The Council proceeded to the ballot; and the following members, being reported by the Clerk to have the greatest number of votes, were declared by the President to be the members of the committee, namely, the President, the Honorable Sir C. Sladen, W. E. Hearn, H. Cuthbert, R. S. Anderson, F. T. Sargood, and F. S. Dobson.

On the motion of Sir C. Sladen, the committee was empowered to sit at times when the House did not sit, and to call for witnesses and papers.

TRUSTEES AND AGENCY COMPANY BILL.

On the motion of the Hon. W. E. Hearn, this Bill was read a third time and passed.

MELBOURNE HARBOUR TRUST.

The Hon. H. Cuthbert, pursuant to order of the House (dated November 27), presented a return relative to leases and licences of certain allotments on the south side of the river Yarra.

The House adjourned at eleven minutes to seven o'clock.

LEGISLATIVE ASSEMBLY.

Tuesday, December 2, 1879.

The Speaker took the chair at nine minutes past two o'clock p.m.

PLEURO-PNEUMONIA.

Mr. L. L. Smith asked the Chief Secretary if it was the fact that 80 head of Mr. Tyson's cattle died between Melbourne and Pakenham, a distance of about 35 miles; if so, had that mob been inspected, a post mortem examination made, and a report on the nature of disease sent in to the Chief Secretary; and, if so, would he publish it for the benefit of stock-owners? Also, was the Chief Secretary aware that a mob of Mr. Tyson's cattle was seized in Adelaide, and that six were slaughtered, and found not to have been suffering from pleuro-pneumonia, but evidently from some fatal disease unknown, and that numbers were dying?

Mr. Berry stated that he had received the following report from the Chief Inspector of Stock:

"Referring to the question on the notice-paper, to be asked by Mr. L. L. Smith in the Legislative Assembly on the 3rd December, I have the honour to state as regards the first—namely, the cause of the death of 80 head of Mr. Tyson's cattle, near Pakenham—that information was asked concerning this matter on the 26th September, in the Legislative Assembly, by Mr. E. H. Cameron, and that I reported to you on the subject on the 30th of that month, pointing out that these deaths were the result of the animals having gorged themselves, when in a state of semi-starvation, with unsuitable food. No post mortem was made, as the case was perfectly clear, and no post mortem required. Had it been otherwise, the reprehensible action taken by the Government veterinary surgeon with respect to these cattle would have rendered such post mortem impracticable. Should you deem it desirable, I shall have great pleasure in reporting this case in extenso. After arriving at their destination these cattle were inspected by Inspector Stirling, and found free from disease.

"As regards Mr. L. L. Smith's second question, I have the honour to state that what occurred in Adelaide with respect to Mr. Tyson's cattle has not been reported at this office, nor did I expect a report on the subject; but I have written to the chief inspector there."

Mr. L. L. Smith observed that it was obvious that there was great likelihood of a very fatal disease being spread among the cattle of the colony. Would the Chief Secretary appoint a Royal commission to inquire into and take evidence as to the working of the Diseases in Stock Act of 1872, and the administration of the Stock department since that period, with the view of amending the Act and re-organizing the department; and also for the purpose of inquiring into the diseases of stock in this and adjoining colonies, with a view to united intercolonial action?

Mr. Berry said he would not like to answer the question without due consideration, but he was strongly inclined to think that the subject referred to must be inquired into.

LIGHT-HOUSE AT CAPE NELSON.

Mr. Cope asked the Minister of Public Works if it was the intention of the Government to erect a light-house on Cape Nelson, and, if so, when they proposed to commence the work? He said the matter he referred to affected not only Victoria, but nearly every other country in the world. The necessity for a lighthouse at Cape Nelson was well known, because, for the want of one, many lives and much property had been sacrificed. He considered there was no duty the
Government of a country with a sea-board ought to discharge more carefully than that of protecting the vessels trading with it from the dangers of its coast.

Mr. PATTERSON, in reply, read the following memorandum:—

"At a conference of the marine departments of the Australasian colonies, held in Sydney, in September, 1873, it was recommended that a first-class light be placed on Cape Nelson. In last year’s Estimates the sum of £1,000 was provided towards such work. The locality was examined, the site for a light-house selected, and a survey made. The vote has been increased this year to £2,000. The estimated cost of the light-house station is £12,000, being £4,000 for the apparatus and lantern, and £8,000 for the tower, light-keepers’ quarters, store, and fencing. The vote for this year is insufficient to start the work, as the apparatus should be ordered from England prior to the commencement of the buildings."

The Government (added Mr. Patterson) would make full provision on next year’s Estimates for carrying out the necessary work.

RAILWAY DEPARTMENT.

AGRICULTURAL PRODUCE.

Mr. DOW asked the Minister of Railways whether, upon the completion of the railway connexion between Spencer-street and Sandridge, he would have wheat and other agricultural produce conveyed right through to the sea-board at the same rates as those between the up-country stations and Spencer-street; and whether, instead of charging at the rate of 3d. per ton per mile between the sea-board and Spencer-street upon wheat and other grain rejected for export purposes, he would allow it to return free? He remarked that it was well known that a large amount of wheat would be sent out of the country this year, and he believed the farming class were awaking to the necessity of taking the business connected with the export of their produce into their own hands. No doubt their operations in that direction would be much facilitated by their having formed themselves into farmers’ unions, and it was to be hoped that still further assistance would be afforded by the Railway department. If the aid he indicated in his question were granted, it would probably be of especial service in obtaining for the farmers the largest possible amount per bushel for their wheat at the time when prices were lowest, namely, at the beginning of the harvest.

Mr. WOODS said the honorable member’s question affected the late Hobson’s Bay Company’s lines more than the lines connected with Williamstown, and it was the policy of the Government to interfere with the working of the former as little as possible. In fact, they were still carried on in almost exactly the same way they used to be. Not but what the work of assimilating them to the general railway system of the country was gradually going on. Only that very day he signed a lot of papers intended to assimilate the position of a great number of the late company’s employees to that of the regular employees of the Railway department. As to the honorable member for Kara Kara’s request, he (Mr. Woods) scarcely knew what to say to it, because Mr. Elsdon had written to him asking for time in which to consider it. Certainly every endeavour would be made by the Government to push the wheat export trade. If the farmers of the colony looked forward to it being carried on at all extensively, they ought, in order to make it profitable, to adopt some such plan as that followed in the United States, where wheat was carried loose in specially made trucks, and shot on board ship without any handling at all. He was quite sure there would be no difficulty in the way of the Railway department making the necessary provision for such a system.

MELBOURNE EXHIBITION.

Mr. BERRY laid on the table, pursuant to order of the House (dated November 5), a return relative to gold medals manufactured for the Melbourne Exhibition Commissioners.

CARLSRUHE AND DAYLESFORD RAILWAY EXTENSION BILL.

Sir B. O’LOGHLLEN moved for leave to bring in a Bill to authorize the extension of the Carlsruhe and Daylesford Railway. He stated that the object of the measure was merely to alter the site of the railway station at Daylesford, in order to meet the wishes of the inhabitants of the town.

Mr. GRANT seconded the motion.

Mr. GILLIES asked how it came to be the duty of the Attorney-General, instead of the Minister of Railways, to introduce a Bill of this sort? Surely some explanation on that point ought to be afforded. Again, if the Attorney-General was going to keep charge of the measure, he might as well supply some information as to what made it necessary. He might, for instance, state how it came about that while it was in the first place designed
that the Daylesford Railway should begin at Woodend, its starting point was subsequently fixed at Carlsruhe, and that now a still further departure from the original plan was contemplated. Also, the House would doubtless be glad to know if the persons whose land would be interfered with under the Bill were willing to part with it at something like a reasonable figure?

Mr. SERVICE thought there were other points on which information ought to be vouchsafed by the Government. For example, how far had the Railway department commit itself when it caused notices to be served on the owners of the land it formerly wished to take up for this railway station, and subsequently recalled them? Also, how often had the works at Daylesford been visited by the engineer of construction?

Mr. WOODS stated that there was nothing unusual in serving a landowner with notice that probably his property would be interfered with for railway purposes. At first, a particular site for the Daylesford railway station was chosen, but it was afterwards thought that it would be a great public accommodation if another spot 25 chains further on were fixed upon. The notices served in connexion with the first site meant nothing more than a kind of invitation to treat. With respect to the engineer alluded to, he would mention that Mr. Ford had always been the engineer of design and construction, but his position as such had not been acknowledged until now. He was also what might be called chief draughtsman, and had a hand in designing the North-Eastern Railway and many other works. As for his visiting Daylesford, what occasion was there for him to do so? What was the necessity for him to visit any line? All the surveys, including sections of crossings, &c., were sent in to him, and he was placed thereby in possession of every fact he required respecting sites and matters of that kind. Indeed, it was probable that a better and clearer idea of the physical features of the land he had to deal with was conveyed to him through plans than he would be able to gather from a short visit. Considering that within the last two years no less than 140 fresh localities were connected with the railway system of the colony, if the engineer of design and construction had to go from station to station to ascertain local wants, he would not be able to do much else. Besides, it was his business to look at everything in a strictly engineering light. The engineering branch had nothing to do with local requirements; it simply had to place every matter it took in hand before the head of the department as a question of engineering. After that, if it was considered beneficial to the department, or to the people whom it was intended to serve, to set the engineers on one side, of course their views were superseded.

Mr. ANDREW expressed the hope that the Government would act perfectly frankly and openly in this matter, and also lay before the House the opinions of the officers of the Railway department as to the change now proposed. He was given to understand that had the original station site, which was admirably suited to the purpose, been adhered to, a highly proper course would have been taken, and, moreover, that the proposed change was due to a local movement that could not be justified from a national point of view. In fact, the new site was so situated as to suit the purpose of only certain storekeepers and publicans, and preserve them from outside competition.

Mr. RICHARDSON considered that it was quite right for the honorable member for Rodney (Mr. Gillies) and the honorable member for Maldon to press for the fullest information respecting the subject-matter of the Bill, but he thought the honorable member for West Melbourne (Mr. Andrew) was by no means justified in making an ex parte statement about it, calculated to influence the House to come to a decision before it was in possession of a full explanation of affairs. The inhabitants of Daylesford were not satisfied with the station site marked out by the Railway department, and 1,800 of them had petitioned for a change, while only 211 had expressed themselves in favour of the original site. It was for the House to decide the question between the two parties on its merits, and he hoped honorable members would not allow themselves to be prejudiced with respect to it beforehand.

The motion was agreed to.

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

CONSTITUTION ACT AMENDMENT BILL

The House went into committee for the further consideration of this Bill.
Discussion took place on clause 6 (postponed from November 11) which was as follows:

"Immediately on the adoption by the Legislative Assembly of any report from the Committee of Supply containing a resolution that any sum be granted to Her Majesty such sum shall become legally available for and applicable to the service or purpose mentioned in such resolution, and may be issued accordingly out of the consolidated revenue."

Mr. BERRY moved that the clause be amended to read as follows:

"Notwithstanding the 'rejection' of an annual Appropriation Bill or of a Consolidated Revenue Bill by the Legislative Council, and in the event of such 'rejection,' then on the adoption by the Legislative Assembly of any report from the Committee of Supply containing a resolution that any sum be granted to Her Majesty such sum shall become legally available for and applicable to the service or purpose mentioned in such resolution, and may be issued accordingly out of the consolidated revenue, anything in the 55th section of the Constitution Act to the contrary notwithstanding; provided always that the 'rejection' of any such Bill may be held to have taken place for the purposes of this section upon any such Bill not having been passed by the Legislative Council within one month after its transmission from the Legislative Assembly, unless Parliament be sooner dissolved or prorogued."

He said—Mr. James, it is, no doubt, to be regretted that it is considered necessary to embody a clause of this character in an Act of Parliament, but honorable members have their own experience, extending over some years, to show them that the want of something of this kind has already worked serious mischief and inconvenience to the people of the country. Indeed, that is so plain and clear that it seems almost unnecessary at the present day to urge on the liberal portion of this Chamber and of the constituencies of the country that the adoption of a provision of this nature is absolutely called for. Because it is within our memories that the stand taken in the clause is no new one. The claims which it embodies are those which have been made by the Legislative Assembly from the commencement of its financial difficulties with the Legislative Council. They simply form a part—a most important part—of what this House contended for before ever a dead-lock occurred here. I venture to say that, if this clause is not now adopted, it will be a concession that the Assembly was invariably wrong in all its former contests with the Legislative Council.

Mr. GAUNSON.—Well, you have said yourself that we were wrong.

Mr. BERRY.—I have never varied from the opinion that our Constitution Act was intended to be a reflex of the Constitution of Great Britain, and that the 56th section was framed to convey, as nearly as language possibly could, that the usages and practice of the House of Commons with respect to Bills of Appropriation, Taxation, or Supply, were to be the usages and practice of this Chamber—that such measures should be initiated here by message from the Crown, and then pass through all the stages through which similar measures pass in the House of Commons, with the provision that they might subsequently be rejected but not altered by the Legislative Council. The only difference between the Council and the House of Lords in the matter is that, although the latter body keeps up its obsolete claim to be able to reject Bills, it has never exercised it, except perhaps in one modern instance, when its action was warmly resented by the Commons, which has from that day to this always embodied its various enactments of a financial character, with respect to Ways and Means, in one measure.

Sir J. O'SHANASSY.—It has done nothing of the kind.

Mr. CASEY.—How can the Chief Secretary be correct? The Appropriation Bill is initiated in Committee of Ways and Means, and so are Tax Bills, but Tax Bills and the Appropriation Bill are not united.

Mr. BERRY.—I do not mean to say that appropriation and taxation go together. Of course the Appropriation Bill is kept separate. What I wish to convey is that since the rejection by the Lords of the Paper Duties Bill a variety of Tax Bills, all different from each other, but all dealing with the Ways and Means of the year, have been included by the Commons in one Bill.

Sir J. O'SHANASSY.—But not every Tax Bill.

Mr. BERRY.—I don't say that every Tax Bill is so included, but that in a great number of cases Tax Bills are so included; and it is on record that that step is taken by the Commons to protect their privileges, and to prevent even the possibility of the Lords rejecting any portion of the financial scheme of the year. Had the original Paper Duties Bill been included in a Ways and Means Bill covering the Ways and Means proposals of the year, instead of being sent up in a separate
measure, it could never have been rejected by the Lords. I mention all this only to illustrate what underlies the present question—what necessitates a Reform Bill—what is, in fact, the foundation of all the agitation we have had in the country for ten or twelve years past for reform of the Constitution. Had the Legislative Council been willing to adhere to the customs, usages, and practice of the Imperial Parliament, no differences would have arisen, and our Constitution would have worked well.

An Honorable Member.—By “working well” you mean the Council being brought under the heel of authority.

Mr. BERRY.—It is of no use attempting to convert the Opposition. I know their views. They are views which are more fully explained by a section of the English press than by themselves. In England it is contended that the Assembly has gone too far in the extension of its franchise to be trusted with all the powers possessed by the House of Commons. (“No.”) That is the only reason. None of the English writers will venture to say that the House of Commons does not possess all the powers we claim; but what is put forward by them is that, before this Assembly should possess the same powers, its franchise ought to be altered.

Mr. McINTYRE.—Just quote one authority to substantiate that statement.

Mr. BERRY.—I speak from what dwells in my own memory—from what I have read in the English press within the last few years, although the idea has been put forward most strongly within a much more recent period. That idea, I repeat, is that, before this Assembly can be trusted with the powers of the House of Commons, its franchise should be assimilated to that of the House of Commons. I know honorable members opposite would not dare to say that to the people of this colony, but their organs in the press have so vilified the Assembly that they have given a false impression of it to the writers in English papers. The latter, believing what they read, imagine that the Victorian Assembly is unlike the House of Commons, and is therefore not fit to be entrusted with the same powers as the House of Commons. I could understand the objection to the clause raised on those grounds, but I can understand it no other, because those who are acquainted with the history of the House of Commons know that the practice objected to by the Opposition is the ordinary practice of the Commons.

Mr. GILLIES.—No.

Mr. BERRY.—The right of granting Aids and Supplies to the Crown has been affirmed by repeated resolutions to be in the Commons alone, and although the Lords still claim the right of rejection they do not venture to make any amendment. Honorable members opposite have challenged my statement that the English writers who do not see their way to support the claims of the Victorian Assembly to the fullest extent rest their views on the opinion that the franchise has been too widely extended in this colony.

Mr. GILLIES.—You can get ridiculous opinions on all sides of a question.

Mr. BERRY.—The Westminster Review, in an article in the number for July last, said—

“To turn the Assembly into a House of Commons there must be some modification of the franchise, and the franchise, and there may be some alteration in the personnel of the members. To do away with manhood suffrage, once it has been introduced, is impossible, but its effect may be qualified. . . . Very great things are to be expected of the rescinding of the present temporary arrangement of payment of members. The abolition of this—an abolition warmly advocated by an increasing class in the colony—would go a long way towards improving the tone and dignity of the House, and attracting to it a better and more independent class of members.”

Mr. MACBAIN.—Does the Westminster Review represent the views of the people of England?

Mr. BERRY.—The extract supports my argument that the English writers who are not prepared to concede to the Victorian Assembly all the powers of the House of Commons do not rest their opposition on the ground that the Assembly here claims anything in excess of the powers of the House of Commons, but on the ground that this Assembly is not equal to the House of Commons, and, therefore, has no claim to the powers possessed by that body. I am surprised that the slightest difference exists in the liberal ranks, at all events, with respect to the clause now proposed. From the year 1865 up to the present time, or at least very recently, I have never heard a doubt expressed as to the practice contained in the clause being within the powers claimed by the Assembly, and coming within the reasonable interpretation of the Constitution Act. It is only because the Government cannot do here
as is done in England—namely, give the Crown the interpretation of the law through its own law officers—that any difficulty has arisen. It is only because there is an interference in the interpretation of the law by another power and authority altogether that the practice embodied in the clause has not been acted upon as part of the Constitution of the colony.

Mr. GILLIES.—It is no part of the Constitution.

Mr. BERRY.—There are on record the opinions of able lawyers, such as Mr. Higinbotham, Mr. Michie, and others, that the Constitution does give authority to pay on the votes of the Assembly alone.

Mr. GILLIES.—The opinions were given under a misapprehension.

Mr. BERRY.—It may be that we on this (the Ministerial) side of the House are all under a misapprehension. No doubt, that is the opinion of every honorable member opposite, and of every honorable member who will vote against this clause. Whatever doubt, however, there may be as to the true legal interpretation of the Constitution Act in this respect—and it would be a very clear point on which lawyers would not be found to differ—there can be no doubt as to the intention of the framers of the Constitution. All honorable members know, from the reports of the proceedings at the time the Constitution Act was framed, that the intention was to give to the Assembly all the rights, powers, and privileges of the House of Commons.

Mr. GILLIES.—That was not giving them this power.

Mr. BERRY.—I maintain that, in proposing the clause, the Government are asking for the Assembly nothing more—in fact, they are asking for less rather than more—than, according to the opinions of the soundest thinkers and best lawyers who have studied the question, and have had it brought home to them in the only place where it can be practically brought home to them—namely, in the Assembly—already exists in the Constitution Act. They have given their opinion that, without any alteration of the law at all, if there could only be obtained a fair interpretation, by men responsible to this country, of the existing Constitution, money would be made legally available on the votes of the Assembly alone, without the necessity for any reference to England at all.

Mr. GAUNSON.—That is not true.

Mr. BERRY.—Honorable members must know that until the Audit Commissioners drew attention to the matter it was the practice here to pay on the votes of the Assembly alone, and the practice was altered more as a question of expediency than of law, the question being merely whether there should not be the formal assent of the Council asked—following the practice in England—for the purposes of audit. It was never imagined, however, that the concession would have been used by the Council, as it has been on four separate occasions, for the purpose of challenging the financial authority of the Assembly and throwing the whole finances of the country into confusion. Certainly the members of the present Assembly who voted with the Government in passing a resolution similar to the clause, towards the close of the first session of this Parliament when the last dead-lock occurred, cannot now consistently object to the clause.

Mr. McINTYRE.—The resolution was said to be only for a temporary purpose.

Mr. BERRY.—So will this clause only be for a temporary purpose. It will only come into operation under exactly the same temporary circumstances as the resolution would have done. The circumstances must exist before the clause can operate, and then the Assembly, instead of being powerless as it now is in consequence of the Constitution Act being interpreted from England rather than by our own law officers, will be able to prevent any future dead-lock. In fact, honorable members must choose between two things. They must choose between the clause and the possibility—nay, the probability—that there may be another dead-lock with all the inconveniences of previous ones, and a great deal more danger added. I confess I am not surprised at the attitude assumed by the Opposition in opposing the clause, because it must revive in their memories all the past contests between the two Chambers, in which they took the one side and we the other. If the Assembly now rejects the clause, it will be practically affirming that it was wrong in all the struggles with the Council, and will consequently bring home to itself, or its predecessors, the responsibility for all the calamities the country has suffered through the Assembly insisting on rights which the rejection of the clause will virtually admit that it did not possess. On the other hand, the adoption of the clause
will be to affirm that all the dangers, difficulties, and inconveniences caused by previous dead-locks have been brought about directly by the action of the Council, and in a large degree through the support and sympathy extended to the Upper House by the Opposition here. Had the Assembly been united, as the House of Commons would have been under similar circumstances, the Legislative Council would not have dared to throw out an Appropriation Bill on four separate occasions as it has done. The clause, I submit, is absolutely necessary. Further, it is within the four corners of the rights and privileges of the House of Commons, and I will not insult this Assembly by supposing that, as far as local affairs are concerned, it would admit its inferiority to the House of Commons. It never has made such an admission yet, and it would be something new for honorable members to acknowledge to the people of this country such an inferiority. The only argument against intruding to the Assembly the power proposed in the clause which has any force at all is that alleged in the Westminster Review, and that is an argument which would not be used in this colony, nor would it have been used in England had writers there the intimate knowledge of the affairs of the colony which they should possess before taking upon themselves to criticise and almost to vilify one part of the Victorian Legislature. I do not think honorable members on either side will agree with the reviewer, and consequently honorable members opposite are thrown back on the only objection remaining—namely, that the two Houses here are not similar to the two branches of the Imperial Parliament, and that the former must keep within the four corners of the Constitution Act. Indeed, I have heard the honorable member for Belfast argue on previous occasions that each House may place its own interpretation on the Constitution Act. The great evil has been that there has been no authoritative interpretation of that Act, so that while the Assembly has said one thing the Council has said another, with the result that the whole finances of the country have been thrown into confusion. The object of the clause is to put a stop to that state of things for ever. When called into operation it will prevent a dead-lock, and, on the other hand, if the Legislative Council performs the functions of a second Chamber in the same spirit as the House of Lords does, there will be no necessity for bringing the clause into operation at all. Honorable members, therefore, have only to consider whether they will accept the clause, or run the risk that, before another year has elapsed, the whole affairs of the country will be thrown into the confusion and difficulties of a dead-lock such as those we have suffered so much from in the past.

Mr. GILLIES.—I would not have thought it worth while to say anything about this clause at all if the Chief Secretary, in moving it, had adopted the course he pursued with reference to the other clauses of the Bill, and refrained from addressing the committee on the subject. As the honorable gentleman, however, has thought it his duty to go over a great deal of old ground, and to recapitulate a great many statements he has previously made—statements which, in my opinion, are wholly without foundation or justification—I feel it necessary to say a few words. I may state, in the first place, that the quotation the Chief Secretary has given from the Westminster Review in no way represents the sentiments of this (the opposition) side of the House, as far as I know them. Certainly it does not represent in the slightest degree my sentiments. It is rather surprising, after all that has passed, that the Chief Secretary continues to reiterate his previous assertions respecting the claims of the Assembly with regard to finance being exactly on a par with what he affirms to be those of the House of Commons. The despatch of Sir Michael Hicks-Beech, of August, 1875, conclusively shows that the House of Commons, in practice, claims no such privileges or powers as the Chief Secretary asserts it to do. Before going into this point, however, I desire to draw the attention of the committee to an assertion of the Chief Secretary which is not warranted by the facts, and which, I think, it was scarcely fair of him to make without referring to the circumstances under which the opinions he alluded to were given. He has told us that he has the authority of a number of able lawyers—notably Mr. Higinbotham and Mr. Michie—that under our Constitution Act public moneys can be made available on the strength of a resolution in Committee of Supply reported to and adopted by the Assembly. It was scarcely fair for the Chief Secretary to make that bald statement, because we are aware that there was
another distinguished and learned gentleman who at one time expressed a similar opinion. But evidently all those opinions were founded on a serious misapprehension—namely, that it was the practice of the House of Commons to authorize the payment of public moneys on resolutions in Supply reported to and adopted by the House. That misapprehension has been removed, because we now know, on the highest possible authority, that the practice of the House of Commons is not what those learned gentlemen supposed it to be when they gave their opinions.

Mr. LALOR.—What is the practice of the House of Lords?

Mr. GILLIES.—The practice of the House of Lords has nothing to do with the question I am discussing. Last year this Assembly was asked to, and did, pass a resolution affirming that it was a right and privilege of the House to authorize the Government to make payments on resolutions of Committee of Supply reported to and adopted by the Assembly. That resolution having been passed, the law officers of the Crown in England were asked as to the legality of the course proposed, and they declared that legally the House has no such power. The Government, having themselves appealed unto Caesar, ought to be bound by Caesar's decision.

Mr. BERRY.—The honorable member is not stating correctly what occurred. The late Governor sent home for the opinion. He had no authority from the Government to do so, but simply a memorandum from his Ministers.

Mr. GILLIES.—Exactly. The Government, of course, could not take one step in the matter without the authority of the Governor, and he had been told that in the signing of warrants for the payment of public moneys there was a personal responsibility attaching to him, imposed by a Statute of this colony, and that he could not evade that responsibility by having the authority of his Ministers for the act. He had a personal responsibility for which he might be called to account by the Imperial Government. Of course, the Ministry were aware of that, and they could not ask the Governor to do anything about his legal authority for doing which he was not perfectly clear in his own mind. The Governor told the Ministers that, for his guidance, he must ask the opinion of the Imperial law officers; and thereupon the Cabinet wrote a minute arguing the whole question, and citing their authorities in support of their proposal, and they were waiting for the authority of the Secretary of State for the Colonies empowering the Governor to do what they had suggested. The Imperial law officers, in reply, denied that there was any such legal authority under our law for payments on the votes of the Assembly as had been claimed by the Ministry.

Mr. LALOR.—What is the value of that opinion?

Mr. GILLIES.—It would have been considered very valuable by the Ministry if it had been on the other side. We should have had it quoted every night of the session. In addition to that, we have it laid down, on the authority of the Secretary of State for the Colonies—supporting the statements of Mr. Gladstone, Mr. Childers, and other English statesmen, which have been quoted on this side of the House—what is the practice of the House of Commons. Sir Michael Hicks-Bench, in his despatch dated August 17, 1878, says—

"With respect, however, to the question whether, when the Committee of Supply has voted money for other purposes than those mentioned in the 45th section of the Act, and such vote has been duly reported to the Legislative Assembly, the amount voted becomes thereupon 'legally available, &c.' the law officers are of opinion that it does not, and that it is not available until it has been appropriated by an Act of the Victorian Legislature."

"But the resolutions, although they record the sanction of the House of Commons to the expenditure submitted to them, do not enable the Government to draw from the consolidated fund (to which the whole of the accruing income of the State is paid) the money requisite to meet such expenditure. A further authority is required in the shape of a resolution in committee of the whole House on Ways and Means, which must be reported to and confirmed by the House and must be embodied in a Bill, to be passed through both Houses of Parliament, before practical effect can be given to the votes in Supply by authorizing the Treasury to take out of the consolidated fund the money required to defray the expenditure sanctioned by such votes. The votes in Committee of Supply authorize the expenditure, the votes in Committee of Ways and Means provide the funds to meet that expenditure."

There could not be a clearer statement of the practice of the House of Commons than that. After votes have been taken in Committee of Supply, and adopted by the House, other votes are taken in Committee of Ways and Means, and a Bill is then introduced, and is passed through both branches of the Legislature, before
Then I take the 2056 Constitution Act Amendment Bill. Now as to the question whether the Government themselves really did refer the point home—

Mr. ANDREW.—We don't dispute that.

Mr. GILLIES.—The Chief Secretary has denied it. Really one does not know where to have the gentlemen opposite.

Mr. ANDREW.—These are all side issues. Come to the main question.

Mr. GILLIES.—This is an important question, because, if the Ministry did refer the point home, they must to a large extent feel bound by the decision given. Now Sir Michael Hicks-Beach, in the despatch I have quoted, uses this expression:—

“In your despatch of the 25th of January, you suggested, at the instance of your responsible advisers, that my predecessor in this office should consult the law officers of the Crown in this country upon the opinion given by the then Attorney-General of Victoria, Mr. Le Poer Trench, to the effect that resolutions adopted by the Assembly in Committee of Supply suffice to make ‘legally available’ for the public service money standing to the credit of the public account.”

What is the meaning of the words “at the instance of your responsible advisers”? Mr. BERRY.—Why not quote my memorandum itself, and not what another party says?

Mr. GILLIES.—Of course, if the Chief Secretary denies the representation of the late Governor that he was asked by his responsible advisers to refer that matter home, and that he did so “at the instance of his responsible advisers”—

Mr. BERRY.—I certainly do deny that. There is all the difference in the world between the real facts and what the honorable member suggests. Of course the Government were aware that the Governor would have to consult the home authorities before he decided on so important a question, and they gave him full information as to their views, to use as he thought fit, with the full knowledge that he would use it in ascertaining the opinion of the home authorities before he took the important step of signing warrants for the payment of public moneys on the votes of this Chamber alone. But that is a totally different thing from the Government suggesting to the Governor that he should consult the home authorities. He had to follow his instructions, and all the Government did was to place the whole ease before him, so that if he did refer it home he should not do so in an imperfect manner.

Mr. GILLIES.—There can be no dispute, at all events, as to the interpretation of the passage in the despatch I have read. It can be interpreted in no other way than that it was at the suggestion of his Ministers that the Governor asked the question of the Imperial law officers as to whether the opinion of the late Attorney-General was correct or not. The Chief Secretary now says that the late Governor had no justification for making such a statement. Now, if I ask the Government to furnish the Assembly with copies of all memoranda, private and otherwise, addressed to them by the late Governor on this subject, will they object to do so?

Mr. BERRY.—There were no private memoranda at all.

Mr. GILLIES.—Then I take the statement of the Chief Secretary that the question was not referred home at the request of the Government, and I pass on. I have already pointed out that the opinions of certain learned gentlemen referred to by the Chief Secretary were to a large extent, if not wholly, based upon the supposition that the practice of paying on the votes of the Assembly was the practice of the House of Commons, and we know that our Constitution Act provides that we shall follow the practice of the House of Commons. Consequently the discovery that their supposition of what was the practice of the House of Commons is not really the practice of the House of Commons wholly alters the position.

Mr. BERRY.—Have they ever said so?

Mr. GILLIES.—The late Mr. Justice Fellows said so, and the moment he became aware of the fact that the practice of the House of Commons was not as he had supposed he withdrew his opinion. I am not aware, either, that, since the practice of the House of Commons has been placed beyond doubt, any of the other learned gentlemen referred to by the Chief Secretary have re-asserted their opinion. At all events, it is only fair to them to hold that the supposed practice of the House of Commons was the most important element in causing them to give the opinion they did. Now it is abundantly clear from what I have read that they were mistaken as to the practice of the House of Commons, and
we have also the opinion of the Imperial law officers that payment on the votes of the Assembly alone is not legal here. It is true that the present Assembly passed a resolution affirming the principle advocated by the Chief Secretary, but if the honorable gentleman refers to what he stated on that occasion, he will find that he pressed the Assembly to do so as a matter of great urgency; that he said he would never ask the House to pass such a resolution except for a temporary purpose; and that he admitted that it was not the practice here to pay public moneys on the authority of votes in Supply adopted by the Assembly. In fact, the Chief Secretary drew a broad distinction between the case he submitted and the general practice of the House.

Mr. BERRY.—So does this clause.

Mr. GILLIES.—I think I shall be able to show that this clause, instead of being for a temporary purpose, is for a permanent purpose, and has altogether a permanent object in view. Now it is a curious thing that the Chief Secretary, in asking the committee to agree to this clause, did not seek to prove that it embodies the practice of the House of Commons. That was one of the most important things for him to prove, because he sought to justify his Reform Bill on the ground that its proposals are based on the practice of the House of Commons and the House of Lords. Here is a case in point, in which it has been proved that there is no such practice in the House of Commons.

Mr. LALOR.—Between the two Houses.

Mr. GILLIES.—Nor between the two Houses. It has been shown to demonstration by the Secretary of State for the Colonies that it is not the practice in England to make payments on the authority of votes in Supply reported to and adopted by the House of Commons; and that an Act of Parliament must be passed before a penny of the money is legally available. If that cannot be denied, how can it be contended that this clause is a reflex of the practice of the House of Commons? To make such an assertion is to wholly misuse terms. It would be very much better, instead of passing a clause of this kind, if the committee adopted what was in the Reform Bill of last session, namely, the proposal that the sanction of the second branch of the Legislature should not be necessary at all. That would be a much more direct way of attaining the end the Government have in view. The present clause, no doubt, will only come into operation when the Legislative Council has rejected a Supply Bill or an Appropriation Bill. In other words, the Assembly will present a pistol at the head of the Council, and say—"You can reject this Supply Bill or Appropriation Bill at your peril; but if you do reject it we will do without your consent." That, to my mind, is not even a decent proposition; it would be far better to take away the power of rejection from the Council altogether. We would then at least have the advantage of knowing that the responsibility rested with the Assembly in every possible contingency. I am not, however, prepared to confess that I would be satisfied with leaving the responsibility, under every possible contingency, to the Assembly alone until the country determines that we shall have only one branch of the Legislature. I see no justification, on any ground whatever, for passing over the second Chamber. Of course, if the country determined to have only one branch of the Legislature, I can understand that it would then naturally follow that the responsibility should rest with the Assembly alone. But I believe that the provision in the Constitution Act giving the Council the power of rejecting Money Bills was intended for a valuable public purpose, and I do not believe that an expression of opinion by one of the framers of the Constitution Act can be quoted to the contrary. I speak of the second branch of the Legislature as a portion of the Constitution, altogether apart from the individuals composing it, who from time to time pass away; and I say that to deprive it of the power of rejecting a Money Bill would be, in my opinion, inconsistent with the existence of two branches of the Legislature, and might be ultimately disastrous to the best interests of the country. I am certain that the people of this country will not be satisfied without having a check upon this branch of the Legislature, whether in regard to Money Bills, or anything else; and, after all, the power of the Legislative Council is only a check. However disadvantageous to the country has been the rejection of certain Money Bills by the Council in the past, it would be ten times more disadvantageous to the country if the second Chamber was wholly deprived, under every possible contingency, of the power of rejection at all. We can all
of us conceive circumstances arising in which the Assembly might be improperly carried away, and do things which, without the existence of a power of rejection in the Council, might be ruinous to the country. There is no statesman in England that I know of who is prepared to deny that, even in practice, under exceptional circumstances, the House of Lords has the right to reject a Money Bill.

Mr. LALOR.—Oh!

Mr. GILLIES.—I know of no existing authority or statesman who is prepared to advocate the passing of an Act of the Imperial Parliament taking away, by language, the power of the House of Lords to reject any Money Bill.

Mr. ANDREW.—They have never had to discuss the question there.

Mr. GILLIES.—We are compelled to discuss it here, and the same ground that would justify the Imperial Parliament in refusing to pass any such proposal as I have mentioned ought to justify us in refusing to pass a similar proposition here. This is not merely a question between the present occupants of the Treasury bench and their opponents in Parliament. It is becoming a very large question throughout the country, and I have no hesitation in expressing the opinion that if the verdict of the country on this solitary proposition could be taken to-morrow, it would not place unlimited and uncontrolled power in the hands of the Assembly to vote and do what it chose with reference to the public finances. Although in probably 999 cases out of 1,000 there would be no occasion for the second branch of the Legislature to exercise the right of veto, the existence of that right is a very valuable part of the Constitution Act. The 6th clause, therefore, I consider will be one of the most serious blots in the Bill if the Government are able to carry it into law, and I am satisfied that one of the first things required to be done in such an event will be to repeal it. But really, after all, I have no fear about this Bill ever becoming law—not the ghost of a fear. In fact, I am satisfied that the existence of this 6th clause will be as great a difficulty to the Ministry in carrying their Bill as the provision for the plebiscite, which the Chief Secretary now appears to be not at all enamoured of. Of course we all know— as the Chief Secretary knows—that probably there is not an English statesman who would think of considering for a moment the Bill as it stands.

Sir B. O’LOGHLEN.—Oh!

Mr. GILLIES.—Of course we know that the Attorney-General is the highest authority in this or any other country, and that all other distinguished authorities must “pale their ineffectual fires” before the honorable and learned gentleman. Nevertheless, there is not the slightest justification for believing, from what we know of the opinion of English statesmen, that either the proposal now before us or the plebiscite will be adopted by the Imperial authorities. I was in hopes that the Government would drop the 6th clause altogether. They have evidently found much difficulty in framing the amendment, and, after all, I do not see that it is an improvement on the original clause from any point of view. The clause as it stands is much more simple than as it is proposed to be amended. As it is proposed to be amended, the clause refers to two possible contingencies; but it will be perfectly immaterial whether those contingencies arise or not, because the power is to be vested in the Legislative Assembly under any possible circumstances to vote money as it thinks fit, without any check or control whatever. No greater power than that could be given in any case. The mere fact of the existence of a check is a most valuable thing, and I have never heard of any authority at home expressing a desire to see the present practice of the House of Commons altered. I certainly cannot conceive for a moment how any honorable member can argue that this clause contains an embodiment of the practice of the House of Commons. That is clearly contradicted by the despatch from the Secretary of State. I do not know whether honorable members may think that the amendment is an improvement on the original clause; but in my opinion both proposals are equally obnoxious on the simple ground that they materially and fundamentally alter the existing law, and that they will deprive the second branch of the Legislature of the means of preventing any abuse of power on the part of the Legislative Assembly, however great it may be, and without even affording the chance of a check being exercised by the people themselves.

Sir B. O’LOGHLEN.—Sir, the honorable member for Rodney (Mr. Gilles) has divided his objection to this clause into three parts—its legality, the view taken
by the people here, and the view taken by statesmen at home. With regard to the view taken by the people in the colony, I have addressed a great number of public meetings, some of them not altogether composed of adherents of the Government, and at least four-fifths of those present were clearly in unison with the view of the Government as to the advantages of this clause. As to what may be the opinion of statesmen at home with respect to this clause. As to what may be the view of statesmen at home with respect to this clause or to the plebiscite, I will remark that whatever personal objections statesmen at home may have to any particular provision in a local Act of Parliament, when it comes to be a question of whether the Constitution of the colony shall be altered in accordance with the expressed will of the people, they will practically endorse the views of the people—they will accept any Bill passed by this House which is in accordance with the views of the people, or enable this House to have the powers of a constituent Assembly—and will not follow any political prejudice or predisposition they may have against any particular portion of the measure. In reference to the policy of the 6th clause, I may point out that the clause will only come into operation when a Consolidated Revenue Bill or an Appropriation Bill has been thrown out by the Legislative Council; and I apprehend that it will be very seldom brought into operation if the whole Bill is passed in its present shape, because, under the rotatory nominee system, as proposed by the 2nd part of the measure, the Legislative Council will be brought into unison with the feelings of the people, and will never venture to throw out an Appropriation Bill or a Consolidated Revenue Bill. But, supposing they do so, look at the safeguards with which the clause hedges round the action of the Assembly before money can become legally available on the vote of the Commons. There cannot be any doubt about it. After the debates on the Paper Duties Repeal Bill a measure was passed, in 1866 (the 29th and 30th Vict., cap. 39), entitled “an Act to consolidate the duties of the Exchequer and Audit departments, to regulate the receipt, custody, and issue of public moneys, and to provide for the audit of the accounts thereof,” in which the right of the House of Commons to pay money on its own vote is specifically saved; in fact, the Act points out the road to which Lord Palmerston referred. The 14th section says—

“When any sum or sums of money shall have been granted to Her Majesty by a resolution of
the House of Commons, or by an Act of Parliament, to defray expenses for any specified public services, it shall be lawful for Her Majesty, from time to time, by her Royal order under the Royal sign manual, countersigned by the Treasury, to authorize and require the Treasury to issue, out of the credits to be granted to them on the Exchequer accounts as hereinafter provided, the sums which may be required from time to time to defray such expenses, not exceeding the amount of the sums so voted or granted."

Now this particular section saves the right of the House of Commons to pay money on its own vote in the event of such an occurrence happening as has taken place in this country.

Mr. GILLIES.—No; it does not affect the question at all. Several other Acts contain the same provision.

Sir B. O’LOGHLEN.—The wording of this Act is different from that of the other Acts to which the honorable member refers. I have pointed out that this was passed after the debate on the Paper Duties Repeal Bill. If the honorable member is not satisfied with section 14, I will call his attention to the 15th section, which says—

"When any Ways and Means shall have been granted by Parliament to make good the Supplies granted to Her Majesty by any Act of Parliament or resolution of the House of Commons, the Comptroller and Auditor-General shall grant to the Treasury," 

This section clearly shows that money may be granted by an Act of Parliament, or by a resolution of the House of Commons—it is put in the alternative. Sir J. O’SHANASSY.—Give us a case in point.

Sir B. O’LOGHLEN.—The honorable member knows that no Consolidated Revenue Bill or Appropriation Bill has been rejected by the House of Lords, because the practice of the House of Lords has always been in deference to the powers claimed by the House of Commons; but this Act, I contend, specifically saves the rights of the House of Commons, and points out the particular road along which Lord Palmerston would have led the House of Commons if such an event had occurred as the rejection of an Appropriation Bill by the House of Lords. I will also refer to the 11th section of the Act, the marginal note of which is—

"Moneys to form one fund in the books of the Banks of England and Ireland applicable to Exchequer issues."

The section contains the following proviso:—

"Provided always that this enactment shall not be construed to empower the Treasury, or any authority, to direct the payment, by any such principal accountant, of expenditure not sanctioned by any Act whereby services are or may be charged on the consolidated fund, or by a vote of the House of Commons, or by an Act for the appropriation of the Supplies granted by Parliament."

This section clearly recognises the fact that money may be paid either on the authority of an Act of Parliament or by a vote of the House of Commons. The three sections conclusively show that what was in the mind of the House of Commons when the measure was passed was to save the power which has always been claimed by the Commons, and would be exercised to-morrow if such an event occurred as the rejection of an Appropriation Bill by the House of Lords. The honorable member for Rodney referred to the legal opinion given by the English law officers on the words "legally available" in our Audit Act; but the honorable member must know that it is a purely technical legal opinion upon certain words in the 2nd and 3rd sections of the Constitution Act. The English law officers never had under their consideration the question of what is the constitutional right of this House apart from the mere technical construction of the Constitution Act; and they expressed no opinion as to the law of England in reference to the rights of the House of Commons. This Chamber has always claimed, and I hope it will never cease to claim, the same rights and privileges that are enjoyed by the English House of Commons. The only fault I find with the 6th clause of the Bill, as it is proposed to be amended, is that, in deference to what I will call the weaker brethren, the Government have qualified their first exposition of the claims of the Legislative Assembly, which is the true and correct one, and in accordance with the law of England. When the Chief Secretary was addressing the committee there were some interjections to the effect that since the passing of the Paper Duties Repeal Bill a change has been made in the practice of tackling together different taxation proposals. Now what is the fact? An Act was passed last year (41st and 42nd Vict., cap. 51) to impose certain duties of customs and inland revenue, to alter other duties, and to amend the law relating to customs and inland revenue; and in that Act customs duties, income tax, dog licences, and stamp duties are all
provided for. Moreover, each division of the Act includes not only sections granting duties, but sections relating to penalties, and containing all the necessary machinery for the administration of the law. The same remark applies to an Act passed in 1877 and one passed in 1876—the 40th and 41st Vict., cap. 13, and the 39th and 40th Vict., cap. 16. Each of those measures imposes various duties of different kinds—customs and excise, income tax, stamps, land tax, and so forth—and also contains provisions relating to penalties, management, and machinery. I am almost sorry that all the taxation proposals of the Government this year—including the land tax, customs duties, and stamp duties—have not been put together in one Bill, according to the practice of the House of Commons. However, I think I have said sufficient to put an end to the absurd contentions of honorable members opposite, who seem to consider that they alone know what is the practice of the House of Commons and what is the law of England.

Mr. CASEY.—Sir, I desire to say a few words in reply to what the Attorney-General has stated as to the practice of the House of Commons with respect to the granting of money.

Sir B. O'LOGHLEN.—I spoke of the powers claimed by the House of Commons.

Mr. CASEY.—If the interpretation of the law be such as the honorable and learned gentleman has now given, how can he reconcile it with the despatch of Sir Michael Hicks-Beach?

Sir B. O'LOGHLEN.—The despatch of Sir Michael Hicks-Beach states that, in the opinion of the English law officers, according to the construction of our Constitution Statute, money is not legally available on the vote of the Legislative Assembly. The law officers also describe what the practice of the House of Commons is, but they don't say what the law of England is.

Mr. GILLIES.—Yes, they do.

Sir B. O'LOGHLEN.—I think the honorable member is mistaken.

Mr. CASEY.—The despatch of Sir Michael Hicks-Beach, after speaking about the practice of the House of Commons and the House of Lords in regard to money matters, says—

"The constitutional effect of these regulations is that until the House of Lords and the Crown have consented to the grant of Ways and Means, the appropriation of the public money directed by votes in Supply of the House of Commons is inoperative."

Sir B. O'LOGHLEN.—That is not the law of England.

Mr. CASEY.—I ask the Attorney-General to give some weight to the opinion of Sir Michael Hicks-Beach, fortified as it is by that of the law officers of the Crown in England. The honorable and learned gentleman contends that money can be paid on the vote of this House, on the ground that that is in accordance with the practice of the House of Commons. I ask him whether the opinion of the English law officers and of the Secretary of State for the Colonies—all of whom are members of the House of Commons—is not entitled to some consideration? The despatch from which I have just quoted goes on to state—

"These general grants of Ways and Means on account during the session in anticipation of the specific appropriations embodied in the Appropriation Act passed at the close of the session may be viewed as the form in which Parliament considers it most convenient to convey their sanction to the ad interim issue of public money upon the appropriation directed by the Commons alone, relying on their final confirmation being obtained at the close of the session. For example, on the 4th and 15th March, 1878, votes amounting to more than £12,100,000 were granted in Supply for the army and navy services of 1878-9. On the 19th March a vote of £12,000,000 in Ways and Means was taken towards making good the Supply granted to Her Majesty for 1878-9, and this vote was embodied in a Ways and Means Bill, which received the Royal assent on the 28th March."

Another paragraph of the despatch says—

"But the resolutions, although they record the sanction of the House of Commons to the expenditure submitted to them, do not enable the Government to draw from the consolidated fund (to which the whole of the accruing income of the State is paid) the money requisite to meet such expenditure. A further authority is required in the shape of a resolution in committee of the whole House on Ways and Means, which must be reported to and confirmed by the House, and must be embodied in a Bill to be passed through both Houses of Parliament, before practical effect can be given to the votes in Supply by authorizing the Treasury to take out of the consolidated fund the money required to defray the expenditure sanctioned by such votes."

I will direct the Attorney-General’s attention to a few words in the first of the English Acts to which he alluded, and I think the honorable and learned gentleman will see that they do not carry out the contention which he has put before the committee, but that they are quite consistent with the view presented by Sir Michael Hicks-Beach,
Sir B. O'LOGHLEN.—The sections I quoted save the right of the House of Commons.

Mr. CASEY.—I think I can show that the saving of the right of the House of Commons does not apply in the way contended for by the Attorney-General. The despatch of the Secretary of State clearly lays down that the Committee of Supply grants money to the Crown, that the Committee of Ways and Means provides the means by which the expenditure authorized in Committee of Supply is to be met, and that the resolutions passed in Committee of Supply must ultimately be embodied in an Act of Parliament. In England there is a practice which does not exist here, whereby the Crown is able to anticipate revenue by the issue of Exchequer-bills; and the 11th section of England there is a practice which does not exist here, whereby the saving of the right of the House of Commons—they cannot be met, and that the resolutions passed in Committee of Supply must ultimately be embodied in an Act of Parliament. In England there is a practice which does not exist here, whereby the Crown is able to anticipate revenue by the issue of Exchequer-bills; and the 11th section of England there is a practice which does not exist here, whereby the saving of the right of the House of Commons—

Now the word "hereinafter" leads up to the 15th section, which must be read in connexion with it. The 14th section says—

"When any sum or sums of money shall have been granted to Her Majesty by a resolution of the House of Commons, or by an Act of Parliament, to defray expenses for any specified public service, it shall be lawful for Her Majesty from time to time, by her Royal order under the Royal sign manual, countersigned by the Treasury, to authorize and require the Treasury to issue, out of the credits to be granted to them on the Exchequer accounts as hereinafter provided, the sums which may be required from time to time to defray such expenses, not exceeding the sums so voted or granted."

Mr. CASEY.—The honorable and learned member reads "Ways and Means" as a Bill of Ways and Means.

Mr. CASEY.—The section shows that the meaning cannot be anything else. The Attorney-General knows that Ways and Means are valueless until they are sanctioned by an Act of Parliament. No doubt the House of Commons has the right, and will always preserve the right—and this House is bound to maintain the same right—of directing the financial operations of the country; but the question is whether the clause now before the committee is in accordance with the practice of the House of Commons.

Sir B. O'LOGHLEN.—Not the practice. This power is claimed by the House of Commons.

Mr. CASEY.—I don't think the Attorney-General has been able to show that the House of Commons has the legal power which he contends it possesses. The Act of Parliament which the honorable gentleman has quoted does not bear out the proposition he lays down. If the House of Commons had that power, I believe this House would be entitled to claim the same power; but it is not wise for this House to claim a power on the strength of the assertion that it is possessed by the House of Commons, if in reality the House of Commons has not got that power. The Attorney-General has also stated that there is not an English statesman who will not advocate that the Imperial Parliament should pass this Reform Bill into law if the people of this country make up their minds that it ought to become law; but the honorable
gentleman cannot very well have studied the last despatch of Sir Michael Hicks-Bench. The 6th paragraph of that despatch says—

"The recent difference between the two Houses of Victoria, like the most serious of those which have preceded it, turned upon the ultimate control of finance."

It then refers to the address adopted by the Legislative Assembly on the 14th February, 1878, which contained the following resolution passed by the Assembly:

"That all votes or grants passed in Committee of Supply become legally available for expenditure immediately such resolutions are agreed to by the Legislative Assembly; and that henceforth, in view of the serious public inconvenience caused by repeated rejections of the annual Appropriation Bill by the Legislative Council, this House resolves to revert to the practice which prevailed prior to 1862."

It is evident that Sir Michael Hicks-Bench had this resolution in his mind when he penned the 6th paragraph of the despatch. The paragraph goes on to say—

"I observe that the address of the Legislative Assembly of the 14th February, 1878, dwells almost exclusively on the necessity of securing to that House sufficient financial control to enable adequate Supplies to be provided for the public service, and it is prominently urged in Mr. Berry's letter of 26th February, in proof of the necessity for finding some solution of the present constitutional difficulty, that 'scarcely a year passes but it becomes a question whether the Supplies necessary for the Queen's service will be granted.' But this difficulty would not arise if the two Houses of Victoria were guided in the matter as in others, by the practice of the Imperial Parliament, the Council following the practice of the House of Lords, and the Assembly of that House of Commons."

Mr. BERRY.—Which House has failed to do so?

Mr. CASEY.—The other House, no doubt about it; but I want to make my position secure. I do not wish to ask the House to consent to a clause on the ground that it embodies the practice of the Imperial Parliament if that is not the case. It is said that the clause now before the committee gives the Legislative Assembly of this colony exactly the power enjoyed by the House of Commons in regard to money matters; but I contend that it gives more power than the House of Commons possesses or claims. The despatch further states—

"The Assembly, like the House of Commons, would claim, and in practice exercise, the right of granting Aids and Supplies to the Crown, of limiting the manner, manner, measure, and time of such grants, and of so framing Bills of Supply that these rights should be maintained inviolate."

I have quoted this portion of the despatch for the purpose of showing that the Attorney-General cannot claim Sir Michael Hicks-Bench as one of the British statesmen who would urge the British Parliament to pass a measure containing a clause like the one now under our consideration. And the Secretary of State goes on to say—

"As it would refrain from annexing to a Bill of Aid or Supply any clause or clauses of a nature foreign to or different from the matter of such a Bill, so the Council would refrain from any steps so injurious to the public service as the rejection of an Appropriation Bill."

I am dealing with the aspect of the case put forward by the Attorney-General that the House of Commons possesses, at the present time, the legal power to pay money upon its own votes. I say the honorable and learned gentleman cannot show an Act of Parliament which gives any such power. The Act to which the Attorney-General has referred gives no such power. It merely authorizes Exchequer-bills to be issued in cases where Supplies have been already voted, and is governed by the Act of Parliament granting the Ways and Means. Then again, Sir Michael Hicks-Bench and the two Crown law officers in England have declared that no such power exists, and their statement is entitled to some consideration seeing that they are leading members of the House of Commons, and that two of them are lawyers of eminence. Under these circumstances, I don't think we need fret ourselves as to whether the power exists or not. With regard to the 6th clause as it first appeared in the Bill, the objection which I took to it during the debate on the second reading was that it gave power to dispense with the Appropriation Bill altogether, and that thereby a weapon was taken out of the hands of this House as against the other Chamber. I think the amendment which the Chief Secretary has brought down this evening amply meets that difficulty. But while I say this, I must say that I don't concur in the Chief Secretary's argument that any person who votes against the 6th clause, as amended, must necessarily take the responsibility of admitting that everything which the Legislative Assembly has done in the past is wrong. I don't think the honorable gentleman can say that, and for the best of all reasons. He might have said it when he submitted clause 6 in its original condition; but when it was pointed out that that clause went further than he intended,
he took it back in order to remodel it; and we may be able to show that the clause as amended is also imperfect, and may require further amendment without interfering with the object which the Chief Secretary has in view. I say one can find fault with the clause without saying that everything the Legislative Assembly has done in the past is necessarily wrong. It is very well known that one great object we have in view is to put a stop to talks—the inclusion of improper things in a Bill which is intended merely to appropriate moneys for the service of the year. I will put a case. I will assume that, in the course of human events, the present Government cease to exist, and that another Government take their places. Supposing that Government, supported by a large majority, take it into their heads that, instead of members on both sides, only the majority shall be paid. Supposing they provide on the Estimates for the payment of £500 a year to each of their supporters, and nothing to anybody else.

Mr. ANDREW.—The thing is ridiculous and absurd.

Mr. CASEY.—I don't think so. But I am merely putting a case, and I ask what check is there against a proceeding of the kind?

Major SMITH.—The minority could prevent it.

Mr. CASEY.—How?

Major SMITH.—By "stone-walling."

Mr. CASEY.—But there might be an "iron hand." The majority might expel the minority. Certainly the majority might use a lot of powers which would seriously incapacitate the minority. I don't wish to cripple, in the smallest degree, the power of this House. I don't say that the votes of the Assembly should be invalid until they are approved of by the other House. But what I desire is that when we make claims we should make them on some foundation, so that we may be able to defend them before our constituents and the country. If we are following the lines of the British Constitution, well and good; but if we are not following the lines of the British Constitution, we will have to justify the departure. I admit that the frequent rejection of the Appropriation Bill by the Legislative Council has been exceedingly disastrous to the interests of the country, and that it would justify the taking of severe measures, with a view to prevent such a calamity again happening; and I am quite ready to give my assistance towards securing that object; but I wish the Chief Secretary to consider the question I have just put. Supposing another Government in office, with a large majority behind them, and they determine upon acting on the principle mentioned the other day—"the spoils to the victor"—they might say, "Why should an unscrupulous Opposition, or an unscrupulous minority, be paid?" and they might determine that payment of members should be confined to the majority. It seems to me that the possibility of such a thing should not be permitted.

Mr. BILLSON.—The country would stop it.

Mr. CASEY.—How could the country stop it for three years? The country could not stop the McCulloch Government for two years.

Sir B. O'LOGHLEN.—Let a Bill of impeachment be brought in.

Mr. CASEY.—How could the minority bring in a Bill to impeach the majority? I am trying to bring in a Bill now, and I cannot get it advanced even one stage. There is one other passage in the Secretary of State's despatch which I will venture to quote. It is as follows:

"I can hardly anticipate that the Imperial Parliament will consent to disturb, in any way, at the instance of one House of the Colonial Legislature, the settlement embodied in the Constitution Act, unless the Council should refuse to concur with the Assembly in some reasonable proposal for regulating the future relations of the two Houses in financial matters, in accordance with the high constitutional precedent to which I have referred."

That "high constitutional precedent" is the practice which now exists in the Imperial Parliament. All that I have ever desired—what I have never flinched from endeavouring to accomplish during the whole time I have been in Parliament—is that our practice with respect to the granting of Supplies and the imposition of taxation should be identical with Imperial practice; and it is because I think the proposal now made by the Chief Secretary goes a step beyond that, and, if adopted, may lead to some danger, that I shall vote against the clause.

Mr. LALOR.—Sir, in connexion with all human affairs there is some substance and some shadow. In the present case, I assert that the substance is on the side of the Government proposal, and the shadow is on the side of the honorable member for
Rodney (Mr. Gillies) and the honorable and learned member for Mandurang. May I read for the information of the honorable member for Mandurang one or two statements which he made on a previous occasion with reference to this question? During the debate on the second reading of the Reform Bill of last session, the honorable member contended strongly for the supreme authority of this House in matters relating to money, and he gave the following illustration of the supreme authority of the House of Commons in such matters:

"The British Government came to the House of Commons and asked for a vote of £6,000,000, in order to put the nation into a condition for going to war, it was become necessary. Now, if there ever was a proposal involving a question of public policy, that was one. It was practically giving authority to the Queen to declare war, and might have involved the expenditure of not merely £6,000,000, but of £60,000,000, or perhaps £100,000,000, and yet the opinion of the House of Lords was not taken on the question."

In view of that statement, what becomes of the honorable member's argument that money can be expended only under the authority of an Act of Parliament?

Mr. Casey.—What we have been talking about is the legal power of the House of Commons to pay money on its own votes.

Mr. Lalor.—I am not now talking of the legal power.

Mr. Casey.—That is what I have been talking about.

Mr. Lalor.—The honorable member went on to say—

"The debate in the House of Commons lasted some time, but twenty-four hours after the vote passed the money was being expended; and yet, up to the present moment, the opinion of the House of Lords has not been taken on that momentous question."

The honorable member for Warrnambool, on the occasion, expressed some doubt about the accuracy of this statement, but I am quite with the honorable member for Mandurang in the matter. The honorable member added—

"I happened to be in England at the time, and I am merely relating the history of the day."

Mr. Casey.—I desire to explain. What I said then and what I say now is that at the period referred to there was a debate in the House of Commons, lasting several days, upon the policy of going to war, the Government having asked for a grant for the purpose. A Supply Bill, or, to speak more correctly, a Ways and Means Bill, was afterwards passed through both Houses, and then the Treasury was opened, and the money was available for expenditure. The debate in the House of Commons resulted in the affirmation of the principle of an expenditure for war purposes, and that was a sufficient authority to the Queen to go to war if that course had been deemed necessary. What I have been arguing to-night is not that question, but the contention of the Attorney-General that the House of Commons has the legal power to pay money on its own votes without the assent of the House of Lords at all.

Mr. Lalor.—Here is another statement made by the honorable member during the same debate:

"There is not the smallest reason why we should ask the other House to give us legislative authority to do that which we have over and over again declared we can do without that authority."

Mr. Casey.—At that time we had not received the despatch from England.

Mr. Lalor.—Does the honorable member mean to question the right of this branch of the Legislature to supreme control in money matters because of the receipt of a despatch from England?

Mr. Casey.—The Minister of Customs is doing me an injustice. When this Bill was being discussed previously, I complained bitterly that the Government should have sought the opinion of the Crown law officers in England on the question, for the reason that it would produce an authoritative despatch which would prevent the Governor from acting on the advice of his Ministers. Until that despatch arrived, I was always of the opinion expressed by Mr. Higinbotham and Mr. Michie; but now that the Government themselves have obtained an opinion from the Crown law officers in England, how can they ask the Governor to go against it?

Mr. Lalor.—I am always happy to afford honorable members an opportunity of explaining themselves; but I don't think the explanation of the honorable and learned member for Mandurang throws as much light on the subject as could be desired. We have still the shadow—not the substance. I may inform the honorable member that the Government never sent for the opinion of the Crown law officers in England.

Mr. Casey.—Then Sir George Bowen tells a lie?
Mr. LALOR.—Supposing the Government did ask for the opinion of the Secretary of State, or any other person, were they necessarily bound by the opinion? How can the opinion of any person outside interfere with the inherent rights and privileges of this House? The honorable member for Mandurang must see from the passages he himself has quoted that the money granted by a Ways and Means Bill to which the House of Commons and the House of Lords agree is available for any purpose voted by the House of Commons. What, then, do the objections of the honorable member for Mandurang amount to? We now submit to this House a proposition to make, by Act of Parliament, the Constitution of Victoria the same as the Constitution of England. Honorable members admit that the practice of the House of Commons should prevail here, and every authority, from Huttell down to Sir Michael Hicks-Beach, admits that the power of the Commons over finance is supreme as regards “matter, manner, measure, and time.”

Mr. GAUNSON.—That is as to initiation.

Mr. LALOR.—I hope the honorable member for Ararat will not dispute with me.

Sir J. O'SHANASSY.—He is quite correct.

Mr. LALOR.—And what are the facts of the case? The Upper House in this country, in the exercise of its arrogant power, without right or authority, and in the face of the precedents and the practice of the House of Lords, has dared to reject four Appropriation Bills, and thereby to ruin the country, as far as it possibly could, for its own political purposes and objects. I assert that never has there been such conduct on the part of the House of Lords. I assert, further, that the conduct of the Legislative Council in rejecting not only Appropriation Bills, but other Bills on which the people of the country had set their hearts, is contrary to the essence of the existence of a Constitution similar to that of England. If that be so, why do honorable members opposite, forgetful of their duties as members of this House, say substantially that that Constitution shall not exist in this country? I regret extremely that members of this House who hold a leading position, not only from their public experience, but also from their well-known ability, should recognise the right of the Legislative Council to do things which, according to the precedents of the House of Lords, they have no right to do. Show me a leading member of the Opposition in the House of Commons who ever attempted to defend the exercise of any improper power on the part of the House of Lords. The rule of the House of Lords has been always to recognise the will of the people, as expressed in the Commons, after due and proper consideration. The honorable member for Warrnambool voted for manhood suffrage.

Mr. FRANCIS.—I was not in Parliament when manhood suffrage was determined upon.

Mr. LALOR.—Some honorable members who are now in opposition voted for manhood suffrage. I am not sure whether the honorable member for Belfast did; I think he did.

Sir J. O'SHANASSY.—I don't think you know anything of the history of the matter.

Mr. LALOR.—Inasmuch as manhood suffrage has been recognised not only by this Assembly, but by the Crown and another place, as the law of the land, what reason or object can there be in trying to thwart the will of the people? The law of the land says that the people shall elect this Assembly. This Assembly is supposed to have the rights of the House of Commons. If the Assembly has not the rights of the House of Commons according to statute law, the clause now before the committee will give it those rights so far as money is concerned.

Mr. GILLIES.—More.

Mr. LALOR.—Not more. On the contrary, it will give the Assembly less, for the reason that no body can possess under statutory enactment the same power that it enjoys under the common law. The House of Commons have only to pass a declaratory resolution as to their rights and powers, and they have those rights and powers from that day forward. It has been repeatedly argued by honorable members opposite, and particularly by the honorable member for Rodney, that this House should not have the power to tack, and that to make provision for payment of members in the Appropriation Bill is a tack. But how can it be proved that such a proceeding is a tack according to the interpretation either of the House of Lords or the House of Commons? How can the insertion in the Appropriation Bill of a vote of money for
the service of the year be an infringement of the declaratory resolution passed by the House of Lords, that the attaching to a Bill of Supply of clauses contrary to the meaning and intent of that Bill of Supply is a tack? In proof that it is not a tack, I may mention that the question whether a sum of money for payment of members could be included in the annual Appropriation Bill was submitted by Sir George Bowen to the late Secretary of State for the Colonies. What did Lord Carnarvon say? That it would be a tack, and therefore should not be included? On the contrary, he said—"Include it in your Estimates."

Mr. GILLIES.—That is not what he said.

Mr. LALOR.—The honorable member is quite mistaken. I am well acquainted with the facts, and I assert that the Secretary of State informed the late Governor of this colony that he might include payment of members in the annual Estimates. We simply desire, by the 6th clause as amended, to place ourselves in a position to carry out the votes of this House—in case of the rejection by the Legislative Council of the Appropriation Bill for the year, and only then—on the resolution of this House. Do honorable members oppose desire that there should be another dead-lock in this country without any possible remedy? Because an Appropriation Bill may contain some particular item disagreeable to the Legislative Council, is that House to be in the position, without let or hindrance, to reject the whole of the votes for the service of the year, and so throw the entire country into confusion? Is there to be no remedy for that state of things?

Mr. GILLIES.—There are lots of remedies, but you won't take them.

Mr. LALOR.—There is one remedy which in my opinion will render resort to the powers contained in the clause unnecessary, and that is the creation of a proper nominee Upper Chamber as provided for in the Bill. Does the honorable member for Rodney mean to say that we ought to continue to have two elective Houses on two different bases—the one representing property, the other representing the manhood of the colony—knowing well that if those two Houses come to loggerheads the whole machinery of government is stopped? That is what has been experienced on four separate occasions in this country, and it is what may happen at any time whenever the other House thinks proper to interfere with the government of the country. But the duty of the Legislative Council is not to interfere with the government of the country or with party matters. The duty of that House is, if it deems anything has been passed hastily or improperly by this House, to send it back for reconsideration; but if the opinion of this House or of the people is expressed in favour of the measure a second time, then it is the duty of the Council to give way. It is impossible, under any civilized Constitution, for two legislative bodies to co-exist and for both to be responsible. Theoretically, scientifically, practically, and by an experience of many centuries, it has been found impossible for Government to be responsible to two Houses—it can be responsible to only one House. Therefore I hope that for this once, at all events, honorable members opposite will defer their desire to displace the Government until a more fitting opportunity, when the interests of the public at large will be less affected—in short, until the question of the reform of the Constitution is settled. We have a written law which is supposed to embody the Constitution of England—that Constitution which has existed for hundreds of years and is the admiration of the world—but which, according to the understanding of members of the Legislative Council, does not do so; and therefore we wish to put the law in such plain and intelligible language that even members of the Legislative Council may be able to understand it.

Mr. GILLIES.—Plebiscite and all?

Mr. LALOR.—I am talking now of the 6th clause.

Mr. GILLIES.—What arrant hypocrisy it all is.

Mr. LALOR.—There is no hypocrisy in it. If we have a proper nominee Upper House, I don't think that resort either to the 6th clause or the plebiscite will ever be required; and, if that be so, why object to pass the provision? I hope honorable members opposite will not on this occasion forget their duty; but will allow the Government to carry the clause which I believe embodies, as far as Money Bills are concerned, the Constitution of England in its entirety.

Mr. KERFERD.—The Minister of Customs, all old members will admit, is a gentleman who is entitled to speak with authority on the particular matter now before the committee; but it was an
interesting study to observe how carefully he walked round the subject without once expressing an opinion upon it. I would not have the slightest hesitation in placing the Minister of Customs in the Chairman's seat or in a higher place, and submitting to his judgment these two questions:—

1. Does this particular clause fall within the lines of the British Constitution? 2. Is it desirable as a matter of policy? For in both instances, I feel satisfied, I would get an unhesitating "No." Honorable members laughed at the honorable gentleman while he was speaking because they knew he was not sincere in what he was saying. Had the honorable gentleman talked as he ought to have talked, considering the amount of constitutional knowledge he has acquired in various capacities during a long series of years, he would have told a different tale. I had not the good fortune to hear the Chief Secretary, but I have heard him so often that I think I may pretty well guess what he would say on this particular occasion. I have no doubt that it was something like the direction on the medicine bottle—"Repeat the dose as before." But a new edition of constitutional law has been propounded by the Attorney-General. Notwithstanding all the discussion, extending over a long series of years, in this House, the honorable and learned gentleman has no hesitation in rising up fresh, and telling us that the House of Commons can pay money on its own resolution. The honorable member has made the discovery today that, under some section of an Act of Parliament, money granted to Her Majesty "by a resolution of the House of Commons or by an Act of Parliament"—for it is put in the alternative—shall be available for the purposes for which it is granted. But, if the honorable member will think for a moment, he will recollect that we pay money on the resolution of this House. The Minister of Railways frequently asks the House to pass certain estimates of expenditure, and a resolution is passed accordingly, and thereupon the money is available, but it has been previously appropriated by Act of Parliament—either a Loan Act or a Railway Construction Act. And I have no doubt that, if the matter were looked up, it would be found that the section quoted by the Attorney-General deals with some particular matter appropriated by a previous Act of Parliament. Now, as I have said, the question for our consideration is whether the clause before the committee falls within the constitutional usage and practice of the House of Commons; and whether it ought to be incorporated in the statute law of Victoria. On this question we have a number of authorities to guide us. First of all, there is the authority appealed to by the Government themselves. For, although they may try to shuffle out of the matter by saying that they did not ask the Governor to send for the opinion of the Crown law officers in England upon the point whether money could be paid on the resolution of this House or not, there is the fact that a memorandum was prepared by the Government setting out the whole matter. Why did they prepare that memorandum? There must have been some understanding to give rise to the memorandum to the Governor. I know as well what passed as if I had been present. There was a discussion between the Chief Secretary and the Governor as to the course the latter was to take, and, in order to enable him to submit the views of the Ministers to the law officers in England and obtain their sanction to the course proposed to be followed, the Chief Secretary undertook to prepare the memorandum referred to. The Governor had evidently this interview in his mind when he used the words "at the instance of my responsible advisers." But whether the Governor's advisers asked him to take that step or not is really immaterial, for as the responsible advisers of the Governor they had full knowledge of it. Sir George Bowen, writing to the Secretary of State on the 25th of January, 1878, commences by saying—"I have now the honour, at the instance of my responsible advisers," and then submits the opinion of the Attorney-General of Victoria on the point in question. The Chief Secretary denies that the Governor had any authority from the Ministry for referring the matter to the law officers of the Crown in England, but I must say it comes with a very bad grace from the Chief Secretary to assert that the Governor acted on his own mere motion and without any consultation with his Ministers. The Chief Secretary would have us believe that the Governor, in stating that he was writing "at the instance of his responsible advisers," was stating something to the Secretary of State which was not true. That is a very serious charge to make against the late
Governor, and I would require some strong evidence before believing an accestation so detrimental to him. According to the Chief Secretary, Sir George Bowen not only imposed upon this side of the House by his correspondence, but he absolutely imposed on the Secretary of State as well. At all events, there was an appeal to the Crown law officers in England, and in reply Sir Michael Hicks-Beach said—

"As soon as I had received all the documents necessary to complete the case as stated by your Ministers, I submitted them for the report of the law officers, and I have now to inform you that in their opinion the views entertained by your Ministers and by the Attorney-General, as stated in the papers which you have transmitted to this department, are not entirely correct. The law officers agree that the moneys necessary for defraying the costs, charges, and expenses mentioned in section 45 of the Act 18 and 19 Vict., c. 55, are legally available for and applicable to the purposes mentioned in that section, because they are, in fact, specifically appropriated by the Statute in question."

With respect to the remarks regarding the 45th section of the Constitution Act, I may say, in passing, that no one has been able very clearly to explain how that section got into the Act. I believe some such provision existed with regard to Crown colonies so as to provide for the revenue which had to be remitted to the mother country, and probably the provision thus crept into our Constitution Act, although the different circumstances in which we are placed have really rendered it a dead-letter. Even with regard to that section, however, the Secretary of State is careful, in giving the opinion of the law officers, to state that the moneys are legally available for and applicable only to "the purposes mentioned in that section," and honorable members who are familiar with the section will remember that it carefully sets out the purposes for which the money can be applied. The Secretary of State continues—

"With respect, however, to the question whether, when the Committee of Supply has voted money for other purposes than those mentioned in the 45th section of the Act, and such vote has been duly reported to the Legislative Assembly, the amount voted becomes thereupon legally available, &c., the law officers are of opinion that it does not, and that it is not available until it has been appropriated by an Act of the Victorian Legislature."

Surely nothing could be clearer than that. The Attorney-General has quoted a chance section in an Exchequer Act referring to the issue of Exchequer-bills on the authority either of an Act of Parliament or a resolution in Committee of Supply in the House of Commons, to show what is the practice of the House of Commons, but I am really astonished at the honorable gentleman making the contention he has done in the face of the clear statement of the Secretary of State as to what the practice of the House of Commons really is. Sir Michael Hicks-Beach says—

"But the resolutions, although they record the sanction of the House of Commons to the expenditure submitted to them, do not enable the Government to draw from the consolidated fund (to which the whole of the accruing income of the State is paid) the money requisite to meet such expenditure. A further authority is required in the shape of a resolution in committee of the whole House on Ways and Means, which must be reported to and confirmed by the House, and must be embodied in a Bill, to be passed through both Houses of Parliament, before practical effect can be given to the votes in Supply by authorizing the Treasury to take out of the consolidated fund the money required to defray the expenditure sanctioned by such votes. The votes in Committee of Supply authorize the expenditure, the votes in Committee of Ways and Means provide the funds to meet that expenditure."

That is the statement of a gentleman who himself holds office in the House of Commons, and must be thoroughly acquainted with its practice.

Mr. BERRY.—No one denies that.

Mr. KERFERD.—The Attorney-General said that the House of Commons could pay money on the authority of its own resolutions.

Sir B. O'LOGHLEN.—I say it has the right to do so, though it is not its practice.

Mr. KERFERD.—There is another piece of evidence which shows what is done by the House of Commons. The 400th standing order of the House of Commons says—

"By resolution of the 3rd of July, 1678, all Aids and Supplies and Aids to His Majesty in Parliament are the sole gift of the Commons, and all Bills for the granting of any such Aids and Supplies ought to begin with the Commons."

But here the Government want to substitute the phrase "ought to begin and end with the Legislative Assembly," and yet we are told that they are following the lines of the British Constitution! Again, the 402nd standing order of the House of Commons says—

"Although the Lords have exercised the power of rejecting Bills of several descriptions relative to taxation by negativing the whole, yet the exercise of that power by them has not been frequent, and is justly regarded by this House with peculiar jealousy, as affecting the right of the Commons to grant the Supplies, and to provide the Ways and Means for the service of the year."
Thus even a standing order of the House of Commons acknowledges that the Lords have the power of rejecting Bills for taxation, and a more complete answer to the position taken up by the Attorney-General could not be adduced. There is another authority on this point which, perhaps, honorable members who glory in the title of liberals will acknowledge. I refer to Mr. Gladstone, who, in the House of Commons, stated—

"With respect to the vote which we shall propose to-day, it is only necessary for me to remind the House of the restrictions that are laid upon the Government by the rules and regulations of this House in regard to the disposal of public money. The House will bear in mind that it is not only necessary that all money which is to be raised for the public service should be raised by the authority of Parliament—nay, it is not only necessary that the money so raised should be appropriated to particular services by the authority of Parliament, but the wisdom of this House—or, at any rate, the usage of this House—has added a further restriction, namely, that no money, although legally raised and legally appropriated or assigned to particular services by this House, can be used without the sanction of a Bill of Ways and Means. It has become necessary for us to propose, in consequence of the amount of expenditure in the Navy and Ordnance departments, a supplemental estimate for the present year—in the first place, to authorize a further expenditure of money for those services; and, in the second place, to authorize the issue of that money. We are not in a condition, unfortunately—I say so because, in this instance, the rule is attended with some public inconvenience—we are not in a condition to issue that money, though it be voted in Supply, without a Bill of Ways and Means."

I maintain that, taking the statement of the Secretary of State for the Colonies, taking the standing orders of the House of Commons, and taking the opinion of one of the greatest statesmen of the House of Commons which I have just read, regardless altogether of our own knowledge of text-books and authorities, the proof is conclusive that the House of Commons has not the power to authorize the expenditure of money on its own vote, and does not claim such power. If that position is established, what then becomes of the assertion of the Government that this clause falls within the lines of the British Constitution? I repeat the question the Minister of Customs put to this side of the House, and I ask him why he should depart from the British Constitution as laid down by the authorities I have quoted?

Sir B. O'LOGHLEN.—Four dead-locks.

Mr. GILLIES.—Then you do propose to leave the British Constitution?

Mr. KERFERD.—We have had four dead-locks, and therefore the Attorney-General says the British Constitution is to be set aside.

Sir B. O'LOGHLEN.—No.

Mr. KERFERD.—I come now to the history of this question, as far as it affects ourselves. Fourteen or fifteen years ago it was the practice here to pay money on the authority of the Assembly alone. As far as my memory serves, however, the practice was not changed in the way suggested by the Chief Secretary, namely, because the Audit Commissioners disapproved of it. The reason of the alteration was that the old system caused a practical inconvenience, which honorable members would do well to remember in dealing with the present clause. The inconvenience arose from the fact that, with the prorogation of the Assembly, every resolution that it has passed during the session dies with the session. Therefore the payment of money on the votes of the Assembly involved the position that if, after the payment, the Appropriation Bill was not passed, and the expenditure thus covered by law, it would have been incurred practically without any legal authority or sanction whatever. That was one substantial reason why the practice was altered. Another reason was that in the Constitution Act, which is an Imperial Statute, express provision is made as to what is to be done with the public money. Having been collected from various sources of revenue, it has to be paid into a fund called the consolidated revenue, and when once it has been lodged in that fund it can only be got out in a particular way, provided by the Constitution Act and by the Audit Act, namely, by an Act of Parliament specifying the particular objects for which the money is to be expended. That is our Constitution and the law; and it was, as I have said, because of the practical difficulty attending the payment of money on resolutions of the Assembly, and for the purpose of complying with the Statute, that the practice of passing a Supply Bill was adopted. Moreover, the expenditure included in a Supply Bill requires to be covered by an Appropriation Bill. A Supply Bill enables the Audit Commissioners, by reference to the votes of the House, to ascertain what particular monies are available for expenditure under the authority of the Act; but an Appropriation Act is necessary because the moment the session closes the resolutions passed
by the House disappear with it. Therefore a Supply Bill, although an Act of Parliament, would be practically inoperative for the purpose of getting money out of the consolidated revenue when Parliament was not in session. Let us now see what would be our position under the 6th clause after the rejection of the annual Appropriation Bill. The clause says—

"Notwithstanding the rejection of an annual Appropriation Bill, or of a Consolidated Revenue Bill, by the Legislative Council, and in the event of such rejection, then, on the adoption by the Legislative Assembly of any report from the Committee of Supply containing a resolution that any sum be granted to Her Majesty, such sum shall become legally available for and applicable to the service or purpose mentioned in such resolution, and may be issued accordingly out of the consolidated revenue, anything in the 55th section of the Constitution Act to the contrary notwithstanding."

Now honorable members are aware that the Appropriation Bill is the last Bill sent to the Upper House. When we have passed that Bill we have done all our business for the session, as far as the voting of the Estimates in Supply is concerned. The report of the Committee of Supply has been adopted, and the committee is substantially closed. Under this clause, then, the Appropriation Bill having been rejected in another place, what is to be done? Are we to have new Estimates? Are we to go into Committee of Supply and pass the whole of the items over again, and are the resolutions to be reported to the House and again adopted before payments can be authorized under the clause? I would call attention to another point. There is no provision made in the clause to cover the difficulty, experienced by the House many years ago, which led to the introduction of the system of Supply Bills. The moment the Assembly is prorogued the resolutions passed by it cease to have legal effect, and there is nothing in the clause to provide that the resolutions there specified shall have legal effect after the prorogation, whereas the resolutions must be looked to in order to determine the particular purposes for which the money was voted. Although it is, no doubt, intended by the Government that resolutions passed in Committee of Supply and adopted by the Assembly are to have vitality after the prorogation, there is nothing in the clause which says so. Thus the practical difficulties connected with the clause are these: that at the close of the session, the annual Appropriation Bill having been rejected by the Council, the Assembly would have to begin de novo, go again into Committee of Supply, have a fresh submission of Estimates, and then, when the report of the committee was adopted by the House, something further would have to be done to give the resolutions vitality after Parliament had been proroged or dissolved.

