, remarked—

"It is the practice in England to put the sums upon the Estimates. When Mr. Pitt's debts were paid by the country, the money was provided by the ordinary Appropriation Act. There is, therefore, a precedent for the proposed vote of £750, though whether there is any other parallel between the two cases I leave the House and the country to say."

The Hon. J. F. Strachan said—

"If the Assembly can make such a grant of itself, it can vote £60,000 to Sir Charles Darling or any one else without our being able to object to it."

The Hon. W. Campbell, who followed, stated—

"I agree with much that has been said on this subject; but it is impolitic for us to deal with matters which do not belong to us."

Finally, the Hon. C. Sladen observed—

"The Assembly has a perfect right to deal with these financial matters as it pleases. It may send them up in a separate Bill, or it may place them on the Estimates. The House of Commons sometimes takes the one course and sometimes the other, and we have agreed to abide by the British precedent."

I say that, according to English usage, according to the utterances of prominent men in this Assembly, according to the statement of the Council in conference and the opinion expressed by its leading members in debate, it has always been admitted and conceded that it is in accordance with the British Constitution that this Assembly should have the uncontrolled management of the finances of the colony. Therefore, in my opinion, the Premier is wrong in the premises on which he proceeds in this Bill, and, consequently, he must be leading us and the country in a wrong direction. I will ask the House to consider for a few minutes the ground upon which the Premier asks us to accept the Bill. How did he support his contention that it is unconstitutional for the Assembly to have the sole control of money, and that therefore he is justified in submitting a Bill to take it away from us? He gave one illustration only in support of his argument, and the Minister of Railways gave another. The case which forms the basis of the Premier's contention is the celebrated case of Mr. Palmer. The Premier endeavoured to make it appear that this was a case in which the Commons were compelled to place a grant in a separate Bill. Now, if it could be proved that the Commons were compelled to put that one item in a separate Bill, and not in the Appropriation

Bill, the fact would not go the length of supporting the deduction of the Premier that it is wrong that the Assembly should have the power of putting anything in the Appropriation Bill that is outside the ordinary current expenditure of the year. But the fact is that it was to please itself, and at the request of the Tory Premier, Mr. Perceval, that the House of Commons put this particular grant in a separate Bill. In quoting Mr. Perceval's speech on that occasion, the Premier, the other evening, carefully omitted a portion of his remarks, in which he admitted that it was the undoubted right of the House of Commons to do as it liked on the subject. In addition to what the Premier quoted, Mr. Perceval said—

"It was clear that, in granting public money, the House had always exercised its own right as to the mode of proceeding. . . . It was impossible, after what he had stated, to contend that it was not perfectly competent for the House of Commons to carry this vote into effect, either by separate Bill, or to pass it in the Appropriation Act."

But we have the authority on this point of a gentleman of greater repute as a parliamentarian than Mr. Perceval, namely, of Mr. Abbott, the Speaker of the House of Commons at that time. In a letter to Mr. Perceval, Mr. Abbott said—

"If the Lords differ in opinion from the Commons upon the Bill now before them, they will, of course, exercise their right of throwing it out; and, upon the expectation that they will hold the same opinion upon the grant of the sum in gross which has been voted by the Commons, it will be for the Commons to consider how they will act. Now it does not appear to me to be right or fitting for the Commons in such a case to surrender or abandon their own vote, or that the apprehension of its being rejected by the Lords can justify or excuse them for not maintaining the exercise of their own undoubted right in matters of Supply. For the Commons to retract, rescind, or give up their own absolute and unqualified grant of money, by not inserting it in the Appropriation Act, and for such a cause, appears to me, so far as I have had the means of information, to be a manifest departure from the uniform practice of Parliament, and an abandonment of the highest privileges of the Commons. Viewing the question in this light, you will not, I am sure, be surprised that, in the progress of the proceeding, I shall think it my duty in my situation openly to declare that opinion, which on every account it will be very painful for me to do."

