

VICTORIA.

PARLIAMENTARY DEBATES.

First Session of the Twelfth Parliament.

LEGISLATIVE COUNCIL.

Tuesday, February 27, 1883.

Opening of Parliament by Commission.

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

At noon, the Clerk of the Parliaments (Mr. J. Barker) read the following

PROCLAMATION.

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

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

the said Assembly, by Proclamation or otherwise, whenever he should deem it expedient: And whereas the said Council and Assembly are called ‘The Parliament of Victoria,’ and it is expedient to fix the time for holding the next session thereof: Now therefore I, the Governor of Victoria, in exercise of the power conferred by the said Act, do by this my proclamation fix Tuesday the twenty-seventh day of February instant as the time for the commencement and holding of the next session of the said Council and Assembly, called ‘The Parliament of Victoria,’ for the despatch of business, at twelve of the clock at noon, in the Parliament Houses, situate in Parliament-place, Spring-street, in the city of Melbourne; and the honorable the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

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

“NORMANBY.

“By His Excellency's command,

“J. M. GRANT,

“Chief Secretary.

“GOD SAVE THE QUEEN!”

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

The members of the Assembly having appeared at the bar,

The CHIEF JUSTICE said—Honorable Gentlemen of the Legislative Council

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

The letters patent having been read by the Clerk,

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

The Commissioners and members of the Legislative Assembly then withdrew.

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

DECLARATIONS OF QUALIFICATION.

The following members delivered to the Clerk the declarations required by the Act No. 702:—The Honorables the President, R. S. Anderson, J. Buchanan, Sir W. J. Clarke, T. F. Cumming, F. S. Dobson, J. G. Dougharty, J. Graham, C. J. Ham, P. Hanna, W. E. Hearn, C. J. Jenner, J. Lorimer, F. Ormond, W. Pearson, F. Robertson, F. T. Sargood, D. C. Sterry, J. A. Wallace, J. Williamson, and W. A. Zeal.

NEW MEMBERS.

The PRESIDENT announced that a writ which he had issued for the election of a member for the Nelson Province (in the room of Sir Charles Sladen, resigned) had been returned, showing that Mr. H. H. Wettenhall had been duly elected; also that he had issued a writ for the election of a member for the North Yarra Province, in the place of Mr. T. J. Sumner, whose seat had become vacant by reason of his having, without permission of the Council, failed to give his attendance for one entire session.

The House adjourned at a quarter past twelve o'clock, until five minutes to two o'clock p.m., on Thursday, March 1.

LEGISLATIVE ASSEMBLY.

Tuesday, February 27, 1883.

Swearing of Members—Election of Speaker.

Proceedings commenced at noon precisely, by the Clerk of the Assembly (Mr. G. H. Jenkins) reading the Governor's proclamation convoking Parliament.

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

The members present, accompanied by the chief officers of the House, at once proceeded thither. On their return, His Honour the Chief Justice (Sir W. F. Stawell), one of the Commissioners, was introduced, and took his seat to the right of the table.

The letters patent appointing the Chief Justice to administer the oath of allegiance were then read, and the members present were sworn in the following order:—

Ararat	William McLellan
Avoca	{ J. M. Grant
	{ Thomas Langdon
Ballarat East	{ James Russell
	{ John James
	{ W. C. Smith
Ballarat West	{ Henry Bell
	{ G. R. Fincham
Barwon	J. F. Levien
Belfast	J. J. Madden
Benambra	P. B. Wallace
Boroondara	W. F. Walker
Bourke, East	Robert Harper
East Bourke Boroughs	C. H. Pearson
Bourke, South	John Keys
Bourke, West	{ Alfred Deakin
	{ S. T. Staughton
Brighton	Thomas Bent
Carlton	John Gardiner
Castlemaine	{ J. B. Patterson
	{ James Service
Collingwood	{ G. D. Langridge
	{ James Mirams
	{ Thomas Cooper
Creswick	{ Richard Richardson
	{ J. H. Wheeler
Dalhousie	J. Gavan Duffy
Delatite	J. H. Graves
Dundas	C. M. Officer
Emerald Hill	{ John Nimmo
	{ Robert Macgregor
Evelyn	E. H. Cameron

Fitzroy ...	{ A. L. Tucker
Footscray ...	{ R. D. Reid
Geelong ...	{ W. M. Clark
Gippsland, South...	{ George Cunningham
Grant ...	{ J. H. Connor
Grenville ...	{ Graham Berry
Kara Kara ...	{ F. C. Mason
Kilmore and An-	{ John Rees
glesey ...	{ Peter Lalor
Kyneton Boroughs	{ D. M. Davies
Maldon ...	{ Alexander Young
Mandurang ...	{ J. L. Dow
Maryborough and	{ Thomas Hunt
Talbot ...	{ Charles Young
Melbourne, East ...	{ John McIntyre
Melbourne, North...	{ Hugh McColl
Melbourne, West...	{ B. J. Fink
Mornington ...	{ Robert Bowman
Normanby ...	{ G. S. Coppin
Ovens ...	{ E. L. Zox
Portland ...	{ John Laurens
Richmond ...	{ J. M. Rose
Ripon and Hampden	{ James Orkney
Rodney ...	{ Charles Mac Mahon
Sandhurst ...	{ James Gibb
Sandridge... ..	{ William Shiels
St. Kilda ...	{ George Billson
Stawell ...	{ G. B. Kerferd
Villiers and Heytes-	{ H. J. Wrixon
bury ...	{ Joseph Bosisto
Warrnambool ...	{ Charles Smith
Williamstown ...	{ W. H. Uren
Wimmera... ..	{ Duncan Gillies
	{ James Shackell
	{ Robert Burrowes
	{ Robert Clark
	{ John Quick
	{ F. T. Derham
	{ Joseph Harris
	{ M. H. Davies
	{ John Woods
	{ James Toohey
	{ J. G. Francis
	{ A. T. Clark
	{ Walter Madden
	{ Richard Baker

The following were absent:—

NAME.	ELECTED FOR
Allan McLean	{ North Gippsland
Albert Harris	
Thompson Moore	{ Mandurang
Charles Yeo	
William Robertson	{ Polwarth and South
	{ Grenville
William Anderson	{ Villiers and Heytes-
	{ bury

The following, though present, were not sworn in consequence of the non-return of the writ of election:—

NAME.	ELECTED FOR
G. W. Hall	{ Moira
Henry Bolton	

On the completion of the ceremony of swearing members, the Chief Justice quitted his seat, bowed to the House, and retired.

ELECTION OF SPEAKER.

Mr. SERVICE rose, and, addressing the Clerk of the Assembly, said—Mr. Jenkins, I beg to move that Mr. Lalor do take the chair of this House as Speaker, and, in doing so, the task before me is a very easy and simple one. I do not require to bring under the notice of the members of the House the qualifications for the position which Mr. Lalor possesses, because he is an old Speaker, and almost every one of us knows his qualifications. He has shown himself in times that have passed to be exceedingly fitted to repress every disorder, and to conduct himself generally with that firmness which it is necessary that the Speaker of a deliberative Chamber such as this is should possess; and, as far as my personal knowledge is concerned, I think that his conduct generally has been marked by courtesy as well as firmness, both of which qualities are absolutely requisite for a man to fill the post of Speaker with honour to himself, and satisfaction to the House. I therefore beg, without further observation, to submit Mr. Lalor's name as Speaker.

Mr. BERRY.—Mr. Jenkins, I have great pleasure in rising to second the nomination of Speaker made by the honorable member for Castlemaine (Mr. Service). I quite endorse the remarks of the honorable member in regard to the general approval of Mr. Lalor's conduct while he was Speaker in the last Parliament. I had the pleasure and honour of proposing him for that position, and I then prophesied, from the knowledge which I had of him personally, and from the knowledge which I had of him as Chairman of Committees, that he would make a most excellent Speaker; and I think I express the sentiments of both sides of the House when I say that his conduct in the chair was all that was expected from him, and all that this House could require from its Speaker. I have great pleasure in seconding the proposal that Mr. Lalor do again take the chair.

No other nomination being made,

Mr. LALOR rose in his place, and said—Mr. Jenkins, I desire to express my thanks to the House for the honour which it is proposed to confer upon me, and especially to the honorable members who have nominated me for the flattering manner in which they have done so. I submit myself to the will of the House.

Mr. Lalor was then conducted by his proposer and seconder to the chair, on reaching which

The SPEAKER said—I thank the House for the high honour conferred upon me; and beg to convey my humble acknowledgments. Before taking the chair, I wish to express my gratification at having as Clerk of the House a gentleman who has rendered such valuable assistance to me and the House in the past.

Mr. GRANT.—Mr. Speaker, in the absence of my colleague, the Premier, the duty has somewhat unexpectedly fallen on me of conveying to you the congratulations of the House upon the high honour you have attained of being elected for the second time to take the chair as Speaker. I think that those of us who had the privilege of sitting in the last Parliament know well the manner in which the privileges, the honour, and the dignity of this House were maintained by you. I am sure that I express the feeling of all the members of the House when I say that I can promise on their behalf that you will have our most cordial support in the discharge of your high functions. There is not one of us who does not feel that the honour and dignity of the House are as important to us as they are to yourself, and that that honour and dignity can only be maintained by our most cordially supporting the chair. I assure you, Mr. Speaker, that I convey the heartfelt desire of every member of the House when I wish you health and prosperity, and long life to preside over our deliberations in the same manner in which you have presided over them in the past.

Mr. SERVICE.—Mr. Speaker, I desire in a few words to congratulate you most heartily on the unanimous appointment you have received to the chair of this House.