Mr. LONGMORE.—Would not all that be better than a deadlock?

Mr. KERFERD.—I am endeavouring to show that this would be a deadlock itself of the most complete description.

Mr. LONGMORE.—Why do you assume that Parliament would be prorogued?

Mr. KERFERD.—I suppose Parliament would not sit all the year round, and the clause would not come into operation until a month after the rejection of the annual Appropriation Bill, which is the last Bill of the session. The proviso to the clause says—

"Provided always that the rejection of any such Bill may be held to have taken place for the purposes of this section upon any such Bill not having been passed by the Legislative Council within one month after its transmission from the Legislative Assembly, unless Parliament be sooner dissolved or proroged."

The Minister of Justice knows that, unless there is special provision to keep a resolution of the House alive, it will have no force as soon as Parliament is prorogued.

Mr. GRANT.—The special provision is in the clause.

Mr. KERFERD.—There is no such provision in the clause that I can perceive. Thus not only is the clause a clear departure from the British Constitution, but we find that its operation would be attended with so much inconvenience as to render it unworkable in its present shape. As to the policy of the clause, I believe, with the honorable member for Rodney (Mr. Gillies), that if it were possible to take the opinion of the country on this particular issue, there would be a unanimous verdict against it. It would be only necessary to explain to the people what would be the practical operation of such a power being given to one Chamber to have the clause denounced throughout the length and breadth of the land. We know that there is no institution which has to deal with financial matters, whether it be a banking, mining, or municipal institution, that does not impose some check upon those who have the handling of its finances. It is all very well to say that
under this clause several stages have to be
gone through before the payment of money
is authorized, but we know that these are
all mere forms, and are confined to the
Assembly alone. Would not the Assembly
be in the same mind whether in commit-
tee or in full House? What the coun-
try requires is the maintenance of a distinct
and separate body with a power of check
over the proceedings of this Chamber
until the opinion of the country can be
ascertained. As far as my judgment and
knowledge of mankind assist me to form
an opinion, I, for one, would never con-
sent to give to any one body such a power
as is contained in this clause. Let the
majority of the Assembly know they have
the power to vote away money utterly
uncontrolled, and what would be the posi-
tion?

An Honorable Member.—There
would be plunder.

Mr. KERFERD.—I do not say there
would be plunder, but there would be
extravagance, and there would be a line
of conduct which the people would con-
demn and denounce. And what could the
people do? By the time the constitu-
cencies were consulted the money would have
been spent.

Mr. HUNT.—You are always assuming
that this House is corrupt.

Mr. KERFERD.—I do not assume it
at all, but I have a knowledge of human
nature, and I know it is the wisdom of
the world that uncontrolled power should
not be given to any body. The system of
checks has grown with the history of
England itself, and it has been found
absolutely essential to proper constitu-
tional government. As showing the latest
expression of opinion of the Imperial Par-
lament on the subject, I would point out
that, in the Constitution granted to Canada
and South Africa, that power is given to
the second Chamber which this clause
would take from the Legislative Council
here. The honorable member for Kilmore
appears to think that to advocate the
necessity of some check is to inpute cor-
rup tion, but is corruption imputed to the
managers of financial institutions by the
appointment of auditors? All I contend
for is the absolute necessity of having
some controlling power to check our pro-
cedings when we come to deal with the
public funds. It is in human nature to be
more generous in dealing with the public
funds than with one's own. The honorable
member for Kilmore himself, the other
night, voted for granting £400 to Dr.
McCarthy. I would be one of the first to
stand up for the rights and privileges of
this Assembly on all occasions, but, as I
have opposed the action of the House
when it has been wrong in tacking, so I
must oppose conferring on it a power not
claimed or exercised by the House of
Commons. It is not for the interests of
the people that the Assembly should ex-
erise such a power as is given by this
clause uncontrolled and unchecked, and I
believe that the clause, if carried into law,
would lead to disastrous consequences.

Mr. ANDREW.—Sir, it is perfectly
true, as honorable members opposite have
stated, that the House of Commons, and
therefore this Assembly, have no legal
right to pay money except on the authority
of an Act of Parliament. But there is
this marked difference between the situa-
tion of the House of Commons and the
Assembly, namely, that the House of
Lords have never exercised the power of
rejecting an Appropriation Bill; and if
the Legislative Council had followed their
example, there would have been no
necessity for discussing this clause. The
honorable and learned member for the
Ovens must know that there are many
things in the British Constitution that are
really fictions—that appear as parts of the
Constitution, but are never put into prac-
tice, and which the people of England
would not permit to continue in existence
if they ever really were practised. For
example, there is the veto of the Crown.
The Crown has the power to disallow
as many Bills as it chooses; but would
the people of England submit to any of
their sovereigns vetoing law after law?
When, some ninety years ago, the coun-
tries that were changing their Constitutions
looked to that of England as an example,
what did they see? They saw that the
English Constitution was something it
was impracticable for them to copy per-
fectly; and also that for them to give
full power to the Sovereign and the
Upper House equally with the Lower
House meant retrogression—going back
to a state of things to emerge from
which cost a long and bloody struggle.
I believe that the Constitution under
which Louis Philippe governed was copied
as nearly as possible from that of Eng-
land; but he did not succeed with it
because he proceeded too much in the
lines that Walpole endeavoured to follow.
He attempted to move by bribery and
other means which the French people were too earnest in their desire for self-government to tolerate. I am glad the Chief Secretary has had the courage and frankness to meet the Opposition in the proper open way, by telling them plainly that their real objection to the Assembly having the powers of the House of Commons is because the franchise here is so much more widely extended than that of the English Lower House. Of course, the Opposition will not acknowledge that. They know they have been put here by manhood suffrage, and they have not the courage to tell their constituents that they regard them as belonging to an inferior grade. They know that their seats would soon be lost if they impeached the right of the people of Victoria to stand towards the Legislative Assembly in the same relations that the people of England hold towards the House of Commons. Therefore I rejoice to think the Chief Secretary told them, this afternoon, a truth which is none the less one because they will not acknowledge it. The reason why the honorable and learned member for the Ovens, the honorable and learned member for Mandurang, and the honorable member for Rodney did not make out a better case for their side than they did is because the Chief Secretary, practically, silenced them, and made them feel that they dare not avow the real motives of their party, because by so doing they would only betray their weakness. It is perfectly plain that what they want here is not a Victorian House of Lords, but a House representing wealth, that would thwart liberal legislation as much in the future as has been done in the past, and that would compel every measure introduced here to be moulded to meet the exigencies of another place. And has not the Upper House they have now answered their purpose admirably well? Is not that fact sufficiently proved by the way in which the lands of the country have been dealt with?

Mr. GAUNSON.—Whose fault is that?

Mr. ANDREW.—It is the fault of the party in this country that have had the real power of the country in their hands; the party that in the olden days procured the Orders in Council; the party to which the honorable member for Belfast belongs. That is the party which we have to fight against now—the party that denies to the Commons of Victoria the privileges that are the natural and inherent right of the Commons of England. For the members of that party to tell us that the Commons of England don’t possess full authority over the finances of the country is to tell us something we know well is not the case. I wonder at the audacity of those who dare to venture upon such an assertion. Why, if there is one thing more than another ingrained upon the whole course of English political thought, it is that the House of Commons the people love and trust is paramount in everything, and, if that were possible, more so in finance than in anything else. That is what my young friend, the honorable member for Ararat, would soon discover if he were to live in England among truly English people. He would then see how to attempt to base a Constitution on English lines and at the same time deny the complete supremacy of the Commons necessarily means running counter to every thought and feeling an Englishman has. For any man to make such a proposal in public in England would be regarded everywhere as so extravagant that he would only be an object of laughter.

Mr. GAUNSON.—Give me the unex­ pended balance of the embassy money, and I will go there.

Mr. ANDREW.—Well, a little English experience would do the honorable member a great deal of good, because it would teach him that the paramount rights and powers of the House of Commons, to gain which so many great battles have been fought, constitute something the existence of which no sane man dares deny. More than that, let us look at what occurred during a certain lengthened period while the Commons were in full exercise of the rights I speak of. Look at the reign of the early Georges, when Walpole, by means of the restricted suffrage of the country, and a system of bribing wholesale, consolidated the enormous power he managed to sway. If, through the historical records contained in the memoirs of that period, we glance behind the scenes, what do we see? Corruption from one end to the other. Do we not know the means by which George III succeeded in making himself at one time as absolute a monarch as ever Queen Elizabeth was. But, during the whole of the period to which I allude, which lasted fully a century—when members of the House of Commons were openly bought and sold, and corruption was everywhere—to whom did the people, groaning under that state of things, look for help and
What does the 20'74 ConsWutz'01~ Act E ASSEMBLY. j Amendment Bitt. reform? Did they ever seek to reform the Qo'mmop.s by increasing the powers of the House of Lords? No; with the shrewdness that forms so large a portion of the Englishman's political character, they never once sought to reform the House of Commons by dividing its responsibilities! Not a single statesman who struggled with the difficulties of the time ever suggested that, in order to restrain the Commons, the power of the Lords should be increased by one jot or tittle. Every true Englishman saw that it was not by taking authority and responsibility from the Commons that it could be made less corrupt, but that the work must be done by bringing that to bear upon its constitution that would in its nature be purging and purifying. Bringing about that result was a long and bitter struggle, but when it had lasted over a hundred years the end came. From the first, the great political common sense Englishmen have always displayed taught them that the only political reform worth having was a reform of the central power—the House of Commons itself—and when the Reform Bill of 1832 was carried, that object was achieved. I tell honorable members that it is because the English nation looked for reform, and the fulfilment of its destinies, to the Commons alone, that it has gained its distinguished position—the greatest the world ever saw. With an experience like that, will we neglect its teachings? When we took a Constitution for this country there was but one we could copy; will we not work it in the same way we copied it? We are told that the Assembly is distrusted by the people, but so far as the practices of the Opposition have brought about that distrust, I am not surprised at it.

Mr. DUFFY.—What does the Age say?
Mr. ANDREW.—I admit that reading the Age nowadays is very painful work for the truly liberal party, but I suppose we must remember what that journal did for us in times past. We ought to forgive a great deal on that account. I am sure it will be a bad day for the Age when the party on the opposition benches approves of what it says. If there is a growing feeling of distrust of this House on the part of the people, by what is it caused? It exists because so many of the things done by the Assembly in the past have shown corruption. Remember that it is but three years since we obtained a democratic Government; all the rest of the time it was the Council that ruled the country. Can there be a greater scandal than the way in which the will of the country with respect to the public lands has been carried out? Don't the people see that the Council never would adopt their land policy any more than it could help. Then how has the railway policy of the country been shaped? Look at the costly Beechworth Railway, not paying its working expenses; will the honorable and learned member for the Ovens say that was a wise undertaking? The Hamilton Railway is another sample. If we look at the misdeeds of the party the Opposition and the Council represent during the long years they had the rule of the country in their hands, we can easily account for any mistrust of this House that may be felt by the people outside. What is to be gained by placing the affairs of the nation in the hands of two ruling bodies? When we look to the common affairs of life, do we not see that anything in the shape of dividing responsibilities in the matter of management is quite out of the common? Do joint-stock companies elect two bodies of directors, one to check the other? Common sense shows such a plan to be thoroughly impracticable. The same rule exists with respect to municipal institutions. Look at the Melbourne City Council with an unlimited right to spend its revenue of over £100,000 a year. Will it be said that the municipal representatives in that body are unfit to be trusted with that amount of expenditure?

Mr. GAUNSON.—Their rights are not unlimited. They cannot spend the money as they like.

Mr. ANDREW.—They levy rates upon the citizens, and they can spend the money on what they please. Has the Legislature created any other body to be a check upon them?

Mr. RAMSAY.—Yes; the Supreme Court is a check upon them if they spend their money improperly.

Mr. ANDREW.—The Supreme Court is, of course, a check upon any sconcluder. The case of the City Council is exactly in point. Does any portion of the citizens wish to withdraw from that body its power of spending its revenues?

Mr. RAMSAY.—The check of the Supreme Court is considered sufficient.

Mr. ANDREW.—The citizens consider that the City Council can be trusted, and they don't interfere; why cannot the principle be applied in other ways? Look
at the city of Glasgow, where the municipal authorities have an enormous amount of money to dispose of, and manage their own waterworks and gasworks; do the Glasgow citizens want one body or two to rule over them? But I will give a more extreme case, that of New York, where, through the neglect of the citizens, and a plan of roguary organized underneath Boss Tweed, the city treasury was robbed of vast sums.

Mr. GAUNSON.—And Boss Tweed was the man the people looked up to and believed in.

Mr. ANDREW.—The point is: did the citizens or the ruling body say that the appointment of another city council—a kind of upper municipal body—would prevent further robbery? No; they saw, what the people of England saw long ago, that the only remedy for public corruption was not to divide responsibility, but to keep it in the hands of one body, and to strive to improve the character of that body. I am quite sure that the people of this country will, when the question is put to them, be of the same opinion. They will see that it ought to be enough for them to have the selection of representatives who will deal honestly and fairly with the public funds, and thereby put down jobbery and vile practices. Why don't the Opposition say what is in their hearts, namely, that they want one House for the rich and another for the poor, and that the House for the rich ought to have most power? To the argument of the honorable and learned member for the Ovens I would reply that, taking it for granted that this House has not, under the Constitution, power to appropriate money on its own vote—if it had we would not have seen four dead-locks—it is, nevertheless, out of the question that we should trust the Council with the discretion the House of Lords has.

Mr. GAUNSON.—Why not?

Mr. ANDREW.—Because for hundreds of years the Lords have not thrown out an Appropriation Bill.

Mr. GAUNSON.—How long is it since the Commons indulged in a tact? In the time of Charles I the Lords threw out an Appropriation Bill.

Mr. ANDREW.—It is of no use talking. We are called an extreme party; but I say we are going on the lines of the British Constitution as closely as we can. It is only the Opposition who wish to keep up a principle the people of England have never known. It is because the House of Commons has all the power, and the House of Lords practically none, that the British nation has developed so gloriously. One honorable member has stated that placing full power in the hands of the majority in the Assembly would mean fat salaries for themselves and nothing for their opponents; but why does he not, as every common-sense man ought to do, take it for granted that, under all circumstances, the affairs of the colony will be managed by sane men? Once depart from that rule, and you can imagine any absurdity you please. During all the time the Commons have had sovereign power, have they ever done anything so absurd? I say the people of Victoria are not a bit less capable of self-government than the people of England.

Sir J. O'SHANASSY.—Sir, I scarcely know that I ought to address honorable members on the present subject, because the small attendance in the Chamber seems to indicate that, important as the topic may be, honorable members are tired of discussing it. It may indeed be fairly supposed that, having lengthily discussed one Reform Bill last session, another this session, and finally a particular clause of the latter measure, honorable members have pretty well made up their minds. Therefore, for me to enter into my views on the present occasion may perhaps be regarded as unnecessary. At the same time, I do not like to let any broad question be dealt with without giving at least some reasons for my vote upon it. The first thing that strikes me in connexion with the question of to-night is the wonderful amount of conversion that has taken place with respect to some of the leading honorable members of this Chamber. It arises, I suppose, from the way in which constitutional questions have been thrashed out, and honorable members have been driven by the force of circumstances and argument to review the opinions they have expressed. The first honorable member whom I can congratulate upon his change of opinion is the Chief Secretary himself. For example, I find on looking back at the proceedings of this House in 1861, when the Constitution had only been a few years in operation, that the honorable member voted for the adoption of a recommendation from the then Governor, Sir Henry Barkly, that a particular clause in the Appropriation
Bill should be struck out. That course was, however, opposed by myself and the honorable members with whom I was acting, and the recommendation was rejected by a large majority. So I suppose the Chief Secretary will admit that even he has had something to learn. I do not think he would vote now for the Governor striking out a clause of the Appropriation Bill. Again, during the earlier days of the Constitution, there grew up a practice of spending money upon votes passed in Committee of Supply, but, in 1861, Mr. Mollison, the then honorable member for Dundas and Follett, drew attention to the circumstance that it was contrary to the proper method of proceeding. The matter was then looked into, and I find that in the next session—directly it was fairly ascertained that the House was on the wrong track—the practice was altered. Indeed, from that time to the present, the custom has been to follow the English system, and, whenever Supplies have been granted, to bring down a Bill to give legal effect to the grant. That is distinctly the practice of the House of Commons. Nevertheless, the fact has been denied in this Chamber. For example, what did the honorable and learned member for Mandurang tell us, last session, about the grant of money to the Imperial Government for extraordinary expenses in connexion with the Turkish war being made on the strength of a vote by the Commons alone. The honorable member, however, seems to admit to-night that he made a mistake. I understand him now to allow that the grant he alluded to was made by Act of Parliament—in fact, by two Acts, one authorizing the Imperial Government to spend the money, and the other enabling them to raise it. I recollect, however, when the honorable member first suggested that the money was granted by the Commons alone, how quickly the Chief Secretary snapped at the idea. I think he has since found that, as a matter of fact, there was nothing for him to snap at. Then, during the debate on the second reading of the present Bill, the Attorney-General thought he could strike out a new idea—one about the Suez Canal shares having been bought by the Imperial Government on a mere vote in the Commons—and when his statement was questioned, off he started to the Library to get proof of it.

Sir B. O'LOGHLEN.—I quoted an historical statement which was correct.

Sir J. O'SHANASSY.—The honorable and learned member knows that he has given up the argument he then tried to push. He will not now attempt to justify the adoption of the 6th clause, even in its amended form, on the ground that the Suez Canal shares were paid for on the strength of a resolution of the House of Commons.

Sir B. O'LOGHLEN.—I proved that the shares were bought before a Bill to grant the purchase money was passed.

Sir J. O'SHANASSY.—The honorable and learned member did not prove what he wanted to prove, namely, that the purchase was effected on the strength of a resolution of the House of Commons. Supposing he did prove a purchase made on the authority of the Executive, how could that help him? His argument broke down completely.

Sir B. O'LOGHLEN.—The Act authorizing the expenditure of the money never mentions the Suez Canal shares.

Sir J. O'SHANASSY.—The honorable and learned member put forward an argument in order to show a certain parallel case. Did he sustain his argument or make out the parallel case? Can he wriggle out of the fact that he did neither? I have now demonstrated how the Chief Secretary and the honorable and learned member for Mandurang have been converted, and how one of the Attorney-General's greatest arguments broke down utterly. I certainly thought, when the 6th clause came under our discussion, to-night, that the honorable and learned gentleman would bring forward some constitutional authority on which to justify it. What, however, has he done? In the face of the long constitutional discussions we have had in this Chamber for two years past, and with all the authorities and precedents the history of England could furnish for him to go to, he rests the case of the Government upon what? Upon another mere technicality, namely, that, in the Imperial Act passed in 1866, to regulate the audit and exchequer business of the United Kingdom—to organize more accurately the mode of keeping the financial accounts of the Imperial Government—the draftsman happened to put in, as an alternative condition, the words "by a resolution of the House of Commons." How can the insertion of those words deal with the powers of the House of Commons? That the Attorney-General falls back upon a mere technical point of
that sort, in order to support the case of the Government, shows the utter hollow-
ness and weakness of their position. They have been completely driven from their
pretended ground, namely, that all the 6th clause asks for is that the Assembly shall
exercise the same powers as the House of Commons. If that were really all they
asked for, my vote would be with them. But they have failed to prove their case.
They have offered no argument showing any real foundation for it. Besides, there
can be no hope that the clause will ever become law. Supposing it embodied in
the Bill, and the complete measure to have been carried by a majority of the whole
House, sent to the Council, sent to the constituencies, and finally brought here
again, how would the Government clothe it with the authority of law? Sup-
posing they subsequently sent it to England, would they not meet there the very authorities that have been quoted against them to-night? How would their
request be treated there? Imagine the Imperial Government to have been told—
"The Legislative Assembly of Victoria asks for a certain power in order that it
may exercise the authority of the House of Commons"; what would be the reply?
Would not it necessarily be—"The House of Commons has not the power you ask
for"? Why, then, are we wasting our time over the clause at all? Let us remem-
ber what the Chief Secretary has already told us. According to his utterances last
session, we had then nothing to do but to go to England for an enabling Act, and we
would get it at once. Has that expectation been fulfilled? Not in the slightest
degree. I regard the case set up by the Government as completely and utterly
broken down, and it is my intention to vote against the clause.

Mr. RICHARDSON.—I think that almost every view which can be taken of
the clause under discussion has been presented to us, and therefore I propose to
offer very few remarks. The honorable member for Belfast has told us that, pre-
vious to 1861, the practice was to pay money on the votes of the Legislative
Assembly, but that it was then altered, and that since that time a Supply Bill, or an
Appropriation Bill, has been required to render money legally available. It has
also been contended by the honorable member for Rodney (Mr. Gillies) and the
honorable and learned member for Mandurang, that the opinion given by Mr.
Higinbotham and Mr. Michie to the effect that money was legally available
on the adoption by the Assembly of votes passed in Committee of Supply, was based
on the belief that that was in accordance with the practice of the House of Com-
mons, and that those learned gentlemen would probably now be of a different
opinion, in consequence of the despatch of Sir Michael Hicks-Beach, dated the 17th
August, 1878. Honorable members, how-
ever, are wrong in assuming that the opinion given by Mr. Higinbotham was
based on the practice of the House of Commons. On reading the opinion, it
will be seen that it was based, not upon the practice of the House of Commons,
but upon the Constitution Act. The last two paragraphs of the opinion are as
follows:—

"It is indispensable to the preservation of every State that Government shall be carried
on, but a thousand accidents may prevent the passing of an Appropriation Act. Wherefore
the expenses of preserving the State by the functions of Government seem to be at the
disposal of the Government, for the time being, subject to being reviewed and audited sub-
sequently, according to law.

"The above opinion is independent of, and does not dispose of the question as to whether
moneys to the credit of the public account are legally available to satisfy votes of the Assembly
prior to the passing of an Appropriation Act. We are of opinion that such moneys are legally
available, and they were always so treated until the Audit Commissioners, some time back,
expressed an opinion that such votes should receive, before being acted upon, the sanction of
the entire Legislature; since which opinion of the Commissioners, the practice has been (but
unnecessarily as we think) to refrain from acting on these votes until an Appropriation Act
confirming them was passed."

In 1858 the then Solicitor-General (the late Mr. Justice Fellows) gave the follow-
ing opinion, which he afterwards re-
tracted:—

"I think that resolutions of the Committee of Supply, reported to and adopted by the House,
make the amount legally available. In point of fact, votes of credit were passed and money
issued on them during 1857, when changes of Ministers took place, and which have never been
questioned. It is, moreover, in accordance with the practice of the House of Commons."

It will be seen that this opinion was based on the Constitution Act rather than on
the practice of the House of Commons, though Mr. Fellows believed, at the time
he gave the opinion, that it was in har-
mony with the practice of the House of Commons for money to be paid on the
authority of resolutions passed in Com-
mittee of Supply and adopted by the
House. Opinions to the same effect have been given by other legal gentlemen. The honorable member for Mandurang contended on a former occasion that money was legally available on votes passed in Committee of Supply being adopted by the Assembly, but he has seen reason to change that opinion, in consequence, as he has stated, of the despatch received from the Secretary of State since the embassy went to England. The honorable member for Belfast, I admit, has been uniformly consistent in his opinion on the question over since the practice in this country was changed by the O'Shanassy Government in 1861; but from that period up to the present it has been contended by learned men, by men versed in constitutional law, and by the liberal party in this country, that the Government have the right to pay money on the votes of the Assembly alone.

Sir J. O'SHANASSY.—On what authority?

Mr. RICHARDSON.—I know the authority has been questioned, and a great deal has been attempted to be made out of the fact that money is not paid in England on the authority of the House of Commons alone; but I contend that the House of Commons has the right to direct and control finance, and that it practically does so. Although the House of Lords claims the right to reject Money Bills, it only claims that right, and never exercises it.

Sir J. O'SHANASSY.—The House of Lords is not provoked.

Mr. RICHARDSON.—The House of Lords knows better than to be provoked, and the people of England would not permit it to take the course that the Upper House in this country takes, and which we have permitted. The 6th clause is only intended to put the Legislative Assembly in the same relative position as the House of Commons in regard to the direction and control of finance. If the Legislative Council took the same course here as the House of Lords does in England—if it had not rejected Money Bills—we would not now be seeking this alteration of the Constitution. The evil we are seeking to remedy is the interference of the Legislative Council with the rights and powers of the Legislative Assembly. We claim for the Legislative Assembly the right to direct and control the finances of the country, but the Appropriation Bill has been thrown out by the Legislative Council on several occasions, and the rejection of that measure is altogether contrary to the practice and procedure of the House of Lords. We want the 6th clause, in order to restrain the Legislative Council from exercising a power which, whether claimed or not, is never exercised by the House of Lords. This, I think, is a sufficient reason for passing the clause. During a debate on the Norwegian scheme an honorable and learned member asked how Money Bills would be dealt with if that scheme became law, and the honorable member for Warrnambool said—

"I assert that under our plan the Assembly will have the same absolute power in dealing with Money Bills in the future as in the past; and I defy the honorable and learned member to prove it otherwise."

This shows that the honorable member for Warrnambool, though he is apparently opposed to the clause now under discussion, contended that at that time the Legislative Assembly had the absolute control over Money Bills and over finance, and that it would continue to have it if the Norwegian scheme became law. The 6th clause, I repeat, only claims that the Legislative Assembly shall be placed in the same position as the House of Commons in regard to the control of finance, and it is a necessary clause because the power exercised by the Legislative Council exceeds the power exercised by the House of Lords. It is said that there will be great danger in adopting the clause, and the honorable member for Belfast has inquired where it will lead us to. I contend that the clause, as it is now proposed to be amended, is not a demand that money shall be paid on the vote of the Assembly alone, immediately it is voted, but that it is only intended to be brought into operation when a deadlock occurs; and such, I understood, was the intention of the clause from the first.

Sir J. O'SHANASSY.—A deadlock can be created at any time.

Mr. RICHARDSON.—The honorable member for Belfast has been Chief Secretary on more than one occasion, and he knows well that the Government of the day at all times seek to prevent deadlocks, and desire to be in the position of having the Bills sent from the Legislative Assembly passed by the Legislative Council. They seek to have business done smoothly, and to avoid any rupture between the two Houses. In fact, the very existence of a Government depends upon
preventing dead-locks. When a dead-lock occurs it almost invariably leads to the displacement of the Ministry of the day.

Sir J. O'SHANASSY.—On the contrary, a dead-lock kept the McCulloch Government in office for years.

Mr. RICHARDSON.—I don't think that will hold good in every case. The Government to which the honorable member refers got into a trouble which very few members of either House would be prepared to enter upon on any future occasion. As I have said, the 6th clause will not come into operation unless a dead-lock takes place, and it will only have the effect of paying the services of the year, and carrying on the government of the country. Suppose the clause had been in operation when the Tariff was placed in the Appropriation Bill, which some honorable members contended was a tack.

Mr. GAUNSON.—Suppose it had been in operation when payment of members was provided for in the Appropriation Bill.

Mr. RICHARDSON.—The case referred to by the honorable member would scarcely be a fair illustration of the point to which I wish to call the attention of the committee, because payment of members, at the time it was provided for in the Appropriation Bill, was no longer a new policy, but a question on which the country had spoken out. Moreover, I may remark that it was stated by Mr. Campbell, a member of the Council, that an arrangement was made to throw out payment of members with the express intention of defeating the Ministry, and placing the government of the country in other hands. But if this 6th clause had been in operation when the Tariff was sent up in the Appropriation Bill, the Legislative Council, by throwing out the Bill, would have gained the object they had in view—they would have defeated the Tariff, at all events for a time—but they would not have stopped the whole business of the country. It has been represented that the 6th clause would give unchecked control to the Legislative Assembly, but not a single illustration or argument has been advanced to show that such would be the case.

Sir J. O'SHANASSY.—You say the Legislative Assembly ought to have that control.

Mr. RICHARDSON.—The votes of the Legislative Assembly are passed by a majority; and what is it that honorable members desire should be checked? Is it intended that the majority of the Legislative Assembly, which represents the people of this country, shall be checked by the Legislative Council, which represents only a handful of the people? Can it be supposed that the minority have a right to check the majority? If the votes of a majority of the representatives of the people, or of a majority of the people themselves, are to be checked, who is to check them? It is contrary to responsible government, it is contrary to manhood suffrage, for the majority of the people to be checked in the expenditure of their own money by the Legislative Council? The honorable member for Mandurang put a case of this kind: he supposed it might happen, if the 6th clause became law, that a Government, with the aid of a majority, would pay the members who supported them £500 a year each, and give their opponents nothing; but would such a state of things be at all likely to arise? The honorable member might just as well suppose that a majority of the Assembly would enter into a conspiracy with the Council to pay the members of both Houses a great deal more than they are now receiving. If such a vote were passed as the honorable member has supposed, what would have to be done before effect could be given to it? It would have to be put into the Appropriation Bill, and go through all the forms which votes for the payment of money have to pass through; and it is impossible to suppose that a corrupt vote, and one contrary to the well-being of the colony, would be allowed to do so. The whole argument must come back to this point, namely, that what the people have to contend with is an attempt on the part of a small minority to rule the majority of the country. When has the Council checked the expenditure proposed by the Assembly? It has checked such votes as a vote for payment of members and the Darling grant, but it has never taken exception to such votes as £10,000 for the Warrnambool breakwater—which was simply money thrown into the sea—or the expenditure for the construction of the Beechworth Railway. The Council has never acted as a check on the expenditure of money except as to sums asked for and demanded by the majority of the people as against the minority represented in that House and in the Assembly. What is the use of such a check as that? It is
no check—it is no legitimate check. The best check which can be placed on the expenditure of money is the check which the people will have. The 6th clause has not been considered from the point of view which I think we should consider it. It has nothing to do with taking power from the people, and placing it in the hands of the Assembly. The clause will not increase the power of the Assembly in any way, but simply limit the power of the Council to control the Assembly and to control the people. This statement, I think, embraces the whole case. We have no right to say that the Legislative Assembly of this colony shall have less power than the English House of Commons possesses. The 6th clause asserts for the Assembly a greater control than the Council over the finances of the country, and those who take an opposite view must maintain that the Council should have co-ordinate power with the Assembly. That is the real contention of those who oppose the clause, disguise it how they may. The clause will take away from the Council the power which it has hitherto claimed and exercised to create dead-locks, which occasion great suffering and loss.

Dr. MADDEN.—I am still of opinion, as I was on the second reading of the Bill, that the 6th clause is wholly unacceptable to the country, and unconstitutions. As the latter point has been argued over and over again, and as this Chamber is not a very suitable tribunal to which to address legal arguments, I will refrain from dealing with the legal aspect of the question, and oppose the clause for two other reasons. The first is one I mentioned in debating the second reading of the Bill, and which no attempt has been made to answer, namely, that the clause, even if carried into law, would be absolutely ineffectual for the accomplishment of the end for which it is designed, inasmuch as it aims only at Supply, and does not in any degree aim at Ways and Means. If it became law, it might say—"We know very far enough?"

Dr. MADDEN.—It goes a great deal too far for another reason, which I will presently point out. A reckless Government (I would be very sorry to allege that the present Ministry would do anything of the kind) might say—"We know very well that the Upper House won't allow us to impose taxation to meet the extravagant expenditure we are going to incur; but let us have a free run on the regular income of the State, allow us to make ducks and drakes of that, and the only result will be that our successors will..."
have to meet a very handsome deficiency, which will not trouble us." The clause, I repeat, is absolutely worthless for the purpose that the Ministry say they desire to effect by it. I will now tell the Attorney-General why I think the clause goes a great deal too far, lame, impotent, and broken-backed as it is. As has been already pointed out several times, the clause, if carried into law, would really leave in the hands of the Assembly the whole control and dispensation of the public funds of this country. If the clause were accompanied by another which imposed strong penal consequences for misapplying the public funds—which provided impeachment and heavy penalties for such misapplication—then, if I regarded the conduct of the Upper House in the light that Ministers profess to regard it, I might be disposed to say that that would not be a wholly unacceptable suggestion; but the 6th clause by itself I cannot assent to and never will. The honorable member for Kilmore interjected, during the speech of the honorable and learned member for the Ovens, that he assumed corruption on the part of the Assembly. I do not assume corruption in the members of this House in the rude and bald meaning of the term. I do not believe there is a man in the House who would be corrupted from his public duty by any amount of money that might be offered to him. But there is not an honorable member who does not know that he is amenable and subject to a different class of corruption altogether. For instance, it is improbable that constituents would speak to their representative in this way—"We are not bothered about reform or any other large question of politics; but here is a bridge to be made—that is what we want"? Every one knows that if the member replied—"I don't care a fourpence about your bridge; I want to deal with the question of reform," he would inevitably lose his seat. The course the representative takes is to call upon the Government, and if he is a leading man whom Ministers dare not offend they will at once place the sum required on the Estimates. On the other hand, if the member is a nobody—if there is such a person in the House—the bridge might stand over for a season, but, depend upon it, as soon as a critical division was at hand that bridge would be forthcoming. These things are not called corruption in the ordinary popular sense of the word; but that they are a class of corruption is beyond all doubt. The result of passing this clause into law would therefore be reckless and unrestrained extravagance, even though no one believes that the Government would venture to plunder the State for their own immediate personal interests. Then it has been argued that, after all, the clause, like the baby in Midshipman Easy, "is only a little one," and that it will do no harm because the very fact of its existence on the statute-book will prevent it from ever being called into use. Surely, however, the adoption of a provision merely on the ground that it will do no harm is not a statesmanlike expedient for getting rid of a difficulty. But I maintain that the clause is capable of doing the utmost mischief because under it, when a Government desired to lay their hands on a large sum of money, all they would have to do would be to place the objectionable sum side by side with an objectionable principle. The Council must then exercise its power of rejection, but, though the principle would be gone, the Government, by creating an artificial dead-lock and calling the clause into operation, would get the money. For all these reasons, and apart altogether from the legal aspect of the case, I maintain that the clause is not one atom better now than it was when the Bill passed its second reading, and I shall vote against it.

Mr. DOW.—Sir, the Chief Secretary called upon his supporters to vote for the 6th clause in this Bill because, among other reasons, we voted for a resolution of a similar character the session before last, during the time of the dead-lock. Ministers have also stated, when addressing meetings in the country, that honorable members who voted for that resolution cannot logically get out of voting for this clause. It must be remembered, however, that when we voted on the last occasion the country was in the midst of a dead-lock, and men may very logically be asked to do things to get out of a dead-lock that they cannot be reasonably asked to do when trying to reform the Constitution so as to prevent dead-locks. I desire in the most calm and moderate manner to put my view of this matter before the Government, and it is this. We have a strong Government in office, we are on the eve of a general election, and the Government are responsible to the country to use all the great power they possess to carry a proper scheme of reform. It is
Constitution Act [ASSEMBLY.] Amendment Bill.

their duty, therefore, to propose such a scheme, and not to compel their supporters to vote under protest, and to go to the country in such a way that their strength will be divided. It must be recollected that, whatever scheme the Government submit to the country, it must be substantially endorsed by the country before it can become law. Therefore we, the Government supporters, must clear ourselves from any suspicion that we are not in earnest in our desire to reform the Constitution. The Chief Secretary urged that we should vote for this clause because it would solve dead-locks; but I maintain that we want not only to solve dead-locks, but, if possible, to prevent the recurrence of dead-locks. The Minister of Customs has said that if the 6th clause is carried the plebiscite will never be required at all. No doubt there is a great deal of truth in that statement, but is the country in favour of that way of reforming the Constitution? I am of opinion that there are a great many in the country—perhaps the majority—who believe that the plebiscite is quite as good a way of solving dead-locks as the 6th clause.

Mr. LONGMORE.—Both together will do it.

Mr. DOW.—I will endeavour to show that the one negatives the other; that if the 6th clause is carried there will be no necessity for the plebiscite. Now what do the people want in the shape of reform? Do they want to abolish the second Chamber? In every place where I have had an opportunity of ascertaining the opinions of the people, I know they are against any proposition of that kind. They wish, they say, to be governed in the way the people are governed at home—by two Chambers, one Chamber exercising a due check upon the other. Shall we gain that result by adopting the 6th clause? I contend we shall not, because the passage of that clause means that when the Council use the only check they have at present on the Assembly, and reject the annual Appropriation Bill, the Assembly will be able to do without it. A Money Bill is really whatever the Assembly choose to call a Money Bill. Every Bill can be framed so as to involve a money consideration, and therefore, in order practically to do away with the Legislative Council altogether, it is only necessary for the Assembly to stand out that a certain Bill is a Money Bill. Under such circumstances, of course, the plebiscite would be of no use, because it would never have to be put into operation.

Mr. MIRAMS.—The clause only applies to Supply and Appropriation Bills.

Mr. DOW.—That does not affect my argument. What power have the Council over this Chamber except in being able to reject the Appropriation Bill? I say the Council ought to have some power, though not an undue power, over the Assembly. The House of Lords has power over the House of Commons, and the same sort of power which the House of Lords in England possesses I would like to see our House of Lords in this colony possess. I am not an advocate for the Upper House, and I am quite willing to go as far as any honorable member to remove the obstructiveness of that Chamber; but nevertheless we must come back to the point that this Government is responsible to the country for carrying a reasonable and proper scheme of reform. Let us glance back to the origin of this reform scheme. I remember at the time when we were castigating for a scheme of reform the plebiscite was suggested, and was not then thought much of by any one. I may remark, by the way, that “plebiscite” is an unfortunate name for the proposal suggested, for it has nothing in common with the French plebiscite; “the poll of the people” is the proper name for the plan proposed. When the plebiscite was first suggested, what was it suggested for? It was said that our Constitution required reforming because it had a flaw in it through dead-locks being possible. In England a dead-lock is hardly possible, because they have there a safety-valve on the legislative boiler, but here we have not. Hence arose the necessity for trying to find some kind of safety-valve which would answer the same purpose as that in use in England. It was then proposed that the plebiscite, or poll of the people, should be applied in case a dead-lock occurred, so that the difficulty might be solved by referring the matter in dispute to the arbitration of the people. The more the people thought of that proposal the simpler and more effective it did appear to their minds, and they took to the plebiscite. I have no hesitation in asserting that the plebiscite, in its original acceptation, is the most popular portion of the Government Bill at present. The proposal, however, of applying the plebiscite as the means of unlocking a dead-lock has been lost sight of, and the
The proposition has been complicated by the Government. The Ministry are, to a large extent, responsible for rendering the name plebiscite unpopular with the Imperial Government, whose views, of course, we have, to a large extent, to consult any reform we may adopt; because, as has been said, having appealed to Caesar, we have to stand by what Caesar says. Instead of keeping the plebiscite in its original position, as simply a means of unlocking a deadlock, the Government have mixed it up with other matters. The original proposition of the plebiscite was simply to let matters go on as they were; to take the present Constitution, good or bad, as it was; and then, when a deadlock occurred, when parliamentary procedure had broken down, when a state of things occurred which would require an appeal to the country, to use the plebiscite as a means by which the difficulty could be got over. Instead of that proposition, however, the Government bring in this 6th clause, which proposes to get over the difficulty by abolishing the Upper House altogether. Of course there will be no dead-locks if you abolish the Upper House altogether; there is no doubt of that. Under this clause, if a powerful Government wanted to carry a certain proposal they would only need to tack it on to the Appropriation Bill, and it could be made law in a month. I am not claiming that the Legislative Council should remain as they are now. I consider that a reform of the Constitution should include a reform of the Upper House, but I ask the Government, who are taking us to the country, why take us to the country on the nominee system? Is the country in favour of that?

Sir B. O'Loughlen.—Yes.

Mr. Dow.—I venture to assert that there is no party in this country in favour of nomineeism. I say that to the Government in the utmost good faith. I want a Reform Bill carried, and I know pretty well the feeling of the country. The Government will be able to carry this Bill in the country, but I will tell them why they will succeed in doing so. It will not be on the merits of the Bill, but because of the fear which has been instilled into the minds of the people by the treachery of parties in the past, who took up reform schemes and dropped them again. The people say to themselves—"Even if this Bill is not all we want; even if it is extreme it is extreme on our side, and that is rather flattering to us; although the Bill is not what we desire, still we believe this Government are going to stand by their Bill, and, upon the principle of two evils choose the less," we will take the Government Bill, bad as it is, because we don't see any other party in the House to carry another."

Mr. Kerferd.—Carlton does not say so.

Mr. Dow.—No, and if the result of the Carlton election meant anything it meant a vote against nomineeism and the 6th clause. Is it a proper position for a powerful Government like the present to take up for them to say to the people—"Take this incomplete Bill, because there is no other party on the liberal side strong enough to carry a better one?"

Mr. Young.—Why do you vote for it?

Mr. Dow.—Because there is no party on this side of the House representing my views able to carry another, and I am not going to split up the liberal party for the benefit of honorable members opposite. But I ask the Government to take measures to unite the party before we go to the country. Suppose I vote for the third reading of the Bill, what will that mean after all? Do not the people read the debates and know what is going on in this House, and are they not able to decide for themselves? Allow me to inform the House that the most important members of Parliament are the reporters and the leader-writers of the press. The press is a most important feature in our representative system as it is in that of England. Through it the people are informed of all that takes place in Parliament, and is it fair therefore of the Government, is it honest, that they should take us before the country on a sort of protesting vote when they have it in their power to carry a reasonable measure of reform before going to the country? Surely they cannot forget that a scheme must be endorsed by a substantial majority of the country before it can become law. The people may vote for the Government Bill, but they will only do so, as I have already said, on the principle that of two evils it is better to choose the less. Would it not be more reasonable for this House, before going to the country, to accept say suggestions from the Upper House? I venture to say that if we were to accept from the Legislative Council their proposals with regard to broadening the elective basis of that Chamber,
instead of proposing the nominee system and the 6th clause, there would not be the amount of disaffection which is existing at present. I maintain that the Government will not be performing their duty as regards reforming the Constitution if their reform tends in the direction of abolishing the Upper House; they should rather endeavour to improve the Upper House, and apply the plebiscite in the event of a dead-lock occurring. If, instead of passing this 6th clause, we were to liberalize the personnel of the Upper Chamber, and apply the plebiscite, there would, in the first place, be less danger of a dead-lock occurring, for the Council would then consist of a more responsible class of gentlemen; and, in the second place, there would be the poll of the people to solve a dead-lock if it did occur. On the other hand, the 6th clause seems to me to negative the other two principles of the Bill. With the 6th clause you do not want the plebiscite, and as for the nominee system it is altogether out of character in company with this clause. The Minister of Customs in his speech referred to nomineeism, and stated that the nominee system proposed by the Government is not the nomineeism adopted in England with regard to the House of Lords. When a dead-lock occurs in England, the House of Commons create peers to get over the difficulty, and it is for that expedient I wish to substitute the plebiscite. But that is not the nomineeism in the Government Bill, and I contend that the people of this country, however they may vote for the present Bill under a sort of protest, are not in favour of adopting three or four extreme ways of getting over a dead-lock. While they want the Constitution reformed, they do not want it pulled down in order to be built up again. They simply want the fact recognised that there is a danger of dead-locks occurring under the Constitution as it stands at present, and that when these difficulties do occur there shall be some means of getting over them as a substitute for the expedient available in England. Reform of the Constitution does not mean destruction of the Constitution.

Mr. FRASER.—This one does.

Mr. DOW.—I admit that the reform proposed by the Government may be considered to have something of that tendency, and that fact is all against its chances of becoming law.

Mr. FRANCIS.—You are voting under compulsion.

Mr. DOW.—No; but I cannot refrain from drawing attention to the fact that the conduct of the Ministry seems intended to drive into opposition any honorable member on this side who manifests the slightest spirit of independence. The impression is that if one is a dummy member, a mere automaton, he will receive greater consideration from the Government; and it is bad for the liberal party that such an impression should go abroad. It would be more graceful and dignified on the part of the Ministry if they were to allow their supporters latitude to say what they mean, even though they might be occasionally somewhat candid. I know what the electorate of Kara Kara means, and I suppose it is much like others throughout the colony. My constituents tell me that doubtless they will vote for the Government Bill if it comes before the country, but it will be under a sort of protest.

Mr. FRASER.—Never.

Mr. DOW.—They will, because, of course, we will rally up. The Bill will not be carried at the general election if there are divisions in the party, but, if we rally up, it will be, and the direct Opposition will have no show. It devolves upon the Government, therefore, to take the advice of their friends, a good many of whom honestly believe that the combination of the nominee principle, the 6th clause, and the plebiscite, is unnecessary—that any one of those expedients would suffice; though, if we adopt the 6th clause as the expedient, it must be clearly understood that we adopt Government by one Chamber. At all events, let us have an understanding, and go to the country strong, so that we may carry something that will not be altered when we come back, as the Chief Secretary has indicated that his Bill will be. The Chief Secretary says the present Bill is only the means to get what we want; but why not pass the Bill that we do want before going to the country? I cannot but vote against the 6th clause. The Carlton election to-day was against the 6th clause. I would urge the Government to abandon the clause as unnecessary, for several reasons. In the first place, it must be remembered that the "poll of the people" principle gives us the assurance that no Bill of policy can in the future be obstructed further than two sessions. The presence of that
provision in the Bill will also have the effect of making each House more careful—the Assembly not to give a casus belli to the Council, and the Council not to bring itself into disrepute by factiously having measures sent to the people. Further, considering that the desirable functions of an Upper House are to duly check hasty legislation without positively exercising a veto after the will of the people has been obtained, we cannot therefore, if we recognise the existence of an Upper House at all, fairly deprive it of all power. Moreover, we must also take into account that what is contended for in the 6th clause—namely, the Assembly's power of the purse—has never in reality been called in question by the Council. That is shown to be the case by the fact that the dead-locks have never taken place upon pure votes of Supply, or upon votes required for the actual current service of the year. Obstructive as the elements have been in the Upper House in the past, still the three dead-locks that have occurred had, in each case, a reasonably argumentative basis in respect to the claim put forward as to the measures sent up to the Council being Bills of policy rather than solely Money Bills. The Tariff of 1865, the Darling grant, and the vote for payment of members, were all argued to have more a political than a purely financial bearing. On each dead-lock, therefore, the contention of the Council has been not that it had the right to usurp the money privileges of the Assembly, but that it did not believe that the measures in contest were in accord with the will of the people. Now the "poll of the people" principle in the Bill affords a means of putting these contentions to the test, and therefore I would, as I have said, urge upon the Government the desirability of striking out the 6th clause as not being required, and of importing into the Bill such a provision as would ensure the application of the plebiscite in the case of another dead-lock, even to measures in regard to which, like those of the past, the Assembly might consider it had reason to question the Council's contention as to their not being purely Money Bills, as well as to disputes arising on unquestioned Bills of policy. Once more I would ask the Government why not eliminate the objectionable features of the Bill before going to the country upon it? Why ask the people to give a vote, as it were, under protest? As the Bill will have to be amended in the next Parliament, why not amend it now? I will vote for the third reading of the Bill, but I honestly say that my reason for doing so will not be because I believe in the Bill, but because, as a liberal, I don't want to throw myself into the hands of those who are not in accord with my views, and I don't want to bring back to power the Government that was ousted on the 11th of May, 1877. I do not now refer to any other Government. I do not say that perhaps a more moderate Government might not be better than the present one. But the reason why we have not a more moderate Government existing is owing to the extreme action of both Houses. The Service Government was not an extreme Government from a conservative point of view, but it was destroyed in the interests of another Government—a conservative Government—with the result of bringing about a state of things which led to the placing in power of more extreme liberals than, under other conditions, would have had the opportunity of acquiring office.

An Honorable Member.—And a good job too.

Mr. Dow.—I don't say that. It should be recollected that the present Chief Secretary asked both Mr. Service and Mr. Casey to join him. Without desiring to make any reflections upon members of the present Ministry, I may mention that they were not the choice of the Chief Secretary, and that the conservative party have themselves to blame for not being better represented than they are on the Treasury bench. Let it not be understood that in saying this I am advocating the abandonment of any liberal principles. All that I desire to convey is that the conservative party, if they had so chosen, might have been better represented in the present Government, and have helped to modify the policy of that Government. In conclusion, I respectfully urge upon the Ministry that, instead of carrying this Bill as it stands for the purpose of modifying it afterwards, the modification should take place before we go to the country, in order that a substantial majority may be secured to carry the measure into law.

Mr. Gaunson.—Sir, the honorable member for Kara Kara says he will vote for the third reading of this Bill not because he believes in the measure—he distinctly scouts it. Evidently he has
adopted the rôle of the American politician who says—

"It ain't by pricnerples nor men
My preudent course is steadied;
I scent witch pays the best, and then—
Go into it bald-headed."

I say it is the most cowardly political conduct that a man can be guilty of to vote for a Bill to which, in his heart, he distinctly objects, simply because a majority of his constituents may be in favour of it. The honorable member is not here merely as the representative of Kara Kara. He is here as a Member of Parliament to do the best he can for the welfare of the whole people, and for the future destinies of this country. Not long since, the Premier declared that the only time when there was a possibility of getting the liberal party to stand shoulder to shoulder for the purpose of carrying reform was when they were at fever heat. What a slander and libel upon the instincts of the liberal people of this colony. Bacon says that the laws are "deep and not vulgar, not made upon the spur of a particular occasion for the present, but out of providence for the future, to make the estate of his people still more and more happy, after the manner of the legislators in ancient and heroic times." And yet the Chief Secretary tells us that a Reform Bill can be passed only when the people are at fever heat. The honorable gentleman asserts that in the 6th clause now before us is embodied the practice of the British Constitution. Not only must I tell the Chief Secretary that that is not so, but I will refer him to the despatch of the Secretary for State which unequivocally denies it is so. The Chief Secretary says that the statement of Sir George Bowen that the advice of the Crown law officers in England was sought at the instance of his responsible advisers, to forward and to recommend to the early consideration of your lordship, and (if you should see fit) of the Law officers of the Crown in England, the enclosed opinion of the Attorney-General of Victoria, the Hon. Robert Le Poer Trench.

Directly a despatch came from the Secretary of State announcing that the Ministerial reading of the 45th section of the Constitution Act was correct, that certain moneys were available on the mere vote of the Legislative Assembly, the Chief Secretary laid that despatch on the table of this House; and he never called attention to Sir George Bowen's statement for the purpose of denying it. Therefore he stands convicted of having asked Sir George Bowen to take the advice of the Secretary of State, or rather the Crown law officers in England, for the purpose of ascertaining whether moneys voted by this Assembly were thereupon legally available. It is idle and absurd to contend that a resolution of this House makes law. May says—

"A grant from the Commons is not effectual, in law, without the ultimate assent of the Queen and of the House of Lords."

And Todd observes, with regard to the efficacy of a mere resolution adopted by one House—

"It may declare the expediency of an alteration of the law in a given direction, but it can only give effect to its opinions by the regular method of parliamentary procedure—that is to say, by the introduction and passing of a Bill, which is assented to by the other branches of the Legislature."

Now what does the 6th clause propose to do? Neither more nor less than to turn this Assembly into a Parliament. It proposes, in the event of the rejection, by the Legislative Council, of an Appropriation Bill or a Supply Bill, to set aside not only the second but the third branch of the Legislature, because the only action required on the part of the Governor would be the transmission of a message to the Assembly, whereupon a vote would be taken and money would be payable. Now I ask, having regard to the experience of the whole civilized world for centuries, is it desirable that we should have only one legislative body? Upon that point I refer honorable members to the great American jurist, James Kent, who, in his valuable

Mr. Gaunton.
Mr. Kent says—

"The division of the Legislature into two separate and independent branches is founded on such obvious principles of good policy, and is so strongly recommended by the unequivocal language of experience, that it has obtained the general approbation of the people of this country."

Surely it will not be contended that America is not as democratic a country as Victoria. The honorable member for Creswick (Mr. Richardson) asks—Who ever heard of two Houses of Legislature being co-equal? But Hallam speaks of the two Houses of Imperial Legislature as co-equal, the simple distinction between them—the distinction which applies equally to this country—being that the Lower Chamber has the exclusive power of originating money grants, of beginning Supply, of saying how the money in the Treasury shall be spent. That course has been followed in connexion with the United States, but in several of the various sovereign, independent, separate states of the American Union, both Houses of Legislature—the Senate equally with the Assembly—can originate Money Bills. And here I will make another extract from Mr. Kent's work. It is as follows:

"One great object of this separation of the Legislature into two Houses, acting separately and with co-ordinate powers, is to destroy the evil effects of sudden and strong excitement, and of precipitate measures springing from passion, prejudice, personal influence, and party intrigue, which have been found, by sad experience, to exercise a potent and dangerous sway in single assemblies. A hasty decision is not so likely to proceed to the solemnities of law when it is to be arrested in its course, and made to undergo the deliberation and probably the jealous and critical revision of another and a rival body of men sitting in a different place, and under better advantages to avoid the prepossessions and correct the errors of the other branch. The Legislatures of Pennsylvania and Georgia consisted originally of a single House."

To which may be added Vermont.

"The instability and passion which marked their proceedings were very visible at the time, and the subject of much public animadversion; and in the subsequent reform of their Constitution the people were so sensible of this defect, and of the inconvenience they had suffered from it, that in both states a Senate was introduced. No portion of the political history of mankind is more full of instructive lessons on this subject, or contains more striking proof of the faction, instability, and misery of states under the dominion of a single unchecked Assembly than that of the Italian republics of the middle ages, which arose in great numbers, and with dazzling but transient splendour, in the interval between the fall of the western and the eastern empire of the Romans. They were all alike ill-constituted, with a single unbalanced Assembly. They were alike miserable, and all ended in similar disgrace."

It has been said that if this single Chamber is turned into a Parliament it will be within the power of the majority to vote themselves £500 a year each. And what would there be to prevent that? Referring again to the question whether a resolution of this House has the force of law, let me remind honorable members of the Stevenson case, which arose through the collection of customs duties on the authority merely of a resolution of this House. The natural expectation is that such a resolution will subsequently be clothed with the force of law, and be embodied in the statute-book. But in the Stevenson case that expectation was disappointed, and the Supreme Court compelled the Government to refund the amount of duty which had been paid. Let me read the marginal note of that case as it appears in Wyatt, Webb, and A' Beckett's Reports. It is as follows:

"Customs duties had been demanded by the agents of the Crown, under the authority of a resolution of the House of Assembly only, and had been paid by several importers. The importers sued the Crown under the Act No. 24 for a return of the duties, as money had and received by the Crown to their use. On rule nisi for non-suit, Held that the action would lie on the implied contract to repay that which it would be inequitable to retain."

A Customs Act passed afterwards contained an indemnity provision to cover the illegal action of the Queen's servants in collecting revenue which they had no legal justification for collecting. The honorable member for Creswick has spoken of the Warrnambool breakwater vote, and has denounced the expenditure under that vote as an improper one. It is easy to judge after the event—to say now that it was money thrown away. We know now that it was money thrown away, but we did not know it then. I recollect the Premier once stating that the Warrnambool breakwater vote was one of the most righteous ever submitted to Parliament. As to the talk about checks on expenditure, let me ask what check was there on the creation of that tremendous hole, familiarly known as Woods' hole, at the end of Collins-street, under the auspices of the Railway department? Upon that huge excavation, which cannot possibly be of use to the country in any shape or
form, at least £25,000 of public money has been expended illegally and without proper authority. The Premier is about to stomp the country, and to appeal to the sympathies of the people with respect to this 6th clause. He does not appear to favour the plebiscite very much, and I cannot understand how it is possible, with this particular clause in the Bill, that the plebiscite should ever be called into requisition at all. I can understand honorable members who desire simply to throw dust in the eyes of the people saying—"Let us vote for it, what does it matter, it will never come into force." But I decline to consent to a sham under any circumstances. I think that honorable members, when they come to look at this question in all its bearings—when they recollect that in other countries, where the experiment of a single House has been tested, it has invariably led to extreme measures, to the destruction almost of the liberties of the people—they will be very careful before they allow the 6th clause to pass as amended by the Government. It pretends to give the other House a chance of passing the Appropriation Bill, and then afterwards it provides, without any sense of responsibility at all, that the Assembly shall act for the whole Parliament. Honorable members who support the Ministry make a great mistake if they suppose that the people of this country, after careful reflection, will admit that it is a wise thing to permit an Assembly like this to become purely despotic with reference to monetary matters. If the principle be correct with regard to monetary matters, why should it be limited to those matters? Why should it not be extended, so that a Bill that passed the Assembly, although rejected by the Upper House, should nevertheless become law with the signature of the Governor attached to it? If the plebiscite should become law, is it not within the limits of possibility that the people, finding that they are able to settle disputes between the two Houses, may require every Bill to be submitted to them, and thus may do away with the necessity for having any Chambers of Legislature at all? I object to the plebiscite because I know that by means of it we shall be unable to obtain an intelligent expression of opinion from the people. At a general election, candidates for seats in Parliament go among the people and harangue them, and explain the reasons which actuate them; but under the plebiscite there will be no opportunity for anything of the kind, and the people, seized by some sudden frenzy, may come to a determination the result of which may be dire and disastrous.

The CHAIRMAN.—The plebiscite is not before the committee.

Mr. GAUNSON.—I will keep as close as I can to the question. The honorable member for West Melbourne (Mr. Andrew) has talked of the struggles for reform which took place in bygone years in England. But it should be recollected that the reform sought for there was reform of the House of Commons. The people never demanded reform of the House of Lords. I know a large number of members of this House have not the leisure, and possibly they have not the inclination to read, or to strengthen their minds by reflections on the history of other countries; but, if they had sat at the feet of the modern Victorian Galahad, they would probably have found out that the people of England had no voice in the reform of the House of Commons. Who were the voters at the time of the passing of the Reform Bill of 1832? Prior to the reign of Henry VI every man who attended the county court had a vote. Manhood suffrage then practically prevailed, that is excluding the mere villein, who was practically a serf attached to the soil. But in the reign of Henry VI it was enacted that by reason of the great tumults which occurred at elections, and of the number of people of no consequence who voted, the suffrage should be restricted to those who possessed freeholds worth 40s. a year; and that was the suffrage which was in force until 1832. How many voters were there in England when the elder Pitt declared that if the House of Commons was not reformed from within it would be reformed from without? How many voters were there in England when Burke addressed to the electors of Bristol language somewhat similar to that with which I commenced my remarks this evening:—"When you send a representative into Parliament, you do not send him there as member for Bristol, but as a Member of Parliament to do the best he can for the country at large; he is bound to live with you in the closest possible communion, but he is not at liberty to sell to you his conscience, or his conscientious convictions"?
I have not the actual passage by me, but that is the effect of it. How can the country be said to be truly represented by members who, when they were candidates, went about here, there, and everywhere slobbering over the electors they asked to vote for them? That is not the way to secure the proper representation of a free and united people. The proper method is for a candidate to say to the electors he canvasses that he will do his duty by them fearlessly and honestly; and then, if they turn him adrift, he has the consciousness that he did his best. That reflection will sustain him in the dark hour of adversity. When the honorable member for West Melbourne (Mr. Andrew) talks of the advantages of a single Chamber, let him read history for illustrations of what a single Chamber has done. Let him look at how, under a single Chamber, the streets of Paris have been made to run with blood, and enormous barbarities have been perpetrated. And he talks of the will of the people, forsooth! I appeal from what he calls the people to the nation at large. How can this House absolutely represent the will of the people when there are on the rolls thousands upon thousands of electors whose voice was never exercised when this Assembly was constituted? Honorable members sitting behind the Government talk of only the wealthy classes being represented in another place, but what is the proposition that other place practically sets before the country? Is it not an honest proposition that the Upper House of Victoria should be based upon a £10 franchise? To ask the Assembly to pass the 6th clause is to ask a body that cannot possibly be said to represent the will of the whole nation to ride roughshod over the liberties of the people, and I will not vote for it. Moreover, I will never be a party to giving the people at large, while the Parliament they have elected is sitting, the right to vote for the purpose of saying what shall or shall not become law. There is no deliberation in such a proceeding, and it is consequently repugnant to the whole course of British freedom and British legislation. It amazes me that a gentleman of the learning and ability of the honorable member for Castlemaine (Mr. Pearson) can for a single instant justify this pernicious attempt to sap the foundations of parliamentary government. He knows full well what parliametary government has done for England, and that her liberties were not won for her by her masses, but by her statesmen—by such men, for instance, as Sir Edward Coke, who, when Charles I was promising so much, was able to stop and say—"The King can do all this; but let us set up a record of what he will do," and so laid the foundation of the Petition of Right. I say that to adopt the system the Bill seeks to bring into operation would be a blight to the country ten thousand times worse than what the "Berry blight" has been.

Mr. PEARSON.—Sir, I wish to say a few words on this question of the 6th clause, because the honorable member for Kara Kara has given it such a meaning that, unless I regarded it in a very different spirit, I would feel quite unable to vote with the Government. I may, however, say I am relieved by finding that that interpretation is differed from by not only the Government but also the honorable and learned member for Sandridge, and that, so far from thinking that the clause will enable any Bill whatever to pass over the heads of the Council and, in fact, annihilate that body, the honorable and learned member holds that its one fault is that it is inadequate for its purpose. I believe it, in fact, to be a clause that will not have much effect, but will produce some good and some evil. That, I suppose, is as much as may be said for most measures. As far as I understand it, it will act simply after the rejection of the Appropriation Bill or a Bill of Supply.

Sir B. O'LOGHLEN.—Hear, hear.

Mr. PEARSON.—Since the Attorney-General cheers that statement, I may take it to convey the intention of the Government on the subject. I presume also that, if that intention simply is carried out, the clause will have one effect that will be wholly good. It will make tacks impossible, because, if any extraneous matter is tacked to the Appropriation Bill, the Council will have no hesitation in throwing it out, seeing it will know that thereby the public service will not be injured. For the same reason, the Assembly itself will, under the clause, preclude itself from attaching extraneous matter to a Bill of Supply. The honorable and learned member for the Ovens has twitted the Government with not being able to produce a Reform Bill on the lines of the British Constitution. Well, there is, to a certain extent, truth in such a charge; but in what does it consist? Is it not...
a fact that our Constitution at this moment is not thoroughly on the lines of the British Constitution? And, what is more, is it not absolutely impossible to reproduce the British Constitution in its entirety? I believe the Government have honestly tried to produce something more resembling the British Constitution than our present Constitution does; at the same time, I am almost sorry that in clause 5 of the Bill they have adopted English phraseology, because I think the resolution of the House of Commons which it embodies has a meaning there which it fails to bear here. So long as the two Houses here are elective, I don't see that the Assembly can, by passing any resolution whatever, get a bit nearer to the House of Commons. So long as the Legislative Council is not a House like the House of Lords; where every member is absolutely independent, having no fear whatever of being turned out of his seat, even at the end of ten years, and where, on the other hand, the whole body has a sense that it cannot continue the work of obstruction indefinitely, and you get a virtual corporate sense of responsibility, a resolution of the Assembly cannot have precisely the same force as a resolution of the House of Commons. The resolutions of the House of Commons stand by their own weight. They have at their back not only the Commons, but the Crown, the nation, and the traditions of centuries. On the other hand, we are not certain we have the Crown; and, although we have the nation, we have for traditions only those of the few years during which our Constitution has been in operation. Therefore the Government are compelled, in their own despite, to fall back on other expedients, such as the 6th clause and the plebiscite, in order to make up for the inherent weakness arising from our peculiar circumstances. The honorable and learned member for the Ovens offered another argument which is often adopted, but which I don't believe can be maintained, but rather regard as most fallacious. It has been repeated a thousand times at public meetings that you want a second Chamber as a check upon national extravagance. And the possibility of such extravagance on the part of the Assembly is admitted. But, sir, while I grant the House of Lords a thousand merits, it has not everything. It has been the bulwark of English liberties and of the Constitution, but, on the other hand, it has been the bulwark of irrational conservatism. I don't think I can at this moment recall an instance where it has actually been the cause of national extravagance, but, at the same time, I cannot recall a single instance in which it has guarded the country from that extravagance. Although it is perfectly true that the Lords have occasionally interfered when their privileges have been violated, and rejected Bills containing money provisions because they were composite Bills, or for some other reason, they have always exhibited very great unwillingness to provoke collisions with the Commons respecting affairs of expenditure. The mere fact that in their regard the Upper House has neither the right to initiate nor to amend, while its right to reject is at least disputed, has led it to be exceedingly cautious, and consequently by no means efficient, in connexion with such matters. Take, for instance, the reign of Charles II. Was it the Lords or the Commons who interfered with the arbitrary action of the Lord Chancellor? In the time of William III, when the Commons attacked the Crown on account of the land grants in Ireland, what was the stand taken by the Lords? When, in the time of the South Sea bubble, Parliament committed itself in a measure to unworthy speculations that could not possibly answer, did the Lords interfere? Take the extravagant wars of the 18th century, with France and America, were not the Lords constantly, either in order to maintain the national honour or for some other reason, on the side of the Government? We hear of their having now and then asserted themselves, but I cannot remember that they ever exercised any economical control. Did they stand against the unscrupulous exercise of bribery which secured the passing of the Act of Union with Ireland? Did they, although they discussed the subject to a certain extent, offer any objection to what has since become a most important matter of national expenditure in England—I mean the great change made in the system of national education? Go to another country—the United States—and look at the non-interference of the Senate with the Bland Silver Bill, under which the nation was to pay its creditors with a currency of only 86 cents to the dollar. Therefore, although there may be a thousand good qualities in a second Chamber...
—I am not arguing against it—in the particular line of checking national extravagance it has never shown itself a success. There might be a check of a different kind upon national extravagance, but the Chairman has ruled that at the present stage we are not entitled to discuss the plebiscite. I may say, however, that I quite agree with the platform of the Reform League, which includes sending the Appropriation Bill as well as other Bills to the plebiscite. I don’t apprehend any great consequences from the adoption of that system. At first the mass of the people might be strongly in favour of a large governmental expenditure; the question of questions with them might be rather how money should be expended than whether it could be wisely or easily raised; but, nevertheless, they would, after a time, be brought to a sense of their responsibilities. There would, besides, be little chance of their repudiating obligations which they themselves had sanctioned by a solemn vote. At the same time, although I presume the alteration I speak of will not be accepted by the Government, I shall vote with a perfectly clear conscience for their measure, because the speeches made from the opposition benches have thoroughly convinced me that while honorable members there are prepared to substitute some other scheme for the Bill, they will not include in it the portion of the Government proposals I most cordially approve of, namely, the plebiscite, even in the shape in which it is now presented to us.

Mr. COOPER.—It appears to me that the fact that, according to the last speaker, the 6th clause is capable of doing a little good, and also a little evil, is not reason sufficient to justify us in adopting so radical a piece of legislation. Surely, when we are asked to substantially revolutionize the existing Constitution of the country, we should be shown some better ground for the proceeding. If the argument I allude to is the best that can be offered in favour of the clause by the most learned of the honorable members supporting the Ministry, certainly they cannot compliment themselves upon the way in which their friends advocate their case. Indeed, I may say that I have not during the whole of this evening heard anything that seems to my mind to be a real argument in favour of the proposition we are considering. Let us recollect that what we are dealing with is not a mere temporary affair—a scheme devised to meet an emergency that is not likely to occur again. I can easily understand this House in a time of dead-lock taking steps to assert its right to insist upon public moneys being paid upon its own vote, because our state would then be akin to one of war, under which resort might fairly be had to expedients which at other times might be regarded as dangerous to the liberties of the people. But surely no one will contend that the martial law that is necessary at a particular crisis ought to continue after the crisis is past? I fancy every one will admit that, directly the causes that lead to martial law being proclaimed cease to exist, the ordinary liberties of the subject ought to be at once restored. Again, what is the argument of the honorable member for Kara Kara? I think the tone and tenor of his speech surprised me more than anything I have heard throughout the whole debate. He told us that the 6th clause is bad, that its whole tendency is evil, and that he does not believe in it, but at the same time he said that even if it were adopted he would vote for the Bill as a whole, in the hope that, while he did not expect it to become law, it would be eventually the means of providing a measure of reform of a most advantageous character. That is a curious principle of legislation, and, to my thinking, there could be none more calculated to demoralize public men, and lead the way to a system of public corruption and public toadyism. It practically amounts to this, that we, as liberal Members of Parliament, must follow one set of leaders because they are our leaders, no matter how far they stray from the right path, because if we do not the wolves of the Opposition will get into our fold and we shall all be scattered. That, if there is any potency in language at all, is the argument of the honorable member for Kara Kara. The same honorable member assured us that no honorable member sitting behind the Government can venture to have an opinion of his own for ever so brief a period without exciting the ire of the Government, and being told by them to go to the other side of the House, and that he objects to hold the position of a dummy member, but that, at the same time, he intends to give them, whom he actually charges with being unfaithful leaders of their party, most powerful support. Another remark made during the debate
greatly struck me. The Minister of Customs told us that all the substance is on the side of the Ministry, while all the shadow is on the side of the honorable and learned member for Mandurang and his friends, and of the Opposition. Now what does he mean by substance? If he alludes to pecuniary substance, no doubt the Ministerial side have got that, and the Opposition are all in shadow.

Mr. PATTERSON. — That is what annoys you.

Mr. COOPER. — Not at all. If the Minister of Public Works thinks I am annoyed because he and his colleagues divide among themselves the substance of official salary down to the historic sixpence, he is perfectly mistaken. I may remark to the honorable gentleman that it is unwise for him to judge others by himself. I never went to any member of the Government, or of the House, begging and praying to be taken into the Ministry. At the same time, I perfectly agree that every honorable member ought to be prepared to accept the responsibilities of his position. If, however, the Minister of Customs means by substance, the weight of truth and argument, I venture to assert that he is wholly wrong, and that no one who at all fairly examines the speeches that have been delivered in the House on the present subject can fail to come to the conclusion that the weight alluded to is wholly against the Government proposition, and with those who oppose it. For example, look at the way in which the honorable member for Rodney (Mr. Gillies) completely undermined and utterly destroyed the whole of the Chief Secretary's argumentative position. What did the contention of the Minister of Customs amount to? To nothing more than that, on one occasion— he did not venture to mention another— certain moneys were voted by the Commons, and paid before the vote had been clothed with the ordinary form of law. He never dared to tell us what he referred to is the ordinary practice of the House of Commons, nor did he deign to the statement by the Opposition that the reverse is the practice. What then becomes of his reasoning? It is perfectly untenable. Then there are the arguments of the honorable member for Belfast; are they not wholly unreplied to? As for my view of the clause, the thing appears to me involved and impracticable. It proposes that when the Appropriation Bill or a Supply Bill has been rejected by the Council the public money shall be available on the vote of the Committee of Supply so soon as it has been reported to the House and adopted. I ask can that be carried out? For example, supposing the Appropriation Bill to be rejected, how could the Committee of Supply, in the same session, revote resolutions it had already adopted? Such a proceeding would be utterly contrary to the standing orders. This is the clause that represents the combined intelligence of the Government concentrated for about four months. Then the amended form of the clause is declared to be an improvement. How is it so? The honorable and learned member for Mandurang called the attention of the House to the defects of the clause as it originally stood. He pointed out clearly that if the clause became law it would practically dispense with any necessity for the Appropriation Bill, and make the Government of the day supreme over the House, the Parliament, and the country. They would be always able to obtain Supplies and Ways and Means, because if any of their propositions were objected to by the House they could soon reduce honorable members to order by a threat of dissolution. The result was that the Chief Secretary acknowledged the force of the honorable and learned member's arguments, and said that he would recast the clause. The clause as recast is now before us, and what does it mean? It simply means what it meant before, with a very slight difference. The first clause distinctly stated that the Council should have no voice in the passing of Money Bills; this one gives them the privilege of saying "Yes" or "No," but tells them that the money will be expended no matter what their answer may be. In fact, it says that the Council shall be consulted merely as a matter of form, and that any money voted by the Assembly will be expended whether the Council approve of the expenditure or not. It seems to me that the clause as amended may fairly be considered by the Council to be more offensive to them than it was in its original form. I object to the clause because it deals unfairly with both Houses, and because it proposes to introduce a practice which is contrary to the practice of the House of Commons. We have been told that one reason why the clause should be passed is that public meetings in various parts of the colony have pronounced in its favour. I contend,
However, that the decisions of those meetings are of no value, inasmuch as they have been given after hearing only one side of the case. Another reason why I object to the clause is that it will practically place the entire control of the finances of the country in the hands of the Ministry of the day; in other words, it will give nine men supreme power over the public expenditure. I think the people of this country are not prepared for a dictatorship, whether the dictator be one man or nine men, but that they are anxious to preserve and to be guided by the forms, usages, and practice of the British Parliament. I believe that the clause would be dangerous in its results to the best interests of the country and to the liberties of the people, and therefore I shall vote against it.

Mr. TUCKER.—I have listened carefully to the speeches of the honorable members who oppose this clause, but I have failed to hear any of them say what the House of Commons would do in the event of the Appropriation Bill being rejected by the House of Lords. I fancy the gentlemen who argue from a conservative point of view would be nonplussed to indicate the proceeding that the House of Commons would take if its Appropriation Bill was thrown out three or four times. It is well known that it is merely a theory of the British Constitution that the House of Lords can reject a Money Bill. The whole question was ably debated in the House of Commons when the House of Lords rejected the Paper Duties Bill, and at that time a stand was made against the power claimed by the House of Lords. It may safely be said that the House of Commons became the ruling power in England at the passing of the Reform Bill of 1832. A few months ago, at Birmingham, Mr. John Bright, speaking of the power of the House of Commons, made these remarks—

"I think it was a saying of an ancestor of the present Lord Salisbury, and one of the Ministers of Queen Elizabeth, that England could never be ruined except by a Parliament. The Crown could not ruin England. There are plenty of means of controlling the Crown. The House of Lords could not ruin England. We have controlled the House of Lords before, and we could do it again."

This expresses the position which the House of Commons takes up to-day. Surely the Legislative Assembly of Victoria, as occupying the same position in this country that the House of Commons does in England, is not stepping outside its functions if it applies a desperate remedy to a desperate disease. The House of Lords has never rejected an Appropriation Bill, and therefore there is no parallel to guide our action. The present Bill may contain some features which are not thoroughly acceptable to the people of this country, but the people are sick of the contentions on the reform question, and they will be glad to accept any measure that will afford them relief. The cry for constitutional reform has been made the pretext for party warfare during the last 15 years, or more, which has cost the country millions of money. I feel almost ashamed to meet my constituents again while the very question on which I was elected six years ago still remains unsettled. The assumption, on the part of certain honorable members, has always been that the Assembly is corrupt, and would play all sorts of games with the public money if it had unchecked control over the finances, but that the Upper House would never consent to any corrupt expenditure. Well, we all know that there have been questionable votes passed by the Legislative Assembly, but the Legislative Council have never rejected a Money Bill because it contained such a vote. They have only done so when they desired to give a blow to a certain political party. It is said that it would be detrimental to the interests of the people of the country if money could be made legally available on the votes of the Assembly, without the sanction of the Council; but surely the Assembly is the country. The people have the right to say, through their representatives in this Chamber, what taxation shall be imposed, and how the money shall be expended. After thinking over the matter very seriously, I have come to the conclusion that there is no other course open to me than to support the 6th clause; I regret that there is any necessity for such a clause, but the proceedings of the Upper House have made it absolutely necessary that something should be done to put a stop to the obstacles placed in the way of legislation, and to prevent the financial arrangements of the Government being thrown out of gear. I do not think that the people of this colony want anything more than fairness and justice; but that I am certain they are determined to have. I believe that they will support this Bill, taking it as a whole. I myself am not in favour of the nominee principle, and
I do not think that the people like it; but their dislike to it is founded on their experience of nomineeism in connexion with the old Legislative Council, which framed the Constitution. That was an act of tyranny under which the people have groaned ever since. Knowing how difficult it is to effect reform—how the stone has been constantly rolled up the hill only to roll down again—the people, I repeat, are willing to accept almost any measure of reform. I intend to support the clause now before the committee, because I believe it is the best method yet devised of preventing dead-locks. It simply says that if the Legislative Council do exercise their legal right of rejecting an Appropriation Bill or a Supply Bill, the rejection shall only last a month, so that the financial operations of the Government shall not be brought to a standstill. The people want to prevent deadlocks almost at any cost; and I believe that when they thoroughly understand the nature of this clause they will give it their hearty support.

Mr. BLACKETT.—It is not my intention to occupy the time of the committee at any great length, though I think that an important question like this cannot be too fully discussed. Mr. Bagehot says that the principal use of modern Parliaments is for discussion, and I quite agree with him. If any question ought to be thoroughly thrashed out, certainly the question before the committee ought to be; and honorable members should be very careful as to what decision they arrive at upon it, especially in the present serious condition of public affairs. I think that if more of the spirit of patience, moderation, and conciliation had been shown on both sides in times past, it would have been better for the public interests. I admit that the Legislative Assembly ought to be very jealous of its rights and privileges, and I trust that no one is more jealous of them than myself.

Mr. WOODS.—Then vote for this clause.

Mr. BLACKETT.—I cannot vote for this clause, because it gives to the Legislative Assembly more powers than are claimed by the House of Commons. Speaking of the powers claimed by the House of Commons, Lord Palmerston, in his celebrated speech on the Paper Duties Bill, said—

"But in fact, although we contend—and I think, justly contend—for a right which is closely interwoven with the constitutional history of the country, although we contend for the right of originating measures for the grants of Supply, or of shaping them according to our belief of what is for the public interest, yet nevertheless it is well known that the Bills so prepared and framed by us cannot pass into law without the consent of the Lords; and it is clear that an authority whose assent is necessary to give a proposal the force of law must, by the very nature of things, be at liberty to dissent and refuse its sanction. To take from the Lords the power of dissenting to a Bill to which their assent is now required, you would need an Act of Parliament, to which they themselves must be parties, or you must by a revolutionary proceeding subvert our existing Constitution."

I do not wish to assist in subverting the Constitution which we possess. I believe in the grand old principle of gradually improving. Do not let us make hasty organic changes, but let us go on slowly as our forefathers did. Let us take care that the liberties of the people are preserved. They will not be preserved if this Bill becomes law. I agree with my honorable colleague that the people are tired of the agitation on the question of reform. I believe that the question could have been settled long ago if the matter had been set about in a proper manner; but as long as it is made a great party question it cannot be effectually settled. It ought to be taken in hand in a statesmanlike way, and a measure formulated which would be a benefit to future generations. The Constitution of this colony ought to be built on the lines of the British Constitution, and not improved off the face of the earth. I can see no resemblance between the British Constitution and the clause now before the committee, and therefore I must decline to vote for the clause.

Mr. R. M. SMITH.—I desire to say a few words in reference to the arguments which have been used to-night by various supporters of the measure. I do not know whether I can call the honorable member for Kara Kara one of its supporters, but certainly the honorable member's arguments were self-contradictory and upset one another. The honorable member for Fitzroy (Mr. Tucker) believes that the Upper House has acted wrongly in times past—that it has been obstructive and has interfered with the welfare of the country—and he therefore thinks it his duty, at all hazards, to vote for some proposition which will curb the power of that Chamber. That is an argument I can understand, and which is fairly logical, though I don't agree with it. The honorable
member for Castlemaine (Mr. Pearson) takes a different view of the case. He gives up at once, as a philosophic observer would naturally do, any notion that the proposal contained in the 6th clause is either legal here or in accordance with the practice of the House of Commons. The honorable member admits that it is neither legal nor in accordance with the practice in England. The illegality of it has been proved here over and over again, and I presume that the Government will admit that it is illegal, and also, after the despatch of Sir Michael Hicks-Beach, that it is not in accordance with the practice of the House of Commons. The Attorney-General said to-night that in the Supply Bill containing the vote for the purchase of the Suez Canal, no mention was made of the Suez Canal; but the Chancellor of the Exchequer, in submitting the proposition for raising the money, distinctly stated that the money was for the purpose of purchasing the Khedive's shares in the Suez Canal. ("No." ) The statement of the Chancellor of the Exchequer on this point was—

"The Messrs. Rothschild undertook to pay this sum to the Khedive, and in consideration of their trouble and risk it is agreed that the Government will pay them 2½ per cent. commission on the purchase money."