I think these quotations conclusively prove that Palmer's case was an exceptional one, and establishes no precedent whatever as to the power of the House of Lords to ask that items should be taken out of the Appropriation Bill. If it had established such a precedent, should we not have found the House of Lords from that day constantly exercising that right, whereas no such thing has, as far as I am aware, ever occurred since? The Minister of Railways supported this monstrous proposal of the Government on another ground, namely, by the existence of certain cases in England in which a message, asking the House of Lords to concur in certain grants, had been sent to the Lords at the same time that a similar message was sent to the Commons. While referring to this matter I may be permitted to digress, in order to make a personal explanation. I would not mention the matter but that an attempt seems to be made persistently by certain journals in Melbourne to cause it to appear that every member who sits on this (the opposition) side of the House is a disloyal subject of the Crown. The other night, when the Minister of Railways was quoting these precedents, I noticed that all the cases he had so far cited were grants of money to members of the Royal family. It occurred to me that there might be something special in connexion with the proceedings relating to grants of that particular description, and I therefore quietly asked him if all the illustrations he had to cite of messages being sent to both Houses were cases of grants to members of the Royal family. The honorable member chose to retort that, knowing the objection gentlemen on this side of the House had to the Royal family, he had taken care to have precedents of grants of a different character. Now I throw back the insinuation in the honorable member's teeth. I am just as loyal a subject as he is or ever will be, and I am sure there is not a member on this side of the House who cannot say the same. I think it is unworthy of a portion of the press, for some fancied gain—I hardly know what, except perhaps to make a little capital at home with the English Parliament in case the Government may have to go there presently with their Bill—to leave no opportunity unused to make it appear that the Opposition in this House are disloyal subjects. To return from this digression, in looking over the list of grants cited by the Minister of Railways (all of which he obtained ready to his hand in the report of the Legislative Council Committee on Precedents in 1867, though he sought to throw dust in the eyes of the House by refusing to read one of the messages on the ground that he

"could not bring all the journals of the House of Commons into the chamber") I find that they are all either for members of the Royal family, or else for distinguished public servants who had done some great public good, and were therefore thought to be entitled to public recognition in the form of a sum of money. Now I think there is a very simple explanation of the reason why grants of this kind were preceded by concurrent messages to both Houses. It will readily occur to honorable members that it would be more complimentary to the persons who were to receive these grants of money that the proposed grants should be notified to both Houses to prevent any possibility of a disagreeable hitch between the two Chambers. It would not be very agreeable to the feelings of the Sovereign if, when asking for a grant of money as a marriage portion for a daughter, for example, some unseemly squabble arose from any want of courtesy to the House of Lords. But whether that be the explanation or not of messages being sent to both Houses on these occasions, I ask what in the world have these precedents to do with the introduction of such a measure as that now before the House? Does the fact that the two Houses in England have been asked on some occasions, the one to grant, and the other to concur in the grant of certain moneys, touch in any shape or form the power which this Bill proposes to confer on the Council of sending a message to the Assembly requiring it to take a certain item out of the Estimates, or otherwise the Council will not pass the Appropriation Bill? There is not the slightest analogy between the two things, and I am surprised at the Minister of Railways thinking he could impose on the House with precedents which have no relation whatever to the right of the Upper House to demand the excision of items from Supply Bills or Estimates. Have we ever seen the House of Lords claim any authority, on the strength of the messages referred to by the honorable member, to act in the way it is proposed to give the Legislative Council power to act? I defy any honorable member to point to one such case. I say it is an insult to the common sense of the Assembly and the community to assume for a moment that there is any analogy between the two things, and to base so important a measure, proposing such a radical change in our Constitution, upon two such flimsy precedents as those cited by the Premier and the Minister of Railways. I now come to the question why this Bill cannot possibly be accepted by the present Assembly. I find that no less than eight gentlemen now sitting on the Ministerial side of the House voted against this Norwegian scheme in 1874, and five of those made speeches against the proposal.

