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

NORTH-EASTERN RAILWAY.

Mr. GRAVES asked the Minister of Railways what would be the cost of constructing a yard for trucking cattle at Euroa, and whether he would permit such a yard to be provided by the residents of the district? He put the question in this form, because, when he addressed the Minister on the subject, about a month ago, he was told that the department had no funds available for the purpose.

Mr. GILLIES said that, for some time, there had been no funds available for works of the kind indicated by the honorable member for Delatite. However, when the Railway Works Construction Bill, which had already passed the Assembly, became law, he would be in a position to order such expenditure as might absolutely be needed at Euroa and other stations. He might add that the Engineer-in-Chief and the Traffic Manager had recently been visiting the various lines, with the view of ascertaining the requirements of each.

Mr. SHARPE asked the Minister of Railways when he intended to erect a passenger station at Avenel? He called attention to the matter nearly a year ago, but the station accommodation at Avenel was still very inadequate. The residence of the station-master was not fit for habitation.

Mr. GILLIES intimated that provision had been made for the erection of a passenger station at Avenel, and that the work would be proceeded with as soon as possible.

VACCINATION.

Mr. DAVIES asked the Chief Secretary whether he would take into his consideration the advisability of introducing a Bill to abolish compulsory vaccination, or appoint a Royal commission to inquire into the matter? He stated that he could scarcely expect the Government, without due deliberation, to take any steps in the direction he desired; but he thought it well to offer a few observations on the subject, in order that it might be ventilated for the public benefit. Therefore, if necessary, he would conclude his remarks with a motion. He found that even in England, where the scourge of small-pox prevailed, public opinion was rapidly turning against vaccination. That being the case, it was surely worth while for Parliament to consider whether compulsory vaccination should be insisted upon in this colony.

The Speaker.—Does the honorable member intend to move the adjournment of the House?

Mr. DAVIES replied that he did. Was it worth while, he asked, for the very small risk of having small-pox in this colony, to have communicated to
children other diseases, perhaps as fatal and quite as loathsome? Some time ago, a committee of the House of Commons was appointed to inquire into the matter, and one of the witnesses (Dr. W. J. Collins) examined before that committee, gave this evidence:

"I have often been called upon to prescribe for children suffering with syphilitic eruptions after vaccination, whose parents were free from any constitutional taint. That is one of the evils which I have often met with. Diarrhoea is by no means an uncommon attendant upon vaccination, in large towns, is as much as from 45 to 50 per cent. before they attain their fifth year."

Dr. E. Lancereaux, in his Treatise on Syphilis, observed—

"Destined to preserve us from one of the most serious diseases, vaccination may also be a mode of contagion of syphilis, in which the virus is no longer transmitted by immediate contact, but by the medium of some object; the contagion is then called mediate."

Among the special cases cited by this author, in support of his contention, were the following:

"In 1821, a little girl, healthy in appearance, and in whom vaccination ran its usual course, served for the vaccination of 46 children; nearly all of them were infected and 19 died. Most of their nurses and mothers contracted syphilis by sucking."

"In 1841, a child in the neighbourhood of Cremona, born of syphilitic parents, furnished lymph for 64 children, and most of these children had symptoms of general syphilis. Neither were the mothers or nurses spared. Of the 64 vaccinated, 54 recovered, and 8 children and 2 women died. The child which caused the infection finally died dropsical, after having presented various eruptions on the skin and syphilitic ulcers on the genital organs and scrotum."

Mr. SERVICE rose to order. The honorable member for Grenville (Mr. Davies) was taking the most extraordinary course that had ever been pursued in the Assembly. The honorable member had on the paper a distinct question to put to the Chief Secretary, and he was quoting largely from authorities and entering upon an argument which other honorable members would like to answer.

The SPEAKER. — The honorable member for Grenville (Mr. Davies) proposes to move the adjournment of the House. According to the practice of the last Parliament, when a question was put to a Minister of the Crown and not answered satisfactorily, the adjournment of the House could be moved not by the member who put the question, but by some other member. Attention was called to the matter early this session, and I understood the House then to decide that it was the privilege of a member, at any time, to submit a motion of adjournment.

Mr. SERVICE stated that he was not aware that the honorable member for Grenville (Mr. Davies) intended to move the adjournment of the House.

The SPEAKER.—I may mention that this is the first time that an honorable member, when putting a question, has moved the adjournment of the House. But understanding it to be the conclusion of the House that the privilege of submitting a motion of adjournment can be exercised at any time, it seemed to me that there would be very little difference between the making of the motion by the member who puts a question, and by some other member. Therefore, I allowed the honorable member for Grenville to proceed. At the same time it appears to me that unless the privilege is exercised with discretion, the putting of questions may seriously interfere with the ordinary business of the House.

Mr. RAMSAY remarked that several most valuable papers in connexion with the subject of vaccination, which it was important the House should be acquainted with, were at the Chief Secretary's office, and could be produced on Tuesday, if the honorable member for Grenville (Mr. Davies) would consent to postpone his question until that day.

Mr. DAVIES said he had not much more to add, and, therefore, he hoped he would be allowed to conclude his remarks. During the four years he had sat in Parliament, he had never before moved the adjournment of the House, and he had never attempted to waste time. For that reason, he thought he was entitled to claim some slight indulgence. There were some honorable members who repeatedly wasted time, and they were scarcely ever called to order. In fact, they were allowed to go any length they liked. It would appear as if those who took liberties might always do pretty much as they pleased, while those who observed the rules of propriety were not to be allowed any latitude whatever.
Returning to his subject, he might mention that the article "Syphilis" contained in *Chambers's Encyclopedia* afforded the following information:

"Infantile (not congenital) syphilis may be communicated by vaccination. There is undoubtedly evidence that in the year 1861, in a thinly populated district of Piedmont, in which syphilis is virtually unknown, 46 children of various ages were simultaneously attacked with syphilis proceeding from chancres in the arm, and followed by buboes (enlarged glands) in the armpits; and that all these children had been vaccinated directly or indirectly from a single child, who was subsequently proved to have contracted syphilis from a wet-nurse; and further, that these children transmitted the same disease to a number of women, their wet-nurses, mothers, &c."

It was asserted by Dr. Nicholls, of London, a syphilitic practitioner, that—

"Syphilis, scrofula, and probably every kind of blood poisoning can be taken by vaccination, which, so far from being a protection against small-pox, seems to have been one of the chief causes of the late epidemics."

Another medical authority—Dr. Hitchman—had declared that he had seen "hundreds of children killed by vaccination"; while Dr. Copeland certified that vaccination favoured "the prevalence of several kinds of scrofula." In conclusion, he begged to call attention to the following letter from Mr. Graham Mitchell, published in the *Herald* newspaper of the 15th June:

"As many parents object to the use of 'doubtfully' pure vaccine lymph, it becomes a subject worthy of consideration as to the advisability of adopting the French system—viz., keeping a number of healthy cows vaccinated, and lymph direct from them supplied under Government stamp. The cattle at the Dookie Government Experimental Farm might be utilized for a public benefit in this way."

With these remarks, he begged to move the adjournment of the House.

Mr. WILLIAMS, in seconding the motion, observed that he thoroughly concurred in the view which the honorable member for Grenville (Mr. Davies) took of this important matter. Instances had come under his notice of vaccination having been nothing but a positive curse to families; and he would like to see an Act passed making vaccination not compulsory. Members of his own family, vaccinated when young, suffered subsequently from ulcerations for five or six years. He attributed the result to vaccination, because up to the time the operation was performed the children were as healthy as children could possibly be, but afterwards they were scarcely free from sores. He believed it was the opinion of many medical men that a disease new to the colony—diphtheria—was the outcome of vaccination. Certainly a searching investigation should be made into the matter with the view of ascertaining the wisdom or otherwise of vaccination being compulsory. He knew some people who had been fined over and over again because they would not suffer this scourge to be inflicted upon their families, and, in his opinion, any person would be justified in taking a similar course. There was no doubt that vaccination had cost many families hundreds of pounds, which had been expended on medical attendance, and had driven the heads of those families almost to desperation. He hoped that another opportunity would be afforded for discussing the matter, when he would be prepared with such evidence as would satisfy honorable members that vaccination was not such a specific against small-pox as some medical men held it to be.

**PAYMENT OF MEMBERS BILL.**

Mr. WILLIAMS said he would take advantage of the opportunity which the motion for adjournment afforded to say a word or two with respect to the Payment of Members Bill. He had faced the inevitable with regard to that measure. He was fully convinced that while he had received the greatest facilities which one section of the Government could possibly give him, a certain number of Ministerial supporters were determined upon obstructing the measure, and this with the apparent approval of another section of the Government. Under these circumstances, he felt that further progress with the Bill in his hands was at present altogether impossible. He did not wish to submit a resolution affirming the desirability of forcing the Government to take up the measure, because he felt that the important question of constitutional reform was one which should occupy the entire attention of the House, free from any side issue. He would allow the order of the day for the further consideration in committee of the Payment of Members Bill to remain on the paper until a more convenient season arrived for pressing it forward. At the same time, he would assist the honorable member for Emerald Hill (Mr. Nimmo) to carry his Bill for the amendment of the Melbourne Harbour Trust Act, because he believed the sooner that Bill became law the better would it be for the country.
Mr. SERVICE observed that he fully appreciated the position taken up by the honorable member for Mandurang (Mr. Williams) with respect to the Reform Bill. He had no hesitation in saying that, immediately the second reading of that Bill was disposed of, he would be glad to give a Government night to the honorable member, for the purpose of dealing with the Payment of Members Bill. However, with respect to what the honorable member had said about two sections of the Government, he (Mr. Service) was not aware that any division of opinion existed among them. The difficulty which had arisen in connexion with the matter was, in great measure, traceable to the fact that two or three honorable gentlemen on the Ministerial side of the House felt as strongly against payment of members as two or three honorable gentlemen on the opposition side felt against the Harbour Trust Bill. It was well known that there was a majority in the House in favour of payment of members, and that majority naturally said that the minority ought not factiously to obstruct the passing of the measure. It was also well known that there was a majority in the House in favour of the Harbour Trust Bill, and that majority naturally said that the minority on the opposition side of the House had no right to obstruct that measure. It was the fact, as mentioned by the honorable member for Villiers and Heytesbury (Mr. Jones) the previous night, that he (Mr. Service) had intimated that no action should be taken to prevent the Payment of Members Bill being dealt with; and it was a mistake of the honorable member for Mandurang to suppose that any section of the Government desired to prevent the consideration of the measure. (Mr. Williams—"The Minister of Public Works stated, the other night, that he would 'stone-wall' the Bill.") The Minister of Public Works sometimes, on the spur of the moment, spoke very strongly; but he always distinguished between his own private and personal views and those of the Government. Certainly, when referring to payment of members, the Minister of Public Works spoke only for himself. It had been alleged once or twice in the House that he (Mr. Service) had departed from the promise which he made at Maldon; but that promise was that, after the House had come to a conclusion as to the amount and character of the payment, the Government would be in a position to take up the Bill. He would read the precise language which he used. It was as follows:

"In this case, if a resolution should be passed in Parliament—though I am not in a position to say whether there will be a majority for or against the principle—but if a resolution should be passed in favour of payment of members in one shape or another, in favour of remuneration or payment of expenses, for a smaller sum or a larger, the Government, under the circumstances, will feel bound to take up that resolution, and bring in a Bill to carry out the principle."

The House had not yet come to that position. The amendment of the honorable member for Borroondara was negatived the previous evening; and two other amendments—one by the honorable member for Portland, and the other by the honorable member for Richmond (Mr. Bosisto)—were awaiting consideration. Therefore the Government did not feel called upon to deal with the question at present.

Mr. BERRY said he thought the course indicated by the honorable member for Mandurang (Mr. Williams), and substantially accepted by the Premier, the only course open to the House at the present juncture. The honorable member had called a meeting of those who were in favour of the Payment of Members Bill, and the opinion of that meeting was that at the present time, with the important debate on the second reading of the Reform Bill so near its close, it would not be right, until that question was disposed of, to interpose, outside the usual forms of the House, in order to bring forward the Payment of Members Bill. But when the Premier mixed up this matter with the Harbour Trust Bill, he (Mr. Berry) was compelled to join issue at once, and deny most emphatically that there had been any obstruction whatever to the Harbour Trust Bill—that tactics had been used with regard to that measure similar to those which had been resorted to in opposition to the Payment of Members Bill. (Mr. Service—"It was stated last night, from the opposition side, that the Harbour Trust Bill would not pass for six months.") What was that statement worth? Why the Harbour Trust Bill was passed through its initial stages as quickly as possible. (Mr. Jones—"No.") All the "Noes" in the world would not alter the facts. He repeated that the Harbour Trust Bill was passed up to its present stage as quickly as if it had been a Government measure. (Mr. Jones—"No.") The honorable members...
opposed to the measure agreed to defer their opposition to it until the second reading, when, no doubt, a very important debate would take place. There was not the slightest justification for the Premier saying that the same tactics had been used with regard to the Harbour Trust Bill that had been practised against payment of members. Why there had been a systematic talking against time to prevent payment of members being dealt with, but no such course had been taken with regard to the Harbour Trust Bill. (Mr. Service—"Who talked against time?") The honorable member for Villiers and Heytesbury (Mr. Jones), the previous night. (Mr. Service—"To prevent the Bill coming on at a late hour.") Certainly. So much for the attempt, which had become almost systematic, to create a wrong impression outside as to the views and actions of honorable members in opposition. With regard to the promise given by the Premier at Maldon, did the honorable member expect the House to admit that his two statements agreed—the one made at Maldon, and the other made on this occasion? (Mr. R. M. Smith—"Why not?") The Premier stated at Maldon that he would bring in a Bill if a resolution were passed by the Assembly affirming the principle of payment of members, and declaring whether it should be payment or a mere recouping of expenses. Well, that had been settled. How much further did the Premier want the honorable member for Mandurang to go before reaching the point at which the Government would feel themselves called upon to bring in a Bill? If the Premier meant the third reading of the Bill of which the honorable member for Mandurang had charge, then the honorable gentleman would keep not to the spirit though he might to the exact letter of his undertaking. In that case he would bring in a Bill at the end of the session, and then commence de novo to deal with the question. This course of proceeding seemed to make the Premier worthy of the designation of "Scotch Jesuit" which the honorable member for Fitzroy (Mr. Vale) had applied to him. The Premier had also managed, in the few remarks which he offered, to lead the House astray on another matter. The Premier stated that after the second reading of the Reform Bill, no matter which way the division went, the honorable member for Mandurang should have an opportunity of bringing forward his Payment of Members Bill. (Mr. Service—"No corrugation.") But if the Premier still regarded the measure of such importance that the life of the Government depended upon it—because it should be remembered that during the debate the Premier exclaimed, "At least we will stake our lives upon it"—and the Bill was lost, how would he be able to give any night for the question of payment of members? However, payment of members was now out of the hands of the Government until the second reading of the Reform Bill was settled one way or the other; and the honorable member for Mandurang had adopted a proper course in determining to await the decision of the House on that important question. Mr. R. M. SMITH remarked that the honorable member for Geelong (Mr. Berry) must not be allowed to do what he was very fond of doing, and what he had accused the Premier of doing—namely, leading the House astray. The explanation which had been given by the Premier was perfectly intelligible. When payment of members was proposed by the honorable member for Ballarat West (Major Smith) six years ago, the preliminary resolution contained the essence of the proposition which was subsequently embodied in the Bill. That course had not been followed on this occasion. The honorable member for Mandurang (Mr. Williams) was frequently asked what shape the payment of members which he proposed would take, and no information on that head was furnished to the House until the Bill was submitted. Honorable members were unable to understand the nature of the proposition until they saw the Bill. The course pursued was most inconvenient, and, in his opinion, amply absolved the Premier from any promise which he might have made on the subject. So far as he (Mr. Smith) was concerned, no "stone-walling" of payment of members had been attempted. All that the opponents of the measure had claimed was that it should not be afforded any greater facility than was extended to other measures of public interest. But he asked honorable members on both sides whether the Payment of Members Bill had not been afforded facilities far beyond those which were usually accorded to any measure of public interest on which there was a division of opinion? Since he had been a member of the House, no other measure
of public interest on which a division of opinion prevailed had been the means of calling honorable members together on a special night to discuss it. He presumed there would be great difficulty in inducing the Opposition to meet on an extra night to discuss the Harbour Trust Bill. If the Payment of Members Bill were allowed no further facility than any other measure of public interest, he ventured to say that no opposition beyond what was necessary to secure the proper discussion of the details would be offered to it. But if it were sought to afford it peculiar facilities—such as putting measures of public interest on one side on Wednesday afternoon, and closing Government business before eleven o'clock at night—it must not be matter for surprise if some of the opponents of the Bill objected to that course.

Mr. W. M. CLARK said it had been asserted that he had offered opposition to the Harbour Trust Bill, but the statement was not at all correct. Deeply as his constituents were interested in the subject, he had hitherto refrained from speaking upon it. At the same time, he had intimated to the honorable member in charge of the Bill that he would render him every assistance he could in passing the measure in an acceptable form.