Mr. GRANT announced that His Excellency the Governor would receive the Speaker and such members as chose to accompany him, at the Government Offices, on the following day, at two o'clock p.m.

The House adjourned at eight minutes past one o'clock p.m., until Thursday, March 1.

LEGISLATIVE COUNCIL.

Thursday, March 1, 1883.

State Opening of Parliament by the Governor—Nelson Province Election—Privileges of Parliament Bill—Address in Reply to the Governor's Speech—Chairman of Committees.

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

DECLARATIONS OF QUALIFICATION.

The following members delivered to the Clerk the declarations required by the Act No. 702 :—The Honorables F. E. Beaver, G. F. Belcher, J. Bell, J. Campbell, N. Fitzgerald, W. McCulloch, G. Meares, D. Melville, W. E. Stanbridge, N. Thornley, and G. Young.

STATE OPENING OF PARLIAMENT.

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

The members of the Legislative Assembly having been summoned,

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

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

“MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

“The requisite provision for the public service of this year remains still to be made. It is not necessary to call your attention to the variety of causes which have brought about this delay, but, in view of this pressing circumstance, I have felt it my duty to summon Parliament together for the despatch of public business as soon as possible after the elections have taken place.

“MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

“The Estimates of Expenditure for the year will be laid before you at once, and it will be imperative at the earliest possible period to make adequate provision for the public service. These Estimates will, I have no doubt, receive your immediate and careful consideration,

"It will also be necessary to lay before you a Temporary Advances Bill to authorize the Treasurer to make further advances towards carrying on public works already sanctioned by the Legislature.

"I am enabled with much gratification to congratulate you on the satisfactory condition of the public finances. The revenue, as shown by the published returns, has been steadily increasing, and has, during the first eight months of the present financial year, exceeded the proportionate part of the estimates of revenue laid before the late Parliament.

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

"MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

"It is deemed by my advisers desirable that this session of Parliament should be principally occupied in making due provision for the services of the year, thus enabling Ministers, after a brief recess, to meet Parliament, in accordance with the constitutional practice, at the proper time for the introduction of the Estimates for the ensuing financial year, when the numerous and important measures which they brought before the late Parliament will be introduced. In such second session, which might thus reasonably commence after Easter, the Amending Land Bill, the Railway Construction Bill, and the Amending Water Conservation Bill would be pressed forward for your early consideration.

"The continuation of expiring laws, including the Drawbacks Act and the Act to reimburse members of the Legislative Assembly their expenses in relation to their attendance in Parliament, will also be a matter of urgency to be considered during this session.

"The prosperity which the colony has for some time enjoyed happily continues to exist. The construction of the great public works of the colony has been vigorously pushed on. Labour has been fully employed and capital has been earning good returns. It is to be

hoped that this happy state of things may continue, and I trust that under the blessing of Divine Providence your counsels may be guided to the advancement of the public welfare."

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

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

NEW MEMBER.

Mr. H. H. Wettenhall was introduced and sworn as one of the members for the Nelson Province. He presented to the Clerk the declaration required by the Act No. 702.

PRIVILEGES OF PARLIAMENT BILL.

The Hon. F. S. DOBSON moved, without notice, for leave to introduce a Bill to preserve the privileges of Parliament.

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

THE GOVERNOR'S SPEECH.

ADDRESS IN REPLY.

The House proceeded to the consideration of the speech delivered by His Excellency the Governor to both Houses of Parliament.

The Hon. H. H. WETTENHALL moved—

"That a committee be appointed to prepare an address in reply to the speech of His Excellency the Governor."

The Hon. N. THORNLEY seconded the motion.

The Hon. W. E. HEARN moved, as an amendment, the addition to the motion of the following words :—

"And that it be an instruction to such committee to include in their draft of the address an expression of regret on the part of this House that Parliament has been dissolved without the passing of an Appropriation Act."

He said—Mr. President, in proposing this amendment, I wish to say that I have brought it forward at this particular time, and in this particular way, first, because I desire to afford the House an opportunity of distinguishing between the substance of my proposition and the form of words in which it is expressed, and also of giving the subject further consideration when it is brought up by the committee in their report ; and, secondly, because I want most strongly to avoid as far as I can even the appearance of moving an amendment on the actual address

in reply to the Governor's speech, a course usually regarded as one of a character hostile to the Government of the day. As a matter of fact, I am not actuated in the slightest degree by any hostility to the present Government, or wish to increase in the smallest degree the difficulties of their position. Nor do I aim at reflecting in any way upon any other person connected with the subject my amendment refers to. It appears to me likely that nothing has taken place beyond a mere oversight, or error in judgment, to either of which we are all naturally liable. But nevertheless, and although probably no practical inconvenience has arisen from the action that has been taken, the principle involved in it is so important, and the dangers arising from the precedent it may set are so considerable, that I deem it necessary to ask honorable members to express an opinion upon the course that has been pursued. There need not perhaps be any fears on the point so far as the present time or possibly a few years hence is concerned, but some day we may have a Ministry in whom this House is not disposed to place confidence adopting a similar line under circumstances highly detrimental to the public interest. In such a case, if the Council were for the first time to offer a remonstrance, what would be said? We would at once be told—"You have before you the precedent of 1883, when under similar conditions you allowed the same thing to pass without a single word of protest; how then can you attack to-day what you agreed with then?" Therefore I think this House should proceed forthwith to place on record its sense of the impropriety of the course that has been followed. That a grave and serious principle is involved in the present question must, I imagine, be admitted by every honorable member. It is distinctly laid down in the Constitution Act—the Act under which we exist and by which we must be guided—that the public moneys must be appropriated to some distinct and specific purpose by an Act of the Legislature. Nothing but an Act of the united Legislature, of which we form a part, can authorize the expenditure of the public moneys. What I mean is that those moneys cannot be legally spent in any other way than by means of an Appropriation Act appropriating the funds to specific objects. It is very remarkable that not one word is to be found in the Constitution Act respecting what are called interim Supply Bills. At the same time, the conveniences if not the actual necessities of the case have induced this House to agree as a regular

thing to follow the practice of the English Legislature, namely, to allow payments of public moneys to be made on account. Indeed it is not too much to say that the exigencies of the public service absolutely require that payments on account should be made. Under our present system, according to which Parliament continues in session during nine or ten months of the year, it would be impossible to carry on the government of the country unless some such arrangement was entered into. Most honorable members must be familiar with the ordinary course of these interim Supply Bills. Under them very large sums are passed by Parliament in a very summary way, but this House agrees to that plan with the clear understanding that all accounts in connexion with such Bills will be finally settled in the course of the session. Both here and in England the understanding is that the public moneys so paid will have to be finally accounted for before the end of the session is reached, the whole of the payments being covered by an Appropriation Act wherein every separate sum is applied specifically to a certain definite purpose. In truth, the Council consents to interim Supply Bills under two conditions. The first is that the money they refer to must be granted for services voted by the Assembly in the current session. That is, we must know that the Assembly has taken the subject into its consideration, and quite satisfied itself that the expenditure will be all that it ought to be. We must be assured that the matter has been fully inquired into by the other branch of the Legislature, and then we are content to accept its action on the point. There is also this second condition, that the payments on account will be finally settled for and made up, to comply with the terms of the Constitution Act, in the course of the current session. Then it should be observed that temporary Supply Bills are, from the nature of the case, strictly limited, and that at the end of the session in which they are passed into law they expire, and cease to have any effect. The process of reasoning by which that conclusion is reached I need not inflict on the House, because it is well known to all who have paid any attention to the subject. The Supreme Court of the colony has actually decided that, when a session of Parliament terminates, every interim Supply Bill passed during its currency ceases to have any operation whatever. How then are we now placed, the session having ended without the

passing of an Appropriation Act? The country looked to us to consent to the appropriation of certain moneys, and we have not performed that duty. We have simply allowed certain amounts to be paid on account, and not taken care that the account should be made correct. Therefore we are in an extremely awkward predicament. In order to meet the necessities of the public service we agreed to the expenditure of very large sums of money, we did so on the assurance that the necessary Appropriation Act would be passed at some time during the session, and now we find the session brought to an end without that having been done. Under these circumstances, I humbly conceive that we stand in a distinctly false position, inasmuch as we are made parties to a distinctly illegal act, and that we ought to institute some inquiry into how that state of things has been brought about. I have no desire to express in any way an opinion on the late dissolution in other respects, or to interfere to the slightest extent with the prerogative of the Crown as to dissolutions. What I object to is not the dissolution, but the absence of an Appropriation Act. It having pleased the representative of the Crown to agree that the longer continuance of the late Assembly was unadvisable, he thereupon exercised his undoubted discretion in the matter, and were I a member of the Assembly I would feel certain consequences of his act, but with all matters of that sort we in the Council have nothing whatever to do. The other House is, indeed, quite able to take care of itself. All we are concerned for is the principle that no dissolution ought to have taken place until the honorable understanding to which we were parties had been carried into full effect—that is to say, that the dissolution should have been preceded by a distinct appropriation of Supplies. This is a matter with respect to which the practice of the English Legislature may be said to be uniform. At all events there has not occurred during the present reign a single case in which a dissolution has taken place without an Appropriation Act to a certain extent. Whether the Act in question related to an entire year or to a shorter period is another matter. In 1841, when Sir Robert Peel carried a hostile vote against the then Ministry, Supplies were granted under an Appropriation Act covering from three to six months, and the same practice was followed in 1857 and 1859. I repeat that under the modern constitutional practice no dissolution has, I believe, taken place

until proper Supplies had been granted by means of not one or more mere interim Supply Acts, but a regular Appropriation Act, under which Parliament distinctly appropriated the public money to certain specific purposes, the reason for the arrangement being the fact that temporary Supplies cease to have any force directly the session concludes. Ministers can be authorized to spend public moneys after the prorogation of Parliament only by a permanent grant of the nature of an Appropriation Act. No Speaker of the House of Commons would think of allowing a regular appropriation clause to be introduced into a temporary Supply Bill. It is quite true that, in the course of a century, there have been three dissolutions of the English Parliament without an Appropriation Act, but in each instance—in 1783, 1807, and 1832—it so happened that money was available out of certain parliamentary appropriations or from other causes. In no case whatever, as far as I know, has any attempt been made to carry on the Queen's Government in England merely by means of Supply Bills. The point upon which I am dwelling does not now arise in the colonies for the first time. Six or seven years ago the matter was discussed at considerable length in New South Wales, and Sir Hercules Robinson, then the Governor of that colony, wrote to the Secretary of State for the Colonies, asking him to obtain the opinion on the point of the then Speaker of the House of Commons—Mr. Brand—and also of Sir Erskine May, the Clerk of the House. The matter will be found dealt with in Mr. Todd's work *On Parliamentary Government in British Colonies*, in which there occurs the following extract:—