Mr. SHIELS.—The proposal is different now.

Mr. MIRAMS.—I admit it is different, and that the differences, as I shall show, are all against the liberal party. With reference to the Norwegian scheme, the honorable member for Barwon said—

> "While it is true that the Bill might entirely demolish the Upper House under some contingencies, it is equally true that it might entirely demolish this House under other contingencies. In fact, it is a dangerous Bill. . . . It is ridiculous to submit such a measure to any rational assembly."

The honorable member for Kyneton observed—

> "When I was before my constituents, I was compelled to say that I did not agree with the proposition of the Government—that I could not give my assent to it."

The Minister of Justice remarked—

> "I regard the Government as one commanding the respect of the whole colony. I feel confident that their loss will be severely felt by the whole country. I have several personal friends among them, and I warmly admire all of them. In fact, I would willingly sacrifice any less important principle for the sake of merely keeping them in office, but I am sorry to say that with the principle now in question no personal feelings can be allowed to interfere. It involves interests that if once taken away cannot be replaced, and therefore I am bound to act in strict accordance with the opinions I hold."

The Minister of Justice thus found himself, in 1874, in exactly the same position that the honorable member for Portland found himself in, last night—desirous of supporting the Ministry on personal grounds, but compelled to vote against them on account of the political principles contained in their Bill.

Mr. GAUNSON.—Do you contend that the Minister of Justice cannot have honestly changed his opinions?

Mr. MIRAMS.—Not in the least, but I would like him to be able to give a better reason for the change than we have heard yet. If the Minister of Justice had recollected his position in 1874, I think he would have been a little less severe than he was, last night, on the honorable member for Portland. In 1874, the Minister of Justice would have gone further than the then Government desired

to go, for, on the same occasion, he said he would take the right of rejecting Money Bills away from the Council altogether. Yet that honorable gentleman is now a member of a Government which brings in a Bill the effect of which would be to wipe away once and for ever the rights of this Assembly in connexion with the control of the finances of the country. The honorable member for Portland also made some remarks on the Norwegian scheme in 1874, but it is unnecessary for me to quote them, for, last night, the honorable member honestly admitted the whole of them, and stated that he was still prepared to carry out the principles he then enunciated. The honorable member for Boroondara (then member for St. Kilda) stated on the same occasion—

"I have said enough to show I am very anxious that this measure should not pass. I hope that, in spite of all they have said, the Ministry will be able to modify, if not eventually withdraw, such an ill-omened ill-considered project."

Upon the question of inconsistency, the honorable member observed—

"A good deal has been said during the debate about inconsistency. I think the less we say about that the better. I will leave honorable members to answer individually the charges of inconsistency. I, at all events, have not yet been unhappy enough to have committed myself."

Will the honorable member, after the division on the second reading of this Bill is taken, be able to congratulate himself upon still occupying that happy position? Will he be able to still pride himself upon the fact that among so many inconsistent men he is still consistent found? Will he be able still to say—"I thank Thee that I am not as other men"? The honorable member for Villiers and Heytesbury (Mr. Jones), then one of the members for Ballarat, remarked—

"The proposition of the Government is simply that henceforth the people of Victoria shall be deprived of the power of being the ultimate court of appeal, which the people of the mother country have, and which every English-speaking people all over the world enjoy. . . . Its founders——

That is of our Constitution.

"had an idea, than which nothing could be more utterly prejudicial to the existence of constitutional government, of founding an institution which should be representative of property. Why property above all things can defend itself, and needs no special institution to represent it. . . . Sir, I trust that this House will pause before it gives its assent to the proposition of the Government. Certainly it is not a cure for the evils of which we complain. It will certainly bring upon us unknown evils which no one can conceive, and known evils which every one can foresee. . . . And it is because I desire above all things to see a fair and substantial reform of the Constitution of this country that I will vote against the proposition of the Ministry."