Mr. JONES observed that the honorable member for Geelong (Mr. Berry) had stated that no obstruction whatever had been offered to the Harbour Trust Bill, but what was the fact? When the Payment of Members Bill was passed through its formal stages, they were treated as formal; but when leave was asked to introduce the Harbour Trust Bill, there ensued a debate which occupied twelve pages of Hansard, and at its conclusion no progress had been made. (Mr. Berry—"The discussion came chiefly from the Ministerial side, and it was real debate.") According to Hansard, the principal and most lengthy speaker during the discussion was the honorable member for Geelong. As for the Payment of Members Bill, had the honorable members opposed to it allowed it to pass altogether without debate they would have been charged with shamming opposition. They never "stone-walled" the measure, but their consciences compelled them to stand up against collusive arrangements to push it in front of all other business. The course the honorable member for Mandurang (Mr. Williams) had just said he would follow in the matter was one that commended itself to the good judgment of every member of the House. Had it been adopted from the beginning, the Bill would by this time have been far more forward.

Mr. PATTERSON said he could not see much legitimate connexion between the Harbour Trust Bill and the Payment of Members Bill. Why were not the two subjects treated separately? Was not the former dragged in as a kind of stalking-horse? Moreover, was not the Payment of Members Bill to be kept behind until a certain result had been obtained with regard to the Reform Bill? It had been openly stated that payment of members would not be dealt with until the fate of the reform measure had been ascertained. He thoroughly objected to the arrangement under which, because of the action of the section of the Government in favour of the Bill, as well as that of the section opposed to it, honorable members were placed in the position of appearing to almost beg that it should pass. Did honorable members on the Ministerial side think that the fate of the Bill was sealed by the action taken, that evening, by the honorable member for Mandurang (Mr. Williams)? Were they foolish enough to believe that the question of payment of members was not a living one—a real reform in itself? Was the Reform Bill advocated chiefly as part and parcel of a scheme for killing payment of members? He begged to assure those who followed any such plan that they would find, when they had killed the Payment of Members Bill, that they had gone a long way towards killing what they called reform too. What, after all, was this policy of reform and opposition to payment of members? Nothing but one of disfranchisement—a plan to transfer the political power of the country from the class which now held it to another class. For himself, he would as soon go to the country on payment of members as on any other question. Certainly honorable members would have to face their constituencies upon it. Were not reform in the way, it would be easy to deal with the Government on payment of members alone, because no Ministry could be permitted to keep the Treasury bench and defy a majority of the House. Moreover, ought not the Premier to keep the word he gave—the bond he entered into—at Maldon, that, when payment of members had been decided upon, the Government would take the subject up? He thoroughly
believed that the honorable member had not kept faith in that matter, and also that he was not guided with respect to it by his own personal convictions. Certainly payment of members ought to be settled before the next Parliament was called together. However, the point need not be discussed now, because it would doubtless be best to deal with one question at a time—to take reform first and payment of members afterwards.

Mr. SERVICE inquired why the honorable member for Castlemaine (Mr. Patterson) did not take up that ground before?

Mr. GAUNSON considered that the Premier was simply trifling with language when he asserted that the words "that resolution," used by him in his Maldon speech, did not refer to the resolution upon which the Payment of Members Bill was founded. In fact, the position the honorable gentleman assumed in the matter was enough to stagger one. It was eminently unjustified by parliamentary practice, and there was no sound argument by which it could be sustained. What other Pay­ment of Members Bill could have been brought in? The Premier's interpretation of his election utterance was only throwing dust in people's eyes. Practically he was now simply evading the responsibility he most clearly accepted when he was before his constituents. To say the time had not come for him to perform his promise was mere bunkum.

Mr. LAURENS observed that the first Canadia Dominion Parliament met on November 6, 1867, and on November 19—thirteen days afterwards—it decided to adopt payment of members. If it was not degrading for the Parliament of the premier colony of the empire to take such a course, how could it be undue or improper for the present Parliament of Victoria to re-enact the payment of members law that had already been in force 9 or 10 years? (Mr. Burrowes—"Look at the distance Canadian Members of Parliament have to travel.") Every Canadian Mem­ber of Parliament who had to travel obtained mileage.

Mr. VALE expressed the opinion that if there was to be a dissolution, the end of which he was sure would be a happy resurrection for opposition members, it would be a very good plan for the House to suspend its standing orders and meet on Monday and every night afterwards until the Reform Bill reached its second reading stage. There were many reasons for such a course. For example, no hon­orable member could contemplate with satisfaction having to go to the country only to find, when he returned to Parliament, that before the question of reform could be again touched Estimates of Ex­penditure and Ways and Means would have to be dealt with. Following the plan he (Mr. Vale) suggested would, how­ever, enable Parliament to reach the second reading stage of a second Reform Bill some time in July. Again, why were the Government always willing to adjourn the Reform Bill debate at so early an hour as half-past ten o'clock? In the references made that evening to the Harbour Trust Bill, it appeared to be assumed that the members of the Opposition as a whole opposed it, but that was by no means the case. It was true some of them set themselves against it, but others, on the con­trary, were ready to give it every support and assistance. Moreover, it should not be forgotten, first, that the measure was distinctly a private one, whereas the Payment of Members Bill was essentially a public one, although it was in private hands; and, secondly, that the standing orders expressly precluded private Bills from being brought on except at a particular time. But why not suspend the standing orders, and get the Harbour Trust Bill out of the way? He suggested, some time ago, that that course should be taken, but nothing the Opposition proposed was ever taken any notice of by the Government. The reason why that Bill failed to readily pass its initial stage was that, when it was introduced, one honorable member imported into the debate angry words about payment of members. That was not a proceeding likely to help the measure forward. A further cause for the delay in the matter was the feeling of annoyance apparently experienced by Minis­terial supporters at the circumstance that the subject was in the hands of an oppo­sition member.

Mr. DOW congratulated the honorable member for Mandurang (Mr. Williams) upon the course he had taken that evening. He also wished the Government to understand that the Opposition wanted a division upon the Reform Bill, and hoped that, if Ministers were going to die over it, they would die as decently as the late Government did.

Mr. ZOX observed that the late Go­vernment scarcely acted decently when
they brought in a drunken man to vote for their Reform Bill.

Mr. DOW thought it rather strange that the honorable member for East Melbourne (Mr. Zox) was able to give his whole time to his parliamentary duties, and also to put himself forward as a great opponent of payment of members. One of the contentions of those who "stone-walled" that question was that an opportunity ought to be afforded to the new members of the House to discuss the subject. But what were the arguments some of the new members had already brought forward? Doubtless it was the opinion of the honorable member for West Bourke (Mr. Staughton) that if there was to be no payment of members he would have a "show" for re-election, and perhaps it was that feeling that led him, the other evening, to use offensive language towards honorable members who were veterans in the liberal cause, and with whom he was not worthy to be mentioned. But what business had he to talk of those who were better men in every way save wealth than himself, as having greedy looks, and as being like prisoners in the dock anxiously awaiting the verdict to be passed upon them? His chief argument, too, was a nice one. "Why," he seemed to contend, "should the people pay their representatives when they can get them for nothing?" Of course, he was one of those who were willing to represent the people for nothing. But the country saw the question differently. The electors thoroughly understood that their work might often be far better done by a man who said—"If you want me, you must pay me," than by one who was ready to do without payment. Moreover, they would show at the ballot-box how far they believed that the man who said he would do their work for nothing would really and truly do it for nothing, and also how far they could distinguish between a candidate supported by the funds of the Registration Society, and one who, while setting himself against the squatters of his district, never spent a penny that did not come out of his own hard earnings. They would say, too—"Mr. Staughton is a squatter and large estate owner; he is interested in the land tax; if we elect him will he not be likely, when that subject is again dealt with, to do his best to shift the burden of taxation back again to the shoulders of the working classes?" The honorable member ought to speak more modestly. How did he come to be able to take up such a high position? Did he get his money because of his brains or because it was left to him? How was it obtained in the first instance? When he used an argument so reprehensible as that which he employed last week, he laid himself open to be severely talked to. Next, as to the Premier. Had he fulfilled the specific promise with respect to payment of members he made to the electors of Maldon? Never mind his latest argument on the subject; had he fulfilled the promise in the sense in which he made it? As a matter of fact, his half-and-half business—his half liberalism and half conservativism—would bring him to the ground. (Mr. Service—"When?") Next July, when the dissolution took place. He (Mr. Dow) did not care for the dissolution. He would face it much more comfortably than he did the last one. He firmly believed that the Premier honestly meant when he made his Maldon promise to carry it out, but the journal that—to use the expression of the honorable member for Ararat—"bossed" the Government had turned him from his word. The conservative party and the conservative journal saw their opportunity, and the Premier was told that the one thing to do was to squelch payment of members. The "tip" was that the liberal members were to be starved out. Yet if honorable members wanted arguments in favour of payment of members, where could they get better ones than those published in the Argus not many years ago? For example, the Argus of the 16th September, 1874, contained the following:—

"We admit the full force of all that can be said against the system, and are also fully alive to the magnitude of the expenditure that it involves; but, after giving the matter careful consideration, and attentively watching the course of the experiment which has been going on during the past three years, we are driven to the conclusion that not only is the custom of remunerating our representatives sound in theory, but it is also beneficial in operation."

Again, on the 19th November, the same year, the paper stated—

"Those who dislike payment of members must not say with truth that while it has been the law of the land it has done any harm. On the contrary, we think that he must acknowledge it has put a stop to many scandals and abuses. It is merely a question of whether 'the game is worth the candle.' We think it is, and have no doubt as to the advisability of giving it a further trial."

And, on the 8th December, it discoursed as follows:—
"It is idle to say, elect whom you please, unless at the same time you make some provision whereby the poorer members may maintain themselves and their families honesty and in decency. But then, of course, the opponents of this system point to the fact that for years before payment became the order of the day representatives in abundance were always forthcoming, many of them as poor and needy as any who grace the benches of the Assembly at the present time. While admitting all this, we would ask them to consider the result. No Government, unless in charge of some measure in which the public were very strongly interested, was safe for a month, while votes were bought and sold almost as an article of merchandise. Corruption of the most flagrant and barefaced description was carried on almost in the face of day, while the Lands-office and Mining department were very sinks and dens of iniquity. If honorable members will call to mind the history of the time since payment of members was granted, they must be struck with the improvement which has taken place; no scandals such as those which used to reach the public ear have arisen to shock the public sense of propriety; while factions opposition, if not entirely stilled, has been, at all events, singularly unsuccessful. We submit, then, that, before venturing to disturb an arrangement which has worked so successfully, honorable members of the Upper House should be able to disclose some very satisfactory reasons for taking such an extreme course."

What need was there to go beyond reasoning so conclusive?

Mr. SERVICE suggested that the honorable member for Kara Kara should read the articles on the subject that appeared about the same time in the Age.

Mr. STAUGHTON said the honorable member for Kara Kara had been pleased to be rough on him for the remarks he made the other evening, but they came from him very naturally. Sitting in his place, and observing how the whole business of the House was being pushed aside in favour of the Payment of Members Bill, he could not but notice the extreme anxiety of opposition members to get the measure through. (Mr. Bowman—"Was there not anxiety on your own side too?") He simply took notice of the honorable members facing him. It was hardly possible for him to watch those behind him. Although a young member, he could plainly see that, had the Payment of Members Bill been brought forward fairly, it would have reached a further stage than it had. He thought there was another matter of far greater importance than payment of members awaiting the action of the House. A man was charged with doing what was almost a criminal action—he referred to Mr. R. G. Ford—and there was not one of the older members of the House who got up and tried to relieve him of the charge, if innocent, or to have him punished, if guilty. (Mr. Berry—"The Government say there is no charge against him.") He did not care what the Government said; this was a matter for the whole House. He asserted that there was a charge hanging over this man's head, and it should be disposed of one way or the other at once. There was an imputation that Mr. Ford gave work, that had cost the country £1,400 more than it should have cost, to the firm of Bain and Son, and that he did so because he had some connexion with the firm. It would be a great deal more creditable to the House to appoint a committee at once to deal with that matter than to be continually discussing the question of payment of members.

Mr. LANGRIDGE observed that it had been stated more than once or twice that the opinion of the country, and also of the House, was changing with respect to payment of members. A list of the members of the House, however, would, if examined, show that 43 of the old members who voted for payment of members on the present occasion had been returned, a few of them twice, but the greater number of them four or five times, to support the principle. That fact did not tend to show that the feeling in favour of the system was diminishing. (Mr. Service—"We have been returned half-a-dozen times against it.") Moreover, there were seven new members returned to support the principle, making a majority of 50 for the system. When he was first elected to the House he was opposed to payment of members, and, with his then colleague (Mr. Tucker), voted against the Bill introduced by the honorable member for Ballarat West (Major Smith) to continue the system. The Bill, however, was carried by a large majority, and he, with the other members who had opposed it, received the payment. He found, however, that, on this question, he was opposing one of the main planks of his party's platform, and, the next time he appeared before his constituents, he told them that he would, in future, vote for payment of members, as he objected to vote against the system and take the money.

Mr. ORKNEY expressed the opinion that, under one guise or another, the subject of payment of members had been a little too frequently before the House during the present session. The many important
matters that the House had to deal with were apparently considered of altogether subordinate moment. The honorable member for Fitzroy (Mr. Vale) had stated that the Harbour Trust Bill was a private measure whereas the Payment of Members Bill was a public one. But was not the former at least as public a measure as the latter, and were not both in the hands of private members? Why, then, should so much greater facilities be afforded for the consideration of the one than of the other? He could not help contrasting the conduct of honorable members with that of a crowd of unemployed working men whom he saw the previous day outside the Public Works office. It was a painful sight to observe such a crowd in a colony like this, but the meeting they held was conducted most decorously, and the men, considering the circumstances, exhibited great patience and forbearance. But what did he see in the Assembly? Gentlemen, in discussing a matter personal to themselves—for he could not regard payment of members as a great public question—using violent language, and making exaggerated statements. He was really appalled for the country when he saw how important national questions were set aside in order to push on a matter of so personal a character.

Mr. REES remarked that he quite agreed with the course which had been taken by the honorable member for Mandurang (Mr. Williams) with regard to the Payment of Members Bill. He would not have spoken, however, but for the insulting remarks of the honorable member for West Bourke (Mr. Staghton) with respect to honorable members on the opposition side of the House. He would tell the honorable member why the people of the country, and more especially the farming class, whom he (Mr. Rees) represented, desired to pay their members in the Assembly. It was because they found legislation taking quite a different turn since payment of members was introduced. He would remind the honorable member that in former days the impounding laws enabled a squatter on Crown lands to take from the pockets of the poor farmer half-a-crown per head for every cow that trespassed on his run, whereas, if the sheep of the honorable member or any other squatter trespassed on the farmers' purchased land, all that the latter could demand was a farthing per head. He would remind the honorable member also that, in 1858, a measure was passed called the Assessment of Stock Act, by which, by means of a bonus, £200,000 was returned in three years and a half from the public purse to the squatters who had purchased land. The first Road Board Act, too, imposed a charge of 6d. per acre on the poor man who had cultivated a small piece of land, but only charged the large landed proprietors a halfpenny per acre. Members paid themselves in those days, and it was because of measures such as he had mentioned that the people were determined that payment of members should be the law of the land. Further, he would remind the honorable member that most of the advocates of payment of members had worked their way by their own industry, and without the assistance of the Crown.

Mr. FINCHAM expressed the hope that, now the subject of payment of members had been cleared out of the way, the Government would accept the suggestion of the honorable member for Fitzroy (Mr. Vale), and push on the settlement of the burning question of their Reform Bill. He observed that the Premier was looking exceedingly pale lately over the probable result of the division that would be taken on the second reading of that Bill. Notwithstanding the efforts of the whips, the Government knew that they would not be able to muster even 43 votes for the Bill. A little bird had also whispered to him that His Excellency the Governor had been consulted as to granting a dissolution, and that his reply was anything but satisfactory; in fact, it was said to be to the effect that "when His Excellency's advisers tendered him their advice he would be prepared to give it his most serious consideration." The Government, however, could now show whether they were in earnest as to the reform question by suspending the standing orders, and allowing the House to sit on Monday, and to confine its attention solely to the Reform Bill until the division was taken.

Mr. BOWMAN desired to know to whom the Premier referred when he interjected that "we" had been returned half-a-dozen times against payment of members? The Premier could not refer to his Government because several of the Ministers were among the strongest advocates of the system. The honorable member for West Melbourne (Mr. Orkney) opposed payment of members, but did he not take £100 a year when a member of the Harbour Trust Commission? Personally he
(Mr. Bowman) was independent of payment of members, but he supported the system because he considered it necessary to a democratic community. He confessed he was at a loss to imagine how some honorable members on the Ministerial side of the House who professed to be bitter opponents to payment of members would be able to live without it, unless they lived on suction.

Mr. ORKNEY, in explanation, stated that he received payment when a member of the Harbour Trust, but he considered that an altogether different kind of body from the Legislative Assembly. The Harbour Trust Commissioners performed executive duties in the same way as Ministers of the Crown, whereas members were returned to Parliament simply to perform legislative duties. The members of the Harbour Trust were paid under an Act of Parliament, in consideration of the very responsible and arduous duties attached to the office—duties which, if faithfully performed, were far more laborious than those of a simple Member of Parliament.