“Pending the recurrence of a similar emergency, Governor Robinson was desirous of obtaining advice from competent constitutional authority in the mother country. . . . In his reply, dated December 15th, 1877, the Secretary of State for the Colonies (Earl Carnarvon) expressed his approval of Governor Robinson's endeavour to check the irregular practices of ‘delaying to obtain Supply, and of carrying on the government either without Supply or upon temporary Supply Bills,’ and his hope that the colony would become alive ‘to the danger of practices which are inconsistent with the true spirit of representative government.’”

That is the view expressed by the Secretary of State for the Colonies, and it was supported by Sir Erskine May in these terms:—

“To dissolve Parliament before provision has been made for the public service is so serious an evil that the Governor is entitled to the highest credit for his endeavours to discourage such a practice, and I have no doubt he will continue to discourage it by every means in his power.”

To this Mr. Speaker Brand added—

"I have carefully gone through the papers, and I concur generally in the substance of Sir Erskine May's report upon them."

Thus these several authorities unite in declaring the course in question to be entirely irregular, and one that ought not on any account to be followed. Under such circumstances, I consider that I have some justification for bringing under the consideration of the House the amendment I have just submitted. It may, and no doubt will, be urged that the late dissolution did not take place until provision had been made for the wants of the public service, but the answer to every contention of that sort will be that that provision was not made in the regular and proper way. Practically it was made under the authority of temporary Supply Bills—the course described by Earl Carnarvon as "inconsistent with the true spirit of representative government." What is the practice in England when it is deemed desirable that a dissolution should take place? Invariably that funds for carrying on the government of the country are supplied to the Crown by means of a proper Appropriation Act, the reason for that course being that the moment the session closes the moneys already voted on account are no longer available. So that, we being under the same rule, when the Victorian Parliament was dissolved on the 30th January, all the money previously granted under Supply Bills for the service of 1882–3 ceased to be legally disposable for any purpose whatever. Even supposing that the funds granted under the Supply Bill passed late in December were drawn out of the public account before the 30th January, they could not, after that date, legally remain in the hands of the Government, or be properly applicable to the purposes for which they were originally intended. I dare say some error arose in the matter I am referring to from the provisions of the Audit Act not being properly considered. That Act provides the means by which moneys can be taken for the public service out of the public account, and the arrangement is a very elaborate one. The Treasurer issues a certain warrant, which he sends to the Audit Commissioners for their counter signature, to certify that the money mentioned is legally available, and the document is then forwarded to the Governor, who is the party to authorize the banks in paying out the public funds deposited with them. His signature, in fact, gives the banks security in the transaction. What is the course that has

been pursued in the present instance, and how will it eventuate? Mind I am speaking on assumption merely. I conjecture that on or about the 28th January, by which date the payments due in that month for the public service were no doubt all made, the Treasurer issued a warrant covering the payments due in February, and that the Audit Commissioners certified that the money was legally available. Such a certificate could then be rightly given, because the funds in question were at the time unquestionably available. But what follows? That when the receipts for the payments made in the course of February, by the different paymasters, to the creditors of the Government come to be re-examined by the Audit Commissioners, they will be called upon to certify that the money so paid was at the time of payment legally available for the purpose, and that they will find matters standing in rather a peculiar way. It is perfectly true that the money was legally available on the 28th January, but it is equally true that it was not legally available on say the 28th February. Consequently the Audit Commissioners will have to surcharge the Treasurer to the extent of the payments illegally made. I don't know that this phase of the proceeding has come under the consideration of the Government. At the same time I have no doubt that the Audit Commissioners will do their duty, and it seems to me correspondingly certain that, if they take the view I have indicated, they will surcharge the Treasurer in the manner I have described. Should they fail to do so, I fancy it will be worth the while of this House to make some inquiry into the affair, and also to consider whether the existing legislation on the subject is sufficient—whether, in fact, it is desirable that it should be possible, on the dissolution or prorogation of Parliament, for the Government to get any amount of Supplies handed over to them, for the time being, to expend pretty much as they like. The subject is rather too serious to be passed over without the fullest examination and sifting. Nevertheless the point last touched upon is not the one I most desire to press at this moment. Indeed I put it merely in anticipation of an argument on the question which I think will be urged, because I have seen it stated in some of the newspapers, apparently with authority, as one on which the Government rely. What I am now saying is altogether irrespective of the convenience or inconvenience of the dissolution. I object to the dissolution because there was, at the time, no proper Appropriation Act, and

Hon. W. E. Hearn.

whether the consequence of there being no such Act has been a little more or a little less convenience is entirely ulterior to the reasoning I am endeavouring to lay before honorable members. I contend that we cannot be too careful in the matter of the checks imposed on the Government with respect to the paying out of the public funds. It is absolutely necessary in this country—our experience fully confirms the view—that we should be rather over-particular than otherwise in dealing with the public moneys. We must strictly follow out the terms of the Act relating to their management under which we are bound to proceed, and those terms are, not that money should be given at random for the Government to do as they like with, but that the consolidated revenue should be appropriated to special and specific purposes, and that the appropriation should take place under the authority of an Act of Parliament. The practice of granting public money under Supply Bills without an Appropriation Act is not compliance with those terms. Under these circumstances, I think that the present time, when no serious practical inconveniences have arisen from the proceeding I refer to, and there is no need to ascribe any evil intention in the matter to any one—because the gist of my complaint is that a mere oversight has occurred, or a mere error of judgment has been committed—affords us an excellent opportunity for endeavouring to insist that the ordinary course in such matters which is pursued in England, and declared by the highest authorities on the subject to be correct, shall in future be scrupulously followed in this country also.

The Hon. F. S. DOBSON.—Sir, with a great deal of what the honorable member (Dr. Hearn) has said I cordially agree; but, on the other hand, there are considerations which occur to me that convince me of the duty of opposing his proposition, and, if necessary, of proceeding to a division on the point. In the first place, the honorable member relies upon a long series of cases of the ordinary practice in England, and these he considers have the force of law, but he himself has told us of exceptions which have existed—notably that in 1831—and, therefore, the course which was taken by the Government on the present occasion was not without precedent. That fact in itself seems to me to be a sufficient excuse or justification for the course which has been pursued. As long as a parliamentary precedent can be pointed out for the taking of a certain course, that is known

to be a justification for pursuing any course under any circumstances which ordinarily arise. The honorable member has said that there were no legal means of making payments, if not for the first at all events for the second month of the present year; but honorable members of this Chamber must recollect that they themselves were parties to the very Supply Bill of which Dr. Hearn has spoken, and that Supply Bills are always passed upon certain votes which have been granted in the Legislative Assembly. Consequently there is virtually just as much appropriation, in actual practice and effect, of all the money included in a Supply Bill as if there were a regular Appropriation Act passed. With regard to the case which occurred in 1831 to which Dr. Hearn has alluded, *May* says, referring to Exchequer Bills—

“By these enactments immediate effect is given to the votes of the Commons, but there is still an irregularity—

It will be seen that he does not even put it higher than an irregularity.

“in proroguing or dissolving Parliament before an Appropriation Act has been passed, since by such an event all the votes of the Commons are rendered void, and the sums require to be voted again in the next session before a legal appropriation can be effected.”