I shall be glad to hear the honorable member, when he addresses the House, explain how the present proposal of the Government differs so greatly from that of the Ministry in 1874 that it will do all that the honorable member said the latter must utterly fail to accomplish. Again, Sir James (then Mr.) McCulloch said—

"I ask whether, in the case of a Money Bill, they would be prepared to refer it to the united body. I cannot gather whether they would do it or not; but I say the House would not intrust them with the power. I hope the House will not intrust any Government with such a power. I am astonished that honorable members should listen for a moment to such a proposal—that they can hear of it without scouting it."

And that was a mere proposal to submit money questions to the joint House—not going half the length of the present proposition, which is that the other Chamber shall have the right of telling the Assembly what items shall not be retained on the Estimates with a view to their inclusion in the Appropriation Bill. Sir, in the words of Sir James McCulloch, I am astonished that honorable members can hear of such a proposal without scouting it. I now come to consider the points in which the present Bill differs from that proposed by substantially the same Government in 1874. There are four main features in which the Bill differs from the previous one. It proposes to increase the number of members and to enlarge the franchise of the Council, to give the Council power to demand the excision of items from the Estimates, and the double dissolution. I ask in what way is any one of those proposals to benefit this Assembly, or the country at large which the Assembly represents? Is not the tendency of the proposals rather to make the Council more powerful than it is now? If it was dangerous, as the honorable member for Portland said six years ago, to bring down 30 gentlemen from the other Chamber to sit with 78 members of this House, how much more dangerous would it be to the liberties of the people and the rights of the Assembly to bring down 42 to sit with 86? The Ministry, in this measure, propose not only to empower the Council to sit with and override this House, but, for fear the existing number of members of the other Chamber would not be sufficient to accomplish the object of carrying the will of the Council as against

that of the Assembly, they propose to increase the number by 12. The honorable member for Portland, in the speech he made six years ago, by reference to all the principal divisions that had taken place in the Assembly on critical questions, showed that upon all those occasions, if the Norwegian scheme had been in force, the vote would have gone against the Assembly and in favour of the Council. And it must be remembered that the honorable member made his calculation on the basis of there being only 30 members in the Council, whereas this Bill proposes to increase the number to 42. This part of the Bill, therefore, I consider, must be condemned by the people of this country. The second proposal is to increase the number of electors for the Council. It appears to me that, when we come down to the real germ of the whole affair, it just amounts to this, that in future, instead of having government by two Chambers, representing different electors, occupying different positions, and with different powers, we shall absolutely have legislation by one Chamber alone elected upon an entirely different suffrage from any that at present exists, because half the electors of the colony will have the power to vote twice, while the other half will only have the right to vote once. That will even be a worse system of plural voting than the one which at present prevails. The honorable member for Richmond says he will support the measure because he believes it will give the franchise to all the married men in the colony. I agree with the honorable member that married men have more stake in the country than single men; but I do not agree with him that this Bill will give every married man a vote for the Council. I think the House has some ground for complaint that the Government have not furnished us with any information in relation to the basis of their calculations about ratepayers and other matters that are really of importance, and with which honorable members ought to have been supplied before they were called upon to debate the Bill. The Ministry have had three months to prepare the measure and work out the details of it, and, therefore, there is no reason why we should not have had more reliable information as to the number of persons who will be entitled to vote for the Council under the proposed new franchise. Yesterday I privately asked the Minister of Railways if he could supply me with the number of electors there will be in each of the proposed twelve provinces. The honorable gentleman promised to give me the information if he could, but to-day he assured me that he has not been able to get it—that he has not had time to attend to the matter. I have, however, got from the Premier a statement of the total number of ratepayers or properties rated in the twelve provinces, but it does not give the number of persons who will be entitled to vote under the Bill. Therefore, the information is not worth very much for the purpose of elucidating the point which I desire to bring out. It shows that the total number of names on the ratepayers' rolls for the twelve provinces is 190,000. Now it is proposed to give the franchise to 110,000, or, according to the honorable member for Richmond, to 114,000. I would like the honorable member to deduct from the 114,000 all the names which appear more than once on the rolls.