It is therefore obvious that the commission was on account of the risk they ran in paying the money before a vote was passed by Parliament. However, the fact that an Act of Parliament is required in England to make money legally available does not depend upon the Bill for the purchase of the Suez Canal shares or any other measure, but is plainly laid down by the best authorities, and in the despatch of the Secretary of State. As to the argument founded on the fact that the purchase was made before Parliament met, it was explained by the Chancellor of the Exchequer that a commission of 2½ per cent. — certainly a very considerable sum— was paid to Messrs. Rothschild not only for their trouble in negotiating the purchase, but also for the risk they ran in paying the money before there was a vote passed by Parliament. As to the speech of the honorable member for Kara Kara, I could not wish to hear a more temperate, sensible, and constitutional address. Some parts of it were almost an echo of remarks which I have made myself on previous occasions. Yet, after denouncing the proposal contained in the 6th clause as being entirely inconsistent with proper parliamentary government, after pointing out that it will destroy the salutary control of the Upper House, and after showing that it is inconsistent with the only portion of the Bill of which he approves—the plebiscite—the honorable member wound up by saying that, for the sake of the liberal party, he would vote for a measure containing three distinct propositions, with only one of which he agrees, and that one will be entirely destroyed by the presence of the others. I quite appreciate the necessity of giving way and compromising a great deal if you support a party on broad principles; but surely the honorable member is pushing the principle of adherence to a party a little too far. The Government have brought forward a measure which they think of vital importance, and it contains three propositions, two of which are utterly inconsistent with the views of the honorable member for Kara Kara; the honorable member also considers they will destroy what he regards as the one good principle of the Bill, and yet he is determined to vote for the measure, for the sake of his party. Surely this is giving up for the sake of political life all that makes political life worth having. The honorable member for Castlemaine takes a view midway between that of the honorable member for Fitzroy and the honorable member for Kara Kara. He admits that the measure is not analogous to the English Constitution, and that it will do some good and a great deal of evil; but he carefully said as little as possible about the merits of the 6th clause. I think the only thing he said in its favour is that it will render deadlock impossible. It is true it will make deadlocks impossible, because it will deprive the Council of the possibility of exercising any salutary control, and will leave the Assembly free and unrestrained. Therefore the one thing alleged in favour of the clause is a positive injury. The only other argument used by the honorable member for Castlemaine (Mr. Pearson) for giving the Assembly such a power is that in times past the Upper House has not exercised sufficient control over public extravagance. That is to say, because the control of the Upper House has not been quite as efficient as it should have been, it is proposed to deprive it of any control whatever! One great argument in favour of giving the Upper House this control generally was brought into prominence.
by the remarks of the Chief Secretary in introducing this Bill. He said it was desirable to leave the Upper House the bare right of rejection in certain cases, because an emergency might arise in which it might be advantageous that the Council should have the power of suspending action on some proposition until the country had time to decide. That was the reason given by the Chief Secretary for leaving to the Upper House the bare right of rejection, yet this clause proposes that in such a great emergency—for it could only be an extreme emergency which would justify the Upper House in rejecting an Appropriation Bill—the action of the Council should be rendered futile, and the Assembly be allowed uncontrolled power over the finances.

Mr. BERRY.—Was the last occasion on which the Council rejected the Appropriation Bill an extreme emergency?

Mr. R. M. SMITH.—Certainly it was—a very extreme emergency. The majority in this House chose to throw the whole of the finances into confusion, and to ruin the civil service, for the sake mainly of what? To gain a certain amount of pay for members of the Assembly. I am quite certain that if that question could have been put untramelled by anything else before the very plebiscite which the Chief Secretary proposes, it would have been decided in favour of the Upper House. The Chief Secretary, by his own showing, has proved that this clause would be utterly destructive of the bare right of rejection which he said should be left to the Council, and for that reason, if for no other—though I have plenty of others—I shall register my vote against the 6th clause.

The original clause was struck out.

The committee divided on the question that the clause proposed by Mr. Berry to be substituted for clause 6 stand part of the Bill—

Ayes ... ... ... ... 36
Noes ... ... ... ... 35

Majority for the clause ... 1

Ayes.
Mr. Andrew, 
" Barr, 
" Bell, 
" Berry, 
" Billson, 
" Bowman, 
" D. Cameron, 
" A. T. Clark, 
" W. M. Clark, 
" Cook, 

Mr. Mirans, 
" Nimmo, 
" O'Han, 
" Sir B. O'Loghlu, 
" Mr. Patterson, 
" Rees, 
" Richardson, 
" Sainsbury, 
" Major Smith, 

Mr. F. L. Smyth, 
" Story, 
" Tucker, 
" Tytherleigh, 
" Woods, 

Tellers.
Mr. Fincham, 
" L. L. Smith. 

Noes.
Mr. Rayles, 
" Bent, 
" Bird, 
" Blackett, 
" Bosisto, 
" Brophy, 
" E. H. Cameron, 
" Carter, 
" Casey, 
" R. Clark, 
" R. Clark, 
" Cooper, 
" Dow, 
" Francis, 
" Fraser, 
" Gowan, 
" Gillies, 
" Graves, 

Mr. Harper, 
" Kerforder, 
" Kerrnot, 
" MacBain, 
" Mackay, 
" Dr. Madden, 
" Mr. Moore, 
" Sir J. O'Shanassy, 
" Mr. Ramsay, 
" Sergeant, 
" Sharpe, 
" A. K. Smith, 
" R. M. Smith, 
" Williams, 
" Young, 

Tellers.
Mr. Mcintyre, 
" Zox. 

Mr. WILLIAMS moved the insertion of the following new clause to follow clause 6:—

"If the Legislative Council, in exercise of the power given by the 56th section of the Constitution Act, reject a Money Bill or a Tax Bill other than a Bill of Supply or an annual Appropriation Bill (such Appropriation Bill containing only grants for the usual and ordinary services for the year), the Legislative Council may, within one month after such rejection, demand that the Bill so rejected be submitted to a general poll of the electors for the Legislative Assembly, in the manner provided in part 3 of this Act. If such demand be not made within the said period of one month, such Bill shall be deemed to have been passed by the Legislative Council as the same was transmitted from the Legislative Assembly, and shall be presented to His Excellency the Governor by the Clerk of the Parliaments for Her Majesty's assent."
REPRESENTATION OF VILLIERS AND HEYTESBURY.

The SPEAKER announced that he had issued a writ for the election of a member to serve for the electoral district of Villiers and Heytesbury in the place of Mr. Dwyer, who had been declared insolvent.

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

LEGISLATIVE COUNCIL.

Wednesday, December 3, 1879.


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

MELBOURNE HARBOUR TRUST.

The Hon. F. T. SARGOOD mentioned that, on the 27th November, the House made an order, on his motion, for the production of the leases or licences for the occupation of certain allotments of land on the south side of the Yarra, and the papers relating thereto; and that an answer to the order was made the previous day; but an examination of the papers did not disclose any particulars connected with the leases or licences; in fact, the return was limited to letters which the secretary of the Melbourne Harbour Trust had written to the Lands department, and the notes of the Minister of Lands and Mr. Morrah thereon—documents which he (Mr. Sargood) read to the House when he first brought forward the matter. He could only conclude that some mistake had occurred in the Lands department as to the papers required by the House. He was not disposed to assume that the omission had arisen out of disrespect to the House, and therefore he thought the better course was to call the attention of the honorable member representing the Government to the matter, and leave it in his hands.

The Hon. H. CUTHBERT stated that the papers which he laid on the table, the previous day, were sent to him by the Minister of Lands. He did not examine them, but he concluded that they comprised all that the House had ordered. He presumed that the leases and licences would be presented to the House on the next day of meeting.

STAMP DUTIES BILL.

The Hon. F. T. SARGOOD asked the honorable member representing the Government to furnish the House with the reasons of the Government for exempting, under the 1st schedule of the Stamp Duties Bill, all money paid into building societies, while money paid into any bank as a fixed deposit was not exempted, and to say whether the Government considered this equitable legislation, in view of the fact that building societies received large amounts on fixed deposit?

The Hon. H. CUTHBERT observed that no doubt the Bill made an exemption of a wide character in favour of friendly and building societies; but reference to the 1st schedule would show that while receipts for money paid into any bank as a fixed deposit were liable to duty, receipts for money deposited in current account were exempt. He considered that building societies, when, acting as bankers, they received fixed deposits, would not come within the exemptions. It was not the intention of the Government when the exemptions were framed, to allow building or friendly societies to have any greater benefit than banks.

Mr. SARGOOD inquired whether by the use of the word “firm” in clause 72 and the 2nd schedule of the Stamp Duties Bill it was intended that every “firm” underwriting its own customers’ goods should pay a licence of £50, and whether by the use of the word “person” in the same clause and schedule it was intended that, while an insurance company of say 30 shareholders should pay an annual licence of £50, an association of 50 underwriters would have each to pay £50, or £2,500 in all?

Mr. CUTHBERT stated that, if any firm or individual wished to undertake the duty of insuring property belonging to another, a licence would certainly have to be taken out for that purpose. Neither a firm nor an individual would be exempted merely because the goods happened to be a customer’s. The intention of the Bill was that every company carrying on the business of insurance should pay 30s. on every £100 of premiums received, the fee in no case being less than £50. If individuals who called themselves underwriters engaged in the
business of insurance, for their own personal benefit—not acting as a firm, but having separate interests—they came under the denomination of "persons" carrying on business as insurers, and, as such, each of them would be bound to take out a licence. If there were 25 of these gentlemen, each carrying on a separate business, and receiving a separate profit on each transaction, every one would have to take out a licence, and very properly so, because if one gentleman were acting for himself, and there were some others in the background deriving some percentage on the transactions, but not being really associated with him as partners in the venture—if the risks were separate—business transacted in that way would be the means of interfering with the business carried on by regularly licensed insurers. If such persons were allowed to go free, companies would have reason to complain that there was an improper interference with their business.

The Hon. W. WILSON (who, to put himself in order, moved the adjournment of the House) said there was a misapprehension, so far as the Government were concerned, as to the peculiar position which underwriters occupied. Twenty or thirty persons associated themselves in one office under the management of one secretary and one manager, and the only difference which they presented from an ordinary company was that each individual was responsible up to a certain amount of risk. In fact, the association was based on the principle of limited liability. (Mr. Cuthbert—"Is it a firm?") No. It was the same as any other limited association. (Mr. Lorimer—"No, it is not registered, and it does not expose its business.") He believed that some of the marine insurance companies had been the means of inserting the word "person" in the Bill, with the view to break up the organization of underwriters. Underwriters existed all over the world; they were the most successful of insurers; they were a great deal better than any company on the limited liability principle that had nothing to fall back upon. In the case of the Underwriters' Association of Melbourne, each individual member took a certain amount of risk and no more. (Mr. Cuthbert—"On each policy?") Yes. (Mr. Cuthbert—"How many names are put on a policy?") Every one; and the outside amount of risk which each would be saddled with would be perhaps £1,000. The word "person" had been introduced into the Bill in the interests of selfish companies for the purpose of snuffing out the association. (Mr. Anderson—"Would you amend the Bill?") He did not see how that could be done by the Council, even if the Bill were divided, because the provision was contained in the 1st schedule, which was not a part of the machinery of the measure. The only way of effecting the object would be by a conference with the Legislative Assembly. (Mr. Cuthbert—"How could the Bill be altered at a conference?") The Bill could be withdrawn, and another sent up with the word "person" struck out. The thing was as easy as possible if the Government desired to do justice. With regard to the whole Bill, he would suggest, not with any desire to embarrass the Government, but in order that public opinion might have the opportunity of expressing itself with regard to new taxation, that the measure should be tentative.

The motion for the adjournment of the House was withdrawn.

Mr. W. WILSON asked Sir C. Sladen, as chairman of the select committee on the Stamp Duties Bill, when their report would be brought up?

Sir C. SLADEN said the question was not an easy one to answer. The committee had already sat four hours that day, and they found that their inquiries necessarily spread over such a wide field that it was difficult to say when they would come to an end. For example, they had to search through all the Acts and journals of the Imperial Parliament. He hoped some kind of report would be drafted on the following day, but it would not be possible to then submit it to the House, because one of the members of the committee would be absent on professional business, and he had expressly requested that he should be enabled to see the report before it was adopted. It was the intention of the committee to sit, if they could, on Monday, and so be ready to present their report on Tuesday. At the same time, their position and the subject with which they were dealing were so peculiar that he would not commit them to a promise to arrive at a decision by that date. Certainly, however, they had lost no time, and were not likely to do so.

STOCK DEPARTMENT.

The Hon. W. WILSON moved—

"That the following returns be laid upon the table of the House:—1. Annual report of
Stock department for the last three years.
2. How many cases of pleuro-pneumonia and other diseases have been reported during that period.
3. How many prosecutions have been made at the instance of the department.
4. What steps were taken in cases of reported disease in detail."

The Hon. R. D. Reid seconded the motion, which was agreed to.

The Hon. H. Cuthbert stated that no annual report was furnished by the Stock department, but the other information sought by the resolution had been handed to him, and he begged to lay it on the table.

On the motion of Mr. W. Wilson, the return was ordered to be printed.

**RAILWAY DEPARTMENT.**

The Hon. R. S. Anderson moved—

"That there be laid on the table of this House a return showing the respective names, occupations, and salaries of all persons discharged from employment in the Railway department between the 1st July, 1877, and the 1st July, 1879; and the name, occupation, and salary of every person appointed or re-appointed during the same period to any situation in the Government service in the Railway department, whether permanent or temporary, and whether paid by salaries voted on Estimates or out of moneys appropriated for particular works, and not receiving pay at a rate below 7s. per diem."

He explained that the object of the motion was to complete the information already called for by the House with reference to the dismissals from and appointments in the Government service between the 1st July, 1877, and the 1st July, 1879. It was clear, from the evidence given by the Secretary for Railways at the bar of the House, the previous day, that he misapprehended the intention of the Council, and that, in consequence, the portion of the return relating to the Railway department was of a very limited character. The Secretary for Railways now knew what the House required, and the inclusion in the motion of the words "and not receiving pay at a rate below 7s. per diem" would show that the Council did not desire that the return should include day labourers and such like employés.

The Hon. J. Graham seconded the motion.

The Hon. H. Cuthbert observed that the preparation of the return would impose a great amount of labour upon the clerks in the Railway department, and involve considerable cost, and it was scarcely probable that it would be ready for presentation to the House before the close of the session, assuming that the session would not extend beyond Christmas. Perhaps the honorable member (Mr. Anderson) would be good enough to explain why he wanted the return?

Mr. Anderson stated that the object of the motion was to let the House and the country see the number of new employés that had been engaged in the Railway department during the two years ending the 30th June, 1879. It was alleged that in the Railway department there were a great many more employés than necessity required—that, in fact, the department was largely made use of for the reception of individuals who were appointed by political influence and not from their peculiar qualifications or the necessities of the case. It was rumoured that prominent members of the Reform League had been appointed to positions of importance for which they had no special qualifications; and it was believed that a return of the kind now moved for would show whether the rumours were correct or not. The objection which Mr. Cuthbert had raised, as to the length of time which would be occupied in the preparation of the return, only showed the necessity for the motion, because the unavoidable inference to be drawn from the statement was that the appointments had been inordinately numerous. The return which had already been presented with regard to dismissals and appointments in the public service during the last two years was admittedly defective as regarded the Railway department, and he did not believe it was correct with respect to other departments. So far as the appointments in the Post-office were concerned, there were omissions. If Mr. Cuthbert were to examine the return, he would find that appointments made by himself were not included in it. (Mr. Cuthbert—"I suppose they were promotions.") No, they were new appointments. However, taking the other returns for what they were worth, they were so far correct that it was desirable that a similar one should be obtained from the Railway department. The Council ought not to allow itself to be treated in the off-hand way he had referred to. In his opinion, had the witness who was examined at the bar been properly treated, he would have been dealt with somewhat stiffly, because he seemed to exhibit something like contempt towards the House.

Mr. Cuthbert stated that, inasmuch as Mr. Anderson had asserted that
political protegés had been appointed, he (Mr. Cuthbert) would withdraw all objection to the motion, because he was sure the assertion would be discovered to be wholly unfounded.

The Hon. J. BALFOUR remarked that he, as well as Mr. Anderson, was struck with the unsatisfactory character of the evidence given at the bar on the previous day, but he believed it to be the result of the system of terrorism which was introduced into the public service by the iniquitous proceedings of Black Wednesday.

The motion was agreed to.

The House adjourned at twenty minutes past five o'clock, until Tuesday, December 9.

LEGISLATIVE ASSEMBLY.

Wednesday, December 3, 1879.


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

REPRESENTATION OF CARLTON.

The Speaker announced that he had received a return to the writ which he had issued for the election of a representative of Carlton, in consequence of the resignation of Mr. James Munro, showing that Mr. Munro had been re-elected.

Mr. Munro was then introduced and sworn.

PUBLIC INSTRUCTION.

Mr. GILLIES asked the Minister of Public Instruction if his attention had been drawn to the very inadequate accommodation at present existing for children attending the State school at Murchison; and when he proposed to provide additional accommodation? The existing school was built about seven years ago, and was intended to accommodate 70 children. The number at present on the roll was 200, and the average attendance was upwards of 120. In consequence of the injurious effects of overcrowding on the health of the children, many parents had expressed an intention to remove their children if the accommodation was not increased.

Major SMITH stated that his attention had been called to the inadequate school accommodation at Murchison. Both in that and many other localities, the accommodation was very insufficient, and especially in new agricultural districts. Plans and specifications had been prepared for between 50 and 60 schools in various parts of the colony, all of which were urgently required. The difficulty, however, was the want of funds. The amount available out of the last loan for the erection of new schools had all been expended, but he intended to ask his colleagues to consent to the anticipation of a portion of the money which would be appropriated for school buildings out of the balance of the loan. If necessary, that could be done by making use of some of the money in hand for railway construction. Provided the requisite sanction to this course was obtained, he would be prepared at once to deal with the most urgent cases for increased school accommodation. (Mr. Gillies—"When can we have a discussion on the matter?") Probably an opportunity would be afforded for discussing the question next week.

PERSONAL EXPLANATION.

Mr. INCE explained that he was called out of the House on the previous evening shortly before the division on the 6th clause of the Reform Bill, and was, therefore, accidentally absent when the division took place. Had he been present, he would have voted for the clause, inasmuch as he considered the Ministry were entitled to be supported in their endeavours to get the measure carried into law.

HOBSON'S BAY RAILWAY.

Employés.

Mr. LANGRIDGE said a statement appeared in the newspapers to the effect that an arrangement had been made for placing the employés on the Hobson's Bay line in the same position as the employés on the other Government railways, and he desired to ask the Minister of Railways if the arrangement applied to all the persons employed on the Hobson's Bay line?

Mr. WOODS said the arrangement referred to by the honorable member did not comprise the guards, porters, gatekeepers, and a few other employés. Before the 1st of January next, however, the whole of the employés on the Hobson's
Bay line would be placed on the same footing, with respect to pay and privileges, as persons performing similar duties on the other Government railways.

NEW RAILWAY STATIONS.

In reply to Mr. L. L. Smith, Mr. Woods said that, during the past two years, 77 new stations and 490 additional miles of line had been opened on the Government railways.

SEBASTOPOL PLATEAU DRAINAGE BILL.

Mr. Bird asked the Minister of Mines when he considered the business before the House would allow him to proceed with the Bill for the drainage of the Sebastopol and Durham leads?

Major Smith said this was the third time that a similar question had been asked. The matter would have been dealt with long ago if the honorable member and those who acted with him had not pursued obstructive tactics. (Mr. Service—“How has he obstructed the Government?”) The honorable member for Grenville (Mr. Bird) always acted with those who obstructed business, and was largely answerable for the delays which had taken place. No one could be more anxious to proceed with this Bill than he (Major Smith) was, and he would bring it forward at the earliest moment that he got an opportunity of doing so.

Mr. Kerferd submitted that the Minister of Mines was bound to withdraw or substantiate his statement that the honorable member for Grenville (Mr. Bird) had obstructed the Ministry, and prevented them from going on with the Bill about which the honorable member had asked the question. (Major Smith—“It is perfectly true.”) The Minister ought to specify the occasions.

Major Smith remarked that one of the most conspicuous occasions was when the honorable member insisted on the clauses of the Stamp Duties Bill being read, though all other members were content to do without the clauses being read.

Mr. Kerferd observed that no measure of such importance as the Stamp Duties Bill should be passed without every clause being read. There was not the slightest foundation for the charge which the Minister of Mines had made against the honorable member for Grenville.

Mr. Bird denied the statement that he had obstructed the business of the House. He had simply done his duty, and he wished that in future the Minister of Mines would be more civil with his answers.

QUEENSCLIFF FISHERMEN.

Mr. Ince asked the Minister of Lands when the fishermen of Queenscliff would be placed on the sites that had been allotted to them, so that the erection of the proposed railway station and goods sheds might be proceeded with?

Mr. Longmore said he had been in communication with the Minister of Railways on the subject. Some objections had been raised, and he would not be able to do anything in the matter till those objections were removed.

OFFICIALS IN PARLIAMENT ACT AMENDMENT BILL.

On the motion of Mr. Bent, this Bill was committed pro forma.

TOWNS MANAGEMENT BILL.

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

Sir B. O’Loghlen said he believed the Bill was a very useful consolidation of existing Statutes, but he wished to propose certain amendments in it, with which he was not at present prepared. He would, therefore, suggest that the honorable and learned member in charge of the Bill should consent to it being postponed for a fortnight. The Government had not the slightest desire to obstruct the passing of the Bill.

Mr. Casey accepted the suggestion, and moved that progress be reported.

Mr. Sharpe urged that it would be a great advantage, and facilitate the passing of the Bill, if a memorandum was printed showing what portions of the measure made any alterations in the existing law.

Progress was then reported.

COMMON LAW PROCEDURE STATUTE AMENDMENT BILL.

The order of the day for the second reading of this Bill was discharged from the paper.

OFFICIALS IN PARLIAMENT ACT AMENDMENT ACT AMENDMENT BILL.

The order of the day for the second reading of this Bill was discharged from the paper.
SUPREME COURT PRACTICE AND
PROCEDURE BILL.

On the order of the day for the com­
mittal of this Bill,

Mr. F. L. SMYTH said that the Bill
had been read a second time, and ordered
to be committed. The two main objects
of the Bill were to give the Supreme
Court sitting on the law side an equity
jurisdiction whenever occasion for it arose,
and to abolish the present voluminous
system of pleading. A Bill of a similar
character had been received from the
Legislative Council, and he understood
that it was the intention of the Attorney-
General to bring in a third Bill. In
order that the three measures might be
fully considered, and all the important
features of them embodied in one Bill, he
would move that this Bill, along with
the other measures, be referred to a select
committee.

Sir B. O’LOGHLEN asked the Speaker
whether the motion of the honorable and
learned member for North Gippsland was
in order?

The SPEAKER.—The honorable and
learned member for North Gippsland, as
I understood him, proposes to refer to
a select committee three Bills, one of
which is not before the House. It is not
permissible to deal in this manner with a
Bill that is not before the House, and
therefore the honorable member must
confine his motion to the Bill which he
has introduced. The other Bill, which is
the subject of an order of the day, can be
referred to the same committee, when
that order is called on, if the House think
fit.

Mr. F. L. SMYTH then moved—

"That the Bill be committed to a select
committee for consideration and report; such
committee to consist of Sir Bryan O’Loghlen,
Bart., Mr. Grant, Mr. Casey, Mr. Kerferd, Mr.
Berry, Mr. Service, Mr. Richardson, Dr. Mad­
den, Mr. Gavan Duffy, and the mover, five to
form a quorum; with power to send for persons
and papers."

Mr. BENT suggested that the motion
should be withdrawn. The Bill was in a
crude state, and there were other honor­
able members who had business on the
paper which they desired to proceed with.
There might be some use in the motion
if the three Bills were before the House.
Honorable members might then be able to
say something about the drafting of Mr.
M. A. McDonnell.

Mr. GAUNSON observed that he had
made up his mind never to serve on a
select committee again, because he con­
sidered them shams. Owing to the
ridiculously inadequate time allowed for
the transactio of private members’ busi­
ess, it would be impossible for the House
to deal with a Bill of such magnitude
during the present session, and therefore
he thought the honorable member might as
well withdraw his motion.

Sir B. O’LOGHLEN hoped the hono­nable and learned member for North Gip­
psland would not press his motion. He
coincided with the remarks of the honor­
able member for Ararat as to the uselessness
of referring a Bill of this kind to a select
committee. The members of the Govern­
ment nominated on the committee could
not find time to attend the meetings, and
some of the other gentlemen appointed
would also be prevented by business en­
gagements from being present. The result
would be that the Bill recommended by
the committee would really embody only
the views of one particular member, yet,
on the authority of the report from the
committee, the House might pass the Bill,
even though the Attorney-General ob­
jected to many of the clauses. The hon­
orable member for Brighton had always
some nasty insinuation ready to fling at a
member of the Government. (Mr. Bent
—"I attacked your job.") The honorable
member devoted himself to peculiar tactics
when measures were before the House
which he did not coincide with, and he
varied the practice by flinging at members
of the Government every idle piece of
title-tattle he could pick up. As to the
Bill, he trusted the honorable member for
North Gippsland would not proceed fur­
ther with it. There was no opportunity
afforded him (Sir B. O’Loghlen), last
session, of introducing the Bill he had pre­
pared, and at the present stage of this
session it was perfectly useless to attempt
to push forward any measure on the sub­
ject. There would have been ample time
deal with the question had certain hono­
rable members allowed the business of
the country to be transacted instead of
devoting themselves to a peculiar line of
conduct. He would object to this Bill,
or that which the honorable and learned
member for Mandurang had charge of,
being referred to a select committee, as he
would regard the proceeding as a vote of
censure on his conduct of the legal business
of the House during the session. He cer­
tainly did not think, if honorable members
considered the efforts the Government had
made to get on with the business, they
could fairly blame him for not having had
an opportunity of bringing in any par-
ticular Bill.

Mr. CASEY remarked that he could
not see the slightest objection to both
the Bill introduced by the honorable and
learned member for North Gippsland and
that submitted by himself being referred
to a select committee. He could not see
how such a course could possibly be-con-
strained into a vote of want of confidence
in the Attorney-General as the law officer
of the Government. According to the
argument of the Attorney-General, it
would be impossible for any private
member to introduce a Bill at all, because
some member of the Government might
say he had prepared a Bill on the same
subject, and, although he would not intro-
duce it, he would not allow any other Bill
to be introduced. He (Mr. Casey) would
be the last member of the House to cast
any reflection on the Attorney-General as
the law officer of the Government. There
was no reason whatever why there should
not be a select committee judiciously
chosen by ballot; and he would be glad
to see both the Attorney-General and the
Minister of Justice on the committee.
The honorable and learned member for
North Gippsland deserved great credit for
his assiduous efforts to get his Bill dealt
with; and it was only fair the House
should encourage him in the matter. He
(Mr. Casey) trusted the Attorney-General
would withdraw from the untenable posi-
tion he had taken up.

Mr. F. L. SMYTH stated that he had
devoted a great deal of care to the pre-
paration of his Bill, and had received
compliments with respect to it from legal
members on both sides of the House.
He had not the slightest intention, in pro-
posing the motion, to cast a slur on the
Attorney-General or the Government.
On the contrary, he thought he was facili-
tating the views of the Attorney-General,
as the honorable gentleman, when he
introduced his own Bill, could have it
referred to the same committee.

Mr. SHARPE expressed the opinion
that there was a good deal of force in the
view of the Attorney-General that the
Government ought to have the responsi-
bility of submitting a Bill on so important
a subject. Moreover, at so late a period
of the session, there was not the slightest
probability of the question being dealt
with by the House.

Mr. MASON moved the adjournment
of the debate.

Mr. F. L. SMYTH remarked that he
did not think the Government would have
taken so strong a stand on this matter.
However, as the Attorney-General and
the Minister of Justice had just assured
him that the Government would deal with
the subject at the very earliest opportunity
next session, he would ask leave to with-
draw his Bill.

Mr. L. L. SMITH observed that the
honorable member for South Gippsland
had acted most ungenerously in moving
the adjournment of the debate, but the
course taken by the honorable member
was only in consonance with his usual
practice. The honorable and learned
member for North Gippsland had taken
great pains with his Bill, and it would be
much more straightforward to negative
the motion for the appointment of a select
committee than to shelve the Bill in the
way attempted by the honorable member
for South Gippsland.

Mr. FRANCIS said the useless expen-
diture incurred by the Law depart-
ment in having Bills drafted which were after-
wards thrown into the waste-paper basket
was a grave cause of complaint. He un-
derstood that on this very subject a Bill
was drafted by the late Mr. Justice Fel-
loks and the Chief Justice, and the Go-
vernment had paid Mr. Morgan Augustus
McDonnell, a barrister, between £400 and
£500 for revising the work done by those
eminent lawyers. For Mr. Morgan Aug-
ustus McDonnell to set about revising
the work of the late Mr. Justice Fellows
was like an attempt to improve one of the
paintings of the old masters. He hoped
such extravagance would be stopped, and
the Bill of the honorable and learned
member for North Gippsland, together
with that received from the Council, re-
ferred to a select committee. (Mr. Long-
more—"You got in for Warrnambool
under false pretences.") He was at a loss
to understand what the Minister of Lands
meant by his violent interjection. (Mr.
Longmore—"You did a wrong to get
your seat.") What wrong? He could
appeal with confidence to the House to
say whether he had ever failed to try to
carry out any pledge he had ever given
since he had been a member of the As-
sembly.

Mr. LONGMORE remarked that the
honorable member, when standing as a
candidate for Warrnambool, charged the
present Government with giving undue privileges to the Roman Catholics with reference to the industrial school children. The honorable member took a paragraph from the Argus, which he wrested from its original meaning for the purpose of securing his seat. The honorable member knew well that everything the Government did in connexion with the industrial school children was in pursuance of regulations which the honorable member himself framed when in office.

Mr. FRANCIS said it was a novelty at least to find the Minister of Lands in the character of an advocate for the Roman Catholic creed. (Mr. Longmore—"The honorable member misrepresents me.") Some months before the election for Warrnambool, a paragraph appeared in the Argus, giving a circumstantial account of a meeting held at the Roman Catholic Archbishop's palace, and from that paragraph it appeared that the Government had offered unfair terms to one particular denomination in connexion with the boarding out of industrial school children. When the paragraph first appeared he thought the proposal it mentioned contained something good, but he was of opinion then as now that it was unfair to promise to any particular denomination a larger allowance for boarded-out children than was given to any other denomination. The paragraph remained uncontradicted for months, and therefore he commented on it at Warrnambool, simply expressing the opinion he had just stated. Subsequently, when the information given in the paragraph was publicly stated to be incorrect, he sent for a copy of the number of the Argus in which it appeared, and showed what his authority was, stating that if 6s. 6d. per head for boarded-out children was to be given to one religious denomination it ought to be given to another. That was, in fact, the whole of his contention. How, then, could it be said that he obtained his seat under false pretences? He hoped this enormous expenditure in drafting Bills would be brought to an end. He did not dispute Mr. McDonnell's capacity to draft Bills, but he did dispute his ability to improve upon the work of the late Mr. Justice Fellows.

Mr. LONGMORE thought the honorable member for Warrnambool, as the head of a former Government, knew something about paying fees to barristers to draft Bills, and ought not, therefore, to be forward in throwing stones at any Ministry on account of any proceeding of the sort. (Mr. Francis—"Generalities are nothing; come to a particular instance.") Mr. Justice Fellows was, no doubt, a man of profound learning, but some of his decisions, when he first went on the bench, were such as to create an outcry throughout the whole country. (An Honorable Member—"What has that to do with the Bill he drafted?") It showed that Mr. Justice Fellows' ideas went on a certain track, and that his mind was so biased in favour of a certain class that everything he did ought to be carefully scrutinized. Two sentences passed by him as judge, one for gold stealing and one for sheep stealing, were the foulest things ever done in the colony. (Mr. Young—"Shame!") He saw no shame in saying that those sentences were as dishonest as any ever passed in a criminal court in Victoria. (Several Honorable Members—"Shame!") They were unrighteous sentences that could not be defended.

Mr. MACBAIN rose to order. Was a Minister of the Crown entitled to charge a deceased judge with having passed dishonest sentences?

Mr. LONGMORE said he would withdraw the word "dishonest," and put it that the sentences he alluded to were so violently unequal as to be calculated to bring the administration of justice into contempt. One of the cases occurred in a large mining district, namely, that of Sandhurst, where continual gold robberies were taking place. Some of the mining companies were robbed weekly. At last they set up a watch, and a man was caught in the act of robbing, he being under arms at the time. (Mr. R. M. Smith—"What has all this to do with the question?") He was illustrating his argument that every Bill drafted by such a man as Mr. Justice Fellows should have been to be revised by another barrister.

Mr. JOHNSTONE expressed the hope that the Minister of Lands would refrain from making damaging remarks with respect to a deceased judge, which were exceedingly offensive to both sides of the House.

Mr. LONGMORE stated that the punishment inflicted upon the man who was caught robbing a battery, with arms in his possession, was so ridiculously inadequate that the whole colony cried shame on the judge who passed the sentence. Mr. Justice Fellows also, at the same
sessions, when he had to deal with an unfortunate man who had killed a sheep and eaten part of it——

Mr. R. M. SMITH rose to order. He thought the Minister of Lands ought to be satisfied with the foul-mouthed abuse he had already passed upon the deceased judge, in order, as he said, to illustrate his argument, and not require the House to listen to further remarks in the same strain. What honorable members had already heard on the point was sufficiently disgusting.

Mr. GAUNSON remarked that the honorable member for Boroondara was not in order in charging the Minister of Lands with uttering foul-mouthed abuse. The accusation was true enough, but it was disorderly to make it.

Mr. LONGMORE said he would take for granted whatever the honorable member for Ararat had to say about foul-mouthed abuse, for he was the best judge of the article—his frequent use of it made him so—in the colony. What he (Mr. Longmore) wished to show was that it was impossible not to draw a strong inference from the fact that Mr. Justice Fellows passed upon a man who simply killed a sheep on a station a sentence much heavier than one he passed, about the same time, upon a systematic gold robber who was caught with arms in his possession. Perhaps the difference arose from the fact that the deceased judge moved in only one circle of society, and that his views were very much confined to the sphere of those entertained by the people with whom he mixed. At all events, the press raised such an outcry over the two sentences—a frequent use of it made him so—in the colony. What he (Mr. Longmore) did not think the expenditure of a little money in employing a barrister to revise the Bill Mr. Justice Fellows drafted ought to be regarded as waste. He would next deal with the charge the honorable member for Warrnambool had brought under discussion, namely, that the Government once proposed to give extra privileges to the Roman Catholics with respect to boarding out children. The honorable member first tried it on in West Melbourne, where he endeavoured to set Protestant against Catholic, but the electors there were too knowing to be caught in the trap. Afterwards he took the same cry to Warrnambool, where he strove again to damage the Government with it, and with that constituency—he (Mr. Longmore) was almost going to describe it as a corrupt constituency, but he refrained—the honorable member was at last successful. The accusation that the Government intended to favour the Catholics was raised on the flimsiest grounds imaginable. Its sole foundation was a paragraph in the Argus, the most unveracious newspaper in the colony. The honorable member for Belfast could tell what truth there was in the Argus paragraph.

Sir J. O'SHANASSY said he would state all he knew about the paragraph, which simply purported to be a description of a certain public meeting. The Government had moved the Catholic body, by means of an informal communication addressed to a certain person asking him on what terms it would take charge of some 400 or 500 children of Catholic parents from the industrial schools. The matter, being deemed of importance, was fully considered by the authorities of the church, and the answer sent was a special one. Its effect was that that body would be willing, having within itself an organization devoted to works of charity, to undertake the management of the children free of cost, the only stipulation being that the Government should pay for their maintenance and for the buildings necessary for their accommodation. The paragraph simply stated what were the proceedings at the meeting. He believed the honorable member for Castlemaine (Mr. Pearson) had already candidly explained how the whole thing arose. He was at the time making a report on the subject of the educational system of the colony, and he endeavoured to find out from the Roman Catholic body what it was ready, under certain circumstances, to do.

Mr. LONGMORE observed that that slender ground was the only one the honorable member for Warrnambool had upon which to raise his cry against the Government that they were going to assist the Catholics with respect to their children more than other denominations. Upon the truth of the charge the honorable member made he staked his reputation and his chance of election, and he succeeded. However, knowing all the circumstances of the case, he (Mr. Longmore) declared that success to be a fraud. Had the honorable member looked into the matter, he would have found that the
Roman Catholic industrial school children were in no way treated differently from any other. As for the question immediately under consideration, it would be hardly fair for the Government to send its own Bill to the proposed select committee, and therefore the honorable and learned member for North Gippsland ought to withdraw his motion. It was to be hoped the House would agree to leave the whole subject in the hands of the Attorney-General. If the honorable and learned gentleman desired Mr. Morgan Augustus McDonnell to draft a Bill to amend the jurisdiction and procedure of the Supreme Court, it was undoubtedly because he was aware that he was capable of doing the work, and it was not likely he would pay him for it one shilling beyond what he earned.

Mr. L. L. Smith stated that, during the whole period the honorable member for Warrnambool was in opposition to him with regard to the representation of Richmond, and at other times, he always found him straightforward and honorable in all his transactions.

Mr. Kerferd expressed regret that the Minister of Lands allowed himself to be betrayed into using abusive language with regard to the late Mr. Justice Fellows. Hitherto the House had always treated every Supreme Court judge with the respect which was invariably paid by every assembly of Englishmen to the highest legal tribunal of the country, because if once the tone of Parliament towards the administrators of justice was lowered, a distinctly demoralizing effect upon the whole community was sure to follow. Whatever might be the object of the course of proceeding adopted by the Minister of Lands, it could not be forgotten that Mr. Justice Fellows was dead, and that while he lived he occupied a most distinguished position in the country. He was acknowledged on all hands to have been one of the greatest jurists in Australia, and also a man of a most charitable and benevolent nature. Under such circumstances, it was deplorable that he had been spoken of by a Minister of the Crown in the language the Minister of Lands had chosen to employ. Every one who heard that language, whether he had been a friend or a foe of the deceased judge, must have felt disgusted with it. As for the observations addressed by the Minister of Lands to the honorable member for Warrnambool, the former gentleman forgot to say that when what he referred to took place he himself was present, having gone to Warrnambool for the express purpose of refuting "the calumnious and false statements of Mr. Francis," and that then it was that the Argus paragraph was brought up. That paragraph, which was published on the 27th February, 1878, was as follows:—

"A few of the clergy and leading laymen of the Roman Catholic Church met at the Archbishop's residence this afternoon, to consider a communication that has emanated from the Government relative to the Roman Catholic children in the Industrial and Reformatory Schools. This suggestion, which, it is believed, will be found embodied in Professor Pearson's report when that document is published, and which has only come before the Roman Catholic Church authorities in an indirect or semi-official way, is to the effect that the said authorities should take entire charge of the children of that denomination who are now inmates of the Industrial and Reformatory Schools, or whom it may hereafter become necessary to send to such institutions, the Government to pay the said authorities a certain sum for each child so maintained, and also to provide the necessary premises. As the meeting was not of a formal nature, no specific resolutions were passed, but it appeared to be the opinion of all present that some such arrangement as that suggested ought to be agreed to, provided the details could be satisfactorily settled, and provided further that it was sanctioned by Parliament. Of course it was understood that the church authorities would have complete control over the religious education of the children intrusted to their care.

Amongst those present were the Most Rev. Dr. Goold, Sir J. O'Shanassy, M.L.A., Mr. W. H. Archer, and Dr. Brownless."

It would be seen, therefore, that the paragraph was precisely what the honorable member for Belfast stated it to be. How could it influence the Warrnambool election, seeing that the Minister of Lands was then on the spot doing his level best against the honorable member for Warrnambool, and to refute his statements? (Mr. Longmore—"The statements were utterly false.") Either the Minister of Lands was there to refute them or he was not. To come to the question immediately under consideration. The Attorney-General would admit that all the Bills referred to in the motion of the honorable and learned member for North Gippsland were founded on the Judicature Acts of England. How were those Acts framed? Not by the law officers of the Crown, but by a commission composed of the highest legal authorities England could boast of, whose sittings upon the subject were extended over a very considerable period. What the Attorney-General had, therefore, now to do was to appoint a Royal commission or a
select committee of the House to be afterwards turned into a commission, to sit during the recess, and give the subject-matter of those Acts thorough and careful consideration. That was the only satisfactory way of treating the question. As for the Attorney-General dealing with the subject himself, it was impossible for him to do so in a way that would be sufficient. How could he, with all his many and onerous duties pressing upon him, spare time to settle points that affected the whole administration of justice in the highest tribunal of the colony? If the course he (Mr. Kerferd) suggested were followed, the Council’s Bill, the Bill of the honorable and learned member for North Gippsland, and Mr. McDonnell’s Bill could all be properly considered together, and it would be possible to frame a measure with which Parliament would have no difficulty in dealing.

At this stage, the time allotted for giving precedence to private members’ business having expired, the debate stood adjourned until Wednesday, December 10.

CONSTITUTION ACT AMENDMENT BILL.

The amendment made in this Bill, in committee, was considered and adopted.

Mr. FINCHAM proposed that clause 12 be amended so as to provide that members of the Legislative Council should be appointed for a period of “five” instead of “ten” years. When the Bill was in committee he expressed his objection to the term named in the clause, and the Chief Secretary promised that he would reconsider the matter. He believed that an objection to the nominee system was widely spread throughout the colony, but he also believed that a great deal of the sting would be taken out of the objection if the tenure were to be materially reduced. He considered that, if the Government accepted the amendment, they would go a long way towards making part 2 of the measure popular and perfect.

Mr. BERRY stated that the objection taken to the term for which it was proposed to appoint members of the Legislative Council, raised when the Bill was in committee, had since been fully considered by the Government, who intended to accept the amendment now moved. The original suggestion was that the term should be reduced to six years, but a reduction to five years would be better, because that would not disarrange the machinery of the Bill. In fact, the only difference which the amendment would make was that the periodical retirements would be every year instead of every other year. The people, judging by past experience, were very loath to allow control to pass from their hands for a lengthened period; and the amendment would be the means of bringing the Legislative Council more quickly into harmony with the prevailing tone of thought in the country.

Mr. ORR observed that, although honorable members in opposition seemed disposed to allow this proposal to go by the board, he desired to point out the different effect which the shortening of the tenure would have on a nominee House as compared with an elective House. Any Ministry that might be in office the time the present Ministry had been in office would, under the operation of the amendment, have the nomination of a clear majority of the whole Legislative Council. He would appeal to honorable members on the Ministerial side of the House, if they had any idea that the Bill would become law—and he did not believe it had the slightest chance of becoming law—whether in common reason they thought it desirable that one branch of the Legislature should be liable, under any circumstances, to be the mere creation of any one Ministry? A more outrageous proposition he could hardly conceive. He was surprised to hear the Chief Secretary say that the Government had agreed to it.

The amendment was carried without a division.

Sir B. O’LOGHLEN intimated that, in consequence of the amendment, it might be necessary to add a proviso to clause 12, and, if so, it would be done on the third reading of the Bill.

Mr. HUNT proposed the omission from the Bill of the whole of the clauses forming part 3, and providing for a poll of the people. He regretted to have to submit such a proposal at this advanced stage; but he would have made it when the Bill was passing through committee had he been present. He considered the Bill would be perfect without part 3, and he objected to that part because he believed that a poll of the people meant playing into the hands of those who had the most money, and who had therefore the best opportunities for bringing up electors to vote. Entertaining this feeling, he regarded part 3 as a rod which the liberal party were preparing for their own backs.
He considered the Government had acted indiscriminately and unwisely, so far as their own political party was concerned, in pressing this portion of the Bill, and especially as it was known that the Chief Secretary was not particularly wedded to it.

The House divided on the question that part 3 be struck out—

Ayes ... ... ... ... 27
Nees ... ... ... ... 38

Majority against the amendment 11

Mr. BENT proposed, as an amendment Bill.

Mr. LALOR moved that this Bill be read a second time. The clauses, he stated, were ten in number, and most of them were of a class peculiar to customs laws. The first clause which was at all novel was the 7th, which provided, in order to prevent the evasion of duty, that any carriage imported in parts should be liable to the whole duty to which such carriage was liable on importation, and empowered the Minister of Customs to determine under which class of carriages any such parts should be held to come. Clause 8 had been framed in the interests of the meat preserving industry, in pursuance of a promise made by the Chief Secretary to various deputations, and enabled the Governor in Council to frame regulations to allow of drawback on the exportation of preserved meat as against customs duty paid on imported live stock. Clause 9 empowered the Governor in Council to frame regulations under which importers of wheat and other grain, if they exported flour and other meal in certain quantities and proportions, would be in order to moving an amendment limiting the operation of the clauses to a certain period?

The SPEAKER.—The House having decided that the clauses shall stand part of the Bill, a proposal to alter any one of them cannot now be entertained.

Mr. GAUNSON stated that the honorable member for Carlton had given notice of his intention to move, on the order of the day for the third reading of the Bill, that the measure be re-committed with a view to the striking out of certain parts. He begged to ask the Speaker whether the present would not be a more fitting period for submitting such a proposal than when the Bill came up for third reading?

The SPEAKER.—It is not an unusual practice, when the order of the day for the third reading of a Bill is called on, for an honorable member to move that the order be discharged with a view to the re-committal of the Bill. The honorable member for Carlton can do that.

The third reading of the Bill was made an order of the day for the next sitting, and it was arranged that the call of the House, ordered for Thursday, should take place about nine o'clock p.m.

CUSTOMS DUTIES BILL.

Mr. LALOR moved that this Bill be read a second time. The clauses, he stated, were ten in number, and most of them were of a class peculiar to customs laws. The first clause which was at all novel was the 7th, which provided, in order to prevent the evasion of duty, that any carriage imported in parts should be liable to the whole duty to which such carriage was liable on importation, and empowered the Minister of Customs to determine under which class of carriages any such parts should be held to come. Clause 8 had been framed in the interests of the meat preserving industry, in pursuance of a promise made by the Chief Secretary to various deputations, and enabled the Governor in Council to frame regulations to allow of drawback on the exportation of preserved meat as against customs duty paid on imported live stock. Clause 9 empowered the Governor in Council to frame regulations under which importers of wheat and other grain, if they exported flour and other meal in certain quantities and proportions, would escape payment of duty on such grain. Clause 10 authorized the Minister of Customs to approve and appoint warehouses in which wines grown in the neighbouring colonies might, for exportation only, be blended with each other or bottled. (Sir J. O'Shanassy—"What licence-fee will be required?") He could not say at present. The matter would have to be provided for by regulations. In fact, what was really contemplated was to set apart, for this purpose, certain portions of bonded warehouses already licensed.

Mr. BENT proposed, as an amendment—

"That, in the opinion of this House, instead of increasing taxation, the Government should reduce the public expenditure."
He explained that this was the same proposition which he submitted a few weeks ago, and withdrew, for the time, at the suggestion of the honorable the Speaker. He would not detain the House with a repetition of the statement which he made on that occasion, because honorable members were fully aware of the opinions which he entertained with respect to the extravagant expenditure indulged in by the present Government. He had always contended that, if the House went to work properly, with a real desire to economize, without impairing the efficiency of the public service, it would be possible to make such reductions in the expenditure that the taxation imposed by the present Bill would not be required. It should be recollected that seven months of the financial year had yet to run, so that there was abundant time to take the matter into consideration. He felt sure that those honorable members who voted, the other night, for the reduction of the vote for the Chief Secretary's office by £60, did so not merely to reduce Mr. Ware's salary, but to affirm the principle that the public expenditure should be reviewed. It was admitted on all hands that depression prevailed in the community, and, under those circumstances, it became the duty of honorable members to assist in alleviating public burthens as far as possible. The honorable member for Footscray had tabled a motion for the reduction of all salaries above £400, out of which, he (Mr. Bent) was inclined to think that all salaries above £300 should be subjected to revision.

Mr. McIntyre supported the amendment. He considered the time had arrived when every possible effort should be made to economize the public expenditure; but he thought the object could be effected more satisfactorily by amalgamating departments than by reducing salaries. He believed that by amalgamating two or three departments, a saving of something like £50,000 per annum, or about half the amount expected to be raised by the obnoxious stamp duties, could be effected in the public expenditure. An amalgamation of the Lands department and the Mining department had been talked of for a long time, and, he believed, could be effected without the slightest detriment to the public interest. So far from the public interest suffering by the proceedings, he believed it would be materially benefited. At present great inconvenience was experienced in obtaining mining leases simply because, before anything could be done, the Lands department had to be consulted. And it stood to reason that if an amalgamation took place, the expenditure in connexion with either the one department or the other must be saved. He did not think any member of the House, no matter where he sat—no matter whether he was Ministerialist or Oppositionist—could for a moment contend that the public expenditure was not far beyond what it ought to be. And yet every year it was increasing. Certainly the time had arrived when the Government should make an effort, in connexion with the public expenditure, to cut the coat according to the cloth.

Mr. Fergusson observed that it struck him very forcibly that more would be done in the way of reducing the public expenditure if honorable members were to act rather than talk. No matter what Government might be in office, it was within the power of honorable members, if they chose, to curtail the expenditure of the country. No Government desired to spend more money than they could help, but honorable members persisted in appealing to the Government for votes in all directions. It was for honorable members to say to their constituents—"If you want retrenchment in the public service, you must not ask me to exercise my influence with the Government to obtain State expenditure on local works." But the hypocrisy of honorable members in connexion with this subject was well illustrated a few evenings ago, when the honorable member for Creswick (Mr. Cooper), who was eternally calling out for retrenchment and the reduction of expenditure, had the audacity, in order to get a little popularity, to ask the Minister of Lands for a concession which would entail an expenditure of from £3,000 to £6,000. (Mr. Cooper—"No.") The honorable member asked the Minister of Lands if he would be kind enough to give to every free library in the country a copy of the new map of Australia which, if he knew anything at all about maps, could not be produced for less than four guineas each. (Mr. Kerout—"Eight shillings.") The honorable member for Geelong (Mr. Kerout) knew nothing at all about the matter. The map could not be produced for less than the sum he named. (Mr. Cooper—"Nonsense.") That was what the honorable member for Creswick always talked. Certainly to comply with requests
similar to that preferred by the honorable member was not the way to bring the public expenditure within moderate bounds.

Mr. LAURENS said he gave way to no one in his desire to carry out practical retrenchment in the expenditure of the country. If the proposal of the honorable member for Brighton had been brought before the Chamber in a practical way, and if any means had been shown by which the House could avoid the taxation it had already sanctioned, he would heartily support it. Before making any further remarks on the motion, he would observe that the honorable member for Creswick (Mr. Cooper) was not the only offender in the direction pointed out by the honorable member for South Bourke. The honorable member for Ballarat East (Mr. Brophy) crossed the floor on two occasions last week, in order to bring down the duty on bills of exchange and promissory notes, no matter for what amount they were drawn, to £2; but, while seeking to deprive the Government of revenue in that way, the honorable member had a motion on the notice-paper for the expenditure of a sum of £100,000. That sum multiplied by 86 would give the exact amount of extra expenditure that would have to be incurred if every honorable member was actuated by a similar desire to increase the estimated expenditure of the year. The motion of the honorable member for Brighton asked the House to stultify itself—to undo what it had done this session. He (Mr. Laurens) would repeat that if any practical scheme of retrenchment was brought forward he would give it his support; but he could not be guilty of such inconsistency as to vote for the motion of the honorable member for Brighton after having voted for additional taxation in order to meet the estimated expenditure of the year. Retrenchment must begin with the constituencies, and with individual members. When constituencies and individual members ceased to hamper the Government by insisting on sums of money being voted for different purposes beyond the estimated expenditure of the year, retrenchment might be effected. The present proposition, however, was not a practical one; there was no earnestness about it—it was not brought forward with any actual intention that it should be carried into effect.

Mr. COOPER remarked that it was amusing to hear such statements as those made by the honorable member for South Bourke and the honorable member for North Melbourne (Mr. Laurens). The honorable member for South Bourke, professing to speak as an expert, alleged that it would cost £6,000 to supply every free library in the colony with a copy of the new map of Australia, published by the Lands department. The honorable member was a Government contractor, and, of course, knew all about the matter.

Mr. FERGUSSON said the statement that he was a Government contractor was not true.

Mr. COOPER observed that he had not the slightest objection to withdraw the statement. He would say that the honorable member for South Bourke, who was not a Government contractor, had asserted that he (Mr. Cooper) asked the Government to incur an expenditure of £6,000 in order that each of the free libraries might be supplied with a copy of the new map of Australia, and the statement was cheered by several honorable members sitting on the Treasury bench. Now what was the fact? It appeared from the last issue of Mr Hayter's Year Book that the total number of scientific and literary institutions in the colony, including free libraries, was 167. (Mr. Fergusson—"There are as many in Melbourne and the suburbs alone.") The evidence of the Government Statist, who was the best authority on the matter, showed that the total number in the colony was only 167. Admitting that the maps would cost £4 each, the total expense of supplying a copy to every one of those institutions would be only about £640, instead of £6,000; but, according to the honorable member for Geelong (Mr. Kernot), the maps could be furnished at a cost of 10s. each, and the expense would no doubt not exceed that sum, inasmuch as the map was already engraved, and all that was necessary was to print and mount the requisite number of copies. Why should he (Mr. Cooper) be branded as a sinner against the doctrine of retrenchment, because he advocated an expenditure of something like £80 in order that a valuable map might be supplied to the whole of the free libraries in the colony? He denied that the honorable member for Ballarat East (Mr. Brophy) was guilty of inconsistency in trying to reduce some of the taxation proposed by the Government, while, at the same time, he tabled a motion in favour of
£100,000 being expended “for the purpose of developing the gold and other mining industries of the colony.” He thoroughly concurred with that proposal. It would be a great deal better for the Government to spend £100,000 in that direction than to waste money in an infinite variety of ways. He was prepared to support the motion of the honorable member for Brighton, because he believed that the extra taxation which had been imposed this session had been caused by unwise and extravagant expenditure, and that the expenditure might be reduced and the people relieved from burdens which ought not to be placed upon them.

Mr. TUCKER stated that the public expenditure was materially increased by bogus speeches made in the Assembly and the large amount of drivel which was printed in Hansard. There was a large staff of reporters, paid very high salaries indeed, who had to take down every word of the speech the honorable member for Creswick (Mr. Cooper) had just made. The reporting and printing of that speech would no doubt cost the country £10 or £20, and nobody would read a solitary word of it. The honorable member for Creswick was an industrious introducer of deputations, whose object was to obtain grants of public money for various purposes. (Mr. Cooper—“That is not true.”) He asserted that it was true. It would be necessary for some steps to be taken to relieve the Government from the importunities to which they were subjected by deputations asking grants of money for all sorts of purposes. If anything like the public expenditure incurred in some of the country towns was carried on in the suburbs of Melbourne taxation would have to be enormously increased. Fitzroy was a city of 20,000 inhabitants, and it had not even got a post-office, whereas nearly every township provincial town had an expensive building for a post and telegraph office, and some of them had also obtained clocks at the expense of the State. The proposition laid down in the motion of the honorable member for Brighton was as plain as that two and two make four, and it ought to command the assent of every member of the House. From the way in which it was brought forward, however, it was a mere bogus motion. It did not mean anything; it was simply submitted for party purposes. If the honorable member brought it forward as a substantive motion, and with an honest desire to reduce the expenditure of the country, it would no doubt receive the support of every member of the House.

Mr. GAUNSON observed that the honorable member for Fitzroy (Mr. Tucker) had exposed himself to a most emphatic tu quoque. The honorable member was chairman of a Royal commission which cost the country £8,000 or £4,000. He was also a member of the Lands Commission, the printed evidence of which consisted of 7,503 questions, on 304 pages, and must have cost several hundreds of pounds. The honorable member was chairman of the absurd Closed Roads Commission. (Mr. Longmore—“Did you not attend the meetings of that commission?”) He attended until he got sick of the matter. (Mr. Tucker—“No fees were paid.”) He never got anything even for expenses, but he did not think the honorable member for Fitzroy could say that. He knew another member of another commission who drew £40 for expenses. (Cries of “Name.”) He would not give the name. He simply asserted the fact. He did not say there was anything wrong or improper in connexion with it. (Mr. Tucker—“Who was the member?”) He was a gentleman who frequently sat near the honorable member for Fitzroy, and was a bosom friend of his. The insinuation about fees was unworthy of the honorable member. (Mr. Tucker—“You signed the report of the Closed Roads Commission.”) He signed the progress report, and refused to have anything more to do with the commission. (Mr. Tucker—“The progress report went further than the final report.”) He was not saying how far either report went. He got so sick of the whole thing that he wrote a letter declining to be a member of the commission any longer. The evidence of the Closed Roads Commission contained 12,179 questions, printed on 333 pages. It was currently reported that a member of the House, who took a keen interest in the Closed Roads Commission, sold, soon after that commission sat, some land, worth a very small sum, to Mr. Chirnside, for a very large amount. (Mr. Tucker—“Who was that?”) He declined to give the name.

Mr. TUCKER stated that he never had such a transaction with Mr. Chirnside, and never saw Mr. Chirnside till that gentleman was before the commission.

Mr. GAUNSON said he was not going to be trapped into giving the name. He
simply stated the fact. As to the motion of the honorable member for Brighton, it was perfectly true. The Government had placed additional burthens on the people to the extent of £600,000 per annum. ("No.") He would prove it. Deducting the extra expenditure this year in consequence of the purchase of the Hobson’s Bay Railway, the proposed expenditure for 1879-80 was nearly £600,000 greater than that for 1876-7. How could that increase be met except by extra taxation? The extra taxation was as follows:—From the land tax, with the proposed alterations, the Government expected to get £200,000; customs duties, £300,000; stamp duties, £100,000; making a total of £600,000 a year of permanent taxation over and above the taxation which was in existence when the Ministry took office. Who paid these taxes? The industrious and laboring classes. (Mr. Longmore—"The land tax?") The land tax had reduced the value of selectors’ holdings. How much per acre could a selector get for his land now, and how much could he get for it before the land tax came into operation? Had not the working classes suffered in consequence of the land tax? If a man’s income was diminished by the land tax, he had so much the less to spend in the employment of labour. As to the customs duties, did they not fall on the shoulders of every man in the community? With respect to the stamp duties, the Chief Secretary himself stated at Geelong, in 1877, that stamp duties would fall on the industrious and laboring classes, and that he was going to relieve them from taxation, and give them a free breakfast table. The honorable gentleman had a free breakfast table himself, especially when he was on board the mail-steamer. Did the honorable member for Fitzroy state what was correct when he said there was no post-office at Fitzroy? The fact was Fitzroy had a post-office, and a Mirams—a brother of the honorable member for Collingwood—to conduct it, as postmaster. (Mr. Bent—"And he is well paid too.") It would be a great pity if such support as the Government received was not well paid for. The support they got amazed people. He could quite understand the observation thrown out against the honorable member for South Bourke as to Government contractorship. That honorable member knew well that there was more than a suspicion abroad that he was a Government contractor. A yearly increase of taxation to the extent of £95,250 (according to the amount on the Estimates of the present year, which would be increased next year when the salaries of the employés were raised) was caused by the State having purchased the Hobson’s Bay Railway. When the remainder of the loan was floated, and the further £2,000,000 obtained, there would be an additional sum of £90,000 to pay for interest. (Dr. Madden—"The Hobson’s Bay Railway will pay the interest on its portion of the loan.") That railway never would pay its own interest; it was losing now, and he had been informed by the guards that the passenger traffic had largely decreased. (Dr. Madden—"Nonsense.") When the honorable and learned member’s election for Sandridge depended upon that political piece of legerdemain called the purchase of the Hobson’s Bay Railway, his sticking up for it was comprehensible, but he (Mr. Gaunson) had never supported the purchase, and never would. To show how the public expenditure had increased under the present Government, he would point out that the amount voted for 1876-7 under the dreadful McCulloch Administration was £2,996,000; in the following year the amount was £3,369,000, or an increase of nearly £400,000; for 1878-9 the votes amounted to £3,598,000—another jump of £250,000; while for the year ending 30th June, 1880, without the Supplementary Estimates which would be brought down, the amount was no less than £3,681,000, showing a gross increase of £683,000 since 1876-7. From this there had to be deducted £96,000 for the extra expenditure on account of the Hobson’s Bay Railway, the net result being an increase in the public expenditure of £588,000 created by the Berry Administration. As an illustration of the depreciation in the value of property which he alluded to in the beginning of his speech, an honorable member had just informed him that the Premier, who had grown fat in office, had recently purchased the late Mr. O’Grady’s house at Hawthorn for £2,000, whereas the honorable member for Brighton some time ago offered £4,000 for it. (Mr. Fergusson—"I can testify that there is not a word of truth in the statement.") He accepted the honorable member’s assurance, but he believed the statement nevertheless. The Minister of Lands would say that the increased taxation was
rendered necessary through the selectors being in arrears with their rents; but the Government were spending money irrespective of the selectors. Moreover, if the Minister of Lands by his injudicious regulations had not interfered with the borrowing powers of the selectors, they would never have required to ask for time to pay their rents. Besides, the selectors' rents were taken into account as anticipated revenue, whereas he was only dealing with expenditure. The pinch of the land tax which the Ministry had imposed was felt eventually by the laboring classes who were deprived of work. He had already in the House mentioned the case of a widow lady who had an income of £300 a year from two small estates, and who, between the shire taxes and the land tax, was deprived of £100 a year, or one-third of her whole income. Did it not stand to reason that, in a corresponding degree, she was prevented from employing labour? He had also previously referred to the case of a gentleman who had expended between £50,000 and £60,000 in improvements on the Moyne Swamp, but ceased, owing to the land tax, to expend any more money on it, because he would be only further taxed for reclaiming it. The stoppage of labour in that instance also showed that the land tax eventually fell on the working man. At least two-thirds of the taxation necessary to provide for the increased expenditure by £600,000, which had been incurred in the ordinary service of the year since the present Ministry took office, fell on the working man; and this was not temporary but permanent taxation, which would be increased still further to £90,000 per annum when the remainder of the loan was floated. With such an army of followers—fat Government contractors, whips, and so on—to provide for, the Government were obliged to impose additional taxation, and therefore the honorable member for Brighton would have been wanting in his duty if he had not brought forward his motion in favour of retrenchment, more especially when such figures had been adduced to prove the terrible state of things the colony was rapidly drifting into. Overwhelming evidence was afforded to prove that there was no necessity for the fresh taxation the Government were imposing. There were increases of salary on the estimates for the Railway department alone amounting to £1,400, and, having regard to the fact that the Berry Ministry had already increased the Estimates £600,000 a year, it was time a stop was put to extravagance by a reasonable reduction which would not impair the efficiency of the public service. If such a course was not adopted, the country would soon be overburthened with taxation to such an extent that people would be glad to get out of it as soon as they could make the necessary preparations for effecting that purpose.

The amendment was negatived without a division.

The SPEAKER then put the motion that the Bill be now read a second time, and declared it carried.

Mr. CASEY remarked that he rose to speak to the second reading of the Bill before the Speaker declared the motion carried.

The SPEAKER.—I will put the question again.

Mr. BENT stated that he called for a division on his amendment.

The SPEAKER.—The honorable member called for a division, but after the bell was rung there were cries of "No division" from the honorable member for Warrnambool, who is acting leader of the Opposition, and from members on both sides of the House. I then rose, and asked whether I was to understand that no division was desired, and the honorable member for Brighton was silent. The honorable member is, therefore, too late in calling for a division now.

Mr. BENT observed that he insisted on a division all along.

Mr. FRANCIS explained that he did not desire a division, because many members of the Opposition were absent, not knowing that the amendment would be proposed. Under those circumstances, he did not think a division was opportune, however he might agree with the amendment in the abstract, and therefore he suggested to some honorable members to request the honorable member for Brighton not to press for a division.

Mr. GAUNSON stated that the honorable member for East Melbourne (Mr. Zox) was speaking to him when the division bell was ringing, and he (Mr. Gaunson) was perfectly amazed to find that the question had been decided without a division.

Mr. CASEY remarked that he wished to say a few words on the second reading of the Bill.

Mr. L. L. SMITH rose to a point of order. The Speaker had declared the
second reading of the Bill carried before the honorable and learned member for Mandurang rose to speak.

The SPEAKER.—I declared the second reading of the Bill carried, but the honorable and learned member for Mandurang stated that he rose to speak before the question was decided. Therefore, in accordance with the ordinary practice of Parliament, I told the honorable member that I would put the question again. That is always the practice of the Speaker in such cases, lest by inadvertence he might do an injustice to an honorable member.

Mr. CASEY said he wished, before the Bill went into committee, to bring under the notice of the Minister of Customs the fact that one of his (Mr. Casey's) constituents, Mr. Edwin Jewell, had recently been to England, and had given instructions for the importation of a very valuable machine to be used in connexion with strippers. The machine, he was informed, would really supersede the necessity for reapers and binders. Mr. Jewell gave an elaborate description of the machine, which was patented, and stated that it would be able to prepare wheat either for seed or export. Mr. Jewell complained that the machine, when it came out to the colony, would have to pay a duty of from 25 to 30 per cent. Such a machine, however, would be of great advantage to the farmer, as, Mr. Jewell stated, it would enable him to cultivate 400 acres instead of 200 without any further cost for gathering. He (Mr. Casey) desired to know whether the Minister of Customs would afford him an opportunity of amending the list of exemptions so as to include patent machinery of the description mentioned by Mr. Jewell?

Mr. LALOR remarked that the application took him by surprise. He believed, however, there would be no objection to postpone the third reading of the Bill for a day or two, so that he might consult his colleagues on the matter.

Mr. NIMMO objected to the postponement of an important measure of this kind on such a flimsy ground as that of considering the exemption of a conjunctural machine which honorable members knew nothing of.

Mr. YOUNG moved the adjournment of the House. He thought the honorable member for Brighton had been unfairly treated in regard to his amendment.

The SPEAKER.—The honorable member cannot, by moving the adjournment of the House, go back to a point which has already been disposed of by the Speaker. Order cannot be preserved unless the decision of the chair is accepted. This was not a question of further debate when members might have their mouths closed; it was merely a question of taking a division. A large number of honorable members who might ordinarily be expected to vote for the proposition of the honorable member for Brighton desired not to have a division, and it cannot be said he has suffered any wrong under the circumstances.

Mr. GAUNSON.—There were others who desired to have a division.

The SPEAKER.—Then they should have declared their wish in a way that was intelligible. If any one had cried "Divide" there would have been a division. I repeat that, after the division bell was rung, when there were cries of "No division," I rose and asked if there was any objection to the withdrawal of the call for a division. No honorable member objected; and it was only then I declared the question decided. If the honorable member or any honorable member considers that the Speaker acted improperly, it is open to him to give notice of a motion that the House dissent from his decision, or even to remove him from his position. A Speaker, however, would be entirely unfit for his office if he allowed the House to be turned into a riotous assembly by permitting the same question to be raised over and over again. The honorable member for Brighton allowed his opportunity to pass, and the House has now reached another stage, from which it cannot travel back. If I had refused to hear the honorable and learned member for Mandurang I might have done a serious injustice; but in the case of a division, when a large number of members on both sides announced that they did not want a division, no injustice can have been done.

Mr. YOUNG stated that nothing could be further from his wish than that the House should be turned into a riotous assembly; but, with all respect, he submitted that it was for the mover of a motion to withdraw the call for a division before the withdrawal should be recognised.

The SPEAKER.—I have a great respect for the honorable member for Kyneton, who never addresses the House unless there is something which he thinks it important to say; but I assure him that he is now taking a course which is
disorderly. I have decided the question, and it is not competent for the honorable member to re-open it at present. It may be re-opened on notice, and, as I have said, the honorable member, if he thinks my decision improper, can give notice of moving that it be set aside.

Mr. MACKAY inquired whether it was not competent for an honorable member to move, without notice, that the point which had arisen be taken out. Mr. Frazer, the Speaker, on one occasion, ruled that Mr. Murphy, the honorable member for East Melbourne, so that he did not hear the honorable member informed the Speaker of a reason of this nature—the personal engagement which prevented the honorable member calling for a division at the time members were appealed to as to whether a division was desired. If the honorable member was engaged in conversation with another honorable member at the time, I cannot remedy that accident.

Mr. LAURENS remarked that he was sitting near the honorable member for Brighton, and he was able to state that the Speaker had given a correct narrative of what occurred after a division was called for.

Mr. BENT observed that, if he was permitted to give an explanation, he did not care how the matter ended. As the mover of the amendment, he called for a division. The honorable member for Dundas asked him not to press for a division, but he replied—"I am bound to do it." He had ventilated this question

of retrenchment for years, and he moved the amendment in order to obtain a division. It might be considered that he had been sat upon, but nevertheless he must respect the ruling of the Speaker. It did not follow that he would in any way lose his manly dignity because he could not compel the Speaker to rule as he desired. He never consulted the leader of the Opposition with regard to the amendment, but he moved it in good faith and in the belief that a division would be taken. If the Speaker still said that no division could be taken, he could only bow to the ruling of the chair. He wished to say, however, that he did so only because it was the ruling of the chair.

Mr. McINTYRE expressed the hope that the Minister of Customs would, on the third reading of the Bill, amalgamate with it a portion, at least, of the proposition for inland bonding warehouses which he (Mr. McIntyre) had already brought under the attention of the House.

The House divided on the question that the Bill be read a second time—

**AYES.**

Mr. Andrew,  Mr. Longmore,  Barr, Mason,  Berry, Mirams,  Billson, NimmO,  Brophy, O'Hea,  D. Cameron, Sir B. O'Loghlen,  R. Clark, Mr. Orr,  W. M. Clark, Patterson,  Cook, Rees,  B. G. Davies, Richardson,  D. M. Davies, Sainsbury,  Dixon, Sharpe,  Grant, Major Smith,  Graves, Mr. L. E. Smith,  Hunt, F. L. Smyth,  Inco, Story,  Johnston, Tucker,  Kerner, Tytherleigh,  Laror, Woods,  Langridge, Tellers,  Laurens, Mr. Bell,  Mr. Bayles, Mr. MacDon,  " Bent, " McKintyre,  " Bird, " Mackay,  " Blackett, Dr. Madden,  " Bosisto, Sir J. O'Shanassy,  " Carter, Mr. A. K. Smith,  " Casey, " R. M. Smith,  " Cooper, Williams,  " Duffy, Young,  " Francis, Zox,  " Fraser, Tellers,  " Gaunson, Mr. Moore,  " Harper, Ramsay.
The Bill was then read a second time, and committed.

Discussion took place on clause 5, which was as follows:

"Section 15 of Act No. 593 shall be and is hereby repealed. The undermentioned articles shall be exempt from duties of customs on importation into Victoria by land or sea, namely:

—All minor articles of mixed or undescribed materials used in the making up of apparel, or of boots and shoes, or of hats, or of saddlery, or of umbrellas, or of parasols, or of sunshades, and all surgical instruments or appliances, provided that such minor articles or surgical instruments or appliances are enumerated in any order of the Commissioner, and published in the Government Gazette; all packages second-hand in which ships' stores have been imported; all packages in which goods are ordinarily imported not otherwise enumerated; ships' fittings; passengers' baggage, being cabin furniture and personal luggage; and second-hand furniture accompanying any passenger which has been in such passenger's own use, up to £35 in value, and which is not imported for sale; ground animal charcoal; all carriages and other vehicles used in the conveyance of passengers or goods across the frontier which have been registered with the officers of Customs nearest the place where such carriage or other vehicle may ply or pass, and in such manner as the Commissioner may by any order from time to time approve; works of art; fresh olives and candle nuts; and, from the 30th day of July, 1879, until the 30th day of June, 1880, inclusive, agricultural instruments known as reapers and binders."

Mr. McIntyre moved the insertion, after the words "Government Gazette," of the words "all rock-borers." He stated that a mining company at Sandhurst had ordered a rock-borer—the precise article they required for the work they wanted to have performed—the price of which was £500, and that when it arrived here it would have to pay no less than £125 customs duty. It was called the "Champion rock-boring machine," and, being a patent, could not be made in the colony. Surely the time had come when all the appliances necessary to make mining pay ought to be admitted to the colony free, if only in order that the development of the mining industry should be encouraged as far as possible. He admitted that a certain rock-drill was manufactured in the colony, but it was not of the kind the mining company he alluded to preferred, and he thought no obstacle ought to be thrown in the way of their obtaining the article they thought would suit them best.

Mr. L. L. Smith remarked that he saw, the other day, in a newspaper that the colonial rock-borer used by the Harbour Trust did in one day as much as any other drill could do in three weeks. Under these circumstances he, as a declared protectionist, contended that the protective policy of the country ought to be adhered to even in the case mentioned by the honorable member for Sandhurst (Mr. McIntyre). Inasmuch as the best rock-borer in the world was being manufactured in Victoria, why should it be subjected to unfair competition with foreign rock-borers?

Mr. Billson mentioned that, at Beechworth, no other drill than Ford's was used, for the best of reasons, namely, that it would do three times as much work as any other.

Mr. Mackay said it struck him that, if Ford's machine was so excellent, it could surely stand on its own merits. If its performances were so wonderful, was not the fact that it was a patent article sufficient protection for it? Why were miners not to be allowed to choose the exact kind of borer they wanted? Protection might be the policy of the country, but the country did not wish for the protection run mad some honorable members behind the Government seemed to desire. The honorable member for Richmond cried out that protection ought not to be interfered with, but he never raised that objection when it was proposed to exempt a certain class of agricultural machinery. (Mr. L. L. Smith—"That was a mistake.") Why then did not the honorable member stand up at the time and say it was a mistake? Surely the free introduction of every patent article the use of which would facilitate the prosecution of an important industry was not in the least inconsistent with intelligent and judicious protection. He (Mr. Mackay) had always supported a certain amount of protection, but he protested against the principle being carried to absurd and ridiculous lengths. If rock-borers were wanted for the mining industry, the State ought rather to take means to enable the industry to procure them on the easiest possible terms than to make them specially expensive and difficult to obtain. The fact was that the mining industry had been sat upon altogether too long. It had received far too little consideration, and if that sort of thing was carried much farther, the miners of the country would have to follow the example of the farmers, and take strong measures in order to make
their voice heard. He believed that one of the principal causes of the existing depression was the fact that mining was not now being carried on as successfully as formerly.

Mr. WOODS thought it would be well if the respective merits of foreign borers and Ford's borer were brought to a fair competitive test, because if, when tried under equal conditions, the colonial machine did not beat every imported one that could be produced, he would not have a word to say. He admitted that drills could be imported here cheaper than they could be made here, but did honorable members quite realize what would be the consequence if the protective duty upon the article was removed? It would be that the manufacture of Ford's drill, which had been carried on for years, would be at once shifted to England or the United States, and the colony would immediately cease to derive any advantage from its possession, and from the employment its manufacture furnished.

Mr. BROPHY considered that, as the possessor of some amount of practical mining experience, a few words from him on the present subject would not be out of place. Some weeks ago, he was down one of the deep Sandhurst mines, where he saw a little American drill called the "National" at work, and the manager told him it was worth any three other drills he could get. The man also stated that it had been working six weeks continuously, although every other drill he (Mr. Brophy) knew of had generally to be taken up once a week for repairs. He watched the machine well, and so satisfied was he with it that he at once advised a company in which he was interested to procure one of the same sort, although they would have to pay a heavy customs duty upon it. He begged to ask the Minister of Railways why, if none but Victorian drills ought to be used here, did the Government send to the United States for diamond drills, which were patented machines? He trusted they would make the miners of the colony the concession now asked for.

Mr. A. K. SMITH stated that he would support the amendment, but at the same time he regarded Ford's borer as an excellent article. It had been worked to great advantage at Beechworth and Stawell and by the Harbour Trust, and the value of the invention had been proved beyond all doubt. Indeed, he would venture to say that Mr. Ford could afford to treat the competition of diamond drills with indifference. Doubtless, however, other machines equal to his were procurable at a lower price, and if it was essential to the energetic development of the mining industry that they should be available they ought to come in free.

Mr. FRASER remarked that it stood to reason that, if Ford's borer was as good as it was said to be, it could stand alone without protection. Also, however good it might be, miners ought not to be compelled to purchase it if they believed another article would suit their purpose better. They were undoubtedly the best judges of what they wanted, and in that regard they ought to be left alone. Surely they were taxed enough. Although a free-trader he would do nothing to injure an established industry, but, considering how desirable it was that mining enterprise should be promoted, he thought miners ought not to be made to pay nearly twice as much for their boring machines as they needed.

Mr. LALOR said honorable members ought to recollect that if American borers were as good as they were represented to be, it was to the protective policy of the United States the superiority was to be attributed. There were protective customs duties in that country up to 50 per cent. Then it was always open to an American patentee to promote his interests in this colony by manufacturing his patent article here. Undoubtedly to admit that article free of duty would simply give him the monopoly of the Victorian market. He begged to remind honorable members that the duty upon a foreign borer did not come wholly out of the pocket of the consumer, because it had been proved over and over again that the greater portion was paid by the importer as agent for the manufacturer.

Mr. McINTYRE stated that the article he had referred to was not of American but of English manufacture. The duty of £125 which would have to be paid on it under the new Tariff would fall upon the purchaser. The Minister of Customs was trying to throw dust in the eyes of the mining community when he said that the duty would fall only on the importer. The price of the article in England was known, and all that was necessary was to add 5 per cent. to the amount, to be aware what would be the price in Victoria. It would be simply justice to the
long-suffering mining community to allow the article to be admitted free. The Minister of Customs must know what taxation had done for Sandhurst mining. The recent reduction in wages was largely brought about by excessive taxation. The miners were beginning to realize this; and the Minister of Customs might rest assured that a day of reckoning would come, and that soon.

Mr. HARPER supported the amendment on the same principle that he supported the proposal for the remission of customs duty on reapers and binders. He considered that in a new country like this every labour-saving machine ought to be imported duty free. To develop the interests of the colony in a legitimate way, encouragement ought to be given for the importation of all the latest inventions; certainly their importation ought not be discouraged by the imposition of duties so high as to be prohibitive. The honorable member for Sandhurst (Mr. McIntyre) had spoken of a new machine which had not yet been introduced to the colony, and that disposed of the argument of the Minister of Railways that Ford's rock-borer beat all others that had been produced. The Minister of Customs appeared to have a horror of an invention possessing a monopoly, but, so long as patent laws were in force, why should not the inventor of a machine have a monopoly? Was a man who invented a machine not entitled to receive that fair consideration for his skill which other men could claim? In fact, the idea of the Minister of Customs seemed to be that Ford's machine should have a monopoly of the Victorian market.

The committee divided on the amendment—

Ayes ... ... ... ... 26
Noes ... ... ... ... 28

Majority against the amendment 2

Ayes.

Mr. Bird, Mr. McIntyre, Mr. Longmore,
" Blackett, " Moore, " Mirams,
" Brophy, " Sir J. O'Shanassy, " Nimmo,
" E. H. Cameron, " Ramsey, " Sir B. O'Loghlen,
" Lay, " Casey, " Mr. Patterson,
" R. Clark (Sand.), " Sharpe, " Sainsbury,
" Cooper, " " R. M. Smith, " Major Smith,
" Dow, " " Williams, " Mr. F. L. Snyth,
" Francis, " " Young, " Story,
" Gaunson, " " Zoe, " Tytherleigh,
" Gilles, " " Woods, " "
" Graves, " " " " "
" Harper, " " " " "
" MacBain, " " " " "

Tellers.

Mr. Bayles, Mr. Langridge,
" Fraser, " L. L. Smith.

Mr. CASEY moved that "all winnowing and thrashing machines" should be included among the exemptions specified in the clause. A machine which was extensively used in South Australia was known as the "stripper." It had not hitherto been much used in Victoria, but it was being used now, and the farmer found it more advantageous than the reaper and binder. But in order that its operations should be effective it should be used in conjunction with a winnowing machine. Mr. Jewell, of Bridgewater, to whom he referred earlier in the evening, while in England took the opportunity of seeing various machines tried, and ordered a winnowing machine, which was now on its way to the colony, and he thought it a great hardship that his enterprise should be subjected to a tax of 25 per cent. With regard to thrashing machines, he believed that no more than about half-a-dozen had been made in the colony, and they lasted only about four seasons. Under these circumstances, he asked that thrashing as well as winnowing machines should be admitted free.

Mr. YOUNG, in supporting the amendment, mentioned that a thrashing machine was an article very difficult to pack, and that the cost of packing amounted to fully one-third of the value of the machine. Reaping machines were largely used in the colony; but they could not be manufactured here at the price at which they were imported. As the honorable and learned member for Mandurang had stated, only three or four had been manufactured in the colony, and they were machines more for show than actual work. They
became old in three or four years. There was substantial reason why the article should be admitted duty free.

Mr. LALOR stated that, with the view of duty considering the amendment, he would move that the Chairman report progress.

Mr. RAMSAY expressed the hope that the Minister of Customs would give the matter his serious attention. The farming industry was of such importance to the colony that its wants ought to be carefully considered.

Mr. SHARPE observed that by the increase of the duty from 20 to 25 per cent., the amount payable at the Custom-house on a portable engine and thrashing machine had been increased from £92 to something between £100 and £120, which, of course, was a great tax upon the farmer. He hoped the Minister would give his favorable consideration to the amendment, and also see his way to withdraw the limitation under which reapers and binders were exempt from duty only until the 30th June next.