Mr. GARDINER remarked that he had gained a little popularity in connexion with the question of payment of members. He confessed he felt somewhat surprised at the conduct pursued by some honorable members—and more especially young members like himself—who were opposed to the system. Some of these gentlemen did not poll one-third of the number of votes recorded for him when contesting an important constituency against a leading politician, yet in addressing the House in opposition to the principle of payment of members they spoke as if they had the country at their back. When before the electors he distinctly declared in favour of the system, not because he was personally interested in the matter, but because payment of members was one of the main items in the policy of the liberal party of Victoria. It was true that his opponent was also in favour of payment of members, but the fact was only an additional proof that the great majority of the people supported the system. It was all very well for gentlemen who had spent the best part of their lives in amassing wealth for themselves, and now entered the House almost in the seventh age of their lives to legislate for the country, to oppose the system of payment of members; but it was supported by men who had grown grey as representatives in the service of their country, and in whom, although they were stigmatized as "designing politicians," the country trusted. The country well knew that in advocating the system they were not merely acting in their own interest, but were upholding what they regarded as a great principle.

Mr. BARR observed that, the Government having got the bête noire out of the way, it was to be hoped that no more difficulty would be experienced in getting on with the business of the session. He believed that, if the country was not sufficiently explicit in expressing its opinion as to payment of members at the last general election, there would be no doubt about its verdict on the next occasion.

The motion for the adjournment of the House was then put and negatived.

STAWELL COURT HOUSE.

Mr. WOODS asked the Minister of Justice when he would be in a position to open for business the court-house at Stawell?

Dr. MADDEN replied that he hoped to be able to have the building opened immediately.

PETITION.

A petition was presented by Mr. R. M. SMITH, from a public meeting held at Hawthorn, in favour of the Reform Bill.

RAILWAY ACCIDENT.

Mr. JOHNSTONE asked the Minister of Railways whether he would institute an inquiry into the cause of the accident which occurred at the level crossing, Gee-long, on the 8th of May last, by which James Gates was seriously injured?

Mr. GILLIES observed that an inquiry was now being held into the matter.

THE REFORM DEBATE.

Mr. BERRY asked the Premier if he could state when it was likely that the division on the motion for the second reading of the Reform Bill would be taken? As far as he (Mr. Berry) could gather, from the feeling of honorable members sitting on the opposition side of the House, there would be no difficulty in having the division that night week.

Mr. SERVICE said the Government were exceedingly desirous that the division should take place, if possible, the following Wednesday, or, at the latest, the night afterwards. He would be glad if
an arrangement could be made to fix the night for the division.

Mr. BERRY suggested that the matter should be mentioned again before the House adjourned.

POSTAL AND TELEGRAPH INSPECTORS.

Mr. SERVICE, pursuant to order of the House (dated June 8), presented a return relative to postal and telegraphic inspectors.

RAILWAY CONSTRUCTION ACT (1877) AMENDMENT ACT AMENDMENT BILL.

Mr. GILLIES moved for leave to introduce a Bill to amend "an Act to amend the Railway Construction Act 1877, so far as it relates to the construction of the Daylesford Railway."

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

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

CONSTITUTION ACT ALTERATION BILL.

NINTH NIGHT'S DEBATE.

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

Mr. TUCKER.—Mr. Speaker, it will hardly be expected that about the thirtieth speech made on the motion for the second reading of this Bill will contain anything very new, seeing how well the matter has been thrashed out on both sides of the House; and, indeed, the same subject has been thrashed out on various previous occasions. I would like to remind the Government and the party with whom they are allied that this is the third attempt they have made to reform the Constitution of this country. The liberal party have been twitted with having brought forward two or three different measures of reform; but I think those gentlemen who perambulate the suburbs of Melbourne and obscure districts of the colony—who address public meetings about "trimmers and traitors," and indulge in language which possibly they would not like to use in this Chamber—would do well to inform their audiences that this is the third attempt of theirs to reform the Constitution. The first was made in 1873, when a Bill was introduced to amend the Electoral Act 1865. That measure dealt with the Legislative Assembly; and in the same year a Bill was introduced in the Legislative Council, dealing with the constitution of that body. The second attempt was made in 1874, when a Bill providing for what is known as the Norwegian scheme was introduced in the Assembly, and, after passing its third reading, was quietly allowed to drop. We have now, in 1880, the third attempt made by the party calling themselves the conservative party to reform the Constitution.

Mr. GILLIES.—No; we are the liberal party.

Mr. TUCKER.—Of course honorable members now on the Treasury bench call themselves liberals. They are becoming ashamed of the name of conservatives, and ashamed of claiming to be the "law and order" party. I desire to point out the variations in the different proposals which they have from time to time submitted for reforming the Constitution. In 1873, the Bill dealing with this House was passed by the Assembly, but was rejected by the other Chamber. It proposed to abolish plural voting, but no such proposal is contained in the Bill now before the House. The Bill dealing with the Council proposed to reduce the qualification both for electors and members of that House to a £25 rating. The present measure, however, leaves the qualification for members of the Council almost the same as it is at present. The Bill of 1873 also proposed to increase the number of electoral provinces to twelve, and to reduce the tenure of seats from ten years to six, which provisions, or something similar, are also contained in the present measure. The former Bill likewise gave the Governor power to dissolve the Council as well as the Assembly, but made no provision for a joint sitting of the two Houses. One of the strangest charges made against the Government in office in 1873 was that they actually canvassed members of the Council to throw out the Electoral Bill passed by the Assembly. They were charged with doing that at the time, and some members of the Upper House could now be found who would say that the Government—or, at all events, some members of the Government—expressed gratification that the Bill did not become the law of the land. After deluding this House—after adopting a peculiar system of carving out constituencies to suit the views of certain members—the Government quietly allowed the Bill to drop, and
proposed to go to the country on the question of constitutional reform. No doubt that was a coalition Government, and the members of it had perhaps no principle in common except the desire to be in office, and they availed themselves of the grand opportunity of going to the country on the reform question, and thus concealing the paucity of their measures of general legislation. In 1874, another Bill was introduced, which proposed no dissolution of the Upper House, no alteration in the qualification for electors or members of that Chamber, but a joint sitting of the two Houses under certain circumstances. The honorable member for Warnambool, in introducing the Bill, condemned the proposal for the dissolution of the Council contained in his previous measure. These things show that our conservative friends are in a state of development, and they are developing in a very peculiar way. If the present Reform Bill be lost—of which there is not much doubt—possibly their next attempt at reform will meet with a better fate than their three previous efforts.

Mr. SERVICE.—We are following a good example.

Mr. TUCKER.—I may point out that the late Government introduced only two Reform Bills, and the principle of both of them was the same, namely, that the people should ultimately rule. There is a radical difference between the Reform Bills brought forward by honorable gentlemen who now occupy the Treasury bench and those introduced by the late Government. To show that the present occupants of the Treasury bench are really the same gentlemen as those who introduced the measures of reform submitted to this House in 1873 and 1874, I may point out that the first of those Bills was introduced by Mr. Francis and Mr. Kerferd, the second by Mr. Francis and Mr. Kerferd, and the present measure was introduced by Mr. Service and Mr. Kerferd. I think the Attorney-General may be congratulated on turning up smiling on each occasion. The Bill now before the House is the Bill of a gentleman belonging to a party who, in 1865 and 1867, were able to defeat those who asserted the supremacy of this House as against the Legislative Council. It is a strange thing, considering the momentous struggles during that period, that from 1865 to 1868 nobody talked of reforming the Upper House. In the latter year, a Bill was introduced in the Council for reducing the qualification for electors and members of that House; but we owe the commencement of the movement which has resulted in the present Bill to the gentlemen now on the Treasury bench, who, in 1873, created a kind of monster which will, no doubt, haunt them to political death in 1880. Not only have members of the Government made speeches in this House in support of the Bill, but they have advocated the measure on various public platforms. Whenever a member of the Government is conspicuous by his absence from the Assembly, we are pretty sure to see a report in the next morning's papers of a peculiar speech made by him at a banquet or meeting in some insignificant part of the country. I am sorry that the classic town of Natte Yallock has not spoken out at this juncture. On a previous occasion, it came boldly to the front, and did yeoman's service on behalf of the Government of the day. It behoves some member of the Government to go there, and say something about "political traitors and trimmers." But when the Minister of Justice talks about political trimmers, he ought not to forget that, in 1874, he voted against a measure which he was pledged to support. He should have said to his audience the other night—"Gentlemen, I am one of the finest specimens of a political trimmer in this country."

Dr. MADDEN.—I give place to you.

Mr. TUCKER.—The honorable gentleman cannot say that I have ever trimmed on this or any other question. My votes have always been clear and distinct. I have always shown a desire to try and get the reform question settled by voting for every measure introduced for that purpose which I could possibly support; but I regret that the Government have embodied such provisions in the present Bill as render it utterly impossible for any man who really believes in the political rights of the people to support the measure. If the Government will eliminate certain clauses, I believe that the Bill will pass by a large majority; but, I venture to say, there are not 20 members of this House who are really in favour of "the Bill, the whole Bill, and nothing but the Bill." There is no member of the House more anxious than I am to see the question of reform settled. I really thought the Government would have brought in some easy and moderate measure, instead of attempting to take a leap in the dark—
of proposing to put the colony in the position, as it were, of a blindfold man turned loose upon a swamp. They are taking too many steps. Why did they not bring down a Bill to reduce the franchise for the Council and the qualification for members, and see how that would work, leaving the rest of the scheme alone for the present? That would have been a feasible way of settling the question. Rather than accept the Bill as it stands, I believe that the people would prefer to let things remain as they are. The reform that we really want is one which will impose some check or restraint upon a body who, at present, can neither be restrained by the Crown, the Legislative Assembly, nor by the people of the colony. We know that the framers of our Constitution intended that it should be based on the British Constitution, but there are checks in the British Constitution which are wanting in ours. In England, the Sovereign is, to some extent, a check upon the Commons and the Lords, the Lords are a check on the Commons, and the Commons are a check against encroachments by the Crown and the aristocracy. In this country, however, we have a body—the Upper House—who are responsible to no one; they are able to defy the people. In order to bring the Upper House into accord with the majority of the people, the proper plan is to reduce the qualification for those who elect the members of that House. That portion of the Government scheme which broadens the electoral basis shall have my full support. I believe in reducing the qualification for electors of the Council. I would adopt the ratepayers' role as the basis of the suffrage for that Chamber, and possibly, from my democratic views, I might go much further. The Bill proposes that the property qualification for members of the Council shall be reduced to a £150 annual value, but I would like the electors to have the power to elect any of themselves to represent them. I think the time has gone by when property, especially property of only one kind, is supposed to give its owner a right to rule beyond that possessed by his fellow men. In fact, the doctrine that property confers such a right was exploded long ago. Here are the words on this subject of Lieber, a thoughtful political writer on civil liberty and self-government:

"What is really meant when it is said that a Constitution ought to be founded on property is this—that we seek for a criterion which will enable us to distinguish those who have a fair stake in the welfare of the State from those who have not. But here at once comes the question, is this criterion in our age any longer safe, just and natural as we may suppose it to have been in former ages? Are there not thousands of men without property who have quite as great a stake in the public welfare as those who may possess a house, or enjoy a certain amount of revenue? The criterion becomes an actual absurdity when, by property, landed property is understood. It was indeed in the middle ages almost the exclusive property of lasting and extensive value; but nothing has since changed its character more than property itself."

I don't think we can find any contemporary writer on the theory of representation who says that the mere possession of property makes one man better able to rule than another. Certainly it is an arbitrary proceeding to draw such a line in this country. I can understand that at the inception of our Constitution property was looked upon as almost everything; but it is refreshing to find that the honorable member for Belfast, who addressed the House so well and effectively the other night, proposed that the property qualification for electors of the Council should be a freehold of the value of £20 per annum, money at that time being worth not more than half what it is now. The honorable member is entitled to credit for being willing to move at that period in a truly democratic line in reference to the qualification for members of the Council. No doubt the framers of the Constitution had great difficulties to contend with, and had to take whatever they could get. In securing that grand patriotism for the people—the whole of the lands of the colony—they certainly made a very good bargain with the Imperial authorities. I believe there would not have been the slightest necessity to modify the Constitution if the Upper House had known since how to exercise its functions—if it had exercised them as the House of Lords has exercised its functions. The rejection of an Appropriation Bill by the House of Lords is a thing which has not taken place for the last 200 years. The power of the House of Lords to reject an Appropriation Bill stands side by side with the veto of the Sovereign, which also has not been exercised for 200 years. Both are weapons which may yet have to be used on some great occasion. I would, however, like honorable members to reflect what would be the result if the House of Lords refused to pass an Appropriation Bill simply because it objected to some
item in it. Let them imagine what a state of danger and confusion England would have been thrown into if during the Crimean war the House of Lords had rejected an Appropriation Bill because it took exception to some of the items contained in the measure. I am not going to argue that the members of the Upper House in this country have not the power to reject an Appropriation Bill, but I do say they have not known how to use that power wisely. They have never exercised it except in the interests of a class; they have never used it for the benefit of the people; but they have used it wantonly in order to forward the interests of a particular section of the community. I think that is the blot on our Constitution. So far as my reading goes, I do not believe there is any method by which deadlock can be prevented, except by insisting that moderation and wisdom shall rule in both Houses. Let each House exactly understand and exercise its proper functions, and we will never have the Upper House interfering with the taxation or with the expenditure of the colony. We are told that the framers of our Constitution intended that the Legislative Assembly should possess the powers of the House of Commons. Now what are the powers of the House of Commons? It may be said that since the year 1832 the House of Commons has been the supreme power in Great Britain. I do not for one moment contend that the House of Lords has not the bare right of rejecting a Money Bill; I do not say that a state of affairs might not occur when the Lords, if called upon by the people of England to do so, would reject a Tax Bill or other Money Bill; but the mistake made by the Legislative Council of this colony is that they have rejected Appropriation Bills without waiting for any expression of opinion by the people, and have thereby done great injury to the country. There might, no doubt, be occasions when the weapon might be very usefully used; and therefore I think it would be wrong to take away from the Upper House the bare right of rejecting a Money Bill. I really cannot follow the proposal of the Government to prohibit the Upper House from rejecting an Appropriation Bill, and yet to give them the right to require any items to be taken off the Estimates. The proposal is something like inviting a man to dinner, and telling him you will not allow him to object to anything that is placed before him, but at the same time sending him a bill of fare, and informing him that he may strike out anything he does not like. The thing is absurd. I would leave the law as to money matters in exactly the position that it now is. Indeed, I would be glad to see a Bill introduced containing a clause limiting the powers of this House to those of the House of Commons, and giving the Upper House the powers of the House of Lords. Though the House of Commons is supreme on questions of finance, it cannot be said that the Crown and the House of Lords have no voice in such matters; but their voice is of the weakest possible kind. Earl Beaconsfield says—

"All the power of the country is concentrated in the Commons. The Upper House and the monarch have publicly declared and acknowledged that the will of the House of Commons is decisive."

In another of his works he remarks—

"The House of Commons is absolute—it is the State."

A great authority on constitutional law, writing of the rejection of the Paper Duties Bill by the House of Lords, observes—

"The House of Lords undertaking to revise the balance of Supplies and Ways and Means—not assumed by the Lords for 200 years—was a breach of constitutional usage, and a violation of the first principles upon which the privileges of the House of Commons are founded. The House of Lords may be allowed from time to time to exercise a certain power of rejecting, but only so long as the Commons are not in earnest in pushing the measure."

The last sentence expresses the position which the House of Lords really occupies, and which I would like to see the Upper House in this country occupy. With respect to the retention of the property qualification for members of the Upper House, I desire to quote the following remarks by Mr. Fawcett, a member of the present Imperial Government, as to the fallacy of thinking that the possession of property renders a man more fit to represent his fellow men than he otherwise would be:

"Those who cause the House of Lords to be honored and revered by the nation are those who have proved their power and capacity in the camp, the forum, or in the arena of politics. A Lyndhurst, a Dalhousie, or a Canning might check the hasty legislation of an elective Assembly, reflecting the excitement of the people, but who will pretend to say that the influence such peers as these could wield is one jot

strengthened by the possession of landed property? ... The people will never again consent to think that the peers have a right to exercise legislative power, and to claim obedience, simply because they are a landed aristocracy.