Mr. JONES.—Deduct them from the 190,000.

Mr. MIRAMS.—To ascertain what number of electors there will be we must take off a certain percentage for names which appear on the rolls more than once, but represent the same person.

Mr. WALKER.—My argument is that there will be 114,000 electors, irrespective of any names which appear on the ratepayers' rolls more than once. The repetitions must be deducted from the 190,000.

Mr. MIRAMS.—The return supplied to me by the Premier shows, not that there are 190,000 separate and individual ratepayers, but that 190,000 properties are rated. Out of that number it is assumed that 114,000 will confer the franchise under the provisions of the Bill; but a certain percentage ought to be deducted for persons whose names appear more than once, and who will accordingly be entitled to vote more than once. In other words, the 114,000 names do not represent 114,000 men, as many of them represent the same persons. If we could ascertain how many distinct individuals they represent, I believe it would be found that although nominally there will be 114,000 electors under the provisions of the Bill, in reality there will not be more than 100,000. There are about 260,000 adult males in the colony, so that, if the Bill becomes law, 160,000 of them will

have the right to vote for one House, and 100,000 will have the right to vote for both Houses. Therefore, I say, it is proposed to constitute a new House of Parliament, which will be elected by two distinct classes of electors, nearly half of whom will have a double vote; and yet we are asked to believe that a Parliament elected in this one-sided way will fairly represent the voice of the country. It astonishes me that a proposal of this sort is not immediately scouted by this House as unworthy of consideration. "It is," as the honorable member for Barwon said, in relation to the Norwegian scheme, "ridiculous to submit such a measure to any rational Assembly." The honorable member for Richmond defended the proposal to give the Council the extreme power contemplated by the Bill, on the ground that the Council passed the land tax, and passed it because it was in a separate measure. I fail to see what the two things have to do with each other. The Land Tax Bill was for raising revenue; but it is now proposed to enable the Council to interfere with a Bill for spending revenue after it is raised. I do not think it is proper for this House, under ordinary circumstances, to tack a measure for raising revenue to the Appropriation Bill; indeed, no honorable member, as far as I am aware, considers that is a proper thing to do except under the most extreme circumstances—under such circumstances as would induce the House of Commons to adopt the same course. While, on the one hand, I am not prepared to give up the right of the Assembly to make such a tack, on the other hand, I, for one, would not sanction that course unless I was fully convinced that, under similar circumstances, the House of Commons would do the same thing. I repeat that I entirely fail to see what the passing of the land tax by the Council has to do with the proposal to give the Upper House power to get items taken off the Estimates and placed in a separate measure instead of in the Appropriation Bill. The honorable member for Richmond, in speaking about the suffrage in England, seemed to me to somewhat mix up the restriction of the suffrage with the question of unequal representation. Honorable members have complained of unequal representation in connexion with this House, and we have cause to complain of it now. For instance, by what right does the honorable member for Portland sit in the House, returned by 425 votes, and possess as much power in making the laws of the country as I do, who was returned by 1,900 votes, or as the honorable member for St. Kilda (Mr. Harris), who was elected by over 3,000 votes? This is an illustration of some of the inequalities of representation in this country which ought to be remedied, but such inequalities have nothing to do with the restriction of the suffrage. All recent legislation in England affecting the suffrage has been in the direction of extending it and doing away with restrictions; and I believe that one of the first acts of the Gladstone Ministry will be to put the franchise in counties on the same footing as in boroughs. I desire to say a few words as to the remarks of the honorable member for Richmond about this House representing the country. Whatever other members may think, and whatever may be the opinion of certain journals which are supposed to advocate liberal views, it appears to me that the theory that this House represents the country is unassailable. The theory of the British Constitution is that the House of Commons represents the people of Great Britain, and therefore the theory of our Constitution is that the Legislative Assembly represents the people of this country. I admit that sometimes the practice does not come up to the theory; but, when that is the case, the House ought to be dissolved, in order that the practice may be brought into accord with the theory. Therefore, the argument of the honorable member, based on the position of affairs which prevailed in this House in 1876, does not apply, because subsequent events clearly showed that at that time this House did not represent the country, although in theory it was supposed to do so. Rather than start the theory that this House does not represent the people, and upon that build up some other theory, it would be far better to have annual Parliaments, or biennial Parliaments, or any other scheme to make the real fact accord with the theory on which our Constitution is based, namely, that the Legislative Assembly represents the people.