Honorable members will see that *May* does not put this as a case of conflict of privilege between the two Houses at all, but merely as an irregularity, because it imposes on the House of Commons the double duty of revoting what has been already voted. I would ask Dr. Hearn whether he can point to any protest by the House of Lords against such irregularities similar to that which he wishes this House to adopt? I am not, I am sorry to say, so familiar with constitutional law as the honorable member who has delivered a carefully prepared address upon this question, and this debate also comes upon me by surprise. I would have liked, however, to hear the honorable member instance some case from the journals of the House of Lords to show that that Chamber upon such occasions as that now in question—and, according to his own admission, several have occurred in England—thought it necessary to make a protest in order to secure their privileges in the future. I can only suppose from the honorable member's silence on that point, in a speech which was evidently carefully prepared, and for which we are all extremely indebted to the honorable member, that the House of Lords have never taken any such step in vindication of their presumed rights. We

have a right to assume that, on the occasions which the honorable member has referred to, they regarded the matter as one which really did not affect them, and therefore took no notice of it. In so far as the assent of this House has been already obtained to a Supply Bill, and that Supply Bill is based upon actual votes of the Assembly, this House has actually assented to the expenditure of the money, and the Audit Commissioners are justified in certifying that it is legally available. I confess I see nothing in the point raised by the honorable member at all except the possibility of this Chamber raising a fight with the Assembly, in which we would most certainly be worsted. In fact the honorable member's proposition asks this House to interfere in a question of finance in which we have no right to interfere, inasmuch as we have given up our rights by assenting to the Supply Bill, under which payments are being made this very day. But there is another and a greater point to be considered in connexion with this matter, and I would ask honorable members, before following Dr. Hearn in the proposition he has submitted, to pause and consider where they are going. We are asked to tell the Governor that he has acted unconstitutionally. We are requested to go to one of the greatest constitutional authorities that has ever been in charge of a colonial government, and to tell him that he does not know his business. I, for one, am not prepared to put myself up as a censurer of His Excellency's law on this point, and I have yet to learn that the prerogative of the Crown to dissolve Parliament is curtailed in any way by any Act of Parliament wherein it is not expressly cut down and curtailed in so many words. Is it to be said that Her Majesty cannot dissolve Parliament at any moment she pleases or that her representative in this colony cannot do likewise? Is it contended that Parliament might wilfully delay and prevent Her Majesty in England or her representative here from dissolving Parliament simply by saying "We will not pass the Appropriation Act"? It seems to me that we are really asked to take up an absurd position. We are asked to attack the prerogative of the Crown. These are some of the points which occur to me on the spur of the moment—I was, as I have already said, quite unprepared for this debate—and I really think that we would be acting disloyally if we challenged Her Majesty's right to dissolve Parliament whenever she chooses. We would make ourselves ridiculous by

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asserting that our mere abstaining from passing the Appropriation Act is to stop a dissolution. Say His Excellency signifies his intention of dissolving Parliament on a certain day which we are all made aware of. The Appropriation Act, we know, is usually the last Act of the session. His Excellency is waiting in the President's room for the third reading of the Bill; a debate is got up, and we say "We won't pass the Bill." Are we to tell His Excellency—"You may go back to Government House; you cannot dissolve Parliament; we have stopped the Royal prerogative you are here to administer, because we do not choose to pass the Appropriation Bill"? Are honorable members willing to take up such a position as that? Are they going to present an address to His Excellency to-morrow, containing such arrogant nonsense? I certainly would not be present on such an occasion. I would feel it necessary to abstain from making myself a party to what I believe to be utterly wrong in constitutional law, although I speak with all deference to the admitted knowledge of Dr. Hearn.

Dr. HEARN.—I never said or thought that any legal restraint was put upon the power of the Crown to dissolve.

Dr. DOBSON.—I am very glad to hear the honorable member's statement, although it seems to me that that was the main point on which he relied—that it was almost illegal to dissolve without an Appropriation Act. As I have already said, the existence of the precedents which have been admitted is a sufficient justification of the course which was taken on this occasion, and I further contend that this House has already been a party to these particular votes. In fact, if this House had not been a party to them, the Audit Commissioners could not certify that the money was available. I ask honorable members what earthly advantage is to be gained by passing this amendment? The irregularity referred to by Sir Erskine May in the passage I have read is one of which the House of Commons only has to complain—not the House of Lords, which has nothing to do with the matter. If the House of Commons, or the Legislative Assembly here, chooses to take a step which necessitates it doing over again work which it had already done in a previous session, that is its own lookout, and not a matter affecting the Upper Chamber which has the Exchequer Bills or Supply Bills which it has agreed to as its security. In the absence of any records of the House of Lords showing that that Chamber has ever taken such a course as is

now proposed, I think it would be establishing a dangerous precedent for us to adopt the amendment submitted, and I would hardly have fancied that the honorable member (Dr. Hearn) would ask this House blindly to establish a new precedent without warning honorable members that they would be doing so. If this House objected to the payment of moneys under a Supply Bill it was competent for it to reject the Bill, but, the Supply Bill having been passed by both Chambers and having received Her Majesty's assent, how can we now say that there is no money legally available under that measure for the payment of the various services of the Government? For all these reasons, I trust honorable members will pause before being led away by the eloquence and crudition of the honorable member.

The Hon. R. S. ANDERSON.—Mr. President, it is true that Dr. Hearn in proposing his amendment referred to a number of English cases, but he accompanied the references with the statement that in each instance money was available under Appropriation Acts then in force. That is a totally different state of affairs from that which exists in the present instance. There is no Appropriation Act whatever in force in this colony at the present time. On the three different occasions in England to which Dr. Hearn referred, money was available to the Imperial Government under Appropriation Acts passed by both Houses of Parliament, and there was therefore no justification or reason why the House of Lords should interfere against the expenditure of money which it had itself sanctioned, and which was rendered legally available. Consequently a precedent could not have been set on any of those three occasions. The Governor's name has, I regret to say, been brought into this debate, and we have been told that the adoption of Dr. Hearn's amendment will be a vote of censure on the Governor. I maintain, however, that it cannot be so considered. This House is not to be debarred, as a branch of the Legislature, from taking such action as it may deem necessary in public matters simply because at a certain point the Governor may have taken action about which we do not attempt to say anything. We bring no charge against the Governor. I would point out that, in his memorandum accepting the request of the Government for a dissolution of the Legislative Assembly, the Governor expresses himself as being induced to grant the dissolution simply on the ground that his Ministers had advised it, and that up to

that time they had had the confidence of the Assembly, and had never been beaten, and that he was therefore bound to take their advice. It was not a case in which, the Government having been beaten on a no-confidence motion, the Governor was left free to exercise his own judgment. He was advised by Ministers who, so far as he could tell, still continued to enjoy the confidence of the Assembly, and therefore his action was not the action of a branch of the Legislature free and following its own discretion. We have been told by the Solicitor-General that this House has given its sanction to a Supply Bill, and that therefore the moneys that are now being paid under it are legally available. Does the Solicitor-General assert that the Supply Bills passed last session are in force still? Does he not know very well that such Bills end with the session—that they are passed by this House in anticipation of the Appropriation Bill? There is an implied contract whenever Supply Bills are passed that there shall be an Appropriation Bill passed before the end of the session in order to give them continuous validity, because every one acquainted with constitutional law knows that a Supply Bill ceases to have force when the session ends. Aware that such was the case, I took the trouble to inquire how it comes that moneys are being paid, as the Solicitor-General says, this very day, under a Supply Bill passed last session. What I have been told is—and the Solicitor-General can correct me if I am wrong—that previous to the dissolution the money was drawn in a lump sum, under the Governor's warrant, at the instance of Ministers, out of the public account, and placed in separate accounts out of the control of the Audit Commissioners and under the control of the Ministers of the various departments. The danger to which the honorable member (Dr. Hearn) drew particular attention had reference to this very point—namely, that in the hands of an unscrupulous Ministry this course might be pursued at some future time, and moneys which were intended for certain purposes might be drawn under legal process and subsequently applied to other purposes. That is a state of things which should not be permitted to exist, and this House ought certainly to express its opinion that such a practice should not be allowed to prevail. Another point raised by the Solicitor-General is that there is a precedent in the Imperial Parliament for this course, and that we are bound by the practice of the Imperial Parliament. But I would call

attention to the fact that the precedent upon which the Solicitor-General relies was not the action of the Imperial Parliament, but of the Ministry of the day, and therefore we are not bound by it. How are we bound by the action of Ministers which may perhaps have been unconstitutional? There is no doubt that the practice is an irregular one, and should not be permitted to pass without our expressing our opinion of it. For these reasons I shall support the amendment.

The Hon. N. FITZGERALD.—Sir, I quite concur in the remarks which have fallen from Mr. Anderson. I think it is the duty of this House to clearly express its opinion on the matter, if only for the purpose of removing the doubt which the Solicitor-General's statement, which I heard with the greatest regret, might give rise to—namely, that, having passed Supply Bills, this House has nothing to say regarding no Appropriation Bill having been offered to it before the last session closed. I do not think there is a member of this House who will not agree that we pass Supply Bills on no other grounds than simply for the convenience of the Government and the public service, and under an implied promise and in the full confidence that at a future stage of the session an Appropriation Bill embracing the whole of those Supplies will be offered for our acceptance. On no other ground could it be tolerated that Supply Bills should be passed and the control of the public money be practically removed from the checks which the wisdom of Parliament has rendered necessary before it can be made available and placed in the hands of Ministers. The Solicitor-General talks about parliamentary precedent, but if he is right it is of the utmost importance that we should set a precedent in this case which will be useful for all time, because, according to the honorable member's own showing, if there is a parliamentary precedent in existence the Government of the day are justified in following it and in offering it as their defence. A precedent would certainly be set if this House were silent on the present occasion, and it is in order to prevent such a danger that we are called upon to take action. Nevertheless, I trust that, if the amendment is carried, the committee will, in framing the address in reply to the Governor's speech, carefully avoid, as I am sure they will, as far as they possibly can, saying anything which could give the slightest offence to His Excellency, or be in the smallest degree derogatory of the high position which he

holds. As Mr. Anderson has correctly said, the Governor in this case acted on the advice of his Ministers, those Ministers at the time enjoying, as far as he could know, the full confidence of Parliament. The Solicitor-General assumes the responsibility of re-affirming the accuracy of the position taken up by Ministers—namely, that no Appropriation Bill is necessary, and that if Supply Bills have been passed Parliament cannot say they have been jockeyed, as it were, out of an Appropriation Bill by the fact of the session being prematurely closed. But if the honorable member had referred to precedents in this colony he would have found that although there have been two or three instances in the history of the colony, in times of great public excitement, in which dissolutions have occurred without the passage of an Appropriation Bill, the Government of the day carefully abstained in each instance from touching or drawing one penny of the public money in the interval between the Parliaments. We are told, however, that because before the day of the dissolution the moneys granted under the Supply Bill were removed from the public account and placed to the individual accounts of the various Ministerial departments, the money was thus rendered legally available for expenditure after the dissolution. No doubt an opportunity will arise of determining the accuracy or inaccuracy of Dr. Hearn's argument, and the country will see whether the Audit Commissioners do not remonstrate against the advantage which was taken of their warrants to apply the money voted under the Supply Bill in a way not contemplated by the law. I am sure that every member of the House will acquit the Government of any intention of applying one penny of the money to any other than purposes of which every one would approve, but Dr. Hearn carefully abstained from pressing his arguments in any way uncomplimentary to the Government. The object of the amendment is simply to prevent a precedent from being established which may perhaps be used to a dangerous extent at some future period, and, such being the case, I think this House would be acting very unwisely if it did not record its opinion on the subject, in order to prevent a session closing ever again without Parliament, and this House as a branch of it, having a voice in the appropriation of the moneys which had been voted in the full faith that an Appropriation Bill would be submitted before the close of the session.