While the Legislative Assembly has been constantly trying to bring itself more and more into accord with the people, the constitution of the Council has remained with very little alteration. Several measures have been passed affecting this House which really deserve the name of reform. In 1857, this House abolished the property qualification for its members; in 1858, it increased the number of members and altered the electoral districts; in 1859, it shortened the duration of Parliaments to three years, and limited the number of members holding office; in 1864, it reduced the Governor’s salary, and it has abolished State aid to religion and pensions to Ministers of the Crown. All these changes may be said to be amendments of the Constitution; but the Upper House has remained impregnable and unaltered ever since the Constitution Act was passed, in 1855. The way in which the Upper House can be brought into accord with the people is by reducing the qualification for electors and members. If we do that, and obtain the power of dissolving the Upper House, we shall place the making of that Chamber, so to speak, in the hands of the people. I wish the Government had gone no further than that. At present there seems to be not the slightest hope of settling the question of reform on the basis that the Government propose. They themselves know that they are wasting time in further debating this measure—that they cannot get the statutory majority necessary to pass the measure into law. Even if they do get a bare statutory majority, it will not justify such a radical change in the Constitution. Although the people wish to have the question of reform settled, they will not settle it at the sacrifice of any vital principle. The people understand their political rights too well. The Government may mount the stump—they may pipe as much as they like—but the people will not dance to the tune which they play on the reform question. The Government know that their Bill was not before the country at the late general election. One portion of the scheme was certainly never mentioned even in the Premier’s manifesto to the electors of Maldon, namely, the proposal to practically give the Upper House the power to control the taxation of the country, although the conservative party have in times past contended that the Council should possess that power. The Government, in fact, have obtained possession of the Treasury bench by a kind of fluke. The Opposition, however, will stand firm in their objections to this scheme of reform, and, unless the Government are prepared to say that they will eliminate certain dangerous clauses in committee—should the Bill ever reach there—I think we will be justified in adopting the most extreme measures to prevent the passage of the Bill. There may at the present time be a certain amount of apathy on the question in the country, but that is accounted for by the fact that it is pretty well understood that the Bill will not be read a second time. If, however, there should be the necessary majority for the second reading, there will be such an awakening amongst the people as will astonish the Government. It is to be regretted that the Ministry have dealt with the question from a party point of view. The speeches of the leader of the Opposition, of the honorable member for Portland, and of the honorable member for Belfast remain absolutely unanswered. Attempts have been made to reply to them, but they have been of a very lame and impotent character. When the honorable member for Warrnambool rose to reply to the honorable member for Belfast, he rose, to quote a good figure of speech which has been used in reference to the matter, “covered with the litter and fragments of the Bill.” The Bill was torn to pieces by the honorable member for Belfast, and also by the honorable member for Portland. Under the circumstances, surely the Government ought to agree to the suggestion of my honorable colleague in the representation of Fitzroy, that the House should sit day by day until the question is put to the vote. I hope that no arrangement will be made between the Government and the Opposition as to when the debate shall close. Even the humblest member of the House is entitled to be heard on a question on which he may have to go before his constituents in a few days. Each member must be prepared to justify the vote he will record on the motion for the second reading of the Bill. I shall give mine from a stern sense of duty. I repeat that I would very much like to see the question of reform settled, but the Government have made it utterly

Mr. Tucker.
impossible for me to vote for this Bill, by placing in it a provision whereby the rights of this House would be altogether surrendered to the other Chamber. The measure proposes to give the Upper House, indirectly, the power of dissolving the Assembly, on condition that the Council must go to the country at the same time. The Bill, if passed, would be a blow at responsible government. I will not go into any calculations as to the majority which would be required in the Assembly in order to prevent the defeat of any particular measure at a meeting of the "Two Houses." The Government themselves must see that the Bill is utterly impracticable and unworkable. If ever it should get as far as the Council, that body, considering the invincible position which they are made to occupy by the measure, would be justified in throwing it out. One great objection to the Bill is that it proposes to drag the Governor into differences between the two Houses, and also to make the Speaker of the Assembly the arbiter in certain cases. I may remind honorable members of an episode that occurred during the "stone-walling" period, when the Attorney-General told the Speaker that, if he did not do certain things, the Government would put another Speaker in the chair. That is a sufficient reply to those who contend that the Speaker would occupy an independent position if he was required to act as arbiter in a case of the kind contemplated by the Bill. We may be quite sure that, when the Attorney-General told the Speaker that, if he did not do certain things, the Government would put another Speaker in the chair. That is a sufficient reply to those who contend that the Speaker would occupy an independent position if he was required to act as arbiter in a case of the kind contemplated by the Bill. We may be quite sure that, when the Attorney-General told the Speaker that, if he did not do certain things, the Government would put another Speaker in the chair. That is a sufficient reply to those who contend that the Speaker would occupy an independent position if he was required to act as arbiter in a case of the kind contemplated by the Bill.

Mr. SERVICE.—Tell us how you would like it.

Mr. TUCKER.—I have only to speak for myself. I am sorry to say there is scarcely a prominent member of the House against whom it cannot be shown from Hansard that he has said one thing one day and another another. Perhaps the reform question will have to be settled by a new party altogether.

Mr. SERVICE.—"Where is that party now?"

Mr. TUCKER.—The present occupants of the Treasury bench call themselves a Government, and yet they have not been ashamed to indulge outside the House in threats of dissolution, to call their political opponents traitors and trimmers, and to keep the Payment of Members Bill dangling about in a peculiar manner which deludes nobody. There is one thing the country may be congratulated upon, and that is that, notwithstanding payment of members or anything else, there is going to be a straight vote on this Reform Bill. The Government cannot, by threats, or innuendoes, or shuffling, or
Gentlemen, the Government have brought forward a Constitutional Bill. I don't believe they are sincere.—

And subsequent events have proved whether that statement was correct or not.

"They are a Government of free-traders and protectionists, denominationalists and secularists, jumbled together. They are called a coalition Government. I believe they have no policy in common, but the throwing out of their Electoral Bill by the Upper House has given them a splendid chance of going to the country, and asking the country to deal with one issue only."

I said all that in 1874; and I stated further that, if elected, I would support the measure. I stated exactly what the present Minister of Justice did. He told his constituents that he would support the measure. The difference between us is that I voted for the Bill, and he did not.

The head of the then Government (Mr. Francis) in addressing his constituents at Richmond, stated that he knew that other great and pressing questions awaited consideration, but they must stand aside until the question of constitutional reform was moved out of the way. Even the question of taxation had to be deferred. Well, the Francis Government brought their Constitution Bill before the House, and that Bill was defeated—it failed to obtain the necessary statutory majority on the third reading. The Francis Government certainly did deceive one gentleman who supported their Bill on the second reading, I refer to Mr. Higinbotham, who charged them, on the third reading, with clearly departing from the programme which they had laid down, by allowing the "Two Houses" to deal with money matters. I think the whole proceeding showed that the Francis Government were not in earnest on the question. Certainly what I said to my constituents was verified by subsequent events. The Government, instead of staking their Ministerial life on that Bill, performed a kind of shuffle, with the result that we then had a Cabinet constituted much as the present Cabinet is. I wonder whether we are going to have now the same kind of thing that occurred in 1873. In the Cabinet of 1873 there was a certain Attorney-General, and at the same time there was a vacancy on the Supreme Court bench. At the present time there is an Attorney-General, and there is also a vacancy on the Supreme Court bench. I believe the present Attorney-General has been told, both by friends and foes, that he must not seek that position. Still, it is quite on the
cards that the Government may go to the country and come back, and then reconstruct, after sending one of their number to ornament the Supreme Court bench.

Mr. SERVICE.—A Mother Shipton's prophecy.

Mr. TUCKER.—I am not prophesying anything. I am simply saying that it is possible such a thing may happen; and we know that history does repeat itself. The late Government did not make any such appointment, though they had it in their gift. Indeed they refrained from filling up other appointments which may perhaps be given to some of the disappointed men who support the present Government. Whilst I think the late Government resigned office too soon, I consider it creditable to them that they did not make certain appointments which they might have felt called upon to make. I am very glad that one appointment was not made, and I hope such a contingency will not occur while the present Premier is in office, because when I tabled a motion, in the last Parliament, to the effect that four judges of the Supreme Court were sufficient, the honorable gentleman told me he would support it.

Mr. SERVICE.—I am not going against it.

Mr. TUCKER.—Of course these are matters quite beside the question of reform, but I cannot help alluding to them when I see who are the present occupants of the Treasury bench. The Premier will recollect that, when three or four of us crossed the House after he delivered his Budget speech in 1875, he mentioned that we had previously afforded him a warm support, and said he recognised that the vote which he gave on that occasion was a fair and honest one, founded as it was on a matter of principle. I can assure the Premier that I am not actuated by the slightest factious motive in the vote which I propose giving with regard to this Bill. I have something to lose in this country. I am not in the possession of what possibly some men may be, but I have some little property; and I know very well that its value has been influenced by our distracting system of politics. I do not think that an aggravation of the agitation will make things much better. But I do say that the value of property in this country is affected by our struggles in this House. Nevertheless I look forward with some hope to the time when the constitutional struggle will be over, when we will be able to address ourselves to really useful measures of legislation, and when our debates will shrink down to probably only a column or two in the newspapers. It is because I don't think the action of the Government tends in that direction that I am bound to oppose them. Let them do what their own supporters ask them to do—take out of the Bill the matters which have been objected to—and then a party vote on the question will be rendered unnecessary. The country wants the matter settled. My vote will not be given with any ulterior design upon the Ministry, whether they shall remain in office or not. For my part, I would like to keep them in office. Many of them are able men, and likely to do good in office. I would like to see them at useful work, instead of ransacking the bones and fossils of the past, looking up maxims of constitutional usage, and, what is more objectionable, hunting up reports of what people said years ago. All that is waste of time. Indeed, I occasionally find myself indulging in the wish once expressed by Mr. Higinbotham, that Hansard—at any rate so far as many of the numbers of it are concerned—could be altogether abolished. When an honorable member walks into the House with a dozen volumes of Hansard, a kind of shudder passes through the chamber. For my part I have never quoted a word that anybody has said out of Hansard. I try to depend upon my own judgment, after listening to arguments pro and con, with regard to the votes I give. Of course, at times there are party votes—votes inseparable from party. Reform ought not to be a party question, but the Government themselves have made it a party question, by bringing forward propositions which they advocated years ago when they were fighting against the liberal policy in this House. It was Mr. Higinbotham who foreshadowed the only real way in which the question of constitutional reform can be properly
settled. All other methods are mere experiments. If this House will assert for itself the powers and privileges of the House of Commons, and not give way in the slightest degree because of expediency or anything else—if it will lay down one rigid rule and say that it will have the full control of the finances and the taxation of the country, and that the Upper House shall be kept to its position, the position which the House of Lords occupies in the mother country—then, I think, we might possibly get on very well. With regard to the proposed extension of the franchise for the Legislative Council, I look with favour upon anything which widens the field of electors, which admits a greater number of people to vote for any representative body we have; and therefore I think that portion of the Government Bill is to be appreciated. At the same time, I say again that the Government do not do right and justice to the country in asking it to forego the fundamental principle that representation and taxation should go together, by providing that persons representing possibly a small minority should sit side by side with those who represent the broad constituencies of this country, and this at a time when taxation to the amount of £1,500,000 is levied on the people through the Custom-house, while only some £200,000 is raised from land and wealth. I think it would be a good thing for the country if the incidence of taxation were to be changed altogether; but how are you going to do it if you allow 42 men of property and wealth, representing property and wealth, to come into this House and vote with members of the Assembly on matters of taxation? Are you still going to allow the people to groan under an immense load of taxation without rhyme or reason?

Mr. KERFERD.—Hear, hear.

Mr. Tucker.—Taxation which the honorable gentleman who says “Hear, hear” has never attempted to remove.

Mr. KERFERD—I never supported such taxation as you did.

Mr. Tucker.—I believe I never voted for the levying of a tax on commodities unless it had for its ultimate object the protection of the industries of this colony. I know that honorable gentlemen who now sit on the Treasury bench proposed to put a tax upon every little cottage in the country.

Mr. Service.—No.

Mr. Tucker.—To put a tax upon house property of every description, but not a tax upon land only. Now I ask the party in power at the present time what hope can they have of passing a land tax which will be satisfactory to the people if they allow the second Chamber to have a voice in taxation? The Ministry are supported, I believe, by all the large estate owners in this House, and I am reminded that among those gentlemen are persons who have appropriated public property in the shape of closed roads. I have given large attention to that subject, and when the honorable member for West Bourke (Mr. Staughton) got up the other night, and used certain language, I could not help thinking of what he had to acknowledge before me as chairman of the Closed Roads Commission—that he had appropriated miles upon miles of public property. I would like to know if a Bill were brought in by this Government to amend the Local Government Act, and dealing with the question of closed roads in a fair and proper manner, what hope would there be of the measure becoming law with 42 landed proprietors in the other House?

Mr. Service.—I thought you wanted an extension of the franchise.

Mr. Tucker.—The proposal in the Bill of 1873 was that owners of property of the annual value of £25 should be qualified to sit in the Legislative Council. Why has that proposal been departed from? Simply because the Ministry know very well that, if that were the qualification now proposed, they would not have the countenance of the large estate owners who support them at the present time. I say that, under this Bill, an alteration of the incidence of taxation in the direction of relieving the people at the expense of wealth and property could not be carried. We know how difficult it was to pass a land tax such as the present in this House, and we know how the revenue from that source was whittled down—in great measure through the instrumentality of the present Attorney-General—from £200,000 to £130,000 per annum. We know that the question of taxation lies behind this Reform Bill. And, inasmuch as it is our peculiar function to see how the taxation of the country is raised and how the money is spent, I object to another place being invested with almost co-ordinate power to deal with the question.
Mr. SERVICE.—Our Bill gives no power to the Legislative Council to deal with taxation.

Mr. TUCKER.—It allows the Council still to reject taxation.

Mr. GILLIES.—So did the Reform Bill of last session.

Mr. TUCKER.—The machinery of this Bill almost invites the Council to throw out Tax Bills. As to the provision for a joint dissolution, that will only encourage the Council to postpone a measure of taxation for a year, because the chapter of accidents is always in favour of postponement. A year hence, the same Government may not be in office — the average life of a Government not being more than a year or eighteen months. By an exercise of arbitrary power, the assembling of this Parliament was postponed for two months, in order, as it was said, that a good Bill might be prepared, although it is contended that the measure, perfectly framed, was put before the country at the general election with the assurance that it would pass this House in a month. I have studied the Bill, and I don’t think a greater abortion was ever offered to this House.

Mr. SERVICE.—Yet the honorable member has said he will vote for it if three clauses are struck out.

Mr. TUCKER.—I think if I vote for it the Premier will have to strike out most of the Bill. Let the Premier so popularize the Council as to give every ratepayer a vote for that House. Let him create, instead of the present provinces, 30 single electorates, and let the qualification for members be the same as the qualification for electors. Some one has made a calculation that, if members can be selected only from persons possessing property worth £150 per year, there will be only 5,000 men to choose from. And would not all these 5,000 men be of the conservative class? I have a vote for the Upper House. Like the honorable member for Collingwood (Mr. Langridge), I have been called upon to exercise it; and I must say that an election for the Legislative Council is one of the most melancholy things possible to be conceived. I think that, on one occasion, only two votes were recorded in one of the Fitzroy divisions, and one of those would not have been given if the poll clerk had not been sent outside to look after the voter. Certainly a very small amount of interest is taken in elections for the Upper House.

Greater interest will no doubt be taken if the number of electors is increased from 30,000 to 100,000, and still greater interest will be shown if every ratepayer is allowed to become a voter; but in that event why should not the ratepayers be allowed to elect a man of their own class? Is any property qualification required for the American Senate or for the House of Lords? No. Of course there are gentlemen who believe that property is everything. I think the Minister of Justice is one of them. The honorable gentleman addressed a meeting at Hawthorn last night; and I submit he ought, on the occasion, to have read one little text which no doubt is familiar to him. In June, 1874, the Minister of Justice stated in this House——

Mr. GILLIES.—What! Quoting from Hansard?

Mr. TUCKER.—For about the first time. On the occasion I refer to, the Minister of Justice said——

“It is a total mistake to suppose that the great body of mankind are capable of thinking for themselves, or of forming opinions upon the great questions that divide society.”

Dr. MADDEN.—I think that is a quotation.

Mr. TUCKER.—If it is, the honorable gentleman did not acknowledge it at the time.

Mr. GILLIES.—Did you want him to speak inverted commas?

Mr. TUCKER.—The Minister of Railways has tumbled about so much in this House that no honorable member is more like an inverted comma than he is. Now “the great body of mankind,” so far as Victoria is concerned, numbers 260,000. That is the estimated male population over the age of 21. And the mathematically minded Premier has provided, by this Bill, for the representation of only 100,000, apparently agreeing with the Minister of Justice that the remaining 160,000 are not “capable of thinking for themselves.” That opinion is embodied as plainly as possible in the Bill. And yet Ministers go to public meetings and say——“We are beset by political trimmers and traitors, and therefore we must look, over the head of Parliament, to the people.” I say that system of politics will not go down with the electors of this country. It must be humiliating for an honorable gentleman like the Minister of Justice to go on a platform at Sandridge, and address 400 or 500 men for
whom, if he believes in the doctrine I have quoted, he must have a most thorough contempt; and yet, in due course, he will have to go before those men, and they will have to decide, to a great extent, whether he shall come back to this House or not. I regard the position of the Minister of Justice as another instance of “what may happen to a man in Victoria.” I suppose, that, a little time since, the honorable member never dreamed that he would be called upon to frame a Constitution for the colony. He has made the attempt to frame a Constitution, and I submit that he has most lamentably failed. I consider the Bill is not worth the paper it is written on. How is it to be expected that the reform question can be satisfactorily settled by a chance Ministry, supported by a chance majority, got together Heaven knows how? I would have liked to vote with the Ministry; but I say that from the conservative party, as it is called—and I dislike those party distinctions; I would like to see a true Victorian party—the country cannot expect any satisfactory solution of reform. I think that, under the circumstances, it would be better not to move a single inch further than to pass some declaratory resolution to the effect that this Assembly will maintain the position occupied by its great prototype, the House of Commons, and that the Upper House shall be kept strictly to the position occupied by the House of Lords. We had better do that than pass this peculiar Brummagem measure taken from all parts of the world—a bit from here, and a bit from there. Investigation shows that the bit taken from Norway or elsewhere has been taken without regard to the vital principle on which the Constitution of the country laid under contribution is based. The Premier says the double dissolution is in force at the Cape of Good Hope, but he does not tell us that the basis of both Houses in that colony is the same. Is not that a vital part of the question? Then again, is not the Norwegian Legislature really one House elected by the people, and afterwards separated into two Chambers? The fact is that this Bill is a hybrid measure—a nauseous mixture which I am sure the people of this country will never gape wide enough to swallow.