The motion for reporting progress was agreed to.

Progress was reported accordingly.

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

LEGISLATIVE ASSEMBLY.

Thursday, December 4, 1879.


The Speaker took the chair at six minutes past two o'clock p.m.

THE PUBLIC SERVICE.

Mr. TUCKER asked the Chief Secretary whether the provision of section 39 of the Civil Service Act relating to superannuation was being put in force, and, if so, in what departments; and whether public servants who had attained the age of 60 were forced to retire, without exception, from some departments and not from others?

Mr. BERRY observed that section 39 of the Civil Service Act was permissive only, and was put into operation whenever, in the opinion of the Minister presiding over a department, it was advisable, in the interests of the State, to do so. Each Minister had the discretion of acting as he thought fit in his own department. He was not aware of any Minister having laid down the rule that all civil servants, on reaching the age of 60, should leave the service, whether they were fit or unfit for duty, or whether the proceeding would result in economy or not. In his own department there were several officers over the age, and whenever he saw there would be no benefit to the State in superannuating such officers, he called upon them to remain. Probably in departments like the Railways and Post-office, where the employees were expected to perform duties requiring physical strength, an inflexible rule of the kind indicated by the honorable member for Fitzroy (Mr. Tucker) might be advisable; but in the branches of the public service over which he (Mr. Berry) presided, he had not found it necessary to make one.

Mr. TUCKER inquired of the Chief Secretary whether he would take steps to protect the public against the present system of issuing the documents known as "H" orders upon the Treasury? He was informed by several of his constituents who had been induced, in a friendly way, to lend money to civil servants, that some of the latter did not hesitate to issue one, two, and even three "H" orders for the same instalment of salary, and that it frequently happened that when an "H" order, on which money had been advanced, was presented to the Treasury, it was found that the money to which it related had already been drawn, and that the document was useless. His object in putting the question was to induce the Chief Secretary to make some regulation to protect the public from what seemed to him an act of fraud on the part of civil servants. Certainly, a man who could be guilty of borrowing money on the security of valueless orders was hardly fit to be in the employment of the State.

Mr. BERRY stated that he had received the following memorandum from the Under-Treasurer:—

"The present system with regard to 'H' orders is one which has been in operation upwards of 30 years. The document is simply an authority from A to B to receive the amount of his account. If several orders are given for one and the same amount with a view to defraud, the person by whom such orders are given is liable to be prosecuted for endeavoring to obtain money under false pretences. In practice, the order first presented is that which would be paid. In some cases, such for instance as where
it is difficult to determine the priority of presentation of an order, when more than one is given, neither order is recognised, payment being made to the principals only. I see no reason for altering the system. It would entail very serious inconvenience in the Treasury if any attempt were made to give ‘H’ orders the significance which creditors sometimes seek to attach to them as above. What is requisite is rather that it should be known widely that such orders are no security whatever for the sums they represent. People would then have the remedy in their own hands.’’

Two suggestions naturally arose from a consideration of this memorandum. One was that the giving of “H” orders should be abolished altogether for the reason that they bore an appearance of validity which might afterwards prove to be deceptive. The other was that “H” orders should be initiated at the Treasury, in the same way that cheques were marked by bank ledger-keepers, before they were paid. He would not like to say whether the latter course should be taken without further consultation with the official heads of the Treasury; but he would ascertain what objection they had to it, and he would also consult the Attorney-General as to the propriety of framing a regulation to carry out the suggestion.

Mr. TUCKER asked the Chief Secretary how he was disposed to deal with a member of the civil service who was guilty of issuing two or three “H” orders for the same sum of money?

Mr. BERRY said that such an officer was not fit to remain in the public service.

ELECTORAL ROLLS.

SHEPPARTON.

Mr. SHARPE called the attention of the Chief Secretary to a difficulty which had arisen in making out the ratepayers’ roll within the shire of Shepparton. The shire of Shepparton was created a few months ago by the separation of territory from the shire of Echuca. The shire secretary had been required to furnish a copy of the ratepayers’ roll to the electoral registrar before the 25th December, but inasmuch as a valuation of the shire had not been made, the ratepayers’ roll was not yet in existence. The shire council had no material at command to enable them to comply with the requirements of the electoral registrar, and, in consequence, a large number of ratepayers would be disfranchised unless steps were taken by the Government to assist the shire council in the matter. He begged to ask the Chief Secretary if he would instruct the electoral registrar how to act under the circumstances?

Mr. BERRY said he was aware of the difficulty which had arisen. The matter had been referred to the Attorney-General.

SIGNAL FLAGS.

Mr. W. M. CLARK asked the Treasurer if there was any foundation for the rumour that an order had been sent or was about to be sent to England for a set of flags for one of the colonial men-of-war?

Mr. BERRY replied that a year ago a request was made, at the instance of Captain Mandeville, for a set of signal flags as used in the Imperial navy, but some objection was taken by the Admiralty to their being sent out, on the ground that their use, when colonial ships were in company with Imperial ships, might lead to complications. Since then no action had been taken.

MELBOURNE HARBOUR TRUST.

Mr. ZOX asked the Chief Secretary if he would set apart an evening for the discussion of a motion, standing on the paper in the name of the honorable member for East Bourke, which affirmed the desirability of the Government giving the requisite facility to the Melbourne Harbour Trust Commissioners to proceed with an admittedly necessary public work that would furnish a large amount of employment?

Mr. BERRY stated that the honorable member for East Bourke had failed to take advantage of more than one opportunity which he had had of bringing forward his motion. The Government could not spare an evening for the purpose.

KAMAROOKA STATE FOREST.

Mr. McIntyre asked the Minister of Lands if it was true that the Kamarooka State Forest had been taken from the control of the local forest board, and if it was his intention to throw open the forest for selection? He was aware that certain persons resident in the district of Mandurang desired that the forest should be thrown open for selection; but he was sure that, if the whole facts of the case were properly inquired into, the Minister of Lands would see that so important a forest ought to be conserved in the interests of the public.

Mr. LONGMORE said it was true that the forest had been taken from the
control of the forest board. It was the intention of the Lands department to throw open for selection three small isolated patches which really were not in the forest at all, and which were surrounded by selections.

PETITION.

A petition was presented by Sir J. O'Shanassy, from a number of unemployed working men, praying that a compromise might be effected with the Melbourne Harbour Trust, so that public works which would afford a means of employment could be proceeded with.

CONSTITUTION ACT AMENDMENT BILL.

On the order of the day for the third reading of this Bill, Mr. MUNRO moved—

"That the order be discharged, and that the Bill be recommenced with the view of substituting for parts 1 and 2 provisions for lowering the qualifications for electors and members of the Legislative Council, shortening the term for which members are elected, and reducing the size of the provinces."

He said—This is the last opportunity we shall have of amending this Bill, and, that being the case, I consider it my duty to take action with the view of having the measure amended in the direction indicated by my motion. In doing this, I appeal particularly to honorable members on this (the Ministerial) side of the House. For many a day I was associated with them in a very pleasant manner in matters connected with our duty as representatives in this House, and although I have lately differed in opinion from many of them with regard to questions which the Government have brought before us, I know at present that a large number of those honorable members—honorable members sitting behind the Government—hold precisely the same views that I do on this question. Having recently gone before my constituents, I feel it my duty to warn them of the Government that they will find the system of packing public meetings to give proceedings an appearance of popularity which does not really exist is a dangerous one, and may tell against them when the day of election comes. When they go to their constituents they may find themselves standing alone. They will have no Chief Secretary to rally the electors. The electors will act according to their opinions, and if they consider that the gentlemen who now sit behind the Government have failed in their duty from an over anxiety to keep the Government in office, those gentlemen will be called to account. I trust honorable members will, in this matter, exercise their judgment independent of anything except what they believe will be the welfare of the country. I ask honorable members on this side of the House if they know any single constituency in Victoria that believes in the nomineeism provided for by this Bill. I challenge honorable members to say there is a single constituency in Victoria that believes in it. So far as my own constituency is concerned—and I believe it is one of the most democratic in Victoria—I state distinctly that, during the recent contest, I did not meet with a single man who believes in nomineeism. The Attorney-General, when on the stump at the Temperance Hall, was good enough to say that nomineeism was the key-stone of the Government Reform Bill. I ask honorable members who sit behind the Ministry whether nomineeism was the key-stone of the Reform Bill of last session? Was nomineeism ever mentioned last session? We were told that the Bill of last session was the matured opinion of this House. We have now the same members and the same Government; and parties are pretty much the same as they were then. Under these circumstances I ask—When did nomineeism become the key-stone of the reform question? Will the honorable member who is the honorary secretary of that packed faction called the "Central Reform League" get up and say that any reform league in the colony ever adopted nomineeism as its key-stone? He cannot. I say now, as I said on the public platform, that the Government and the packed Central Reform League are trying to defraud the public with regard to reform—to impose upon the public that which the public do not believe in. However, they did not dare to accept my challenge to contest with me one of the most democratic constituencies in the colony. If any one of the packed council of the League had £50 to spare for such a purpose, he did not venture to risk it. I assert that there is not one man in Carlton who believes in nomineeism. I also assert that the Government would not bring out a man to advocate nomineeism, because they know the people would not have it. We are told that the Government did not care to enter into the
matter. The Government would have entered into the matter with all their heart and soul if they had thought their man would have saved his £50. But they knew it was utterly impossible to induce any constituency to support the nominee system. I repeat that the Bill of last session was proclaimed to be the mature opinion of the House. That Bill is not before us now. We have a different thing altogether. And really, out of a feeling of kindness, I would plead with honorable members for whom I have a very great respect, and whom I desire to see come back to this House, to consider their position before it is too late—to consider what will be the effect of going to the country with this Bill as it stands. I desire that they should recommit the Bill and take out of it the obnoxious part, and make it a measure that they will be prepared to stand or fall by. If the Government and their supporters are not prepared to permit the Bill to be recommitted, if they are not prepared to allow the matter to be settled on its merits, independent of the question of perilling the party, they must take the consequences. And they will find when they go upon the hustings that the public are not in favour of the Bill. The Government ought to have gained experience by noticing the results of recent elections, for there is no surer indication of public opinion going against the party in power than the filling up of the occasional vacancies which occur in Parliament with opposition members. That has happened in connexion with all the recent elections. The latest additions to the House from Fitzroy, West Bourke, and East Melbourne sit on the opposition side. There is now a vacancy for Villiers and Heytesbury, and the Government have not the courage to send a candidate into the field.

Mr. MIRAMS.—The last addition to the House—the honorable member for Carlton—sits on the Ministerial side.

Mr. MUNRO.—I sit entirely free from either side of the House. During the contest for Carlton, I found that the honorable member for Collingwood (Mr. Mirams) used against me all the schemes he could devise in the smallness of his little heart. I know all his tricks and vagaries. I know all he did. The honorable member will yet find there is a day of reckoning for him. I shall be delighted to see him go through the mill like other people. I would like to see him stand on the platform at Collingwood and say that nomineeism is the key-stone of reform.

Mr. MIRAMS.—I would have done so at Carlton if I had had a chance.

Mr. MUNRO.—The honorable member had not the courage to come there. All the Melbourne daily newspapers said that I did a foolish thing in resigning my seat, yet they all—both the liberal and the conservative press—were of one opinion, during the time I was before my constituents, that the Government Reform Bill would be destructive to the interests of the colony. The Government profess to be the leaders of liberal opinion in Victoria, and yet the whole of the best portion of the press of the colony is against them. Even the section of the press which supports them admits that their Bill would be better without the nominee principle. The Government are therefore really driving their heads against a rock without any benefit to themselves or anybody else. Why do they adhere to nomineeism?

Sir B. O'LOGHLEN.—Read the Bendigo Independent of to-day.

Mr. MUNRO.—The day after I resigned, the Bendigo Independent said the very principles I was contending for would be a great advantage if they could be carried into law. That paper also predicted that I would be beaten by two to one; and it made the statement after the editor had dined with some of the members of the Ministry. I tell the Government that they are living in a fool's paradise. They are laboring under the same mistake that Sir James McCulloch fell into. He believed that, because he had a majority sitting behind him in the House and voting for him, the constituencies were with him. Sir James McCulloch found out his error, and the present Ministry will discover their mistake. When they go to the country they will find that the people do not approve of this Bill. All the four Melbourne daily journals have denounced the nominee principle. Except one or two journals very closely associated with the Government, there are none which support the Bill, and even those do not give it a very cordial support. There is one journal—the Williamstown Advertiser—represented in this House to which I feel very grateful. But for that paper my majority, I am sure, would not have been so large as it was. The paper was circulated among my constituents broadcast during my candidature, and it heaped such scurrilous abuse on my
head that the electors regarded it as a contemptible little journal. They concluded that, as it could bring nothing but scurrility against me, I must be on the right track politically, and they returned me by a large majority. I wish to call the attention of honorable members to the fact that in the motion I have proposed I have confined myself to as small an amendment as possible; but I am sure that, if honorable members will agree to the recommittal, the Bill can be made a useful measure. Moreover, there will be no unnecessary delay, as all the amendments I desire to propose, with the exception of two or three words, are already printed and on the table. I desire honorable members to deal with the question on its merits. From personal conversation with them, I know that at least seventeenths of the members sitting behind the Government agree with me, and, knowing that, I ask them to consider seriously before they reject the opportunity of embodying their own views in the Bill and making it what they think it ought to be. Honorable members could not occupy a lower position than they will do if they vote against the recommittal, and when before their constituents say—"We did not approve of the Bill, but it was the only scheme of reform the Government brought forward; and we were told to vote for it as it was a party question." They will find that excuse will be of no avail for them.

Mr. BERRY.—Sir, it is almost necessary to apologize for rising to occupy the time of the House, even for a few moments, in answering such a motion as the honorable member for Carlton has brought forward. The honorable member has given no reason whatever why the House should stultify itself by adopting the course he proposes. The honorable member is now attempting to deal unfairly with this House, as he dealt with the country during the time he was before the electors of Carlton. When the honorable member addressed the famous meeting of his constituency the result of which induced him to resign his seat, he told the meeting that he condemned the whole Bill.

Mr. BERRY.—I think I can show that the honorable member did so. His professed object was to substitute for the Government measure the Bill passed by the Council, of which he had taken charge, and which is totally opposed to our measure. The Bill of the Council was passed after consultation with the Opposition, and is practically the Bill of the Opposition.

Mr. GILLIES.—That is not so. The statement is without foundation.

Mr. BERRY.—Then, if it is not the Bill of the Opposition, the position of the honorable member for Carlton is still more inconsistent. The honorable member made a total change of front in order to get returned. In the debate on the second reading, the honorable member condemned the Government Bill wholly.

Mr. MUNRO.—No.

Mr. BERRY.—A more thorough condemnation of the whole Bill was never uttered than the speech of the honorable member on the second reading. The honorable member condemned the Bill—parts 1, 2, and 3—in the strongest language that a man could use. Since then the honorable member has harked back, and now approves of the 3rd part, though it is inconsistent with the measure which he wishes the House to accept. He has done so in order to get the support of the Age newspaper. I charge the honorable member with playing false with his constituents.

Mr. MUNRO.—I deny it.

Mr. BERRY.—The honorable member secured his return to this House by a total change of front; in fact, by false pretences.

Mr. MUNRO.—Read my address to the electors the morning after I resigned.

Mr. BERRY.—I will read what the honorable member said in Parliament. He condemned the 6th clause, which may be said to be the 1st part of the Bill, in the strongest terms that any man could employ, and he condemned the nominee principle. It only remains to be shown that he condemned the plebiscite, and then it will be proved that he condemned the whole Bill. After dealing with parts 1 and 2, the honorable member said—

"Then look at clause 22. Is it not clearly intended to provide for the abolition of both Houses of Parliament? It runs as follows:—'The recital of the enacting power in any Act so made by Her Majesty shall be in the following words: Be it enacted by the Queen's Most Excellent Majesty, with the consent of the people of Victoria.' Why, under that, the Legislative Assembly and the Legislative Council would be wiped out entirely; they are not even mentioned. They are not considered worth mention."

Mr. MUNRO.—The people are made "the enacting power."
Mr. BERRY.—The plebiscite will be a piece of waste paper unless there is the enacting power by which the voice of the people can be made law. It is intended by the plebiscite that "the people of Victoria" shall be the enacting power when the two Houses cannot agree. Then the honorable member said the title of the Bill ought to be—

"A Bill to abolish the Legislative Council and Legislative Assembly of Victoria, and to provide a mode by which Ministers may dispense with sending Bills direct to the people for approval, and thus relieve Ministers from the inconvenience of parliamentary interference and control."

Could any language be more emphatic?

Mr. SERVICE.—The honorable member used the same language at Carlton.

Mr. BERRY.—That was before the election. Since his election, short as is the interval which has elapsed, the honorable member has recorded his vote for the plebiscite. Is not that a proof that the honorable member knows he was returned in favour of one of the main principles of the Bill, and that he could not have gained his election if he had not gone in for the plebiscite?

Mr. GILLIES.—What did you say about the plebiscite?

Mr. BERRY.—Never mind me. Let us deal with one man at a time. At present I am dealing with the honorable member for Carlton. The Opposition think they have gained a great victory, but I want to show that the result of the election is more in favour of the Government than against them. The proof of the victory is the vote given by the honorable member last night. That vote is perfectly inconsistent with the view he held when he spoke on the second reading of the Bill. The honorable member could not have condemned the plebiscite more strongly than he did on that occasion. No member of the Opposition condemned it more strongly.

Mr. MUNRO.—I never said a word against it. I objected to the 22nd clause, and I do so now.

Mr. BERRY.—I was not surprised at the vote the honorable member gave last night. When the division took place, the Opposition expected the honorable member to vote with them, but he shook his head. He had just come from Carlton, and he knew that it was the plebiscite that returned him.

Mr. MUNRO.—That is as true as the rest.

Mr. BERRY.—Would the Age have supported him if he had not gone in for the plebiscite?

Mr. DOW.—How about the Government Bill?

Mr. BERRY.—The election was so jammed that the people could only give a clear vote for one candidate or the other. Had I been an elector for Carlton, I would have voted for the honorable member. No liberal could vote for the other man. I undertake to say—and I believe the people of Carlton will endorse my statement—that the united liberal party voted for Mr. Munro in the hope that there would be no split. They thought it better to re-elect him, though he did not altogether agree with the Government, than to put in a man who would not declare what he was for, and who was known to be an adherent of the Opposition.

Mr. GAUNSON.—Why did the Government not put up a man?

Mr. BERRY.—With that practical common sense which distinguishes the people of this country in the aggregate, the electors of Carlton saw that the only question was whether the liberal party were to be kept united.

Mr. MUNRO.—What did Mirams say?

Mr. BERRY.—I am not now dealing with Mr. Mirams or anybody else, but simply endeavouring to interpret a great public event on broad grounds. I believe the honorable member for Carlton must feel in his heart that he was returned by the vote of the united liberal party in order that there should be no split, and that he might make his peace with the Government, so that the liberals might go to the country as a united party. If that is not the meaning of the result of the Carlton election, what other interpretation can be put upon it?

Mr. MUNRO.—I will tell you something later on.

Mr. BERRY.—If the honorable member tells me what is true, I will be perfectly content. The honorable member has said that the four Melbourne daily papers supported him and condemned the Government Reform Bill. Could any honest man get the support of all those journals? It is an impossibility for any honest politician to have his views endorsed by all the four Melbourne daily papers. The papers supported the honorable member for purposes of their own—they simply made use
I admit that nomineeism, by itself, would probably be condemned, on the first glance, by the large majority of the people of this country. Nomineeism is not a vital question; but reform is. Let the honorable member for Carlton eliminate the nominee principle, if he can; but, if he fails, he ought not on that account to try and sacrifice the Bill, and disappoint the hopes of the country, which has been waiting for reform for many years. Let the honorable member accept any Bill that will transfer to the people the power at present vested in the Legislative Council. If this Bill becomes law, it will not prevent the abolition of the nominee principle at a future time.

Mr. MUNRO.—Why put it in now?

Mr. BERRY.—If every honorable member insisted on getting just what he liked, there would be no Bill at all. Amongst honorable members as honest as the honorable member for Carlton there are great divergencies of opinion in regard to what I may call the machinery of a Reform Bill; and it is the duty of the Government, as far as we are able, to reconcile those differences and get a measure passed which will not be offensive to any section, but will carry out the principles we advocate. Will this Bill effect the object in view? That is the real point. Will it give the people control over their own affairs? There is no other question to decide. If the Bill will do this, no honorable member who wishes for reform can vote for the recommittal of the measure, which will be equivalent to the destruction of the Bill. There has been a test division in committee on each of the three principles of the Bill.

An Honorable Member.—The 6th clause was carried by only one vote.

Mr. BERRY.—I am perfectly aware of the fact, but, for the purpose of carrying it, a majority of one vote was as good as a majority of 50. It was prophesied that the Government would be in a minority on the 6th clause. So strong was the opposition to it, and so difficult was it to get honorable members to see the matter as clearly as I saw it, that I felt constrained, on the second reading of the Bill, to indicate that, even if the 6th clause was struck out, I would not abandon the measure. That clause, in fact, was left an open question, which may account for the smallness of the majority. Under the circumstances, a majority even of one was a great victory. But one supporter of the
Government was shut out, and three were absent.

Mr. FRASER.—We had three members absent.

Mr. BERRY.—So eager were the Opposition to obtain a majority, that they actually counted on the vote of the honorable member for Benambra. From what I know of the honorable member, I venture to say that his vote would have been recorded for the Government if he had been present. If the vote of every member, including the Chairman of Committees, had been recorded, I believe there would have been 43 or 44 votes for the clause—an absolute majority, or only one short of an absolute majority. What other Government has been able to carry the weakest clause of a Bill by an absolute majority of the House? I, however, wish chiefly to call attention to the fact that there is no argument for the recommittal of the Bill, inasmuch as we have had a test division on each of the three principles of the measure—the nominee principle, the 6th clause, and the plebiscite. It is only a waste of time, under the circumstances, to ask the House, at this late period of the session, to go back again into committee and alter the Bill entirely, by substituting for it the measure which has been received from the Legislative Council. Had it not been for the significance given to the motion for the recommittal of the Bill by the recent election for Carlton, I would not have considered it necessary to offer any remarks on the question. I don't believe the House will stultify itself by adopting the course the honorable member proposes.

Cries of “Divide.”

Mr. LAURENS.—I desire to offer some remarks before the House divides. At the last election I said I was in favour of reforming the Legislative Council so as to make it impossible for that chamber to create dead-locks and prevent the expressed will of the people becoming law, but I refrained from putting forward any personal views of my own as to the precise character of the reform which should be effected, knowing that if every honorable member insisted upon giving effect to exactly his own ideas on the question the attempt to secure reform must result in failure. I will call the attention of honorable members to the Reform Bill passed by this Chamber last session. It contained parallel clauses to the 6th clause of the present measure—clauses which must be considered more objectionable from the standpoint of those who are opposed to that provision. The second reading of the Reform Bill of last session was carried by a majority of 59 to 22, and the third reading by a majority of 50 to 21. The majority included the honorable member for Carlton and the honorable member for Creswick (Mr. Cooper). I have therefore a right to presume that the honorable member for Carlton, according to the doctrine he has laid down to-night, was in favour of that measure. And now let me call attention to some of the clauses of the Bill of last session in order to show for what, only so short a time since, the honorable member for Creswick voted. The 3rd clause of that measure was as follows:

"The 56th section of the Constitution Act shall be altered and amended, and is hereby altered and amended by substituting in said section the words ‘passed but not altered or rejected’ for the words ‘rejected but not altered.’"

So that the honorable member then wished that that section, about which there has been from time to time so much discussion in this Chamber, should read thus:

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

Why that clause would take away all power whatever with respect to Money Bills from the Council, and yet the honorable member approved of it. Does he venture to deny that he voted for it? If he does, he has the record of Hansard against him. But the Bill provided something further. Clause 4 was as follows:

"Any Bill to which such 56th section relates, having been passed by the Legislative Assembly and ordered to be carried therefrom to the Legislative Council for its concurrence, if not formally passed by the Legislative Council within one month after the message transmitting the same has been communicated to the Legislative Council shall come to the Senate and the Parliament shall be sooner prorogued or dissolved, be then deemed to be a Bill which has been properly passed by the Legislative Council within the meaning of and in pursuance of the provisions of the Constitution Act, and one also which it shall then be lawful to present to the Governor for Her Majesty’s assent to be given to the same by and with the advice and consent of the Legislative Council and of the Legislative Assembly, and every such Bill shall as soon as the month herein mentioned shall have elapsed be certified to by the Clerk of the Executive Council as having been passed by the Legislative Council, any Act of Parliament or standing order or joint standing order to the contrary notwithstanding."
Mr. GAUNSON.—Did you vote for that?
Mr. LAURENS.—I did.
Mr. GAUNSON.—What! for making the Clerk of the Executive Council certify to an unjustifiable falsehood?
Mr. LAURENS.—I am showing how certain honorable members who object to the provisions of the present Bill were ready last session to adopt provisions a great deal stronger. Then, what did the 5th section state? It said—

"Every such Bill shall state the enacting authority in the established form, and shall be authenticated in the usual manner, and shall be presented to the Governor for Her Majesty's assent to the same as a Bill which has been properly passed; and after such assent has been given shall be valid in all respects to all intents and purposes as an Act of the Legislature of Victoria, within the meaning of the Constitution Act."

Is it not wonderful to find honorable members who, last session, swallowed such a camel as that now straining at a mere gnat? Last session, nothing was too strong for them. For example, under the 6th and 7th sections of the former Money Bill, and not only would their decision be unquestionable, but the measure they declared to be a Money Bill would be capable of being passed into law within a month, despite all the Legislative Council could do. In other words, every measure, no matter how corrupt or improper, a majority of the Assembly declared to be a Money Bill, it could within a month embody in the law of the land. Just to show how the honorable member for Creswick's objections to the 6th clause of the present Bill ought to be regarded, let me read the following from his speech in support of the second reading of the Bill of 1878:

"The Bill before us embodies two fundamental principles. One is that this House is supreme in all matters of finance. I ask whether that is not the exact position which has been maintained by leading politicians of this country, both in and out of this House? The honorable and learned member for Mandurang contends that this House has absolute and supreme power in matters of finance, and yet he objects to this Bill; but if this House is the supreme authority in all matters of finance, I see no reason why we should not make the face as plain and as palpable as it is possible for the English language to make it. What objection can there be to remove any doubt? . . . Now it has been objected to the Bill that it will abolish the system of check and counter-check so essential in all matters of financial legislation; but I don't think any member of this House wishes to do away with checks, or that the whole of the public revenue should be placed under the control of the Ministry of the day, to be distributed, at their simple dictum, how and when they please. As a matter of necessity, in an Assembly constituted like this, there must and will be checks, and checks of a very important and significant character. One peculiarity in connexion with this measure which presents itself to my mind is, that the gentlemen who are most earnest in their desire for checks were not most considerate in providing checks when they sat on the Ministerial side of the House, and dealt with important questions of legislation. Not long since a Harbour Trust was created in this city, and at the disposal of this Harbour Trust a large amount of valuable property and a large amount of money were placed. Now what check is there on the expenditure of that trust? (Mr. Service—"There are a dozen.") But on the expenditure of public money there are about 85 checks in this House. Every honorable member is a check, a check that is held responsible before his constituents. I say that, if there are plenty of checks provided for the Harbour Trust, equally efficient checks are provided by the forms and usages of this House over the expenditure of public money. Assuming the Upper House to be abolished, are there not, in this House, sufficient checks against the improper and useless expenditure of public money? And here let me ask what sort of a check has the Legislative Council been in the past? Did it check the £10,000 vote for the breakwater at Warrnambool? . . . I am dealing with the Bill submitted by the Government, which, as I understand, proposes to give practical supremacy to this branch of the Legislature, and all that I wish to show from the quotations I have made is that there is a general consensus of opinion among the best political thinkers and writers that the people's representatives in Parliament assembled are or should be the supreme controllers of the finances of the country.

And what language did he then use in favour of the direct vote of the people, commonly called the plebiscite? Here are his words:—

"And now with regard to the second part of the Bill; that part provides that when any dispute with regard to general legislation arises between the two Chambers, the final court of appeal shall be the people themselves. That provision, I venture to say, is in strict accordance with the essential principles of the British Constitution. And it seems only reasonable that when the question arises whether we are right or whether the other Chamber is right, there should be some authority to fall back upon. Certainly, if the people are worthy of our esteem here, and if we are unable to agree with the other Chamber on any matter of legislation submitted by the Government, it seems to be an unobjectionable way of solving the difficulty to remit the question to the people and to abide by their decision."

Surely either the British Constitution has altered, or the honorable member for Creswick has altered. I leave honorable
members to decide. Let me now turn to another matter. During the debate on the second reading of the present Bill, the honorable member for the Wimmera said he challenged any one to point to any single popular measure that had ever been sent up to the Council and rejected. Well, the Legislative Council not only rejected the Tariff of 1865 twice in a separate form, but they rejected it once after a general election. On the very first occasion, it came to them from an Assembly that was fresh from the constituencies of the country, who elected it expressly to revise the Tariff of the period in a protective direction. Notwithstanding, when the revised Tariff went to the Council, it was, on the 25th July, 1865, rejected by 20 votes to 5. It is true that on that occasion it was coupled with the Appropriation Bill for the year. Then the Assembly separated the two measures, and sent up the Tariff by itself. What was the consequence? On the 21st November, 1865, on the motion of the Hon. W. C. Haines, the separate Bill was rejected by 19 votes to 5. The result of that proceeding was that the Assembly was penally dissolved, the country was appealed to, and a larger majority than ever in favour of protection was returned. Nevertheless I find that on the 13th March, 1866, when the Council had the Tariff again to deal with, it rejected it by 20 votes to 8. I think I have now proved my assertion, and by no means destroyed the facts that are published as the history of the colony, for I have taken them from the records. To sum up the point of the matter, it is but too evident that the Legislative Council rejected three times a measure on which, beyond all doubt, the people had set their hearts.

Mr. BENT called attention to the fact that a quorum of members was not present.

A quorum having been formed,

Mr. LAURENS said—I will not trespass on the attention of the House much longer. I concur with the honorable member for Carlton that the reform leagues of the country have never decided that we should have a nominee Council. At the same time, I am not prepared to say there is not a great deal in the principle of nominating the Upper Chamber. It has been adopted in several other colonies, including the Dominion of Canada, where, indeed, one of the provincial Legislatures, that of Ontario, consists of a single House. I may remark that, in the face of that fact, it surely cannot be said that the Imperial Parliament will necessarily always set its face against a one-House Legislature. What it has consented to in one direction it may fairly consent to in another. I do not, however, state that I am in favour of only one Chamber. I only say that if the whole country desired a one-House Legislature, there is no doubt the Imperial Parliament would grant the request. As I remarked at the beginning of my speech, I have no wish to put forward any proposition calculated to injure the compactness of the party to which I belong.

Mr. R. CLARK (Sandhurst).—Sir, I desire to state my reasons for supporting the amendment of the honorable member for Carlton, and also to show that that amendment embodies the opinions expressed by the great bulk of the honorable members on this (the Ministerial) side of the House at the last general election. The Chief Secretary himself admitted this afternoon that, if the nominee principle of his Bill were submitted to the country, there would be a majority against it, while at Lancefield he spoke of the plebiscite as "a necessary evil" which he regretted. Those two statements go to show that the Government Bill is not so exceedingly popular either
with the Chief Secretary himself or with the country. Again, speaking in the House on the second reading of the Bill, the Chief Secretary, in reply to the honorable and learned member for Mandurang, stated with regard to the 6th clause—

"What I think the clause wants is something that will enable it to meet the tangible objection raised last night by the honorable and learned member for Mandurang, namely, that standing as it does it might do more than it is intended to do. It might take away from this Chamber its control over the Ministry of the day until the very last day of the session, because it might render an Appropriation Act so much a matter of form that the Government might, so to speak, do without it."

That shows unmistakably that there was a dangerous power in the original 6th clause, and, even though the clause has been altered, a dangerous power remains in it. I think that the quotations made from the despatch of the Secretary of State for the Colonies have proved to demonstrate that the House of Commons does not possess or claim the power of expending money on its own votes alone. That is the power which the Government seek to invest this House with by means of the 6th clause; and, according to the Chief Secretary's own showing, the power is one fraught with danger. This is a matter which requires very grave consideration at the hands of the House. Since the second reading of this Bill, what manifestations of public feeling have been shown in favour of it? There have been unmistakable manifestations of feeling against it, as has been shown by the return of opponents of it for Fitzroy, West Bourke, and Carlton. The return of Mr. Munro for the thoroughly liberal constituency of Carlton I consider an event of great significance, because he declared himself opposed to two of the leading principles of the Bill, and challenged the Government to put forward a candidate against him. Again, several of the reform leagues in the country districts, and also those at Williamstown and Footscray, have passed resolutions against this Reform Bill, and have unmistakably exhibited their disapproval of it. I acknowledge that honorable members on both sides of the House are exceedingly anxious that we should have some practical measure of reform which there would be a hope of carrying to a successful issue; but we know there is no chance whatever of the reform scheme brought forward by the Government ever becoming law. What I want to see is some practical scheme that will have a probability of ending in some good to the country; not that the whole thing should have to be gone over again after a general election, another Bill submitted to the House, and the whole country agitated again from its centre to its circumference without any hope of attaining the desired reform. It is clear from the Chief Secretary's own admission in the House and the country that he does not really believe in this reform scheme himself, while with regard to the amendment of the honorable member for Carlton I will show that not only have the majority of the Ministry but the great bulk of their supporters advocated the principles enunciated in it. The Minister of Justice made the following remarks in this House in 1874:

"I am perfectly willing to join in a measure for the reform of the Upper House, as that was introduced by the Government last session. I would go further, and abolish all property qualification, both for electors and elected, putting the constituents and members of that House on the same basis as those of this House. I would subdivide the provinces, and shorten the tenure of the seats in the Legislative Council. I am perfectly willing to proceed in that direction, for that I believe to be the right course to take. That alone is the direction in which the people of this country will travel, because it is a constitutional one, a sound one, and a peaceful one. I believe that the effect of reform in that direction will be to bring the members of the Legislative Council into harmony with the people, and if they are brought into harmony with the people, in the name of all that is good, what more do you want?"

The Minister of Public Works, in the same debate, said—

"I believe the country is ready to say that as many as possible of the people should have a voice in electing members of the Legislative Council. Add any conservative element you like—give them, if you please, a tenure which will not place them at the mercy of a capricious and changing Government—and that is the kind of reform which I believe the people require and are prepared for."

The Minister of Public Instruction also stated in the same debate that this system of reform would be the only cure for all our political diseases—the panacea for all our ills. And what has the Chief Secretary himself said? Only so long ago as the 28th of November, 1878, referring to the resolutions of the Legislative Council, the honorable gentleman observed—

"Some propositions were circulated the other day which I don't hesitate to say would, if they had been embodied in the resolutions of the Council, have formed a foundation for a satisfactory settlement of the constitutional question, at all events for the present. Those propositions were that the Legislative Council should be
elected by the ratepayers of the colony, that in the event of any dispute arising between the two Chambers both Houses should be sent to their constituents, and that in the event of their continuing to disagree they should meet together and take a joint vote, which should be final. I do not say that these propositions would answer, but I admit that they would be a basis for a settlement which I don’t think any reasonable man would refuse if they came before us with authority.”

Again, in the following month, in answer to an interjection by the honorable member for Maldon—“And yet the Chief Secretary was prepared to accept Mr. Reid’s proposals,” the Chief Secretary said—

“I have openly and honestly said that if those proposals came to us backed by a resolution of the Legislative Council, they would form a basis which no party in the country could neglect to utilize. I admit that they would be a basis for the two Chambers both Houses elected by the ratepayers of the colony, that in the event of their continuing to disagree they should meet together and take a joint vote, which should be final. I do not say that these propositions would answer, but I admit that they would be a basis for a settlement which I don’t think any reasonable man would refuse if they came before us with authority.”

What more do we want than what the Chief Secretary’s own words assert the Government were willing to accept as a basis of reform? If the Chief Secretary was then willing to accept the principles contained in the amendment of the honorable member for Carlton, why is he not willing to do so now? Has any change taken place in the mind of the Chief Secretary, or in the feelings of the people, during the last twelve months, which should prevent practical effect being given to such a scheme of reform—a scheme in accordance with the views expressed at the last general election by the great majority of the members now supporting the Government? The Attorney-General, the other night, is reported to have said that the nominee system is the key-stone of reform; but what did he say before the elections of North Melbourne, on the 23rd of March 1877? He said—

“Reduce the qualification of electors; every one who is on the roll for the Lower House should have a vote for the Upper House.”

I have taken the trouble to ascertain the views expressed as to reform by a large number of the members on this side of the House, at the general election, and I can find none who did not support the reduction of the qualification of electors for the Upper House. Members having given such pledges to their constituents, are they not violating their promises if they do not attempt to give effect to them? I will quote the opinions expressed at the general election by some gentlemen who now occupy seats on the Ministerial side of the House. Mr. Story said—“Every ratepayer should have a vote for the Council.” Mr. F. L. Smyth said—“Reduce the tenure of office, and place the Upper House within reach of a dissolution.” Mr. Dixon stated—

“All the members of the Assembly to be elected, and to elect an Upper House from them, which should be liable to dissolution.”

Mr. B. G. Davies advocated a half nominee and half elective Upper House, with power to dissolve it. Mr. Nimmo, as reported in the Argus of May 8, 1877, stated with regard to the Council—and I would draw particular attention to his expression of opinion—

“If he would be no party to any measure that would destroy that branch of the Legislature; it was necessary as a check on the Lower House, especially in the voting of public money.”

If the honorable member was sincere in that declaration, how can he support a clause which gives uncontrolled power to the Assembly? Mr. Cope advocated that the members of the Upper House should be returned by electors without qualification; that the tenure of seats should be reduced, and that there should be an appeal to the country. Mr. Bowman said—

“In Victoria we had an elected House, and the only way to have it altered was by petitioning the Imperial Government. What he would recommend, therefore, was that the home authorities should be petitioned to reduce the tenure to five years, and the qualification for members one-half, or give the Governor power to dissolve the House.”

Mr. Billson stated—

“As to the reform of the Upper House, perhaps one of the best things would be to reduce the term of office to five years, and the qualification from £50 to £25. He would also be in favour of reconstructing the provinces so as to add twelve more members to the present number, and to increase the number of electors to choose them.”

Mr. Sainsbury observed—

“He was in favour of reforming the Upper House by reducing the tenure of office of members, and the qualification.”

I could give quotations of a similar tenor from the speeches of several other members, but it is unnecessary. As far as I have been able to ascertain, the elective
principle of the Upper House was advocated by every member on this side of the House who spoke on the question, and the nominee principle, I am bold to say, was not advocated by one.

Mr. FERGUSSON.—You are wrong.

Mr. R. CLARK.—If the honorable member for South Bourke advocated the nominee system he was a solitary exception, but I have been unable to find such an expression of opinion in his speeches. Further, the honorable member for South Gippsland, when the Norwegian scheme was before the Assembly in 1874, supported the very same proposals with regard to the constitution of the Upper House as are included in the amendment of the honorable member for Carlton. Are honorable members then, without consulting their constituents, prepared to sweep away the elective principle of the Upper House, which they pledged themselves to support, and to substitute for it the nominee system, which, if placed before the country as a distinct issue, I am certain would not receive the sanction of the people? If honorable members have any regard at all for their pledges to their constituents, they should support the amendment of the honorable member for Carlton. I believe, if both sides of the House accepted it as a basis of reform, the whole question would be settled in less than three months. Whether finality is secured by the double dissolution, by the Norwegian system, or by the plebiscite, I care not so long as we admit the principle that the ratepayers should elect the Upper House. I am quite sure that, if the power of electing the Upper House is placed in the hands of the ratepayers, it will be sufficiently liberalized to give practical effect to the will of the people of this country. What did the Chief Secretary say in his memorandum to the late Governor for transmission to the Secretary of State as expressing the views of the Government? He stated—

"The Government has made every effort to compromise that was compatible with legislative finality. It has declared itself willing to compensate the Council by greater administrative power; or to accept the so-called Norwegian plan of uniting the two Chambers on a disputed point, in combination with a highly reduced electoral qualification for the Council."

Sir George Bowen also, in a memorandum sent home by the same mail, gave the following as what he regarded as a fair settlement:—

"Under certain prescribed conditions both Houses shall sit together, and the decision of an absolute majority of both Houses on the measure in question shall be final; or both Houses shall be liable, again under certain defined conditions, to be dissolved."

The Chief Secretary in his memorandum conveyed not only the opinion of the Government, but, as far as he could discover, of the majority of the people also, and it was in the direction of the reform embodied in the amendment of the honorable member for Carlton. Do the Government really believe in their own hearts that their Reform Bill as it is now presented to us will ever become law? I believe they do not. The Attorney-General this afternoon interjected, while the honorable member for Carlton was speaking, "What does the Bendigo Independent say?" but a leader in that journal only this very day shows that it does not support the 6th clause even as amended. The leading article says—

"The 6th clause has been carried. The majority was very small, and we still think, as we thought and said when the Bill was originated, that the clause should be omitted."

If that is not plain enough for the Attorney-General I don't know what would be. We have heard a great deal about "breaking up the liberal party." No one would regret more than I the breaking up of the liberal party. But I contend that, if there is any one trying to break up the liberal party, it is the Government, by endeavouring to force through this measure, which no honorable member on this side of the House would care about taking with him to his constituents. What answer would the people give to this issue—"Are the people to have the power of electing the Upper House, or is that power to be placed in the hands of eight or nine gentlemen?" Can any one doubt the reply? Indeed the issue is whether we are to have real representative government in this country or not. I have said that, with the ratepayers returning the members of the Upper House, I care not whether the double dissolution, the Norwegian scheme, or the plebiscite, be adopted as the means of securing finality. I differ from some honorable members with regard to the plebiscite. I believe that anything that gives the power into the hands of the people goes in the direction of democratic government, and that to take power out of their hands is to retrograde from democratic government. I know from conversation that honorable members on this side of the House prefer an elective to a
nominee Upper Chamber. I ask the Government then—Why not heal the breach by striking out the nominee portion of the Bill and the 6th clause, and substituting the proposal of the honorable member for Carlton? I was astonished to hear the remarks of the Chief Secretary with regard to the press and the Carlton election. The Government surely cannot forget the valuable assistance rendered to them by the Melbourne Age. Has not that paper been the exponent of liberal principles for years past? The honorable member for Carlton went in a very straightforward manner to ask for the expression of opinion of his constituents. A public meeting had been held in which a vote was carried against him, and there was a kind of jubilee in the Ministerial ranks over the downfall of the member for Carlton. It is of no use to tell me that the Government and their supporters are just as delighted at the return of Mr. Munro as if the other man had been elected. They have a peculiar way of manifesting their pleasure, and I am convinced that, if Mr. Munro had been rejected, much more pleasurable emotions would have been experienced by the honorable gentlemen on the Treasury bench, and the great majority of those sitting behind them. The honorable member for Collingwood (Mr. Mirams), as secretary of the Central Reform League, moved a resolution at the annual meeting of the league condemning Mr. Munro, which was carried, and Mr. Mirams’ remarks showed unmistakably that he desired that gentleman’s rejection. Mr. Munro was prevented by illness from making an active canvass, yet he was returned by a much larger majority than he received at the last general election, and the people of Carlton thus expressed their disapproval both of the 6th clause and the nominee principle. I believe that, if the people were polled in other districts, uninfluenced by extraneous considerations, the verdict of Carlton would be the verdict of the great majority of the people of the colony. For all the reasons I have stated, I intend to support the amendment of the honorable member for Carlton, which, I hope, the House will accept, and which, if carried, will, I believe, be the means of removing a great bone of contention from the country, and of settling what has been a vexed question for years past.

Mr. NIMMO.—I desire to make a personal explanation with reference to the quotation made by the honorable member from my speech to the electors of Emerald Hill. It is quite true that I said I would regret to see any check removed from the Assembly, but that was only a portion of the sentence.

Mr. R. CLARK.—I read the sentence as given in the Argus report.

Mr. NIMMO.—I am not responsible for the Argus report. In addition to what the honorable member has quoted, I also spoke as follows:

“In the event of my being returned as one of your members, and I find that the honest efforts of the Assembly are being neutralized through the Council misusing the powers conferred by the 56th section of the Constitution Act, I will support such an amendment of that Act as will hold the Assembly alone responsible, not only for originating the Bills for appropriating the revenue and imposing rents and taxes, but for dealing finally with all such measures.”

I have already quoted that portion of my speech in the House, and it is quite consistent with my support of this Bill.

Mr. SHARPE.—Sir, I think it has been fairly shown that nearly every member on this (the Ministerial) side of the House has advocated the proposals contained in the amendment of the honorable member for Carlton. Indeed I would ask any liberal member how he can possibly object to a reform of the Upper House in the manner suggested by that honorable member? He would not be a liberal member if he did. I assert that, with regard to the Government propositions, the people of the country do not believe the Government are in earnest in their proposals; and if they are, the country won’t have them. Nomineism is a thing that sticks in the nostrils of every liberal in this community. What can be a more liberal proposal than to broaden the basis of the Upper House in the manner suggested? How can we expect the Legislative Council to act in harmony with this Chamber, while it has a £50 franchise, which has the effect of disfranchising the selectors and the whole bulk of the people of the colony? What objection any liberal member, or any liberal Government, can urge to reducing the size of the provinces of the Council, giving every ratepayer a vote—for I would even go as far as that—shortening the tenure of seats, and having a double dissolution in case of a dead-lock, I confess I fail to understand. Under such a system, dead-locks I believe would be rendered almost impossible, while, if one did occur, a means would be
provided for getting over the difficulty. I think that the most sensible proposition which has been made yet with regard to the reform question. For the Government to propose that we should revert to the exploded system of nomineeism is to ask us to take a step in the wrong direction. Let me inquire whether nomineeism has succeeded in New South Wales or in New Zealand? I hold in my hand a report of a debate which took place in the Legislative Assembly at Sydney, in July last, on resolutions condemnable of nomineeism submitted by the Premier, Sir Henry Parkes. In the course of his remarks Sir Henry Parkes said—

"Twenty-seven years ago, I believed the principle to be unsound, and every year since has added to the proofs of its unsoundness, and it is because it is an admitted failure that I now move these resolutions."

The resolutions were in favour of getting rid of the Legislative Council of New South Wales as a nominee House, and substituting for it an elective Chamber. And yet the nominee system of New South Wales provided a safety-valve, a means of swamp­ing the Upper House, which is absent from the proposals contained in this Bill. Sir Henry Parkes observed further—

"I say, in the language of Mr. Samuel Deane Gordon, that the Upper House as at present constituted does not possess the respect and confidence of the country; and I think I have said enough to prove that what Mr. Gordon said was perfectly true. Or, if I may go from this high authority to Mr. Gladstone, I maintain that the Council has entirely failed in giving that consideration to the other powers in the State which are absolutely imperative for the safe working of any system of government."

Surely with this example before us, we ought to be slow in adopting the nominee system, and particularly as the people of this country have never asked us for it. Let me quote another passage from the same speech:—

"All I require is that we should have an Upper Chamber in this country, deriving its authority from the only source of authority in the country—from the people; that it should have sufficient strength, quoting the words of Mr. Mill, to lead; that it should not be the drag, the mere check for which its advocates would commend it; that it should have full powers of free deliberation, full power of resistance where resistance is necessary, and have a title to support, controlled and chastened only by its sense of responsibility."

That is what we want—an Upper Chamber deriving its authority from the people. Objection has been taken to the proposals to broaden the basis of our Legislative Council on the ground that they would strengthen the power of that House. Whether they would make the Council strong or not I don't know, but I believe they would have the effect of making the people strong, and that is what I want to see.

"I should not fear," continued Sir Henry Parkes, "such a body as that, nor should I complain if it now and again threw out a measure on the first occasion. I consider that it would fail of its utility if it did not so act. So far from wishing to see an Upper Chamber a negative selfish body, I want to see it a deliberative well supported body, carrying with it the respect and confidence of the country in reality. A Chamber of that kind constituted by some well-adjusted plan of election, would by reason of having its accountability always before it as we have, by reason of feeling that it was connected by life and blood with the people of the country, it would consider the labours of the people's representatives before it; if it affected serious changes in measures submitted to it."

And, further on, he said—

"I claim the consistency of a lifelong support of the principle of elective legislation in this country. More than twenty-five years ago I nailed my colours to the mast in favour of popular election in the constitution of the Upper Chamber. From that time to this I have held the same course; and every page of our political history, as far as it has thrown light upon the working of our Constitution, has only confirmed me in the conviction that legislation such as is wanted, and at the time it is wanted, will not be secured so long as this principle of nomineeism exists in the Constitution of the country. Let any honorable member, let any gentleman who hears me, reflect, and say whether the largest measures of the last six or seven years have not been defeated in the Upper House. It is not an occasional thing. Nearly every great measure that passes, nearly every measure that largely deals with the permanent interests of the country, is delayed, disfigured, or thrown out altogether."

With these facts before us—with the know­ledge that government with the help of a nominee Upper Chamber, with the power to create additional members, has failed in New South Wales, and that it has also broken down in New Zealand—why should we without a scintilla of evidence from the people that they desire it, and I contend that there is no evidence on that head, seek to foist such a system upon this country? I tell the Government that the course they are pursuing will not bring about constitutional reform. The way to bring about constitutional reform is to adopt some such course as that which the honorable member for Carlton suggests, and which almost every liberal member who addressed his constituents before the 11th May, 1877, declared himself to be in
which he gave was very curt and uncourteous. Thereupon the honorable member for Carlton went straight to his constituents to tell them his views on the question of constitutional reform. How was he met? By a packed meeting, organized, it is said, by the Central Reform League. What did the honorable member for Carlton do then? He acted a noble part. I can't help thinking it was a quixotic part. Certainly it was a part which no honorable member on the Ministerial bench would think of acting. He resigned his seat, with the view of presenting himself to his constituents. And what was the result? Although the Government and the Reform League did all they could against him, the honorable member was triumphantly re-elected, and thus it was evidenced that an important constituency is thoroughly opposed to the reform scheme contained in the present Bill. As a matter of fact, honorable members on all sides of the House are anxious for the reform question to be settled. It has been made a bugbear too long. It has been the means of setting aside for years a large amount of practical legislation. And, while the question is unsettled, people of the calibre of the present Ministry are able to keep office to suit their own ends. The present Ministry don't want the question settled, because the moment it is settled in a mode approved of by the country, that moment will they have to say farewell to all their greatness. I admit that even if the Chief Secretary were to accede to the proposal of the honorable member for Carlton, one portion of the Bill that I don't approve of would be left, but I don't expect to get everything my own way in connexion with reform. I am prepared to give and take; and however much I am opposed to the plebiscite, however obnoxious I believe it to be, and however subversive of parliamentary institutions I may consider it, I say that if the Government will apply the plebiscite to the question of amending the Constitution and to Money Bills I will give them my support. I hold that the people are fairly entitled to have a voice in connexion with both matters. But the Premier, on the floor of the House, has said—"What does a ploughman know about taxation?" And this afternoon he has spoken in a similar way about the masses. No member of this House has so emphatically condemned the plebiscite as the Premier himself. But if the
plebiscite pure and simple be retained, and if the Upper House be liberalized, so to speak, in the direction I have already mentioned, where is the necessity for a nominee Upper Chamber or for the 6th clause? It should be recollected that the principle of nomineeism has failed wherever it has been tried. The Chief Secretary has stated distinctly in this House that he would be prepared, if the majority desired, to give way on the 6th clause, and yet he chose, on Tuesday night, to go to a division on the clause, which was carried by a majority of one only. What a woeful majority. No other Ministry in the world could have maintained their position one hour after such a decision. They ought at once to have convened a caucus of their supporters and explained that with such a narrow majority on the key-stone of their Bill they could not possibly go on with the measure. The honorable member for Warrnambool did not think of sending his Norwegian scheme to another place when its third reading in this House was carried by a majority of only two. A few sessions ago, the honorable member for Maldon submitted to this House a certain financial scheme which commanded a majority of only one, and he proceeded with it no further. And if there was the slightest principle of honour in the present Ministry, if there was any spark of independence in their bosoms, they would say that, in view of the division of Tuesday night, they would withdraw clause 6 from the Bill. The honorable member for Carlton, this afternoon, read a statement, which struck me as most extraordinary. It was to the effect that seven-tenths of the honorable gentlemen who support the Ministry are opposed to nomineeism and the 6th clause; and not one member on the Ministerial side of the House had the effrontery to say "No" to the allegation. The Premier stated at Beechworth the other day—"Woe betide the day when the platform is not of greater account than the press in this country." A few days afterwards the honorable gentleman was on the platform at Maryborough. He was subjected to a few interruptions, and each interrupter was taken out of the room, under the orders of the chairman, by the police. That is our first experience of the new régime. The gentlemen who owe their present position to their "stone-wall" policy against gaggism are the first to adopt gaggism to prevent their opponents speaking whether on the public platform or elsewhere. The other night the honorable member for Mandurang (Mr. Williams) was not allowed to move an important amendment in this Bill because of the extraordinary conduct of Ministers themselves, and yet the honorable member had been asked by his constituents to propose that amendment. I maintain that the Government have no reason to believe that the people of this country are in favour of their scheme as a whole, and therefore I hope they will give up their extreme views, and endeavour to get back to reason. By adopting the amendment of the honorable member for Carlton, what will you do? You will enable the better class of artisans to vote in the election of members of another place, and I have no hesitation in saying that the working men of this country are just as good people to have the power of electing members of another place as the members of the Ministry for the time being. If the amendment of the honorable member for Carlton be not accepted, and if the third reading of the Bill be carried to-night, what guarantee have we that this will be the exact Bill that will go to the country at the general election? Probably the Bill that will go to the general election will be a different measure altogether. I believe that the Government will not go to the country with the Bill as it stands before us to-night. They will alter it in many ways; in fact, I am almost prepared to say that they will alter it in the direction suggested by the honorable member for Carlton. But why should not that be done now? In order that full consideration may be given to the suggestions of the honorable member for Carlton, I would recommend that the third reading of the Bill should be postponed until Tuesday. My honorable colleague (Mr. Clark) has pointed out that the Ministry have not succeeded in gaining any one election that has taken place since the return of the Attorney-General for West Melbourne. They have not succeeded in gaining a single election since their extreme ideas with regard to reform have become known to the country. The Bendigo Independent has been thrown in our teeth by the Attorney-General. It is not likely that my honorable colleague and myself, representing no mean constituency—four or five times the number of electors—that
return many members to this House—
would take up the attitude we do if we
did not feel that we uttered the sentiments
of those who sent us here. Our ideas
with regard to reform have been ven-
tilated on the public platform, and those
ideas are embodied in the suggestions of
the honorable member for Carlton. In
advocating the carrying out of those sug-
gestions we are honestly maintaining the
principles on which we were returned to
this House, no matter what the Bendigo
Independent, the Ballarat Courier, or any
other Government organ may choose to
say about the matter.

Mr. BARR.—Sir, I am glad to hear
the honorable member for Sandhurst (Mr.
McIntyre) say that he does not look at
this question from a party point of view,
but I am afraid we shall find all the mem-
bers of the Opposition give a solid vote
upon it on one side. The proposal of the
honorable member for Carlton has one or
two great defects. In the first place, it
will not conserve the privileges of the
Legislative Assembly; and, in the next
place, it will increase the power of the
Legislative Council by widening the basis
of that House. It cannot be denied that
every step which has been taken in the
direction of extending the franchise for
every step which has been taken in the
direction of extending the franchise for
which, if we reduce the power of the
Assembly and increase the power of the
Council, will strengthen the power of
those who are already possessed.

Mr. GAUNSON.—That is assuming
that all the members of the Upper House
would vote the same way.

Mr. BARR.—They very seldom do
otherwise. I believe the adoption of the
proposal of the honorable member for
Carlton would strengthen the power of
the Council to resist the wishes of the
majority of the people, more especially if
the tenure of seats of the members of
that House was longer than that of the
members of the Assembly, even by a day.
The objections I have pointed out are
serious drawbacks to the honorable mem-
ber's proposal. I am in no way in love with
the Norwegian scheme, for I can see grave
disadvantages in it also; but if the House
waits until a scheme is promulgated that
will please every individual member it
will wait until the crack of doom. The
liberal party, while adhering to the one
great issue on which they were elected,
ought to sink all their private ideas and
prejudices, so that some scheme of reform
may be carried. Let us try to accomplish
a reform which it is possible to achieve.
Some honorable members are opposed to
the nominee system, others object to the
plebiscite, and others don’t like the 6th
clause. If the Government, to meet the
views of every honorable member, were
to agree to strike out each of those
portions of the Bill, the consequence
would be that reform would be hung up
altogether. Rather than such a small
result should follow all the years of in-
cubation there has been on this question,
I would vote for the most extreme
measure, in order that it might be sent to
the country and the voice of the people
expressed upon it. My own idea is—and
it has not even the merit of originality, for
the same suggestion has been thrown out
by the Chief Secretary—that this House
should pass the Government Bill, how-
ever imperfect it may be, and that both
Chambers should agree to submit their
respective measures to a vote of the
people, and accept the people’s decision
as final. In order to do that, a short Bill
of three or four clauses could be passed
to bring the plebiscite into operation. It
would be a great deal better to obtain the
verdict of the country in that way than to
adopt the proposal of the honorable mem-
ber for Carlton, which simply means
reducing the power of the Assembly and
increasing the power of the Council.
Great opposition has been shown to the
6th clause on the ground that it would
enable the members of this House to misapply the public funds. What, however, is the experience in connexion with the municipal councils? There are 110 municipal bodies in the colony, and during the past 25 years not a single member of any of them has misappropriated any of the ratepayers' money. No "rings" have been formed amongst municipal councillors to defraud the public.

Mr. BARR.—I would like to see plurality of votes swept away in connexion with municipal elections. However, I maintain that there is no more probability that members of the Assembly would commit frauds against the public revenue if the 6th clause became law than there is of members of municipal councils acting dishonorably and corruptly. I believe they are both equally honest. In conclusion I desire to refer to a remark made by the honorable member for Sandhurst about the visit of the Chief Secretary to Maryborough. I give the most unqualified denial to the statement that the meeting would not hear the Chief Secretary; on the contrary, the honorable gentleman received a perfect ovation. All that was necessary to make the meeting a complete success was the absence of two or three persons who were interested in trying to prevent it being as successful as it was.

Mr. FINCHAM.—There are some people rash enough at some period of their existence to take poison, and when their life is preserved by the skill of a physician, they commence to boast of the strength of their constitution. The honorable member for Carlton reminds me of one of those rash individuals. In a moment of excitement the honorable member supposed his patriotic character was of such a high order as to call upon him to sacrifice himself for the benefit of his country. He imagined that the electors of Carlton were opposed to the Government Reform Bill, but, discovering he had made a great blunder, he resorted to an expedient which became eminently successful—because of its success. The simple issue to decide which the honorable member ostensibly resigned his seat was never submitted to the electors of Carlton.

Mr. MUNRO.—You had not the courage to oppose me.
than to see you return. They would then say that you want a separate vote for a particular denomination. Be alive to your duty. To a man vote for Munro, and by an immense majority nip in the bud the contemplated attempt to destroy one of our noblest achievements in legislation. A word to those who think of re-fraining from voting. The Ministry have now greatly modified the 6th clause. This proves Mr. Munro right. The breach becomes less, and will soon be healed. Let there be no division in our ranks now. Vote early to-day."

Mr. MUNRO.—Read the next advertisement.

Mr. FINCHAM.—I will read it for the honorable member's edification. It stamps him as a most unreliable man; in fact, it is impossible to tell under which flag he fights. The next advertisement states—

"The electors of Carlton are respectfully requested to record their vote in favour of Munro, who is opposed to the Berry Reform Bill."

Nothing could have saved the honorable member if he had depended upon the simple issue on which he resigned his seat. The honorable member owes his election to the cry raised about the Education Act, to the reticence of his opponent on the reform question, and the strong desire of the liberal electors that there should be no division in their ranks. In fact, they determined to send the honorable member back again to Parliament in order to avoid a worse evil, and in the hope that he would profit by experience. I remember hearing the honorable member at the Alfred-hall, Ballarat, pledge himself to support Berry until the triumph of the great liberal party was achieved; and in the Ministerial room he swore by all that was good that he would stick to the Ministry, whom he then regarded as the savours of the people, and that the enemies of the people should not be allowed to prevail. Though I look upon the honorable member as a wayward child, I have no desire to see him severely punished, and I would gladly welcome him back to the fold. Even the Chief Secretary would be prepared to say to the honorable member—"How often would I have taken you under my wings." The honorable member appears to me to be sitting in a seat so full of irritating sensations that he cannot keep still. At one time he declared with all vehemence that he was anxious for the welfare of the people, but now, having become a rich man, his sympathies appear to be with the conservative oligarchy.

Mr. COOPER.—Sir, I shall endeavour, in addressing myself to the subject under debate, to make my observations as brief as possible. Before, however, I come to the main topic before us, let me advert to some of the remarks that fell from the honorable member for Ballarat West (Mr. Fincham). It seems to me that that honorable member did a considerable amount of injustice to the honorable member for Carlton when he tried to hold him responsible for a number of the electioneering squibs that were published in connexion with the late Carlton election; because it is not at all obvious that any such responsibility attaches to him. I take it that the honorable member for Ballarat West would by no means like to have his own political consistency tested by the electioneering squibs that have from time to time been published with respect to himself. How would he like to be held responsible for squibs which had been sent forth to the world without his knowledge or control?

Mr. FINCHAM.—But the honorable member for Carlton admits the squibs I alluded to.

Mr. COOPER.—In saying that, the honorable member does the honorable member for Carlton a very great injustice. Why does he say the honorable member for Carlton admits the squibs? For no other reason in the world than that he never sat down and wrote a letter to the Argus specifically disclaiming them. Would the honorable member for Ballarat West like to have a similar responsibility thrust upon himself in the same way? Moreover I am informed by the honorable member for Carlton that the squibs referred to were not issued by his committee nor with his knowledge in any way; and that he has reason to believe they were issued by his opponent.

Mr. FINCHAM.—Why did he not contradict them? If he saw them, and did not deny the authorship of them, surely he became responsible for them.

Mr. COOPER.—If the honorable member will take the trouble to look again at the squibs he read, he will see that they were published on the morning of the election day, and that therefore no contradiction of them could appear until after the election was over.

Mr. FINCHAM.—That is not the case.

Mr. MUNRO.—Undoubtedly it is. I only saw the squibs on the morning of the election.
Mr. COOPER.—What is the date of the newspaper from which the honorable member for Ballarat West read the squibs?

Mr. R. CLARK (Wimmera).—Tuesday, December 2.

Mr. COOPER.—Just as I said; the morning of the election. How could they be answered before the election was over? It is absurd to think of holding a candidate responsible for squibs that may be issued by his opponent. For example, on the day of the last West Melbourne election, I saw on the walls a red placard inscribed “Down with the Saxon,” but I have no wish to say that those words expressed the sentiments of the honorable and learned Attorney-General. I think I may now leave that part of the question. The honorable member for Carlton has also reason to complain of the Chief Secretary in that the honorable gentleman endeavoured to place his conduct and character in a false position. What did he say? He charged the honorable member for Carlton with trying to induce this House to stultify itself, and also with trying to induce the electors of the country to stultify themselves. These are serious charges, which ought not to be levelled by a Minister of the Crown without some foundation. But upon what grounds does the Chief Secretary support them? He accuses the honorable member for Carlton with having stultified himself because he now wishes to have the Reform Bill recommitted, with the view of striking out the 1st and 2nd parts, in order to introduce other matter. But has not the honorable member taken a fair and ordinary political course? During the debate on the second reading of the Bill, did he not say that he had many objections to the measure—for example, to the 6th clause, the nominee Council provisions, and the 22nd clause? “But,” said the honorable member, “I am anxious to see some measure of reform passed; I am desirous to allay the irritation in the public mind the discussion of the reform question has caused; and with the view of obtaining some settlement on the point, I will vote for the second reading; although I will not vote for the third reading, unless essential alterations in the Bill are effected.” Is not the fact that the honorable member spoke in that strain within the distinct remembrance of the House? What ground is there, then, for the charge so lightly and flippantly made by the head of the Government? Will the Speaker, for instance, as an old parliamentarian, say that the course followed by the honorable member for Carlton, which the Premier describes as self-stultifying, is in the smallest degree derogatory to him? He cannot say anything of the kind. The Chief Secretary further said the honorable member had tried to induce the country to stultify itself. How did he attempt to prove that? With respect to the honorable member for Carlton’s action towards his own constituents, it seems to me he has done nothing of which he need be ashamed. I take it that, being in doubt as to the political course he should pursue, he determined to consult his constituents on the point, and for that purpose called a meeting of them. Whether he was wise in so doing I will not say. Whether, with all his knowledge of the workings of the Reform League and of the Government, he could reasonably expect them to allow him a fair hearing, I leave him to decide for himself. Well, he called the meeting; but, when it was held, he found it was impossible for him to obtain from it an intelligent verdict upon his proceedings. He might, at the same time, have fairly said—“I know of my own knowledge that a large proportion of those present at this meeting are not Carlton electors; the voice is the voice of Carlton, but the hand is the hand of Collingwood and Fitzroy.” At all events, he declared the verdict of the meeting to be not the verdict of his constituents, and decided to appeal to the electors of Carlton direct, leaving the Government to select some one to enter the lists against him. Was not that a fair and honorable position for him to take up? How, by proceeding in that way, can he be charged with trying to induce the country to stultify itself? Again, I am informed that, at the time I speak of, a meeting of the Carlton Reform League had been held, and that serious complaints were made there of the Government Reform Bill, on its merits. I am told that on that occasion, after the question had been duly thrashed out, it was carried that the 6th clause was highly objectionable, being positively injurious to the welfare of the people of the colony. Also it was carried that part 2 of the Bill, relating to the plebiscite also eliminated from the measure, leaving nothing in it but the bald question of reform. Will the Government
say the Carlton Reform League had no right to decide for themselves in this matter? Will they say that all legitimate Reform League power is concentrated in the Central Reform League of which the honorable member for Collingwood (Mr. Mirams) is secretary? Why I am also told that, the other evening, the Footscray Reform League held a meeting, attended by some 200 persons, and decided that it also was opposed to the 6th clause and a nominee Council. Will the honorable member for Footscray deny that?

Mr. W. M. CLARK.—It was also decided at that meeting that they would accept the Bill as it stood—plebiscite, 6th clause, nominee principle, and all—rather than see the Opposition again placed in power.

Mr. COOPER.—So much the worse for the Opposition; but what the honorable member for Footscray alludes to hardly better the position of the Government, and certainly does not touch that of the honorable member for Carlton. Moreover, I may say that the report of the Footscray meeting contains no reference whatever to what the honorable member talks of—to the bugbear of the Opposition. Surely, if we are to respect each other for truthfulness, and for the purity of our political sentiments, and if we wish the public to feel confidence in the statements of public men, it must be held that the Chief Secretary has done an injustice to the honorable member for Carlton, and ought in future to be careful not to attempt to injure any honorable member by means of statements which he is utterly unable to prove. One other point I wish to say a word upon. I have read in the public papers that, after the meeting of the Carlton Reform League, what is called the Council of the Central League took the action of the subordinate organization into consideration, and, after due deliberation, recorded its objection to it. If I understand correctly, there was at that council meeting the president, who is a member of the Government, the Chief Secretary, and the honorable member for Collingwood.

Mr. MIRAMS.—The president was not at the meeting.

Mr. COOPER.—What! not the Minister of Lands?

Mr. MIRAMS.—No.

Mr. COOPER.—Was the Chief Secretary present?

Mr. MIRAMS.—He was not.

Mr. COOPER.—But he was present at the public meeting of the League.

Mr. MIRAMS.—No.

Mr. COOPER.—Was not the action of the Carlton League considered at the public meeting?

Mr. MIRAMS.—It was not discussed there.

Mr. COOPER.—Does the honorable member mean to say that at the meeting of the League, at which the Minister of Lands and the Chief Secretary were present, the action of the Carlton League was not discussed.

Mr. MIRAMS.—It was not.

Mr. COOPER.—It was not referred to at all?

Mr. MIRAMS.—It was not.

Mr. COOPER.—I am surprised, but I suppose the honorable member would not make such statements if he did not believe them to be correct. There is very generally entertained in the House and by large numbers outside a notion that the honorable member for Collingwood is a sort of semi-official member of the Government—that he is the peculiar organism through which the regular members of the Government communicate their instructions and orders to parties outside.

Mr. MIRAMS.—That is a mistaken belief.

Mr. COOPER.—Nevertheless the general belief is that the honorable member is the one who pulls the political wires according as he is desired by the head of the Government. I do not say of my own knowledge that that belief is founded on absolute fact. Look at the action of the honorable member for Carlton since his re-election. Directly he came into the House he gave notice that he would move the recommittal of the Reform Bill with a view of excising a portion of it. Was not that a fair and intelligent position to take up? My own feeling is that I trust every honorable member of the House who is really anxious for reform, and to see the reform question settled, will support the honorable member for Carlton on the present occasion, because it is obvious that if we only unite we can dispose of the subject this session for at all events very many years to come. I appeal to every member of the great liberal party behind the Ministry to ask himself if he is truly sincere in his desire for reform being obtained at the earliest possible moment.

Mr. MIRAMS.—Are you?
Mr. COOPER.—Yes, I am; and I believe every honorable member sitting in the Ministerial corner is equally sincere with me in the anxious wish to secure a moderate measure of reform, if possible during the present session. Furthermore, we believe that such a measure of reform can be secured this session. It is because of that belief that we unite with the honorable member for Carlton in making one more honorable effort to carry out what we are convinced is the sincere desire of the country. We also think that every member of the liberal party ought to be with us. We are told we are trying to split up the liberal party—to strike away from it—but we are trying to do nothing of the kind. We are as anxious for reform as any one, only we want reform now. We want reform within a reasonable period; whereas to carry out the reform the Government want would take at least five years to come. Let honorable members determine between us and the party immediately behind the Government. Which of us takes up the most reasonable position? Which is the greatest friend to the people? Which is Codlin and which is Short? I don't think any honorable member sitting behind the Government has a reasonable expectation of settling the reform question for some years to come; whereas every honorable member sitting in the Ministeral corner believes it can be settled this session to the satisfaction of the people of the colony, and in a manner that will conform with their dignity, honour, and best interests. We ask for no extremes. We do not wish to act in any way contrary to the traditions and feelings of the great country from which we have sprung. We ask for no foreign intervention. We simply say—"Give us good, moderate, British legislation, and with that we can lay down foundations for reform which will last us many a long year to come." That is the consummation we most devoutly wish, and we say to the honorable members behind the Government—"Come and help us, for with your help we can achieve everything we have in view." We don't ask them to go over to the Opposition, or to look at the question in an opposition aspect at all. We don't ask them to consider what McCulloch or anybody else did. We ask them simply to be faithful to their professions that they desire to see reform carried out. If they are so faithful, the honorable member for Carlton shows them the way by which the end can be achieved. If they do not go that way, it seems to me they practically avow that they don't want reform. What is the use of saying—"If we cannot get the exact thing we want, we will have nothing'? Is "all or none" a desirable principle to adopt? I think the wisest disposition is one to give and take. I believe we should all be prepared, as I am, to forego a great deal of what we think ought to be done—of what we may almost think necessary—if only we could obtain something that would answer our present needs, and be a solid foundation for the future. When I came first to this House I was prepared to accept any reasonable measure of reform, but I told the Government whip that, if the Government insisted on the Bill, the whole Bill, and nothing but the Bill, I could not go entirely with them. What was his reply? "If," said he, "you are prepared to support the principle that the Assembly should be supreme in finance, and that there should be finality of legislation, we are prepared to accept that as your vote; you need not pledge yourself to every principle of the Bill." I said—"What you ask is what all liberal politicians are fighting for; we believe the practice and the traditions of the House of Commons belong to us; we ask no more, and will take no less." On that distinct understanding I supported the Bill of last session. The honorable member for North Melbourne (Mr. Laurens) has tried to make out that, because I will not swallow the 6th clause bulus bulos, I have turned my back on myself, and proved unfaithful to my principles. What did I say in the very speech of mine from which he quoted? Speaking of the system of check and counter-check so essential in all matters of financial legislation, I said—"I don't think any member of this House wishes to do away with checks, or that the whole control of the public revenue should be placed under the control of the Ministry of the day, to be distributed at their simple dictum, how and when they please." That is what I said last session, and it contains the gist of my objection to the 6th clause. I think it most undesirable, unwise, and contrary to the past experience of the world, that 45 members of the Assembly should have the supreme control of the finances of the country. Are there not current this day—I speak within the knowledge of every member of the House—rumours which are calculated to
lead up to the belief that there is going on, within this Chamber, a system of corruption that would, if extended and systematized, undermine the independence of the House and utterly destroy the personal independence of every honorable member? ("Oh.") I challenge any honorable member to say I am not telling the truth. No doubt the truth is sometimes objectionable. Indeed do we not find the Government claiming for their side a perfect monopoly of public honesty and public truth? They declare that every honorable member who is not in their tail is opposed to reform, and wants to break up the liberal party. I disclaim all ideas of the sort. I am as honest and sincere in my desire for reform as any honorable member sitting on the Treasury bench or behind it. I may be asked—"Why then do you not support the Government?" I reply that I don't believe in the Government Bill, and I will not support it. I don't believe the Government are sincere with respect to the Bill, and I will not support them in that regard. I will give reason for the faith that is in me. During the early part of last session I supported their then Reform Bill honestly and fairly, but when I found them decline time after time to fulfil any one of their promises in connexion with it, my faith in them was shaken. I began to doubt their sincerity and honesty of motive. Nevertheless I supported the third reading of their measure. But when the question of the embassy was brought on, and the Government began to undermine all the liberal traditions of the country, I saw that, instead of wishing to push the reform question home, they were only desirous to prolong the agitation on the subject. They knew well they had no reason to expect the Home Government would give them an enabling Act. Had they not at the time a despatch from the Secretary of State for the Colonies deliberately telling them as much? Did not the two commissioners start home with that despatch staring them in the face? Did they not know that the Secretary of State had stated, as plainly as words could speak, that the Home Government did not consider the time had arrived for them to be asked to interfere? If the Government knew that the despatch of the Secretary of State was in existence, telling them in plain language that there was no use in asking the Imperial Government to interfere under the existing circumstances, I ask them was it the action of prudent, honest, and sincere men to have an embassy to England, and try to bamboozle the people of this country into the belief that the ambassadors were going home as martyrs in the cause of reform? Then, when the Chief Secretary and his brother ambassador came back, we find that, instead of re-introducing the Bill which we were told last session was "the embodiment of the united wisdom of the Government," the Ministry introduce another Bill totally different in its character, and totally different in its results. Then we are told that it is the same Bill. Well, it is a Bill dealing with reform. A doctor called in to see two patients, the one suffering from consumption and the other from fever, might say they were both sick men, but would he say they were both suffering from the same disease? If the Constitution is suffering under the same disease this year as it was last year, why have the Ministry prescribed a different cure? They say, however, it is near enough for all practical purposes, and men who talk like this expect us to give up the right of judgment, and to bow down and worship them as the only reformers! Let me refer to one principle in the Government Bill, as contrasted with the proposals of the honorable member for Carlton. The Government propose a nominee Council. Can the Government point to one expression of opinion by the people in favour of the nominee principle? On the other hand, almost every politician, for 20 years past, has advocated the principles contained in the amendment of the honorable member for Carlton. In 1865, before the electors of Ballarat, I advocated these principles, and I have uniformly supported them from that time to the present. I believe the great majority of this House have done the same, and I believe there is an overwhelming majority in the country in favour of an elective Upper House as against a nominee Upper House. We are told that a nominee Council practically carries out the wish of the people. How can an Upper House nominated entirely by the members of the Government fully and adequately represent the people of this country, as compared with a Legislative Council elected by the people themselves by their own Mr. Cooper.
votes? An Upper House that will have political prestige, political purity, and freedom of action must be under the control of the intelligence of the people of the colony, and the people must have a voice in the composition of that House. Have we any guarantee that the Government would nominate an Upper House that would be above suspicion? The Government have at present the power of nominating and appointing persons to the civil service. The Chief Secretary, the other night, stated that among the whole 363 appointments to the Chief Secretary's department contained in the return presented to the Legislative Council there was "not only no relative of his, male or female, but not even a friend or a constituent.

Now what do we find? There was a messenger in this Chamber named Adams, who was over 60 years of age, and he was pensioned off on full salary—why? To be replaced by a messenger who was actually over 60 years of age when he was appointed! I ask the Chief Secretary whether the messenger who was appointed in Adams' place was a constituent of the honorable gentleman or not?

The SPEAKER.—How does the honorable member propose to make this matter pertinent to the question before the House?

Mr. COOPER.—I wish to show that if the Chief Secretary will use his patronage and power as a member of the Government in making appointments like this, the Government are not to be trusted with the power of appointing the members of the Legislative Council. If a messenger who is equal to his work is turned away to make room for a political supporter of nearly equal age, what would not the Government do in dispensing the much more important patronage of appointments to the Council? Moreover, the fact I have mentioned shows the incorrectness of the statement made by the Chief Secretary that the list of appointments does not contain the name of a single constituent of his, and I believe there are other constituents of the Chief Secretary who have been appointed to offices in connexion with the Parliament buildings.

Mr. MIRAMS.—Sir, the honorable member for Creswick (Mr. Cooper) has occupied the House for an hour, but I did not hear him say much in relation to the question before the chair. Indeed, I cannot gather the purport of his speech unless it be that he wishes to make good his claim to one of those portfolios in the new Ministry that is to be formed when this amendment is carried, and which we hear of being offered to various gentlemen. We have, I think, a plain issue before us. The amendment of the honorable member for Carlton is an intelligible one, and is one which, if proposed under circumstances of which we could approve, the honorable member would be fully justified in moving. Any honorable member has a right, if he thinks the proposals of the Government are not in accordance with his views and those of his constituents, to propose an amendment of them, and that is simply what the honorable member for Carlton has done. But do not let us mystify the question with a number of side issues and the introduction of matters that have nothing whatever to do with the question now in dispute. The honorable member for Carlton proposes that we should strike out of the Government Bill two of its important principles, in order to make room for something else which I am sorry to say the honorable member did not define very distinctly. Instead of doing so, he devoted himself to attacking me for personal matters outside the House which have nothing to do with the question. He talked also about the National Reform League, which has nothing to do with the subject, but he did not say a word as to the proposals he wishes to substitute for the two important principles he desires to eliminate from the Bill, or one word in justification of the course he is taking. I shall endeavour to show that the honorable member, as a professed liberal, is not warranted in the action he is pursuing by anything which has recently transpired either in this House or in his own constituency, and that if he claims to be a liberal, and desirous of securing reform, he and those who sit with him in the Ministerial corner must show the genuineness of their professions by voting for the third reading of the Bill to-night if they do not succeed in carrying their amendment; otherwise they will stand before the country convicted on their own reasoning of being traitors to the principles they were sent here to support, and, while professing to be liberals and anxious for reform, of being all the while only desirous of destroying the Government and the liberal party. The honorable member for Creswick says that if we are in earnest in our desire to secure reform we must help him and his party to carry their particular views. Now, if there are 45 gentlemen
in favour of the Government proposal, and there are eight or nine gentlemen in favour of the "corner" proposal, is it reasonable, is it just or sensible, to suppose that the 45 are to give way to the nine, rather than the nine give way to the 45, after the question has been put fairly and honestly to the vote? That is the real position of affairs to which the honorable member for Creswick, with all his talk and sophistry, cannot blind the House or the constituencies. What are the proposals of the Government which the honorable member for Carlton wishes to strike out? One is the proposal of a nominee Upper House. Is the honorable member for Carlton opposed to nomineeism? He is in favour of nomineeism, and has been for years. It will only be necessary, in order to show that, for me to quote from two speeches of the honorable member, one delivered last year, and one no longer ago than the 25th of September on the second reading of this Bill. By what right then does the honorable member, who is very fond of talking about his own consistency, and charging other people with inconsistency, propose to strike out this portion of the Bill? I do not say that other honorable members might not be justified in making the proposal, but I say the honorable member for Carlton is not justified. On the second reading of the present Reform Bill, the honorable member said—

"There is, however, a principle in the Bill which, if properly applied, I would approve of. I allude to the proposal to appoint nominee members of the Upper Chamber. Carefully guarded and put in force, as it ought to be, the nominee system would be found to be very useful in the constitution of a good Upper House." If the honorable member's present proposal was to improve the nominee system submitted by the Government, his action would be perfectly consistent with this statement; but we find him now saying that he is entirely opposed to a nominee Council. He goes to his constituents and tells them that he is opposed to nomineeism, while he knows in his heart and conscience that the nominee system is better than the present one. In order to pander to the prejudices of his constituents, instead of instructing them with his superior knowledge, he sinks his own opinions and endeavours to make the electors believe that the Government, in proposing nomineeism, are proposing to take away from the people a privilege which they now possess, though he knows very well they don't possess it. Did he not say that there were 3,350 electors in Carlton, and that if the Ministerial proposal were carried those men would be robbed of the chance of electing a member of the Upper House? Does he not know that those 3,350 have no such chance now; that only a very small minority have an opportunity of saying a word in the matter at present?