The Hon. F. T. SARGOOD.—Mr. President, when the late dissolution was announced it occurred, I am sure, to not a few that both Houses of Parliament were placed in an extraordinary position in consequence of the usual Appropriation Bill not having been passed, and I feel that the thanks of this House are due to Dr. Hearn for having brought so important a matter under its notice at this early stage. It either is or is not necessary that an Appropriation Act should be passed. In this case what was the course taken in connexion with the finances of the country? In theory the Treasurer of the day is supposed to prepare his Estimates, to submit them to another Chamber, and to get them passed forthwith and included in an Appropriation Bill. That, however, is impossible in practice, and, consequently, Supply Bills are passed from time to time by both Houses for such amounts as the Treasurer finds necessary for the time being. Supply Bills, however, are passed on the tacit understanding that they are to be followed by an Appropriation Bill embracing those Supply Bills. Upon a Supply Bill becoming law, what does the Treasurer do? He makes an estimate of the amount of money he will require for a month in advance, and thereupon signs a certain form laid down in the Audit Act and addressed to the Audit Commissioners. The Audit Commissioners, after consulting the Supply Bill to ascertain whether the amount required has been provided, endorse the Treasurer's application, and the document then goes before the Governor, whose signature renders the money available. I grant that so far as the Government are concerned they fully carried out this procedure, and, before the date of the dissolution, all the necessary forms were gone through strictly in accordance with the law, and no doubt all the money that was paid up to that date was correctly expended. But then arises the point whether a dissolution does not annul and render void a Supply Bill? I think there is the highest constitutional authority for maintaining that a dissolution has that effect. Apparently the Ministry must themselves have seen the difficulty, and hence, instead of allowing things to take their ordinary course, they obtained a large advance of money, and at once placed it to the accounts of the various departments. The Ministry acted under the impression that, inasmuch as the money included in the Supply Bill had been drawn out of the public account strictly in accordance with the law, therefore the proceeds

of the Bill were available even after the dissolution. That appears to me, as far as I have been able to read up the Constitution Act and the Audit Act, to be a violation not only of the spirit, but even of the wording of both Acts. Moreover, a most important point arises in connexion with the matter, because, if the Government were right, it necessarily follows that an Appropriation Act is really a nonentity, and utterly useless. The Solicitor-General really seems to take up the position that, inasmuch as we have agreed to Supply Bills, therefore we have in effect passed Appropriation Bills. But I think that on calmer consideration the honorable member will hardly be prepared to maintain such a position. He also argues, I think rather unwisely, that because in days gone by dissolutions have occurred in the old country without Appropriation Bills having been passed, we may accept that as a precedent and follow the same plan here. But, apart from the old saying that "two wrongs will not make a right," I think he will find that in every one of the three instances which have been referred to, immediately the new House of Commons met, the course of dissolving without passing an Appropriation Bill was condemned severely. Something more than an "irregularity"—almost an illegality—was insisted upon as having taken place. When, as was done in the present case, the money is handed to the paymasters of the various departments, Parliament practically loses all control over it, and neither is there any possibility of the Audit Commissioners stepping in. The only person having any power to see that the effect of the dissolution is carried out is the Treasurer of the day, and apparently in this instance the Treasurer omitted to do so. No doubt he acted under a misapprehension, as I am quite sure the House will acquit him of any intentional wrong-doing. Nevertheless, I cannot help thinking that a very serious mistake, from a constitutional point of view, has been made, and this House is perfectly justified in taking cognizance of the matter, and, while not censuring the Government, and still less the Governor, laying it down as its opinion that the effect of a dissolution is to cancel all Supply Bills. For these reasons I will certainly support the amendment of Dr. Hearn.

The Hon. J. LORIMER.—Sir, I feel in a very great difficulty on the present occasion. It seems to me that a very important question has been raised at a time which is scarcely opportune, and honorable

members are called upon to pronounce on a very grave point without having had sufficient time to read up the authorities on the subject. I think all honorable members must feel that the practice of dissolving Parliament without the passing of an Appropriation Act—because, unfortunately, it has become a practice, for this is not a solitary case of the kind—is a most irregular one, and should, in some way or other, be put a stop to if possible. Supply Bills are only passed for a temporary purpose, it being expected that the votes will afterwards be included in an Appropriation Bill. It is perfectly true that there is a tacit understanding to that effect, but, unfortunately, the phraseology of the Bill does not bear that out. I am not prepared to say that a Supply Bill, after a dissolution, ceases to be an Act of Parliament.

Dr. HEARN.—It is held so by the Supreme Court.

Mr. LORIMER.—I admit that Dr. Hearn is the greatest authority in the House on a matter of this kind, and I do not think I could vote against him on such a question. But the Solicitor-General has given another version of the case. It seems to me that the whole thing would be settled in a day or two by our knowing what the Audit Commissioners are doing. It is their duty to interpret the Act of Parliament, and I would like to have an opportunity of ascertaining what their view of the matter is before being asked to vote on the question. It seems to me that matters of this kind should be gone into with more deliberation, and I would have preferred that Dr. Hearn should have given notice of motion for a committee to inquire into the whole question of these irregularities and departures from the usual constitutional practice. The committee would bring up a report, and then the House would have an opportunity of recording its opinion once and for ever on the irregularity of the practice. I would strongly advise Dr. Hearn to withdraw his proposition, so that the question may be considered with more deliberation. Although all feeling of hostility has been disclaimed, no doubt truthfully, by the mover of the amendment, still it is impossible to get over the impression that any amendment on the address in reply which expresses regret at a certain course of action having been pursued must necessarily be regarded as expressing some condemnation of, at all events, the Government in advising His Excellency to dissolve Parliament without the Appropriation Act having

been passed. Then it must also be remembered that the Governor need not accept the advice of his Ministers unless he likes. As a matter of fact, a Governor does not always accept the advice of his Ministers. Therefore, His Excellency having accepted the advice of his Ministers in this case, how can honorable members get over the feeling that the amendment is not an implied censure on the Governor also? I must say that I feel that very strongly, and that is the one point in the whole thing which I am anxious to avoid. I think that, having in this debate pronounced our views of the irregularity which has been committed, if it were understood that the matter is not to be dropped, but is to be followed up in some other way which will afford the House an opportunity of giving a more emphatic expression of its opinion on the subject, it would be well if Dr. Hearn withdrew his amendment and allowed honorable members time to consider what further action should be taken. I fully concur in the opinion that the question is altogether too important to be dropped or overlooked—on the contrary, I think it should be fully and exhaustively gone into—but I cannot help feeling that it is premature to ask honorable members to come to a decision upon it before they are quite prepared to do so.

The Hon. J. CAMPBELL.—I desire to say that I—and I speak on behalf of one or two other young members—thoroughly approve of the suggestion which has been made by Mr. Lorimer. For us to proceed to vote on such an important question with our present want of knowledge would be incurring a very grave responsibility, from which, I confess, I very greatly shrink. I also feel some sympathy with the Solicitor-General in having had to reply on the spur of the moment to so well-prepared an address as that of Dr. Hearn. I think it would be more fair if the honorable member were allowed more time to consider the matter, and to give us the full benefit of his views. My own opinions are thoroughly in accord with those of Dr. Hearn, and I feel that great light has been thrown on the matter by the remarks of Mr. Anderson. I think, however, that the suggestion of Mr. Lorimer for the postponement of the question and its reference to a select committee would be the wisest course to adopt, so that honorable members may have an opportunity of fully considering the subject. There is no doubt that there is an implied censure on both the Government and the Governor in the amendment, and for us to

pass such a censure would be a very grave matter. I sincerely hope that some means will be found of postponing the question until honorable members are able to vote upon it with their eyes wide open.

The Hon. C. J. HAM.—I think the House is deeply indebted to Dr. Hearn for having brought this extremely important matter under its consideration. I believe also that honorable members must have been taken by surprise by the statement of Mr. Anderson that vast sums of money passed in a Supply Bill have been withdrawn from the public account and the control of the Audit Commissioners, and placed to the separate accounts of the various Ministers as heads of their respective departments. If this has been done, I imagine that such a course is without precedent, and therefore the matter is one of the utmost importance for us to consider. At the same time, as a young member, I thoroughly agree with Mr. Lorimer that it would be placing us in a rather unfair position to ask us to come to a decision immediately on perhaps one of the most important questions that are likely to engage the attention of the House for a considerable time. I feel that I would be very reluctant to place myself, even by implication, in the position of appearing to reflect upon the gentleman who represents Her Majesty in this colony—a gentleman who is understood to be a high authority upon all constitutional matters, and who has obtained the respect and esteem of all classes of this community as one of the most able Governors the colony has ever had. As a young member of this House I would also feel very reluctant, on so early an occasion, to enter into any conflict with another branch of the Legislature; but at the same time I feel that it would be my duty, whatever might be the consequences, to be loyal to the Constitution, and to take a perfectly constitutional course. Inasmuch, however, as we have two honorable members learned in the law—the Solicitor-General and Dr. Hearn—differing upon the interpretation of the law on this question, I think it would be hardly fair if lay members were called upon, on the spur of the moment, to give a vote on either side. For these reasons, I trust that the suggestion of Mr. Lorimer will commend itself to the House.