Mr. STAUGHTON.—I desire to make a personal explanation. I have been charged by the honorable member for Fitzroy (Mr. Tucker) with taking possession of a lot of roads and fencing in those roads. I would like to state that, some four or five years ago, little thinking that the outcry which has arisen about closed roads would be made, I put fences right across a number of roads; but immediately I found I was in error, I took steps to have the fences pulled up and put not across but along the roads. Further, I took the precaution to put gates where there were old tracks in order that people might continue to go across my land. People can go across my land wherever they like. They are never stopped, to my knowledge. But if they were compelled to follow the roads they would have to go over precipices and through gullies, and the making of those roads would absorb the money of the rate-payers for years and years. I desire to add that since the honorable member for Kara Kara made his remarks, this evening, about dummied land, I have had a conversation with him, and I am satisfied that when next he has occasion to address the House, he will admit that he was laboring under a misapprehension when he made the imputations he did against me.

Mr. CARTER.—Mr. Speaker, among the many extraordinary statements made by the honorable member for Fitzroy (Mr. Tucker) was one which gave me unfeigned satisfaction. It was that “Heaven knows how the present Government got their majority.” I always felt that the majority in the last Parliament had very little connexion with that place, and I like to be on the right side. Another extraordinary statement was that no Constitution could possibly be passed that would be binding on members of this House. I think it just as well that the electors of Fitzroy should know that that is the pronunciamento of their member. One objection which the honorable member expressed was to the reading of quotations from Hansard. It reminded me of the objection which the prisoner at the police court has to the reading of the record of previous convictions. One statement made by the honorable member is calculated to lead the country to infer that the constitutional party, and particularly the late Opposition, have always been opposed to the imposition of a land tax; but the fact is that, if the late Government had accepted the suggestions of the then Opposition, the land tax would have brought in a very much larger amount of money, and would have been a great deal fairer in its incidence.
Mr. FRASER.—And the tax would have been collected at less cost.

Mr. CARTER.—The cause of the Land Tax Act being so impracticable as it has proved to be was simply the obstinacy of the Berry Ministry. Another thing which the honorable member for Fitzroy told us was that the present Government do not propose to give the people a voice in the election of members of the Legislative Council; and that every man ought to have a voice in that election. Does not the honorable member recollect that the Bill of last session brought in by the honorable member for Geelong (Mr. Berry) did not propose to give any one a vote for the Upper House, but proposed to make that House a nominee body? Did the honorable member for Fitzroy then suggest that the working man, or even the £10 or £20 ratepayer, should have a vote for the Legislative Council? Therefore I think it bad taste on the part of the honorable member to attempt to throw dust in the eyes of the people by pretending that the present Government are not doing a great deal more than the late Government proposed to do. A further objection which the honorable member has to the present Government is that they have forsaken their old conservative principles, and begun to move in a very liberal direction. The honorable member seems to ignore the old story about the joy in Heaven over the one sinner that repented. I would have thought that the honorable member, if he had been really genuine in his democratic tendencies, would have been delighted at seeing the present so-called conservative Government bringing in really liberal measures. But, no matter what the Government might propose—whether they brought in liberal measures or measures not liberal—in the eyes of the honorable member for Fitzroy they would be absolutely wrong. Then the honorable member told this House that he never trimmed; but if there is one person who has thorough experience of the ventilation of the chamber it is the honorable member, because, during his political career, he has sat in every part of it. Another accusation is that the Ministry have been stumping the country. I would like to know who set them the example? I have a very strong objection to Members of Parliament stumping the country when Parliament is sitting. In my opinion, when members are elected to this House, this House is the place where they should express their opinions. For Members of Parliament to run about the country, attending political meetings, is certainly opposed to my notion of responsible government. But, again I ask, who set the example? And may it not be necessary, in self-defence, for a Government, when attacked at political meetings in different parts of the country, in order to reply to their foes, to use the same weapons? At all events, is there not a considerable amount of excuse for the proceeding? The great objection which the honorable member for Fitzroy has to the present Constitution Act is that, under it, the Legislative Council are not responsible to the people. Well, this Bill is brought in with the view of making them responsible. And yet the honorable member still objects. Under these circumstances, I am forced to the conclusion that when the honorable member says that, if the Government will alter certain clauses, he will vote for the Bill, he has not the slightest notion of voting for the measure in any shape or form. Then the honorable member said that, in the three dead-locks we have had, the Council always exercised their influence on behalf of a class. Is that a fact? When they threw out the Tariff, did they act on behalf of a class? When they refused to consent to the Darling grant, did they act on behalf of a class? Was their rejection of payment of members done on behalf of a class? The honorable member must therefore know that it is a matter of history—he objects to history—that on not one of the occasions on which the Upper House failed to pass the Appropriation Bill did they act in the interests of any particular class whatever.

Mr. FINCHAM.—They have always acted in the interest of the large landed proprietors.

Mr. CARTER.—Did they act in the interest of the large landowners when they accepted a most partial and objectionable land tax? What has payment of members to do with land? To my great surprise, the honorable member admitted in the course of his speech that he owns property. Well, considering all he has said against his brother property-owners—that he has shown them to be a wicked and disreputable lot—I wonder he does not separate himself from them. Why does he not sell all that he has and give to the poor? At all events, if he got
no reward for so doing in this world, he
would obtain one in the next. Surely it is
somewhat odd for a man who owns prop­erty to declare it to be most improper
that there should be anything in the shape
of a property qualification in connexion
with the Upper House. If he would give
every man a vote for the Council, I beg to
ask him two questions—first, is the man
who has property less qualified than the
man who has none? secondly, in exer­cising the right of voting, does not the
man who has property feel more responsi­bility than he who is destitute of means?
I apprehend that, as a rule, the former
would take more care to protect the in­terests of his neighbour than the latter
would. Yet the gist of the honorable
member's argument is that, upon the
whole, it is rather sinful to have prop­erty, and that the man who possesses it
is not so good as the man who does
not possess it, and really ought not to be
allowed to make laws for the country. I
had no intention to speak concerning the
honorable member at this length, but his ob­servations seemed to me to be so utterly
thin that I thought I might as well let
a little daylight through them. I fancy I
have now answered the principal remarks
he made. There is nothing left of the
objections he urged against the Bill, and
he offered no suggestions in the direction
of a better one. Having spoken at such
length in the last Parliament on the ques­tion now before us, and seen no reason to
change the views I then held, I do not
think I need trouble honorable members
with many observations on the present
occasion. It seems to me the House is
divided into two sections. The first con­sists of the small but obstinate class of
ultra-conservatives, who say there is no ne­cessity for any reform at all—that modera­tion on the part of the Assembly is all that
is wanted to prevent dead-locks in the
future. But the number of that class is so
small that I don't feel called upon to utter
one word in reply to those who compose it.
In fact, the people of the country think
differently, and say that reform is neces­sary. As to the second section, I take it
to be divisible into three sub-sections.
First, there are the honorable members
who wish for reform of a nature that would
make this Chamber absolutely supreme
and the other a nullity. Secondly, there
are the honorable members who wish to
see reform take the direction of giving
the people increased representation in the
Upper House, and the Upper House in­creased responsibility to the people. To
that class I belong. Thirdly, there are
the honorable members who, I am com­pelled by my conscience to believe, do not
wish any reform to be carried at all, be­cause they would rather see the question
kept up as a perpetual bone of contention.
I am not sure that that class has not rep­resentatives on both sides of the cham­ber. I am afraid that constitutional
reform has been a capital stalking-horse
for Governments in the past, and that
unless we absolutely dispose of it it will
serve future Governments in the same
way. In truth, party government is
still, to a large extent, what Mr. Higin­botham years ago defined it to be, namely,
one set of men rushing the Treasury
benches over the ruins of the reputations
of their predecessors. To individuals of
that sort a question like that of constitu­tional reform, that can always be trott­ed out before the country, and relied upon to
produce turmoil and confusion, is a very
great convenience. But, I believe, the
people generally are quite full on the sub­ject, and desire to see it disposed of with­out further delay. I fancy, also, that a
majority of this Chamber are of the same
opinion. Well then, surely it ought not
to be long—possibly it will not be long—
before this matter is settled. Belonging,
as I do, to the second of the sub-sections
I have described, I shall give every
support to the Bill, because its two
main principles are increased representa­tion of the people and increased respon­sibility to the people. When I sat in
opposition, and the Berry Government
successively produced their two Reform
Bills, I told them that those two points
comprised what I most desired to gain;
and, had they brought in a measure
calculated to achieve them, I would have
given them the same frank and free sup­port I intend on the present occasion to
accord to the Service Government. So
far from following in the line of the honor­able member for Fitzroy, who taunted the
Ministry with having to some extent
changed their opinions, I beg to profess
myself delighted that they have now
come forward to advocate the doctrine I
and other honorable members, such as the
honorable member for Emerald Hill (Mr.
Lyell), the honorable member for Evelyn,
the honorable member for Sandhurst
(Mr. McIntyre), and the honorable mem­ber
for East Melbourne (Mr. Zox),

Mr. Carter.
enunciated in the last Parliament, and which then failed to elicit a single cheer from any other quarter of the House. Ten years ago, I advocated the views I refer to before the electors of Beechworth, and I am satisfied that if ever the question of constitutional reform is settled it will be on the solid and substantial basis they comprise. I accept the Bill so far as it goes, but, at the same time, I would rather it went further. I said in the last Parliament that I would take the rate-payers’ roll as it stood for the Council franchise, and I say the same thing now. But, because I cannot get all I want, I will not oppose in detail a measure under which, so admirable and true are its fundamental principles, the people of the country would be enabled in the future to obtain everything they desire. I put it to the honorable members on the other (the opposite) side of the House who have one after another risen and said that they do not wish to offer any factious resistance to the Government, but only desire a settlement of the reform question, so that the will of the people should become law, whether they will not completely gain their end by carrying the present Bill. If it were law the people would have increased representation in the Council, while the Council would have increased responsibility to the people; and with matters so adjusted the general community would hold in their hands two levers of irresistible force to obtain everything that could be said to be in true accord with the popular will. Given those two most potent agents at work in our political system, and everything we think objectionable in the Bill could be easily remedied whenever we chose, because after every dissolution of the two Chambers the honorable members elected to the new Parliament would necessarily represent those who returned them, and be able, in two sessions at most, to carry into effect whatever their constituents wished them to accomplish. Therefore, to say that the people would be unable under the Bill to obtain what they desire is to make a statement that is absolutely without foundation. It is objected in some quarters that the propositions of the Government contain nothing that will secure legislative finality. I would like to know what sane man expects to get finality with respect to any subject whatever. To achieve finality means, of course, to put a stop to progress. It is progress we want, not finality. What is progress? Last year it was the stage-coach, last month it was the railway, yesterday it was the telegraph, to-day it is the telephone. There is no more finality in politics than there is in science. Make what laws you will, you cannot guarantee that they shall not be altered. Will you tell me that the legislative expedient that satisfies the people to-day will satisfy them ten years hence? Therefore, it cannot be desirable that absolute finality in legislation should be attained. If, ten years ago, we had had finality in educational matters, would we have now our secular and free school system? The man who asks for finality must, it stands to reason, be an out-and-out conservative. His motto must be that eminently conservative one—“Where we stand, there we fall.” From what I have said the Government will see that I am prepared to vote for their Bill, even with the defects I think most candid and unprejudiced critics will freely admit it contains. I don’t suppose even Ministers themselves are perfectly unanimous with respect to every point of the measure. At all events, I am content to take it on the grounds I have suggested. Nevertheless, I beg to suggest that there is in clause 11 something that might well be altered. Referring to Bills before the “Two Houses,” the clause provides that any such measure may be passed “with or without amendment.” But I think it will be seen at once that to grant such a power would be a most dangerous constitutional innovation. Supposing, for example, that the “Two Houses” were called upon to deal with a Bill for payment of members, which provided that each member should receive £300 a year; that the Governor certified that the measure was the identical one that had been before the electors for, practically, their decision upon it; and that an amendment was then proposed increasing the rate of payment to £5,000 a year, what would be the position? In the first place, it would only require the vote of 65 members out of the whole 128 to make the amendment law; and, secondly, what would become of the Governor’s certificate? The Bill, in its amended form, could in no way be said to be the one that had been before the country. In none of the constitutional countries where joint sittings of the Legislative Houses are provided for is any such amendment permitted. In Norway, when the “Two
Houses" assemble in a common sitting to deliberate on a measure, no amendment can be moved; and with respect to the far more important example of Austria, where the two Houses of 60 members each are enabled to hold joint sittings, an even more rational course is taken. There it is provided that, "if no agreement can be arrived at, the two legislative bodies may meet together, and, without further debate, give their final vote, which is binding on the whole empire." Surely that is an arrangement that must commend itself to every reasonable man, no matter on which side of the House he sits.

Dr. MADDEN.—Wait until you have heard the other side of the question.

Mr. CARTER.—I can only deal with what I find before me. If the clause means anything, it provides that a Bill which has been submitted to the country may be amended by the "Two Houses"; and I affirm that, when any such amendment is made, the amended measure at once ceases to be identical with the one on which the country gave its decision. There are other portions of the present Bill that are also open to amendment in committee. I will not now stop to indicate them, but I will just mention what I earnestly hope and desire in their regard.

We have before to-day seen Governments, somewhat similarly placed to the one now in office, put the country to a great deal of trouble and perplexity by refusing, from misjudged obstinacy, to permit any amendment with respect to their measures. Let us also recollect that the present time is a very critical one. Parties are a great deal too evenly divided for any Government to absolutely prevail. Well, I believe that a number of the honorable members who now intend to vote against the Bill, and nothing but the Bill, are in the position that really very small concessions would induce them to vote for it. On the other hand, I feel that if the Government stand out firmly for "the Bill, the whole Bill, and nothing but the Bill," it is almost sure to be lost. I do hope and trust Ministers will not on the present occasion stand to every one of their guns. I say, let us stick firmly to the main principles of the Bill; let us preserve its foundation and superstructure intact; but, as I would say with respect to the new Union Bank in Collins-street, what does it matter about the cupolas and other little affairs that are supposed to adorn the top? As long as we get the main thing we want, let not pique or party spirit prevent us from securing substantial support to our cause by giving way over comparatively small matters. The honorable member for Fitzroy complained of the Government applying the term "traitors" to particular honorable members who happen to differ from them on certain points. Well, I would like to know what the late Government called some of their "corner" men?

Mr. LONGMORE.—Rats and deserters.

Mr. CARTER.—But would the late Government permit of the smallest amendment to either of their Reform Bills? When the honorable member for Mandurang (Mr. Williams) proposed such an amendment, was not the honorable member for Fitzroy among the loudest with his groans and cries of "Traitor"? I trust the present Government will be above following the wretched example of their predecessors. I hope they will be in earnest to settle the question of reform. Indeed, I believe they are. We have heard opposition members contend that to pass the Bill would open a door to perpetual dead-locks; but surely that is nonsense. The very first appeal to the country under the Bill must necessarily put an end to dead-locks. In my opinion, the mere fact of both Houses knowing themselves to be liable to dissolution would induce much better behaviour on their part. Even if the Upper House were not empowered to eliminate any particular item from the Estimates—I see a great deal of objection to that arrangement—can any man in his senses believe it possible for a Council established on the new basis to be in any hurry to practically remit themselves to their constituencies by rejecting the Appropriation Bill? It is all very well for opposition members to pretend that the present measure is not truly a liberal one, but I am fully convinced that no person who has listened to the arguments that have been offered both against it and for it can have the slightest doubt that if it were passed it would give the people of the country what they never had before, complete power, through representation, over the whole Legislature instead of only half of it. I would like to know what we in the Assembly have done, although we may have every virtue personal poverty can confer upon us, to entitle us to be intrusted with the whole and sole control of the finances of the country which the Opposition contend for?

Mr. LONGMORE.—No.
Mr. CARTER.—Why did not the whole of the present Opposition go for the 6th clause, the object of which distinctly was to give to the representatives whose great virtue is their possession of no property qualification the right to deal absolutely with other persons' property? A capital plan that was indeed. It is one an immense number of people have attempted to carry out. Why there is at the present moment a gang in the Strathbogie mountains who have been playing the same game for ever so long. They have put the 6th clause into operation in a most forcible style, and it has been found very difficult to restrain them.

Mr. GILLIES.—They have got at the public purse in an easy and accessible manner.

Mr. CARTER.—Too accessible altogether. Certainly I have no wish to see their exploits imitated by the Legislature of the country. I say that if you give whole and sole control over finance to one House or the other, you place its members under more temptation than, as a rule, any man ought to be exposed to. With respect to the objections offered to the proposed electoral basis of the Council, I contend that, however good the elector who is not a ratepayer may be—it is undoubtedly, I suppose, that the non-ratepayers in the select and aristocratic suburb I represent are, upon the whole, by no means of the laboring class—the elector who is a ratepayer has naturally a greater interest in the body politic. I apprehend that the feelings towards his country of the "Happy Father of Twelve" who wrote to the Argus, the other day, on the decline of matrimony, are far higher and stronger than those of the "Bachelor of 68 years' standing" who replied to him. Surely the stake in the community of the householder is necessarily infinitely greater than that of the man who lives in an hotel or in lodgings, and who pays no more rates than he has social ties. I fancy that if one thing more than another would prevent a man from indulging in proclivities like those of the honorable member for Ripon—from reveling in "broken heads and flaming houses," sansculotteism, and red republicanism—it is the possession of a home, wife, and children. The honorable member for Castlemaine (Mr. Patterson) told us, the other night, that at the last general election there was witnessed the extraordinary spectacle, so longed for in the old country, of the orange blended in peaceful union with the green. Protectionists and free-traders, secularists and non-secularists, Catholics and Protestants all voted, he said, in common on that occasion. But why did not that remarkably astute honorable member follow to its conclusion the line of reasoning he suggested? What led to that wonderful commingling of different elements? Was it not simply the strong opposition felt by all creeds and all classes to the Berry Reform Bill and the Berry Government?