Mr. FRANCIS.—He proposes to amend that.

Mr. MIRAMS.—He said nothing about that in his speech. He told his constituents that the Ministerial proposal would rob them of the opportunity of electing members to the Upper House, whereas he must know that the practical position with reference to elections for the Upper House is that a large number of the members are really elected by the ten personal friends whom they get to sign their nomination papers. There is never any real election of some of the members of the Upper House, and there are some members whose names are not even known to many in their constituencies, so little have the people to do with the elections, and so rarely do they occur. Surely the Government proposal is far preferable to a system of that kind. I will give another quotation from the honorable member for Carlton to show that he is in favour of nomineeism. Last session, when speaking on the question of the Council's resolutions, the honorable member said—

"The Chief Secretary told us last session that his feeling was in the direction of a nominee Upper Chamber. The impression on my mind at the close of the session was that this session the honorable gentleman would bring in a Bill to make the other Chamber a nominee Chamber, with the view of having control over it. I was quite willing to follow the Government in that direction; but this session they brought in a Bill of a different character. Although I did not agree with many provisions of that measure, I voted with the Government in order to obtain a settlement of some sort."

I ask from what period does the honorable member's objection to nomineeism date, and what is the reason of the change in his views? The honorable member resigned his seat for Carlton on a clear and distinct issue, and had he maintained that issue throughout, and had he come back to the House returned on that issue, he might have some claim to move this amendment. But no sooner did the contest commence than he shifted his ground. At the public meeting in Carlton, before he resigned, he told his hearers distinctly that he was opposed to the three principles
of the Government Bill. He said, according to his own favorite organ—

"The Government Bill provided that money should become available for payment on the vote of the Assembly; that the Legislative Council should consist of nominee members; that they should cease to have Acts of Parliament and instead have Acts of the People. Now he wanted to tell them his proposals."

Which he then stated. That was the honorable member's statement at the public meeting where some 500 votes were given against him—the meeting which he says was packed by electors from Collingwood, Fitzroy, Hotham, and other places. When, however, he addressed the first meeting of the electors when he had resigned his seat and was standing for re-election, he did not say one word in opposition to the plebiscite; he confined himself to opposing the first two portions of the Bill which he now asks us to eliminate. Nor did he say a word, as far as I can gather from his speech, about the proposals which he now wishes to substitute in place of the first two parts of the Bill.

Mr. RAMSAY.—Your friends would not let him.

Mr. MIRAMS.—He did not tell the electors what kind of an Upper House he would have. He did not enter at all into any description of the franchise which he desires for that House, nor refer to the number of members, or the size of the provinces. Surely that was a most astonishing thing on the part of a gentleman claiming to be the leader of a great party—a gentleman who resigned his seat to test a great question of policy in order that he might come back strengthened by re-election at the hands of his constituents. Instead of clearly defining his position in the speech which should have been a manifesto of his principles and the ground he intended to take up, he confined himself to falling foul of me personally and of the National Reform League, to which he used to delight to belong. He talked about the Hobson's Bay Railway purchase, and the "Outer Circle" Railway, and threw dust in the eyes of the electors as to the way in which the failure of that proposal was brought about; he talked about the Education Act—in fact, he talked about everything except the principal question on which he resigned his seat and professed to ask for re-election. I ask what can be made of a gentleman who resigns his seat under such circumstances, and comes back to the House under such circumstances? He opposed the 6th clause, and on what ground? When the honorable member for Creswick, in the course of his speech, stated that he thought public men, and especially those holding prominent positions, should confine themselves strictly to the truth, and put matters before the country in a way there could be no misunderstanding, he uttered a sentiment with which I thoroughly agree, and which I cheered. For that reason, if for no other, I say the honorable member for Carlton has forfeited his right to consideration on the part of any member of this House. He told the electors of Carlton that if this 6th clause was passed we could vote money in this House to-night, and it could be paid away to-morrow morning. Does he not know very well that, before money could be voted or paid away under this clause, a long process of the forms of this House would have to be gone through, which would occupy days and weeks, and that the Appropriation Bill—

Dr. MADDEN.—It could be done in twenty-four hours with a large majority.

Mr. MIRAMS.—The honorable and learned member does not know what he is talking about or he would not say so. If the honorable member, or any honorable member, can show me that what he says is the fact, I will join in striking out the 6th clause.

Mr. COOPER.—We do it now.

Mr. MIRAMS.—Then, if it is done now without the 6th clause, what is the objection to the clause? What is the use of making that the sole ground of objection to this clause which the honorable member says we can do now without it? Honorable members know that no money can be voted in this House unless it is on the Estimates, and it cannot be put on the Estimates except by the Governor. If no provision is made on the Estimates for any particular purpose which honorable members desire money to be spent on, they know they cannot get the amount placed on the Estimates without moving a resolution requesting the Governor to send down a message. Does the honorable and learned member for Sandridge mean to say that the Governor could be got at, and have money put on the Estimates to-night to be spent to-morrow? And even after the money is on the Estimates, does it not take days and weeks to get the Estimates through? Does not the honorable member know that the operation of the 6th
clause is restricted to cases in which a Supply Bill or an Appropriation Bill has been thrown out, and is not the Appropriation Bill almost the last Bill of the session—never brought in until some five months of the session have elapsed?

Dr. MADDEN.—You forget that before this clause comes into operation the Appropriation Bill has been already passed by this House.

Mr. MIRAMS.—I do not forget it. That is one of my strongest points, because we cannot have anything in the Appropriation Bill that has not already gone through all the forms of this House. The 6th clause only provides that if the Appropriation Bill is thrown out, and not otherwise, it will then be possible for the Assembly to go into Committee of Supply again, and repass the votes contained in it, thus making them available for public expenditure; but even that could not be done in twenty-four hours. Moreover, honorable members know that the money cannot even then be spent except on the warrant of the Governor. Let me put the matter in this way. Suppose there is an objectionable vote on the Estimates. I will take, by way of illustration, a vote for payment of members, because that is the vote honorable members opposite have always aimed at; they pretend to think the 6th clause could be used to pay ourselves £600 or £5,000 a year, and that the country would not be able to stop it. Honorable members opposed to the clause are never tired of saying or insinuating that if it were in operation a corrupt Assembly could vote itself any sum it liked, and pay itself tomorrow morning. Now I say no corrupt vote could be passed unless it was on the Estimates, and no corrupt vote could be put on the Estimates without the Governor's assent; because it is he who has to send down the Estimates. Assuming, for the sake of argument, that a corrupt Governor and a corrupt Assembly put their heads together to give members of this House £1,000 each, that amount would have to appear on the Estimates, and immediately the Estimates were laid on the table every elector throughout the colony would know of the transaction. Do honorable members opposite mean to say that, in the face of the public opinion that would be aroused in reference to such a corrupt vote during the weeks and months the Estimates were passing through, we should be able to help ourselves to the money in the end?

The idea is too absurd to be entertained for a moment, and the want of more tangible objections than one of that kind shows the weakness of the arguments against this clause.

An HONORABLE MEMBER.—The House can suspend its forms.

Mr. MIRAMS.—It can only do so on notice, and even that would take some time, because no form can be suspended if one member of the House objects. In order, therefore, to carry such a vote through by the suspension of the standing orders it would be necessary that the whole House should be corrupt. If the time should ever come when 44 members of this House—for that is a clear majority—with the assistance of the Governor, were so lost to their public duty and character as to take part in such a transaction, with the certainty of shutting themselves out for ever after from public life; if we can assume such a state of things to have arrived, would it require a much greater stretch of the imagination to suppose that we could carry out the proceeding without the 6th clause? Because without the 6th clause it would only be necessary to get 16 gentlemen in the Upper House, giving them a share in the plunder, to join with the 44 members of the Assembly to get the vote passed through both Houses. And is there anything in the character of the Legislative Council which would lead this country to believe that it would be easier to corrupt 44 members here than it would be to corrupt 16 members there? Therefore the very same dread which honorable members profess to have of the 6th clause they must have at present, for all that could be done under the 6th clause without the Upper House could be done now with the assistance of the Upper House. I say that for the honorable member for Carlton, who is well acquainted with the forms of the House, to tell his constituents that if the 6th clause was passed we could vote money to ourselves to-night and pay it tomorrow morning can only be explained on the supposition that the honorable member knew nothing of what he was talking about, or else that he deliberately misled his hearers in order to secure his return, and the defeat of the Government.

Sir, under these circumstances, I ask what right has the honorable member to come here and request the House, on the pretence that his constituents have sent him back strengthened for the purpose, to
The absence of both members, who, it was stated, were out of the colony, was excused.

The debate was then resumed.

Mr. ORR.—Mr. Speaker, I think it is much to be regretted that this question cannot be discussed without the great amount of buncombe which has been talked by the last speaker. This is the last occasion on which we shall have the chance of dealing with this Bill, and I think honorable members should be prepared to consider the principles involved without indulging in wild declamation which, however good it may be on the platform of the Reform League at a public demonstration in Melbourne, is, I humbly submit, in this House altogether out of place. I am afraid the honorable member for Collingwood (Mr. Mirams), in claiming the votes of those members who sit in this (the Ministerial) corner, claims more than he is likely to get. At any rate, I believe there are a larger number of members than he seems to think who will be prepared to exercise their own judgment on the question before us. Were it not unparliamentary, I should be inclined to characterize as impertinent the suggestion which the honorable member presumed to make to constituencies as to what they should do to members of this House. I would ask the honorable member, before he ventures to travel far abroad, to look at home, and ascertain how far his action satisfies his own constituents. Generally, I regret very much the position which the Ministry and many of their supporters seem to assume at the present moment. As the honorable member for Carlton has said, they appear to be in a fool's paradise. In my opinion, they are as totally unconscious of the state of public opinion as the McCulloch Government were before the last general election; and they will have an awakening, if not as bad, at all events very bad, after the next election. I must protest against the consumption of an immense amount of time by one member and another reading extracts to show the opinions which honorable members have expressed at various times with regard to the reform question. Surely it is not to be said that because the honorable member for Carlton held one opinion at one time, he is to be precluded from entertaining any opinion he considers proper now. Take the members of the Ministry, take any members who have sat in Parliament some years, and ascertain from
Hansard how many times they have “jumped Jim Crow.” I venture to assert that against no member can a larger indictment be found than against members of the present Ministry. But what has that to do with the merits of the question now under consideration? A plain proposition has been submitted to us, and we are entitled to deal with it altogether apart from the character for consistency of the honorable member who brings it forward. The honorable member for Collingwood intended to be very sarcastic as to the position of the honorable member for Carlton when he went before his constituents. But what was the position of the honorable member for Collingwood? The honorable member went about fulminating all sorts of things as to what the Reform League were going to do, and I believe the Reform League did their level best—they moved Heaven and earth, so to speak—and yet the honorable member for Carlton received 157 more votes than were recorded for him at the general election. With reference to the question now before us, I think if any one might be pardoned for indulging in a little self-gratulation in connexion with it, it is myself. If we could get at the inner consciousness of nine-tenths of the Ministerial supporters, I think it would be found that there is hardly one of them but believes that if my motion for referring the substance of this Bill to a select committee had been carried, a great many of the difficulties we are now laboring under would have been avoided. Unfortunately that course was not adopted; but so anxious am I to see a settlement of the question, that I would not hesitate to sacrifice some of my opinions if, by that means, a settlement could be brought about. What care I what opinions an honorable member may have held last year or the year before? I say there are two considerations which would warrant him in changing his opinions, if by that means, a settlement could be brought about. What care I what opinions an honorable member may have held last year or the year before? I say there are two considerations which would warrant him in changing his opinions, if he has an intellect which justifies his occupying a seat in this House. One is the belief that the proposals which he may have hitherto supported are not likely to effect the purpose intended; the other and the more important is the belief that the proposals have not the remotest chance of passing into law. Now I defy the Chief Secretary, with Sir Michael Hicks-Beach’s despatch before him, to say that he has the slightest hope that this Bill, if it is sent to England, has any chance of becoming law. We are told by Sir Michael Hicks-Beach that no mechanical means for settling the constitutional difficulty will be entertained for a moment in England.

Mr. BERRY.—No.

Mr. ORR.—That is the substance of the statement. Sir Michael Hicks-Beach says there would be great objection to any purely mechanical means for settling the difficulty; and I venture to say that a more purely mechanical proposal than that contained in the 6th clause of this Bill perhaps never was devised. To compare large things with small, take the case of a man and his wife. The marriage law says—“Wives, obey your husbands;” but supposing the husband were to stick up a broomstick in the corner of a room, and say to his wife—“The law says you are to obey me, and, if you don’t, there is the broomstick which I will put about your back,” how would a proposal of that kind tend to conjugal happiness? How would the pair get on? Well, this 6th clause is a similar proceeding. It enables the Assembly to say to the Upper House—“You know what you have to do; you have to swallow everything we submit to you; and, if you don’t, here is the broomstick which we will put over your backs.” In fact, the 6th clause is a permanent menace to the Legislative Council, and for that reason, instead of tending to the settlement of any difficulties, is calculated to create continual difficulties. No honorable member worthy of a seat in the Upper House would ever submit to such a yoke as would be perpetually held over him by this 6th clause. With regard to the proposal for a nominee Upper House, that is the one proposal which, if the others were acceptable, although I have strong objections to it, I would have been prepared to swallow. It is a proposal that is likely to be approved of in England—that is to say, the Imperial authorities would not object to a Bill on account of the nominee system being provided for. But, coming to the other feature of the Bill, I must say that I object to the plebiscite as much as I do to any portion of the measure. That, however, will not prevent me from voting for the amendment of the honorable member for Carlton, because, if two objectionable features can be removed from the Bill now, there may be a chance at some future time to remove the other also.

Mr. Mackay.—Sir, I am one of those who do not care whether a Bill for the
reform of the Constitution which passes this House is disapproved by the Imperial authorities or not. If I thought that certain reform proposals were desirable, it would be no answer to me that the Imperial Parliament would disapprove of them. If we are to travel only in the same groove as the old country, what becomes of the value of our experience of this colony and other countries? No doubt the Bill contains a principle which the Imperial Government will disapprove of, but that ought to be no reason why this House should not pass a Bill containing such a principle. If the plebiscite were the main principle of this Bill I would vote for it, and probably put up with some minor features of the measure of which I disapprove. But what is the fact? The Bill before us not only provides for the plebiscite, but contains a clause (the 6th) which will rob the other House of all power with regard to financial matters, and this at a time when it is most important that we should have the benefit of the opinion of the other House. More than that, the Government propose to do one of the most outrageous things ever contemplated by any Government in any country—to take away the franchise from a large number of persons without any appeal to the people as to whether they approve of the proceeding or not. Honorable members do not seem to me properly to appreciate the enormity of that step. By what right do the Government propose such a radical change in the Constitution of the country without in some way or other ascertaining what public opinion is? The Attorney-General knows perfectly well that nothing is more jealously guarded than the privileges which this Bill proposes to take away.

Sir B. O'LOGHLEN.—Do the people elect the Upper House?

Mr. MACKAY.—A large portion of the people do; and there is a very easy mode—it is embraced in the proposal of the honorable member for Carlton—of enabling the people to elect the Upper House. But the Bill absolutely proposes that we shall go back to nomineeism. And what is nomineeism? It is a simple expedient, resorted to when these communities were young and had not managed to grow politicians, under which persons of repute and ability are appointed by the head of the State to manage the legislative affairs of a country. When this colony came to its maturity, that system was superseded by representative institutions. Ever since then we have had two Houses of Legislature, both elective, and now it is coolly proposed to go back to the old system—a system suitable to quite a different state of things—and have an Upper House appointed on the nominee principle, by whom? By the Government of the day—by a Government subject to all the influences, the intrigues, and the petty passing necessities of the hour. Is that a state of things out of which such a Legislative Council could be chosen as would do credit to the intelligence of the country? And shall we, who have enjoyed the advantage of having an elective Upper House—which, I will say, has been no discredit to Victoria—consent to that House being superseded by a Chamber composed of nominees who may be the mere tools of the Ministry for the time being? I say “for the time being” because nothing is more notorious in the colonies where nominee Upper Houses exist than that the nominees cannot be relied upon. The nominees appointed in the liberal interest, in a short time, utterly change their principles and become almost conservative. The cases of New Zealand and New South Wales have been referred to; and it is not a remarkable thing that we propose to do away with what is looked upon as denoting an advanced state of representative institutions, and to take up that which, in New South Wales, has been found to work most perniciously for the public generally? Not only in New South Wales but in New Zealand is the nominee Upper House condemned, and it is proposed in each colony to substitute for it an elective Upper House, the faults of which, whatever they may be, can be remedied. But how is it proposed to remedy them here? This is not the first time that I have heard the principle advanced that the Upper House ought to be deprived of everything like dignity and influence because it might do harm. I might have entertained some such an opinion at one time, but experience has shown me clearly that nothing can be more absurd than to try to lower the status of the Upper House. The Ministry object to the widening of the basis of the Upper House because they are afraid that that Chamber would thereby become too good and too popular. But how can intelligent people listen to such a reason? If we have faith in representative institutions why should we discard the principle
and fall back upon nomineeism? Some supporters of the Bill have argued in the most extraordinary way that both the 6th clause and the nominee element could very well be done without, but that it is as well to retain them because, in the event of a conference with the other Chamber, there would be something to give away. I think that an absurd way of arguing. Moreover, it is not going to another place with the greatest amount of moral power. Why the 6th clause was passed, as it were, only by the skin of its teeth. Then, again, why should there be three expedients when every one is sufficient to cut the Gordian knot? To overload a Bill with provisions, each one of which is sufficient to carry out the will of the people, is something like "gilding refined gold" or "painting the lily." I voted for the second reading of the Bill because I believed in the plebiscite, and because I was satisfied with the assurance of the head of the Ministry that he was quite willing to listen to any fair, intelligent, and moderate proposal for the amendment of the measure. To some extent I am satisfied with the modification of the 6th clause, though I think it an unwise power to give to this House to enable it, immediately after the rejection of an Appropriation Bill by another place, to spend money on its own votes. But there has been no modification of the nominee principle, and I would not be party to the nominee principle under any circumstances. I don't care whether it is acceptable to England or any part of the world, I think it a most pernicious system, and for that reason I shall vote against the third reading of the Bill. Some honorable members on the Ministerial side, like the honorable member for Collingwood (Mr. Mirams), seem surprised that we on this (the opposition) side don't accept the "liberal reform" provided for by the Bill. Sir, is the Chief Secretary himself in favour of the Bill? Does he really believe in it? I doubt whether he believes in the nominee principle. I am sure he does not believe in the plebiscite.

Mr. BERRY.—The honorable member is not justified in saying that.

Mr. MACKAY.—I don't want to misrepresented the Chief Secretary; but I don't think he is quite as satisfied with that principle as I am. The honorable gentleman said it was a necessary evil. For my part, I don't consider it an evil at all. I believe it to be the best expedient which has been devised for curing deadlocks between the two Houses. I ask the Chief Secretary why he is so half-hearted about the principle? How can he expect any public enthusiasm in favour of the Bill when the Ministry itself is only half-hearted about the measure. I think the honorable member for Moira (Mr. Orr) is to some extent right when he tells the Ministry that they are under a very grave mistake as regard public opinion at the present time. They will find that public opinion has undergone a very great change. Public opinion is not in favour of emasculating the Upper House or of making it a mere sham; but I believe public opinion is in favour of trying the experiment of making the Upper House more representative than it is. It would be far better to toss up a coin, and let "head" or "tail" decide the question of reform, than ruin the character of Victoria and make the colony no place for the poor man to stay in. I am sorry I am not able to vote for a Reform Bill that would be satisfactory to the country. The present measure, in my opinion, would not be satisfactory. I ask the supporters of the Ministry whether the re-election of the honorable member for Carlton is not a proof that public opinion is in favour of making the Upper House more representative, and having some appeal to the people, such as a plebiscite or referendum, as a remedy for deadlocks? It is idle to allege that the honorable member was re-elected because he said he would support the Government. The honorable member went before the electors of Carlton as a pronounced opponent of this Bill, and if public opinion had been as strongly in favour of the Government as it was two years ago, or even one year ago, they certainly would not have sent him back to the House. The Bill gives with the one hand and takes away with the other. It is retrogressive; it proposes deliberately to destroy the other Chamber, instead of trying to improve it. I therefore do not understand how honorable members opposite can go to the country and justify their action in voting for the measure, especially when, by some slight changes, it might be made a measure which would be endorsed by a very large majority of the people. I don't believe that even a respectable minority of the constituency I represent are in favour of a nominee Upper House. I am quite sure
that the common sense of the general body of the electors is against that part of the Bill. The Government may be able to justify, to some extent, the 6th clause. No doubt the popular will as represented in this Chamber ought to be supreme in financial matters, but in a constitutional way—not in the mode the Government propose to make it supreme. Still the constituencies will probably be more inclined to support the 6th clause as amended than as it stood originally, and certainly they will be more likely to support that clause than the nominee principle, which I utterly condemn, and which I am quite satisfied will be condemned by the electors generally.

Dr. MADDEN.—Sir, the honorable member for Collingwood (Mr. Mirams) has taken upon himself to-night the rôle which has usually been assumed by the Chief Secretary. The honorable member has endeavoured to address one of those rallying speeches to the liberal party that have hitherto been delivered by the constituted leader of the party. It seems to me that matters have fallen very low indeed when the Chief Secretary is obliged to delegate that particular piece of strategy to the honorable member for Collingwood. The honorable member has ventured to assert that, by their votes on the question before the chair, the country will know who are the true reformers—meaning himself and those who act with him—and who are the traitors to reform, meaning gentlemen who are his superiors in all the qualifications that constitute a legislator. But I tell the honorable member that the people of the country are at last educated on this question—that they have begun to see for themselves what reform of the Constitution is possible, and that that is the only kind of reform to which sensible men, men honestly desiring reform, should address themselves. The people of this country are not disposed now, and they never were, to have any violent revolution in order to attain the end they desire to accomplish. The people believed, when the Chief Secretary presented himself before them three years ago with his multitude of promises, that he had the capacity and saw the means to carry out a reform of the Constitution. His promises being tangible, they gave him the fullest power to carry them into effect, and now what is the result? A sum of £5,000 has been spent on an embassy to England, and its outcome is a Bill which will simply be relegated to the waste-paper basket. It is therefore very easy to foretell that the people, acting in accordance with common sense, will no longer bear to be told that the Chief Secretary should be trusted when he says that he will carry a measure of constitutional reform, because they know that he has not an atom of power to give effect to his promises. The honorable gentleman has shown his hand; he has not been wise in his generation.

Mr. BERRY.—I always show my hand.

Dr. MADDEN.—No doubt the affectation of candour which the Chief Secretary can assume has been very useful to him in the past. There was a time, not long ago, when the question of reform was still in the clouds. The people then used the phrase "Reform of the Constitution" in its cant sense—they had not divined to the depths of the question—but they have been educated on the subject since then. They now see that the Chief Secretary has run into a cul-de-sac, and that the only possible means he has of effecting reform is by going to the Imperial Parliament, and begging them to give us anything they like. Surely, then, we have now come to the beginning of the end; and it is of no use debating abstract schemes of reform which can never become law. It will be of no avail for the Chief Secretary to say to the people at the next election—"Let me point out to you who are the traitors to reform, and who are the real reformers." The people are just as well able to distinguish between the two as the Chief Secretary is. They know who is right and who is wrong on the question of reform just as plainly as they would know who was wrong and who was right if the Chief Secretary promised that he would make a railway to the moon while other persons said they would construct a railway to some tangible place on the earth. The latter is a possibility, but the former is an impossibility; and the people are no longer in the position to be befuddled into the belief that the Chief Secretary can effect impossibilities. The Government and honorable members who are supporting them pretend that they trust the people. If they are sincere, why do they not accept the amendment of the honorable member for Carlton, the object of which is to substitute for all the theoretical nonsense of this Bill—which never
can become law—a practical scheme for giving every man in the country who pays a rent of 3s. 10d. a week a vote for the Legislative Council? Instead of that the Government propose a system which is detestable in most British communities—detestable wherever it is possible to avoid it—namely, nomineemism. There are very few men in the community, except those who are merely tramping through the country, who are not paying 3s. 10d. per week rent. Why should not the proposal to give all men who are paying that rent a vote for the Upper House be accepted?

Mr. BERRY.—What chance is there of such a proposal being accepted elsewhere?

Dr. MADDEN.—I will venture to undertake that within one month—aye, within three weeks—from the time I am now speaking it would become law if passed by this House. I believe the Chief Secretary will scarcely doubt the fact.

Mr. BERRY.—I know to the contrary.

Dr. MADDEN.—Then the honorable gentleman has certainly been seeking in very unreliable quarters for his information. Although I am not inspired on the subject, I venture to assert that the proposition embodied in the motion of the honorable member for Carlton would be adopted within a month from the present date if this House accepted it.

Mr. PATTERSON.—You have the Council's Bill before you.

Dr. MADDEN.—The Council do not commit themselves absolutely to any particular Bill, but are perfectly willing to adopt such a scheme of reform as will be popular with the majority of the people. I won't say that the Council have not been driven to that position—I won't say that they have not read the signs of the times—but I venture to predict that they would enact such a measure as would substantially be the same as the clauses which the honorable member for Carlton desires to propose.

Mr. BERRY.—Why did the Council not offer it?

Dr. MADDEN.—It is not the place of the Council to offer anything of the kind. Certainly the manner in which the offers of the Council have been received by the Government in times past is no encouragement to them to make any overtures now. Will the Chief Secretary accept the proposal on the understanding that the Council will agree to it? If he will, an adjournment until Tuesday will assure him of the success of his measure so modified. The people, I repeat, now manifestly understand the difference between reform as it was submitted to them three years ago and reform as it must be presented by anybody who regards it in a practical light. What has the Chief Secretary gained by his recent stumping tour? He has certainly not found the country very enthusiastic in favour of his reform project.

Mr. BERRY.—The country was never more enthusiastic.

Dr. MADDEN.—If the country is enthusiastic, it has displayed its enthusiasm in a singular way. Where are the crowds clamoring outside Parliament-house for the passage of this Bill? Has there been a single public meeting in the city of Melbourne, or even in Collingwood, in favour of the Bill? Seeing it was necessary for the Chief Secretary to have the police around him at Maryborough, in order to secure him a hearing, the country cannot be very enthusiastic in favour of his Bill. It is evident that the honorable gentleman's popularity is at a very low ebb indeed.

Mr. BERRY.—If you will let us, we will dissolve in a week.

Dr. MADDEN.—The Chief Secretary is so extreme in his views, and so apt to change them, that I am not at all certain when a dissolution will take place. The honorable gentleman told us on a previous evening he would dissolve as soon as the measures necessary to wind up the session were passed, and the farmers had time to gather in their harvest; but he changes his mind so often that I am rather disposed to think that if we see a dissolution this side of May next, it will be as much as we shall see.

Mr. BERRY.—It all rests with the Opposition.

Dr. MADDEN.—I am afraid that theoretically a great many things rest with the Opposition which in reality they cannot control. With reference to the 6th clause, the honorable member for Collingwood argued that even if the majority of the Assembly were disposed to be corrupt and pay themselves out of the public revenue, time must elapse before their vote could be carried into effect. He entirely scouted the idea that the money could be obtained within twenty-four hours; but to support his view he dealt with the matter in a very
characteristic fashion. The honorable member, indeed, begged the whole question, because the 6th clause is not to come into operation until after the Appropriation Bill is rejected. Within twenty-four hours afterwards all the necessary forms could be gone through and the money be reverted and paid to those for whom it was intended. To say that the forms of the House would be a protection against the misuse of the 6th clause is the merest frivolity. One highly practical reason why the proposition of the honorable member for Carlton should be adopted is that the Government themselves evidently do not believe in their own Bill. They are not sincere about it, and they cannot be sincere, because they know what the result of it must be. If the honorable member for Kara Kara is in earnest about reform, let him take a Bill which it is possible to pass—the one in charge of the honorable member for Carlton—instead of the Government measure, which cannot possibly be passed, and with every provision of which, except the plebiscite, he disagrees. I think the honorable member for Carlton has done wisely, even at the eleventh hour, in giving honorable members who really wish reform an opportunity of getting a reasonable measure passed before this Parliament comes to an end.

Mr. DOW.—Sir, I desire to make a few remarks in regard to what the Chief Secretary has said in reply to the honorable member for Carlton. It seems to me that the honorable gentleman has interpreted the result of the Carlton election in a very common-sense way. He regards it as an expression of opinion on the part of the people of Carlton that the liberal party should settle their differences on the question of reform. That is what I want the Chief Secretary to set to work to do. It seems to me that the Government will gain everything if they accept the proposition of the honorable member for Carlton, and that they will lose everything by rejecting it. To secure reform the liberal party must be united. There is no doubt at all about it—it is a fact which there is no getting away from. I therefore call upon the Government, if they are sincere, to give the utmost consideration to the honorable member for Carlton, to myself, and to the corner men who are so much abused. I believe in giving people the benefit of the doubt. Honorable members ought not to be suspected of being influenced by unworthy motives if there is a probability that they are actuated by good motives. The Government cannot carry this Bill—even admitting for the sake of argument that it is a good one, and that it is not admitted by a long way—unless they have the united support of the liberal party at the general election. The Government must not shut their eyes to the fact that a large number of liberals object to some of the principles of the Bill. Can the Government say that the people believe in nomineeism? I have not met a man yet who approves of nomineeism. On the question of reform the Government have no doubt a large amount of coercive power at their command, because the people are so disgusted, and have been sold so often, that they would rather pass an incomplete measure—and a measure to which they object to some extent—than see any of those cabals and intrigues for office which unfortunately are too common in Parliaments that exist for three years. I wish, however, to point out to the Government the necessity for using their power in a moderate and wise way, so as to increase their real strength. If they would consent to the recommittal of the Bill, for the purpose of adopting the proposal of the honorable member for Carlton, it would be a step in the direction of conciliation, and would show the country that they are willing to take amendments even from political opponents for the purpose of effecting reform. To adopt a broadening of the elective basis of the Upper Chamber in lieu of the objectionable principle of nomineeism would surely strengthen the Government from a liberal point of view. Why should the Government send us to the country as a disunited party when that can be prevented by making such a modification of the Bill as we can all agree to? Surely it will be an advantage to the liberal party to agree upon the points it is possible to agree upon before going to the country. The power of the liberal press is a power which ought never to be ignored. What is the use of the Government quarrelling with any section of their followers if they can avoid doing so? I therefore wish the Ministry to reconsider their position. If they rush to a division to-night on the third reading of the Bill, the votes that will be recorded will not have the weight that they would have if the question were treated in a more conciliatory spirit. The Chief Secretary made a great admission to-night when he said that the honorable
member for Carlton was largely indebted for his return to his adherence to the plebiscite. I believe the plebiscite is regarded by the people as the strongest feature of the Bill. The Attorney-General, however, has declared that nomineeism is the key-stone of the Bill, and the Chief Secretary has spoken of the plebiscite as a necessary evil. If there is any truth in the rumours that are abroad—and we must pay attention even to rumours in a matter of this kind—the Chief Secretary is not sound upon the plebiscite from the point of view in which I regard it. In fact, the way the Chief Secretary has spoken, and the statement of the Attorney-General that nomineeism is the key-stone of the Bill, are calculated to produce a feeling that the plebiscite is considered by the Government as only the fifth wheel in the waggon—that it is merely put in the measure to be dropped as a part of any compromise that may take place, and that nomineeism and the 6th clause are to be retained as the true means of bringing the Upper House to its senses. I would put the matter in this way: if we are going to have a reform of the Constitution, we first of all want a reform of the Upper House, as far as liberal members can see their way to reform it. I believe that can be largely brought about by broadening the elective basis of the Council; but, as I said during the debate on the second reading of the Reform Bill of last session, I cannot see my way to broaden the elective basis of the Upper Chamber as long as there are no means of getting over a dead-lock, because, without that, broadening the basis will strengthen the Council, and consequently the more dead will a dead-lock be when it does take place. Strengthen the position of the Upper House by giving them a ratepaying franchise if you like; but supposing the representatives of such a franchise to meet, and find it necessary to object to the measures of this Chamber, what would necessarily be the consequence? What would a dead-lock be then? Would not the Council be able to say to the Assembly—"We are as good men as you are; we represent the people as much as you do"? The difficulties in the way of getting over such a state of things would be insurmountable. But with means carefully provided beforehand whereby a dead-lock could be got over, there would be, with a broader-based Council, less danger of a dead-lock than ever, because the more representative the Council became the less likely would it be to disagree with the popular will expressed by the Assembly. Why see what good has lately been done to the Council by the infusion into it of fresh blood. I will not name names, but perhaps I may refer to Mr. Sargood as illustrating what I refer to. The introduction into the Upper House of a number of new members of his stamp has been of itself, without anything else in the shape of reform, of infinite benefit to the liberal party. It is to the members of Council of that class that we are largely indebted for the passing of the Land Tax Act. I say that with a Council elected on a broad electoral basis, and with the plebiscite as a safety-valve, resembling what the power of the Crown to create peers is to the House of Lords, we would be able to meet every difficulty. But if nomineeism in the Upper House is to be the key-stone of the constitutional reform we are to have, and the plebiscite is to be abandoned, how is a dead-lock to be got over? Because the nomineeism of the Bill is not the nomineeism of the House of Lords. The difference between the creation of peers by the Crown and the Government of the day nominating an Upper House every five or ten years is so great that it cannot be bridged. It is from that point of view that a nominee Council is deemed by a large proportion of the people of the country to be so extremely objectionable. Their objection may be a sentimental one, but if the Government do not defer to it it will operate most seriously against their fortunes, and those of the party in the country who are anxious for reform. In this aspect, how full of common sense is the proposal of the honorable member for Carlton. By adopting it the Government have everything to gain and nothing to lose. Have not they everything to gain by going to the country in strength instead of in weakness? I charge the Government with the full responsibility of the present position. If they remain stubborn, I shall give my vote in favour of the honorable member for Carlton’s proposition with the utmost confidence that my motives will be thoroughly understood by my constituents. It is of no use saying that the people of Victoria have any difficulty in understanding the utmost niceties of the political matters that come before them. My experience
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is that, in affairs of the present sort, their instincts place them in even a more advantageous position for judging than some honorable members seem to hold. If the Government win the third reading by a thin majority, what do they get? A virtual defeat, which will be as bad for them as an actual defeat. When the Francis Ministry got only a thin majority for their reform scheme, what did they do? They threw it up, knowing that, practically, they had lost the day. Will a majority to-night of four or even five votes give the present Government a substantial victory? Yet that is all they have any hope of getting. Can they go to the country with such a victory? Will it be such a victory as will encourage the people to support the Bill up to the measure of popular approval indicated in Sir Michael Hicks-Beach’s despatch? Possibly they might be induced to go in with some show of unanimity for a Bill that this Chamber had heartily adopted; but how can they be expected to rally up in favour of one passed here by only a thin majority, and with which it is perfectly plain they are not in full accord? Recollect that, having appealed to Caesar, we must abide by the conditions Caesar has laid down, and also by his decision upon their fulfilment. What possibility is there of the Government carrying the country by a coup for this Bill, and then being able to take it to the Imperial Government as an expression of the will of the people of Victoria? We have to send home a “reasonable” measure. Can the Bill as it stands be called one, or the embodiment of propositions at all likely to command popular support to the extent the despatch points to as necessary? Things would, however, be very different if the Government would compromise matters between themselves and some of those who have hitherto followed them— with the liberals in the House and also in the press, and those out of the House by a Ministry before the country against a certain portion of the press, but I say the press leads the platform. I say the press must not be ignored. Mr. FINCHAM.—The liberal party will beat all its enemies.

Mr. FRANCIS.—I hope the honorable member for Kara Kara will drop the shop.

Mr. DOW.—Let honorable members look at the history of Victoria with respect to the rise and progress of public questions, and see how they were taken up in the press long before they were touched by either Parliament or platform. Take, for instance, protection, with which the Chief Secretary is associated. Why the public utterances on that point before ever the Chief Secretary appeared on the political scene.

Mr. YOUNG.—Did you assist?

Mr. DOW.—Yes, I assisted a little. I had the honour of putting my views on certain political subjects into the press long before some honorable members took them up at all. The remark I made about protection applies also to the land question. Why the public utterances on that subject of some honorable members on the Government side of the House were taken bodily—word for word—out of the press. I only say the press must not be ignored. I have reason to believe the Government are going to try and show their power as a Ministry before the country against a certain portion of the press, but I say the feelings that prompt such a proceeding ought not to exist. If the Government want to carry constitutional reform of a
thorough character, they ought to feel bound to adopt every means of conciliation at their command with respect to everything at all antagonistic to them, the Upper House not excluded. If they don't do that, and in consequence reform is hung up for a time, the responsibility will rest with them. Constitutional reform can be got fast enough if getting it is gone about in the right way.

Mr. FINCHAM.—What would be your way?

Mr. DOW.—One way would be adopting the proposition of the honorable member for Carlton.

Mr. PATTERSON.—What! that the order of the day for the third reading of the Bill be discharged?

Mr. L. L. SMITH.—You are coming out in your true colours.

Mr. DOW.—Remarks of that kind are all very well from an out-and-out rallying-up point of view, but do they indicate the right way to reform? I don't think they do, and reform is what I want. I represent a large and important constituency, which is, I think, animated in a remarkable degree by the political feeling of the colony generally, and, knowing what my constituents' views are, I am not to be easily convinced that a preponderance of the people of the country are in favour of the nominee portion of the Government scheme. At a recent public meeting at St. Arnaud, I spoke as follows:

"He argued that in a measure which contained the plebiscite, the 6th clause and the nominee principle were neither necessary nor desirable, and that as the passage of a reform scheme into law was dependent upon its being endorsed by a substantial majority at the general election, a modification of the Bill in this direction was much to be desired in order to prevent disunion in the liberal ranks at the approaching appeal to the people. After the liberal members in the House and the liberal organs in the press had used all legitimate means to bring about their amendments, however, and in the event of the Government resolving to stand by their Bill, he considered their duty should be then to rally up on the broad principles of liberalism, and so prevent such a split as would enable the return of the Government to power which was ousted on the 11th of May."

What was the result? When I concluded, a resolution was moved and carried that the meeting fully endorsed my views, and in long and exhaustive speeches I was urged to take as the sentiment of the assemblage that they trusted the Government would see its way to amend the Bill so as to eliminate the 6th clause, and substitute a broader elective basis for the Council instead of the proposed nominee principle. Seeing that the people are of this mind, do the Government think they can flout them, and yet come back from the forthcoming general election with the substantial majority necessary to enable them to carry their Bill into law? If the Government lose the opportunity the amendment of the honorable member for Carlton affords them of carrying constitutional reform without delay, the culpability attaching to the shelving of the whole question will rest with them, and they will have a reckoning with the country they will not like. I say we want this reform business settled, and the House can settle it if it chooses so to do. I also say that by insisting on adhering to their present course the Government are not treating the liberal members behind them with fair play. I am perfectly satisfied that, were the honorable members in the Ministerial corner and those at the back of the Treasury bench to have a meeting among themselves apart from the Government altogether—no Minister being present—there would not be found much real difference of opinion as to what they want. I am, of course, not speaking of such honorable members as the two honorable members for Ballarat West (Mr. Bell and Mr. Fincham), the honorable member for Grant (Mr. Rees), and others of that class who follow the Government much in the way sheep follow a bell-wether. I am only referring to honorable members whose first desire is to carry out the liberal ideas they are imbued with, and I have no doubt that how best to carry them out would be the main subject of their deliberations. I don't suppose they would indulge in remarks so utterly adverse to the principles of true liberalism as "Oh! we will start a new newspaper."

An HONORABLE MEMBER.—That is where the shoe pinches.

Mr. DOW.—From my own point of view, I would say, "The more newspapers the better," because I live by them. But what has a caucus of Government supporters to do with starting a new newspaper?

Mr. FINCHAM.—Did we not get the Age through its troubles?

Mr. DOW.—What has such a caucus to do with gentlemen who, having once been liberals, are now, because they have made money, becoming conservative, and who talk about starting a new newspaper,
although the newspaper they are most against was associated with liberalism before any of them was heard of in the country? To the honorable member who offered to put down £1,000 for a new newspaper I would give this advice, that he should not do anything of the kind, for, if he does, he will most assuredly drop his money. I say it devolves on the Government, as representing the liberal party, the unity of which they hold in their hands, to reconsider their position very carefully, and to have nothing to do with the petty issues and unworthy arguments and considerations we have heard of as arising in caucus. The question with them ought to be wholly and solely—"What is the best thing to bring about constitutional reform in Victoria?" Mr. Speaker, I ask why should we hurry over this Bill? If it were intended to finish the session by Christmas in order to go to the country immediately afterwards, I could understand why there should be haste; but that we should be hurried up in order that the Ministry may begin stamping the country is a different thing. If it is not imperative that we should take a vote to-night, what difference would it make to the Government to recommit the Bill, especially as adopting that course would afford them an opportunity of compromising with those opposed to them, so as to greatly fortify their position at the forthcoming appeal to the country? Don't they see that by strengthening the opposition to them they strengthen the rumour that they do not really want to settle the question of reform at all? I do not say that that is their feeling, but I want to save them from it being imputed to them. If they don't take the course I recommend, will not the rumour I refer to appear to have something substantial to go upon?

Mr. PATTERSON.—Say straight out what you mean.

Mr. DOW.—I mean that rumour says that the Government don't settle the reform question because they don't want to settle it.

Mr. PATTERSON.—We are ready to go to the country at once.

Mr. BENT.—Will the Minister of Public Works—as a young lady does—"name the day"?

Mr. DOW.—I quite understand the Minister of Public Works' point, namely, that the House should accept whatever the Government choose to give, and then go into recess to enable them to stump the country, and show how much more powerful the platform is than the press. Of course the Government want to take the utmost advantage of the four or five months that will probably elapse before the general election. But would not their taking that course strengthen the rumour I allude to? I say the country don't want extreme measures at all. The people of Victoria are a moderate people, and they wish to get the question of reform settled in a moderate way. They want the Government to cure the flaw in the Constitution, not to pull down everything in order to reconstruct as they please. They don't want their elective rights tampered with by the establishment of a nominee Council. The Government ought to recollect that they are in power simply because they denounced the Government that proposed, in the last Parliament, to carry measures with which the people were not satisfied.

Mr. L. L. SMITH.—How are you going to vote?

Mr. DOW.—How difficult it is to be a true liberal, and yet go the whole length with such a Government as the present, who will not listen to moderate counsels nor seek to make moderate compromises, but who boast in caucus that they are stronger than a certain section of the press, and of how they will show that strength. As far as starting a fresh newspaper is concerned, I wish—speaking as a pressman—the honorable member for West Melbourne (Mr. Andrew) would employ his reputed wealth in starting two or three fresh newspapers. I consider that my position as a pressman would be improved thereby. I beg to say that I am not a professional politician yet. I do not depend upon politics for my living.

An Honorable Member.—Do you not look for a seat in the Cabinet?

Mr. DOW.—There is no knowing what may come to a man, or how far getting a seat in the Cabinet may demoralize him, and make him take to politics as a profession. I trust I have said enough without overstepping the bounds of moderation and prudence. I wish to tell the Government that I don't regard them with disrespect, generally speaking. On the contrary, I am animated by a desire to do them good, as well as to carry the question of constitutional reform.

Mr. L. L. SMITH.—How are you going to vote?
Mr. DOW.—The honorable member for Richmond (Mr. Smith) ought to know that to ask such a question as that is highly irregular. I object also to the Minister of Public Works turning round to frown me down. Indeed, the way the Government manage in Parliament is one of the things that have made them lose such ground in the country. They have not gained very much credit for their administrative ability, while undoubtedly they have brought in several of their measures in a manner that has simply worked into the hands of the Opposition. I am free to admit that their long continuance in power has not been due so much to their abilities as statesmen as to the manner in which they have worked into the hands of the Opposition, and the attitude of the Opposition having created a reaction in their favour. The Berry Government were indebted for their accession to office to McCallumism, and they owe their having existed so long to the obstructive tactics of another place. If we had more moderate, more intelligent, and more enlightened statesmanship, it would be better for the whole country. It is not in accordance with enlightened statesmanship to reject the proposals of the honorable member for Carlton. It is not in accordance with a desire for reform to taunt the honorable member for Carlton and make stump speeches about his election. Such conduct is not at all creditable to a Government who are supposed to represent the liberal party for the time being.

Mr. GAUNSON.—Have they offered you a portfolio?

Mr. DOW.—I don't want a portfolio. If I wanted a portfolio, I would be "hanging around" like certain gentlemen who have been so busy with their interjections this evening. I defy any one to say that I have ever thrown out the slightest hint that I wanted a portfolio. If I desired a portfolio, I would have been a dummy to the present Government. My tactics are not in accordance with the conduct of a member who is looking for a portfolio. He is a trimmer—you cannot tell what he is—you cannot discover what his political opinions are. The policy of the present Government, when a supporter speaks his mind honestly on any of their proposals with which he does not concur, is to invite him to cross the floor of the House. The only difference between the honorable member for Ararat and myself is that he, in his impulsiveness, accepted the invitation, but I won't, for here behind the Ministry I have a power which the honorable member has forfeited. If the honorable member had remained on this side, and told the Ministry what he thought of them in an honest way—

Mr. GAUNSON.—And acted the part of a skunk.

Mr. DOW.—I am merely illustrating a particular feature in the liberal party. I have found that going across the House, in the way the honorable member for Ararat did, compromises one with one's constituents. If any member on this side of the House has the courage to have an opinion of his own different from the principles of caucus government, the idea is to get rid of him by endeavouring to make him cross the floor of the House, knowing that by doing so he commits, to some extent, political suicide. I, however, have shown that I have been able to maintain my principles without falling into that trap. Governments by caucus do not believe in the free expression of opinion, even when uttered by their own friends for their benefit. They do not want supporters who are independent enough to speak out in the House. To such men they say—"Why don't you go to the other side? You a liberal! Why you are a rat." I believe the honorable member for Ararat, though he has a large number of friends in his constituency, has lost ground through falling into that trap. It devolves upon men to stand by the principles of their constituents who sent them here. I stand by the electors of Kara Kara, and not by the Minister of Public Works and his colleagues, even though they be heaven-born administrators. I turn to the manifesto on which I got my seat, and, if I see the Ministry going off the line I there laid down, I tell them that they fail to represent my principles to that extent. I repeat that if the Government push this amendment to a division they will endanger the settlement of constitutional reform, and I warn them that if they do not accept the reasonable proposals submitted by the honorable member for Carlton they will fail in their duty. If they stick to their whole Bill they will obtain a certain amount of support, but it will be under protest. I, for one, have the highest respect for the honorable member for Maldon, but he is now the leader of the old McCallum rump. He is therefore in my eyes another Sir James McCallum, and I
do not want to bring back into power the Government that was ousted on the 11th of May, 1877.

Mr. GAUNSON.—Sir, I think it is a pity that a debate of so much importance should have been conducted in a manner savouring of burlesque. The Chief Secretary accused the honorable member for Carlton of getting his seat on the plebiscite, but in making that charge surely the honorable gentleman could not have been conscious of the stab he was giving to his colleague, the Minister of Public Works, who, at a public meeting at Ballarat, denounced the plebiscite in the most unmistakable terms. The Age, in a leading article of the 2nd of June last, in referring to the Minister of Public Works' speech at Ballarat, said—

"Mr. Patterson has formally pronounced the proposal to give the Council the power to withhold its sanction from any particular item in the Appropriation Bill till a vote has been taken upon it to be 'simply absurd, opposed to common sense, destructive of representative government, and unable to bear the slightest examination.' The first and foremost of any plan ought, in his opinion, 'to give the Legislative Assembly absolute control of the finances. Vested in that body,' he says, 'there is ample security against the revenue being misapplied.' This is undoubtedly a very forcible and sweeping condemnation, and we suppose that if the acceptance of the plebiscite depended upon Mr. Patterson there would be an end of it."

Therefore, when the Chief Secretary accuses the honorable member for Carlton of getting in on the plebiscite, he should not forget that the Government occupy a very funny and very illogical position with reference to this proposal. They say that the people are fit to judge between the two Houses in any dispute as to ordinary legislation; but yet as to money matters they assert that the people are unfit to judge, and that the Assembly shall have the absolute control of the finances. The article further observes—

"Mr. Patterson's plea is based upon theory, namely, the theory that a representative Assembly is at all times being the organ and exponent of the people, and can therefore do anything which the people are not equally responsible for. The argument of the Age is suggested by experience. Experience has unfortunately shown that while an Assembly may be theoretically the guardian and trustee of the public purse, it may in practice expend the public money in a way that is not at all consistent with the popular idea of trusteeship. Votes may be put on the Estimates, and paid out of the public treasury, which the public as a body receive no benefit whatever from, and would most undoubtedly forbid if they had the means of doing so. Mr. Patterson talks about there being 'ample security against the public revenue being misapplied,' but we should have been better pleased if he had told us where it is to be found, or what part of the mechanism of the Constitution supplies it. Did Mr. Patterson never hear of such a thing as the Warrnambool breakwater vote? That vote was carried under a system in which the Assembly is not so absolute as Mr. Patterson contends it ought to be made. And no one was louder in condemning that vote as a monstrous misappropriation of the public revenue than Mr. Patterson himself. If there is no security against such 'jobs under the present system, how can we be asked to believe that there will be 'ample security' when the present system is superseded by one that shall give Mr. Patterson the 'absolute control of the finances?'"

I would commend the reading of that article to the Ministry. With reference to the nominee system, I may say that the Government have simply copied my nominee scheme with one exception, which is the very key of the whole position. My scheme was based exactly on the same lines as the House of Lords, except that I proposed that the nominees should be appointed for ten years. The difference between my scheme and that of the Government is that they propose to have a fixed number of nominees, whereas I proposed that the nominees should be unlimited in point of number. My reason for that proposal, which I still adhere to, was that we might have exactly the same state of things as exists in the old country, namely, that when a terrible emergency arose to justify such a course there might be power to create new nominees. This power would have been a safety-valve, but the Government make no such proposition. I can understand, however, why the Government do not ask for power to create new nominees. The 6th clause of this Bill takes away any necessity, in regard to money matters at least, for the existence of such a power, because, if the Upper House were to throw out the Appropriation Bill, a majority of a mere quorum of the Assembly could vote the whole of the money required for the service of this great country. There is no necessity for power to swamp a nominee Chamber when it consists merely of a number of clerks to register the will of this House. As to the plebiscite, I would ask the Government do they ever expect to pass it into law? Surely the Government must have lost their heads on this matter if they do. They have been told that it is not a reasonable proposal, and that the Imperial Parliament will never be asked to sanction any but a reasonable proposal. They
must know that the system is opposed to the opinions of all writers and thinkers on representative government as we understand it. The very object of representative government is to avoid the passion and excitement of large masses of the people who have not time to give the necessary consideration to public matters. The Government professes to have a vast multitude at their back, but I do not believe the people will any longer consent to be led by gentlemen whom they gravely suspect are concerned at bottom only about their own private interests. One gentleman is going in for a County Court judgeship, and another for a Supreme Court judgeship, and all round there is a painful exhibition of bill-hunting. The people are not likely to forfeit their liberties for the sake of a crude imperfect Bill, which has no chance of becoming law, and is only intended as an instrument of turmoil, in order to keep in office the present Ministry, who have already inflicted more mischief on the colony than any of their predecessors. The honorable member for Kara Kara—who, I regret to say, while speaking one way consistently votes the opposite way from the opinions he expresses—referred to the leader of the Opposition, and stated that since he has assumed a position opposite to the Ministry he has become a McCullochite. But what is a McCullochite, and what is a liberal? I was always under the impression that I had liberal instincts, but when I no longer could support this pernicious and revengeful Ministry it appears I ceased to be one. I say “revengeful” because the Chief Secretary, on the 4th of September, 1878, admitted that the Black Wednesday dismissals were carried out from motives of revenge, and not on the ground the Ministry put forward in their memorandum to the Governor. When I no longer could support such a Ministry the honorable member for Kara Kara says I lost power in the country. How? By refusing to act the part of a political poltroon and scoundrel? If the statement that I have lost power on that account were true I should regret it for the sake of the people of Victoria, but I have a higher opinion of the people. To hold political life on such terms would be simply to act the part of a cowardly crawler, and that is the part I should have played had I continued to sit behind this Ministry as I was requested to do by a number of Ministerial members. In the Merchant of Venice, Bassanio says—

"So may our outward shows be least themselves; The world is still deceived with ornament. In law, what plea so tainted and corrupt, But being season'd with a gracious voice, Obscures the show of evil? In religion, What damned error, but some sober brow Will bless it, and approve it with a text, Hiding the grossness with fair ornament? There is no vice so simple but assumes Some mark of virtue on his outward parts. How many cowards, whose hearts are all as false As stairs of sand, wear yet upon their chins The beard of Hercules and frowning Mars, Who, inward search'd, have livers white as milk? And these assume but valour's excrement, To render them redoubted."

That describes the position of the gentlemen who assail the Ministry for some occult reason, but who are yet always prepared to vote with them. I cannot understand such conduct. It appears to me so improper that I am literally amazed at it, though no doubt the Ministry have been holding out an alluring bait by unconstitutionally keeping one seat in the Cabinet vacant for nearly twelve months, while dividing the salary among them. Still, though I would be the first to hail the exit of this Ministry, the country wants constitutional reform. The reason, I submit, why we have failed to carry on the legitimate business of legislation in this colony is to be found in one simple fact. In England, the men who go into the House of Lords have for the most part received their parliamentary training in the House of Commons, and there is a feeling of sympathy and respect between the two Houses. But in this country what do we find? So great is the want of sympathy between the two Chambers that many members of the Council do not know many members of this Chamber even by sight. Moreover, there is a feeling of contempt in the Council towards members of this House, and that feeling is reciprocated by hatred on the part of members of the Assembly towards the Council. The sympathy between the House of Lords and the House of Commons in England and the want of sympathy between the two Chambers here is the secret of their success in the old country and our failure in this colony. The true system of carrying on the business of the country is for Ministers to work for the common weal of all, and not for their own selfish purposes to foment public
It is part of the duty of the Upper House to do the best it can for the people of this country, and, if it is going on in a righteous course, why should it not be allowed to become popular equally with ourselves? I am as anxious for reform as the Government can be, but the reform I want is not that which will make the Assembly despotic. For my own part, I am inclined to think that if we were to conduct our business with decency—as gentlemen having respect for our opinions, and the opinions of the other House—there would be no necessity for reform at all. The reform which the Ministry propose is a parody on the British Constitution. It could not be excelled even in the pages of Gulliver’s Travels. It is a perfect monstrosity. I believe, to use the language of the honorable member for Kara Kara, that it will destroy the Constitution of this country, and yet the honorable member for Kara Kara is going to vote for it, because he is not prepared to “split the liberal party.” What is the “liberal” party? What is the meaning of the expression? Show me what a “liberal” is. Let me see him, in order that I may fall down and worship him as he deserves. But don’t place before us some sort of Juggernaut and tell us to sacrifice to that without reason—without any soul or thought on the subject whatsoever. And here let me ask why it is that Parliament is degraded in the estimation of the people? It is because they see so much place-hunting and popularity hunting—so little regard for principle, and so great regard for “prospects.” Let us for once rise to the position of men, and have some regard for the future well-being of the country, and not so much regard for our own personal interests. There is no reason why we should go to the country with a crude and miserable Bill like this now before us. The sum of £2,000,000 has yet to be obtained from England for the purpose of railway extension, and a map has been hung up in the chamber to gull honorable members as to the direction in which railways are projected. Let that matter be decided. Don’t let Ministers go to the country to hold up railway construction as a bribe. Then there is the endowment of municipalities. That and other subjects of a practical character ought to be dealt with, and therefore I object to the rushing through of this Bill in order that it may be used as a means of stirring up sedition, ill feeling, and class quarrels so that they may fatten on the public purse as has been done in Victoria. Ministers should not go forth to the people of this country and describe the members of another place as “bullock drivers”; that is not the way to get their legislation through. Let the Government here imitate the conduct of Ministers at home, many of whom are descended from families that have carried the banners of England into every quarter of the globe, and the whole people will give them credit for it; but do not let them foment and maintain to the bitter end quarrels which have been a curse to the country though benefiting the pockets of the Ministry. There is yet time for the Government to retrace their steps. Let them strike out this 6th clause, which they must know is an outrage on the Constitution of England. Although our Constitution puts into literal language the practice in England, it does not put into language tho claims of the House of Lords, who have never yet abandoned the right not only to reject a Money Bill, including an Appropriation Bill, but even to alter it. In practice they do not alter it, and we have embodied that practice in the 56th section of the Constitution Act, by which the Council can reject but not alter a Money Bill. Even Pym, the staunchest leader of the popular party, never asserted that the privileges of the Commons extended beyond their right to begin Supply. What does the great writer Hallam say? Hallam, in the 13th chapter of his Constitutional History, says—

“In the short Parliament of April, 1640, the Lords having sent down a message, requesting the other House to give precedence in the business they were about to matter of Supply, it had been highly resented, as an infringement of their privilege; and Mr. Pym was appointed to represent their complaint at a conference. Yet even then, in the fervour of that critical period, the boldest advocate of popular privileges who could have been selected was content to assert that the matter of Subsidy and Supply ought to begin in the House of Commons.”

Now, I would like to ask honorable members, is this fear of the other House becoming popular a proper subject for complaint? What objection should there be to the other House becoming popular? Surely both Houses are supposed to exist for the well-being of the country; and if the other House can, by its conduct, become popular, why should it not become popular? There is an amount of monstrosity underlying the whole of this debate against the Upper House that it is pitiable to contemplate.
hatred, and of teaching the man who earns his bread by the hard labour of his hands to look upon the man who earns his bread by the hard labour of his brains as somebody opposed to him, as his enemy. The pity of the thing—"the pity of it."—is that, under the rule of the present Administration, the country has gone back twenty years. Certainly it will take at least ten years, under a more capable Administration, to recover itself. The unthinking "working classes," being buttered up and told that they are to have a State bank, and money lent to them—without any security, of course—and other outrageous things, are deluded into the belief that the present Ministry are indeed the "people's friends." I never reflect on these things without my blood literally running on fire to think that I was ever party to bringing these men into power. I stumped the country from one end to the other on their behalf, believing in their capacity and honesty as administrators, but I have been woefully deceived and disappointed. Though there are personal reasons why I may regret that I should have to give my vote against them, yet I am ready to give my vote against them this moment to put them out of office. I appeal to them, if they have any patriotism left, to put away the mischief-making machine called the Reform Bill, and come here in a contrite spirit, acknowledging that they have done wrong in the past, and asking that their omissions and commissions may be overlooked, and bring forward a measure such as can be accepted by reasonably moderate and honest men. If that were done, who would care if they remained in possession of the petty spoils of office? I would not care, if they enjoyed them righteously, but not by setting people by the ears, not by turning one man against another, not by plunging the country into £600,000 a year extra expenditure. I don't much care what Administration may occupy the Treasury bench, but what I would like to see is that, for the efficient carrying on of the business of the country, Ministers should be Ministers and not clergymen; that they should do more Cabinet work and less caucusing and conspiring. But we must not stand idly by. We must be up and doing, as far as possible to counteract the evil effects of the course of action of the present Government upon the public morality of the people. They promise, to one supporter, a County Court judgeship; to another, a whipship; to a third, a billet in some department—all are to be provided for in order that this Bill may pass its third reading. Under all the circumstances, the present Administration is one which I feel I ought not to support, which I cannot support, and which, to use the language of the old Roman, I swear by all the gods I will not support.

At this hour (shortly after midnight) the sitting was suspended for twenty minutes.

Mr. WILLIAMS.—I think it is necessary that this matter should be thoroughly threshed out, because we are now debating the constitutional question for the last time, perhaps, before we go to our constituencies. The proposition of the honorable member for Carlton is thoroughly in accordance with the views I enunciated at the last general election. I concur with the honorable member for Carlton that nearly every electorate in the colony would reject the nominee principle if it were submitted to the vote apart from all other considerations. I assert also that the 6th clause would be rejected almost unanimously by every constituency. If those two principles had been submitted to the country at the last general election, nakedly and plainly, what would have been the verdict pronounced upon them? Why I venture to assert that no politician in this House will have the temerity to submit such propositions to any constituency at the approaching election. If the Government submit them to the country they will receive a most ignominious defeat at the hands of the people. The electors will clearly see through the inconsistencies of the Bill. The Government have attempted to harmonize two most opposite principles. On the one hand there is the nominee principle, which is perhaps the most conservative system that can be conceived, and the introduction of which into this measure is a retrograde movement, and on the other hand there is the most radical principle of the plebiscite. The Government will never go to the country on this Bill. They will not attempt to raise the cry of "The Bill, the whole Bill, and nothing but the Bill," but they will say to the electors—"If this measure does not suit you, we can alter it to meet your views." The principle of the 6th clause was contained in the 4th and 8th clauses of the Reform Bill of last session, and how were those clauses regarded by the constituencies? Not one constituency pronounced
in favour of them. Provoked by some remarks which fell from the Minister of Public Instruction, I challenged the honorable gentleman and the Chief Secretary to test the feeling of the electors of Mandurang on those clauses. The Major went there to try and vindicate them, but he utterly failed, for out of a meeting of 600 or 700 persons, only about four supported those proposals. I am quite convinced that the electors will never allow the absolute unchecked control of the public revenue to be in the hands of any set of men. Those members sitting on the Ministerial side of the House who have had sufficient independence to give the Government some good advice, have been most unjustly hounded down, and called traitors to the liberal party. If honorable members are to support the Government whether they believe it to be in the wrong or in the right, there can be no individual liberty. If allegiance to the Ministry is to be considered above the interests of the country at large, instead of government by party being an advantage and a boon to the country, it will be an unmitigated curse. One great complaint which I have to make against the Government is that some of the principles of the present Bill are as different from those of their last measure as night is from day. For instance, the pernicious principle of nomineeism was not contained in the last Bill. The plebiscite is the only redeeming feature of the present Bill, and yet the Chief Secretary recently stated that no English Minister would assent to the plebiscite. The Bill, in fact, is utterly worthless; and if the Government attempt to palm it off on the constituents at the approaching general election, they will find themselves in a woeful minority. The Government have never even got a public meeting to give a verdict in their favour, unless they went there with all their force, and carried gifts in their hands. If they visit a constituency where they are unpopular, their practice is to cry out that opposition to them would put the Education Act in danger. I remember that, at a meeting held at Eaglehawk, I put several questions to the Minister of Public Instruction, but he would not answer them. His only story was that the Education Act was at stake, and that the electors ought not to allow the liberal party to be split up. I say the only thing the Ministry really see in danger is their seats in the Cabinet. My experience of them, during the two and a half years I have been in Parliament, is that, instead of wanting the means of putting their hands in the public purse in "a peaceful, easy, and accessible manner," they have found such means already. Look at what the Audit Commissioners say in their report about £20 being improperly paid out of the vote for "unforeseen expenses" towards the maintenance of "an old veteran." That is only a small case, but I contend that the hand that could in that illegal way dip into the public purse to the extent of £20, could, upon another occasion, dip there to the extent of £20,000. Then see how the intentions of the House with respect to the embassy vote have been frustrated by the way in which the Chief Secretary has refused to account for the money. Again, I know of cases in which lump sums have been handed over for expenses to chairmen of commissions, who have simply given receipts for the full amount. That is a practice which may lead to members of commissions and others obtaining enormous pay for their services.

An Honorable Member.—The statement is not true.

Mr. WILLIAMS.—It is true. If the honorable member who interrupts me will only apply to the president of the Lands Commission he will soon find out how true it is. I hope and trust that that sort of thing will be unknown in the future. Moreover, there are many votes on the Estimates which have been paid out of funds obtained by means of interim Supply Bills, although the Chief Secretary distinctly promised that honorable members generally should have an opportunity of discussing the matter before the money left the Treasury. It is grossly unfair to take any portion of the public expenditure away from the purview of the House. If what I refer to is carried on now, what may we not expect under the 6th clause? I am sure we would have the most open and unblushing corruption ever known, if not from the present Government from their successors. As I am informed that we are to divide on the present question to-night, I will not detain the House further. Let me say that I have always understood liberalism to involve a true regard for the opinions of others, and a decided avoidance of extremes. It seems to me the Government have rushed to extremes from which they cannot withdraw themselves.
Mr. L. L. SMITH.—It appears to me that the present question is simply that of a struggle between the “ins” and the “outs.” I must say, however, that the Opposition, old politicians as they are, have played their game with any amount of astuteness, by employing the Ministerial corner party to pull the chestnuts out of the fire. Look at how the honorable member for Maldon and the honorable and learned member for the Ovens have carefully kept out of the present discussion, and how most of their followers have copied their example. Then how carefully they have chosen their instruments. Could their cleverness be better illustrated than by their selection of the last speaker as their wire-puller? I say the exhibition is most indecent.

Mr. KERFERD.—What is your little game?

Mr. L. L. SMITH.—I want to support the Government. I can understand the slipperiness of the honorable and learned member for Mandurang, because he has to look out for playing the monarch’s part, but I don’t pretend to a similar acquaintance with the snivelling policy of the last speaker, who came into the House pretending to be a supporter of the Government, but has never lost an opportunity of going against them.

Mr. WILLIAMS.—That is not true.

Mr. L. L. SMITH.—You have done it ever since you came into the House.

The SPEAKER.—Order, order.

Mr. L. L. SMITH.—Mr. Speaker, I will not allow you nor any one else to prevent me saying what I think about—

The SPEAKER.—As mouth-piece of this Assembly, I tell the honorable member for Richmond (Mr. Smith) that his demeanour is highly unparliamentary. It is not permissible in a deliberative chamber to make such unseemly noises as he has been doing. He must be content to conform to the regulations of Parliament. I feel personally wounded when any honorable member so conducts himself in this House. He should remember that he is amenable to the House and to the chair for his demeanour as well as his language.

Mr. L. L. SMITH.—Mr. Speaker, I trust to always submit myself to your ruling. But would you point out in what way my conduct has been outrageous?

The SPEAKER.—The honorable member’s excited manner, the extraordinary tones in which he spoke, and almost everything else in his demeanour and attitudes for the last ten minutes, were quite unbecoming to a deliberative assembly.

Mr. L. L. SMITH.—Mr. Speaker, I must beg leave to differ from your ruling. Will you show me how my demeanour was outrageous? I appeal to any member of the House to say whether I have uttered words that I need be ashamed of. I may have spoken excitedly, because I felt strongly, but I am unconscious that I have gone further. I won’t ask any member on my own side to show how I have been outrageous, but I beg some honorable member on the opposition benches to say how I have behaved. I may have been excited on this particular question, but I deny that I have used any unparliamentary language or assumed a threatening demeanour. I appeal to the honorable members of the Opposition on the point, and I shall accept their verdict.

Mr. FRANCIS.—As the honorable member has made an appeal, I may take the liberty of telling him, as an old friend, that he was more excited and demonstrative than he himself was aware of. I have no doubt that the honorable member was guiltless of any intentional disrespect to the House, and I am sure he will now bow to the ruling of the chair which was simply given for the preservation of order.

Mr. L. L. SMITH.—I accept the decision of the honorable member for Warrnambool, having made the appeal. I can only say that if my manner was outrageous and unparliamentary, as the Speaker termed it, I have to express my regret. In continuation of my previous remarks, I cannot help commenting on the extraordinary amount of interest which has been manifested this evening by the Opposition with regard to the voting of honorable members on this side who are supposed to be waverers. I hear it stated that a certain amount of manipulation is going on. The honorable member for Kara Kara and other members have grounded their objection to the Bill mainly on the nominee principle it contains, but what is the fact? There was not even a division on the nominee question. When honorable members did think it necessary to take a test division, it was taken on the 8th clause, and the honorable member for Kara Kara voted for that clause.

Mr. DOW.—There was no question of nomineism in the 8th clause. The
honorable member for Rodney (Mr. Gillies) asked for a division on the 8th clause as a test division on the Bill generally. If the question as to nominalism had been pushed to a division, there are many gentlemen on this (the Ministerial) side of the House who would have voted against a nominee Upper House.

Mr. L. L. SMITH.—If the honorable member for Kara Kara voted for the Bill as a whole, then I trust we can hope for his vote on the present occasion. With regard to the honorable member for Carlton, I have heard a great many reasons assigned for his action in going before his constituents; but I maintain that the real reason was this: that now, after a dissolution, the elections all take place on one day, and the honorable member wanted to be in the next Parliament. Why is not the honorable member for Carlton here tonight to support his amendment?

Mr. YOUNG.—He is unwell.

Mr. L. L. SMITH.—Oh, unwell! many honorable members are unwell when it suits them. Have we not had the Speaker unwell? Did he not have a fall from his horse? I hope the country will carefully regard the fact that no leader of the Opposition has taken any active part in the present discussion. Neither did the Opposition take any open part in the Carlton election, but we know how they worked. As the Chief Secretary very truly said, the only vote any liberal could have given at the Carlton election was for Mr. Munro, with the hope of preventing the splitting up of the party. The honorable member for Carlton was challenged that he dare not go before his constituents on account of his action in regard to the purchase of the Hobson's Bay Railway, and, like an astute man, he reasoned thus:—“I want to be in the next Parliament; if I resign my seat for Carlton now and stand for re-election, I shall know the feeling of the constituency, so that, if I am rejected, I can stand for another electorate at the general election; if, on the other hand, I am returned for Carlton, I shall be able to come back to the House with a splendid position.” Mr. Curtain, his opponent, would not say anything with regard to the Education Act, nor anything with regard to reform, so that the liberals of Carlton could do nothing but vote for Mr. Munro. Although I would like to see Mr. Curtain returned, as, in my opinion, the more politically honest man of the two, I would have voted for Mr. Munro myself under the circumstances. I had intended to address myself to the third reading of the Bill, but, the Speaker having termed my manner “outrageous,” I will say no more. I have not often trespassed on the chair, and I hope it will be a long time before I do so again.

Mr. TUCKER.—One of the redeeming features of this very tedious debate is that it has afforded the honorable and learned member for Sandridge the opportunity of appearing as a reformer. I recollect his first exploit in that direction, when he obtained a seat in this House on the strength of being a supporter of the Norwegian scheme, and I recollect also the stinging remarks of the honorable member for Warrnambool, who was then Chief Secretary, when it was discovered that the honorable member had deliberately sold his party.

Dr. MADDEN.—Your recollection must be very bad.

Mr. TUCKER.—I think the honorable member for Sandridge is a poor specimen of a reformer, and that his professions in that capacity will be gauged correctly by the country. I may say that I do not believe in the nominee system proposed by the Bill, and I hope that, before the measure becomes law, that element will be eliminated. At the same time I am not going to give a vote to embarrass the Government. I intend to vote with them in opposition to the motion of the honorable member for Carlton, which is a party motion, and has no significance whatever. I have been long enough in this House to understand what is meant by a motion of the kind proceeding from the Ministerial corner, while honorable members on the front opposition bench sit perfectly silent. I can realize how convenient it must be for honorable members to find others taking the chestnuts out of the fire for them. The honorable member for Sandridge went into a little arithmetic; and drew a glowing picture of men who pay 3s. 10d. per week rent becoming voters for the Legislative Council. But who supposes that the Legislative Council will consent to such an extension of the franchise of that House? The offer of the Legislative Council is contained in their Bill—it is that the power of voting in the election of members of that House shall be extended so as to include owners of property worth £20 a year, and tenants of property worth £40 a year. That is the proposition we have to deal with. We
have nothing to do with any mysterious offers which I think are degrading alike to this House and the persons who put them forward, and who act as go betweens—who fetch and carry between the two Houses. Surely the other House has suffered enough indignity by its rejection of measures of public utility, without having a certain section of its members in secret conclave with certain members of this House, dealing out reform in a niggardly way, and endeavouring by some catch vote, such as that now before us, to shelve the Reform Bill altogether. The other evening I said I did not believe the Bill to be perfect; but I believe the people of this country are in earnest this time at any rate, and they will not allow any political party to use them again as they have been used in the past. I feel disappointed that none of the leaders of the Opposition have taken part in this debate. I recollect the opinions expressed by the honorable member for Maldon, some ten or fifteen years ago, when seeking the suffrages of the electors of Collingwood. The honorable member then sought to make the Legislative Council paramount—to make the vote of that House equivalent to a dissolution of this House. That was the programme which the honorable member put before the electors of Collingwood, and I am not aware that he has since altered his views. The honorable member then spoke of the members of this House as not being fit to be trusted in a room by themselves. He said they were hungering after money.

Mr. SERVICE.—No.

Mr. TUCKER.—The honorable member drew a vivid picture of the lot of rogues, for he seemed to be able to regard them as nothing else, who occupied seats in the Assembly.

Mr. SERVICE.—I am surprised at the allegations which the honorable member makes. What he says is utterly incorrect.

Mr. TUCKER.—I have here a copy of the honorable member’s manifesto. It is rather an ancient document. It is addressed “to the electors of Collingwood,” and is signed “James Service.” In this document, the honorable member observes—

"Let me say that I think the course adopted by the Government in dissolving the Assembly with a view to influence the Council is not only a perfectly legitimate one, but is the only possible way to avoid a real dead-lock."

And he goes on to remark—

"But, whilst I think the course of dissolving the Assembly with the view of influencing the Council is a correct one, I think the Government committed first a grave indiscretion in appealing to the constituencies to decide between the Assembly and the Council on the Darling vote before the Assembly had afforded the Council an opportunity of either agreeing or disagreeing with it."

Mr. KERFERD.—And that is what every sane man says.

Mr. TUCKER.—On the question of the competency of the people to decide whether the Legislative Assembly shall have the unrestrained control of the national purse, the honorable member observes—

"They cannot determine such a policy, because the Constitution cannot be altered by a mere vote of the electors—it cannot be altered even by the united resolution of all the 78 members of the Assembly."

The position the honorable member takes up is that if the constituencies, at a general election, return a Legislative Assembly favorable to a certain scheme of reform, the Legislative Council are not bound to acquiesce in that decision. And this is the way in which the honorable member speaks of members of this House at a time when members were not paid:

"What did the Assembly then do? It did precisely what an Assembly hungering after £500 a year per head of its members, and which now for the first time caught a distinct glimpse of the golden treasure, would naturally do."

We have been frequently told that former Assemblies—Assemblies which existed before payment of members became the law of the land—were much more virtuous, much more superior, than the present Assembly. But this is what the honorable member for Maldon told the electors of Collingwood:

"Have the Assemblies, as hitherto constituted, been so exceedingly incorruptible that you wish to trust them alone with the key of the Treasury? No doubt at the expiry of every three years you would have the doubtful privilege of choosing a new set of masters—persons, many of them, if we judge the future by the past, to whom you would not intrust your own household gods for a month, but who, according to the new Government policy, would have the power to vote away to any mortals they pleased (themselves excluded) the entire revenue of the country."

Finally, the honorable member offers something like a bribe to the constituency to return him, for he says—

"The stronger the Ministry is in the new Parliament, therefore, the longer must this
miserable dead-lock continue. It is no use disguising that fact; and those electors who wish to see the Treasury opened, the civil servants paid, and the public works resumed at the earliest possible period, will record their votes for constitutional candidates.

There was the consideration offered to the electors to forgo their rights, and return men who would simply allow the Upper Chamber to ride roughshod over the privileges of this House. I presume the politics of the honorable member for Maldon have not changed. I take it that the views which he put before the electors of Collingwood were honest views—that he thoroughly believed in them. I presume that the honorable member is now as thorough a conservative as he was then—that he believes in making the Upper House a more powerful body than it is at present, in enabling it by its vote to dissolve this Assembly.

Dr. Madden.—He never said that.

Mr. Tucker.—I think it is to be regretted that when we are in almost deadly conflict with a body which, to adopt the phrase of an experienced politician, has erected a kind of turnpike-gate across the path of legislation, which never allows anything to go through without paying toll, which has never consented to a measure for the benefit of the masses without exacting a quid pro quo, members of this House should band themselves together to throw over the rights and privileges of this Assembly simply for the sake of turning out the present Government. That this is the object is clear because, as I am informed, all the portfolios in the Ministry of the future are allotted. As I have already indicated, I do not believe in all the provisions of the Bill. I do not believe in any Government being able to nominate members of the Upper House. If members of the Upper House are to be nominated, I think the nominations should be made by this Assembly and not by the Government. But if the people had the power of deciding disputes between the two Houses, I would be content with the constitution of the Legislative Council as it is at present. With power to take a poll of the people, there would be no occasion for the nominee element, or the 6th clause. However, I shall support the Government on this occasion because I know very well that the amendment is a mere obstacle put on the line to upset the carriage of reform.

Mr. Graves.—I do not think it right to give a silent vote on this occasion. For two years and a half I have followed the liberal party; I am a thorough liberal, every inch of me; and I am thoroughly disappointed with the Reform Bill that I am called upon to take to my constituents. It infringes on the liberties of the country and on the liberties of this House. In the first place, it gives the allocation of public money to the Ministry, and brings this House “under the heel of authority.” In the second place, it interferes with the freedom of constituencies—it takes from them the right to nominate their own representatives. In the third place, by means of the 22nd clause, it infringes on the prerogatives of the Queen, by asserting that she shall give her assent to Bills passed by “the people,” and not the Legislature “of Victoria.” I cannot take such a measure to my constituents. I hope to appear before them shortly; indeed I would have followed the example of the honorable member for Carlton had I not been otherwise advised. I shall be very glad to submit myself to my constituents, whatever the result may be. But, holding liberal principles as I do, I will not take the Bill which is now offered to me to the electors of Delatite. Therefore, I shall not support the measure in this House.

The Speaker put the question—

“That the order of the day for the third reading of the Bill be discharged, and that the Bill be re-committed, with the view of substituting for parts 1 and 2 provisions for lowering the qualifications for electors and members of the Legislative Council, shortening the term for which members are elected, and reducing the size of the provinces.”

The House divided—

Ayes... 38
Noes... 42

Majority against the proposal... 4

Ayes.

Mr. Bent, Bird, Blackett, Bosisto, Brophy, E. H. Cameron, Carter, Casey, R. Clark, R. Clark, Cooper, Dow, Duffy, Francis, Fraser, Grannison, Gillies, Graves, Harper, Hunt,

Mr. Kerford, MacBain, Mackay, Dr. Madden, Moore, Orr, Sir J. O’Shanassy, Mr. Ramsay, Sergeant, Service, Sharpe, A. K. Smith, R. M. Smith, Williams, Young, Zox.

Tellers.

Mr. Bayles, McIntyre.
Mr. Andrew, Mr. Longmore,
" Barr, " Mason,
" Bell, " Nimmo,
" Berry, " Mirams,
" Billson, " O'Hea,
" Bowman, " Sir B. O'Loghlen,
" D. Cameron, " Mr. Patterson,
" A. T. Clark, " Pearson,
" W. M. Clark, " Rees,
" Cook, " Richardson,
" Cope, " Sainsbury,
" B. G. Davies, " Major Smith,
" D. M. Davies, " Mr. L. Smith,
" Dixon, " F. L. Smyth,
" Fergusson, " Story,
" Grant, " Tytherleigh,
" Ince, " Woods,
" James, " Wright,
" Johnstone, " Tellers.
" Lalor, " Mr. Fincham,
" Langridge, " O'Hea,
" Laurens, " Wright.

Mr. Munro. Mr. Kernot.

Mr. BERRY.—Mr. Speaker, I beg to move that the Bill be now read a third time.