Dr. HEARN.—Sir, I have not the slightest desire to hurry the House into any premature decision on the subject. I can appreciate the feeling of the younger members of the House. They may have been taken by surprise on such a matter, and may

desire time to consider it; and I am, therefore, quite willing to adopt any course which may commend itself to the House.

Mr. ANDERSON.—Adjourn the debate.

Dr. HEARN.—I was about to suggest that the best course will be to adjourn the debate; which will give an opportunity next week to discuss the subject. I do not see that it is necessary, under present circumstances, to appoint a select committee to consider the question. The expediency of doing so may arise when the Audit Commissioners present their annual report, but I do not know when that will be.

Mr. ANDERSON.—Not for four or five months.

Dr. HEARN.—The whole matter in dispute is—What is the operation of a Supply Bill? Does it, or does it not, terminate with the prorogation of Parliament? I believe it will not be seriously denied by the Solicitor-General that the operation of a Supply Bill does terminate with the prorogation of Parliament; but, if further time is desired to consider the question, I have not the slightest objection to an adjournment of the debate.

Dr. DOBSON.—I wish to point out that it is most unusual to delay the address in reply to the Governor's speech unless it is to be attacked in a hostile manner. Dr. Hearn has been good enough to say that his amendment has no such meaning, and I would therefore suggest that some honorable member should move the previous question, and the matter referred to in the amendment may then be re-introduced at a future time. I have no desire to shirk discussion on the point raised in the amendment—it is a question of very grave importance and one which the House ought to debate most fully—but I would much rather that the ordinary course was adopted with regard to the address in reply to the Governor's speech. The subject of the amendment can be discussed after the address is adopted, either by bringing forward a substantive motion, or by acting on the suggestion of Mr. Lorimer to appoint a select committee to investigate the matter and report to the House thereon. That would be a much better and more business-like way of dealing with the subject than by interfering with the address in reply to the Governor's speech. I shall therefore be glad if some honorable member will move the previous question.

The PRESIDENT.—It is not competent for an honorable member to move the previous question, as there is already an amendment before the chair.

Mr. FITZGERALD. — Perhaps Dr. Hearn will withdraw his amendment, and give notice of motion on the subject.

Dr. HEARN. — Some honorable members appear to have scruples about voting for the amendment, partly from want of opportunity of fully considering it and partly from the possibility that its adoption might be supposed to imply that this House desired to express an opinion hostile to the Ministry or to His Excellency the Governor. Under these circumstances, I think that I shall best consult the wishes of honorable members by withdrawing the proposition for the present. I hope that what has been said will attract the attention of honorable members and the public more fully to the subject; and probably on a subsequent occasion—not immediately, but as soon as I have a proper opportunity—I shall move for a committee to inquire into the practice of making payments under the authority of Supply Bills.

The amendment was then withdrawn, and the motion for the appointment of a committee to prepare an address in reply to the Governor's speech was agreed to.

The following were appointed the members of the committee:—The Honorables R. S. Anderson, W. E. Hearn, F. T. Sargood, G. F. Belcher, C. J. Ham, J. Campbell, F. S. Dobson, N. Thornley, and H. H. Wettenhall.

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

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

"May it please Your Excellency—

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

"We concur with Your Excellency that the requisite provision for the public service of this year remains still to be made. We thank Your Excellency for informing us that it is not necessary to call our attention to the variety of causes which have brought about this delay, but that, in view of this pressing circumstance, Your Excellency has felt it your duty to summon Parliament together for the despatch of public business as soon as possible after the elections have taken place.

"We thank Your Excellency for informing us that it is deemed by your advisers desirable that this session of Parliament should be principally occupied in making due provision for the services of the year, thus enabling Ministers, after a brief recess, to meet Parliament, in accordance with the constitutional practice, at the proper time for the introduction of the Estimates for the ensuing financial year, when the numerous and important measures which they brought before the late Parliament will be introduced. We also thank Your Excellency for informing us that in such second session, which might thus reasonably commence after Easter, the Amending Land Bill, the Railway Construction Bill, and the Amending Water Conservation Bill would be pressed forward for our early consideration.

"We agree with Your Excellency that the continuation of expiring laws, including the Drawbacks Act and the Act to reimburse members of the Legislative Assembly their expenses in relation to their attendance in Parliament, will also be a matter of urgency to be considered during this session.

"We express our pleasure that the prosperity which the colony has for some time past enjoyed happily continues to exist; that the construction of the great public works of the colony has been vigorously pushed on; and that labour has been fully employed, and capital has been earning good returns. We concur with Your Excellency that it is to be hoped that this happy state of things may continue, and we trust that under the blessing of Divine Providence our counsels may be guided to the advancement of the public welfare."

On the motion of Mr. WETTENHALL, the address was adopted, and it was resolved that it should be presented to the Governor, in such manner as His Excellency might be pleased to receive it.

CHAIRMAN OF COMMITTEES.

The Hon. F. S. DOBSON moved that the Hon. C. J. Jenner be Chairman of Committees for the present session. He said that he had great pleasure in proposing the motion, as Mr. Jenner had long and ably filled the post of Chairman of Committees to the general satisfaction of all the members of the Council.

The Hon. R. S. ANDERSON, in seconding the motion, remarked that the assiduous attention which Mr. Jenner had given to the duties of Chairman of Committees for many years, and the efficient manner in which he had filled the position, would justify honorable members in again appointing him to the office.

The motion was agreed to.

The Hon. C. J. JENNER said he desired to thank honorable members for the honour conferred upon him, and for the kind expressions of confidence in his qualifications for the position of Chairman of Committees. It would give him pleasure to endeavour to discharge the duties which would devolve upon him to the satisfaction of the Council,

which, he maintained, had always been willing to proceed with the business of the country. He sincerely hoped that a strong moderate Government would soon be formed, and that much practical legislation would be accomplished during the present session.

The House adjourned at five minutes past four o'clock, until Tuesday, March 6.

LEGISLATIVE ASSEMBLY.

Thursday, March 1, 1883.

State Opening of Parliament—Presentation of the Speaker to the Governor—Swearing of Members—The Elections for the Wimmera and Moira: Deficiency of Ballot Papers—Members Sworn—Governor's Messages—Expiring Laws Continuation Bill—Address in Reply to the Governor's Speech: Motion of Want of Confidence in the Ministry: Adjournment of the Debate—Resignation of Members: Issue of New Writs.

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

Immediately afterwards, the Usher of the Legislative Council brought a message from His Excellency the Governor, requesting the attendance of honorable members in the chamber of the Legislative Council.

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

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

ELECTION OF SPEAKER.

The SPEAKER said—I have to inform the Assembly that yesterday I presented myself to the Governor as the choice of the House, whereupon His Excellency was pleased to address me in the following terms:—

“Mr. Speaker,—I have much pleasure in accepting you as Speaker, and congratulate you on the high and honorable position to which the favour of the House of Assembly has raised you for the second time.”

SWEARING OF MEMBERS.

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

THE ELECTIONS FOR THE WIMMERA AND MOIRA.

The SPEAKER laid before the House a letter from the Governor's private secretary on the subject of the elections for the

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Wimmera and Moira, and transmitting communications received from the returning officers for those districts.

The enclosures, which were read by the CLERK-ASSISTANT, were as follows:—

“Wimmera Electoral District.

“Horsham, Feb. 26, 1883.

“Sir,—In returning writ for the election of two members to serve in the Legislative Assembly of Victoria, with the names of the candidates endorsed thereon, I beg to enclose a telegram received from Mr. John Wallace, my deputy at Glenorchy, advising me of the result of the poll at that place; also that he had closed the poll and had declined to allow four electors to record their votes, having no ballot-papers for them. Mr. Wallace had been supplied with 100 ballot-papers, which were deemed sufficient when the documents were forwarded to him, and, he having closed his poll and given me the result, I had no alternative but to record the same.

“I have, &c.,

“GEORGE JENNINGS,

“Returning Officer.

“The Hon. Chief Secretary.”

“Electoral District of Moira.

“Benalla, 26th February, 1883.

“The Hon. the Chief Secretary.

“Sir,—Referring to your No. 551 of the 9th inst., transmitting to me the writ of His Excellency the Governor for the election of two members to serve in the Legislative Assembly for this district, I have the honour to announce that the said election has, after poll taken on 22nd inst., resulted in the return of Mr. George Wilson Hall and Mr. Henry Bolton, and I beg herewith to return the said writ duly endorsed thereon with the names of these gentlemen. In connexion with the polling, I have to report that at the Mundoona and Numurkah polling places the ballot-papers supplied by me proved insufficient for the requirements of those places, and that the deputy returning officers continued and completed the polling, using at the Mundoona booth written forms of ballot-papers, endorsed by the deputy returning officer, poll clerk, and two scrutineers, and at the Numurkah booth using printed forms similar to those issued by myself, but of course not initialed by me. I may state that the circumstances under which the ballot-papers ran short are more than extraordinary, as in the case of the Mundoona booth 25 per cent. of papers in excess of the number used at a previous election, and in the case of Numurkah 100 per cent., were supplied. The delay in returning the writ has arisen from the carelessness of the deputy returning officer at Cornish Town (a place in daily communication with the railway), who mislaid the official return of the votes polled, and was under the impression that he had complied with the instructions and posted it. I desire to ask that such steps as may be necessary to validate the proceedings of the deputy returning officers at Mundoona and Numurkah, in reference to the informal ballot-papers, may be taken forthwith.