Mr. PATTERSON.—And what a poor thing it produced.

Mr. CARTER.—It produced a Government strong enough to keep the honorable member out of office for a considerable time at all events. Then I come to the remark of the Major, that if he thought the country was in favour of the Services Reform Bill he also would be on its side. There is not a doubt of it. Whenever I hear that honorable member speak, I am reminded of the verse:—

"Sigh no more, ladies, sigh no more,

Men were deceivers ever;

One foot in sea, and one on shore;

To one thing constant never."

Never did lines fit any one better than those fit him. From being chairman of a free-trade league has he not turned to become the champion of protection? Has he not voted on every side and advocated every cause that had a majority? Indeed I hope to find him before long sitting beside me, and giving a warm and honest support to the present Government. In conclusion, let me say that every man in the country, no matter how small his stake in it may be, must feel that the present is a critical time in our history. There also rests on every one, and on the Government especially, an immense responsibility. If they can by any means pass this measure, I say it is their bounden duty to do so; and I assert that all men of moderate views would thank them if they would only sink every possible feeling of pique, self-love, or vain-glory, and also the absurd notion that it will not do to give way, in order to hold out the olive branch to the weak waverers in opposition who would like to support them, but are restrained from doing so by their objections to certain points of the Bill that might easily be altered. If Ministers would only go so far, they would secure a majority substantial enough to carry the Bill triumphantly through all its stages. On the other hand, if they will not take such a course, but
decide to hold together on the ground that they would rather be defeated on the whole measure than give way on one of its points, all I can say is that they will then assume a position which I would be sorry to fill.

Mr. GAUNSON.—Sir, in rising at this late hour to address myself to the Bill, I regret that my time will be so short that I shall be compelled to inconveniently compress a great deal of material calculated to be really useful to those who desire to give upon the present question a decision beneficial to the interests of the country. The measure is introduced, it seems, because the two Houses have hitherto been unable to agree as to their respective functions with regard to finance. It is desirable that I should offer a short history of the circumstances that have led up to this state of things. First, then, payment of members caused the last deadlock, and subsequently the late Ministry introduced their first Reform Bill. The principal features of that measure were, first, its provision that if, at the end of two annual consecutive sessions of Parliament, a Bill, not a Money Bill, passed in both sessions by the Assembly had been rejected in both sessions by the Council, it should become law unless the Council demanded a plebiscite; and, secondly, that all Money Bills, including the Appropriation Bill, should become law at the expiration of a month after they had been passed by the Assembly. I utterly disbelieved in that measure, yet, for the sake of party, I so far accepted them. As an educator he then gave me was good and sound, and I shall follow it on the present occasion. It was embodied in these words—"If you vote for the second reading of a Bill, you accept its principles." I did not agree with the principles of the first Berry Reform Bill, and yet I so far accepted them. As an amendment to the motion for the second reading of that Bill, the present Premier, then simply the honorable member for Maldon, moved a series of three resolutions, the third and most important of which was as follows:—

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

Although I concurred with that resolution, I found myself compelled for party reasons to vote against it. Well, the Bill was read a third time in the Assembly and passed, and subsequently a conference on the subject took place between the Houses. The Council then formulated a proposal setting forth that they were willing to be dissolved upon a dispute relating to a particular item of the Appropriation Bill, but upon no other subject whatever. The reply of the then Premier to the Council was—"You shall not touch the Appropriation Bill—that you shall pass—but I want you to do something more, namely, to consent to be dissolved upon any measure of general legislation." Unable to agree on any basis, the conference separated, and no result followed. The next thing was that the Council passed resolutions embodying the proposal they had already submitted to the conference, and sent them to the Assembly, where, when they had been received, the Premier moved that they involved an infringement of the rights and privileges of the Lower House. To this motion the present Premier moved an amendment consisting of a series of propositions on the subject of constitutional reform, the great bulk of which were submitted to the country at the late general election. However, I shall eventually show that their proposer, shortly after he became the head of the Government, added something wholly foreign to them which he had previously absolutely denounced. When the honorable member brought the amendment I allude to before this Chamber, he offered certain written reasons in favour of the settlement of the question of reform his propositions indicated. Amongst them was the following:—

"It would in no way interfere with the privileges of the Assembly to put any item it chooses into the annual Appropriation Bill."

The amendment was rejected, the Appropriation Bill was passed, the session closed without the Council dealing with the Reform Bill, and the embassy went on its journey to England, from which place it brought the despatch of the 3rd May, 1879, which is the bible of the reform question so far as this colony is concerned. Well, the late Administration next introduced a second Reform Bill. Its leading features were, first, the 6th clause, which provided that, upon the rejection by the Council of the annual Appropriation Bill, and the subsequent adoption by the
Assembly of resolutions from the Committee of Supply, the money votes referred to in them should be at once legally available; secondly, provision for what has been called—improperly, as I will hereafter show—a "nominee Council"; and, thirdly, provision that, with respect to any Bill, except the Appropriation Bill, passed by the Assembly in two annual consecutive sessions, and not passed by the Council, the Government of the day might demand a plebiscite. That Bill failed, when it came to its third reading, to obtain a statutory majority of the Assembly, and the late Ministry, having got a dissolution on their reform proposals, went to the country. At the general election which followed, they dropped out their nominee scheme. I draw attention to that, because, last night, the honorable member for Creswick (Mr. Wheeler) suggested that their having taken that step would justify the present Government, if they carry their measure to the country, in dropping out of it the portion intended to enable the Council to exercise the power of the purse. A remarkably honest plan indeed. Let me next invite attention to the circumstance that, while the late appeal to the constituencies was being made, the present Premier issued a manifesto which repeated the propositions he submitted to this Chamber, in December, 1878, with one remarkable addition. The general election not producing the results anticipated from it by its authors, they resigned, the present Premier was sent for, and the Service Administration "jumped" office. I use the term "jumped" advisedly, and shall hereafter defend it. Shortly afterwards, that is to say, on the 10th March last, the new Premier, when before the Maldon electors, laid before them the reform scheme of his Government as a whole, and then, for the first time, propounded that part of the present Bill which involves taking the power of the purse from the Assembly in order to give it to the Council. Now, I would ask, am I, as a representative, bound by such a change of front as that? Having thus given a short history of the events preceding the introduction of this Bill, I will now refer more fully to those matters. By reference to what I have called the bible of the reform question, the despatch of Sir Michael Hicks-Beach, of the 3rd May, 1879, I intend to show that this Bill is not within the lines laid down by the Colonial-office, and that even if it passes the Council—which is very doubtful, because we know that, although the Council offered to submit to a dissolution upon a dispute confined to an item in the Appropriation Bill (not upon general subjects of legislation), they were very thankful the late Government refused the offer, and have never repeated it—the Imperial authorities will never allow it to become law, because it would form such an outrageously bad precedent. Now, in the first place, what has been the real cause of all our difficulties? On that point, Sir Michael Hicks-Beach's 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."

The despatch then goes on to discuss the matter in a remarkably able and temperate way, and to offer various suggestions. And, by the way, let us not misunderstand the true effect of this despatch. This is not merely the despatch of the Secretary of State for the Colonies in the late Conservative Government; it is the despatch of the permanent head of the Colonial-office, charged with the consideration of constitutional and political questions affecting the colonies, and the new Gladstone Administration will adopt the policy laid down in it just as fully as the Beaconsfield Government would have done had the communication emanated from their predecessors. Minds far more trained in matters affecting the government of the colonies than that of Sir Michael Hicks-Beach, or any other Secretary of State for the Colonies, are brought to bear on these questions.

Sir J. O'SHANASSY.—There are the law officers.

Mr. GAUNSON.—And, of course, as I am reminded, the law officers are also called in to consult with when any real difficulty arises. The despatch continues—

"But this difficulty would not arise if the two Houses of Victoria were guided in this matter, as in others, by the practice of the Imperial Parliament."

I may remark here that I was rather staggered on finding that both the present Attorney-General and Minister of Railways had denounced the Upper House for their conduct with reference to the quarrels which have taken place over tacks.

Mr. BERRY.—So-called.

Mr. GAUNSON.—I am not disposed to doubt for one moment that the tack of
the Tariff to the Appropriation Bill, though within the powers of this House, was an extreme assertion of those powers, precisely as the throwing out of the Appropriation Bill was an improper exercise of the powers vested in the Council by law. Curiously enough, I am able to quote so eminent an authority on this point as the Minister of Railways, who said—what had often been stated before—that—

“A wrong step on the part of the Assembly was followed by a wrong step on the part of the Council.”

The Attorney-General, upon the same subject, no longer ago than the 27th of August, 1879, said, with reference to the Council—

“Had that body worked in the spirit of the British Constitution, always acknowledging to itself what the wishes and requirements of the people were, none of our present difficulties would have arisen.”

But, returning to the despatch, what is it that the Imperial Government suggest to this country as a proper and legitimate settlement of this question? Sir Michael Hicks-Beach’s own words are—

“Following the generally accepted precedent, the Constitution Act of Victoria established two Legislative Chambers, the Council and the Assembly, and laid down to a certain extent their mutual relations—of which, it appears to me, a better definition, rather than an alteration, is now required.”

Mark the words—“a better definition rather than an alteration.” I say it is patent from the despatches of Lord Canterbury, and from the debates in the other Chamber, that the real mischief has arisen from the Legislative Council asserting, claiming, and exercising the power of a “second” House of Commons. That is the whole secret of the matter, and I assert without fear of contradiction that a short declaratory Act, like those which exist in other constitutionally-governed countries, declaring that the Upper House shall exercise the functions of the House of Lords, would clear the whole ground. Now what are the lines upon which we must proceed in order to get an alteration of our Constitution so as to remove the difficulty of dead-locks over “the ultimate control of finance”? I say we are practically held fast bound, hand and foot, by the following remarks in the same despatch:

“But 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—

And what is the reasonable proposal to be for?

“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 is to say, this condition of things would not arise if—

“The two Houses of Victoria were guided, in this matter, as in others, by the practice of the Imperial Parliament.”

Mr. Laurens.—Was that not worth £5,000?

Mr. Gaunson.—It was worth that, and more. I see the matter in a different light now. I admit I always regarded the embassy unfavorably. It is true the commissioners only got that despatch, which we have never been able to read aught yet; but, in the light in which I now read it, I think it was worth all it cost. I now come to consider one or two matters concerning the Premier and the honorable member for Warrnambool. What was the position which those honorable members, as also the honorable member for Belfast, took up when Mr. Brooke, on the 8th of December, 1859, moved for leave to introduce a Bill to confer on the Governor power to dissolve the Council? The extraordinary step was taken of refusing, by 37 votes to 14, leave even to introduce that Bill, and the division list shows among the “Noes” the names of Mr. Service, Mr. Francis, and Mr. (now Sir John) O’Shanassy. The honorable member for Belfast is of the same opinion still on that subject, but the Premier and the honorable member for Warrnambool have turned their backs on their opinions.

Again, on the 2nd July, 1861, the Appropriation Bill having been introduced with a clause providing that none of the votes should be expended after the 31st August of that year, under the most severe penalties for disobedience, the Governor sent down a message, as he had a perfect legal right to do under the Constitution Act, asking the Assembly to amend the Bill, and Mr. Heales moved, formally, that the House agree with the message. Mr. Michie thereupon moved the following startling amendment—

“That this House declines to accede to the proposal contained in the message of His Excellency the Governor, because it is contrary to the spirit of the Constitution that either the Council or the Governor should propose any alteration in the Appropriation Bill.”
Mr. Service, Mr. Francis, and Mr. O'Shanassy voted for that amendment, which was carried by a considerable majority. I again say Sir John O'Shanassy is still of the same opinion; but where are my friends? Then we make a rapid jump to 1878, when we find the present Premier, on August 28, moving a series of resolutions affirming that the only satisfactory way of dealing with the question of reform is by a select committee, and not upon a party basis; and again, on the 3rd December, 1878, we find him moving the resolutions regarding the Council's Reform Bill to which I have already referred. It is worthy of note, also, that the honorable member, at the time of the penal dissolution, did not tell the electors of Maldon that he proposed to interfere in any way with the privilege of the Assembly to put any item it chose into the annual Appropriation Bill. It was only after the Government had "jumped" office that the Premier, in addressing his constituents, put forth, for the first time, the alarming doctrine—from one point of view—that there should be, practically, two Houses of Commons in this country, and two Chambers at liberty to spend money in any way they pleased. Employing the extraordinary argument which has been used against payment of members, I may here point out that in America the existence of two Houses, each with the right to interfere with Money Bills and Appropriation, has not prevented the most gigantic frauds being worked through the Legislature. Why? The probable reason is because there is a divided responsibility, and what is everybody's business is nobody's business. In connexion with the Premier's motion of August, 1878, affirming that a select committee was the most satisfactory way of dealing with the reform question, and the way most likely to give us a "permanent" settlement of the question, I would point out that on that occasion there was a contract made by the Premier and the then Opposition with the honorable member for Belfast. The Honorable member for Belfast was asked to participate in that motion, and from that day to this he has never been asked to withdraw from that contract; it still remains binding upon all the parties who entered into it. Now, suppose the present Bill were thrown out altogether, what would be the state of the case? Are we simply committed to the dreadful alternative of going back to the 6th clause, the so-called nominee Upper House, and the plebiscite, or to any of those? Must we choose between the Roman-French system of the plebiscite, and the Hottentot-Dutch-Boer-Basuto-Zulu scheme suggested in this measure? Nothing of the sort. We are relegated back to the position that the 56th section of the Constitution Act still is the law—that this House is not absolute (thank God I), and the other House has the right, in an extreme emergency, to control it by rejecting any Money Bill, including an Appropriation Bill; but I am convinced that, guided by the light of the past, the Upper House will never again, except in some gigantic crisis, attempt to throw out an Appropriation Bill. I do not, in any way, palliate or excuse the actions of the late Government, but I am convinced that that result, at all events, has flowed from the course they pursued. There is thus a check provided, while, at the same time, according to the usage of all constitutionally governed countries, taking England for their model, the people's House is practically, though not absolutely—that is the distinction—supreme. In the course of the debate, the Minister of Railways pointed out that, when separate Money Bills were about to be passed in England, it was the custom to send down a message to both Houses. Why, if the honorable member thought that was the proper practice, did the Government of which he is a member fail to send down a message to the Legislative Council, as an act of courtesy, with respect to the Payment of Members Bill which we have been discussing? If the other Chamber is entitled to this extraordinary courtesy, why have the Government introduced in this House the present Reform Bill, which interferes with the constitution of the Council, and which, according to constitutional usage, ought, as it affects the legal status of that House, to have been introduced there? _May_ says—

"Any Bill concerning the privileges or proceedings of either House should, in courtesy, commence in that House to which it relates."

I may remark, by the way, that all this shows the absolute necessity for discussing a question of this kind in a select committee, where the various points in connexion with it can be thoroughly thrashed out. Again, as confirmatory of the position that the Assembly was intended by the framers of the Constitution Act to be virtually supreme in financial matters, I
may refer to the 57th section of the Constitution Act, which provides that all Money Bills must be preceded by a message from the Governor—to whom? To Parliament? No, to the Legislative Assembly. The Council is not considered in the matter at all. Moreover, to what branch of the Legislature does the Governor, at the opening of Parliament, address the portion of his speech relating to the finances? Taking the speech at the opening of this very session, we find the Governor addressing the members of both Houses with respect to general matters, but then he turns specifically to the members of the Assembly, and says—

"Mr. Speaker and Gentlemen of the Legislative Assembly:

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

He thus practically ignores the Council altogether in matters of this description. So much for the wonderful discovery of the Minister of Railways regarding messages being sent to both Houses. Hatsell was also referred to, by the Premier and the Minister of Railways, to show the impropriety of tacking, but it was admitted by Mr. Perceval himself that Hatsell's opinion did not apply to the Appropriation Bill. Then we come to a very remarkable case indeed, Palmer's case, which has so very seldom been referred to in this House. Why in that case it was admitted by Mr. Perceval plainly and straightforwardly that, although it was a very becoming thing to send up the grant to the House of Lords in a separate Bill, it was quite within the option of the House of Commons to do just as it pleased. Then, supposing this Bill became law—if it ever could become law, a point I shall deal with presently—and the Council sent down a message expressing their opinion that a certain item should not be retained on the Estimates, if the majority of the Assembly did not consent to remove the item, who could enforce the wish of the Council? "The Speaker," says the Minister of Justice. But suppose the Speaker was of the same way of thinking as the majority—that the exercise of power by the Council was improper, arbitrary, overbearing, and tyrannical—who is to enforce the Speaker? Supposing even that the Speaker was with the Council, and desired to carry out their opinion, what would follow? The 20th section of the Constitution Act provides that the Legislative Assembly, at its first meeting, shall elect a Speaker, and that in case of his death, resignation, or "removal by a vote of the Assembly," the House shall proceed forthwith to elect another member to the position. Thus the power of the Speaker to enforce anything is simply nil. He is the mere mouth-piece of the House, and if he thinks the statute law is not being carried out, and if the majority of the Assembly do not follow his opinion, all he can do is to resign or give way. But Ministers do not agree among themselves as to who is to enforce the wish of the Council to have an item taken out of the Estimates. The Minister of Justice says "the Speaker"; the Minister of Railways—who is the better lawyer of the two—says "the people." But suppose the people are of the same way of thinking as the majority of their representatives, what becomes of your law? It is simply a piece of nonsense, and no one knows that better than the Minister of Railways. Then it has been said that the people are crying out for reform. They are sick of it. In Heaven's name, let us get on with some practical business. I have already expressed my opinion that the late Premier has whipped up this question into a position which it ought never to have occupied, and, in the words of an article in the Times expressing the same opinion (which I quoted a short time ago), thereby "agitated and discredited the colony for three years past." Again, it is said—"Let us have some kind of reform; pass anything; get rid of the question;" as if an unrighteous and stupid settlement would be a settlement at all. The Minister of Railways himself deprecates a course of that kind in words which are somewhat remarkable coming from a gentleman who, as a rule, is so cold and logical. Complaining of the sort of support which the Berry Government had been receiving from their followers, he said—

"It is heartbreaking to find members supporting this Bill although they do not approve of its principles, simply because they believe in some kind of reform."