Mr. B. G. DAVIES.—Sir, it has been agreed, I believe, that there shall be no debate on the third reading, but I wish to offer a reason for the vote which I am about to give, as I have not spoken at all during the progress of the Bill. When the Reform Bill introduced by Mr. Francis was under discussion, I was strongly in favour of the Norwegian plan, and I expressed that opinion throughout the whole of my district. I now think that was a better plan for a democratic country than any other which has been suggested. When the plebiscite was first proposed I visited my district, and spoke strongly in favour of the Bill of last session because it contained that principle. I also spoke in other places in favour of it. But there are other principles in the present Bill which I do not approve of, and I can forecast a period of a couple of years' more turmoil throughout the country before the matter will be finally settled. I think the present Chief Secretary has brought the question of reform several steps in advance by his action in the matter of the embassy; but, taking what I may call a census of the views of the electors, I fully believe that it is useless to attempt to proceed any further in this direction of reform, as the principle of nomineeism, pure and simple, will not be approved of by the constituencies. Believing that the country now requires peace, and fully believing that the Ministry, having done all in their power to carry this Bill, will not be able to persuade the electors that it is the best reform which can be proposed, I can follow the lead of the Ministry no longer. It is therefore my intention to vote against the third reading of the Bill.

Mr. BENT.—I wish simply to state that to-day the honorable member for Normanby asked me to vote against the Bill. (Cries of "Divide.") As I understand it has been arranged there shall be no debate on the third reading, I will not make any further remarks.

Mr. STORY.—I do not wish to give a silent vote. There are some portions of the Bill with which I don't agree, but I think the Government are doing the best they can to obtain reform.

The House then divided on the question that the Bill be read a third time—

Ayes ... ... ... ... 43
Noes ... ... ... ... 38

Majority for the third reading ... 5

Mr. Bayles, Mr. Hunt,
" Bent, " Kerferd,
" Bird, " MacBain,
" Blackett, " Mackay,
" Bosisto, " Dr. Madden,
" Brophy, " Mr. Moore,
" E. H. Cameron, " Orr,
" Carter, " Sir J. O'Shanassy,
" Casey, " Mr. Ramsay,
" R. Clark, " Sergeant,
" R. Clark, " Service,
" Cooper, " Sharpe,
" B. G. Davies, " Mr. Moore,
" Duffy, " R. M. Smith,
" Francis, " Williams,
" Fraser, " Young.
" Gaunson, " Tellers.
" Gillics, " Mr. McIntyre,
" Graves, " Zox.

The Bill was then read a third time.
Sir B. O'LOGHLEN moved a formal amendment in clause 12, relating to the retirement of members of the Legislative Council by rotation.

Mr. GILLIES.—Mr. Speaker, in the face of the fact that the Bill has not been carried by the necessary constitutional majority—that it is utterly impossible for a certificate to be given that it has been passed on the second and third readings by an absolute majority of the Legislative Assembly—it cannot become law, and therefore it is useless for the Attorney-General to move any amendments. The Bill is practically lost, and it is a farce to attempt to go on with it. The Government know that they required 44 members to vote for the third reading to secure an absolute majority in its favour, and a call of the House was made before the division took place in order to secure the largest possible attendance. It is utterly impossible for the Bill to proceed any further.

Sir B. O'LOGHLEN.—The honorable member for Rodney (Mr. Gillies) is assuming that 43 members are not an absolute majority of the whole House. That question will have to be settled by the Clerk before he gives his certificate. In the meantime I have proposed an amendment, and I intend to press it to a division.

Mr. MCINTYRE.—Sir, I rise to order. Can a measure to reform the Constitution become law if the third reading of it is not carried by an absolute majority of the whole House? Is not this Bill to all intents and purposes lost?

Mr. KERFERD.—Amendments may no doubt be made at this stage; but it will be idle to make amendments, because the Clerk cannot give a certificate that the third reading of the Bill has been carried by an absolute majority of the House. It was decided by a former Speaker that 40 members were required to constitute an absolute majority of a House of 78 members, and the present House consists of 86 members.

Sir B. O'LOGHLEN.—Only 85.

Mr. KERFERD.—There can be no doubt that 43 members are not an absolute majority of the whole House.

Sir J. O'SHANASSY.—As only 43 members voted for the third reading, the Bill is constitutionally dead—as dead as a door-nail—and it is useless to attempt any resurrection of it by moving amendments.

The SPEAKER.—I do not think I can refuse to allow the amendment to be entertained. The question whether the majority for the third reading of the Bill is an absolute one does not arise now or here. The proviso in the Constitution Act declares that it shall not be lawful to present the Governor for the Royal assent any Bill altering the constitution of either House unless the second and third readings of such Bill have been passed by an absolute majority of the whole number of the members of both Houses respectively; but I have nothing to do at the present stage with that question.

Mr. GAUNSON.—Is it competent to proceed with the Bill in the face of the Statute, which says that a measure to amend the Constitution cannot become law unless its second and third readings are passed by an absolute majority? However, I will ask another question—Is it competent for Ministers to detain a member of this House as a prisoner in their private room? (Cries of “Chair.”) Well, out of consideration for the honorable member, I will say no more.

Mr. MASON.—On the 21st July, 1874, the third reading of a Constitution Amendment Bill was carried by a majority of 35 to 33, and the same question that has been raised now was raised on that occasion. The honorable and learned member for the Ovens, who was then Attorney-General, spoke as follows:

“The Constitution Act only says that it shall not be lawful to present certain Bills to the Governor for his assent unless the second and third readings have been carried by an absolute majority in each House.”

That is precisely what the Speaker has said now, and supports the Attorney-General in the position he has taken up.

Mr. ORR.—There is one point the honorable member for South Gippsland has overlooked. On the occasion to which he refers, the Ministry of the day did not attempt to proceed any further with the Bill. I am sorry that the present Government should attempt to go on with this Bill after the result of the division on the third reading. The best course will be for them to take time to consider the matter. I therefore beg to move that the House do now adjourn.

Mr. RAMSAY.—I think it would be better if the motion for the adjournment of the House was not pressed. The motion was withdrawn.

The amendment in clause 12 was agreed to.
On the question that the Bill do now pass,
Mr. GILLIES said—I desire to say that it is discreditablc for the Government to proceed in a course which they must know to be futile. It is not in accordance with the dignity of a Minister of the Crown to make a motion the effect of which will be to send to another place a Bill which cannot become law—which cannot be presented to the Governor for the Royal assent. Indeed I regard the proposal as most outrageous, and I undertake to say that it is utterly unprecedented in this House, and, as far as I know, in any other. It is calculated to bring contempt on the Government, and on the House also, if it assents to it.

Mr. BERRY.—Mr. Speaker, I don’t think the honorable member for Rodney (Mr. Gilies) is at all justified in what he has said. He is not the only member of the House, and therefore it does not rest with him alone to pass judgment on the course the Ministry take. He assumes the Bill to be lost, but that assumption is not necessarily a correct one. He knows that an absolute majority of the House is required to pass the third reading of the Bill, but the Legislative Assembly of to-day consists of only 85 members, and therefore 43 members constitute an absolute majority of the whole number. We have had too much trouble with the Bill, and the liberties of the people are too much at stake, for us to deal with this matter lightly. We have not been unobservant of the exertions and the tactics of the Opposition in order to thwart the wishes of the country.

Mr. GILLIES.—Look behind you.

Mr. BERRY.—Yes, it has been absolutely necessary to protect one honorable member from their machinations. It is within the knowledge of the House that most disgraceful efforts have been made to capture a voter on the recent divisions well known for his staunch support of the Government.

Mr. GILLIES.—It is within my knowledge that his vote was promised to the Opposition.

Mr. BERRY.—It was only when advantage was taken of a certain condition that the honorable member alluded to was ever likely to vote with them. I say that an absolute majority has been obtained for the Bill in spite of the clerical as well as monetary influences brought to bear upon the division—in spite of at least two honorable members being dragged across the House by the priests. Do the Opposition think the people of the country are going to be done in that way? If there is a chance of saving the Bill the Government will take that chance. The Opposition must have thought they had done the trick so nicely when they got the unexpected vote of the honorable member for the Avoca (Mr. Davies), who had previously voted at every stage of the Bill, and never once against the Government. His vote from our side was wanted by the Opposition to make the majority for the Bill one less than an absolute majority, and they thought at the last moment that they had got it; but I tell them that if the vote of 43 members for the Bill proves to be a sufficient compliance with the Constitution Act we shall stick to the Bill. At the present time it is not possible for more than 85 members to be in this Chamber, and of that number 43 is a clear and undoubted majority. And, Mr. Speaker, while we are on this question, don’t let us forget that it is owing to the action of the monetary institution of which the leader of the Opposition is chairman that we cannot have 86 members here, and that the vote so lost would have been with the Government.

Mr. GILLIES.—Why the vote was offered to the Opposition, and refused.

Mr. MASON.—I know that to be not the case.

Mr. BERRY.—The interjection of the honorable member for Rodney (Mr. Gillies) is a most extraordinary one. It is very hard to credit his statement. How can it be believed that the vote was offered to the Opposition and not availed of, when we know they moved heaven and earth to get rid of the Bill? What promises have not been made? What portfolios have not been offered to the corner?

Mr. CASEY.—The statement is absolutely untrue.

Mr. BERRY.—Will the honorable member sitting next the honorable and learned member for Mandurang say so? Has he not himself admitted such an offer? It is well known that anything has been offered for a vote. The majority for the Government was to be reduced to below the number requisite to constitute an absolute majority, cost what it might. I warn the Opposition that the country will have something to say to the proceedings of tonight. It is quite true that, because there were not 44 votes for the Bill, reform may possibly be thrown back for some time—
Mr. GILLIES.—No; reform will be more easily obtainable than before.

Mr. BERRY.—But it is also possible that the people will be so roused by the action of the Opposition that they will support the Government with more vigour than they would otherwise have shown. At the same time, if the Opposition are not utterly carried away by the novel sensation of being nearly in a majority—if they are not intoxicated with the momentary gleam of success which has appeared to illuminate the darkness they have so long struggled in—they must see that there is a chance of the Government being able to prevent the Bill from being lost, and that chance they feel it their duty to seize.

Mr. BENT.—I would not have risen to speak but for the assertion by the Chief Secretary that certain attempts were made by the Opposition to secure the vote of the honorable member for Normanby, and that had he been left alone he would undoubtedly have voted with the Government. Why every honorable member in the House will admit that while the honorable member for Normanby repeatedly interrupted him with interjections directed against the Government and the Bill.

An HONORABLE MEMBER.—Shame!

Mr. GILLIES.—You have got hold of that case by the wrong end; that is all.

Mr. BENT.—Where is the shame? I ask the honorable member for Normanby himself to say if the Chief Secretary spoke truly.

Mr. COPE.—Shame!

Mr. BENT.—What right has the honorable member for Portland to cry "Shame"? I ask him if he, of all the members in the House, is not specially and particularly aware that the honorable member for Normanby meant to vote against the Bill and against the Government? Was he not himself asked by the honorable member for Normanby to vote against the Bill? The Chief Secretary says means were adopted to get the honorable member for Normanby's vote, but will the honorable member himself contradict what I have just said? Of course I thought there was a change when I saw him brought into the chamber to-night, shepherded by the honorable member for Maryborough (Mr. Bowman), who held one of his arms, and the honorable member for South Gippsland, who held the other, while the Attorney-General walked in front of him. I don't intend to pursue this topic further. I will only ask the Government whether they will agree to carry out their promise to the honorable member for Carlton, that if their Reform Bill was defeated they would afford him an opportunity of bringing in his?

Mr. MASON.—I will not refer to anything that has been said about the honorable member for Normanby, but I ask the honorable member for Rodney (Mr. Gillies), who says that to claim 43 votes as an absolute majority is unprecedented, to remember that the third reading of the Norwegian Reform Bill of 1874 was carried by only 35 votes against 33 in a House of 78 members, and that it was passed. What did the honorable and learned member for the Ovens, who was then Attorney-General, say on that occasion?

Mr. GILLIES.—You offered office? Utterly impossible.

Mr. MASON.—Why all sorts of positions have been offered various honorable members if they would vote against the Bill. Only this very night I was offered the Chairmanship of Committees. (Laughter.)

An HONORABLE MEMBER.—It has been offered all round.

Mr. MASON.—I suppose it must have been offered to others, and hence the amusement. Indeed I have seen three new Ministries on paper this evening. I wish also to reply to the honorable member for Rodney's statement that Mr. Dwyer's vote was offered to the Opposition, by saying that the honorable member must know that such an offer was never made. I don't believe any assertion of the kind would have been ventured upon had Mr. Dwyer been present. I have such confidence in his honour that I will stake my seat against that of the honorable member for Rodney upon the truth of my contradiction.

Mr. BOWMAN.—A remark has been made that I was seen "arming" the honorable member for Normanby into the House. I grant that the statement is true. I protected the honorable member—for what purpose? It is well known that up to the present he has voted with the Government in every division upon the
Bill. So, indeed, until the last division, has the honorable member for the Avoca (Mr. Davies), who not long since told another honorable member that he had been offered the Speakership if the Opposition succeeded in defeating the Bill.

Mr. B. G. DAVIES.—The statement of the honorable member for Maryborough (Mr. Bowman) is quite untrue, and whoever repeats it will utter a falsehood.

Mr. BOWMAN.—I call upon the honorable member who gave me the information I allude to to corroborate my statement.

Mr. D. M. DAVIES.—In the presence of the House and the honorable member for the Avoca (Mr. Davies), I beg to state that that honorable member did tell me, in the Library to-day, that he was offered, by more than one person, the Chairmanship of Committees, the Speakership, or a portfolio, and he also led me to believe that he had refused the offer.

Mr. McINTYRE.—The honorable member does not understand chaff.

Mr. BOWMAN.—I think, although I did perhaps make a somewhat cruel statement regarding the honorable member for the Avoca (Mr. Davies), I have now proved my statement.

Mr. GILLIES.—Certainly not.

Mr. BOWMAN.—Further, I desire to say that it is a disgrace for those honorable members who are now sitting in the Ministerial corner to have returned there after voting against the Government. If they had any principle, they would go over to the opposition benches. I have hitherto sat in the corner, but I shall for the future take my seat directly behind the Government. As regards the honorable member for Normanby, I do not deny that I came in arm-in-arm with him to the chamber. But I found the honorable member in the refreshment-room, and the honorable member for Boroondara drinking with him. The honorable member for Belfast came up and rubbed against me while I was speaking to the honorable member for Normanby, and said—"Let him be." If there has been any intimidation practised, it has been by the Opposition. The honorable member for the Avoca is a traitor, and has sold the liberal party. But for him, we should have had for the Bill, beyond all doubt, an absolute majority of the House. I rescued the honorable member for Normanby from the Opposition, who knew that he had recorded his vote on every division in favour of the Reform Bill. He was surrounded by a bevy of opposition members, and was sitting drinking up-stairs with the honorable member for Boroondara.

Mr. R. M. SMITH.—It is very absurd to discuss such trivial things as this on the floor of the House. I certainly was in the refreshment-room at the same time as the honorable member for Normanby. The honorable member for Maryborough (Mr. Bowman) himself was there. The honorable member for Castlemaine (Mr. Pearson) and the honorable member for Mandurang (Mr. Moore) were also there. I was drinking a glass of sherry, and, as far as I recollect, Mr. Tytherleigh, at that time, was drinking the mild potation of a cup of coffee. I had nothing to do with Mr. Tytherleigh's presence there more than any one else. As there is a refreshment-room attached to this House, I am not aware that it is any particular crime to take a glass of wine there, though it is not a place I often visit. I was, I think, about three yards from Mr. Tytherleigh. Further than that I cannot plead guilty to any conspiracy in connexion with him.

Sir J. O'SHANASSY.—I would not have interposed with regard to these charges and counter-charges had not my name been mentioned. Having been in the House since two o'clock, when the Speaker left the chair I went up-stairs to get some refreshment. The honorable member for Ballarat East (Mr. Brophy), the honorable member for Rodney (Mr. Fraser), and myself were sitting at the table, and the Minister of Customs was also present. Mr. Tytherleigh came up and asked me whether, if he moved the adjournment of the House for the purpose of speaking, I would support the motion. I said—"Certainly." He then turned to the Minister of Customs, and said—"I am going to vote against the Government." He made that statement voluntarily in the presence of five witnesses. Mr. Tytherleigh's own brother was present. I went to the billiard-room, and while returning to the chamber I saw Mr. Tytherleigh sitting down, surrounded by Mr. Bowman and Mr. Mason. Mr. Bowman said to me—"Sir John, don't mind this gentleman." I passed on. I want to know what particular complaint there is about me in the matter?

Mr. JAMES.—I beg to remind the House that the Speaker has been fourteen hours in the chair. I would suggest that we should adjourn.
Mr. GRAVES.—I understand from the honorable and learned member for Mandurang that the Chief Secretary stated that I had told him I was offered a portfolio for my vote. The Chief Secretary used the expression, "an honorable member sitting next the honorable and learned member for Mandurang," and I am told he referred to me. I do not wish to remain under an imputation of that kind, and therefore I beg to ask the Chief Secretary if he did allude to me?

Mr. BERRY.—It was certainly the honorable member I alluded to, but I did not say he had told me. When the honorable and learned member for Mandurang contradicted my statement that members in the corner had been offered portfolios, I said he could only speak for himself—that an honorable member next him had told honorable members he had been offered one. If, however, the honorable member for Delatite contradicts the statement which I heard, I am bound to believe him.

Mr. GRAVES.—I explicitly deny that I was ever offered a portfolio. I was canvassed by several gentlemen for my vote, but I declined to give an answer until I had spoken in the House. The Chief Secretary asked me for my vote, but I was obliged to vote against him, though it gave me the greatest pain to do so.

Mr. DIXON.—We have had a very long debate, which has, unfortunately, ended in a very angry discussion. It is about time that we should finally deal with the Reform Bill, as far as this House is concerned, so that next week we may be able to proceed with the Estimates, in order that, as soon as possible, we may appeal beyond the votes of members of this Chamber to the people outside to know whether they approve of the course which has been adopted in this Parliament. I do not think any good is to be gained by discussing the question whether any particular section of the House has got the better of the others or not. We shall soon have to part, and we may as well part friends. All that remains to be done tonight is to carry the Reform Bill through its last stage as far as the Assembly is concerned. For myself, I have been so convinced, since I was first elected in 1874, of the necessity of some alteration in the Constitution, that I was prepared to give a silent vote for this Bill. I was exceedingly pained to find my old and esteemed friend, the honorable member for the Avoca (Mr. Davies), after supporting the Bill through all its previous stages, turn against it at the last moment. I, however, am not the keeper of any man's conscience; I have enough to do to look after my own vote.

Mr. A. K. SMITH.—On the point whether 43 or 44 is an absolute majority of the House within the 60th section of the Constitution Act I desire to say a word. The Melbourne Harbour Trust Act contains a similar section with regard to the election of representatives by the City Council. The City Council consists of 28 members, and when it was called upon to elect representatives on the trust, I received 14 votes. That was one-half of the Council, and was an absolute majority of the number of members who voted or could have attended to vote, yet, because I did not receive 15 votes, I lost the seat.

Mr. GAUNSON.—I desire to state that Mr. Tytherleigh was taken into the Ministers' room by force of arms, and was there detained a prisoner. When he came along the corridor I went with Mr. Bent to see him. The Attorney-General, Mr. Stutt, and some other gentlemen came out, and, with Mr. Bowman and Mr. Mason, brought him along. When I attempted to speak to him in the corridor, a gentleman, whose name I don't know, said—"Take care what you are about." I said—"If you don't mind, I will have you ordered into custody." And so I would have reported him to the Speaker, for what right had he to interfere with a member? When I attempted to approach Mr. Tytherleigh in the House, in order to ask him whether, as a matter of fact, he was voting of his own free will or under coercion, Major Smith pushed me away, but I jammed him back against the door.

Mr. HARPER.—That is true. I saw it.

Mr. ORR.—Perfectly true.

Mr. GAUNSON.—However, I will not pursue the subject further. The Chief Secretary has said that members in the corner have been promised portfolios. I ask the Chief Secretary whether he has not promised a judgeship in order to get the vote of Mr. F. L. Smyth? ("Yes" and "No"). I say it can be proved conclusively. Another honorable member gets up to twit Mr. B. G. Davies, and the paid whip of the Government is brought to substantiate the charge! And this is not the only paid whip, for we know there are two whips paid by the Government; and how many more are paid in other ways?
I say this is a corrupt Administration. They have lived by corruption; they have maintained their position by political corruption; and they will die through corruption. As to the question of veracity between the "paid" whip and the honorable member for the Avoca (Mr. Davies), I tell the Chief Secretary that the action of the honorable member for the Avoca to-night is no more disgraceful than the "sell"—the disgraceful "sell"—perpetrated by the Chief Secretary upon the honorable member at the beginning of this Parliament. I can go home with a clear conscience as to having legitimately sought the vote of the honorable member for Normanby, and no doubt I would have succeeded but for the interposition of interested myrmidons of the Chief Secretary. The Attorney-General jammed me in a corner, and shook his clenched fist at me. The Chief Secretary has endeavoured to brand the Opposition with having attempted to get votes in an improper manner; and it is only right that the antidote should go forth with the poisonous statement. I have reason to believe that he promised Mr. F. L. Smyth a judgeship on condition that he voted with the Ministry.

Mr. F. L. SMYTH.—It is utterly false.

Mr. GAUNSON.—I am delighted to hear it, and I shall sit down. (Cries of "Withdraw.")

The SPEAKER.—The honorable and learned member for North Gippsland denies the statement.

Mr. GAUNSON.—I shall sit down for the purpose of enabling my words to be corroborated by an ear-witness.

Mr. COOPER.—The honorable member for Ararat states that the honorable and learned member for North Gippsland had promised a judgeship.

An HONORABLE MEMBER.—For his vote.

Mr. COOPER.—Exactly. And I understand the honorable and learned member to deny the statement?

Mr. F. L. SMYTH.—I do.

Mr. COOPER.—Now I am here to state that I heard the honorable member himself say, on this very seat, that he had the distinct promise of every member of the Ministry that if he would remain straight with them, and vote for the third reading of the Reform Bill, he should be a judge.

Mr. F. L. SMYTH.—Mr. Speaker, I deny that statement. I never said anything of the kind. To say that I ever made such a statement at any time is totally untrue.

The SPEAKER.—I ask the leaders on both sides whether it would not be better for the House to adjourn?

Mr. FRANCIS.—I desire to say that if the Ministry venture to proceed any further with the Bill in the present position of matters, they will deal unfairly with another place.

Mr. BERRY.—It is not intended to do more than affirm the question "That the Bill do now pass." I don't intend to propose to-night that the Bill be transmitted to the Legislative Council. That will be an order of the day for Tuesday.

The Bill then passed.

The House adjourned at eight minutes past four o'clock a.m., until Tuesday, December 9.

LEGISLATIVE COUNCIL. Tuesday, December 9, 1879.

Assent to Bill—Stamp Duties Bill.

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

ASSENT TO BILL.

The Hon. H. CUTHBERT presented a message from the Governor, intimating that, on the 8th December, at the Government offices, His Excellency gave his assent to the Trustees and Agency Company Bill.

PETITIONS.

Petitions were presented by the Hon. G. F. BELCHER, from 500 inhabitants of Ballarat, against the Stamp Duties Bill; and by the Hon. J. GRAHAM, from the Australian Lloyd's Association, with reference to clauses 72 and 73 of the same Bill.

STAMP DUTIES BILL.

Sir C. SLADEN said that, on the previous Wednesday, as chairman of the select committee now inquiring into the practice of Parliament with reference to Bills imposing stamp duties, he stated that it would be possible for the committee to bring up their report at the present sitting. He found, however, that it was impossible for them to do so. The report had not yet been agreed on, but he believed he might almost say for certain that it would be
ready for presentation to the House next day.

The Hon. F. S. DOBSON remarked that, if there was no other business on the paper for next day, it was wholly unnecessary to hurry the committee in the consideration of their report. The subject they had to deal with was one of very great importance—namely, the basis which legislation should assume between the two Houses on questions of money. Under the circumstances, he would suggest that the House should adjourn until Tuesday, so as to give the committee ample time to consider their report.

The Hon. H. CUTHBERT observed that the Stamp Duties Bill was a Money Bill, and one of the privileges claimed by the Assembly was the right of fixing the time when duties should come into operation. The time fixed in the Bill was the 8th of December, and it was anticipated that the Council would have assented to the measure by that date. The Bill had been under the consideration of the Council for more than a week. He could bear testimony, however, to the fact that the select committee who were inquiring in regard to it had been closely occupied, as they sat the greater portion of the previous Wednesday and Thursday, and again that day before the meeting of the House. He believed they would be able to bring up their report next day, and it was desirable that the House should meet to receive it. The Bill could then be dealt with as the Council thought fit. The matter was one which did not brook delay, and he would therefore respectfully, but urgently, ask the House to meet next day.

The Hon. W. WILSON remarked that matters had assumed a new phase since the Council last met, as he understood that the Government, in consequence of what they considered an adverse vote in another place, had counselled a dissolution. The action of the Government, therefore, placed the Bill on a different footing from that which it would occupy if parliamentary government was proceeding in the usual way. He understood that the Chief Secretary had informed the Assembly that the Government were only anxious to delay the dissolution until the two measures now before Parliament for imposing further taxation—the Customs Duties Bill and the Stamp Duties Bill—and also the Appropriation Bill had become law. Under such circumstances, he did not see that there was any pressing necessity for the Council to deal hurriedly with the important question under consideration by the select committee in connexion with the Stamp Duties Bill. If members of another place had been put under duress and could not now be considered free men, seeing that the Government had informed them that they were now only sitting to wind up the business, the Council, as a separate Chamber, might take every time to consider the course they should follow in regard to the question awaiting their deliberation. The matter was an important one affecting the constitutional privileges of the Council, and it might be a point for consideration whether it would not be wise on the part of the Council to give the Government an opportunity of submitting it to the country with other matters. In any case, the necessity for haste was somewhat lessened, and nothing would be gained by meeting next day. He would suggest that the Council adjourn until Thursday.

The Hon. R. S. ANDERSON stated that it would be an advantage for the House to meet next day, inasmuch as the select committee would then be ready to present their report. It would be unreasonable to ask honorable members to deal with the report without giving them twenty-four hours to consider it; and therefore it could not be dealt with this week unless the House met the following day.

The Hon. R. D. REID expressed the hope that there was no intention to throw out the Bill. ("No.") By rejecting the measure the Council would play into the hands of another place. He was ready to pass the Bill at once.

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

LEGISLATIVE ASSEMBLY.
Tuesday, December 9, 1879.


The Speaker took the chair at seven minutes past two o'clock p.m.

PETITIONS.

Petitions were presented by Mr. Mason, from the shire councils of Buln Buln and Narracan, praying that the House would take into consideration the peculiar circumstances under which local self-government was undertaken in those districts; and by Mr. Ramsay, from tradespeople of West Melbourne, praying that certain concessions should be granted to the Melbourne Harbour Trust whereby that body would be enabled to commence important works which would give employment to a large number of men, and greatly relieve the labour market.

THE POLITICAL SITUATION.

Mr. BERRY.—Sir, in consequence of the vote given on Friday morning, by which this House appeared to reverse the action taken during the whole course of the present Parliament on the most important question it has had to deal with, I thought it necessary to place myself at once in communication with His Excellency the Governor. I saw him, therefore, early on Monday morning, and advised that there should be an immediate dissolution of this House and an appeal to the country. I am now authorized to state to the House that His Excellency accepted that advice.

Mr. DIXON.—I desire to make a personal explanation. I find in Saturday's Argus a narrative, said to be supplied by the Minister of Public Instruction, of what took place on Friday morning. In that account, the honorable gentleman states that "Mr. Tytherleigh went into the House with Mr. Dixon and Mr. Bowman to vote against the amendment." I wish to say distinctly that, during the whole of Thursday evening or Friday morning, I did not speak to the honorable member for Normanby. The only time I was near him was when, in passing through the lobby to the Library, I saw him in conversation with some gentlemen—his brother, two constituents, and Mr. Stutt. The honorable member for Villiers and Heytesbury (Mr. Bayles) was at that time interfering, but on being told that the honorable member for Normanby was speaking with his constituents he went away.

Major SMITH.—I thought at the time I furnished the information in question that the honorable member for St. Kilda (Mr. Dixon) was one of the two members who came into the chamber with the honorable member for Normanby, but I have since ascertained that the second member was the honorable member for South Gippsland.

Mr. TYTHERLEIGH.—Sir, my name has been very unpleasantly mixed up with the occurrences of Friday morning, but I desire to say that every report that has appeared in the newspapers with reference to me is absolutely untrue. I was as sober on that occasion as I am at the present moment. Aspersions have also been cast on members of the Opposition to the effect that they endeavoured to inveigle me into taking liquor. That is absolutely false. The only member of the Opposition I took a drink with during the sitting was the honorable member for Mandurang (Mr. Moore). I was sitting an hour and a half in the refreshment-room, and had a glass of whisky with that honorable member. I also had two cups of coffee. That was the only refreshment I took. News came to me late in the evening of an affliction that had occurred to a friend of mine. I felt the blow severely, and I tore myself away from my friends in an exasperated state. The honorable member for South Gippsland accompanied me to the Ministerial room. I said—"I don't want to be bothered by any one; I have heard news that affects me severely; I want to remain quiet; call me if there is a division." As to the assertion that I was detained a prisoner, I defy any man in the world to keep me a prisoner. I have been deeply wounded and annoyed by the comments which have been made in the press, and my friends from all parts of the country have been writing to me to ask if the statements made were true. I say it was a cruel thing for the newspapers to do what they have done. I have never done them any harm, and why should they seek to injure me? I am prepared to give a conscientious vote on any question which may be submitted to the House. The history of the matter is this. On Thursday a number of members met, and I said—"It is my intention to move an amendment on the Reform Bill." They said—"In the event of your doing so, we will support you." I announced to various members of the Opposition that it was my intention to move an amendment. However, late in the evening, I saw that if I proposed my amendment it would only be laughed at, and therefore I determined to abide by the
party. Would it have been proper for me to have attempted to carry out what might, in the estimation of a number of members, be considered a crotchet of my own when I saw that my vote would save the Government? I was returned to support certain principles, and, if my vote assisted to preserve those principles, I am glad to have been able to show the Government that I had to be consulted with regard to keeping the party together. I am proud that I have had that influence in the Assembly. I have had the pleasure of having my amendment carried in my absence reducing the tenure of seats by the proposed nominee members of the Council from ten years to five. The Argus, I think, stated in a paragraph that when I made that proposition it was treated as a joke. I hope the fool who wrote the paragraph understands now that it was no joke. I kept away purposely because I knew by the feeling of the House that my amendment would be carried, and the man who wrote the paragraph is an ass. Remarks have also been made as to the honorable member for Belfast and a number of priests surrounding me. The statement is absolutely untrue. I did not speak to a priest that night, and all that occurred between the honorable member for Belfast and myself was this: I said—"Sir John, I am going to move an amendment tonight; if I can't succeed in doing so, I shall move the adjournment of the House with a view of delaying the passage of the Bill, and having it further debated." He replied—"In the event of your moving the adjournment, I will second the motion." That is all that occurred between us. With regard to the honorable member for Bororoonda, I was glad to see a paragraph in the Age this morning stating that the honorable member had nothing whatever to do with me. That statement is quite true. Not a word passed between us. I saw him in the refreshment-room while I was taking a cup of coffee. I am very sorry I took that cup of coffee at all—so much has been made out of it. I ought to have stuck to whisky, I think. It is not true the honorable member endeavoured to influence me in the slightest degree. With regard to the Minister of Public Instruction, it is quite true that I met him in the lobby and that he took hold of my arm. I said—"Major, I know well what I am going to do?" but I did not tell him what I was going to do. When I came into the chamber, both the honorable member for South Gippsland and the honorable member for Maryborough (Mr. Bowman) had hold of my arms, but not for the purpose of bringing me in. I have never been in such a state of intoxication as not to be able to carry myself. I told the honorable member for South Gippsland how I was going to vote, and I believe he was the first who knew which way I intended to vote. My mind was thoroughly made up. No overtures of personal benefit were made to me from either side. I consulted with two important constituents of mine during the evening, and asked their advice about the matter. I told them that I did not like the Bill as a whole, but I considered it the nearest approach we have yet had to the reform the country needs; and I informed them that, if they agreed with me, I was determined to support the Government. I would rather have carried my amendment, but, when I saw I could not carry it, I was not going to play into the hands of the Opposition. Let me candidly say that, had the few friends who met that day been successful in organizing a party, it would have been our duty to have consulted the Chief Secretary, and named terms to him with regard to the amendment of the Bill that we desire. That was all we wanted. I am not an office seeker. I am a master of two trades, and I can leave the House and go to either of them at any time. Perhaps that is more than a number of honorable members can say. A statement has appeared in the Herald that I swore, on my honour as a mason, to vote against the third reading of the Reform Bill. I have never used such an expression in my life. I admit that I am a freemason, and have been for twelve years, but I doubt if there was more than one member of the House aware of the fact. Freemasonry does not interfere with my conscience. Again, the Herald stated that I said—"I would not have my children say that their father had told a lie." The absurdity of the statement is shown by the fact that I cannot boast of being the father of "children." I am happy to say that I have one little boy, but I could not have used the word "children." It has been stated that I said the honorable member for Portland would come with me, and I remember the honorable member, when the statement was made, calling out "Shame!" No wonder he called out "Shame!" He is not under my thumb. What occurred between the honorable
What member and myself was this: days before the division, when I gave notice of a motion of want of confidence, I stated that I did not believe in the Reform Bill as a whole, and the honorable member said he did not either—that he would like to see some improvement made in it. I said—

"If we can make some improvement in it, let us endeavour to do so." That was all that took place, and I believe the honorable member would have supported the amendment I intended to give notice of. I hope the House will be satisfied with the explanation I have given. I also hope that the newspapers will see their way to-morrow morning to state that they have done me an injustice, and I trust they won't repeat it.

Mr. SERVICE. — I understood the Chief Secretary to say that, in view of what occurred on Friday morning last, he had tendered His Excellency the Governor advice that there should be an immediate dissolution of the Assembly.

Mr. BERRY. — I don't think I used the word "immediate."

Mr. SERVICE. — I certainly understood the Chief Secretary to say "immediate." However, so that there may be no misapprehension, I would be glad if the Chief Secretary would inform the House whether it is intended that an immediate dissolution shall take place—whether that was the advice he tendered to the Governor; whether, if so, the advice was accepted conditionally or unconditionally; and, if conditionally, what the conditions were? I ask these questions simply for information.

Mr. BERRY. — When I spoke, I desired merely to place before the House the bald statement that there would be a dissolution, in order that there might be no mistake that the dissolution would be on the Reform Bill. The state of the business now before the House is as well known to honorable members as to myself. It is highly desirable that the two financial measures now being passed—the one awaiting its last stage in this House, and the other before the Council—should become law, for the preservation of the finances and the general good government of the country. That, I believe, will be acceded to by honorable members on both sides of this House. It will be also highly desirable if we can pass the Appropriation Bill before Christmas, and that, too, is a matter in which I think we may fairly look for the co-operation of honorable members opposite. There was no condition imposed by the Governor—none whatever. I intimated that I thought a dissolution should take place at all events by Christmas, and stated that by that time I had no doubt the two measures to which I have alluded would have been dealt with. That is the exact position of affairs. The two measures are necessary for the due preservation of the credit and the finances of the country, and, having reached the stage they have done, I don't presume that honorable members are less earnest than myself that they should be made law. It is also, I repeat, most desirable that the Appropriation Bill should be passed, in order that the reform question may go to the country unembarrassed by any other consideration whatever. If what I have stated can be done by the end of this week, it would precipitate matters. If it cannot be done until Christmas—a period to which Parliaments under similar circumstances have sometimes extended—I think the inconvenience of waiting till that time would be more than counter-balanced by the advantage of having the finances put as nearly straight as we can put them. Immediately after that a dissolution would take place.

Mr. McINTyre. — What guarantee have we that a dissolution will follow?

Mr. SERVICE. — The House will understand from the remarks of the Chief Secretary that it is not the intention of the Government to go on with any other measures except the Customs Duties Bill, the Stamp Duties Bill, and the Appropriation Bill.

Mr. BERRY assented.

Mr. SERVICE. — Then is it the intention of the Government that as soon as Parliament is prorogued a dissolution shall immediately take place?

Mr. BERRY. — I think I have said quite as much as is necessary. I believe I have said all that is usually stated on such occasions, and quite sufficient to indicate to the House the intention of the Government and the decision of His Excellency.

Mr. MASON. — I have been requested to read to the House a letter which I have received from Mr. Dwyer, with reference to the interjection of the honorable member for Rodney (Mr. Gillies), on Friday morning, that Mr. Dwyer's vote on the third reading of the Reform Bill was offered to the Opposition. Mr. Dwyer says—
"The statement is a malicious slander made for the purpose of covering the conspiracy to hunt me out of the House."

Mr. GILLIES interposed, and said—Sir, I desire to ask if it is in order for the honorable member to read a letter from a person outside the Assembly contradicting a statement said to have been made in this House by an honorable member?

The SPEAKER.—It is not permissible to read a letter from a person outside contradicting a statement made by a member of the House. The only way such a contradiction can be used is by the appointment of a select committee.

Mr. MASON.—The honorable member for Maldon has, on many occasions, brought into the House contradictions from bank managers.

Mr. SERVICE.—No. The honorable member for South Gippsland has made a rash assertion. Will the honorable member state one instance in which I read a letter from a bank manager that had not been laid on the table of the House?

Mr. MASON.—The honorable member for South Gippsland has made a rash assertion. Will the honorable member state one instance in which I read a letter from a bank manager that had not been laid on the table of the House?

Sir B. O'LOGHLEN.—Sir, I desire to point out that the letter is a personal explanation affecting the character of a gentleman who has ceased to be a member of this House.

Mr. DUFFY.—It can be published in the press.

Sir B. O'LOGHLEN.—I submit the House would be anxious to hear a statement made on behalf of a gentleman whom I may call an absent member—a gentleman who was forced out of the House by an opposition institution.

Mr. SERVICE.—Was that the Council?

Sir B. O'LOGHLEN.—I refer to an institution the springs of whose action were on the opposite side of this House.

Mr. SERVICE.—That is not true.

Sir B. O'LOGHLEN.—The late member for Villiers and Heytesbury (Mr. Dwyer) gave such a statement of facts as raised in my mind, and I think out-of-doors, a very strong suspicion that the institution I allude to was moved by political influence, and by inspiration from the opposition benches. Under those circumstances, I think the House would like to give the gentleman in question an opportunity of stating that he was not capable of the political treachery that has been attributed to him.

Mr. SERVICE.—Sir, when the honorable member for South Gippsland recently referred to a conversation which he had had with me, I took no notice of his statement, nor did I notice the remarks of the Attorney-General which followed. I thought the observations of both honorable members were best treated with silent contempt. The Chief Secretary himself declared on the floor of the House that the late honorable and learned member for Villiers and Heytesbury had said nothing to connect the institution referred to with the action taken against him in the law courts. The action was taken from no political motives whatever, but I may say that there has been an attempt—not from this (the opposition) side of the House— to make it a political action. To one gentleman who spoke to me on the subject, I said—"I never mix up banking with politics," and I cut the conversation very short. The course adopted by the institution referred to was simply the prosecution of a just and righteous claim against a man who objected to satisfy that just and righteous claim. The course taken was a purely business one, and no other. I know a good deal about banks in Melbourne, and I venture to say that, as a rule, banks care nothing at all about politics, but simply about getting the money to pay their dividends. I hope we shall have no more statements of this kind from the Attorney-General. An honorable gentleman occupying his position should be in possession of very strong proof before daring to denounce any institution as being under the political influence of the Opposition.

Sir B. O'LOGHLEN.—Its action in this matter was sufficient for me.

Mr. SERVICE.—Very little proof appears to be sufficient for the Attorney-General in certain cases.

The SPEAKER.—In reference to the Attorney-General's appeal to me, I desire to remind the House that I do not make the laws of Parliament; I simply declare what they are. The House is master of its own proceedings, but I cannot set aside, at my option, the rules which govern our proceedings. When the honorable member for South Gippsland began to read the letter in question I was engaged in speaking to the Clerk on the business
of the House, and, thinking the letter was ordinary matter, I did not attend to it. I would be very sorry that anything ungenerous should be done to a recent member of the House who desires to defend himself, but I have no other course open than to declare the law and practice on the subject.

Mr. MASON.—I now, on behalf of Mr. Dwyer, ask for the appointment of a select committee of this House. Mr. Dwyer asserts that he will prove to the satisfaction of the committee, the House, and the public, that there was a conspiracy on the part of the bank and the honorable member for Maldon to get him out of the Assembly. I am prepared, with the permission of the House, to move, without notice, for the appointment of the committee. The letter which I was reading from Mr. Dwyer can also be referred to the committee, and the whole case inquired into. The letter is a direct contradiction of the false, malicious, and mendacious statement of the honorable member for Rodney (Mr. Gillies).

The SPEAKER.—Order, order.

Mr. RAMSAY.—I desire to make a personal explanation. I learn from the Argus that in the House, on Thursday last, the Chief Secretary, in reply to the honorable member for East Melbourne (Mr. Zox), stated that I had neglected my opportunities for moving my motion affirming the desirability of the Government giving the requisite facility to the Melbourne Harbour Trust Commissioners to proceed with the cut across Fisherman's Bend, and that therefore the Government would not afford me another opportunity of bringing the motion forward. I was perfectly astonished on being informed, on my entrance to the chamber, that the Chief Secretary had made a statement of that kind in my absence. Why the fact is that, since I gave notice of the motion, I have attended day after day—without a single exception—in order to obtain an opportunity of moving it. I have asked the Chief Secretary, not only publicly but privately, to afford me such an opportunity—but without effect. Not only so, but the honorable member for West Melbourne (Mr. Andrew), as a supporter of the Government, volunteered to ask the Chief Secretary if he would allow the motion to come on. The honorable member for Williamstown also came and consulted with me on the subject, and stated that, perhaps, as I was sitting in opposition, the Chief Secretary would not be prepared to afford me the same facilities for proposing the motion as he would extend to a supporter of the Government. I said I did not care who brought the motion forward provided it was disposed of. The honorable member then went to the Chief Secretary, and, on returning, told me that he was very sorry he could not induce the honorable gentleman to give me the opportunity I desired; yet, to my utter astonishment, I find the Chief Secretary declaring on the floor of the House that I had neglected my opportunities! I appeal to every honorable member of the House whether, in view of the facts I have mentioned, the Chief Secretary's statement was not as untrue as it was ungenerous. I desire now to ask the Chief Secretary what opportunity I neglected of bringing forward the motion?

Mr. BERRY.—It is within the knowledge of the House that one evening the whole business on the notice-paper was called on, and the honorable member was not in his place to proceed with his motion.

Mr. RAMSAY.—I was in my place.

Mr. BERRY.—Then the honorable member neglected his opportunity. When the notices of motion were called over, the honorable member could have proceeded with his motion. Moreover, seeing that the motion was being made the means of a political attack on the Government through a certain number of men who were said to be unemployed, the honorable member could not expect much generous treatment. When the motion was fresh on the paper, the honorable member asked me if I would agree to arrange for its discussion, and I promised to do so; but the honorable member has never reminded me of the matter since then.

Mr. RAMSAY.—I did on several occasions, as will be seen by Hansard.

Mr. BERRY.—The honorable member could have brought on the motion by arrangement if he had liked. I was rather anxious myself that the question should come on, because the motion would have settled other questions which the Government are very desirous of settling. But when, some months ago, I expressed my willingness to allow the motion to come on, the honorable member's zeal appeared to flag, and he never asked the Government about the matter again.

Mr. RAMSAY.—I did. Hansard will show it.
Mr. BERRY.—Since then the honorable member had an opportunity which he did not avail himself of.

Mr. GILLIES.—When?

Mr. BERRY.—When the honorable member for Rodney (Mr. Gillies) moved the second reading of the Mining on Private Property Bill.

Mr. GILLIES.—Oh, I thought so.

Mr. BERRY.—On that occasion the whole of the time dedicated to private members' business was wasted, during which the honorable member for East Bourke might have brought on his motion and had it discussed. Again, when I proposed an alteration in the sessional orders to enable notices of motion given by private members to have precedence on every alternate Wednesday, I indirectly gave the honorable member the opportunity he professed to want.

Mr. RAMSAY.—What did that alteration enable me to do?

Mr. BERRY.—I simply say the honorable member neglected his opportunities.

Mr. GILLIES.—He has not had one to neglect.

Mr. BERRY.—Not on the evening the honorable member for Rodney brought on the Mining on Private Property Bill.

Mr. RAMSAY.—Certainly not.

Mr. BERRY.—When the honorable member for East Bourke's notice of motion was then called on, and he declined to proceed with it, he neglected his opportunity.

Mr. RAMSAY.—That is not true.

Mr. BERRY.—I say no more. I would not have said so much had not the notice of motion been made political capital of against the Government—had not men been got together to say they were unemployed, and to press the Ministry, on that ground, to give to a particular body a power which, according to sound policy, it is not entitled to have.

Mr. GILLIES.—On the night I brought the Mining on Private Property Bill forward, it was not possible for the honorable member for East Bourke to go on with his notice of motion, because, if he had refused to postpone it, no other private member would have postponed the business he had on the paper.

Mr. RAMSAY.—And my notice of motion stood sixteenth on the list, so that refusing to postpone it would not have helped me to bring it on in the least.

Mr. MUNRO (who, to put himself in order, moved the adjournment of the House) said—Mr. Speaker, I desire to refer to a question which I, some time since, put to the Chief Secretary with regard to the business on the notice-paper. I asked him if he would spare an evening for discussing the second reading of the Reform Bill of which I have charge. His reply was that I pressed him in the matter prematurely, but that if I would allow it to stand over until the question of the third reading of the Government Reform Bill was settled, the opportunity I wanted would be given to me. Now that the Government Bill is dead, I think the Chief Secretary ought to carry out the promise he made to me. I desire also to say that the Government have displayed towards their followers—I mean the honorable members sitting behind them—a most unfair spirit. They have shown this afternoon that all they care for is themselves. As for a dissolution, I have already proved how little the subject concerns me. I have anticipated a dissolution on my own account, and here I am. I only want to say what has, over and over again, been said by supporters of the Government, that if the Ministry would only stand aside the reform question could be settled at once. The Government have no right to prevent a settlement of that question. Ample assurances have been given, both inside and outside this Chamber, that Ministers personally constitute the only obstacle now standing in the way of constitutional reform. They are the only obstruction. The honorable members sitting behind them are as anxious to settle this reform business as any one, and all I say is that they ought to be allowed to do so.

Mr. LONGMORE.—Traitor!

Mr. MUNRO.—There is no greater traitor than the Minister of Lands himself. He is a traitor who prevents the settlement of the reform question when it can be settled. That is treason of the deepest dye. I repeat that the mere question of incompetent Ministers continuing to receive the salaries of office is the only one that prevents the subject of reform from being finally and satisfactorily dealt with. I ask the honorable members sitting behind the Treasury bench where are the promises the Government made to them?

Mr. ANDREW.—Where have all your promises gone?

Mr. MUNRO.—I venture to say that when the event of which the Chief Secretary has given notice to-night takes place, we shall have seen the last in this
Chamber of the honorable member who interrupted me. His political career will then be cut short. I wonder how many more of the honorable members with whom he acts know that the dissolution will be political murder to them—that it will seal their political fate.

Mr. MASON.—Not more than yours.

Mr. MUNRO.—As for the honorable member for South Gippsland, he is improperly in the House now. He has no right to be here at all.

An HONORABLE MEMBER.—Why not?

Mr. MUNRO.—Because he has compounded with his creditors.

Mr. MASON.—The honorable member's statement is a lying insolent falsehood.

The SPEAKER.—The language of the honorable member for South Gippsland is utterly disgraceful and unparliamentary. I trust the House will support me in putting a peremptory stop to language like this.

Mr. BERRY.—Mr. Speaker, I imagine you did not hear what the honorable member for Carlton said.

Mr. MUNRO.—I stated a fact.

Mr. MASON.—It is not a fact at all.

The SPEAKER.—That does not touch the question of order. For an honorable member to make an unfounded statement affecting the position of another honorable member is of course improper, but the statement may be contradicted. I cannot, in the first instance, check a statement of the truth or untruth of which I have no knowledge. But I am bound to stop the use of language so gross as that employed by the honorable member for South Gippsland under any circumstances.

Mr. LALOR.—How can the honorable member for Carlton be entitled to accuse another honorable member without offering the slightest proof? Supposing he said the honorable member for South Gippsland was a murderer?

Mr. MUNRO.—Well, if I saw him killing a man, I would say he was a murderer.

Mr. LALOR.—By what right can the honorable member for Carlton make a statement affecting another honorable member which may have no foundation in fact?

Mr. MUNRO.—I know of my own knowledge that my statement is a true one.

The SPEAKER.—The discussion need not go further. An honorable member is unquestionably entitled to say of another honorable member that he has forfeited his seat, if the statement be true; if it be untrue, it is grossly improper. But it is impossible for me to know whether it is true or untrue. When the honorable member for Carlton has finished his remarks, the honorable member for South Gippsland will have an opportunity of contradicting, if he chooses, the statement he complains of.

Mr. MUNRO.—The statement I made I made deliberately, and I am prepared to stand by it. I repeat that it is within my knowledge that the honorable member for South Gippsland, having compounded with his creditors, is not entitled to retain his seat; and, of course, under the circumstances an early dissolution will suit him extremely well. But with other honorable members sitting behind the Government the case is different. They were elected for three years; they have done nothing to forfeit their seats; yet their period of office is to be cut short. Why should they be treated in that way? What, at the beginning of this Parliament, did the Government tell them? They assured them that they intended to settle the question of constitutional reform. But who, at the present time, stand in the way of constitutional reform? The Government, and the Government alone. They know well they are the only obstructionists. The only obstacle in the way of reform is to be found on the Treasury bench.

Mr. ANDREW.—Infamous traitor!

Mr. GAUNSON.—I rise to order. Is the honorable member for West Melbourne (Mr. Andrew) permitted to shout—"Infamous traitor"?

The SPEAKER.—The language is disorderly, and I hope it will not be repeated.

Mr. MUNRO.—I sincerely trust no honorable member will trouble himself respecting the remarks of the honorable member for West Melbourne (Mr. Andrew). They do not disturb me in the least. I wish simply to dwell on the fact that we could have the question of constitutional reform settled now—during the present session—to the satisfaction of the people of the country, but for the obstruction of Ministers. That is what I want to go forth to the country. Many of the honorable members sitting behind the Government know that what I am saying is perfectly true. They feel in their hearts that the Government are betraying
and deceiving them—that they are cheating them out of their rights as Members of Parliament. The Chief Secretary will not give me, as he promised to do, the opportunity of bringing on the Reform Bill of which I have charge, and the consequence will be that three years will be wholly lost because of the incapacity of Ministers to do their duty. Through that incapacity there is not on the statute-book a single Act that is a credit to them. The support they have received during the present Parliament has been such as no other Government ever had before; but through want of ability they have failed to use it to the advantage of the country, and now they are going to cut short the parliamentary lives of those who have stood by them—why? In order to enable themselves to continue in office a few months longer.

Mr. GAUNSON.—And keep their salaries.

Mr. MUNRO.—For no other reason in the world. If they would only go clean out of the way for a fortnight, the whole question of constitutional reform might be settled to the public satisfaction.

Mr. MASON.—I second the motion for adjournment, in order to enable myself to reply to the statement against me made by the last speaker. I am going to speak calmly and dispassionately, and not in the angry way I did just now. If I am in the position that I have compounded with my creditors, is it to be wondered at? I am not one of the honorable members who entered the House to make money out of my seat. Some honorable members came into this Chamber simply to sell their constituencies, but that cannot be said of me. I never bought land and then worked in Parliament to secure the construction of a railway that would run through it. But, since I have been in the House, I and my family have been robbed of £8,000 by a certain banking institution. I don't want to bandy words about the honorable member for Carlton's statement. I simply say it is untrue, and I ask the leader of the House to appoint a select committee to inquire into the facts of the case. If, before that committee, the statement is proved against me, I will forthwith resign my seat.

Mr. ANDREW.—The honorable member for Carlton has charged me with being untrue to my constituents, and he says that I will never be re-elected by them. But the honorable member knows well that to the principles to which I pledged myself at my election, and to my party, I have always been true. If certain combinations have lately taken place among my constituents, the effect of which will be my displacement, the fact casts no discredit on me. It is well known that in West Melbourne the question of education is an important one, and that the Catholic party feel very strongly with respect to it. I cannot help it if the Catholic voters in West Melbourne and the working classes there who supported me at the last election now forsake their true political interests and combine with the free-traders. Whether I am returned to this House again or not is a matter of indifference to me. I can only say that I have done no discredit to my constituents, I was elected to advocate the principles I have advocated. Whether this is my last appearance in Parliament or not, there has been no reason in the course I have taken. As for the objects and principles of the honorable member for Carlton, I know them, and I was the first to point out his treasonableness. His political life has been nothing more than a betrayal of the public interests. Has he not made the whole of the inhabitants of Melbourne suffer because he converted a thoroughly honest competition in gas into a monopoly? Did he not pledge himself to his constituents to support the "Outer Circle" Railway, and afterwards first purchase property through which the direct line would have to go, and then work up an arrangement under which that direct line would have to be constructed? Who was it, when payment of members was put into the Appropriation Bill, inflicted upon the financial powers of this House one of the greatest injuries they ever received? Was it not through the honorable member that the Assembly was then induced, for the first time, to deliberately forego its clear and undoubted rights? Was it not the deceitful advice he then gave the Chief Secretary that the power of the purse which we have always claimed was not insisted upon? The honorable member has managed to secure his re-election, but the means by which he did so are perfectly well understood, and he knows that the whole colony has stamped him as a traitor to liberal principles and the betrayer of his party.

Mr. LANGRIDGE.—I think the remarks of the honorable member for Carlton
constitute one of the coolest pieces of presumption I ever heard of. From the known opponents of the Government—from the honorable members who have sat in opposition ever since they have been in office—such a lecture as he has delivered to the honorable members sitting behind the Ministry would be intelligible and in keeping, but coming from him it is altogether too much. With respect to the affair of Thursday night, or rather Friday morning, I don't know how other honorable members felt, but to me it was a very painful exhibition. I cannot quite say what my feelings were when I saw honorable members who had sat for months with me on this (the Ministerial) side of the House, and whom I have often heard declare themselves to be supporters of the Government, and in favour of their reform measure, the moment the crucial test of their sincerity was applied, cross the floor and vote with the Opposition. But, humiliating as that was, what can I say of this afternoon's lecture from the honorable member for Carlton, who was once one of the most anxious supporters of the liberal party, and whom I have heard when he sat behind the Ministry, denounce by the hour together everything of which he now expresses himself in favour? No one in this Chamber ever used stronger language than he used then on behalf of the very opposite of what he now advocates. I recollect also that, at that time, he was a strong supporter of the "Outer Circle" Railway.

Mr. MUNRO.—When have I gone against it?

Mr. LANGRIDGE.—It seems to me that when the honorable member obtained, through the assistance of the Government, the particular ends in a certain direction he had in view, his political course began to be very different from what it was before. He appears now to turn on the Government behind whom he used, when he had not got what he wanted, to sit fast enough.

Mr. SERVICE.—Was there ever a bargain between the honorable member for Carlton and the Government?

Mr. LANGRIDGE.—I cannot say. I only know there was a time when the honorable member went in for the "Outer Circle" Railway bald-headed. I am very glad the Government are taking the course they have announced with respect to a dissolution.

Mr. COOPER.—Sir, the last speaker very properly described the honorable member for Carlton as going in for a particular thing bald-headed, because we all know that, for certain physical reasons, he could not, unless he wore a wig, go in for it in any other way. We have been told this afternoon that the Government propose an immediate dissolution, and I think we ought to be very glad they have arrived at such a decision.

An HONORABLE MEMBER.—Do you like it?

Mr. COOPER.—Very much indeed. I would be glad if the Government would go to the country to-morrow. If all honorable members were of my opinion, they would be quite prepared to at once vote two months' Supply, so that we might submit ourselves to our constituents and come back here again, if we can, in the shortest possible time. It would be quite possible then to have the elections over by the beginning of January. Instead of visiting our private friends during Christmas time we would visit our constituents—that would be all. I believe many honorable members are of my opinion.

Mr. WOODS.—They don't cheer it much.

Mr. COOPER.—Well, the Ministry themselves don't seem particularly cheerful. Even the face of the Minister of Lands is without a smile.

Mr. LONGMORE.—I have no smile for traitors.

Mr. COOPER.—Surely the country will be prepared to deal with the traitors. Besides, it is easy to call certain honorable members traitors, but what are they traitors to? Are they traitors to constitutional reform? ("Yes.") I say "No." We tell the Government and the honorable members sitting behind them that if they are anxious to settle constitutional reform, on a reasonable and fair basis, this session, the thing can be done.

Mr. LONGMORE.—Yes, by giving power to the Council.

Mr. COOPER.—Our great object is to keep power in the hands of the people. That is not the wish of the Government. They want to keep power in their own hands, because, if their Reform Bill means anything, it means making the Ministry of the day supreme over everything. Now that is something I don't and never did desire. Moreover, I believe it to be something very few of the honorable members sitting behind the Ministry desire. Some of them, like us in the Ministerial corner, don't like the 6th clause; others, also like
us, dislike the idea of a nominee Upper House; yet the Minister of Lands deems them to be patriots and us to be traitors. Is it patriotic to accept a measure of reform we know to be crude and ridiculous? I am satisfied of this, that if the Government and those sitting behind them really want reform, they ought to make one more effort for it—an effort which there is every reason to believe would be crowned with success—in the direction indicated by the honorable member for Carlton. Let me say, in reply to the honorable member for Collingwood (Mr. Langridge), that I did not understand the honorable member for Carlton to be lecturing the Government supporters at all. He simply told them they were sitting behind a Ministry who were cheating them out of reform. I repeat that I would be quite ready to join in voting Government two months' Supplies, if only they would go to the country at once—without a week's delay.

Mr. A. T. CLARK.—I was not present when the Chief Secretary stated that in a short time we shall be remitted to the ballot-box on the question of constitutional reform, but I am delighted to know that such is the intention of the Government, and I congratulate them upon forming it. I have no fear of the result, for I am sure the people will be found true to the backbone, and that the trimmers and traitors now in the Assembly will never again be returned to it. Why I recollect the time, years ago, when the honorable member for Carlton was the most red-hot democrat the country possessed. I remember him screaming out that he would rather die on the floor of the chamber than consent to the purchase of the Hobson's Bay Railway. But, when his private pocket and personal estate were concerned—

The SPEAKER.—The honorable member must not impute motives.

Mr. A. T. CLARK.—I don't want to impute motives. But it cannot be denied that, two sessions ago, the honorable member for Carlton asserted, over and over again, on the floor of this chamber, that the purchase of the Hobson's Bay Railway was a job to which he would never agree. Yet what happened when he found his own private property concerned? Why he was the very man who negotiated the bargain under which the Government bought the property. Let me tell the honorable member that at the late election for Carlton he received support he will never receive again. Let him thoroughly appreciate the fact that he was not opposed by a true liberal, but by one who had not a word to say on the great question that every man throughout the length and breadth of the land is determined to have settled. The honorable member was only returned by a side wind. Where is his consistency? It is not many months since, in the very seat he now occupies, he advocated a nominee Upper Chamber, and indicated that, if the Government would bring in a scheme of that nature, it would receive his hearty and cheerful support. Yet, a couple of weeks since, he was before his constituents saying—what? In effect he told them—"Gentlemen, I have called you together to record your votes because I cannot retain my seat in the House and support a principle which a short while since I myself advocated, and urged the Government to put into their measure."

I am sure, were I to take up such a position, I would feel myself debased. I say, fearlessly, that in all my nine years' experience of Parliament I never knew an honorable member advocate certain principles so strongly and firmly as the honorable member for Carlton has done, and then, like him, turn tail upon all he previously professed. I do hope the period before the dissolution will be as short as the Government can possibly make it. Indeed, I beg them to do their utmost to send us to the country during the present week. Whatever may be the result, we shall at any rate be brought face to face with the gentlemen who control this Chamber. I am rejoiced that at last the question of reform will go before the electors of the country, and that they will have an opportunity of deciding what course they will take in regard to it. I have no fear of the people. The Ministry, though they may have made mistakes, have honestly and avowedly done their duty. They have led the question of reform up to a point, and brought it to an issue, at which it can be decided without any risk of quibbles in the future. For a long time the agitation on the question has interfered with the progress of the country, but I hope that in a fortnight, at least, we shall have a decision which I believe will be so emphatic that, for the future, there will be no third or fourth party—no corner men—that the only opponents of the Government will be the men who sit on the opposite side of the House, and express their candid and honest convictions,
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Mr. Williams.—You will be the next traitor.

Mr. A. T. Clark.—I scorn the imputation. The honorable member for Mandurang, (Mr. Williams) had hardly been a sufficient time in this House to become acquainted with parliamentary forms before he seemed inclined to turn against the Government—whether or not it was because he anticipated the offer of a portfolio, I don’t know. In fact, the honorable member has, been sitting on a rail ever since he entered Parliament, anxious and willing to avail himself of the first opportunity to betray his party.

Mr. L. L. Smith.—He is to be the whip of the next Ministry.

Mr. A. T. Clark.—I think that the position of whip will be far too good for him. I am anxious that the people should have an opportunity of saying whether they will allow the same state of things to follow in Victoria that has occurred in the old country—whether they will permit the aggregation of large estates—or whether they are prepared to have such a reform of the Constitution as will enable every man in this country to secure some portion of its inheritance. That is a question I desire should be submitted to the constituencies as soon as possible, and I am quite certain what answer they will return. After all the bombast and brouhaha exhibited by the opponents of the Government during this session, they are silent now when a dissolution is about to take place. I rejoice the more at the approaching dissolution because the Ministry have remained true to their pledges, and will, remit to the people a question which concerns not only the present but future generations. I am sure that the people will give the question every consideration, and that their answer will be an emphatic one. By the members they will return, to the next Parliament they will teach the land monopolists a lesson which will not be forgotten.

Mr. Gaunson.—Sir, the Government professed that they were anxious the question of reform should be dealt with by this Parliament, but who prevents it being dealt with? The Ministry themselves. The truth is that they are not anxious that the question should be settled, except by themselves and in their own way. Is it patriotic to keep the people in a state of excitement, which never yet did them any good, but always puts money into the pockets of the reigning Administration? In connexion with this matter I would like to call special attention to one point which I think is worthy of consideration, namely, whether the members of a short-lived Parliament—a three years’ Parliament—should under any circumstances be subjected to a penal dissolution for the performance of their duty? That is exactly the position in which the Ministry propose to place this House. It is all very well for the honorable member for Williamstown to profess a belief in what he calls the people; but the honorable member and a great many other members on both sides of the House are shaking in their boots at the idea of going before their constituents. They don’t covet a dissolution, but rather rebel against it, and would willingly, if they saw the ghost of a chance, turn the Ministry out of office on a motion of want of confidence. The honorable member for Williamstown says there is treachery at work, and I say so too; but who are guilty of treachery? The Ministry. They are the people who are profiting by treachery. They are not only enjoying their own salaries, but are dividing Mr. Cuthbert’s salary amongst themselves, and they want to stick to the sweets of office as long as they possibly can. I venture to assert that the honorable member for South Gippsland and the honorable member for St. Kilda (Mr. Dixon), who are supporting the Government, are not legally members of this House, because, as visitors of lunatic asylums, they are taking money from the State, under the guise of it being for expenses. I am told that those gentlemen pay three visits per week to lunatic asylums—one to Cremorne, one to Kew, and one to Yarra Bend—and that they receive £1 each visit for cab hire. That is a nice little way of putting £150 a year into their pockets under the pretence that it is for expenses. With respect to the Reform Bill, how can it be contended that it bears any resemblance to the Constitution of England? Is there anything in the English Constitution which says that if a Money Bill be rejected by the House of Lords the money shall be immediately made available on a resolution of the House of Commons? Nothing of the sort. This so-called reform of the Constitution deservedly failed to secure the necessary majority on the third reading, I am glad the Attorney-
General has given up the contention that 43 members are an absolute majority of this House, which was only a miserable quibble. It has been alleged that the honorable member for Carlton has made money by being a member of this House. I don't believe the statement is true; but, assuming it to be true, who enabled the honorable member to make money? Who passed the Bill for the purchase of the Hobson's Bay Railway? The present Government, who previously denounced the proposed purchase as an infamous job, and characterized the McCulloch Ministry as political profiteers for bringing it forward. In 1876, the McCulloch Ministry, having raised a loan of £1,300,000 for railway construction, proposed to dissolve Parliament without submitting a Railway Construction Bill, and the present Chief Secretary submitted the following motion of want of confidence in them:

"That the Government, having declined to give effect to the general policy enunciated at the opening of the session, more especially that portion relating to railway construction, has failed in its duty to this House and the country."

In the course of the remarks he made in proposing the motion, the honorable gentleman said:

"It is a fraud, and nothing else, to delay the extension of railways, which extension Parliament has approved of one day longer than is absolutely necessary. I really believe that the course pursued by the Government, first in obtaining authority with indecent haste, last session, to raise a loan before their scheme of railway extension was matured or authorized, and now in wishing us to separate without appropriating the loan raised, is unprecedented in the history of responsible government. Such a course would have been impossible were it not for the state into which this House has drifted, and for the control which the Government appear to exercise over their supporters, in the face of the ensuing general election."

The present Government are going to do exactly what the Chief Secretary said the McCulloch Ministry committed a fraud on the country by doing. They are going to dissolve without first introducing a Bill to settle how the loan money available for railway construction is to be expended, and how the £2,000,000 which has yet to be borrowed is to be appropriated. The expenditure of this money will be held out before the constituencies as a sop. The Chief Secretary has lived by corruption, and he will die of corruption. The people of this country can appreciate the honesty of expending £4,000 of the public money upon a fruitless and childish embassy. They can also appreciate the honesty of dissolving Parliament without passing an amending Land Tax Act. On one occasion, when he was a little more off his head than usual, the Chief Secretary stated that he would impose taxation for the purpose of giving work to the unemployed, and yet he refuses to afford the honorable member for East Bourke an opportunity of bringing forward a measure which would provide labour for a large number of the unemployed. When the history of this Ministry comes to be written, it will simply consist of one phrase—"billeting." As regards the proposed dissolution, I venture to express my humble belief that His Excellency, by penalizing this House for doing its duty, has forgotten the true functions of a constitutional Governor.

Mr. ORR.—Don't discuss that.

Mr. GAUNSON.—I am not going to discuss it. I am simply giving my opinion. Writers on constitutional subjects say that under no circumstances should a short Parliament—a Parliament elected for three years, for instance—be penalized for the performance of its duty. The Opposition could not expect any generosity from the Government, but the supporters of the Ministry had a right to receive better treatment. Six months of the legal term of the present Parliament has yet to expire, and what justification is there for the Government refusing to allow another set of men to try to settle the reform question? Why should they act like the dog in the manger? How can honorable members who support the Ministry go before their constituents and say that they have done the best they could to settle the reform question? The proposal for a nominee Upper House, the 6th clause, and the plebiscite—limited in the way it is in the Government measure—were not before the constituencies at the last general election. We are given to thoroughly understand by the Secretary of State that before the British Government will ask the Imperial Parliament to consider any Bill for the reform of the Victorian Constitution, the measure must first be passed by the Assembly, next approved of by the people at a general election, and then rejected by the Council; and it must also be a reasonable measure. I don't hesitate to declare that if every elector in the colony was in favour of the plebiscite the Imperial Government would not ask the Imperial Parliament to sanction it, because it is clear and palpable
that the plebiscite proved the ruin of
countries in times past. It was the ruin of
the Roman and Greek nations, and to a
great extent the ruin of the French people,
who are now, fortunately, gradually emanci-
cipating themselves from such a false
notion. I therefore ask the supporters of
the Ministry how they will get any nearer
the object in view by an appeal to the
country on this Bill? The Chief Secre-
tary stated, last night, at Sandhurst that
43 members stood firm on the third read-
ing. Is that true? Why one honorable
member could not stand at all. He was
forcibly held down in his seat, having
been previously hoscussed in the Ministers'
room.

Mr. MASON.—That is not true.
Mr. GAUNSON.—I don't say he was
made drunk—I say he was hoscussed.
Mr. MASON.—It is not true.

Mr. GAUNSON.—The honorable mem-
ber for South Gippsland was plaintiff, the
other day, in a libel action, and one of his
witnesses was the honorable member for
Normanby, who deposed that, on meeting
him after reading the libel, he said—
"Mason, you are a loathsome crawler," and
refused to shake hands with him.

Mr. MASON.—I got a verdict for
£250.

Mr. GAUNSON.—Yes, upon that evi-
dence the honorable member got £250
damages. I believe that evidence was
put up.

Mr. MASON.—I had a dozen wit-
nesses.

Mr. GAUNSON.—The honorable
member for Footscray also gave evi-
dence for the plaintiff, and all three
members went to Gippsland at the
public expense to be present at the trial.
The honorable member must know that
he has sunk in the estimation of every
man who has read the evidence. The
honorable member's friends have put £250
into his pocket.

Mr. MASON.—That is not true; I
had a dozen witnesses.

Mr. GAUNSON.—The honorable
member's denial will not satisfy me.

Mr. MASON.—What has this to do
with the question?

Mr. GAUNSON.—It shows the
calibre of those honorable members
who want to have full control of the
public purse without any check. A
more disgraceful exhibition was never
witnessed than that on Thursday night,
when the honorable member for South
Gippsland acted as a body-guard to the
honorable member for Normanby. And
the Constitution under which we have
lived for the last five and twenty years
is to be altered by a Member of Parlia-
ment who was hoscussed and manacled—
who was in the hands of the honorable
member for South Gippsland and that
specimen of the élite of the Ministerial
supporters, the honorable member for
Maryborough (Mr. Bowman). The hon-
orable member for Normanby was abso-
lutely held down in his seat.

Sir B. O'LOGHLIN.—That is not
true.

Mr. GAUNSON.—It is true. The
honorable member was hoscussed, and was
in the Ministerial room with Mr. Stutt—
that bosom friend of the Ministry—to
take care of him. Oh, to what degradat
ion has responsible government come in
this country! The case of the honorable
member for Normanby illustrates the dan-
ger to which the people of Victoria are
subjected. They are liable to have the
Constitution altered by a hoscussed Mem-
ber of Parliament. I don't say the hon-
orable member for Normanby was made
drunk—I say he was hoscussed.

Mr. MASON.—Mr. Speaker, I rise to
order. The honorable member says that
the Ministry hoscussed the honorable mem-
ber for Normanby. The honorable mem-
ber for Normanby has this evening denied
in every particular the allegation made
against him, yet, notwithstanding that
denial, the honorable member for Ararat
has repeated the charge. I wish to know
if the honorable member is in order in
stating that the honorable member for
Normanby was hoscussed?

The SPEAKER.—If the honorable
member is contradicting a statement
made by the honorable member for Nor-
manby as to a matter within his own
knowledge, that is disorderly. As to the
word "hoscussed," I don't know what it
implies, or whether the honorable mem-
ber for Ararat uses it in its literal or in
its political sense.

Mr. GAUNSON.—The meaning of the
word "hoscussed" is thoroughly well under-
stood. I am not aware that I am contra-
dicting anything within the knowledge
of the honorable member for Normanby.
It strikes me that nothing was within his
knowledge on Thursday night. I certainly
heard the honorable member for Marybo-
rough say that he was protecting the hon-
orable member for Normanby.
Mr. MASON.—From the onslaughts of the honorable member for Warrnambool and yourself.

Mr. GAUNSON.—The honorable member for Warrnambool was not there at the time. I was waiting about, doubtful for a moment as to what I would do, but the Major solved my doubts by colliding against me, upon which I jammed the Major against the door. I would not have objected if the honorable member for Normanby had drunk two gallons of whisky, provided that he could have voted of his own free will, and had not been held down.

The SPEAKER.—The honorable member for Normanby denies that he was held down.

Mr. GAUNSON.—I saw the honorable member for Maryborough holding him down. I also know that the honorable member for Normanby begged the honorable member for Portland to vote with him. The account of the affair given by the Major outside the House is one of the most magnificent creations of the imagination I ever heard. The honorable member for Portland knows that I am correct in the statement I have just made.

Mr. COPE.—I hope the honorable member will refrain from mixing up my name in such a disgraceful affair.

Mr. GAUNSON.—The honorable member for Normanby asked the honorable member for Portland to vote with him against the Bill in such a loud tone of denial. I am informed that the honorable member for Normanby had drunk two gallons of whisky, provided that he could have voted of his own free will, and had not been held down.

The SPEAKER.—The honorable member for Normanby denies that he was held down.

Mr. GAUNSON.—I absolutely withdraw it in obedience to parliamentary rule, but I don’t withdraw my belief in the truth of the statement. If the honorable member was not under any influence on Thursday night, why did he, on that occasion, “put his thumb unto his nose and spread his fingers out”? He had sufficient sense to do that, and no more. If the honorable member was not hocussed by the Ministry, he was hocussed by Ministerial myrmidons, or why did he vote with them after promising to vote with the Opposition? His vote was not the result of his own free will, but of force exercised on him by the honorable member for South Gippsland and the honorable member for Maryborough.

Mr. TYTHERLEIGH.—That is not true.

Mr. MASON.—Sir, I rise to order. I have already contradicted the statement just made by the honorable member for Ararat, and I ask you to call upon the honorable member to withdraw it.

The SPEAKER.—The honorable member for Ararat must not persist in attributing to another honorable member an act which he denies.

Mr. GAUNSON.—Sir, in obedience to your ruling I withdraw the statement, but I regret that I cannot satisfy my conscience in doing so.

Mr. DIXON.—Mr. Speaker, I am informed that, during my temporary absence from the chamber, the honorable member for Ararat stated that I have no right whatever to sit as a member of this House because I am in the receipt of remuneration from the State amounting to something like £3 a week, as one of the official visitors to lunatic asylums. Now what are the facts? Some time ago I, along with the honorable member for South Gippsland, was appointed one of the official visitors to lunatic asylums. The appointment was made without my canvassing or asking for it, and I have never received one shilling of remuneration. Since my appointment, I have visited the Kew asylum and Yarra Bend twice only, namely, on the 17th October and the 21st November, and I have visited the private asylum at Richmond once. I repeat that I never asked for the appointment, and I was not aware that I was appointed until a friend called my attention to the Gazette notification. I have had the honour of serving
on commissions that have been of considerable importance, without receiving a single sixpence for so doing. It is well known to honorable members on both sides of the House that, whenever the Government for the time being have thought my services to be of advantage to the State, I have placed them at their disposal; and much of my time, greatly to my own personal disadvantage, has been dedicated to the service of the country. Under these circumstances, I say it is most das-
tardly of the honorable member for Ararat to try to make the country believe that, in addition to my allowance as a Member of Parliament, I am receiving something like £150 per year. A man who can utter that is welcome to the conscience that enables him to do so. On Friday morning, the honorable member for Ararat said, as reported in the Argus:

"I know of the special visits which the hon­orable member has made in order to catch a certain vote which is supposed to be under the control of the honorable member for Belfast."

I presume that statement was made in order to create the impression that I have been endeavouring to catch a certain vote, and, if so, I beg to give it an unqualified contradiction. I have never sought the assistance of any religious section of the community in any election that I have contested. I have always stood on my own merits as a candidate. I have never been afraid to express my opinions, and if I cannot be re-elected without having to seek the assistance of a religious body, I shall never come into this Chamber again.

Mr. MASON.—I quite concur in every word uttered by the honorable member for St. Kilda with respect to the lunatic asylums. The statement of the honorable member for Ararat is absolutely untrue. I have received no fees—I have not re­ceived the value of a twopenny stamp— for visiting those institutions; and, as far as I know, no fees attach to the position of visitor when it is filled by a Member of Parliament. I consider it desirable that some of the official visitors to lunatic asylums should be Members of Parliament, because they may be able to furnish the Government with valuable information. I may mention that two former members of this House—the late Mr. J. T. Smith and Mr. Farrell—were visitors to lunatic asylums.

Mr. FRANCIS.—I rise to make a per­sonal explanation. I was a little surprised to hear the honorable member for South Gippsland state that he and the honorable member for Maryborough (Mr. Bowman) escorted the honorable member for Nor­manby into this chamber on Friday morning, in order to protect him from the onslaughts of the honorable member for Warrnambool.

Mr. MASON.—In conjunction with others.

Mr. FRANCIS.—All that I know of the unfortunate event—for I hold it to be such—of Friday morning last is that I was crossing the floor of the House after the division bell rang, when the honorable member for Brighton said to me—"Come along, and I will show you a sight." I went with the honorable member into the corridor behind the Speaker’s chair, and I saw the Attorney-General come out of the Ministers’ room followed by Mr. Tytherleigh, who was held by Mr. Mason on one side and by Mr. Bowman on the other; and I then saw Mr. Stutt and two or three other persons following. I saw the party walk towards the door opening into that part of the House where the Ministry and their supporters were voting. I thought I had seen quite enough, and I returned into the House and took my seat for the division.

Sir B. O’LOGHLEN.—The honorable member for Warrnambool is not quite correct as to my position in the matter. I was up-stairs when the division bell rang. When I came down-stairs I saw the honorable member in the centre of the adjoining corridor apparently in a state of great anxiety and nervousness, the cause of which I did not know. I passed on to the Ministers’ room, and at the door I met three or four honorable members coming out. I turned and accompanied them towards the door leading into that part of the House where the Ministerial party were seating themselves for the division. As we passed along the corridor, I think the honorable member for Warr­nambool tried to speak to the honorable member for Normanby.

Mr. FRANCIS.—That is incorrect.

Sir B. O’LOGHLEN.—That was my impression at the time from his movement; and it appeared to me that the honorable member for Normanby did not wish to speak to the honorable member for Warr­nambool. The honorable member for Ararat then rushed forward in a very excited state, and I stopped at the door of the House to see what occurred. The
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Honorable member for Normanby did not wish to speak to the honorable member for Ararat. The honorable member for Ararat has put a false complexion on the matter as far as I am concerned. Seeing a most outrageous outbreak on his part when he most viciously seized the Minister of Mines and thrust him back, butting him with his head against the door, I went to the assistance of the Minister of Mines, and at the same time two honorable members rushed from the other side of the House and put themselves in a threatening attitude, and used threatening language. I am happy to say I was able to preserve my coolness, and the honorable members returned to the other side without anything further occurring.

Mr. Orr.—I must confess that I regret very much that the honorable member for Warrnambool has thought fit to allude to the disgraceful proceedings of Friday morning—one of the most deplorable exhibitions I ever witnessed within the walls of Parliament. The Attorney-General has dared to deny that he came into this House fronting that horrible procession. Why I saw him with my own eyes. I was sitting where I am now, and I looked him straight in the face. I am astonished that a gentleman occupying the position he does—the possible Chief Justice of the colony—should 'get up and make such a statement. I hope these personalities will be discontinued, because we have serious matter before us. I would have been better pleased if honorable members on all sides had tried to address themselves to the real point we ought to consider, rather than enter into personal recriminations with reference to a matter which every honorable member should wish, for the credit of himself and the House, to forget for ever. I would like to know from the Chief Secretary whether he has any intention to give a reply to what I conceive to be the very reasonable request of the honorable member for Carlton? The honorable member for Carlton is anxious to know what opportunity will be afforded for the discussion of the Bill which has come down from the Legislative Council, and of which he has taken charge. I think that is a question which requires an answer. Certainly we have heard a great deal about the dissolution of this House. Honorable members on both sides profess to be rejoiced at the prospect of a dissolution, though the way in which the honorable member for Williamstown yelled—the vehement manner in which he delivered himself—was calculated to convey the impression that he was anything but rejoice. However, apart altogether from the feeling connected with a dissolution, I would point out to honorable members on the Ministerial side the position in which the question of reform will be placed by the dissolution unless an opportunity is afforded for the consideration of the Council’s Bill. The embassy to England, if no other benefit has flowed from it, has disclosed the fact that there is no possibility of any Bill for the reform of the Constitution, which may be sent to England, becoming law unless it complies with certain conditions. One is that it must be a moderate measure of reform assented to by this House. Another that it must have gone to the Legislative Council and been rejected there. A third condition is that it must have been afterwards put to the country and approved by the country. These conditions being complied with, and the Bill having been approved of by the new Assembly and again rejected by the Council, the Imperial Government will be prepared to consider the propriety of interfering in the matter.

Mr. Patterson.—Who has prevented all that?