“I have, &c.,

“JNO. NICHOLSON,

“Returning Officer.”

Mr. GRANT observed that in neither case did the action of the returning officer affect the election in any way.

Mr. ZOX remarked that, although the Chief Secretary's statement might be correct, it was clear that there had been a

great amount of neglect on the part of some one. In view of the fact that, at the recent general election, several members were returned by very narrow majorities—so narrow indeed that in one instance a member secured his seat only by the casting vote of the returning officer—it was most important that at every polling place there should be an adequate supply of ballot-papers. Although experience showed that no more than 70 per cent. of the electors of any district went to poll, there should always be enough ballot-papers available to enable every man on the roll to record his vote. If he were acting as a returning officer, and the supply of ballot-papers failed, he would consider it his duty to write out ballot-papers in the form prescribed by law, so that no one who was qualified to vote should be precluded from doing so.

Mr. GRANT stated that no blame in connexion with this matter attached to the Government. He had no doubt that the observations of the honorable member for East Melbourne (Mr. Zox) would be read by the various returning officers with the effect of preventing anything of the kind now complained of occurring in the future.

MEMBERS SWORN.

The following members presented themselves at the table, and took the oath of allegiance :—

NAME.	ELECTED FOR
G. W. Hall	} Moira
Henry Bolton	
Thompson Moore	} Mandurang
Charles Yeo	
Albert Harris	... North Gippsland

GOVERNOR'S MESSAGES.

Mr. GRANT presented a message from His Excellency the Governor, recommending an appropriation for the purposes of a Bill to apply temporarily out of the consolidated revenue or out of the Railway Loan Account 1878 certain sums of money towards the completion of certain public works; also a message recommending an appropriation for the purposes of a Bill to continue various expiring laws.

The messages were ordered to be taken into consideration on Tuesday, March 6.

EXPIRING LAWS CONTINUATION BILL.

Mr. GRANT, without notice, moved for leave to introduce a Bill to continue various expiring laws,

Mr. C. YOUNG seconded the motion, which was agreed to.

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

ADDRESS IN REPLY TO THE GOVERNOR'S SPEECH.

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

The speech having been read,

Mr. MOORE said—Sir, I rise to move the presentation of an address in reply to the speech delivered by His Excellency the Governor to Parliament this afternoon. In submitting this motion, I desire, in the first place, to express my great pleasure at seeing you, sir, occupy the position of Speaker of the House. I am quite sure that every honorable member concurs with me when I venture on the assurance, derived from a knowledge of your kindly and genial disposition, your business habits, and your acquaintance with parliamentary procedure, that you will fulfil the onerous duties devolving upon you to the satisfaction of both sides of the House. The task which I have now to discharge I have undertaken chiefly because I personally entertain a friendly disposition towards members of the present Government. A similar feeling is entertained by the electors I have the honour to represent, and for the reason that the Government have endeavoured to do some good to the country districts of the colony. I can assure the House that to the various meetings which I addressed during the recent contest for Mandurang no avowal which I made was more acceptable than that of my intention to give an independent support to the gentlemen who now occupy the Treasury bench. The reason is not difficult to find. It is to the present Government that my district is indebted for the small instalment of water conservation works it already possesses. I need not dwell upon the importance to the arid districts of the colony—to regions like the northern areas—of an adequate supply of water; and I sincerely hope that whether the future career of the Ministry be long or short, whether they continue in office or whether they have to make way for others, the subject of water conservation will receive the earnest and early attention of this Parliament. The leading points of the Governor's speech are the necessity for

making the requisite provision for the public service for the remainder of the current financial year, and for passing a Temporary Advances Bill to facilitate the completion of public works already sanctioned by the Legislature. But honorable members must admit that the speech speaks for itself ; and therefore I will conclude by moving—

“That this House do now resolve that a respectful address be presented to His Excellency the Governor, expressive of our loyalty to our Most Gracious Sovereign. Concurring with His Excellency that the requisite provision for the public service of this year remains still to be made. Thanking His Excellency for informing us that it is not necessary to call our attention to the variety of causes which have brought about this delay, but that, in view of this pressing circumstance, he has felt it his duty to summon Parliament together for the despatch of public business as soon as possible after the elections have taken place. Thanking His Excellency for informing us that the Estimates of Expenditure for the year will be laid before us at once, and concurring with His Excellency that it will be imperative at the earliest possible period to make adequate provision for the public service. Assuring His Excellency that these Estimates will receive our immediate and careful consideration. Thanking His Excellency for informing us that it will also be necessary to lay before us a Temporary Advances Bill to authorize the Treasurer to make further advances towards carrying on the public works already sanctioned by the Legislature. Expressing our pleasure that His Excellency is enabled with much gratification to congratulate us on the satisfactory condition of the public finances, and that the revenue, as shown by the published returns, has been steadily increasing, and has, during the first eight months of the present financial year, exceeded the proportionate part of the estimates of revenue laid before the late Parliament. Thanking His Excellency for informing us that it is deemed by his advisers desirable that this session of Parliament should be principally occupied in making due provision for the services of this year, thus enabling Ministers, after a brief recess, to meet Parliament, in accordance with the constitutional practice, at the proper time for the introduction of the Estimates for the ensuing financial year, when the numerous and important measures which they brought before the late Parliament will be introduced; and also thanking His Excellency for informing us that in such second session, which might thus reasonably commence after Easter, the Amending Land Bill, the Railway Construction Bill, and the Amending Water Conservation Bill would be pressed forward for our early consideration. Agreeing with His Excellency that the continuation of expiring laws, including the Drawbacks Act and the Act to reimburse members of the Legislative Assembly their expenses in relation to their attendance in Parliament, will also be a matter of urgency to be considered during this session. Expressing our pleasure that the prosperity which the colony has for some time past enjoyed happily continues to exist; that the construction of the great public works of the colony has been vigorously pushed on; and that labour has been fully employed and capital has been earning good returns. Concurring with His Excellency that it is hoped that this happy state of things may continue, and expressing our trust that under the blessing of Divine Providence our counsels may be guided to the advancement of the public welfare.”

Mr. J. J. MADDEN.—Mr. Speaker, I rise to second the motion of the honorable member for Mandurang (Mr. Moore). I do so with very great pleasure because of results—and people in the country districts are prone to look to results—which have come under my own notice. During the period the present Ministry have been in office—whether it is due to the action of the Ministry or not, I do not say—in the part of the colony in which I am interested a considerable amount of prosperity has prevailed, a much greater amount indeed than was experienced in previous years. I submit that, if there is nothing else to be placed to their credit, that alone entitles the Ministry to our recognition, and to a certain amount of support. My presence here is a proof that the majority of my constituents are that way of thinking. Not only has there been an era of prosperity coincident with the existence of the O’Loughlen Ministry, but peace and progress have prevailed as well. It is a matter for great congratulation that the public finances are in an exceedingly prosperous condition; and I sincerely trust that the prosperity will be permanent. The Governor’s speech invites the attention of Parliament to several important Bills; and I hope that those measures will be considered in the light of the good which they will confer upon the country—that they will be dealt with in the spirit of making the welfare of the State paramount to all party and personal interests.

Mr. SERVICE.—Mr. Speaker, I desire to move, as an amendment, that all the words in the motion after “Sovereign” (line 4) be omitted with the view of inserting the following words :—

“And respectfully informing His Excellency that his advisers do not possess the confidence of Parliament.”

I do not intend to make any remarks in support of this amendment. The time is not opportune. It is not at all necessary that this House should address itself now to the task of bringing an indictment against Her Majesty’s Ministers. Had a proposition of the kind been brought forward during the currency of the late Parliament, it would have been the duty of the person proposing it to prefer a distinct indictment against Ministers, and to support that indictment by all the facts and arguments which could be adduced. But the Ministry did not submit themselves to Parliament. They chose to appeal to the country. They made their appeal, and the country have sent back this Parliament to tell the Government what its answer to that appeal is. Under these

circumstances, no word is necessary on our part in support of this amendment. The country having expressed itself so distinctly and emphatically at the general election, all that we have to do is to give force to the country's decision. And therefore, both for that reason, and with the desire, at the beginning of a new Parliament, to show an example of avoiding every form of circumlocution and attempt at spinning out words for no earthly purpose, I beg simply to move the amendment which I have just read.

Mr. BERRY.—Mr. Speaker, I rise to second the amendment; and, in doing so, I beg leave to say I thoroughly concur with the honorable member for Castlemaine (Mr. Service) that it would be worse than useless to debate the question as to whether the Government have the confidence of Parliament or not. The country has emphatically given a reply to that question, put by the Ministry themselves when they advised a dissolution. Then again, we are faced by the necessity for going on with public business. The Estimates, which at this advanced period of the financial year should have been embodied in an Appropriation Bill, have not even been considered. That duty was omitted by the late Parliament and has to be performed by this. For these reasons, and having regard to the uselessness of bringing an indictment when the country has already settled the question, I thoroughly concur with the honorable mover of the amendment as to the desirability of avoiding all debate. I think it would be quite out of place to initiate any debate, and therefore I content myself with giving my cordial assent to the amendment.