Do not those remarks apply also to gentlemen sitting behind the present Government who, like the honorable member for Villiers and Heytesbury (Mr. Jones), say —"We do not believe in the present Bill, but let us eliminate certain proposals and it will be a splendid measure"? Exactly
the same thing is taking place now which the Minister of Railways condemned so strongly in regard to the last Bill of the Berry Government. The cry—"Do pass some measure; it is immaterial whether just or unjust," reminds me of a certain story which we find thus told in the New Testament—

"There was in a city a judge who feared not God, neither regarded man, and there was a widow in that city, and she came unto him saying—'Avenge me of mine adversary,' and he would not for a while, but afterward he said within himself—'Though I fear not God nor regard man, yet because this widow troubleth me I will avenge her, lest by her continual coming she weary me.'"

That is an exact illustration of the state of things which the Government and their supporters in this particular matter are setting up for the country to follow. I do not say such a thing is "heart-breaking"; I say it is simply idiotic. The great Burke has said on this subject of reform—"Let it be repeated until it becomes an axiom that innovation is not reform"; and why then will the Ministry persist in following a course which they themselves have denounced? On this point I may safely quote the words of the Premier himself, who, on the 25th of September last year, in speaking on the second Berry Reform Bill, said—

"It is manifest that members are going to vote for the Bill, not because they believe in it, but because they hope, or say they hope, to be able to amend it in committee, and make something of it totally different from what it is. That is a course which has not usually been adopted either here or at home. It is not in accord with the practice of the Imperial Parliament, or with what was the practice here for many years."

Then how comes it that, having regard to the way in which his supporters have spoken on his own Bill, the Premier has not risen to the occasion, and said he does not want support of that character? His not doing so appears to arise from the extraordinary fact that, in answer to some remarks of the honorable member for Geelong (Mr. Berry) in regard to the Bill by which he felt himself twitted, the Premier interjected—"We will do more than you did; we will stake our life on it." Is that patriotic? Again, I ask honorable members is there any precedent under the sun for this Bill—Do I not refer merely to British communities—but in any country under the sun?

Sir J. O'SHANASSY.—No.

Mr. GAUNSON.—No. In Norway? No. And, by the way, here I may remark that the Minister of Justice, only in September last, taunted the honorable member for Castlemaine (Mr. Pearson) with being in favour of the so-called Norwegian system, to which he then objected himself, yet now we find him ready to swear by it. Let us now consider the question of how the Colonial-office will regard this measure as a precedent. We know they are very particular on that point. We know they denounced the dismissal of the civil servants on that ground, Sir Michael Hicks-Beach, in his despatch of the 25th of August, 1878, expressing the opinion that, as being a precedent for other British colonies, the dismissals were very objectionable. On this point of a precedent, the Premier, in speaking of the plebiscite, said, last session—

"The fact is that we are chalking out for ourselves a new and unknown path. We are proposing to adopt a thing which is utterly unknown in any part of the British Empire. Let me say that the Service scheme is unknown everywhere.

"We know not where it will lead us, or whether it will not be disastrous rather than advantageous to the true interests of the people."

The Minister of Railways also supported the same view—that the Home Government would not agree to the Berry Reform Bill because it would form a bad precedent. He said—

"It should be recollected that we are not the only colony of the British Empire possessing responsible government. There are many other colonies, and the Imperial Government must know that if they consent to any kind of legislation suggested by the people of this colony, they will establish a precedent of which other colonies may take advantage hereafter."

The honorable member for Moira (Mr. Sharpe) said, with regard to the same Bill—

"I don't think it can be sent to England with any likelihood that it will become law there, because it should be recollected that the Secretary of State does not undertake to pass through the Imperial Parliament any Bill which we may choose to send to him."

The honorable member for East Melbourne (Mr. Zox) asked the late Chief Secretary, on the same occasion—

"Does he suppose that the Government in England would consider the case of Victoria by itself—would regard it as a colony to which concessions might be made specially and independently? Let us look at the present subject in that light for a moment. The British Government govern millions of colonial subjects—populous colonies in every part of the world. If what the Bill proposes were conceded to Victoria, is there another British colony that would not demand to be equally treated?"
The Minister of Lands said there were two "conditions precedent" to any Reform Bill that should be passed by the Assembly, and he thus described them:

"One of those conditions is that the Bill we pass must be placed before this country and approved of by the country. . . . . There is however, another 'condition precedent' to the interference of the Imperial authorities—the Bill must be a reasonable measure.

To which I add the third, but most important, "condition precedent," namely, that the Bill must regulate the relations of the two Houses on financial matters in accordance with the practice of the Imperial Parliament, as Sir Michael Hicks-Beach, in his despatch of the 3rd May, 1879, specifically states. Now I come to consider the Bill itself. In the first place, I assert that it gives no power to the Queen to assent to a measure that might be passed by the proposed "Two Houses." It gives the Governor power to present it for assent, but it fails to give the Queen power to assent.

Sir J. O'SHANASSY.—Nor can this Parliament give that power.

Mr. GAUNSON.—Nor can we give that power. I shall endeavour to make that point as clear and distinct as possible. The 3rd section of the Constitution Statute, of which our Constitution Act is a mere schedule, enacts that the Governor is to be bound by his instructions with reference to Bills that may be passed by the Legislature constituted by the Constitution Act, or by any Legislature that may be—not added on to it—but "substituted for it." I don't say we have not authority to repeal that section, but the Bill fails to repeal it. By adding on a second Legislature—the "Two Houses"—the Bill impliedly repeals the section of the Constitution Act constituting the present Legislature, but there is not an actual repeal. The Bill does not repeal the section in express words. Failing to do that, there will be a repugnance between a Colonial Statute and an Imperial Statute; and the 2nd section of the 28th and 29th Vict., cap. 63, declares that any Colonial Statute which is repugnant to an Imperial Statute is void and inoperative. Therefore, this Bill, if passed in its present shape, will be void and inoperative, inasmuch as it will be repugnant to the Constitution Act to the extent I have pointed out. I am satisfied that this view, which was first enunciated by the honorable member for Belfast, is absolutely correct.

Proceeding to examine the Bill a little further, I desire to point out that the 11th clause of the Bill does what every member of the present Ministry strongly denounced in the Berry Reform Bill. It requires the Clerk of the Parliaments to certify that a measure passed at a joint sitting has been passed by both Houses; it requires—to adopt the delicate and charming language which Ministers themselves used—that the Clerk shall certify to a lie. That was utterly unjustifiable in the Berry Bill, but is a very different thing when clothed in the Service garments. Again, the Bill provides for a double dissolution and also for a rotary system in connexion with the election of members of the Legislative Council. The two things are absolutely inconsistent, and cannot possibly work together. The object of a second House is to cause delay when the wishes of the people are not clearly expressed. "Delay," said the Attorney-General, on a former occasion, "is the fundamental principle of the British Constitution." Well, we may, perhaps, not get sufficient delay in future. Another objection is that the boundaries of the proposed electoral provinces are atrociously carved out. Take the Gippsland districts. There is a chain of mountains there, separating one electorate, over which it is not possible for man or beast to go; and yet a candidate is supposed to canvass a whole district from the extreme north to the extreme south of that part of the colony in 14 days at the least and 21 days at the most. The thing is ridiculous. There is another point. The Ministry offer a very charming bribe to the selectors of the country. Every selector, whether he holds a property that is worth £10 a year or only worth £2 a year, so long as he is under the 2nd part of the Land Act 1869, is to be a voter for the Council. I want to know on what principle a distinction can be drawn between taxpayers? To make a mere property qualification is an insult to a large portion of the community; it is setting class against class. There are thousands of persons in this country—including bank clerks, civil servants,
Second Reading. [June 17.] Ninth Night's Debate.

and, in fact, all classes of men who vote by virtue of manhood suffrage—who are neither owners of property nor ratepayers, but simply lodgers. They, however, pay taxes equally with ratepayers and owners of property; and upon what principle are they to be told that they are not fit to exercise a vote for the Council? I assert that they cannot fairly be told that they are not fit. I will again quote the Minister of Railways, who, speaking on the proposed extension of the franchise for the second Chamber, said—

"The fact is that the great bulk of the community—those who have no vote for the Legislative Council—are not willing to remain disfranchised for ever. They are satisfied that the time has come when they ought to be entitled to vote for the election of members of the Upper House, and they are not prepared to listen to any one, no matter on what side of the House he sits, who tells them to rest content without the privilege they wish for."

This is quite correct. Nor are the manhood suffrage people willing to remain disfranchised for ever. They will be enfranchised so far as my vote on this occasion is concerned. This extract, indeed, is a splendid quotation in favour of every taxpayer—every male adult of legal age—claiming and insisting upon his right to vote for both Houses. Perhaps it will be more pertinent if, at this point, I ask what justification there is for the Premier's statement that the Council represents wealth, and that it ought not to represent wealth, but property? If, by the expression "property," the honorable gentleman means property in land only, I would like to ask whether his statement is a philosophical reason for the existence of a second House? This Chamber, the second House, and the Crown are all alike on a par; they are all supposed by the Constitution to represent every interest in the community—not particular interests, but the whole of them. The reason for the functions of the Upper House is admirably described in a little extract from the London Spectator, given by the Minister of Railways. The effect of the quotation is that the Upper House exists, not to represent a particular kind of property, but to prevent the people from mistaking a momentary fancy for a deliberate desire. That is what the Upper House really and truly does exist for. I ask any person who ever took the trouble to think over a constitutional question to picture to himself the absurd notion that any House is constituted to represent inanimate things,

See the farce of such a notion—how thoroughly unjust and ridiculous it is. What is property? Upon what does it depend? The first property we have to deal with is life. Without life we cannot acquire, hold, or enjoy any property. The poorest man is equally concerned with the wealthiest in seeing that proper laws are passed for the protection of life and limb. Thank God the old laws don't now exist by which if a man killed a nobleman he was fined so many marks, but if he killed a peasant he was fined so many less. Every man in the eye of the English law is equal. Therefore, I say, the first property we have to deal with is life, and the poorest man in the community is as much entitled to representation in that respect as the richest. The poorest man is not only entitled to that property called life, but he is also entitled to that property called reputation; in fact, the poor equally with the rich are concerned in the making of all good sound laws for the general benefit of the community. I think I have disposed of the absurdity that the Upper House is constituted to represent property; but the fact of the pernicious statement having been industriously dinned into the ears of the people of this country has produced a feeling of hatred towards the Council, and has caused the people to be rather unjust in their judgment of the conduct of the members of that House.

It must not be forgotten that the Council has passed our liberal land legislation, and has passed manhood suffrage, and many admirable laws, upon which it might simply have put its veto if it had been so disposed. It has been said that the present Bill was submitted to the country at what is called the late general election, but which I prefer to call the penal dissolution of this House. Having already pointed out that the restrictions proposed by the present Premier in December, 1878, did not propose that the Council should have the power of interfering with the annual Appropriation Bill, but, on the contrary, expressly mentioned that the Council should have the power of interfering with the annual Appropriation Bill, but, on the contrary, expressly mentioned that the Council should not have that right, I will proceed to show what were the questions which the honorable gentleman submitted at the penal dissolution. On this point I will quote the language of the Premier himself, as it appears in his address to his constituents, printed in large type. The honorable gentleman said—

"In conclusion, the questions before you are two—1st. Do you believe in the Government.
Reform Bill, the latest and newest one? 2nd. Do you believe it is for the interests of this country that the present Government should continue to rule the country for another three years? . . . Before any elector can vote for a single supporter of the Government, he is bound to answer those two questions—not one or the other, but both.

When the Premier went to his constituents for re-election, after he had "jumped" office, he did not venture to say that the verdict of the country was a verdict in favour of his Bill, but he used this language:

"The verdict which the country gave last Saturday week is a verdict regarding which there can be no possible mistake. It stated clearly that the country was not prepared to accept the plebiscite or the 6th clause, or any proposal which would permit either one House of Parliament or the other to have unchecked control over the finances of this colony."

The question submitted to the country at the penal dissolution was in fact—"Are you a Berryite, or an anti-Berryite?" No doubt certain charges were brought against the late Administration, to which I need not particularly refer, but which were industriously harped upon by myself and other opponents of that Government. This brings me to the position which I am supposed to occupy in reference to the present Ministry. What was the bond of union between the opponents of the late Government? There was only one bond of union.

Mr. MIRAMS.—To get them out of office.

Mr. GAUNSON.—Unquestionably; and allow me to tell the honorable member that I honestly believe the election of the late Ministry was a good thing for the country. The bond of union which existed amongst the opponents of the Berry Ministry was to get that Ministry out of office; immediately that object was accomplished our bond of union was dissolved. There was not one other subject upon which we were agreed. I went to my constituents, and some friends—I don't know who they are—but not the Registration Society, nor any of the Ministers, helped me. I don't know anything about the Registration Society nor its projects, nor do I care what its projects are; but some kind people helped me because they believed I was a splendid anti-Berryite; and so I was. I am sorry that they did not pay the whole expense, but still the fact remains that they did help me; and I did my duty manfully. I will go further, and say that if, as has been suggested, money was given to me on the understanding that I was to do something in return for it, that would be a corrupt bargain, and, if such a bargain had been made, any man would have been justified in breaking it. But the fact is no such bargain was made—no conversation ever passed on the subject. I said to a gentleman, whose name need not be mentioned here—"I want some funds to go on with my election"; they were furnished to me, and that was the beginning and end of the matter.

Sir J. O'SHANASSY.—You were a free man.

Mr. GAUNSON.—Of course I was a free man; I never was anything else; and no one will buy me in a hurry. The present Government know full well that offers were made to me which altogether relieve me from the imputation of being a place-hunter or anything of the kind. Knowing that I could not conscientiously accept a post which was offered to me, with a salary attached to it that does not come out of the general revenue—I don't refer to the whipship, but to another position—the Government ought to have been the first to shield me from the gross attacks which have been made upon me by the Argus and by others who follow in the wake of the Argus. Although I was very much taken with the proposals of the Government when first indicated, and although I told my constituents that I thought the part of the scheme which was before the country at the general election was infinitely preferable to the Berry Bill (while I did not conceal from them that I was in favour of a nominee Upper House), I am so satisfied that this Bill is fraught with the greatest dangers to the people of the country that you might tear me in pieces before you would get me to vote for it. One objection I take to the measure is that it is one-sided. There is no proposal for a double dissolution and a joint sitting in the event of this House twice rejecting a Bill which has been twice passed by the Council. There is no reciprocity in the proposal. The Bill is said to be intended to effect a settlement of the reform question; but how can it be a settlement of the question when it is brought forward from a party point of view? Honorable members sitting on the opposition benches will be bound in honour to agitate for its repeal if it becomes law, so that, instead of it being a settlement of the question, it will
make confusion ten thousand times worse confounded. Do the Government want the question settled? If they do, let them agree to refer the Bill to a select committee, and then they will get the votes of myself, and the honorable members for Belfast, Delatite, Portland, Collingwood (Mr. Langridge), Fitzroy (Mr. Tucker), and others. Do they refuse to remit it to a select committee merely for the sake of gaining a paltry victory on the second reading, and throwing the country into confusion? They know that, even if the Bill is read a second time, they cannot, after the views expressed by their own supporters, hope to obtain the necessary majority for the third reading. Are they going to have a penal dissolution, which will make the second penal dissolution on the same question in about four months? Is there a precedent for such a thing in any country under the sun? The most satisfactory way of dealing with the question, and the one most likely to secure a permanent measure of reform, is to refer it to a select committee. Another objection I take to the Bill is that, although it alters the constitution of the Council, it proposes that the present members of that body shall remain as they are—that they shall not immediately come under the alteration. Upon what constitutional principle can that be defended? It is an indisputable constitutional maxim that, as soon as it is discovered that the members of any House of Legislature are elected on a defective basis, they ought to be sent to the right-about. A further objection to the Bill is that it restrains the prerogative of the Crown to dissolve Parliament. At present the Governor can dissolve Parliament at any moment, but the Bill says that it shall not be lawful for His Excellency to dissolve Parliament at any period within six months of the date that it would expire in the ordinary course by effluxion of time. Will the Imperial authorities consent to that? I don't believe they will. It is said that the Bill will produce moderation; it may do so, or it may not. As the Premier stated in reference to the Berry Reform Bill, we don't know where it will lead us to, or how it will work. It may cause quarrels, or it may lead to moderation; in fact, it may produce such moderation as will amount to the emasculation of representative institutions. It has been stated that in the other colonies the Upper House has the right to amend Money Bills, but that is not correct. The Constitution in each of the other colonies is framed upon the lines of the British Constitution. There is no express enactment in the Constitution Acts of the other colonies preventing the Upper House from amending a Money Bill, but that is not a sufficient reason for saying that the Upper House has the right to amend Money Bills. It is bound by the usage of the home model. In the Premier's manifesto to the electors of Maldon, the proposition as to a double dissolution was coupled with a joint vote, but no "power to amend" Bills was mooted. Since the Government took office, another very material alteration has been made in the programme, by proposing to take the power of the purse from the Assembly and give it to the Council, for that is what the proposition contained in the Bill practically amounts to. Are the members of the Government at one upon the question of reform? The Premier voted for a plebiscite on money matters. When the honorable member for Mandurang (Mr. Williams) proposed his amendment on the Berry Reform Bill to extend the plebiscite to money matters, I pointed out that the plebiscite was indefensible on any question, and said that I would not record my vote with the then Opposition in favour of the amendment, but the present Premier and some of his colleagues and supporters voted for the amendment. They are believers in the plebiscite to that extent. The Minister of Mines is not only a believer in the plebiscite to that extent, but he tabled a clause to enable a plebiscite to be taken on the annual Appropriation Bill. The first Berry Bill declared that all Money Bills should become law within one month after they were sent to the Legislative Council if not passed by that body, and this is what the Minister of Mines said in reference to that proposal:—

"I regard the Bill of last session—Meaning the first Berry Reform Bill.