Mr. Orr.—The Government. What I am anxious to point out is that there is no use in going to the Imperial authorities with a Bill unless it has gone through that ordeal. If the Government say that it is impossible, as Parliament is now constituted, to pass a reasonable Reform Bill, we shall have to appeal to the country on the Reform Bill of the Government. Supposing we get a decision, though I don’t believe it, in favour of the measure, and that the new House passes the Bill, which is then sent to the Council and rejected, I say that before the Bill can be sent to England with the most remote hope that it will be made law, there will have to be another appeal to the electors of this country. So that honorable members should clearly understand that, in refusing to allow this second Bill to be considered—in refusing to allow honorable members an opportunity of amending the Council’s measure to meet the views of nine-tenths of the people—the Government are practically saying that for the next two years, if not more, the country is to be kept in the state of anarchy and turmoil that we have had for the last eighteen months.
MR. LALOR.—Is the honorable member opposed to a dissolution?

MR. ORR.—Certainly not. If the Ministry will at once bring in a Supply Bill, so that a dissolution may take place tomorrow, I will vote for it. What I am contending for is that if the Council's Bill were amended as the country requires—an operation which could be performed in less than a week—and if the Council would not accept the amendments, there would then be a reasonable Bill to go to the country with, and I have little hesitation in saying that such a Bill could become law in twelve months. But if that course be not taken, the country will be kept in a state of anarchy and confusion, to the detriment and ruin of the working classes, for at least two years more.

SIR B. O'LOGHLEN.—The honorable member for Moira (Mr. Orr), with whom I have hitherto been on terms of friendly intercourse, has chosen to question my veracity. The honorable member trusts to what he saw himself, but the honorable member could not see round a corner. I have stated already that I waited at the door of the chamber to see what might occur; and what I have communicated to the House is the true state of the case.

MR. BENT.—Sir, the Ministry calculated upon getting 44 votes for the third reading of their Reform Bill, and, having got only 43, I consider they have done a very smart thing in inducing the Governor to grant them a dissolution. Had they resolved on resignation, their salaries would have gone to-morrow; by dissolution, their salaries will be safe for the present.

But what about the unfortunate men who have been pulling them through all this time—who have stuck to them right and left? Why the Ministry can keep office for at least two years more. Their salaries will be safe for the present.

The dissolution may come soon or it may come later.

MR. RICHARDSON.—I am astonished that the honorable member for the Ovens should ask the question. He has no justification for asking the question. The honorable member never knew me do any such thing. I would not place myself in such a position for any Government. I have had no communication with this Government in the matter. I assure honorable members that I have no influence with the Government, and the Government have no influence with me. No doubt a dissolution is never very pleasant, but at the same time circumstances
sometimes arise when it is one's duty to face it, in order to seek the opinion of the country. Such, I have no hesitation in saying, is the case now. Indeed, to my thinking, we might well have had a general election long ago. Had that course been taken, the Reform Bill would stand in a very different position. But to come back to things as they are, what are the reasons which justify the Government in asking for a dissolution, and us in consenting to the proposal? The Government Reform Bill has been supported at every stage by a majority of honorable members, yet we are told by the Ministerial corner and the Opposition that it does not express the opinion of the country. Well, under those circumstances, and other matters standing as they do, is it not necessary that the Government should attempt to get some certification as to the feelings of the constituencies on the subject? If there is reason to question how the measure is regarded by the community, ought not the doubt to be cleared up? The honorable member for Carlton has taken upon himself the responsibility of stating that reform could be had this session if only the occupants of the Treasury bench—the members of the present Ministry—would stand out of the way. Well, if the honorable member has foundation for that statement, and were to lay it before the House, the point might be considered, and, if he made it good, we might be justified in asking the Government to stand aside for a short time; but, at present, has the smallest reason for such a step been offered? I unhesitatingly say there has not. No doubt we could have reform of a certain kind this session, but would it be such as the country desires? What sort of reform has been offered to us? That which the leader of the Opposition has placed before us we, of course, well understand. It means something the direct opposite of what is in the Government Bill. What has the honorable member for Carlton offered? Literally nothing. He asks us to discuss the Bill adopted by the other Chamber, with which he is agreed.

Mr. FRANCIS.—He told you distinctly that he does not agree with it.

Mr. RICHARDSON.—Why then does he ask us to consider it?

Mr. FRANCIS.—In order that it may be amended to suit.

Mr. RICHARDSON.—But have not amendments been proposed in connexion with the Government Bill, and have they not been discussed and disposed of? Why, then, should they be brought up again? Another reason why we should have a dissolution at the present time, when it can be taken solely with respect to the Reform Bill, is that whereas, ever since 1865, the contention of this Chamber has been that it should have full control over finance, we seem now to be told that that claim ought no longer to be made. Yet even the honorable and learned member for Mandurang, in opposing the 6th clause, states that he does so because it interferes with the financial rights of the Assembly. I may say it is true the 6th clause does limit the powers of this House, but only because it defines them, and where you define you necessarily limit. But if, as we are assured, the country has changed its mind on the point I refer to, is it not essential that we should ascertain exactly how far, and in what direction, that is the case? Again, we are told that the present action of the Government is prompted by simply their desire to secure their seats and their official salaries. Well, if I had any impression of the kind, I declare I would withdraw my support from the Ministry at once. But I do not find that I have any ground for supposing that there exists any such feeling on their part at all. On the other hand, I think I am entitled to assume that the great object of those who are now pressing against them is to turn them out of office. They do not seek reform for its own sake, but only use the cry for it as a means to an end, that end being a change of Ministry. Were reform their only object, and were they, while opposing the 6th clause and the nominee system, still in favour of the plebiscite, and ready to cordially unite with the Government on that basis, they would, at all events, take an honest stand, and I dare say something would come of it. But in the absence of any aim of that sort I see great danger in the position they take up. I am free to confess that I do not myself give an unqualified assent to a nominee Upper House, but, at the same time, I see little difference between a nominated Council and an elected one so long as financial control is secured to this Chamber, and there is a method by which disputed questions can be referred to the people. Under these circumstances, I have felt, and feel now, that I ought not in any way to weaken the position of the Government, or to cease to assist them to
secure a measure of reform which will be a good starting point. I trust the Government will let nothing stand in the way of their going to the country at the earliest moment the public convenience will allow.

Mr. KERFERD.—I wish to offer to the honorable member who has just resumed his seat some explanation of why I interrupted him with a certain interjection. The fact is that, knowing him to be an honorable member who has never once voted against the Government, but indeed, I do not remember him to have interrupted him with a certain Reform Bill? The Government must admit that they cannot say we have done anything of the sort. How then do matters stand? We have, this session, been called upon by the Government to deal with a second Reform Bill, laid down on lines totally different from those of their former measure, and, as honorable members know, it has failed to secure the statutory majority. Different as it was from the Bill of the previous session, which the Government abandoned, the honorable members behind them nevertheless cheerfully supported it. I ask why did they do so? That is the point. Because, inasmuch as the present Parliament is more disposed than any of its predecessors to grapple with the question of constitutional reform, they were anxious that it should, before it came to an end, place on the statute-book some measure on the subject, even although it was one they did not thoroughly approve of. That was their sole reason. Yet we find the Government proposing to dissolve this Parliament and go to the country with their last Reform Bill, although it contains provisions of which many of their supporters absolutely disapprove. Is not that an extraordinary state of things? Then, when the dissolution will take place is a matter of great moment. I am astonished that the Chief Secretary does not place before the House the whole of the correspondence that passed between himself and the Governor with reference to the affair, so that we may know exactly on what grounds the honorable gentleman is authorized to state that His Excellency has determined to dissolve. Because there are one or two important questions that demand consideration before Parliament ceases to exist. I suppose none of us regret having to go before our constituents, but nevertheless there are certain points unconnected with that which we ought not to overlook. First, let us have regard to the state of turmoil in which the country will be placed. We know that the condition of suspense which has arisen in connexion with dragging the question of reform over several sessions has operated most injuriously to the trade, commerce, and prosperity of the country. Surely, therefore, before the Government advised the Governor to dissolve, they ought to have had some certainty that their reform propositions will obtain the support of the country to which they intend to appeal. What is the history of the question? The Bill of this session is, as I have said, not that of last session, but one totally
different—one which many of the honorable members behind the Government who voted for it, because they wanted reform dealt with by the present Parliament, nevertheless condemn, some objecting to one point in it, and some to another. Again, during its progress, not only has not a single public meeting been held in its favour, and not a single petition been presented in its behalf, but we have actually been petitioned to reject it. Such being the case, on what plea can the Government say to His Excellency—"We ask you to dissolve the Parliament that has expressed itself anxious to come to first? Government say to the country, to do so with known that we have, approaching their stage, some settlement is very objectionable to the subject of every previous Government. If honorable members believe that we have before us, in some shape or there another, reform propositions which are not only largely favoured by honorable members in all quarters of the House, but which, in reply to an interrogation from an honorable member of some prominence on the Government side, it has been distinctly stated another place also is willing to accept. With such facilities for reform, without any dissolution at all, ought we not to avail ourselves of them? At all events, if there is to be a dissolution, I have indicated a variety of weighty reasons why it ought to take place at the soonest possible moment.

Mr. BERRY.—Mr. Speaker, I scarcely know with what object the honorable and learned member for the Ovens has addressed the House, because, if he agrees with the Government that a dissolution ought to take place, surely his best course would be to co-operate with them, and, instead of continuing a useless debate, which can have no possible object, assist them to wind up the absolutely necessary business of the session, and go to the country forthwith. As for my statement on the subject, it was as clear as any statement could be.

Mr. SERVICE.—It was not so at all.

Mr. BERRY.—My statement was clear enough, but I fancy the announcement of a dissolution is not one the Opposition find very palatable.

Mr. SERVICE.—The Chief Secretary first stated that the Government advised an immediate dissolution, but now they seem to imply that it will not be immediate.

Mr. BERRY.—I hope the honorable member for Maldon will not be disingenuous enough to raise a discussion on the meaning of a word.

Mr. SERVICE.—I refer to the use to which that meaning may be put.

Mr. BERRY.—"Immediate" means immediately the public service will allow. ("Oh!"") I assume that honorable members opposite are as anxious as we are that the country should not suffer because of the necessity for a dissolution. It is well known that we have, approaching their final stages, measures of finance that must be dealt with, no matter what party is in power. For example, there are the Stamp Duties Bill and the Customs Duties Bill. I mention those two measures only, but, if honorable members will apply themselves to the balance of the Estimates, there is no reason why the session should not also be finished with the ordinary Appropriation Bill. Otherwise, as soon as the two measures I have named become law, we can take a Supply Bill, and go to the country at once. All we ask is that the measures that are essential, in order to sustain the credit of the colony, and keep our finances in order, shall be disposed of before we rise. That being done, there is no earthly reason why we should not be up by Christmas Day. The thing might be done sooner if honorable members would talk less and attend to actual business more.

Mr. SERVICE.—Are we to understand that directly the financial Bills referred to are dealt with, we are to immediately go to the country?

Mr. BERRY.—Yes, most assuredly.

An HONORABLE MEMBER.—Then let us pass them to-night.
Mr. BERRY.—Directly they are law, we can have a dissolution.

Mr. KERFERD.—I beg to point out that we have had no assurance that the correspondence between the Governor and the Ministry, with respect to a dissolution, will be laid before us.

Mr. BERRY.—I have told the House all that took place between His Excellency and myself. I have stated absolutely all. There is nothing more to say. I was authorized by the Governor to state to the House this afternoon that, on my advice, he had assented to a dissolution.

Mr. SERVICE.—Was there any condition?

Mr. BERRY.—There was no condition. I have told the House, as nearly as I can remember, every word that passed.

Mr. MCINTYRE.—Was there any correspondence?

Mr. BERRY.—There was not.

Mr. SERVICE.—Why did not the Chief Secretary say that at once?

Mr. BERRY.—I am sure I did say so. Why are honorable members so suspicious? I said I saw His Excellency on Monday morning. The communication I had with him was verbal. I advised that a dissolution should take place on the Reform Bill. I wanted it to take place on the Reform Bill, because that ought to be the real ground of our appeal to the country.

Sir J. O'SHANASSY.—When I came to the House this afternoon I expected that the subject of discussion would be what constitutes the absolute majority of the House requisite to carry an alteration of the Constitution Act, and I was all the more prepared to deal with the question because it was upon my motion, when the Constitution Act was being framed, that the provision for an absolute majority of the whole number was substituted for one for two-thirds of the whole number. I then believed, as I do now, that the two-thirds provision would operate to prevent any reform measure whatever from being passed. However, we are saved all debate on that point, and I don't regret it. I have now risen for the purpose of calling attention to what appears to have escaped the attention of the honorable members who have been so busy in taunting each other with being afraid to go to the country. They appear to have overlooked this important circumstance, that if an immediate dissolution takes place all those persons who took out electors' rights during the period of registration ending on the 1st December last, with a view to have their names on the new rolls, will be disfranchised, because they will not be able to exercise their votes until after the 11th February. Have the Government informed themselves—because the information is within their reach—how many electors are so situated? I suggest that the Government, if they are bent upon going to the country within a brief period, should pass a short Bill, say of only one clause, authorizing the revision courts to sit at a date earlier than they otherwise would, and so entitle the persons I refer to to vote at the forthcoming general election. Also, I may mention that I have heard the Chief Secretary dwell upon the importance of not holding the general election until harvesting operations are over, which will not be until after February, because it would be extremely hard upon men laboring in the field during a specially busy season to place them in the dilemma that they must either give up recording their votes or else lose a day's wages. I hope the Chief Secretary will well weigh the two matters I now mention.

Mr. BARR.—One phase of the subject we are discussing has not yet been alluded to at all. I refer to the circumstance that never since they have been in office have the Government made an appeal to the country. They came into power just after the formation of the present Parliament, and since then, it may be said, they have had no cause to go to the constituencies. There are other reasons why we ought to take steps the effect of which will be to inform us what the will of the people is. There are other reasons why we ought to go to the country, and lose no time in doing so. One is the disgraceful scenes that are continually occurring in this Chamber, and which would be a disgrace to any legislative body. Night after night is wasted here in trivial personalities and personal abuse. In fact, the House is so thoroughly demoralized that the sooner it is dissolved the better for its reputation. I see the difficulty indicated by the honorable member for Belfast, but I consider
it a small matter in comparison with the necessity that exists for an immediate dissolution. I admit it is not desirable that any persons who will be entitled to have their names placed on the new roll should be prevented from voting at the approaching election.

Sir J. O'SHANASSY.—Pass a short Bill to enable them to vote.

Mr. BARR.—I am quite prepared to assist any action of that kind. Another reason why I desire an early dissolution is that certain honorable members who up till recently consistently supported the Government on the reform question—who voted for every principle of the Bill—turned right round on the third reading of the measure. It is time we were sent to the country. I believe the country is anxious to have the opportunity of passing judgment on honorable members and on the Government Reform Bill. I would like a plebiscite to be taken on that Bill, and on the Bill passed by the Legislative Council, so that the people might say which of the two measures they approve of. For my part, I would be perfectly willing to bow to the decision of the country, feeling quite sure that it would be a right one. I have enough faith in the good sense of the people to be satisfied that they are able to distinguish between the two measures, and to decide which will suit them; and, after all, that is what we have to look to. There are some matters in the Ministerial Bill that I don't like. The nominee principle is one. The Bill would be perfect without it.

Mr. KERFERD.—It is called the keystone of the measure.

Mr. BARR.—That is not my opinion. It seems to me clear that the division on the third reading of the Bill will lead to one of two results—either the question of reform will be brought to such a pitch that the people will speak out trumpet-like, or the Opposition will succeed in throwing it back so far that it will be years before it will be again placed on its present footing. ("No" from the Opposition.) If the Opposition contrive to turn out the Ministry and obtain office themselves, what sort of a reform is likely to be carried? I am afraid we shall have one of those shamful compromises by which the very thing the people have been fighting for will be sacrificed. Unless the present Ministry effect reform, I don't know where any real reform is to come from. I hope that we shall not have a scheme carried by which all the vital principles the country has at heart will be set aside, and only the dry husks left.

Mr. ZOX.—One or two important matters have been referred to during this debate upon which I desire to say a few words. In reference to the position that the honorable member for South Gippsland and the honorable member for St. Kilda (Mr. Dixon) occupy as official visitors to lunatic asylums, I wish to call attention to the fact that the estimated expenditure in connexion with lunatic asylums contains an item of £352 for "fees to official visitors throughout the colony." Is it the intention of those two honorable members to take fees?

Mr. DIXON.—As far as I am concerned, I have never asked whether I am entitled to a fee as an official visitor of lunatic asylums, and I don't expect one so long as I am a Member of Parliament. I imagine I am placed in exactly the same position as the late Mr. J. T. Smith occupied during the time he was one of the official visitors and a member of this House.

Mr. SERVICE.—He got fees.

Mr. DIXON.—I don't know whether he did or not.

Mr. MASON.—Some years ago, a return was furnished on my motion showing how the fees to official visitors were distributed. At that time two members of this House were acting as official visitors, and it appears from the return that out of a vote of £750, £749 19s. 11d. was paid to three medical men, and that the Members of Parliament who were official visitors got nothing. I presume that the same rule will apply now to those Members of Parliament who are official visitors.

Mr. BERRY.—I would not like a false impression to prevail on this question. It is perfectly correct that Members of Parliament who are official visitors to lunatic asylums cannot take fees, but there have been cases in which they have taken expenses. The honorable member for South Gippsland and the honorable member for St. Kilda (Mr. Dixon) have been only recently appointed official visitors, and I don't know what course they have adopted; but, from what has taken place in the past, I imagine that honorable members who are official visitors will be entitled to actual expenses, just like members of boards or Royal commissions. As long as that is understood, I don't see why any member

I believe that both the late Mr. J. T. Smith and Mr. Farrell, when members of this House, received money for their expenses as official visitors. The provisions of the Officials in Parliament Act are very stringent, and prevent honorable members taking fees as official visitors.

Mr. SERVICE.—And therefore the money paid to them is called expenses?

Mr. BERRY.—I am not going to express any opinion on that matter, but I think it is not right to be continually endeavouring to impute improper motives and actions to honorable members. I am also of opinion that there are manifest advantages in having one or two members of this House amongst the official visitors to lunatic asylums.

Mr. ZOX.—If expenses are paid to certain members of this House for acting as official visitors to lunatic asylums, the public ought to know what those expenses are. I am perfectly content that they should be paid their expenses out of pocket, but let the public know how these things are done. The word "fees" is not a proper term to apply to the vote for official visitors, as far as members of this House are concerned, if they are only paid their expenses. In reference to the Reform Bill, the Chief Secretary stated at Sandhurst, last night, that there are 43 members who have adhered firmly to the principles of the measure, but even the honorable member who last addressed the House said that, so far as nomineeism is concerned, he is not in favour of the Bill.

Mr. L. L. SMITH.—He stuck to it though.

Mr. ZOX.—It would be much better if honorable members would act on their opinions fearlessly, and not speak one way and vote the other. Where, however, are the 43? The honorable member for Normanby could not stand firm on his legs at the time the division on the third reading of the Bill was taken, and no member on either side expressed opinions so antagonistic to the measure as the honorable member for Kara Kara did. That honorable member, in fact, did not believe in a single clause of the Bill, and yet he voted with the Government. The honorable member for Fitzroy (Mr. Tucker) is another member who voted for the third reading though disapproving of some of the main principles of the measure. What has the Chief Secretary himself said?
thought before the meeting that the Ministry were stronger in Sandhurst than they really are. Whether I stand for Sandhurst or not at the next election, my candid conviction is that Sandhurst is hopelessly lost to the Government. Twelve months ago the Ministry occupied a far better position there than they do now. I believe they still have a large following in every part of the country, but having a majority is another thing. The Ministry must not mistake the enthusiastic plaudits of a few admirers, and of meetings got up by men whom they have appointed as magistrates, for the real feeling of the people. Men have been appointed magistrates for the district of Sandhurst whose standing and position did not warrant their being selected for such an office; in point of fact, the appointments to the magistracy have stunk in the nostrils of the people of Sandhurst. What reform did the Attorney-General propose such a degradation? Although 43 members voted for the third reading of the Bill, 'how many are really in favour of the measure?' Some have declared that they are not in favour of one portion of it, and some dissent from other portions. The honorable member for Kara Kara damned the measure not with faint praise, but with stronger censure than any member of the Opposition. As to the 6th clause, I am of a somewhat different opinion from other members on this (the opposition) side of the House. I will support the modification of that clause which the Government have adopted if they will agree to expunge from its operation any vote involving a question of policy. I admit that the Assembly should be supreme on questions of finance, but matters of policy, on which the Council have the right to express an opinion, ought not to be put in the Appropriation Bill.

Mr. SERVICE.—We are all agreed on that.

Mr. MACKAY.—Then, if that is so, I am in agreement with other members of the Opposition on that point. As to the plebiscite, I am almost the only member of the Opposition who is in favour of it. I think that the plebiscite is a fair and sensible solution of difficulties between the two Houses. While expressing this opinion, however, I wish it to be clearly understood by the people that if they vote, for the Government Bill they will vote for changing the Upper House from an elective to a nominee Chamber—that, instead of extending the franchise for the Council, they will vote for taking away that franchise from the few persons who at present possess it. The danger of placing the appointment of the members of the Council in the hands of any Ministry who may be in power is shown by the sort of appointments to the magisterial bench that have been made by the present Government. The Government entered office professing that they would make this a great country, and many people thought that a political millennium had at last arrived, but their eyes have been opened. The public have found out that the present Ministry, to say the least, are not a bit better than previous Governments were, that they are not less subject to corrupt influences, and that they have not been above appointing their political friends and toadies to places of profit and preferment. I wish to draw attention to a matter which, I think, ought to be thoroughly ventilated. During the many years I have been a member of this House, I never before witnessed anything like the scene which took place last Thursday night. I care not whether the honorable member for Normandy was drunk or sober, or how he intended to vote. I am very glad that his vote was not given with the Opposition.

Mr. LONGMORE.—No, you are not.

Mr. MACKAY.—I do not think one vote of such consequence that honorable members on either side should go through the gutter for it. I wish, however, to draw attention to the fact that this was the first time I saw an honorable member prevented by physical force from speaking to another member, or approaching him. Reference has been made to my crossing the floor of the House, but when I did so
the honorable member for Ararat was being violently pushed away by the Minister of Mines.

Major SMITH.—I assure the honorable member that is not true.

Mr. BIRD.—It is perfectly true; I saw it.

Mr. MAC K AY.—Is anything like physical force to be tolerated in this House? Is an honorable member to be prevented by physical force from having free access to another honorable member and consulting him as to how he intends to vote? When I crossed the House, I did so in order to take the part of an honorable member whom I saw pushed violently against the door. The honorable member for Normanby sat in his place, with the honorable member for South Gippsland on one side of him, and the honorable member for Maryborough (Mr. Bowman) on the other. The honorable member for Ararat tried to speak to the honorable member for Normanby, but the Minister of Mines prevented his approach. I saw the Minister of Mines put his hand on the honorable member for Ararat, and push him forcibly away.

Major SMITH.—No.

Mr. MAC K AY.—I can make a statutory declaration to that effect. On seeing the honorable member pushed away, I went across the floor and said to the Major—"What do you mean by pushing Mr. Gaunson like that?"

Mr. MASON.—You shook your fist in his face.

Mr. MAC K AY.—That is not true. I crossed the floor in consequence of the outrage committed by the Minister of Mines. The scene was a disgraceful one, and might have resulted in serious violence. Before resuming my seat, Mr. Speaker, I desire to ask you whether it is proper—whether it is not a breach of privilege—for an honorable member to put his hand upon another honorable member, and prevent him crossing over to speak to a member and ascertain how he intends to vote?

The SPEAKER.—If the facts stated by the honorable member are admitted, the proceeding was grossly disorderly and improper.

The motion for the adjournment of the House was then put and negatived.

**ASSENT TO BILL.**

Mr. BERRY presented a message from the Governor, intimating that, on the 8th December, at the Government offices, His Excellency gave his assent to the Trustees and Agency Company Bill.

**DESPATCHES.**

Mr. BERRY presented, by command of the Governor, further despatches from the Secretary of State for the Colonies relative to the Melbourne International Exhibition.

**SPENCER-STREET RAILWAY STATION.**

Mr. WOODS laid on the table, pursuant to order of the House (dated November 25), papers relating to the excavation known as Woods' dock, Batman's Swamp.

**PUBLIC INSTRUCTION.**

Major SMITH presented a return to an order of the House (dated September 16) showing the attendance of children at State schools, and the number of pupil teachers employed.

**STANDING ORDERS COMMITTEE.**

Sir B. O'LOGHLEN brought up a report from the Standing Orders Committee.

The report was ordered to be printed, and taken into consideration on Thursday, December 11.

**MELBOURNE HARBOUR TRUST.**

Mr. RAMSAY asked the Chief Secretary to afford him facilities for the early consideration of his motion with reference to the concession desired to enable the Melbourne Harbour Trust to proceed with certain necessary works.

Mr. BERRY stated that the general business which would have precedence next day, during the first two hours of the sitting, consisted of notices of motion, and he would suggest that the honorable member for East Bourke should endeavour to induce those honorable members who had charge of the business preceding his motion to postpone it, to enable the motion to be dealt with.

**UNIVERSITY OF MELBOURNE.**

Mr. DIXON asked the Chief Secretary whether the following provision could be made at the University of Melbourne:

1. For conducting the examination for degrees in medicine in the same manner as adopted by the universities in Great Britain.

2. For requiring two examiners in each subject to assist the lecturer in examination.

3. For requiring each student, instead of signing his name on the examination papers, to be known by a number only.
And whether he would cause inquiry to be made into the system of examination with the view of preventing the continued exodus of students to the universities of Great Britain?

Mr. BERRY stated that, in compliance with his instructions, the Under-Secretary had placed himself in communication with the council of the University, who had supplied the following answers to the questions:

"1. It is not possible to conduct the examination for degrees in medicine at the Melbourne University in the same manner as adopted by the universities in Great Britain, inasmuch as there is no uniformity of practice with respect to such examinations in those universities. Moreover, by far the largest number of medical men in Great Britain have no connexion with universities, and in conducting these examinations the Royal College of Surgeons and other schools of medicine and surgery act independently of the universities and of each other.

"2. Provision can be made for appointing two examiners in each subject to assist the lecturer in examination if Parliament will increase the annual endowment sufficiently to enable the council to pay such examiners.

"3. Provision can be made for requiring each student, instead of signing his name on the examination papers, to be known by a number only."

The fourth question the council were not in a position to answer, and, as soon as he had leisure, he would have the matter to which it related inquired into. He would also ascertain whether the substitution of a number for a signature on each examination paper, which it was said could be done, would be done.

Mr. L. L. SMITH, having obtained leave from the House to offer some remarks, stated that he had been requested by a number of medical gentleman and others, whose sons were medical students, to state that they felt a great amount of grievance at the way in which examinations at the University were conducted. It appeared that, although a medical student might pass three of the examiners, and with credit, yet if he failed before the fourth his success in the three other cases went for nothing, and he was thrown out altogether. That was regarded as a great evil. Then it was contended that, by requiring each examination paper to bear the examinee's signature, opportunity was afforded to an examiner who might have a prejudice against a certain student to give way to that prejudice. He had been told that a certain professor, who could not easily read the handwriting of one student, thereupon said the student could not pass; but it was a great hardship if, for no more substantial reason, students were not permitted to pass, because the failure entailed on them much additional study, and on their parents the payment of additional fees. One cure would be the substitution, as suggested by the honorable member for St. Kilda (Mr. Dixon), of a number for a signature at the foot of each examination paper. Another complaint was that the examinations were conducted by the gentlemen who lectured on the subjects of examination. This, it was argued, should not be permitted, because lecturers were apt to take fancies or prejudices with regard to students. He could not send his son to study at the University because there was a prejudice against him as an advertising medical man, on account of which he felt certain his son would suffer. He was informed that, at one examination, 32 out of 40 medical students were plucked, and that one of them, an honour man, was rejected merely because of some prejudice. Under these circumstances, it was not matter for surprise that many students should be sent from Victoria to the universities of the old country, the examinations at which they passed with credit. But this was not a desirable thing for the colony. The University was carried on at a large expense to the State, and it ought not to be managed so as to drive students elsewhere.

Dr. MADDEN asked the permission of the House to say a few words in order that what the honorable member for Richmond (Mr. Smith) had said with respect to the practice of the University might not go forth without some antidote. The honorable member complained, in the first place, that frequently students in medicine, after passing three examiners, were plucked by the fourth because they did not happen to excel in his particular subject. But the honorable member must appreciate the reason of that. In certain other faculties, students were allowed a choice of subjects—four out of five or six; but that did not apply to medicine. Then again, while in the first year the medical student had to pass in subjects common to all the professions—such as Latin, Greek, and natural philosophy—the subjects in the subsequent years were essentially medical, and inasmuch as there were so many subdivisions and branches of the science of medicine of which every medical practitioner must have some knowledge, each
year if he expected to graduate in anything like a reasonable time. The honorable member had asserted that certain students failed to pass their examinations on account of a prejudice existing in the minds of the examiners against the fathers of the students or the students themselves; but he ventured to think that the honorable member himself did not entertain that opinion. For a long period he (Dr. Madden) had been associated with the University, and he had never known of the slightest ground for imputing anything of the kind to any examiner. He could not believe it of one of them. He had heard, from time to time, defeated students attribute their failures to some feeling of antagonism on the part of the examiners, but that was merely a statement, made in a moment of irritation, to excuse their own shortcomings. He did not believe, for a moment, there was an officer connected with the University, who would degrade himself by resorting to such a course as that suggested: At the same time he fully concurred in the desirability of averting suspicion or the possibility of it, by substituting numbers, for names on the examination papers, by which arrangement the examiner would not know whose paper he was examining. That particular practice was being adopted, and in some branches of study had already been established. The Faculty of Law had provided that examinations should be conducted not by lecturers and professors but by special examiners, who had not any connexion with the students during their attendance on lectures. This had been found to work very fairly, and he had not the slightest doubt that, the Faculty of Medicine, which had but recently been established, would follow the example of the Faculty of Law in this respect. Reference had been made to the fact that many medical students sought their education elsewhere, than in Melbourne, but the honorable member for Richmond had attributed that circumstance to anything but the right cause. He was perfectly confident that not one of those who left the colony to take his degree at an English or a Scotch University was influenced by the state of things suggested by the honorable member. (Mr. L. L. Smith—"They have told me so.") Possibly. But it was the fact that many parents were ambitious that their sons should take something more than "your mere colonial degrees," and so they sent them to the mother country in order that they might enjoy all the grandeur or presumed grandeur attaching to a degree acquired at a home university. Another reason was that the standard of examination at the Melbourne University had been kept exceptionally high, for the simple purpose of gaining for the University a standing and a name which would place it on something like an equality with the home universities in a comparatively short period of time.

Mr. DIXON intimated that he would take an opportunity of again calling attention to the subject, in order that the Chief Secretary might be able to disclose the result of further inquiries which he contemplated instituting. He might mention that the information which led him to place his questions on the paper was given him not by disappointed students, but by medical gentlemen who had practised a long time in the colony; and the information was to the effect that students were afraid to attend the classes of one lecturer lest they should be plucked, and in consequence the classes of another lecturer were overwhelmed with students.

The subject then dropped.

PORTLAND GAOL.

Mr. COPE asked the Chief Secretary if he would lay on the table all papers relative to the case of Joseph Fiddemont, acting chief warder of the Portland Gaol?

Mr. BERRY stated that the papers could not be submitted to the House except in response to a motion, but he would have no objection to place them in the Library.

BULN BULN AND NARRACAN.

Mr. MASON observed that recently he asked the Chief Secretary whether he would obtain a return of the fees paid into the Treasury for publicans' licences issued in the shires of Buln Buln and Narracan, Gippsland. He understood the honorable gentleman was in possession of the information so far as one of the shires was concerned, and he begged to move that it be laid on the table.

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

Mr. BERRY laid the return on the table.
PARLIAMENT HOUSE.

Mr. A. K. SMITH inquired of the Minister of Public Works whether there was any foundation for the rumour that the Government intended to obtain from Sydney, or somewhere else outside the colony, the stone needed for the completion of the Parliament buildings, to the rejection of the magnificent stone, samples of which had been sent down, from Stawell? The excellence of the Stawell stone had been admitted on all hands, and it would be the best to use from an economical point of view.

Mr. PATTERSON said there was no foundation for the rumour referred to. At present the only work contracted for was the finishing of the bluestone work; and it was his intention to see whether stone from Stawell could not be obtained at a reasonable rate. It was his desire that Victorian stone should be used, and he believed that better stone than that of Stawell could not be found in Australia.

STOCK DEPARTMENT.

Mr. BAYLES asked the Chief Secretary if the boards of advice had made any complaints with respect to the manner in which the inspectors and officers for scab prevention and disease in stock had performed their duties; and if he would direct that a meeting of the various boards should be called in the usual way, in order that an expression of their opinions on that subject might be obtained; and also as to whether the apprehension entertained by the Government Veterinary Surgeon of the outbreak of disease amongst the stock of the colony was borne out by facts, and whether the stock in each district was in a satisfactory state of health?

Mr. BERRY said that the Chief Inspector of Stock had reported that no complaints of the kind referred to had been made; and practically that was an answer to the remaining portion of the question. It was his intention to ascertain the real state of affairs with regard to stock in various parts of the colony.

MELBOURNE BENEVOLENT ASYLUM.

Mr. ZOX called the attention of the Chief Secretary to the following extract from the report of the proceedings at the weekly meeting of the committee of the Melbourne Benevolent Asylum, published in the Argus newspaper the previous Friday:

"The report of the finance committee showed that the outstanding accounts amounted to £662, and the overdraft to £2,200. Mr. Crouch pointed out that the subscriptions were gradually falling off, and it was a question, therefore, in view of the heavy overdraft at the bank, whether it was desirable to go on paying accounts. It was resolved, on the motion of Mr. Crouch, that only the salaries be paid, and the outstanding accounts be postponed for a week. On the motion of Mr. Farmer, it was resolved that no more inmates be received till the financial position of the institution was improved.

There were several applicants for admission; but in accordance with the resolution that had been passed they were sent away. Before the committee separated, it was resolved that a letter be sent to the Treasurer drawing his attention to the financial position of the institution, and the urgent necessity of something being done at once."

He was given to understand that no less than 30 applications for admission were refused the previous Thursday, some of the applicants being paralytic and imbecile.

Mr. BERRY suggested that the honorable member for East Melbourne (Mr. Zox) should call at the Treasury, the following day, when the matter could be talked over.

PERSONAL EXPLANATIONS.

Mr. GRAVES.—Mr. Speaker, I regret that I am under the necessity of having to make a personal explanation. The following statement appeared in the Age newspaper of Saturday last:

"It was well known that there were at least three wavering members in the Ministerial party, or at least three honorable members who had voted for the Bill all through its antecedent stages, its second reading, and in committee, but who, at the eleventh hour, could not be relied on by either party, not having made up their minds to a certainty which way they would vote. Those members were Messrs. Graves, Hunt, and Tyzeralgh. As a natural consequence of these honorable members' halting between two opinions, they were during the evening absolutely besieged by whippers-in and canvassers on behalf of the two hostile parties. All kinds of influences were brought to bear with a view to obtaining their votes. Sir John O'Shanassy and several priests, who had hovered about the chamber, and others, were at work to secure them for the Opposition, whilst a dozen supporters of the Ministry were continually shepherding them, and endeavouring to persuade them to vote 'straight' with the party."

On the eve of a general election, I do not wish a statement like this to go forth to the country without contradicting it, and calling attention to the fact that the records of the House show it is not correct. The debate on the second reading of the Reform Bill, as stated by the public newspapers at the time, was not on the merits of the measure, and a number of members,
who protested against several of the provisions, saw their way to vote for the second reading of the Bill as a demonstration in favour of reform, reserving to themselves the right of saying "Yea" or "Nay" to the measure on the third reading. I voted for the second reading of the Reform Bill, but I spoke and voted against details of the measure. I voted against the 6th clause. That was one principle of the Bill. When the honorable member for Kilmore proposed that the clause relating to the plebiscite should be struck out, I voted with him. That was another principle of the Bill. When the honorable member for Carlton proposed his amendment in favour of an elective as against a nominee Upper House, I voted with him. Thus it will be seen that I voted against the three main principles of the Bill. If I did not vote against them I don't know what I voted against. Having voted against the three main principles of the Bill, and considering the Bill a bogus Bill, I could not see my way—as some honorable members did—to vote for the third reading of the measure.

Mr. HUNT.—As my name has been mentioned, perhaps I may be allowed to make a remark. I think it is at least a fortnight since I thought proper to intimate to several members of the Ministry that, inasmuch as the Reform Bill was not what I desired, I was bound to cast my vote against the third reading of the measure. I thought that the only honorable course open to me. I may state that several honorable members of the Opposition came to me with the view of obtaining from me a pledge that I would vote against the third reading; but, while I was fully determined to take that course, I thought it most undesirable—indeed, dishonorable—to throw myself directly into the arms of the Opposition. I declined to give any information whatever as to how I intended to vote. I considered it would be time for the vote itself to disclose my course of action. Inasmuch as I had been associated for some years with the party promoting the Reform Bill, and as I was generally for reform, without pledging myself to details, I was indisposed to arm the enemy by informing him beforehand which way my vote on the third reading would be given. It was with some degree of pain that I found myself to a certain extent alienated from my party, having to vote against them. But I felt there was no other honorable course open to me than to cast my vote against the third reading of the Bill.

KORWEINGUBOORA.

Mr. GAUNSON asked the Minister of Lands when the return, ordered by the House on the 2nd October, with reference to the sale of an allotment of land in the parish of Korweingubooroora, would be supplied?

Mr. LONGMORE said he was not aware that the return had not been laid on the table. He would make inquiries on the subject.

RAILWAY DEPARTMENT.

GASWORKS.

Mr. CARTER inquired of the Minister of Railways when the return ordered by the House on the 17th August, relative to gas experiments at Prince's-bridge station, Melbourne, would be furnished?

Mr. WOODS replied that he would make inquiries as to why the return had not been supplied.

RAILWAY PASSES.

Mr. KERNOT moved—

"That there be laid before this House copies of all correspondence between the Railway department and ex-members of the Assembly as to the use of members' railway passes after their retirement from Parliament."

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

CONSTITUTION ACT AMENDMENT BILL.

On the order of the day for the transmission of this Bill to the Legislative Council being called on,

Sir B. O'LOGHLEN moved that the order be discharged from the paper. He said—For the information of the House I may state that, on looking into the law as to what is an absolute majority of this House, I came to the conclusion that an absolute majority had been obtained by the Government on Friday morning last on the third reading of the Reform Bill. I arrived at that conclusion after considering the various Acts relating to the subject, and I still adhere to the opinion. Being aware, however, that considerable political feeling exists in reference to any matter connected with the reform question, and that unless my opinion was accepted by both sides of the House future complications might be given rise to, I
decided to take the opinions of the leading members of the bar on the point. I caused cases to be sent to eleven gentlemen, two of whom declined to give an opinion on the ground that the question trenchèd on politics. I received the opinions of nine gentlemen, and, of those, eight take an adverse view to that which I hold and one coincides with my opinion. I still, as I have said, adhere to my opinion, but while doing so I have no notion of forcing it on the House. Having placed each of the gentlemen I consulted in an equal position with myself, in making them assessors with me for the guidance of the House, I was bound to accept the opinion of the majority which overruled my own. Acting on that view, I advised my colleagues that there was no other course left for the Government but to consent to the discharge of this order of the day.

Mr. Service.—As this question has been regarded by both sides as one of considerable constitutional importance, and as the opinions obtained by the Government have no doubt been paid for out of the public funds, I would ask the Attorney-General whether it would not be desirable that they should be laid on the table, so that they may remain on record?

Sir B. O'Loughlen.—I have already taken steps in the direction indicated by the honorable member. I have had the opinions copied and sent to the Government Printer, and I propose to-morrow to move that they be laid on the table.

Mr. Gaunson.—This question has rightly been considered one of the highest constitutional importance, and I doubt if any other Government would ever have dreamt of submitting a question involving the interpretation of the Constitution Act, or the privileges of this House, to any authority outside the House. There is no doubt that in this respect the Ministry have been guilty of unconstitutional conduct. It does not rest with the barristers of Temple-court to say what is the meaning of the Constitution Act. The question, in the present case, was one which rested practically with the Clerk of the Assembly, and, if the Clerk had refused to give the necessary certificate, the Government could then have applied to the Supreme Court for a mandamus to compel him to do so. There is no doubt that in this case the law of the Attorney-General was as wrong as it possibly could be.

Mr. Lalor.—He was perfectly right.

Mr. Gaunson.—The question is not arguable. The whole object of the 60th section of the Constitution Act is simply to prevent our Constitution being altered by any mere gust of passion in the Assembly. It requires that the alteration shall be assented to by an absolute majority of the “whole number” of members, first of the Assembly and then the Council; and the “whole number” evidently means the whole number of seats, whether the members are in the flesh or not. Suppose, for example, some epidemic swept away fifty members, then, according to the argument of the Attorney-General, twenty members could pass an alteration in the Constitution. Or the Ministry might turn out half-a-dozen members, in order to get an absolute majority of the number remaining.

Mr. Casey.—I desire to call the attention of the Attorney-General to what I consider to be a very dangerous course which he has adopted in this matter. I have no doubt that the honorable gentleman acted with the best intentions, and with the view of fortifying his own opinion in the event of Temple-court agreeing with him, but his action will have the effect of placing in an awkward position any future law officer who gives an opinion to this House with regard to the construction of any part of the Constitution Act. He may be met with a cry from the Opposition to go to Temple-court and learn what the opinion there is. Moreover, there is another view of the matter. The 56th and 57th sections of the Constitution Act have been the subject of constant debate, both in this House and in another place. If we go to Temple-court to-day for the construction of the 60th section, we may be asked to-morrow to consult the same authorities as to the construction of the 56th and 57th sections. I agree with the honorable member for Ararat that the Constitution Act should be interpreted in this House. We have here the law officers of the Crown who can give us their opinion, and I take it the House will then express its opinion if it thinks it necessary to do so. Over and over again the Assembly has given its opinion as to the construction of various sections of the Constitution Act. For these reasons I think the precedent established by the Attorney-General is a dangerous one, and I would ask him not to go the length of laying these opinions on the table. There can, of course, be no objection to their
being published in the newspapers, but
to lay them formally on the table of the
House would be still further to establish
the precedent.
Sir J. O'SHANASSY.—One good re-
result may arise from this discussion. The
action taken by the Attorney-General
ought to convince him that, in framing a
Reform Bill to go to the country on, he
should embody a clause providing for the
interpretation of the Act by a responsible
judicial tribunal. The very fact that the
Attorney-General has had to go for the
interpretation of a written instrument to
Temple-court, where the gentlemen are
only responsible as barristers for the
opinions they give, should convince him
of the necessity I have mentioned. I
think a responsible judicial tribunal will
be a safer authority for the interpretation
of a written instrument than the court
advocated by the honorable and learned
member for Mandurang, namely, Parlia-
ment itself, because most Members of
Parliament are not lawyers, and are not
acquainted with the rules of construction
in relation to Acts of Parliament. The
proper course with regard to the interpre-
tation of a written instrument is to have
it interpreted by the ordinary judicial rules,
and that can only be done by supplying
what has always been an admitted omission
in the Constitution Act. An illustrious
precedent for such a course exists in the
case of the United States, where the Su-
preme Court—the highest tribunal in the
land—has the duty of interpreting the
Constitution, and can even override the
action of both Houses of Congress if they
should overstep their powers under the
Constitution.

Mr. O'HEA.—I cannot agree with the
honorable member for Belfast, notwith-
standing the high respect I have for his
knowledge on this subject. We, in this
House, are alone the tribunal which should
decide what are our privileges and the
laws that govern us. The House of
Commons would never think of taking
such a course as that suggested by the
honorable member for Belfast; and for
this House to establish a judicial tribunal
outside itself to decide what its privileges
are would be to depart altogether from the
English practice. The House of Commons
is alone the master of its own powers and
privileges—the master of its own intelli-
gence. It settles everything concerning
itself, and I think it is our duty to follow
its example.

Sir B. O'LOGHLEN.—In explanation,
I desire to say that honorable members
will see that, in this particular case, I
was placed in a very peculiar and difficult
position. The legal gentlemen on the
other side of the House used some very
strong language on my suggesting—for
at that time I gave no decided opinion—
that 43 members constitute an absolute
majority of the Assembly under existing
circumstances. When I did definitely put
a construction on the 60th section of the
Constitution Act, that was the construc-
tion I put upon it. The only question
then was whether I thought the matter so
clear that I could advise the Chief Secre-
tary and the Cabinet to go on with the
Bill. I came to the conclusion that the
construction was clear, but, in order to
obviate the charge of political motives, I
thought it advisable to ask for the opinion
of members of the profession in Temple-
court, though I had no intention of sub-
mitting those opinions as an absolute
authority for the guidance of the House
any more than I had of thus giving my
own opinion. My object was to guide
the Cabinet, and, in the face of the adverse
opinions given, I felt that I could not ad-
vice my colleagues to persevere in sending
this measure to the Legislative Council.

Mr. KERFERD.—I do not think the
House will be inclined to blame the Attorney-
General, seeing that he has been
actuated by proper motives in the course
he has taken. Old members of this House,
however, are naturally jealous of any out-
side interference, and I have no doubt
that if the Attorney-General had longer
experience in Parliament he would share
the same feeling. I remember once when
the whole of Temple-court was against
the law officers of the Crown—I refer to
the Mount and Morris case—yet on appeal
to England the view of the law officers was
sustained. The objection in the present
instance, I think, is not so much to the
Attorney-General taking other opinions as
to his making the fact public. I can quite
understand that a professional man likes to
have his view strengthened by the opinions
of other minds regarding the same matter
from various points of view. There is con-
siderable force, however, in the objection
to placing these opinions on the records
of the House. Every purpose would be
served by handing them to the press.

Sir B. O'LOGHLEN.—Hear, hear.
The order of the day was discharged
from the paper.
RAILWAY CONSTRUCTION.

The House having gone into committee, Mr. WOODS moved—

"That the following estimate of the expenditure which the Board of Land and Works proposes to incur during the year June, 1880, under the Loan Act No. 608, be agreed to by the committee, viz.:

"For the construction of the Toolamba and Tatura line of railway authorized by Act No. 635, £40,250.

"For the construction of the Melbourne Junction Railway, from Spencer-street to Flinders-street, authorized by Act No. 643, £5,100."

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

LOAN APPLICATION (WATER SUPPLY) BILL.

On the motion of Mr. BERRY, this Bill was read a second time, and committed.

Discussion took place on clause 2, which was as follows:

"No such money shall be so granted or applied except in accordance with such general regulations (if any) as the Governor in Council may from time to time make, and subject to such terms and conditions and the finding of such security as the Governor in Council may from time to time prescribe and approve."

Mr. SERVICE observed that the power given in this clause was a very dangerous one. The marginal note referred to Acts 448 and 500, as if to imply that similar powers were contained in those Acts, but on hastily looking through them he could find no section in either of them corresponding to this clause. Unless it could be shown that similar powers did exist in previous Acts, he would certainly object to such a provision being included in the Bill. Another point on which he desired information was as to the indebtedness of the municipal corporations mentioned in the schedule to which these loans were to be advanced. The Minister of Mines, some time ago, furnished some information as to the municipalities which were already in arrears, to the Government. He wished to know whether any of the municipalities to which it was proposed to grant these further advances were already in arrears, and, if so, to what extent? The Minister of Mines should also state whether he had taken care, in making these further advances, that they would not place it beyond the power of municipalities already indebted to the Government to pay the principal and interest as provided for by law.

Major SMITH remarked that, with respect to the first question of the honorable member, he was under the impression that the 2nd. clause of the Bill was a facsimile of what had been passed in previous Acts relating to the same subject. The clause gave the Governor in Council power to take proper security, and if such a power was not given, there would be no security for the advances made. He had, however, no objection to progress being reported, in order that he might ascertain whether the clause involved any departure from the previous practice. With regard to the second question, a list of the municipalities in arrears as to the payment of interest had been prepared, and would be distributed at once. The only new item in the schedule was the loan to Hamilton, the others having been levied as arrears, by previous Governments. He begged to move that progress he reported.

The motion was agreed to.

Progress was then reported.

CUSTOMS DUTIES BILL.

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

Discussion (adjourned from December 3) was resumed on clause 5, and on Mr. Casey's amendment that "all winnowing and threshing machines" should be included among the list of exemptions therein provided for.

Mr. LALOR remarked that the amendment was quite unreasonable. Winnowing and threshing machines had been made in the colony for years, and were now far cheaper than they were before the duty was imposed.

Mr. SHARPE observed that there were not more than two or three threshing-machines per annum made in the colony. There was only one local manufacturer, and he only made such machines when his employes were slack with regard to other work. The duty on threshing-machines was very heavy. Under the increased duty of 25 per cent., the tax on a threshing-machine and portable engine would amount to over £100. He was informed that a friend of the Minister of Lands was formerly in this trade, but had to give it up.

Mr. LALOR remarked that the question now raised had been discussed over and over again, and thoroughly fought out. He appealed to the leader of the Opposition, and to the leader of the Ministerial corner—he alluded to the honorable and learned member for Maudurang—to prevent the time of the committee being wasted by further argument on the subject.
Mr. CASEY said he had no desire to usurp the position just accorded to him. At the same time, although he moved the amendment, if a desire was expressed all round the House to hurry through business, with a view to an immediate dissolution, he would withdraw his proposition, and offer no further opposition to the Bill becoming law as it stood. If, however, the amendment was going to be considered, he would mention to the Minister of Customs that practically the matter it dealt with had never yet been discussed. Indeed, the subject of winnowing machines was brought under his notice only during the past month. A farmer in his district—Mr. Jewell—who had just returned from England, saw there a new kind of winnower, which, used along with the stripper commonly employed in South Australia, would enable him to cultivate nearly double the area of land he formerly tilled. In consequence, he gave an order that several machines of the sort should be sent to him in Victoria, and they would shortly arrive. Now was his enterprise, on behalf of the country, to be taxed 30 per cent., because that would be the effect of the Bill unless it was amended? On the other hand, if the machines were allowed to come in, they would serve as so many models to the local manufacturers. As for steam thrashing-machines, he did not believe twenty of them had ever been made in the colony; what, therefore, was the use of taxing the farmers on account of an industry that produced such extremely small results?

Mr. LONGMORE stated that he had a letter from an agricultural implement maker in Elizabeth-street, which stated that the duty on the largest steam thrashing-machine could not amount to more than £30. What, then, was the use of the honorable member for Moira (Mr. Sharpe) talking of it being over £90? (Mr. Young—"The honorable member spoke of a thrashing plant—portable engine and all.") Moreover, the maker alluded to had made 40 steam thrashing-machines, and over 300 horse-power ones. (Mr. Casey—"What is his name?") He did not want his name published. A gentleman intimately connected with him (Mr. Longmore) told him, the other day, that he had a colonial-made thrashing-machine, and it was one of the best he ever worked with. As to winnowers, one firm in Melbourne employed 120 hands in making them, but if the article was allowed to come in free those artisans would have to go into the ranks of the unemployed. Why should such a disaster be allowed to occur simply because a friend of the honorable and learned member for Mandurang had had his fancy taken by a particular winnower he saw in England? Honorable members must also bear in mind that Victorian-made winnowers were largely exported, because they could not be made elsewhere in the colonies so cheaply as here.

Mr. CASEY observed that with respect to some agricultural machines—Buncle's chaff-cutters for instance—Victorian manufacturers could undersell the world, but he had no wish to meddle in the slightest degree with anything of that sort. No doubt some steam thrashing-machines were made in the colony, but it was only when work in other lines was dull, and certainly none were exported. Indeed, considering that the demand for them could never be very great, and that the patterns required in their manufacture were exceedingly numerous, it was not likely that it could ever be turned into a truly prosperous Victorian industry. The only thrashing-machines he wished his amendment to apply to were steam ones.

Mr. YOUNG asked if the Minister of Lands, or any one else, had ever seen a Victorian-made steam thrashing-machine at an agricultural show? If ever one had been so exhibited, he (Mr. Young) believed he would have seen it; but, as a matter of fact, he was certain not one had ever been so exhibited. So much for the 40 steam thrashing-machines, made by one Victorian manufacturer, referred to by the Minister of Lands. Seeing that farmers had now to look to an export trade to dispose of their grain, it was unfair and unwise to subject them to a duty of from £30 to £40 upon every steam thrashing-machine they used. He quite agreed that steam thrashing-machines should be the only ones touched by the amendment.

Mr. SHARPE said that, as for the 40 Victorian-made steam thrashing-machines referred to by the Minister of Lands, the fact was that, during the past four or five years, one maker had made two or three each year. His reason for doing so was not that the manufacture was a profitable one, because, inasmuch as it could only be economically carried on on a large scale, it was nothing of the kind, but because it enabled him to keep some of his hands together during the winter months, when no other work was doing. He (Mr. Sharpe)
would suggest that, as a large number of winnowing machines were made in the colony, the amendment should not refer to them.

Mr. COOPER remarked that it was rather important to know when the manufacture of the 40 steam thrashing-machines the Minister of Lands had on his mind took place. Possibly they were made many years ago, when prices in the colony ruled very much higher than they did now. To heavily handicap the farmer just at the time he was called upon to rely upon an export trade, which meant competition with the prices of the world, was most absurd and ruinous.

Mr. LAURENS observed that great stress was laid upon the heavy amount of customs duty the farmers were called upon to pay. But, after all, what did it come to? In 1878, the duty paid upon agricultural implements was only £828, and upon agricultural machinery it was only £1,940, making a total of £2,768. That, divided among the 40,000 or 50,000 farmers of the colony, was only about 1d. per head. When honorable members talked of the enormous burdens borne by the agricultural community, it was well to let them know what they were talking of.

Mr. CARTER said that, supposing the figures cited by the last speaker to be correct, he seemed to overlook the enhanced prices protection caused the Victorian farmer to pay for all the articles of Victorian make, besides agricultural implements and machinery, he consumed. (Mr. Laurens—"There is nothing of the sort to overlook.") Then the protective duties upon those other articles were of no advantage to the colonial maker; there was no getting away from one alternative or the other. He begged to ask the honorable and learned member for Mandurang why he would include patent milling apparatus in his motion? (Mr. Casey—"You can move an amendment to that effect after mine is disposed of.") There were strong reasons why the exemption he referred to should be made, because the best milling machinery came from America, and was patented. It must be imported, and therefore the duty upon it benefited no colonial manufacturer. The articles he specially referred to were wheat brushers, wheat steamers, bran dusters, smutters, middlings purifiers, cockle and wheat separators, and decorticating machines.

Mr. DOW considered that if the amendment were confined to steam thrashing-machines it ought to be accepted, because they could not, as a regular thing, be made in the colony. Some of the best agricultural machine makers of Victoria, although they could compete in other things with makers all over the world, had found, after giving the thing a fair trial, that they could not succeed with the manufacture of steam thrashing-machines, because to make it pay required a larger demand for the article than existed in Australia. Robinson and Co., for instance, only made such machines in slack times in order to give some employment to their hands, and so keep them together. Considering that colonial steam threshers had been protected for ten years past by heavy customs duties, and also by the enormous freight chargeable upon them on account of their huge bulk, the fact that so few of them had been made here was conclusive evidence that their manufacture was an industry that could not be profitably carried on in the colony.

Mr. LONGMORE thought many honorable members misapprehended the extent to which the duty on steam thrashing-machines affected the agricultural class. It should be remembered, for example, that one machine was sufficient for the wants of 30 or 40 farmers. Besides, there was not one farmer in 50 who had not got a stripper, which did away with all necessity for steam thrashing. Considering that a steam thrasher lasted 10 years, was it too much to ask that it should pay £30 in order that colonial artisans should be employed upon its manufacture?

Mr. YOUNG stated that the assertion that a steam thrashing-machine ordinarily lasted 10 years was nonsense. Its average life was not over 4 years. Certainly it was possible for colonial-made machines to last 10, or 20, or even 50 years, because they were so inferior that the farmers who had them would not use them if they could help it. The figures quoted by the honorable member for North Melbourne (Mr. Laurens) were entirely inapplicable, because in 1878 the crops were a failure, and consequently the demand for imported agricultural implements and machinery was so small that stocks of them were not taken out of bond. As for strippers, it should be borne in mind that using them kept the farmer without fodder for winter time.

Mr. MCINTYRE expressed the belief that the Government were making a dead set at the agricultural class on account of
the farmers' unions, that had put something more than a nail into the Ministerial coffin.

Mr. STORY said that, after hearing the remarks on the present subject which were made a few nights ago, he decided to pay a visit to the establishment of one of the agricultural machine and implement makers of Melbourne, and what did he find there? For one thing, a winnower and stripper combined that was to be sent to Adelaide in competition with all that could be got there. As a matter of fact, more harvesting machines were made in Victoria than could be used in the colony, and consequently they were exported in large quantities to New South Wales, South Australia, and elsewhere. They could be made here as well and as cheaply as they could be imported. In fact, the colonial-made machines were really cheaper than the English ones, because they were more suitable to colonial wants.

Mr. A. K. SMITH stated he knew from personal knowledge that harvesting machinery of almost every kind could be made in the colony for less than the same articles imported would cost. At the same time, he was, on principle, an advocate for letting in all machinery free. It was indeed of the utmost importance, in view of the abundant harvest that was promised, including surplus grain for export to the extent of 1,000,000 quarters, that the farmers should be enabled to get in their crops in the cheapest possible way. Perhaps, however, it would be well to eliminate winnowing machines from the amendment. In his opinion the time was not far distant when, protective duties or no protective duties, the machine makers of Victoria would be able to manufacture articles cheaper than they could be imported.

Mr. RICHARDSON remarked that in 1857, and also in 1859, he imported an English thrashing-machine, and they were both at the present time in perfect condition for daily work. (Mr. Young—"Have they been worked every year?") He admitted that they had not been used for three years past, but previously each of them thrashed for as many as 60 farmers in one season. In view of the way in which the services of thrashing-machines were distributed, the pressure of the protective duty in their regard upon the farmers individually was very slight. There was no doubt the best thrashing-machines for the colony were those made in the colony. For example, the pattern adopted by Robinson and Co. was one exactly suited to the Victorian climate.

Mr. BAYLES contended that the duty on winnowing and thrashing machines had the effect of compelling Victorian farmers to pay more for those machines than the farmers of South Australia and New South Wales could buy them for. That was most unjust to the agricultural interest of this colony.

Mr. YOUNG asserted, from personal knowledge, that for many years past all the thrashing-machines imported into Victoria had been specially constructed for use in the colony.

The committee divided on the amendment—

| Ayes | ... | ... | ... | 32 |
| Noes | ... | ... | ... | 32 |

Ayes.

| Mr. Bunt | Mr. McIntyre, |
| Bird | Mackay, |
| Blackett | Dr. Madden, |
| Bonario | Mr. Morrice, |
| Brednall | Orr, |
| E. H. Cameron | Sir J. O'Shanassy, |
| Casey | Mr. Ramsey, |
| R. Clark | Sharpe, |
| R. Clark | A. K. Smith, |
| Cooper | R. M. Smith, |
| Dow | Tytherleigh, |
| Duffy | Williams, |
| Fraser | Zox, |
| Gunson | 
| Gillies | Tellers, |
| Harper | Mr. Carter, |
| MacBain | Young, |

Nobs.

| Mr. Andrew | Mr. Mason, |
| Barr | Mirams, |
| Berry | Nimmo, |
| Bilson | Sir B. O'Loghlin, |
| W. M. Clark | Mr. Patterson, |
| Cook | Rees, |
| B. G. Davies | Sainsbury, |
| D. M. Davies | Major Smith, |
| Dixon | Mr. F. L. Smyth, |
| Ferguson | Story, |
| Grant | Tucker, |
| Hunt | Woods, |
| Johnstone | Wright, |
| Kerriot | Tellers, |
| Luder | Mr. Langridge, |
| Laurens | Longmore, |

Pairs.

| Mr. Bayles | Mr. Cope, |
| Kerford | O'Hea, |
| Purves | D. Cameron, |
| Service | Bell, |

The CHAIRMAN.—As the tendency of the amendment is to lighten the burdens on the people, I feel it my duty to give my casting vote with the "Ayes."

The amendment was accordingly carried, and the words "all winnowing machines;
all steam thrashing-machines” were inserted in the clause.

Mr. McIntyre moved that the words “all patent machinery required for mining” be inserted after “thrashing-machines.” He trusted that the Minister of Customs, in deference to the closeness of the division on a similar proposal, on a previous evening, would accept the amendment.

Mr. LALOR said the amendment was not in order.

Mr. Longmore remarked that, though the question of exempting patent mining machinery from duty had been discussed on several occasions, no definition of such machinery had ever been given. (Mr. McIntyre—“It includes diamond drills and other boring machines.”) The Government had a right to know exactly what articles were included under “patent mining machinery,” in order that they might ascertain how much revenue would be lost if the amendment was adopted.

Mr. McIntyre observed that last year £7,028 was paid for duty on mining machinery, and probably not more than one-fourth of the amount was on account of patent machinery.

Mr. LALOR stated that substantially the same proposal was put and negatived on a previous night, and therefore the amendment was not in order. A gentleman who understood his duties as Chairman of Committees would not allow the amendment to be received.

The CHAIRMAN.—I may inform the committee that no amendment of the kind has been proposed before in connexion with this Bill. The amendment is therefore in order.

Mr. Bent stated that he was not surprised at the anxiety of the Government to prevent the amendment being carried, for the total sum in the banks to the credit of the public account did not at present amount to £20,000.

The CHAIRMAN was about to put the amendment, when

Mr. Gillies rose and asked whether, in the face of the statement made by the Minister of Customs, the Chairman of Committees dared to hold an independent opinion? If so, honorable members on both sides ought to compliment him.

The committee divided on the amendment—

Ayes... 32
Noes... 31

Majority for the amendment, 1

Mr. Carter moved that “all patent machinery used in milling” be included among the exemptions. He submitted that this kind of machinery should be exempted from duty for the simple reason that it was patented, and could not be manufactured in the colony.

Mr. Young expressed the hope that the Minister of Customs would accept the amendment. It was desirable that Victorian corn millers should have facilities for purchasing as cheaply as possible the machinery necessary to enable them to produce flour of the very best description, especially as a large export trade was likely to be done in flour.

Mr. Orr suggested that the amendment should be withdrawn. Honorable members, having succeeded in relieving two of the principal industries in the colony—the agricultural and mining industries—might be content with what they had accomplished. He had heard no complaints from millers as to the duty on
machinery used in flour mills, and therefore he would be no party to the amendment. He knew no reason why any patent machinery should be subjected to duty if patent machinery used in milling was exempted.

Mr. R. CLARK (Wimmera) remarked that, although himself a miller, he would request the honorable member for St. Kilda (Mr. Carter) to withdraw the amendment. The trade could afford to pay the duty.

The amendment was withdrawn.

Mr. MACBAIN suggested that passengers' second-hand furniture to the value of "£50," instead of "£35," should be exempted from duty.

Mr. LALOR intimated that he would accept the suggestion. The clause was amended accordingly.

Mr. SHARPE proposed the omission of the words limiting the exemption of reapers and binders from duty to the period ending the 30th June, 1880. The amendment was negatived.

On clause 8, empowering the Governor in Council to make regulations "to allow of such drawback as may be therein specified being paid to any person on the exportation of any preserved beef or mutton from Victoria as against estimated duty paid on imported live stock, whether cattle or sheep," Sir J. O'SHANASSY called attention to the great experiment which had been made of shipping from Melbourne, meat not preserved but in carcass, and moved that the word "preserved" be omitted, in order that the clause might apply to all meat exported, whether preserved or not.

The amendment was agreed to.

On clause 10, providing for the appointment of warehouses in which Australian wines intended for exportation might be blended or bottled, Sir J. O'SHANASSY asked for an explanation of the clause.

Mr. LALOR stated that the object of the clause was to establish bonds where Australian wines might be blended or bottled for exportation but not for home consumption. The wines for this purpose, imported from the other colonies, would be imported in bond. He considered the clause a desirable one, and he believed it would be found necessary hereafter to enlarge its scope so that it might embrace foreign wines.

On the schedule, Sir B. O'LOGHLEN proposed the insertion of the following words in connexion with the items imposing duties on hats:—

"Except those warehoused without payment of duty on the first entry thereof before the 4th September, 1879."

He explained that the amendment was submitted to meet the wishes of the trade. There was a feeling abroad that one particular firm had got the start of others, and the amendment would be a means of placing all on an equal footing.

Mr. R. M. SMITH suggested that the concession should include all goods of the kind that were ordered before the 4th September and were then on their way to the colony. It was impossible to recall the orders, and the concession should be all round.

Mr. LALOR observed that the original proposal of the Government was that the duties on hats should be increased from 20 to 25 per cent. Immediately after it was made, a deputation waited upon him asking that the duties on certain varieties of hats should be fixed. That request was complied with, but the change was so sudden that persons in the trade, who had goods in bond, could not possibly anticipate it. It was to relieve them that the amendment was proposed, but goods on the high seas could not possibly have been taken out of bond before the 4th September.

Mr. R. M. SMITH contended that goods the orders for which were beyond recall should be treated in a similar manner to those which were in bond before the 4th September.

Mr. LALOR asked whether the honorable member for Boroondara wished that no exception at all should be made—that the relief which the Government proposed should not be afforded?

Mr. R. M. SMITH objected to that style of argument—that because he asked for something more, he should have to be content with something less. He did not see the slightest justice in the concession of the Government unless it applied all round.

Mr. ZOX submitted that the goods referred to by the honorable member for Boroondara were ordered expressly for the season's trade, and should be allowed to come in under the old rate of duty, namely, 20 per cent., instead of being called upon to pay something like 120 per
If the increased duty were insisted upon, the goods would not be landed in Victoria at all, but would go to the adjacent colonies.

The amendment was agreed to.

Mr. BIRD proposed that the duty on rice be "4s." instead of "6s." per 100 lbs.

Mr. LALOR expressed the hope that the amendment would not be pressed. To agree to it would be seriously to affect the revenue. Moreover, the question had been tested on more than one occasion.

The amendment was withdrawn.

Mr. R. M. SMITH called attention to the duties on umbrellas, parasols, and sunshades, and suggested that they should be struck out.

Mr. LALOR declined to entertain the suggestion. He did not think 6d. an extravagant duty on a common umbrella.

Mr. ZOX expressed his surprise that, after the discussion which had taken place on the subject, these duties should be persisted in. There was only one manufacturer of umbrellas in Victoria, and he imported all the articles necessary for the construction of an umbrella, and employed a few girls to put them together. Although the duty on a common umbrella might be 6d., the duties on the superior articles would be something like 50 or 60 per cent.

Mr. R. M. SMITH inquired whether the Minister of Customs intended to abandon the duty on watches? When the subject was before the Committee of Ways and Means, the Minister said he would give it consideration.

Mr. LALOR said the duty was simply a matter of revenue. It was imposed for that purpose, and therefore could not be removed from the list.

Mr. A. K. SMITH proposed that the exceptions from the 25 per cent. duty on machinery should include "patent machinery not made in the colony for making ice."

Sir B. O'LOGHLEN observed that machinery for making ice was first made and patented in the colony, and was afterwards patented in England. The patent machinery which the amendment sought to benefit was only an improvement upon that machinery, and was imported for the benefit of the last established ice company.

Mr. A. K. SMITH said the introduction of that machinery had been the means of reducing the price of ice just one-half.

The amendment was negatived.

Mr. TUCKER proposed the omission of the item imposing a duty of 7½ per cent. on calf and kid leather. He stated that it was a vexatious tax on raw material used by a large number of his constituents, and had already had a prejudicial effect on the boot export trade.

The amendment was negatived.

The Bill, having been gone through, was reported to the House with amendments.

The House adjourned at one minute past eleven o'clock.

LEGISLATIVE COUNCIL.

Wednesday, December 10, 1879.

Despatches from the Imperial Government; Melbourne International Exhibition—Stamp Duties Bill: Report of Select Committee.

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

DESPATCHES.

The Hon. H. CUTHBERT presented, by command of the Governor, copies of further despatches from the Secretary of State for the Colonies relative to the Melbourne International Exhibition.

STAMP DUTIES BILL.

Sir C. SLADEN brought up the report of the select committee to which this Bill was referred.

The report was read by the Clerk, at the table, as follows:

"The select committee, appointed by your honorable House during the present session of Parliament, to which was referred the Stamp Duties Bill, have the honour to submit the following report:

"1. The instructions to your committee require them to report, 1st, upon the practice of the Imperial Parliament with respect to the inclusion in the same Bill of grants of duties and of provisions as to the management and collection thereof; and, 2nd, as to whether the Bill referred to them is or is not within the meaning of the 56th section of the Constitution Act.

"2. We have not made a complete examination of the history of English fiscal legislation. Such an inquiry would have far exceeded the limits of time which the exigency of the case prescribed, and did not on consideration appear to us to be essential for the present purpose.

"3. It may be stated—although in the absence of an exhaustive inquiry our conclusions must be offered with reserve—that, as a general rule, each of the earlier Tax Acts included every provision connected with its object, and dealt alike with the imposition of the duty, with its appropriation, and with its collection and its
management. When, in the time of Mr. Pitt, the Consolidated Fund was established, the distinction between the charge and the application of the charge was firmly settled. Later legislation has made a further advance in the same direction, and in modern practice a marked distinction is habitually drawn between Acts for creating or for appropriating revenue and Acts for its regulation and its protection. Acts which provide for the charge are regarded as belonging rather to administration than to legislation in the proper sense of the term. They are under the special if not the exclusive care of the House of Commons, and they bear, in addition to a special procedure, the visible symbol of their character in the form which is usually known as the free-gift preamble. Acts which are intended to facilitate the collection of the revenue and to secure it against loss are part of the general legislation of the country, and are passed in the usual manner, and without any exceptional preamble. They form a standard to which every new Act creating duties refers, and they provide for such Acts in the same manner. Such an Act is the Act for establishing the Commissioners of Inland Revenue (12th & 13th Vict., c. 1), the Customs Consolidation Act (16th & 17th Vict., c. 107), and the Stamp Duties Management Act 1870. No one of these Acts imposes duties, and no one of them consequently contains the free-gift preamble; but they supply the means by which Acts which impose new duties, customs, or stamps, or income tax, or succession duties, or other forms of inland revenue are administered.

"4. We are unable to find any authority for the addition of clauses granting duties to those modern Bills which are intended to provide not for the collection and management of certain special duties, but for matters of general financial administration. Bills for granting duties constantly and necessarily refer to those general Administration Acts, but these general Acts never include or notice particular duties.

"5. The Bill which has been referred to us has a composite title. It is intitled 'an Act for granting certain stamp duties, and to provide for the management and collection thereof.'

"If the provisions of the Bill were strictly limited to this title, the question would arise whether, according to modern practice—that is, the practice of the Parliament of the United Kingdom—a Bill for granting duties can in any circumstances also include provisions relating to collection and management other than those which some general Statute upon the subject contains. But it is not necessary now to decide this question, because our sole guide is the Constitution Act and because the contents of the Bill before us go far beyond the indications of its title. According to its title, this Bill is meant to grant certain stamp duties and to provide for the collection and management thereof, i.e., of the specific duties which it grants. In fact, however, it provides for the management not of these duties, but of other duties from time to time chargeable by law. That is, it includes the grant of stamp duties in a Bill which provides for the permanent administration of a branch of the public service, and it brings under the free-gift preamble matters relating to the general business and to the general criminal law of the country. In both these respects it does not conform to English precedents.

"6. The Bill bears upon its face clear indications of the manner in which this result has occurred. It is composed, as its marginal references show, of two separate Imperial Acts, the 33rd and 34th Vict., c. 97 and 98. These two Acts are Consolidation Acts. The former relates to the granting of stamp duties, and contains the free-gift preamble. The latter relates to the management of stamp duties, and does not contain any preamble. Acts of this nature, which have already observed, is a general Administration Act, and its sections have been copied into the present Bill without limiting its extent to the matter with which the Bill affects to deal. Thus the English Acts separate matters which are distinct, but the Bill before us combines them.

"7. We next proceed to the second question upon which your honorable House has desired an opinion, viz.—Whether the present Bill is within the meaning of the 56th section of the Constitution Act. Even at the risk of once more debating a subject that has been repeatedly discussed, it is necessary to state as briefly as may be our views as to the construction of this section.

"8. The 1st section of the Constitution Act enables, in general terms, Her Majesty, with the advice and consent of the two Houses of Parliament, to make laws. The general power thus given is limited as to each of the two Houses by ss. 56 and 57 respectively. The latter section prohibits the Assembly from appropriating the consolidated revenue without a message from the Governor. The former, with which we are now concerned, relates to the powers of the Council in the case, first, of Appropriation Bills, and, second, of Bills for imposing taxation. Bills of these two classes cannot originate in or be amended by the Council, and must either be accepted or rejected as a whole. In this respect the powers of the Council are more restricted than those of the House of Lords. It is undisputed that the Lords have the legal power to amend, in any respect, the Bill that comes before them; and if the House of Commons choose in any particular instance to waive the objections which, in certain cases, it habitually takes to the exercise of their lordships' right, there is no difficulty in the amendment. But the Council is prohibited by law from making any such amendment, and no consent on the part of the Council can remedy the deficiency of power. In England, the relation of the two Houses is determined by the superiority of one of two competing rights. In this country, while the general power of the one House is unbounded, the general power of the other House is restrained by an express disability. In each case the result is an inequality of power; but in each case the result arises from a different cause.

"9. An example of the difference in the powers of the several branches of the Legislature in England and in this country, under the unwritten usage of the Imperial Parliament and the express language of our Constitution Act, may be found in the present Bill for stamp duties. The form, the date of the commencement of that Bill is fixed for the 5th of December. That commencement is now impossible, unless it be intended, which we do not presume, that the effect of the Bill shall be retrospective. In similar circumstances, if we may judge from past practice, the House of Lords would probably amend the date, and the House of Commons..."
would probably accept the amendment. But the Crown could afford no relief. In this colony the Council cannot propose the alteration, but under the terms of the Constitution Act the Governor can.

"10. These considerations show, what is otherwise beyond dispute, that the powers, duties, and relations of our Legislature are exclusively statutory. They arise from the Constitution Statute, the Constitution Act, and the other Acts amending that Act; and they do not rest upon any assumed resemblance of either of our Houses to either House of the Imperial Parliament, or upon any other authority. It is, therefore, for our present purpose necessary and sufficient to ascertain the true meaning of that clause of the 56th section of the Constitution Act which contains the words 'Bills for imposing' taxes.

"11. We think that the Council cannot alter any Bill of which the sole object is the imposition of taxation. But if any Bill which purports to be a Bill for imposing taxes contains any matter in excess of the grant, that matter, to the extent at least of that excess, is in excess of the privilege. To that extent therefore (if not further, a point which it is unnecessary now to discuss) the Bill is not within the protection of the 56th section, and as was done, may, as we conceive, be amended in the ordinary way. Unprivileged matter cannot become privileged by simply calling it so, and if unprivileged matter be mixed with privileged matter, the several characters of the two matters remain unchanged. If, therefore, the Assembly desires that any Tax Bill should be unalterable by the Council, it must take care to keep such Bill within the limits of that protection which the Constitution Act allows to it.

"12. The case of a Bill which incidentally imposes taxes—that is, of a Bill which imposes taxes as distinguished from a Bill for imposing taxes as distinguished from the words of the 56th section. It has, however, been the practice of the Council to treat the money clauses of such a Bill in the same manner as if they formed a Bill of which the sole object was the imposition of taxation.

"13. The present Bill, in addition to the clauses that properly relate to the imposition of duties, contains twenty-one sections which are taken from the Stamp Management Act 1870. These are sections which the Imperial Parliament seem to have regarded as unfit matter for a Money Bill; and they (as we have shown) relate not to the particular duties which it is proposed to grant, but to the general administration of duties free to time and chargeable by law. Some of these sections are of great importance. One of them creates a group of felonies punishable with the heaviest term of imprisonment that our criminal law awards. Another of them gives unusual powers to a Government officer to enter and search the house of a distributor of stamps without any search warrant. These provisions are general, and profess to provide machinery for all similar financial legislation. But the privilege of the Assembly, or rather the disqualification of the Council, is meant to apply to the grant, and not to the establishment of a new class of felonies or of new species of offences. It follows, therefore, that the Bill contains, along with privileged matter, matter that is not privileged; that to the extent of this excess it is not within the protection of the 56th section; and that consequently the ordinary powers of the Council is not, as regards this unprivileged matter, taken away.

"14. We have thus stated our opinion upon the application of the 56th section of the Constitution Act to the present Bill, and the reasons for that opinion. We very earnestly wish that some means existed by which this question and all other questions relating to the interpretation of this section could be finally determined in the only way in which such questions can be determined, namely, by the decision of a court of competent jurisdiction. If the views we have stated be correct, it follows that grave objections exist to this Bill becoming law in its present form. It raises a dangerous precedent. It is a departure from the Imperial practice. It is a retrogression from a more advanced rule of legislation to a rule that is less advanced. It creates, by the confusion of what is general with what is special, the risk of disputes in the construction of future Acts.

"On the other hand, your honourable House would probably feel reluctant either to reject the Bill and so disturb the financial arrangements of the present moment, or to amend it and possibly expose dispute between the two Houses on the construction of an Act of Parliament, disputes which from their nature are irremediable, and which, at all times to be regretted, would in the present state of public affairs be exceptionally inconvenient.

"CHARLES SLADEN, Chairman."

The report was ordered to be considered next day.

The Hon. J. GRAHAM, mentioned that, on the previous day, he presented a petition from the Australian Lloyd's Association against certain clauses of the Bill, under which it was feared that each member of the association would be required to pay an annual licence-fee of at least £50. He had since read a paragraph in the Argus newspaper to the effect that it was the intention of the Attorney-General that the association should be regarded as an insurance company or firm, and that one licence would be sufficient for the whole body. He begged to ask the honourable member representing the Government if he would communicate with the Attorney-General and ascertain if the statement was correct; and, if so, what steps would be taken to remove any doubt as to whether the Bill would require each member of the association to obtain a licence? There could be no question that a doubt did exist as to the construction of the Bill on that point. Last week, Mr. Cuthbert stated that each member of the association would have to pay a licence-fee, but, on further consideration, the honourable gentleman might alter his opinion.
The Hon. H. CUTHBERT intimated that he would communicate with the Attorney-General, and would probably be able to answer the question next day.

The Hon. F. S. DOBSON remarked that the opinion of the Attorney-General as to what would be the meaning of a certain provision of an Act of Parliament was immaterial and beside the question. The essential thing to be ascertained was what steps the Government would take to remove the doubt—indeed it was more than a doubt—as to whether each member of this association would not be liable to pay a separate licence-fee. He (Dr. Dobson) placed the same construction on the Bill as Mr. Cuthbert did.

Mr. CUTHBERT said the opinion he expressed last week was not given hastily, but after some consideration, and he believed it was well founded. In the present state of public affairs, and in face of the announcement made by the Chief Secretary that only financial business would be completed before the prorogation, he thought it would not be possible to bring in any measure to amend the Stamp Duties Bill this session. It was purely a question of construction how far the members of the Australian Lloyd's Association would come within the provision as to insurance companies. If they did not wish to be liable to pay separate licence-fees, they would only have to consult a solicitor, who could point out a way by which the difficulty could be removed, and the association enabled to carry on business just as any other insurance company.

The Hon. F. T. SARGOOD observed that if the members of the association were driven to adopt the course suggested by Mr. Cuthbert they would cease to be underwriters.

The Hon. W. WILSON considered that the case lay in a nutshell. He presumed that the Government wished only to collect a fair percentage of the profits of insurance business, and not to compel institutions already in existence to die out. If they desired to tax each of the underwriters, let them boldly say so; if, on the other hand, the intention was to obtain only a certain percentage from the association as a whole, that ought to be clearly understood. It was peculiarly the function of the Council to see that no section of the people were imposed upon. He hoped that the Government—as it was their bounden duty to do—would give a clear interpretation of the clauses in question before the Bill was passed into law.

The Hon. J. BALFOUR observed that there was a way of accomplishing what was desired by the underwriters without amending the Bill. If it was the intention of the Government to levy only one tax from the underwriters, they could instruct the registrar to accept one fee on behalf of the members of the association, as in the case of an ordinary insurance company. If afterwards any amendment of the law was found necessary, it could be made next session. As to the suggestion of Mr. Cuthbert, that the members of the association should form themselves into a limited company—which was evidently what the honorable member had in view when he said they could consult a solicitor—he would point out that that would not be in accordance with the mode in which they carried on their business, as they were an association of individual underwriters.