Mr. GRANT.—Mr. Speaker, I think I am only following the usual constitutional practice in asking for an adjournment of the debate to the next day of meeting. ("No.")

Mr. R. CLARK.—What is the good of it?

Mr. GRANT.—I am only adopting the course pursued on a former occasion by the honorable member who moves the amendment. Therefore I submit there can be no possible reason for refusing what I ask. I beg to move that the debate be adjourned.

Mr. CAMERON seconded the proposal.

Mr. BENT.—I rise to ask whether the honorable member for Castlemaine (Mr. Service) consents to the proposal for adjournment? I would remind the honorable member that when he was in a Ministry of which I was a member, and a vote of want of confidence in that Ministry was proposed by the honorable member for Geelong (Mr. Berry), he asked for an adjournment of the

debate as the usual and constitutional course to be taken under the circumstances.

Mr. SERVICE.—Mr. Speaker, I am sure that nobody on this (the opposition) side of the House desires to do anything which would inconvenience the Government; but the honorable gentleman who submits the proposal for adjournment speaks of an adjournment under such circumstances as a matter of course—as the common course to be taken. I think the honorable gentleman has failed to show that it is the common course.

Mr. GRANT.—I say it is the constitutional course.

Mr. SERVICE.—We, on this side of the House, are not prepared to accept that dictum; and the honorable gentleman has failed to assign any reason for its acceptance. If the honorable gentleman will tell us with what object he desires an adjournment, I will not attempt to dissent from it. But inasmuch as we are near the end of the financial year without a line of the Estimates having been considered, and with no money available for anything, the honorable gentleman assumes a very large responsibility in proposing the adjournment of the debate, a responsibility in which the House generally would share if it accepted the proposal without some reason being assigned. I invite the Chief Secretary to give the House a substantial reason why the adjournment of the debate should be acceded to. With reference to the remarks of the Minister of Railways, if he will look at the two cases—the case he refers to as reported in *Hansard*, and the case now before us—he will see that they are as different as night is from day. They have no relation—no analogy—to each other. But I desire, in entering upon a new session, to show the most conciliatory disposition—I will say the most generous disposition—towards the Government, and I would be pleased if they would simply give us an excuse for carrying their proposal.

Mr. R. CLARK.—Give them till Tuesday.

Mr. GILLIES.—Sir, I hope my honorable friend (Mr. Service) will accede to the request which has been made. I say this because I would be sorry if, through any little difference of opinion, we were to enter, at this early stage, upon an acrimonious debate. Personally, I don't desire to say one unkind word of the Government. I am satisfied it will be only creditable to the general dignity and character of the House if, on an occasion of this kind, when a vote of want

of confidence is involved, the request of the Government is gracefully conceded by those who believe themselves in so large a majority, even if no reasons whatever are given by the Government for an adjournment.

Mr. ORKNEY.—Mr. Speaker, there should be no occasion, in my opinion, to move an amendment on the address in reply to the Governor's speech. The country has already expressed itself about the Ministry, and they should therefore voluntarily retire from their position, and thereby save valuable time. The proposal of the Chief Secretary, to adjourn the debate until Tuesday next, means the loss of five days.

Mr. GRANT.—One parliamentary day.

Mr. ORKNEY.—At all events it means the loss of five actual days. I don't see any earthly reason for that course. Has any reason been assigned for it? What reason can be given? Surely it is not necessary for this House to debate what the country has so distinctly decided. It would be a sheer waste of time to adjourn the debate on the address until Tuesday. If the proposal for an adjournment goes to a division, I shall certainly vote against it.

Mr. A. T. CLARK.—Sir, I think that we live in a British community which has something like a sense of fair play. I am perfectly sure that the request of the Government is a reasonable one, and that it is very unreasonable for the honorable member for West Melbourne (Mr. Orkney) to condemn the application of the Ministry which he helped to create. I am not going to follow him by getting up what is known as a row, but I would appeal to every honorable member to be actuated by a love of fair play whatever Government may be in office. I have no more sympathy with the present Ministry than I had with a preceding one, but I like to see fair play. It would be most unconstitutional and most un-English if we did not accede to the request of the Government. I don't know what object they have in view, and I don't care, but I trust that the House will not refuse the adjournment which is asked for.

Mr. BERRY.—Mr. Speaker, I think that honorable members on all sides of the House will be quite willing to grant any reasonable request on the part of the Government. The only question we have to consider, in the interests of the country, is whether the request now made is a reasonable one. I do not hesitate to say that it is a most unreasonable one. The Government dissolved the late Parliament when that Parliament was in recess. They chose their

own time; they went to the country, and they have been emphatically beaten before the country. Moreover, they so conducted the proceedings of this House during the past session that we are now in the month of March without a single item of the Estimates for the current financial year having been dealt with. The House will not be doing its duty if it consents to practically lose another week before it proceeds with the necessary business of the country. The Government cannot say that they are taken by surprise by the amendment which has been proposed on the address in reply to the Governor's speech. No other Government ever asked for an adjournment under such circumstances. A request for the adjournment of the debate on the motion for an address in reply to the Governor's speech usually comes from this (the opposition) side of the House. Until they have heard the speech, the Opposition do not know what policy it foreshadows, and therefore it is quite reasonable that they should ask for an adjournment after the motion for an address in reply has been proposed and seconded; but it is not reasonable that the Government which dissolved the late Parliament should do so without any debate having taken place. I believe that the House is in as good a position to-night as it will be next week to discuss the amendment; and, if we bear in mind the state of public affairs and the late period of the financial year at which we have arrived, I think that honorable members on either side of the House will feel that we ought to proceed with business to-night. If we do not go on, we shall, to a certain extent, make ourselves responsible for the delay which has already been so injurious to the best interests of the country. Has there been any reason given for an adjournment? There can be no reason. The only ground stated by the Chief Secretary is that a similar course was pursued on a former occasion; but in the previous case the circumstances were totally different. In that instance no speech had been delivered by the Governor; in fact, a motion was proposed to intercept the Governor's speech, and then the head of the Government asked that notice of the motion should be given and the debate take place after the Governor's speech had been made. No Government ever asked for an adjournment under such circumstances as those which exist to-night. I think the feeling of all honorable members who realize the great loss of time there was last session, and the state of business at present, must be that there is no reason for an adjournment.

Mr. SERVICE.—I am exceedingly anxious that we should commence the session without any outburst of feeling from either side of the House, and I thought that I put my suggestion before the Chief Secretary with the most perfect courtesy and good nature. I still think that my remarks were entirely pertinent and to the point, and that we ought to have some reason given for adjourning the debate before we consent to that course. But nothing could be more unfortunate than to begin with a wrangle, and therefore, if the Chief Secretary thinks that it is not desirable to state any reasons for adjourning, I, nevertheless, knowing that there are a number of honorable members who are decidedly in favour of an adjournment, think that in an excess of generosity—for it would be erring on the right side—the request should be granted, and therefore I would suggest to the whole of my friends that the adjournment should be allowed to take place.

The motion for the adjournment of the debate was then agreed to, and the debate was adjourned until Tuesday, March 6.

RESIGNATION OF MEMBERS.

Mr. GRANT moved that the House do now adjourn.

Mr. LAURENS asked the Speaker whether any honorable member who had been declared duly elected, and who had been sworn and had taken his seat, could now hand in his resignation with the expectation that it would be accepted?

The SPEAKER.—Certainly.

Mr. KERFERD remarked that the point raised by the honorable member for North Melbourne (Mr. Laurens) was discussed in 1874 in connexion with the election of himself (Mr. Kerferd) and Mr. Dixon, who was then one of the representatives of St. Kilda. It came out during the discussion that an honorable member on accepting office as a Minister of the Crown at the beginning of a new Parliament would have to tender his resignation, and that a new writ would be issued. The report of the select committee to which the subject was referred showed that there had been no uniformity of practice in regard to the issue of writs in such cases.

Mr. DUFFY stated that when Mr. Deakin was elected for West Bourke in 1879 he waited for 30 days after taking his seat before he resigned.

Mr. DEAKIN said he was obliged to do so.

Mr. KERFERD observed that the practice had not been uniform.

The SPEAKER.—An honorable member can resign at any time after he has been sworn; but I presume that the honorable member for North Melbourne (Mr. Laurens) desires to know whether, in the event of a resignation, a writ can be issued at once for the election of a new member, or before the expiration of the 30 days allowed by law after the meeting of Parliament for the presentation of petitions against the return to the original writ. On this point the law seems to indicate one thing, and the practice of this House another. I entertain a strong opinion as to which is the correct procedure, but I would not like to interpret the law so as to inconvenience the House without due consideration, and without the approval of the House itself. Indeed, I do not feel justified, whatever may be my opinion, in reversing the practice of the House at this moment; but it is most undesirable to leave the matter in its present unsettled state. The best course will be to follow the usual practice for the present, and afterwards submit the question for the consideration of the Standing Orders Committee.

The motion for the adjournment of the House was then agreed to, and the House adjourned at twenty minutes past five o'clock, until Tuesday, March 6.

LEGISLATIVE COUNCIL.

Tuesday, March 6, 1883.

University of Melbourne Law Further Amendment Bill.

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

DECLARATIONS OF QUALIFICATION.

The following members delivered to the Clerk the declarations required by the Act No. 702:—The Honorables J. Balfour, D. Coutts, W. Ross, and P. Russell.

UNIVERSITY OF MELBOURNE LAW FURTHER AMENDMENT BILL.

The Hon. R. S. ANDERSON moved for leave to introduce a Bill to further amend the law relating to the University of Melbourne. He said the Bill was the same as the one which was introduced to the House last session; and it was considered by the