Mr. SHIELS.—You objected to annual Parliaments.

Mr. MIRAMS.—I do not say that I advocate annual Parliaments, or that I think they are necessary to make this House in practice harmonize with the theory that it represents the people; but,

I say, it would be better to have annual Parliaments, or biennial Parliaments, if necessary to bring the two things into accord, than to depart from the lines of the British Constitution by setting up the notion that this House does not represent the people. In objecting to money questions being remitted to a plebiscite, and demanding that the Assembly shall have supreme control over the finances of the country, I have done so on the ground that this House in theory represents the people; and I would adopt any measures that may be necessary to make it really represent the people rather than that the public finances should be thrown into disorder, as they inevitably would be if the Council had the power of compelling the Assembly to take items off the Estimates. It would be impossible for the government of the country to be carried on if financial questions—proposals necessary to provide for the current twelve months—were hung up for two years, and then decided by the result of a plebiscite or double dissolution. Money Bills do not come within the category of ordinary legislation. There appears to be no way out of the difficulty, in regard to Money Bills, except by adhering loyally to the principle that this House represents the country, that it is competent to deal with the finances of the country, and that it is trusted by the people to do so; and if, at any time, it does not really represent the country, some means should be taken, different from what is proposed by the Government, to make the reality and theory agree. Some honorable members talk about voting for the second reading of the Bill on the chance of altering it in committee; but what right have they to expect that the Government will consent to any material alterations being made in committee? The key-stone of the arch on which the measure rests is the provision by which the Council will have power to compel the Assembly to take any items off the Estimates it objects to or to go without an Appropriation Bill. Is it likely that the Government will consent to abandon that provision in committee? What will there be in the Bill to prevent dead-locks, which have been the great cause of all our difficulties, if that provision is struck out? Honorable members who vote for the second reading will, according to parliamentary practice and usage, affirm the principles of the measure, and they have no right to expect that the Government will stultify themselves by destroying those principles when the Bill is in committee. I am reminded that the Minister of Railways admitted that the Bill is really only waste paper, because he told us that if this House will only act with moderation there is no necessity for reform at all, and that without moderation it is impossible to work either the proposed Constitution or any other. We have been asked whether we are prepared to popularize the other Chamber. Speaking for myself—and I don't claim to speak for anybody else—I say that I am prepared to popularize the other Chamber. I am also in favour of a double dissolution, and of the two Houses sitting together. But I am in favour of these three things on conditions which I will state to the House, and not on the conditions contained in the present Bill. If the Government will bring down a Bill to divide the country into 120 electorates, each with an equal population, to provide that every electorate shall return one member to this House, and that the 120 members so elected shall have power to select from themselves one-fourth of their number to form the other Chamber, I shall be agreeable to popularize the other Chamber to that extent. I shall also be agreeable to a double dissolution, and to a joint sitting of the two Houses, if they cannot agree upon any Bill when sitting separately; because both Chambers will then be returned by the same body of men, and both will have co-equal powers and co-equal rights. I believe a measure of that sort would secure the almost undivided support of the people. Another provision, which is in operation in France, might be embodied in the Bill. There are two members, sitting in the Ministerial corner, whose votes have equal weight with those of any other members. Those two gentlemen are not only returned by small constituencies, but they do not even represent the majority of the electors who recorded their votes in those constituencies at the last election. In France no such anomalies are allowed. In the Reform Bill which I would like to see introduced, I would have a provision inserted that no man should sit in this Chamber unless he was elected by a majority of the votes polled in his constituency. If there were three candidates in a constituency, and not one of the three got a majority of the total number of votes