Mr. W. WILSON (in the absence of the Hon. G. F. BELCHER) asked the honorable member representing the Government what provision, in the event of the Stamp Duties Bill being passed, the Government intended to make as to retrospective legislation, more especially with reference to bills of exchange, &c., dated on and after the measure coming into force? It was impossible the measure could come into operation on the day named in the 1st clause—the 8th December—as that date had already passed. The Council had no power to amend the Bill, but the date might be altered on a message from the Governor. It was a matter of great importance to prevent any unstamped bills and promissory notes drawn between the 8th of December and the date on which the measure was really passed being invalid or giving rise to litigation. He would suggest it would be a good thing if the measure did not come into force until the 1st January, 1880.

Mr. CUTHBERT said he had not had an opportunity of seeing any member of the Government on the matter, but in his opinion it was most desirable that the Bill should not have a retrospective effect. Probably it might be passed through all its stages next day; but, unless the date for it to come into operation was altered, great difficulty and confusion might arise, as it enacted that all bills of exchange and promissory notes given on and after the 8th December would be invalid unless they bore a stamp. Therefore, persons who were dishonest enough to do so could
refuse to fulfil any obligations they entered into on unstamped bills or promissory notes on or after that date. This was a case that strongly showed how desirable it was that the Council should have the power to amend Money Bills. Honorable members wished to rectify a manifest error, and yet they had not the power to do so, and thereby prevent the injustice which would be perpetrated if the Bill received their sanction and the date remained unaltered. However, a simple course might be adopted. The Government could ask the Governor to transmit a message requesting both Houses to concur in an alteration of the date. Should the Assembly be disposed to stand very strictly on its privileges, and object to that course, on the ground that it would be practically asking the Council to amend a Money Bill, then the only remedy would be for the Government to bring in an amending Bill, providing that the duties should not come into force until the 15th inst., or such other date as might be considered reasonable. As the matter was one of great importance to the whole community, he hoped to be able to inform the House next day what course the Government would take in regard to it.

The Hon. W. CAMPBELL suggested that, in addition to the alteration of the date for the measure to come into operation, an amendment to meet the case of the underwriters might be recommended by message from the Governor.

Sir S. WILSON expressed the opinion that for the convenience of residents in the country districts, who ought to receive ample notice so that they might not unwittingly render themselves liable to heavy penalties, the Bill should not come into operation until, at the earliest, the 1st January, 1880.

Mr. CUTHBERT observed that, as the Council had no power to amend the Bill, the date of its coming into operation might very well be left to the discretion of the Government. He thought the wishes of the Council would be complied with if the Government fixed on a reasonable time. The exigencies of the country, however, were great, and he did not think so lengthened a postponement as that suggested would be reasonable.

The Hon. W. ROSS remarked that delay was said to be the fundamental principle of the British Constitution, but he doubted whether any delay ought to be caused by the Council with regard to this Bill, especially at the present juncture of affairs. The Constitution Act precluded the Council from amending Money Bills, nor indeed, whilst the Council continued on its present narrow basis, did he think it could fairly claim such a power. As the Bill was one the House could not alter, the sooner it passed or rejected the measure the better.

Mr. CUTHBERT gave notice that, next day, he would move the second reading of the Bill.

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

LEGISLATIVE ASSEMBLY.
Wednesday, December 10, 1879.

Constitutional Reform—Hobson's Bay Railway: Employes:

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

CONSTITUTIONAL REFORM.

Mr. MUNRO gave notice that, on the following Tuesday, he would move that a humble address be presented to His Excellency the Governor, intimating "that, in the opinion of this House, a satisfactory measure of constitutional reform can and should be carried during the present session of Parliament."

HOBSON'S BAY RAILWAY.

Mr. LANGRIDGE asked the Minister of Railways whether, in placing all persons employed on the Melbourne and Hobson's Bay Railway in the same position as to the hours employed, the rate of pay, and the privileges as to holidays as on all other Government railways, he would cause the arrangement to commence from the 1st July, 1879, in accordance with the terms mentioned in section 10 of the Melbourne and Hobson's Bay Railway Company's Sale Act?

Mr. WOODS stated that he had made a minute in the books of the Hobson's Bay lines to the effect that all the employés on those lines should be placed on the same
footing as the employes on the other Government lines from and after the 1st January, 1880. (Mr. Langridge—'Why not from the 1st July, 1879?') He could not go back. (Mr. Langridge—'The Act provides for it.') He did not see his way to do more than deal with the matter prospectively from the 1st January next.

Mr. BENT asked that an additional smoking carriage should be attached to trains on the Brighton line during business hours of the day.

Mr. WOODS said he regarded smoking carriages as an unnecessary expense to the Railway department. They were generally in a filthy state, they required special cleansing, and the people who used them paid only the ordinary fare. He did not see that smoking carriages could very well be dispensed with on half-an-hour. Parliament, some journeys did not occupy, at the most, more than half an hour. Honorable members, if they were to see the condition of a smoking carriage after one of these short journeys, would say it was not fit for a respectable pig to live in.

MR. E. H. HARGREAVES.

Mr. STORY asked the Chief Secretary if he would make provision on the next Estimates for the balance of the £5,000 (namely, £2,619) which was voted by Parliament, some years since, to Mr. E. H. Hargreaves as a reward for being the first discoverer of payable gold-fields in Victoria?

Mr. BERRY stated that he did not think the request an unreasonable one, but the provision referred to could not be made on the Estimates for the current year. He was not indisposed to place the amount on the Estimates for next year as an open vote, which honorable members could deal with as they pleased.

TRACK TO APOLLO BAY.

Mr. BIRD inquired of the Minister of Public Works whether he would take steps towards clearing the track the whole of the way from Colac to Apollo Bay?

Mr. PATTERSON observed, that, last session, £1,020 was voted to the Hampden Shire Council for the making and clearing of a road between Camperdown and Cape Otway, and £800 was voted to the Colac Shire Council for the cutting of a track through Cape Otway Forest to Apollo Bay. He considered that if any further money was required for those objects it should be taken from the endowment money which the shires referred to received from the State.

RAILWAY DEPARTMENT.

Mr. BENT asked the Minister of Railways if he would make a gratuity to one Zachariah Giles, who, while in charge of a silt truck under the Railway department, a few months ago, sustained such an injury that he had to lose a leg? The man had a wife and five children.

Mr. WOODS said he did not know anything about the case, but he might state generally that no employe of the Railway department had sustained physical injury in the performance of his duty who had not been made a gatekeeper, or paid a gratuity, or been provided for in some way. In fact, in that respect, the employes of the Railway department were treated better than those of any other department.

STAMP DUTIES BILL.

Mr. FERGUSSON mentioned that doubts had arisen as to the duty which the Underwriters' Association would have to pay under the Stamp Duties Bill, and asked the Chief Secretary whether the following statement published in the Argus that morning was correct, and would be acted upon:

"It is the opinion of the Attorney-General that the association is entitled to be regarded as a firm, and that one licence alone would have to be taken out"?

Mr. BERRY said the opinion of the Attorney-General was as stated in the newspaper paragraph. The Underwriters' Association would have to take out only one licence.

PROSPECTING BOARD.

Mr. BROPHY asked the Minister of Mines when the report of the Prospecting Board would be laid before the House?

Major SMITH said the report had been completed, and was awaiting signature.

THE POLITICAL SITUATION.

The notices of motion standing in the names of private members were about to be called on, when Mr. BERRY said—Probably the House will agree to the postponement of all other business save that which the Government propose to proceed with, in order that we
may be able to carry out the intentions which I expressed last night, and bring the session to a close as early as possible.

Mr. ZOX.—How about the Harbour Trust?

Mr. BERRY.—The Government indicated last night that an early dissolution could take place only by the attention of the House being limited to those financial measures which it is absolutely necessary to pass, and that, I understood, was universally accepted.

Sir J. O'SHANASSY.—May I ask the Chief Secretary whether electoral rolls containing the names of electors registered between the publication of the rolls now in force and the 1st December will be available for use at the general election?

Mr. BERRY.—I have consulted the Under-Secretary on the subject, and he is of opinion that the time allowed by the Electoral Act for publishing the new electoral lists, lodging objections, holding the revision court, and printing the revised roll is sufficiently short, and that therefore it would not be possible to have the new roll ready for the general election.

Sir J. O'SHANASSY.—Do I understand that it is the intention of the Chief Secretary to have the rolls for the general election issued without waiting for the new roll?

Mr. BERRY.—Yes.

Sir J. O'SHANASSY.—When will they be issued?

Mr. BERRY.—That depends upon the date of the dissolution. The Act provides that the writs shall be issued within seven days after the dissolution, and that, within fourteen days from the issue of the writs, the polling shall take place.

Mr. SERVICE.—I think the Chief Secretary must have forgotten the reply which he made last night to the honorable member for East Bourke with respect to that honorable member's motion in reference to the Harbour Trust. The Chief Secretary suggested that the honorable member for East Bourke should adopt the course taken by the honorable member for Rodney (Mr. Gilles), a fortnight ago, with success—that he should ask those gentlemen who had business on the paper before this evening to postpone it in order that he might bring forward his motion. When the honorable gentleman made that suggestion, either he meant what he said or he did not. If he meant what he said, he could not possibly have been under the impression that Government business would take precedence to-day. Therefore, I think it is simply a lapse of memory on his part for him to say that the feeling of the House last night was in favour of the course which he now suggests. I may also remind the Chief Secretary of the important motion of which the honorable member for Carlton has given notice, and which should receive the consideration of the House.

Mr. BERRY.—I certainly admit that, at the time I replied to the honorable member for East Bourke about his motion with respect to the Harbour Trust, the absolute necessity for postponing all business was absent from my mind for the moment. With respect to the other point, I would ask, does the honorable member for Maldon mean to indicate that he intends seriously to interpose between the decision of the Governor for a dissolution of this House with a motion like that of which the honorable member for Carlton has given notice? Am I to understand that the leader of the Opposition assumes the responsibility of that motion?—that it is the deliberate intention of the Opposition to prevent a prompt appeal to the country by a discussion which will have no effect whatever upon the decision already arrived at, and which indeed can have no other effect than that of wasting time? Up to the present moment I was under the impression that the leader of the Opposition was disposed to co-operate with the Government in closing the session as soon as possible. It now appears that a contrary course has been determined upon. I ask the honorable member to be candid, and state what course he intends to take.

Mr. SERVICE.—I am afraid I have been too candid on many occasions with the Chief Secretary. The remarks which have just fallen from him seem to indicate that he proposes to put bounds and fetters on the action of this House. But surely this House is the best judge of what it has the right to do and what it can do. The suggestion of the Chief Secretary that it is now too late for discussion reminds me of an episode of a precisely similar character which took place in this House on a former occasion, when the head of the then Government came down to the House and stated, in precisely the same language that the Chief Secretary used last night, that Parliament would be dissolved, and that he was authorized to make that statement. A motion similar
to that of which the honorable member for Carlton has given notice was then tabled, and the then Chief Secretary stated, from his place in this House, that it would be useless to press such a motion because, if carried, it would be valueless. But it was well known, because it was stated by the person who alone could speak with authority on the subject, that if the House had carried that motion no dissolution would have taken place. I must also say that if the communications between the Governor and the Chief Secretary had been carried on, according to the practice for many years past, by means of written correspondence, and that written correspondence had been laid on the table of this House, honorable members would have had the opportunity of judging more fairly as to the precise circumstances of the case.

Mr. LALOR.—It would be most improper.

Mr. SERVICE.—The Minister of Customs, with that entire lapse of memory which sometimes characterizes him, forgets that when the last Administration of which the honorable member for Geelong (Mr. Berry) was the head was met by an adverse motion proposed by Sir James McCulloch, a written correspondence took place between the then Chief Secretary and the Governor.

Mr. BERRY.—There was no written correspondence.

Mr. SERVICE.—My memory altogether fails me if a long memorandum was not submitted to the Governor by the Chief Secretary. I know that course was taken by the honorable Speaker, before the Ministry of which he was the head retired from office. It has been the practice with successive Ministries for years, and it is a practice which ought to be observed. It is convenient in every sense. It places not only before the House that has got to deal on the instant with it the precise nature of the case, but it places on record, for future reference, what was done under particular circumstances. I beg to say, further, that not only do members of the Opposition regard the motion of the honorable member for Carlton as a most important one, but they regard it as a motion highly appropriate under the circumstances, and it is their intention to support it by every means in their power.

Mr. BERRY.—I don't think I need notice anything which the honorable member for Maldon has said beyond his attempt to lay down conditions under which the Governor should deal with his Ministers for the time being. That is a matter purely for the Governor. If His Excellency had asked for advice in writing, he would have received it in writing.

Mr. SERVICE.—That is putting the cart before the horse.

Mr. BERRY.—No, it is not. The usual course is to see the Governor and speak with him personally. When the acceptance of my advice was once intimated to me without any wish to have it in writing, there the matter ended, and no one has the right to criticise it. It is purely a matter for the consideration of the representative of the Crown, and not to be criticised by honorable members here. The course of writing is an innovation—a modern innovation—which has not been successful, and which I don't think honorable members who consider carefully the relations of Ministers with the Governor on the one hand, and with this House on the other, would like to see repeated. I can only express my surprise that, after the decision to remit the question to the constituencies, honorable members should still think it desirable to waste time, and prevent the country emerging from the difficulties in which it is now placed.

Mr. CASEY.—Mr. Speaker, I cannot subscribe to the proposition which has been laid down that advice, when given to the Governor, should necessarily be in writing. If His Excellency so requests, it may become a question as to whether the Minister will tender the advice in writing, but I don't think it is a matter of duty on the part of the Minister to do so. Perhaps I would not have taken the trouble to mention this did I not think it a convenient occasion to state that I feel somewhat surprised that the Governor has given his assent, under the circumstances, to an unqualified dissolution of this House. The Chief Secretary has stated that he asked for a dissolution entirely on the question of the Reform Bill, but the broad fact is known to His Excellency that there are two Reform Bills before the country at the present time; and that to dissolve before the Reform Bill which has not passed this House is dealt with will be deliberately to deprive Parliament of the opportunity of saying which Reform Bill it will have. We have a Reform Bill brought forward by the Government which, on its main features, barely emerged from committee with a
majority, and which did not secure a majority of this House on the third reading; and we have also a proposal which has received a large amount of support in this House, and which, I contend, commands a very large amount of support in the country. Moreover, the other branch of the Legislature has passed a Bill for the purpose of reforming itself. Well, after debating the reform question for three years, and when Parliament is in a position to deal with the matter, the whole discussion is interrupted and stopped, and we are sent to the country upon one measure and not upon both. Now I contend that Parliament ought to have been afforded an opportunity of determining whether it would adopt any one of the other proposals submitted to it. Sir, I never like to interfere with the exercise of the prerogative of the Crown. I don't like to express an opinion one way or the other, but perhaps there would be one advantage if these communications between the Ministry and the Governor which are only verbal—and, as I have said, I don't find fault with their being verbal—were in writing, because we would be able to know whether any other considerations than those which have been mentioned influenced the decision that has been come to. I must say I am somewhat surprised that after Parliament has been engaged for two sessions in dealing with the reform question, when two measures are before Parliament, and when the deliberate statement has been made by honorable members occupying prominent positions on both sides of this House, and also by members of the other branch of the Legislature, that the question could be settled during the present Parliament, the existence of Parliament should be arrested, and Parliament should be deprived of the opportunity of expressing its opinion. At the same time, while I say that, I also say, as I said last night, that I will give every assistance I possibly can in order that we may go to the country as quickly as possible.

Mr. PATTERSON.—Let your leader say so.

Mr. CASEY.—I am speaking for myself, and as long as I have myself for a leader I have a leader who will not run away from me. I have the utmost confidence in my leader at the present time. I repeat that I shall be glad to give all the assistance I can, in order that the opinion of the country may be obtained as quickly as possible; but I could not allow this opportunity to pass without expressing my opinion upon the constitutional aspect of the question.

Mr. GAUNSON.—Sir, last night, I ventured to say that I thought His Excellency the Governor had not, in this matter, been guided by the well-known constitutional rules regarding a dissolution. I was called to task for making that suggestion; but it is my fixed and firm conviction. I will not go the length of saying that no Minister should communicate with His Excellency by word of mouth, but I say that, for the purposes of political records, for the information of politicians and political students in the future, it is always desirable to have in black and white the reasons for requesting and the reasons for assenting to a dissolution of Parliament. It is to be regretted that the present Ministry have been the first to depart from the wholesome constitutional rule. We are told by Sir Michael Hicks-Beach that they should have dissolved this House as soon as the first Reform Bill passed this Chamber. It was their clear duty to have gone to the country then. His Excellency has been wrongly advised by the Ministry. The question after all arises whether this House, if it so choose, could not turn the Ministry out of office this very night. I very much question, under the circumstances, despite His Excellency's promise, whether he could keep his promise from a constitutional point of view. The Assembly has been discussing the reform question for two years, and the majority in the Assembly are willing, able, and anxious to deal with it, but the political dog in the manger—the present Ministry—are for preventing them doing so. The Ministry have brought forward a monstrosity—something utterly absurd—called a Reform Bill. To say that it is a copy of the English Constitution is a libel on the English Constitution. So soon as they find they are unable to carry it, they arrive at a determination not to allow anybody else to come forward with a scheme of reform. As the honorable and learned member for Mandurang has very well pointed out, there are two Reform Bills before Parliament, and, if the attention of the Governor has not been called to that fact, he has been misled. I cannot help thinking that the omission to tell His Excellency that there are two Bills before this House was not an accidental
but an intentional omission. To that extent, His Excellency has been imposed upon by his constitutional advisers. There can be no doubt that the Government measure has never been before the constituencies.

Mr. FINCHAM.—Don't you want it to go before them?

Mr. GAUNSON.—Not so long as Parliament is able, competent, and willing to deal with the question.

Mr. FINCHAM.—The people are very anxious to express an opinion.

Mr. GAUNSON.—But, whether anxious or not, we ought not to separate before placing upon the records of Parliament the willingness of the majority to deal with the question of reform, so that the Ministry may go to the country branded as mere office-hunters, place-seekers, and barnacles upon the ship of State.

Mr. FINCHAM.—Are the Opposition sincere in wishing for a dissolution?

Mr. GAUNSON.—I cannot speak for others, but I know I am sincere in wishing for an appeal to the country that will result in the Government being removed from office. Nevertheless, we ought, before we separate, to let the country see so plainly that there cannot be a shadow of doubt on the point that this House is anxious to deal with reform, and is only prevented from doing so by the Ministry. As for anxiety for a dissolution, there is none on the Ministerial side. The Government themselves are afraid of it, because, political gamblers as they are, they know it is the last throw of the political dice that will be allowed them. They are a Ministry that will not die, and therefore they must be strangled. They will have to be dead or alive, they will have to be dealt with like “Moonlite.”

He will not die of himself, so he will have to be strung up. Condemned by the verdict of public opinion, they will have to be politically executed.

The subject then dropped.

VICTORIAN LOANS.

Mr. LAURENS moved—

"That there be laid before this House a return showing—1. The different periods at which Victorian debentures have, from time to time, been issued and placed on the London market. 2. The amount of interest such debentures bore in each case. 3. The amount of loan advertised and sought to be effected on each occasion. 4. The whole amount offered by tenderers on or before the day appointed for the opening of tenders, and also, in every case when the full amount sought was not offered, the amount tendered for and not floated."

He said the success with which the various Victorian loans had been put on the London market had differed, because sometimes there had seemed to be a going forward and at others a going backward. In his opinion, the terms on which each one was obtained depended entirely upon the price of consols, that was upon the state of the London money market at the time, and not at all upon the political position this colony happened to be in. Also, he regarded it as idle to suppose that each successive loan the colony asked for ought to be floated on better terms than its predecessor. That was a principle that did not touch the case of a man applying at different times to his banker for an overdraft, and therefore it did not apply to a colony going to the Stock Exchange for a loan. For example, when he said that the last loan was secured on better terms than those upon which any previous loan —except that of 1876—was obtained since 1859, he did not in the least mean to extol the present Ministry, but only to refer to a well-known fact which wholly depended upon the condition of money affairs in England at the time. Perhaps it would be well to refer to a few circumstances connected with the various Victorian loans. It was a recorded fact that the colony obtained for its 6 per cent. loan in January, 1859, £107 to £108, whereas in 1862, three years afterwards, it accepted as low as £102 16s. for debentures bearing also 6 per cent. interest, thus showing a retrogression of over £4. Again, on the 15th October, 1874, tenders for the first 4 per cent. loan (£1,500,000) were opened in London. The minimum fixed was £91 7s. 6d., but only £844,003 was taken. On the 16th of the same month, tenders for the balance were again opened, when it was found that only £375,200 was tendered for, leaving no less a sum than £785,500 untendered for, at the minimum price of £91 7s. 6d. Then, turning back to another occasion, it would be found that on the 9th and 12th March, 1869, tenders were opened in London for a Victorian loan of £2,107,000 bearing 5 per cent. interest. Only £643,200 was tendered for on the first day at par, which was the minimum then fixed, and on the second, £347,400, in all £990,600. Whatever else these figures did, they afforded a complete answer to those who cried out that the last loan was a failure.

Mr. BARR seconded the motion, which was agreed to.
MRS. LEGGAT.

Mr. NIMMO moved—"That a select committee be appointed to inquire into and report upon the allegations contained in the petition of Margaret Leggat, presented to this House on the 12th day of August last; such committee to consist of Mr. Fincham, Mr. Bell, Mr. A. K. Smith, Mr. Dixon, and the mover, three to form a quorum; with power to call for persons and papers."

Mr. BARR seconded the motion.

Mr. GRANT moved the adjournment of the debate. He said he did so because the Minister of Railways was unavoidably absent.

Mr. DIXON suggested that, inasmuch as carrying the motion would not commit the Government to anything, it might as well be agreed to.

The motion for the adjournment of the debate was withdrawn.

Mr. ORR complained that not the slightest information had been afforded respecting the subject the committee were to consider.

Mr. LONGMORE said he understood the case to be that the late Mr. Leggat—Mrs. Leggat's husband—was a contractor who took over the contract for a portion of the Gippsland Railway from another contractor. It turned out, however, that the latter had so bungled his work before his successor took it that Mr. Leggat was completely ruined, and he subsequently died.

Mr. BARR said he knew no more about the subject-matter of the motion than the honorable member for Moira (Mr. Orr), but he would urge that, as it had been arranged that as much as possible of the time allotted that afternoon to private members' business should be devoted to a particular subject, and as the motion under consideration affirmed nothing, it should be carried without debate.

Mr. GILLIES remarked that he knew nothing of the merits of Mrs. Leggat's case, but he greatly deprecated Parliament encouraging appeals of the present kind. There was no knowing to what the sympathies of the select committee might not cause them to commit themselves. They might bring up recommendations involving the payment to Mrs. Leggat of a very large amount, and past experience proved how difficult it was, even when such recommendations were most improperly made, to resist them.

Mr. LANGRIDGE considered that, matters having gone so far, the committee might as well be appointed.

Mr. NIMMO stated that Mr. Leggat, previous to his death, called upon him to get him, as a professional man, to look into his claim on the Government, but he refused, because he was a Member of Parliament, to have anything to do with it.

Mr. TYTHERLEIGH expressed wonder at the House being called upon to interfere in a matter which ought to be settled by the Minister of Railways.

Mr. FRANCIS suggested that the Minister of Railways and the honorable member for Rodney (Mr. Fraser) should be placed on the committee.

Mr. NIMMO accepted the suggestion. The motion, amended accordingly, was agreed to.

LAND TAX.

Mr. BARR moved—"That there be laid before the House on a return showing—1. The number of estates classified under the Land Tax Act. 2. The number of appeals made against such classification. 3. The number of appeals in which reductions have been made from such classification. 4. The amount of tax imposed in each case."

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

METROPOLITAN CEMETERY.

Mr. L. L. SMITH moved—"That a select committee be appointed to inquire into and report as to the relative suitability of the two sites proposed for a metropolitan burial ground; such committee to consist of Mr. Ramsay, Mr. A. K. Smith, Mr. Bosisto, Mr. Dixon, Mr. Laurens, and the mover, with power to send for persons and papers; three to form a quorum."

He said he took this course because the Argus seemed to think there was something crooked about the selection of the site.

Mr. HUNT seconded the motion.

Mr. LONGMORE remarked that the question of adopting a site for a new Metropolitan Cemetery, which was a very important matter, was substantially dealt with by the House on a former occasion, when it voted £2,750 for the purchase of the Springvale site, which had previously been examined by Mr. Flood, then Mayor of Melbourne, the Town Clerk, several gentlemen connected with the present Metropolitan Cemetery, and others, and pronounced highly suitable. It was then preferred to the Frankston site, for several reasons, including the fact that it was only 10 or 11 miles from the city, whereas the latter was fully 25 or 26 miles away; and he was greatly surprised to find, after the land had been purchased, the whole thing...
stirred up again. Now, it appeared, great efforts were being made to secure the adoption of the Frankston site. Under these circumstances, long delays had occurred in the establishment of the cemetery, and if the present motion was carried they would be continued. In the meantime, the condition of the Melbourne Cemetery was such that he hardly liked to mention the statements made to him on the subject. One of them was that, the vaults not being watertight, water containing deleterious matter was frequently pumped from them, and allowed to run away along the streets, in front of people’s houses. The old cemetery in West Melbourne had been closed for many years, and the Melbourne General Cemetery ought to be closed too. The Government would have finally dealt with the matter ere this had not their hands been tied by motions which had been put on the paper. It had been stated that the site at Springvale was purchased at too high a price, but he took every precaution to buy it at as low a figure as possible. He believed, if the site had to be sold again, it would realize very nearly as much as the Government gave for it. (Mr. Gillies—“Not by £1,000.”) It was well known that the Government could never purchase land at as low a price as a private individual, but the land in the locality since the purchase had improved in value. He trusted the committee asked for would not be appointed, as it would hamper the action of the Government.

Mr. STORY stated that a conference of the municipal councils of Melbourne and the surrounding suburbs had decided almost unanimously in favour of the Frankston site, and had condemned that at Springvale. Holes dug in the latter remained full of water, while the ground at Frankston was proved to be of a very porous character. At the instance of the conference, the Minister of Lands instructed Messrs. Callanan and Hodgkinson to report on the two sites, and both agreed on the superiority of that at Frankston. The only objection which could be urged against it was its distance from Melbourne, but the railway to Hastings, when constructed, could be utilized for conveying bodies there, and tramways could be easily made to intersect the divisions of the site intended to be set apart for the different denominations. Another advantage was that the site could not be surrounded by houses, owing to the quantity of land in possession of the Government. The municipal conference was still in existence, and would be called together again in a few days, so that he could see no necessity for the present motion.

The motion was put and negatived.

DRAFTING BILLS.

Mr. ZOX moved—

“That there be laid before this House a return showing—1. The whole cost of drafting Bills since the 1st October, 1877, to this date, distinguishing the names of persons employed as draftsmen, the title of the Bills drawn, and the fees paid in respect of each Bill. 2. A list of the Bills drafted solely by the respective Ministers since the 1st October, 1877, to date.”

Mr. BIRD seconded the motion.

Sir B. O’LOGHLEN remarked that there could be no objection to furnish the information asked for in the first portion of the motion, but the second part was unprecedented. He apprehended that the House would not sanction such an inquiry into the acts of the respective Ministers. A motion might as well be passed asking how many hours a day a Minister devoted to his duties.

Mr. ZOX said he had no objection to amend the motion by striking out the second portion of it.

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

MELBOURNE HARBOUR TRUST.

Mr. RAMSAY moved—

“That, having regard to the prevailing distress among the unemployed, it is, in the opinion of this House, desirable that the requisite facility should be given by the Government to the Harbour Trust Commissioners to enable them to proceed with an admittedly necessary public work, and one which would furnish a large amount of employment.”

He said—I regret having to bring forward a motion involving a question of such national importance at five minutes past six o’clock, seeing that the time allotted for the consideration of private members’ business will expire at half-past six. The Government, however, have absolutely refused to afford me any other opportunity of submitting the motion, so that I can only avail myself of the small mercy extended to me. I must say also that the Minister of Lands, by addressing the House this afternoon at considerable length on the motion submitted by the honorable member for Richmond (Mr. Smith) regarding the cemeteries, has virtually deprived honorable members of an opportunity of discussing the present question.
Mr. LONGMORE.—I addressed myself to the question, as I was entitled to do.

Mr. RAMSAY.—The Minister of Lands was, of course, entitled to speak at any length he chose, but the honorable member for Richmond had the consideration to propose his motion without making any speech, so that the present motion might be discussed. Under the circumstances, I shall content myself by merely stating the facts of this case, as a speech of any length would defeat the object I have in view. The Melbourne Harbour Trust Act was passed in 1876. On the 16th of August, 1875, the Chief Secretary, in the course of a speech to his constituents at Geelong, on his taking office, made the following remarks—

"It will be necessary now almost immediately to establish harbour trusts. It is time that the maintenance of the wharfs, dredging the Yarra, and the enormous amount of money spent in various ways by the Central Government should be referred to some representative body. It follows as a matter of course that such a body should be endowed with some sort of revenue. When the harbour trusts are formed, we must have no one central trust in the interests of the metropolis alone."

This extract shows that the Chief Secretary at that time had no objection to the establishment of a harbour trust in Melbourne, and I do not think any exception can be taken to the character of the Harbour Trust Commissioners. It will not be contended by any one that they are not sincerely desirous of carrying out to the best of their ability, and with the aid of the best professional assistance they can procure, the important national works intrusted to them. This is a matter which should interest every member of the House. Those who are acquainted with the great works carried out by harbour trusts in other parts of the world—notably on the Clyde, near Glasgow, and in other ports of Great Britain—will admit that the most effectual way of dealing with the improvement of ports and of the navigation of rivers is by the establishment of such bodies. Honorable members, in fact, are beginning to discover that it is far better for public works to be carried out by bodies independent of political influence, and the time is not far distant when the question of having the railways of the colony constructed and managed by a body somewhat similar in character to a harbour trust will have to be considered. Until that course is adopted, works of this kind will never be carried out satisfactorily or economically. The Melbourne Harbour Trust, some time ago, obtained the highest professional advice they could procure, namely, that of Sir John Coode, whom they brought out from England at a considerable expense. Whatever objection may be taken to other portions of Sir John Coode's report, I believe there is no difference of opinion as to the desirability of executing the work referred to in my motion, namely, the cutting of a short canal through Fisherman's Bend so as to shorten the tortuous course of the Yarra. Even the honorable member for Williams-town will not object to that. To carry out that work the commissioners have a large sum of money lying idle in the bank. Plans have been prepared, and the only thing wanted is for the Government to allow the trust a worthless strip of land which was not included in the schedule to the Melbourne Harbour Trust Act. In July last, the commissioners, having been refused the land by the Minister of Lands, waited on the Chief Secretary to ask for the concession, and I find, by the report of the interview in the Argus, that the Chief Secretary, on that occasion, stated that "he had opposed a harbour trust from the first." The extract I have read from the Chief Secretary's speech in 1875 shows that that statement was not correct. The honorable gentleman also said—

"He was opposed to handing over the money of the people, and vast powers in connexion with their property, to an irresponsible board."

I think, however, that the past acts of the Melbourne Harbour Trust Commissioners will lead the House to feel convinced that they are only anxious to do their best for the interests of the port of Melbourne, and, consequently, for the benefit of the colony generally.

Mr. A. T. CLARK.—They are a free-trade ring—a ring of political agitators.

Mr. RAMSAY.—The Age newspaper of the 22nd of July last contains a description of the work which the Government are now asked to allow the commissioners to execute, and an extract from the article will obviate the necessity of my describing what is required. The article, after criticising other portions of Sir John Coode's scheme, says—

"But all parties are agreed that if the project of a ship canal be abandoned—and Sir John Coode makes out a strong case in favour of his recommendations that the preferable course is to improve the navigation of the Yarra—there is no doubt whatever that the diversion recommended through the Fisherman's Bend will have to be undertaken. The advantages are
numerous. The distance from the Falls-bridge to the sea, along the new channel, would only be six miles and three-quarters, as compared with seven miles and three-quarters along the existing course; awkward turns, which make the river unnavigable for large ships, would be obviated; and a more ready outlet would be obtained for the storm waters to escape. The commissioners are ready to proceed at once with this portion of the project; all that they require is permission from the Government to take possession of the area of Crown land at Fisherman's Bend which is required for the work.'

I am really at a loss to understand why the required permission is not given, or what objection the Government can have to the carrying out of this work. The advantages of the work are clearly pointed out in the extract I have read; the money is available; and all that is wanted is a valueless piece of land that is of no use to any one. I trust the House will look at the matter in a national spirit, and, feeling assured that the Harbour Trust Commissioners have no selfish objects to serve, and only desire the public good, will enable them to carry out a work which, while of advantage in itself, will afford employment to a large number of persons who are at present wandering about the streets of Melbourne.

Mr. ZOX.—I beg to second the motion.

In order not to occupy the time of the House, I will only say that, if the Government agree to the motion, it will be the means of giving work to a large number of men who are at present out of employment.

Mr. A. T. CLARK.—The farmers are so short of labour that they are about to employ Chinese.

Mr. BERRY.—Sir, I must express my surprise that, if the honorable member for East Bourke thought his case was a good one on its merits—and I am not disposed to dispute that—he should have overlaid it with other matters which are likely to interfere with its consideration. In the first place, I do not think it was necessary for the honorable member to take up a portion of the limited time at his disposal by reading extracts from my speech, at Geelong, in 1875. I would remind the honorable member that there may be harbour trusts and harbour trusts. Honorable members might believe it to be desirable that harbour trusts should be established, under the control of Parliament, with a revenue derived from those directly benefited by the works undertaken, and yet might object to the way in which the Melbourne Harbour Trust was formed, endowed, and elected, and especially to the absence of all contribution to its revenue by those directly benefited by its undertakings. It is not the mere idea of a harbour trust that I object to, but to this particular trust. Again, why does the honorable member mix up the unemployed with the matter? This motion was tabled in the middle of winter, when there was really an agitation about the unemployed, and the honorable member, true to the instincts of his party, tried to utilize the unemployed to injure the Government, and dragged in the Harbour Trust accordingly. As far as the unemployed are concerned, the motion might have been struck off the paper months ago. We have heard nothing about the unemployed for months.

Mr. RAMSAY.—Last week.

Mr. BERRY.—Exactly. I was going to say that the honorable member no sooner hears of the unemployed again than he comes forward again with his motion, and gets the honorable member for East Melbourne (Mr. Zox) gravely to ask the Government if they will give an evening to consider it. To what extent would the unemployed have been benefited if the two honorable members who proposed and seconded this motion had been in office? And why, if the honorable members are really desirous of having this work done, do they mix it up at all with the question of the unemployed, with which it has nothing to do? Such references only tend to make a political question of a matter which there is no necessity to regard that way. About the mere cutting through of Fisherman's Bend there would be very little difference of opinion if the work could be considered on its merits. The Government, however, not having yet realized that the Melbourne Harbour Trust is a permanent institution, and being opposed to the present position it occupies, cannot be expected to go out of their way to give it greater powers than it possesses. It is a most extraordinary thing that the Harbour Trust Act, which was introduced and passed by the Ministry of which the honorable member for East Bourke was a member, omitted the very thing that was wanted to be done. What was the use of a Harbour Trust Act that did not give power to cut through Fisherman's Bend? Yet the present Government are accused by the Opposition of being incapable, and are taunted with the Acts they caused to be passed requiring amendment. It is
even doubtful whether the Harbour Trust is a legal body.

Mr. RAMSAY.—Sir John Coode did not recommend the cut through Fisherman’s Bend until two years after the establishment of the Harbour Trust.

Mr. BERRY.—No one needed Sir John Coode’s recommendation to admit the necessity of such a work. Any one knows that a straight line is better for navigation than a curve.

Mr. SERVICE.—You admit that the work is a right thing to do?

Mr. BERRY.—Why was it not provided for by the honorable member for Maldon, who took such an interest in the establishment of the Harbour Trust, and “bossed” the Government in that matter? Notwithstanding the length of time this motion has been on the paper, it is only now that we know the exact work which the honorable member for East Bourke wishes to be done. There is not a word in the motion to indicate what the honorable member wants. What the honorable member requires would need an alteration of the Harbour Trust Act.

Mr. RAMSAY.—Not at all.

Mr. BERRY.—I do not think the Minister of Lands could grant possession of the land sought for without the authority of an Act of Parliament. There is no doubt, however, that the Harbour Trust Act should be either repealed or amended. As it stands—

At this stage, the time allotted for giving precedence to private members’ business having expired,

Mr. RAMSAY said—I desire to know from the Chief Secretary whether he will allow the discussion of this motion to be finished this evening?

Mr. BERRY.—It is of no use. An amending Act would be required.

Mr. RAMSAY.—Then I understand the Chief Secretary refuses to allow the discussion to go on?

Mr. BERRY.—I do not refuse at all. The debate then stood adjourned until next day.

DRivers of Public Vehicles.

Mr. D. M. DAVIES (in the absence of Mr. LANGRIDGE) moved—

“That there be laid before this House a return showing the number of summonses issued, from the 1st of November, 1879, to the 6th of December, 1879, against drivers of waggonettes, cabs, and omnibuses, respectively, and indicating the nature of the various offences charged, and the decisions; such return to embrace the courts at Melbourne, Hotham, Flemington, Carlton, Fitzroy, Collingwood, Richmond, Sandridge, Emerald Hill, and St. Kilda.”

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

Mr. DWyER.

Mr. MASON moved—

“That there be laid before this House a copy of any correspondence which has passed between the late member for Villiers and Heytesbury (Mr. Dwyer) and Mr. Mason, and the honorable the Chief Secretary, relative to a statement made in this House, on Friday morning last, that Mr. Dwyer had offered his vote to the Opposition, and that they had refused it.”

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

SAND LICENCES.

Dr. MADDEN moved—

“That there be laid before this House a return showing—1. The number of licences issued by the Government for the removal of sand from Crown lands in the borough of Sandridge during the years 1873, 1874, 1875, 1876, 1877, and 1878, distinguishing between ballast licences and licences of other kinds. 2. The amount received for such licences during the years named; and 3. The amount received for rent of land leased at any time during the years named for removal of sand for any purpose.”

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

ELECTORAL ROLLS.

Mr. O’HEA moved—

“That there be laid before this House a return showing the number of persons who have applied to be put on the new electoral rolls since these were last made up, distinguishing the ratepayers’ rolls from the general or residential rolls; also distinguishing each of the electoral districts in the colony one from the other.”

Mr. D. M. DAVIES seconded the motion.

Mr. YOUNG remarked that ratepayers did not apply to be put on the electoral roll, but were placed on as a matter of course.

The SPEAKER suggested that the words “who have been put on” should be substituted for “who have applied to be put on.”

Mr. O’HEA accepted the suggestion. Mr. BENT intimated that he wished to debate the motion, which appeared amongst the “unopposed” motions.

The SPEAKER accordingly directed the motion to be placed in the ordinary list.
RAILWAY CONSTRUCTION.

The resolution passed in committee, the previous day, authorizing certain expenditure for the construction of the Toolamba and Tatura Railway and the Spencer and Flinders Streets Junction Railway, was considered and adopted.

LOAN APPLICATION (WATER SUPPLY) BILL.

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

Major SMITH said that, since the previous evening, he had looked carefully into the matter, and consulted the Attorney-General, and he found there was no necessity for clause 2. He therefore moved that it be struck out.

The clause was struck out.

Discussion took place on the schedule, setting forth the loans proposed to be granted under the Bill as follows:

"Mayor, councillors, and burgesses of the borough of St. Arnaud, £2,038; mayor, councillors, and burgesses of the borough of Talbot, £3,398; president, councillors, and ratepayers of the shire of Wimmera, £18,347; president, councillors, and ratepayers of the shire of Beechworth, £679; mayor, councillors, and burgesses of the borough of Ararat, £500; presidents, councillors, and ratepayers of the shires of Dunkeld and St. Arnaud, £3,398; mayor, councillors, and burgesses of the borough of Stawell, £10,193; mayor, councillors, and burgesses of the borough of Hamilton, £4,077. Total, £42,630."

Mr. CASEY asked why an amount which was promised to Echuca-shire was not included in the schedule?

Major SMITH intimated that it could not be placed in the schedule, but it might be provided for on the Supplementary Estimates.

Mr. HARPER inquired when a sum promised to the Bacchus Marsh Shire Council would be provided?

Major SMITH said the items in the schedule were all that could be provided at present. Nearly the whole of them were for works that had been partly constructed, and required to be finished before they could become reproductive. The claims of other districts would be fairly considered.

The Bill, having been gone through, was reported with an amendment.

CUSTOMS DUTIES BILL.

The amendments made in this Bill, in committee, were taken into consideration.

Mr. LALOR proposed that the words "except those warehoused without payment of duty on the first entry thereof before 4th September, 1879," inserted in the first of the items in the schedule relating to the duty on hats, be amended by the addition of the words "which hats shall be still liable to the duties then chargeable." He said that unless these words were added the effect would be that hats warehoused before the 4th September would be exempted from all duty, which was not intended.

The amendment was agreed to.

The amendments made in committee, as amended, were adopted.

Mr. LALOR moved that the following clause be added to the Bill:—

"The Commissioner may, if he think fit, order that any duty paid upon any goods, packages, or parcels taken for the Crown under the provisions of section 10 of the Act No. 593 may be returned to the importer or owner thereof."

Under the present law, if the Collector of Customs suspected an importer had passed goods at less than their value, he could take possession of them, on behalf of the Crown, paying the importer his own valuation according to the bill of entry, plus 10 per cent. Cases might arise in which the duty paid on the goods ought to be returned to the importer, and the object of the clause was to give the Minister a discretionary power to return the duty when he thought fit.

Mr. ZOX said he considered the clause was a very proper one. An importer ought not to be punished for undervaluing goods if the undervaluation was simply the result of an error, and not of any attempt to defraud the revenue.

Mr. CASEY approved of the object of the clause, but asked the Speaker whether, as it contemplated the payment of money, it could be entertained without a message from the Crown?

The SPEAKER.—If the object of the clause is to authorize the taking of money out of the public revenue, it cannot be proposed without a message from the Crown.

Mr. KERFERD remarked that the money paid for duty at the Custom-house went into the consolidated revenue, and the clause proposed to allow some of it to be got out again. It therefore ought to be introduced by message.

Mr. LALOR stated that money paid at the Custom-house did not, as a matter of course, immediately go into the consolidated revenue. It was sometimes received
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on deposit, and went into a suspense account.

Mr. FRASER observed that such a practice was a very dangerous one.

The SPEAKER.—I am not familiar with the practice of the Customs department, but if the clause contemplated the payment of money out of the public revenue, it would require to be initiated by a message from the Crown.

The clause was agreed to.

Mr. BIRD moved that the item in the schedule imposing a duty of 6s. per 100 lbs. on rice be amended by substituting "3s." for "6s."

The amendment was negatived.

Mr. LALOR moved that the item "bonnets (except straw untrimmed)" be amended by inserting the words "chip, willow, tape, and braid" after "straw."

The amendment was agreed to.

Mr. A. K. SMITH moved that "patent machinery for making ice" be included in the exemptions.

The amendment was negatived.

The Bill was then read a third time.

The SPEAKER was about to put the question "That the Bill do now pass," when

Mr. FINCHAM stated that he would be sorry to attempt to reverse a decision arrived at by proper and legitimate means; but he regretted to say that, through being exceedingly unwell, he was unable to be present the previous night to record his vote in such a way as would have altered the decision then arrived at. He believed there were other honorable members who were absent, though not from the same cause, and who, if they had been present, would have voted against the amendments made at the instance of the honorable and learned member for Mandurang and the honorable member for Sandhurst (Mr. McIntyre) in clause 5. He believed a considerable majority of the House were adverse to those amendments. With these remarks, he begged to propose the omission from the list of exemptions of any articles named in the amendment, but the amendment were carried. The duty would be imposed. At present, there was no duty of 25 per cent. payable upon the articles named in the amendment, but the articles would be subject to that duty if the amendment were carried. The duty which the articles paid at present was 20 per cent., and by the adoption of the amendment the rate would be increased 5 per cent.

Mr. COOPER rose to order. The effect of the amendment would be to impose a duty upon articles which, according to the Bill as it stood, were exempt from duty, and he desired to take the opinion of the Speaker on the point whether it was competent for a private member to submit such an amendment?

The SPEAKER.—An honorable member is entitled to move the omission from the list of exemptions of any articles previously added to it. That is not an alteration of the existing law, but the alteration of a Bill.

Mr. CASEY observed that he had always understood that private members could not propose a resolution the effect of which would be to impose a burthen upon the people; that only a Minister of the Crown could submit such a proposition. Ministers did not take the responsibility of moving the omission of the items named from the list of exemptions; and, if they were omitted, a burthen would thereby be placed upon the people. He begged further to submit that the amendment could not be made at this stage. An exemption having been agreed to in committee, the reversal of that decision, which meant the imposition of a new duty, could not be entertained in full House.

Mr. LALOR stated that the argument of the honorable and learned member for Mandurang was fallacious, as could be ascertained by reference to any text-book. The honorable member assumed that the amendment meant the imposition of new duties, whereas it merely continued the existing law.

The SPEAKER.—As far as the first point is concerned, if a private member can move additions to the list of exemptions, a private member can move omissions from that list. With regard to the second point, as long as a proposal is before the Legislature, it is open to the Legislature to make alterations in it. The honorable and learned member for Mandurang must remember that this is a Bill, not an Act of Parliament.

Mr. McIntyre submitted that, if the amendment were carried, new duties would really be imposed. At present, there was no duty of 25 per cent. payable upon the articles named in the amendment, but the articles would be subject to that duty if the amendment were carried. The duty which the articles paid at present was 20 per cent., and by the adoption of the amendment the rate would be increased 5 per cent.

Mr. COOPER contended, from the same point of view, that the amendment was out of order.
Mr. CASEY called attention to the following passage in May:—

"If it be proposed to amend a resolution on the report, the amendment can only effect a diminution of the proposed burden, and not an increase. If the latter be desired, the proper course is to recommit the resolution."

The SPEAKER.—That extract corresponds with what I have already stated. The Committee of Ways and Means authorized the imposition of 25 per cent. duties on certain articles. The House was entitled to reduce the duty so authorized, or to make exemptions from the list of articles liable to it. It could subsequently excise the exemptions, or increase the duty on the articles on which it was previously reduced, provided the increase did not exceed the 25 per cent. authorized in Committee of Ways and Means.

Mr. FINCHAM, in concluding his remarks, stated that he had great respect for legal opinions; but it was clear that even eminent legal opinions might be misconceived. He might mention that, before submitting the amendment, he took pains to ascertain that the proposal was perfectly in order.

Mr. McINTYRE stated that he supposed that in the history of the Victorian Parliament the record of no such extraordinary proceeding could be found as that taken on this occasion by the honorable member for Ballarat West (Mr. Fincham) as the mouth-piece of the Government.

Mr. FINCHAM denied that he was the mouth-piece of the Government. He asked the Chief Secretary whether the Government intended to move in the matter, and he was told that they did not; and he then came to the determination that, as advantage had been taken of the absence of certain honorable members to obtain, in committee on the Bill, the reversal of a decision arrived at in Committee of Ways and Means, he would move the amendment.

Mr. LANGRIDGE stated that he heard one member of the Ministry ask the honorable member for Ballarat West (Mr. Fincham) not to move the amendment.

Mr. McINTYRE said he accepted the contradiction; and at the same time he must express his great surprise at the temerity of the honorable member in attempting, on his own individual volition, to set aside a decision solemnly arrived at by a very large committee. (Cries of "No.") Why there were 64 members present. It was the duty of the honorable member for Ballarat West to be in his place the previous night, instead of wasting the time of the country in an attempt to set aside, by a side-wind, the decision arrived at by the committee after lengthy debate and consideration. The Government had experienced their first defeat over this matter, and they should accept it with becoming resignation. (Mr. L. L. Smith—"You stole a march upon them yesterday.") He did nothing of the kind. So far from that, the Chairman of Committees distinctly affirmed, in reply to the Minister of Customs, that the question had not been under the notice of the committee before. (Mr. Billson—"He was under a mistake.") Certainly he did not understand honorable members settling a question one night, and seeking to unsettle it the next. More particularly was he surprised at honorable gentlemen who represented important gold-fields seeking to push through an amendment like that under consideration. If they did not see their way to do their constituents justice, he would endeavour to do justice to his constituents and to the country. He was sorry the Speaker had ruled the amendment to be in order, because it struck him that the effect of adopting it would be to increase the rate of duty now payable on the articles specified by 5 per cent. At all events, he considered that it behoved him to point out to the House the undesirability of going behind the decision arrived at in committee the previous evening. (Mr. Kerferd—"The amendment ought to have been brought forward on the consideration of the report.") He had not the slightest conception that the Government or any one of their supporters would have attempted to upset the committee's decision. (Mr. Tucker—"Of what use are the forms of the House but to remedy surprises like that of last night?") He begged to assure the Government that, with respect to the vote of the preceding evening, no surprise whatever was intended, and therefore he hoped they would not attempt, just because they found themselves stronger by a vote or two, to upset an arrangement which every miner and farmer in the country must regard in the light of a boon. If they persisted, assuredly there were dozens of honorable members who would resent their behaviour. At all events, they would not be allowed to get their way without a reasonable effort being made to prevent them. Once more he would ask was it worth while burthening the farmers
and the miners with these duties seeing that they could only be carried by a bare if not accidental majority?

Mr. FRASER thought the subject before the House so important that, however much time was occupied in debating it, honorable members were perfectly justified in discussing it with the utmost deliberation. As for the duties in question, the more they were looked at the less they appeared to be connected with the general interests of protection. At the same time, deliberation. Much, already. He also thought that, if both classes and farmers last month lari ty of the proceeding should not it was impossible to deny that they weighed the more they were looked

Upon the farming and mining interests in a most oppressive way. How could the Government, if they persisted in levying them, expect to get the votes of the miners and farmers at the general election? Surely both classes were taxed enough, if not too much, already. He also thought that, if the present motion was considered necessary, it ought at least to be moved by a member of the Government. The only reason he could see why it was moved by a private member was that the Ministry wanted to manage so that the unpopularity of the proceeding should not fall on their own shoulders. With respect to the duty upon rock-borers, he (Mr. Fraser) wished to say that, when he spoke on the subject last week, he was not so well posted up with respect to it as he had since become. He had discovered the truth of the matter to be that, within the last month or two, some of the leading mining managers at Sandhurst, who were formerly in the habit of using Ford's rock-borer, were now anxious to discard it, and, in consequence, had ordered from England and elsewhere 14 or 15 other borers. That that was the case could not be denied. One of the mining managers he alluded to was a man he knew well to be thoroughly up in everything relating to mining. Under these circumstances, the duty upon rock-borers was an unjust one, because it simply meant levying a tax upon every mine in the colony where boring operations were carried on. It was practically making an industry that required every encouragement pay heavily for the support of a little manufactury at Geelong, at which not more than three or four men were employed. Ford's borer was not equal to many articles of the kind that could be imported; it was not suitable for a good deal of the work that had to be done in mining claims; it was very expensive, and it was constantly getting out of order. Many claims, the working of which

had been given up because, amongst other things, of the heavy cost of mining machinery, might very probably be taken in hand again and rendered payable if cheap borers could be employed in them. In this light, it was plain that the heavy duties to which the Government were so anxious to subject the mine owners of the country were bound to operate for the prevention of industry rather than for its promotion.

Mr. YOUNG considered that the Ministry would be better employed in trying to get back some of their waning popularity than in endeavouring to re-impose the duty on farming machinery which was taken off on the previous evening. At all events, he sincerely hoped there would be no going back with respect to the duty upon steam thrashing-machines. If ever Victorian wheat was to be carried successfully into the foreign market, every article employed in its production must be rendered as cheap as it could possibly be. There was not a single argument applying to the case of reapers and binders that did not also apply to that of steam thrashing-machines.

Mr. TUCKER contended that the honorable members who condemned the moving of the present motion practically condemned the forms of the House which provided an opportunity for reconsidering a decision arrived at in haste. The proposition brought forward by the honorable and learned member for Mandurang, the previous evening, was made without any notice. (Mr. Casey—"I moved it this day week.") At all events, it was only carried by means of a surprise, a number of honorable members opposed to it not being aware it was coming on. A great deal was said about the duty on patent machinery being a heavy burthen upon the mining community, but as a matter of fact it only affected the miners individually. It was most trifling extent. The colony had deliberately adopted a protective policy, and there was no reason why it should go back upon itself. Even on the gold-fields there were manufacturers as well as miners whose interests had to be studied and promoted.

Mr. LAURENS remarked that there was a considerable difference between the behaviour of the Opposition that evening and what it was on the previous evening. Then, when they had a majority, their cry was "Vote! vote!" but now they were all for talk. Seeing that the Ministry had had a march stolen upon them, they
had a perfect right to try and get back their ground.

Mr. R. CLARK (Sandhurst) stated that, so far as he was aware, not the slightest advantage was taken of the Government the preceding evening. If there was any preconcerted arrangement in the affair, he, at all events, was not a party to it. Why should there be all this talk about the Government being taken by surprise, seeing that the Budget was only carried by 40 votes against 36 votes, that the division in Committee of Ways and Means upon the duty on rock-borers was only 28 to 26, and that the vote of last evening was carried by 32 to 31, which, taking into consideration that there were 5 pairs, meant that the duty had been disapproved of in a House of 73 members? Besides, inasmuch as the Chief Secretary advocated in 1877, at Geelong, the abolition of all duties on patent machinery, how was it he now took up a contrary position? Was it possible that the Government really desired to tax the mining industry of the country—that they utterly refused to respond to the prayer of the petition from the Sandhurst miners which he (Mr. Clark) presented when the proposition to raise the duty on machinery from 20 to 25 per cent. was under consideration? It had been proved over and over again that the use of rock-borers tended to encourage mining, yet the Ministry were apparently bent on burthening it with most oppressive taxation.

Mr. BERRY thought the last speaker had by no means fairly stated the case. For example, the exemption of winnowers and steam thrashing-machines would not be an alteration of the Bill so much as one of the existing law. Besides, it ought to be remembered that the proper time to consider exemptions from duty was when the House was in Committee of Ways and Means, and that then the subject of the duties upon mining machinery and harvesting machines was fully dealt with. The Government then gave way upon reapers and binders, but it was decided to retain the duties upon all the other articles, and that decision ought to be respected and hold final. Also it should be borne in mind that, while honorable members aimed their arguments at the duty on rock-borers, the amendment which it was now proposed to rescind involved the abolition of the duties upon all patent mining machinery. The effect of that abolition would be to allow almost every class of machinery to come in free to compete with Victorian machine makers. (Mr. R. Clark—"Will you exempt rock-borers by themselves then?") That could not be done, because the question had been decided. Then as to Ford's drill, it was a moot point whether it was not superior to every drill that could be imported. He had seen in a newspaper a statement that in competition with imported borers it did a great deal more work than any of them. (Mr. Gaunson—"Did you see the denial to that statement?") No, he had not seen it. Let honorable members take a broad view of the question. What might not Ford's drill become? Would there be half the machine making in the colony that there was had perfection been expected at the start? Surely there was nothing surprising in honorable members wanting to reverse a chance vote taken in their absence. (Mr. McIntyre—"We have members on our side absent; let the debate be adjourned.") There would be no use in taking that course, because the only result would be that the former vote in favour of the duties would be sustained. He would not, perhaps, under all the circumstances, have himself raised the present question again, but as it was raised it ought to go to the vote.

Mr. CASEY said that the Chief Secretary only did himself justice when he said that personally he would have refrained from challenging the decision of the preceding evening; but there was the fact that the present stage of the Bill was the last, and that the Government were prepared to vote that the decision should be reversed. Again, if they wished to keep their Bill intact, surely it was their duty to do the work with their own hands. If the Government desired to reverse the decision of the committee, they should take the responsibility, and not stand behind, as it were, and take advantage of the action of a private member. It had been said that the progress of the business was being delayed, but who was delaying the business now? The report from the committee was adopted by the House in a few minutes, and the third reading of the Bill would have passed with as little delay but for the action of one of the Government supporters, who wanted to undo what had been already decided. The amendment exempting winnowing and thrashing machines was discussed and decided by the committee on full notice,
because it was on that amendment that progress was reported the previous week, so that it was the first business to come before the committee. There was a large attendance of members when the question was discussed and disposed of, as it was thought finally, and, the report of the committee having been adopted by the House, he thought the matter should not be re-opened. Another question which should not be lost sight of was that by adopting the amendment of the honorable member for Ballarat West (Mr. Fincham) an addition of 5 per cent. would be imposed to the existing duty on machinery, which was 20 per cent. He considered that an unfair advantage would be taken by the Ministry and their supporters if the amendment was persisted in.

Mr. BROPHY observed that he regretted the Government allowed themselves to become a party to this unfair proceeding. He would not like to call the amendment a trick, but he knew that several honorable members were absent, thinking that the question had been finally disposed of by the division that was taken in committee. The Government should at least postpone the consideration of the amendment until Tuesday, so that members on both sides might be prepared.

Mr. L. L. SMITH stated that honorable members who voted against the Government, the previous night, were distinctly told that although they had gained their point temporarily, by a trick, the decision would be reversed on the third reading. ("No.") He heard the statement made himself, so that honorable members could not plead that they had been taken by surprise.

Mr. COOPER remarked that it was most undesirable that after a question of this kind had been thoroughly discussed and decided in a large attendance of members, it should be subsequently re-opened. If honorable members were now accused of "stone-walling," he could state that the previous night, during the discussion of the same question in committee, the Minister of Lands "stone-walled," in order to allow time for the Government whip to muster the supporters of the Ministry in opposing the amendment of the honorable and learned member for Mandurang. In all fairness to the mining and farming community, seeing that the exemptions decided on by the committee would not cause much loss of revenue, the Government might well allow the matter to rest as it stood.

Mr. SHARPE expressed the opinion that, if the Government were really anxious to get the business through so that there might be an early dissolution, they had a strange way of showing their anxiety. It would not have been supposed that under such circumstances they would support such a waste of time as was taking place, owing to an attempt to reverse the decision of the committee on a matter which only affected the revenue to a small extent. He did not remember seeing a much fuller attendance in committee than on the occasion when the question now sought to be re-opened was decided. Two of the most important industries in the colony, which were already heavily handicapped, were affected by these duties, and he certainly thought the Government might have accepted the decision of the committee. It was hardly likely that the honorable member for Ballarat West (Mr. Fincham) would have tried to re-open the question had he not received some encouragement from the Government. The Ministry would consult their own interests by not allowing the amendment to be carried. The feeling of the farmers was that, while previously they were chastened with whips, during the present session they had been chastened with scorpions, and the mining population had also similar reason to complain. It really appeared as if the Government were determined to screw the last shilling out of the farming and mining population, and such conduct would not redound to their credit.

Mr. GAUNSON considered that the Ministry had not only stolen a march upon honorable members, but had really taken them by surprise and been guilty of a parliamentary offence. This question was fully discussed the previous night, after due notice, in a committee numbering 64 members, and therefore it was most unfair to re-open it. While not desiring to question the ruling of the Speaker, he wished to point out that the effect of the amendment would be to increase the duty on machinery from 20 per cent.—the duty under the existing law—to 25 per cent. May stated that, as a proposed grant could not be increased in Committee of Supply nor a new grant made unless recommended by the Crown, so new taxation could not be imposed except with the indirect sanction of the Crown. As, however, the present Bill repealed the schedule in the existing
Customs Duties Act imposing a duty of 20 per cent., and substituted a duty of 25 per cent., the amendment of the honorable member for Ballarat West (Mr. Fincham) would hence have the result of imposing an additional duty of 5 per cent., so that the honorable member was practically violating the fundamental principle upon which taxation proceeded. It was not in the province of any private member to propose an increase of taxation, even if he had the consent of the Ministry. It had been stated that the amendment was being "stone-walled." He admitted that there had been some "stone-walling," but the object was to enable the honorable members who had gone home under the impression that this question was finally disposed of, the previous night, to be communicated with. The Ministry were guilty of an attempt to jockey in such a way as to give them the advantage. In the United States, when a member "moved the previous question" in order to prevent an inconvenient vote being taken, he was said to "skulk behind the previous question," and the Ministry, in the present matter, were skulking behind a private member. The wonderful Government which went on an embassy and returned with an imbecility had not the courage of their position. The honorable member for Fitzroy (Mr. Tucker) had said that the remission of duty on mining machinery would not put a penny into the pockets of the miners, but, remembering that the duty was really being increased by the amendment, he would ask the honorable member this question—Would increasing the duty put a penny into the pockets of the miners? Mine owners did not work mines for pleasure, and every impost on them must eventually fall upon the working miner by decreasing the amount of employment. He had been informed by a gentleman of practical experience that he had used borers manufactured by the protegé, or, as some people said, the master of the Minister of Railways, and had found the Ford borers rank duffers. Why should the country be saddled with a machine which practical men asserted was not equal to the imported article, and cost three times as much? The honorable member for Fitzroy (Mr. Tucker) told the House that the country had adopted the principle of protection. That assertion was open to considerable question; but, admitting it to be true, the country had certainly never been asked to sanction more than 20 per cent. duties, and yet the Government had stuck 25 per cent. on all sorts of articles. A duty of 25 per cent. in Victoria on articles imported from Europe was almost equal to a duty of 35 per cent. in America, taking into consideration the extra cost of freight. The honorable member for Fitzroy was inconsistent in advocating a duty on machinery used by farmers and miners, inasmuch as, the previous night, the honorable member moved that calf and kid leather should be exempted from duty. He (Mr. Gaunson) did not believe in protection to the extent he once did. The Chief Secretary asserted that the object of the Reform Bill was to put into language the practice under the British Constitution, but the course adopted in the present instance was in direct violation of the constitutional practice in England. The Government, he repeated, were skulking behind a private member, and were permitting him to propose what was practically an increase of the burthens of the people, though there was no warrant from the Crown to do anything of the kind.

Mr. Kerferd remarked that the course being pursued that night was of a most exceptional character. In committee on the Bill certain amendments were made, exempting from duty winnowing machines, steam thrashing-machines, and all patent machinery used for mining. On the report of the committee being considered by the House, what took place? The Minister in charge of the Bill moved the adoption of the report, covering those amendments, thus giving the sanction of the Government to the action taken by the committee, and the House agreed to the adoption of the report. On the very same evening, without notice, a private member—a supporter of the Government—stepped in with a motion reversing what the committee did, and what the House adopted at the instance of the Minister in charge of the measure. Such a proposition could not have been made in the House of Commons at this stage. It might not be in violation of the standing orders of the Assembly, but it was certainly contrary to the practice in England, and it was also opposed to the practice that had hitherto prevailed here, which was not to move any other than formal amendments after the third reading of a Bill. If an honorable member wanted to move a new clause on the third reading, he had to give notice, so that the House would
not be taken by surprise. The honest course for the Government to have pursued was to have moved, on the consideration of the report, that the amendments in question be disagreed with, instead of consenting to the adoption of the amendments, and then putting up one of their supporters to propose, after the third reading of the Bill, that the action of the committee, confirmed by the House, should be reversed. Those honorable members who had left the chamber, expecting in good faith that the ordinary course would be followed, had substantial grounds for complaining of the conduct of the Government. It was a most unfair proceeding, and one entirely without precedent. The least the Government could do was not to press the proposal of the honorable member for Ballarat West (Mr. Fincham) to a division that night, but let notice be given that it was their intention to re-impose duties which were most vexatious and burdensome to the agricultural and mining interests. As a question of policy, he was strongly in favour of the abolition of the duties in question. The arguments which had been adduced in support of their abolition were unanswerable. The imposition of prohibitory duties on implements required for agricultural operations was inconsistent with the policy of offering inducements for the settlement of a body of yeomanry on the public lands. Things had now arrived at a state when the prosperity of Victorian farmers would, to a great extent, depend upon the profit they could make by the export of grain to the London market, and it was therefore of the first importance that they should not be handicapped by having to pay heavy duties on any mechanical appliances for enabling them to get their produce to market at the lowest possible cost. The imposition of such duties was the right way to destroy the farming interest and lead to the aggregation of large estates. As to the mining interest, it had been in a state of depression for some years past, and it was highly desirable that it should be relieved by the abolition of any imposts that tended to prevent mining operations being carried on profitably. The duties which the Government desired to re-impose would seriously affect two of the staple industries of the colony.

Mr. BILLSOn denied that the retention of the duty on winnowing machines, thrashing-machines, and patent mining machinery would do an injury to the agricultural and mining classes. It was only fair that those classes should bear their share of taxation in support of the protectionist policy. As good agricultural and mining machinery could be manufactured in Victoria as in any part of the world. In order to make agriculture a success in the colony it was necessary that there should be manufactures, so that employment would be provided for a large population, who would be consumers of the produce of the land.

Mr. McINTYRE asked if the honorable member for Ballarat West (Mr. Fincham) was in order in proposing his amendment without notice?

The SPEAKER.—The honorable and learned member for the Ovens put that point to the House very clearly and strongly. The honorable and learned member contended this is an amendment that could not be moved in the House of Commons. That is quite true. This amendment could not be moved in the House of Commons; but our 254th standing order directs that amendments of any sort may be made at this stage. The existing practice of the House of Commons, which prevents anything but a new clause being considered after the third reading, and requires notice of the amendment to be given, was adopted since our Constitution came into operation. It may be a better and more convenient practice than the one which obtains here, but I have no choice in the matter, because this House is directed to have recourse to the practice of the House of Commons only in cases which our standing orders do not provide for, and this is provided for. The honorable member for Ararat has contended that the amendment cannot be put, inasmuch as it will increase the burthens of the people and it is proposed by a private member, and he has quoted the practice of the House of Commons and the law applicable to it; but the honorable member has overlooked the cardinal fact that the Committee of Ways and Means have authorized a duty of 25 per cent. to be charged upon the articles to which the amendment applies. It was competent for any honorable member to move in committee on the Bill that the duty be reduced, or that the articles be admitted free, and, if it was carried, it was competent for any other member to move at this stage that the amendment be struck out. That is what is now being done. Within the limit fixed by the vote
Mr. COOPER called attention to the 255th standing order:—

"After the third reading, and further proceedings thereon, a question is put, 'That this Bill do now pass'; after which the title of the Bill shall be agreed to, or amended and agreed to.'

The Speaker put the question—'That this Bill do now pass' before the honorable member for Ballarat West (Mr. Fincham) proposed his amendment, and therefore he (Mr. Cooper) submitted it was too late to propose the amendment, because, according to the 255th standing order, the only amendment which could be made in a Bill at this stage was in the title of the measure.

The SPEAKER.—I was putting the question when the honorable member interposed, and told me that he desired to move an amendment.

Mr. COOPER contended that, if the question was fairly put from the chair, the honorable member was too late.

The SPEAKER.—If I had insisted on putting the question that the Bill do now pass, I might have done a serious injustice to the honorable member for Ballarat West (Mr. Fincham). When the honorable member interposed, and intimated that he desired to move an amendment, it was my business to sit down and allow him to propose the amendment.

Mr. CASEY asked if the amendment moved by the honorable member for Ballarat West (Mr. Fincham) could be proposed, without notice, after the House had agreed, on the consideration of the report, the same evening, to adopt the amendments made in committee?

The SPEAKER.—I am obliged to the honorable and learned member for having again called my attention to this point, which I overlooked. The honorable and learned member for the Ovens has suggested that the amendment ought to have been proposed on the consideration of the report from the committee on the Bill, and I think that would have been the regular course and a more convenient one; but, as that was not done, the amendment is in order at this stage, because at every stage of a Bill the House can reverse anything that has been done before; and to enable this to be done is one of the objects of the forms of the House. As to notice, a new clause requires notice; but notice is not necessary for an amendment like that proposed by the honorable member for Ballarat West.

The SPEAKER put the question—That the words "all winnowing machines, all steam thrashing-machines, all patent machinery required for mining" stand part of the clause.

The House divided—

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<th>AYES</th>
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<td>34</td>
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Majority for the amendment ... 2

The words were struck out.

Mr. DOW observed that when the Government first submitted their Tariff proposals, he expressed a desire that the duty on agricultural implements should be reduced, and intimated his intention, at the proper time, to move an amendment to accomplish that object. He had not so far been able to carry out his intention, because, as the Chief Secretary had explained
to him, the alterations of the Tariff proposed by the Government did not affect the duty on agricultural implements. However, clause 1 provided that the Bill should "be read with and construed as part of the Duties of Customs Act 1877," and he submitted that under this provision it was competent for him to move to alter the duty on agricultural implements, which by that Act was fixed at 20 per cent., should be reduced to 10 per cent. He believed such an amendment, which would be a benefit to the purchasers of agricultural implements, might be accepted without prejudicing the principles of protection or the interests of colonial manufacturers and colonial workmen. He believed that the local industry was sufficiently well established, and that all that was wanted was a nominal duty to protect the market from an influx of inferior goods.

The SPEAKER.—Can the honorable member for Kara Kara cite an authority for altering a duty which is not included in the proposals submitted by the Government? I would suggest that the debate should be adjourned, in order to allow time for the consideration of the point.

Mr. DOW said he would act on this suggestion, and move the adjournment of the debate.

Mr. BERRY stated that, although it was not regular to submit a proposal with reference to agricultural implements at so late a stage, without notice, he would not object to the proposal being made, provided a division were taken upon it at once.

The SPEAKER.—This is a proposal by a private member to alter a duty authorized by Act of Parliament, which duty the Government have not proposed to interfere with. Under these circumstances, I am reluctant to allow debate or division on the proposal to proceed without time for consideration.

Mr. BERRY observed that, although agricultural implements were not touched by the Tariff proposals of the Government, the articles known as reapers and binders were, by clause 5, exempted from duty.

The SPEAKER.—If both sides of the House think the proposal permissible, I will not interfere with the honorable member for Kara Kara.

Mr. GILLIES submitted that it was exceedingly desirable, before the House committed itself to the opinion that the honorable member for Kara Kara was in order in submitting such a proposal as he had indicated, for time to be allowed for the consideration of the matter, lest an example of practice should be set which might prove hereafter to be extremely inconvenient.

Mr. LALOR contended that any honorable member, whether a member of the Government or an ordinary private member, was at perfect liberty, at any stage of the Bill, to propose an amendment, which would be otherwise in order, for the reduction of a duty. Therefore, he held that, before anything further was done, the House should be made acquainted with the precise character of the amendment that the honorable member for Kara Kara desired to propose.

Mr. R. M. SMITH thought it would be a most extraordinary proceeding to force a division on the proposal of the honorable member for Kara Kara, in the face of the intimation of the Speaker that he was unable at present to state whether it was competent for the House to entertain the question or not. It would be only courteous to accept the suggestion of the Speaker that time should be allowed for the consideration of the point.

Mr. MIRAMS argued that the question raised by the honorable member for Kara Kara could not be dealt with until the House knew exactly the way in which the honorable member intended to submit his proposal. As far as could be gathered, the proposal was to amend something which was not contained in the Bill, and therefore could not be entertained unless presented in the shape of a distinct clause; and he contended that it was not competent for an honorable member, at this stage of the Bill, to propose the insertion of a new clause unless notice had been given of it.

Mr. DOW said he was perfectly well aware that he could not move his amendment when the Tariff was in Committee of Ways and Means. His contention was that, inasmuch as clause 1 stated in plain terms that the Bill should be read and construed as part of the Customs Duties Act of 1877, in which there was a line imposing a duty upon agricultural implements, he was entitled to move that that duty be reduced. (Mr. Lalor—"Put the amendment in writing.") Why was the Minister of Customs so testy? It was the worst of the present Ministry that they...
would, over a little matter like the present, altogether lose their tempers. If they met with the slightest unexpected opposition they were all, except the Chief Secretary, up in arms directly. He thought that, in courtesy to the Speaker, honorable members ought to consent to postpone the consideration of the question.

Sir J. O'Shanasssy considered that the honorable member for Kara Kara had, with reference to the amendment being in order, laid down a perfectly correct proposition.

The House divided on the question that the debate be now adjourned—

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\text{AYES.} & \text{...} & \text{...} & \text{...} & \text{26} \\
\text{NOES.} & \text{...} & \text{...} & \text{...} & \text{33} \\
\end{array}
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Majority against adjournment 7.

Mr. Bird, Blackett, Bosisto, Brophy, E. H. Cameron, Sir J. O'Shanasssy, Casey, R. Clark, R. Clark, Cooper, Dow, Francis, Fraser, Gillies, Graves, Mr. Harper, McIntyre, Mackay, Moore, Mr. Sharpe, E. M. Smith, Tytherleigh, Williams, Young, Tellers, Mr. Carter, Zox.

Mr. Andrew, Barr, Bell, Berry, Billson, Bowman, D. Cameron, A. T. Clark, Cook, D. M. Davies, Dixon, Fincham, Grant, Ince, James, Johnstone, Lalor, Mr. Langridge, Laurens, Longmore, Mirams, O'Hea, O'Loghlen, Patterson, Rees, Richardson, Sainsbury, Major Smith, Major Smith, Smyth, Story, Woods, Tellers, Mr. W. M. Clark, L. L. Smith.

Mr. McIntyre said he wished to direct attention to a matter that had precedence of the question raised by the honorable member for Kara Kara. Clause 7 of the Bill stated as follows:

"In order to prevent the evasion of duty it is hereby declared that any carriage imported in parts shall be liable to the whole duty to which such carriage is liable on importation, and that any separate parts of carriages not specially enumerated as dutiable or free in this or any other Act now or hereafter in force or in any schedule thereto shall be deemed to be a carriage within the meaning of the schedule hereto. The Commissioner shall determine under which class of carriages, being one of those named in the schedule hereto, any such parts shall be held to come for the purposes of this section, and such parts shall be liable to the rate of duty of the class so determined or, and such decision shall be final."

If, therefore, a pole, or a wheel, or a hood was imported, perhaps for the renovation of an old vehicle, it would have to bear the duty chargeable upon an entire carriage. This was bungling with a vengeance. He begged to move that the clause be struck out.

Mr. Cooper proposed that the clause be amended by the addition of the following proviso:—

"Provided that the Commissioner of Customs, in lieu of the whole duty to which such separate parts are liable under this section, may direct any lesser sum to be paid."

Mr. McIntyre's amendment was withdrawn.

Sir B. O'Loghlen said the Government would accept the amendment of the honorable member for Creswick (Mr. Cooper).

The amendment was agreed to.

Clause 9 was verbally amended.

Mr. Dow moved the addition to the schedule of the following item:—

"Agricultural implements, 10 per cent. ad valorem."

Mr. McIntyre moved the adjournment of the debate. He said that never since the introduction of parliamentary government had the Speaker been treated so badly by the Ministry of the day as he had been that evening. The present Government had frequently shown their arbitrary disposition, but never had their tyranny taken so abominable a form as it now assumed, when they refused to allow the Speaker time to consider the point submitted to him.

The SPEAKER.—I would be glad if the question were settled to-night, because, if the debate is adjourned, and the House sits much later, I fear I shall be unable to take the chair to-morrow.

Mr. McIntyre explained that, in moving the adjournment of the debate, he meant that the adjournment should be until Tuesday.

The House divided on the motion for the adjournment of the debate—

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\text{AYES.} & \text{...} & \text{...} & \text{...} & \text{25} \\
\text{NOES.} & \text{...} & \text{...} & \text{...} & \text{32} \\
\end{array}
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Majority against adjournment 7.
Mr. Bird, Mr. Bird,
Bosisto, "Brophy,
E. H. Cameron, "Casey,
R. Clark, "R. Clark,
Cooper, "Dow,
Francis, "Fraser,
Gillies, "Graves,

Mr. Harper, "McIntyre,
"Mackay,
"Moore,
Sir J. O'Shanassy, "Mr. H. M. Smith,
"Tytherleigh,
"Williams,
"Young,
"Zox,
Mr. Blackett,
"Carter.

Mr. Bayles, "Mr. Cope,
"Bent,
"Duffy,
"Kerrford,
"MacBain,
"Ort,
"Ramsay,
"Service,
"A. K. Smith.

Mr. Harper,
"Sir J. Laurens,
"Bell,
"Berry,
"Billson,
"Bowman,
"A. T. Clark,
"Cook,
"D. M. Davies,
"Dixon,
"Fincham,
"Grant,
"Ince,
"James,
"Johnstone,
"Lalor,
"Langridge,

Mr. Laurens, "Longmore,
"Mirams,
"O'Hea,
Sir B. O'Loghlen,
Mr. Patterson,
"Rees,
"Richardson,
"Sainsbury,
Major Smith,
Mr. E. L. Smyth,
"Story,
"Woods,
"Tellers.
Mr. W. M. Clark,
"L. L. Smith.

Mr. Cope,
"Mason,
"Pearson,
"Kernot,
"Ferguson,
"Hunz,
"Tucker,
"Nimmo,
"Wright.

Mr. R. M. SMITH said he trusted the Ministry would now permit the debate to be adjourned. Nothing would really be gained by protracting the sitting, as, if the House sat much longer, there would probably not be a quorum in the afternoon. He would call attention to the fact that, owing to the Government, the House had been compelled to give judgment on a motion the propriety of putting a quorum in the afternoon.

Mr. BOWMAN trusted that the Government would insist on the Bill being passed at the present sitting. The object of the Opposition was to delay the appeal to the country.

Mr. MACKAY said the honorable member for Maryborough (Mr. Bowman) talked about delaying the dissolution, but he would ask how many honorable members on either side of the House could conscientiously say they were anxious to go to their constituents immediately? For his own part, he did not care, for certain reasons, how soon the dissolution took place, but he did not believe there was an honorable member who wanted to go to his constituents a bit earlier than he could help doing so.

Mr. CASEY suggested that the Bill should be allowed to pass without further discussion. There was nothing to be gained by wasting time.

Mr. BERRY said he would also appeal to honorable members not to delay the business further. The Bill had now reached its last stage after protracted criticism, and it was not unreasonable, under the circumstances, that the Government should desire to have it passed.

Mr. YOUNG moved that the following words be added to the schedule:—"Salt, 1s. per ton." The object of the amendment was to reduce the duty on salt from £1 per ton to 1s. Salt was largely used for agricultural purposes. Some time ago he presented a petition praying for the abolition of the duty; and he had a letter from 28 agricultural societies joining in
the prayer of the petition. The sum of £1 per ton was about 200 per cent. on the cost of the article at the port of shipment.

Mr. BIRD supported the amendment.

The House divided—

Ayes ... ... ... ... ... ... 23
Noes ... ... ... ... ... ... 32

Majority against the amendment 9


On the question that the Bill do now pass,

Mr. MACKAY said he regretted that the Government refused to allow the debate on the amendment proposed by the honorable member for Kara Kara to be adjourned, in order that the Speaker might have time to consider the question of whether or not the amendment was in order. It was a farce for the House to pass an amendment when the Speaker was uncertain whether it was in accordance with parliamentary practice. However, the majority having insisted on carrying the amendment, he did not see that any good would result by delaying the passing of the Bill.

The Bill then passed.

ADJOURNMENT.

Mr. BERRY moved that the House, at its rising, adjourn until four o'clock p.m.

Mr. A. T. CLARK expressed the opinion that it would be better for the House to sit right on, without any adjournment, and finish all the business necessary to be done before a dissolution could take place.

Mr. GILLIES suggested that the House should adjourn until Tuesday, on which day the motion that the honorable member for Carlton had given notice of would be proposed. If the motion was negatived, every honorable member would then assist the Government in passing the necessary business to enable the session to be brought to a close, and probably it might be got through in one evening. He was satisfied that the adoption of his suggestion would prevent ill-feeling amongst honorable members, and conduces to public convenience.

Mr. BERRY observed that he scarcely thought the honorable member for Rodney (Mr. Gillies) could be serious in making the suggestion. The Government did not intend to give the honorable member for Carlton any unusual facilities to discuss the action of the representative of the Crown. So far as he (Mr. Berry) was concerned, the motion of the honorable member would not come on except in the ordinary course. Certainly he would not attach so much importance to it as to ask the House to give up a business day on account of it. He had announced that Parliament was to be dissolved, and he would be no party to fly in the face of the prerogative of the Crown. (Mr. Gillies—"You must be joking.") The honorable member knew that when an announcement of that sort was made it was not usual for the House to interpose; and certainly it was not customary for the Government to afford unusual facilities for the House to discuss a motion with the view of preventing the carrying out of the advice given to the representative of the Crown, and which His Excellency had accepted. The Opposition need not hug the idea that if the motion of the honorable member for Carlton was carried there would not be a dissolution. There would be a dissolution under any circumstances. The honorable member for Rodney, from his knowledge of constitutional practice, must be aware that the Government could not consent to any course which would delay by a single hour the despatch of the necessary business which must be transacted before the House could go to the country.

Mr. GILLIES said he only made the suggestion as a matter of public convenience. Nobody knew better than the