polled in that constituency on the day of election, I would make the lowest on the poll stand aside, and let the other two fight out the contest next day. I don't think we are called upon to make any provision for the benefit of those electors who do not take the trouble to record their votes, but it is a shame that, through the defectiveness of our electoral system, a candidate may be elected to represent a constituency although only a minority of the votes actually polled are recorded in his favour. Let us do away with this anomaly, by adopting the plan which I have briefly sketched. In conclusion, I would ask those honorable members who contemplate voting for the second reading of this Bill, to pause and consider well before they perform an act which, if once done, can never be undone. I venture to say that, if they vote for the measure, their names will go down to posterity as those of men who, for the sake of a mere paltry party triumph—for the sake of keeping out of power what they choose to call "the Berry mob"—were willing to sacrifice the interests of this country and the interests of their children, and to tread upon the privileges they have inherited and which they hold in trust for those who will come after them.

Mr. JONES moved the adjournment of the debate.

Mr. GAUNSON, in seconding the motion, remarked that, though the House had recently been elected to deal with the burning question of reform, and had only been in session three weeks, yet during the greater portion of the debate that evening hardly 20 members were present. When a member of the Opposition rose to address the House, the members on the Ministerial side cleared out of the chamber, and *vice versâ*. Such conduct was discreditable, and he trusted it would not occur again.

The motion for the adjournment of the debate was agreed to, and the debate was adjourned until Tuesday, June 8.

The House adjourned at seven minutes past eleven o'clock, until Monday, June 7.

LEGISLATIVE ASSEMBLY.

Monday, June 7, 1880.

Woods' Railway Brake - Proposed North-Western Canal Scheme—Payment of Members Bill: Second Reading.

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

WOODS' RAILWAY BRAKE.

Mr. NIMMO asked the Minister of Railways when the return ordered by the House in relation to the expenditure by the Railway department on Woods' automatic continuous brake would be placed on the table?

Mr. GILLIES remarked that particulars were being obtained to render the return as complete as possible, and it would be ready for presentation to the House very shortly.

NORTH-WESTERN CANAL.

Mr. GAUNSON observed that there was a quantity of correspondence relating to the North-Western Canal scheme, which had been printed by the Government, and he desired to know whether the Premier would have the printed matter circulated for general information? He believed the correspondence consisted of about 60 or 70 printed pages.

Mr. SERVICE stated that there was a very voluminous document relating to this scheme, which was printed—he was informed by the Government Printer—by order of the late Government; 750 copies were now in the Government Printing-office, and the papers would be laid on the table if the House made an order for their production.

PAYMENT OF MEMBERS BILL.

On the order of the day for the second reading of this Bill,

Mr. R. M. SMITH said—I desire to know from the honorable member who has charge of this Bill whether he intends that it shall proceed beyond the second reading to-night? The Bill has only been placed in the hands of honorable members since the last meeting of the House, and it involves quite a new principle, so that honorable members may desire to move amendments in it in committee.

Mr. WILLIAMS.—Mr. Speaker, in rising to move the second reading of this measure, I may as well reply to the question of the honorable member for Boroondara at once. I desire to see the Bill carried through all its stages, as far as this House is concerned, to-night. I do not believe in the question being kept hanging, like Mahomet's coffin, between heaven and earth, so that no one knows what may become of it. I am extremely glad that honorable members, in coming to deal with this Bill, have now been elected three or