"as a remarkable one, and, had it been brought forward again this session, I would have given it the same support as before. Moreover, I believe that if that Bill, with some slight modifications, had been taken to the country, it would have been supported by an immense majority of the people. . . . I have always tried to support the principle that the Assembly has supreme control over Money Bills. Indeed my belief is that, were we to give up that point, we would surrender one of the greatest privileges we possess. . . . . . I supported the principle of the plebiscite most strenuously in
the last Reform Bill, and my own opinion is that if we had the plebiscite, pure and simple, added to our present Constitution, we should have all that is necessary to put an end to dead-locks."

The honorable gentleman is now sitting cheek by jowl with honorable members who, last session, denounced the plebiscite in no measured terms. The honorable member for Creswick (Mr. Cooper) said—

"With regard to the plebiscite, which is the substance of the 3rd part of the Bill, so far as I can understand it, it is the best portion of the measure. It is indeed the only portion worth anything at all."

Many of the supporters of the present Bill have contended that the Upper House are to blame for the dead-locks which have occurred, and yet the measure lays down the extraordinary proposition that the Assembly are to be punished and the Council rewarded. I hold that it will be a monstrous infringement of the rights of the people of this country—an outrage upon their liberties—to permit the other House to interfere, in the way proposed by this Bill, with matters concerning either the expenditure or the raising of money. Let the Council retain the power which they now have by law to exercise a check upon the Assembly. I don't object to the exercise of that check whenever an extreme emergency arises. I have always held that a nominee Upper House is the best, but the only fit place to argue questions of that kind is the committee-room. The arguments pro and con cannot be thoroughly thrashed out anywhere else. While approving of a nominee Upper House, I wish it to be formed on the lines of the British Constitution. The nearer we try to approach that model the more successful we will be. The nominee Upper House proposed by the late Ministry was not on the lines of the British Constitution. It was to consist of a fixed number of members, and in that respect it departed from the model of the House of Lords. But, to get over that difficulty, the 6th clause of the Berry Bill proposed that the Assembly should have absolute control in all money expenditure, which was a proposition that, in the interests of the people, I could not accede to. I intend to prove that the present Ministry stand condemned out of speeches by the Chief Secretary, the Attorney-General, the Minister of Justice, the Minister of Public Works, the Minister of Mines, the honorable member for Warrnambool, the honorable member for Rodney (Mr. Fraser), the honorable member for Sandhurst (Mr. McIntyre), the honorable member for Moira (Mr. Sharpe), and the honorable member for Borroodara. I trust, therefore, that the House will, at this late hour (after eleven o'clock), consent to the adjournment of the debate, and allow me to continue my speech on Tuesday. Probably by adopting that course my remarks will be shortened and made more pointed, and thus the House will gain by acceding to the suggestion. Lest, however, I shall be deprived of the opportunity of speaking again, I desire now to set myself right upon one matter. Some of my constituents have held a public meeting—a very good meeting, and, I believe, a very representative one—at which they have carried a resolution declaring that the Government Bill is a just, fair, and reasonable measure. I am sorry to say I don't agree with them in that opinion. The same resolution expresses the opinion that the passage of the Bill would be a satisfactory settlement of the reform question. I have already given my reasons for believing that it would be a most unsatisfactory settlement—dangerous to the peace of the community—and that agitation would be intensified by it. The meeting have also requested me to present this resolution to the Premier, and I have done so. They have also asked me to support it. Sir, this is a very painful position to be placed in. I fully recognise the gravity of it. My constituents may not send me back here; that is a consequence which, if it happens, I must take whether I am prepared for it or not. I am here, however, to do my duty to the whole country, and not simply to my constituents; and I cannot conscientiously support this Bill. I regret not to be in complete accord with all my constituents, but I do not yet know that I do not represent the views of the majority of them on the reform question. Public life, however, is not worth holding if a member of this House is to turn craven, and do what he is told, because he fears that his constituents may otherwise disapprove of his conduct. I would rather retire from public life altogether than occupy such a position. That is not representative

Mr. Gauern.
government. It is a case in which the determination of constituents precedes discussion; and what sort of determination is that which precedes discussion, instead of following and being the fruit of discussion? Whilst I should regret not to occupy a seat in this House, I am determined to do my duty fearlessly; and if I knew for a fact that every constituent in my district wanted me to support this Bill I would not support it, because I believe it is dangerous to the interests of the country at large. I will now appeal to the Premier to consent to the adjournment of the debate, on the understanding that I will be allowed to continue my remarks when the debate is resumed.

The SPEAKER.—If the debate is now adjourned, the honorable member cannot speak again on the motion for the second reading of the Bill, except with the consent of the House.

Mr. GAUNSON.—I place myself in the hands of the House.

Mr. SERVICE.—The Government have no desire to prevent the honorable member for Ararat from fully expressing his views. If he is not likely to be tedious, the Government will not object to the honorable member resuming the debate on Tuesday next.

Mr. GAUNSON.—The concession of this privilege will, as I have said, probably have the effect of shortening my remarks. The motion for the adjournment of the debate was then agreed to, and the debate was adjourned until Tuesday, June 22.

Mr. SERVICE.—Before the House adjourns, there is one matter I desire to mention. The honorable member for Geelong (Mr. Berry) has just left the House, but, before doing so, he arranged with me that I should state, with his concurrence, that it is intended to take the division on the second reading of the Reform Bill next Thursday.

The House adjourned at a quarter past eleven o'clock, until Tuesday, June 22.

LEGISLATIVE COUNCIL.

Tuesday, June 22, 1880.


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

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DUTY STAMPS.

The Hon. G. F. BELCHER asked the Minister of Customs if, when the new penny duty stamps were issued, the Government would take old duty stamps of the same value in exchange for them?

The Hon. H. CUTHBERT replied that the Government would permit the exchange referred to. In the first official notification that the die of the penny duty stamp would be changed, nothing was said about old stamps being exchangeable for new ones, but the omission had been discovered, and he had had it rectified.

FALSIFICATION OF ACCOUNTS LAW AMENDMENT BILL.

On the motion of the Hon. H. CUTHBERT, this Bill was read a third time and passed.

WATERWORKS COMMISSIONERS ACT REPEAL BILL.

The Hon. H. CUTHBERT moved the second reading of this Bill, which, he said, related principally to the Ballarat and Ballarat East Water Commission, although it also contained provisions applicable to the colony generally. In consequence of some litigation in connexion with the construction of the Gong Gong reservoir, it had become necessary for that commission to obtain a further advance of money from the Government; and the advance had been conceded on the commission giving security over their works for the amount. Fresh legislation was necessary in order to validate the mortgage given by the commission for the entire debt of £324,843 due by them to the State, and hence the introduction of the measure, which had already been passed by the Assembly. The Bill also contained provision for carrying into effect certain changes in the constitution of the commission which were deemed desirable. At present that body was composed of the nine members of the Ballarat City Council and the nine members of the Ballarat East Council, but experience had proved that the arrangement was an inconvenient one, and it was now proposed to reduce the total number of commissioners to seven, each council to appoint two, and the Government to appoint three. The Bill likewise extended the rating powers of the commission, in order to enable them to meet their additional obligations.

The motion was agreed to.
The Bill was then read a second time, and committed. Verbal amendments were made in clauses 1 and 19.

The Bill was then reported with amendments.

Mr. CUTHBERT moved that the Bill be read a third time.

The Hon. W. CAMPBELL objected to the Bill being passed forthwith through its remaining stages. Such a course was contrary to the standing orders of the House, and might, if frequently indulged in, prove extremely inconvenient.

Mr. CUTHBERT expressed the hope that the honorable member would withdraw his objection, because the measure was an urgent one. If it was not passed promptly, the new commission would be unable to exercise their new rating powers during the coming half-year.

Sir C. SLADEN pointed out that the Bill did not apply solely to Ballarat, but was in some respects general in its application. He believed that the people of Ballarat were perfectly satisfied with the portion of the Bill affecting that district, but still, as a rule, it was hardly a wise proceeding to pass measures of wide application through the Chamber at one sitting.

The Hon. R. S. ANDERSON remarked that the clauses of the Bill which had not reference to Ballarat alone merely enabled local bodies in other places to be made water commissioners, and imposed no liability of any kind. He hoped Mr. Campbell would withdraw his objection, as it was desirable that the Bill should become law without delay.

Mr. CAMPBELL stated that, in accordance with the evident wish of the Council, he would not press his objection. He was very desirous of expediting the passage of any beneficial measure relating to water conservation, but what he objected to was the system of pushing Bills through all their stages in the Council at one sitting.

The motion was then agreed to, and the Bill was read a third time and passed.

RAILWAY WORKS CONSTRUCTION BILL.

The Hon. H. CUTHBERT moved the second reading of this Bill. He observed that its object was to authorize the construction of rolling-stock, and other works connected with the State railways. The 1st clause provided for the issue and application, out of the Railway Loan Account 1878, of a sum not exceeding £50,000 to enable rolling-stock to be manufactured in anticipation of the new railways it was proposed to construct. It was considered advisable to adopt this course so that the carriages, &c., might be ready when the new lines which it was intended to construct out of the loan were completed. The 2nd clause provided for an additional expenditure of £100 per mile, including stations and rolling-stock, on the railways authorized by Acts Nos. 415 and 475. While the money originally granted for the lines mentioned in those Acts was found just sufficient for their construction, it was not adequate to provide stations where the increasing settlement rendered their erection necessary in order to make the lines pay, and therefore this additional expenditure was required. The 3rd clause proposed to alter the maximum expenditure per mile allowed for the construction of the railways authorized by Act No. 475, the maximum being increased in each case respectively from £5,750 to £5,825, from £6,400 to £6,650, and £6,880 to £7,000. The 4th and last clause empowered the application from the Railway Loan Account 1878 of a sum not exceeding £79,000 for constructing works on the following lines:—Williamstown Junction to Ballarat, Main line (Footscray to Echuca), North-Eastern and Beechworth lines, and Melbourne and Hobson's Bay Railway. He desired to point out that, although the moneys required for the construction of the works referred to in clauses 2, 3, and 4 were to be applied out of the Railway Loan Account 1878, it was provided that they were to be refunded to that account out of the new loan which was shortly to be floated.

Sir C. SLADEN stated that it was to be presumed the Railway Loan Account was in good funds if the amounts proposed to be applied out of it by this Bill could be taken from it, while still leaving money to carry out the works for which the Railway Loan Act 1878 was passed. He desired to know how the account stood at present?

Mr. CUTHBERT said the Treasurer, in reply to an inquiry, informed him that the Railway Loan Account was in credit, but he did not say to what extent.

The Hon. R. S. ANDERSON observed that the Minister of Railways was very anxious that this Bill should be passed, so
that the manufacture of rolling-stock might be proceeded with contemporaneously with the construction of the new railways which it was proposed to ask Parliament for authority to make. Hitherto the practice had been to open new railways before any provision was made for the supply of the additional rolling-stock rendered necessary by their construction. By the plan now proposed, rolling-stock would be made cheaply and slowly instead of hurriedly and expensively.

The Hon. J. BALFOUR remarked that he had heard that in many of the cases provided for in the Bill the original limit of expenditure was exceeded, and the object of the measure was really to legalize what had been done. As to the 1st clause, however, he thoroughly approved of the principle of providing rolling-stock in anticipation of the construction of new lines. Hitherto new railways had been opened without sufficient rolling-stock to equip them, and consequently the resources of the department had been severely strained. The districts which obtained the new railways were the first to cry out that they could not get their goods sent to market, and the pressure had been made an excuse for running goods trains seven days a week, instead of six only, as Parliament intended should be done.

The Hon. W. CAMPBELL observed that he was rather surprised to find that such an increase as that mentioned in the Bill was required beyond the original estimates for the construction of these railways. He had been told that the late Engineer-in-Chief (Mr. Watson) effected a considerable saving by using redgum instead of iron in the construction of bridges, and it was strange that notwithstanding this economy the original estimates of cost were exceeded. It would appear that the estimates must have been defective in some way, and he thought the House ought to receive more information on the subject.

The Hon. J. MACBAIN remarked that the Council, like the Assembly, were too frequently asked to pass Bills connected with the Railway department upon very slight information. The railways in this country were a purely business speculation, carried on by the Government, and should be conducted in that way, so that when any expenditure was proposed in connexion with them a financial statement should be submitted to show in what state the accounts were. He hoped the Minister of Customs would furnish some information as to the circumstances which caused the original estimates for the construction of the lines mentioned in the Bill to be exceeded, as it was only right that the country should know the facts so as to be able to judge whether the reason for the increase was satisfactory. As to accommodation at railway stations, while some stations had ample accommodation where it was not required at all, others, where there was a large passenger traffic, were destitute of shelter from the sun or rain. He believed a portion of the money sought to be obtained by the Bill would be used to remedy these anomalies, and he thought the measure should be passed.

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

On clause 3, substituting "£5,825," "£6,650," and "£7,000" for the amounts "£5,750," "£6,400," and "£6,880," mentioned in section 5 of the Act No. 475.

Mr. CAMPBELL asked the Minister of Customs for information as to why the original estimates of expenditure on the lines referred to in the clause were exceeded?

Mr. CUTHBERT remarked that on the lines authorized by Act No. 415, which was passed in 1871, more stations were required to meet the increasing traffic, and the rolling-stock was beginning to be worn out. Under the circumstances, he thought it was not unreasonable to ask for an additional expenditure of £100 per mile on those railways. The same reasons applied to the railways constructed under Act No. 475. If he had thought the Council would require detailed information on the subject, he would have obtained it; but he was under the impression that the Bill was one of those which would cause little discussion, seeing that £50,000 of the amount asked for would be at once absorbed by the construction of rolling-stock for the new railways that were to be made.

Sir C. SLADEN observed that the Minister of Customs seemed to think, and to wish to convey the same impression to the committee, that the clause was intended to authorize certain expenditure to make good the wear and tear which had taken place on the lines in question since they were constructed, a few years ago; but the latter part of the clause showed that that impression was not correct. The concluding words were—
And the said Acts shall be read as if such substitutions had been made at the time of the passing thereof, and the additional sum or sums of money authorized in this section may be issued and applied out of the Railway Loan Account 1878.

From this language it would appear that the expenditure incurred in constructing the lines was considerably in excess of the amount which was originally authorized to be expended; in fact, that the Government of the day “outran the constable” in making the lines, and that power was now applied for to recoup the extra money expended. He was sorry that the Minister of Customs had not given more information about the Bill. He did not mean to imply that the Council should in any way attempt to control the financial arrangements of the Government, but he certainly considered that the country ought to know how the money, appropriated by a Bill of this character, was to be expended; and if the knowledge was not obtained in one place, it ought to be got in another. He would like honorable members to ask themselves what course they would adopt if they were directors of a railway company, and, having authorized certain works to be carried out at a certain cost, according to the estimate of their engineer, were then asked to pass accounts for an expenditure considerably in excess of that sum. Would they be satisfied to pass the accounts upon such meagre information as had been laid before them in the present case? In dealing with public property, it was their duty to take up the same position as that which they would assume if they were directors of a company in which they were directly and personally interested. Certainly, in view of the fact that there were a great many rumours afloat in regard to the railway expenditure of the colony, it would have been more satisfactory if honorable members had had information placed before them to enable them to judge whether the object of the Bill was to obtain authority to incur a reasonable expenditure for a justifiable purpose. At present they were quite in a fog about the matter. He did not like to interfere with the passage of the measure through committee, but he trusted that, before the report was considered, the Minister of Customs would be prepared with information to satisfy honorable members that the money which the Bill proposed to give the Government authority to expend was not to be squandered. The country would not expect them to allow the Bill to be passed unless they were convinced to that extent, at all events.

The adoption of the report was made an order for the next day of meeting.

DOWER BILL.

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

Sir S. WILSON intimated his intention to propose the addition to clause 3 of words providing that it should be lawful for the Government to make compensation to any person deprived of her rights to dower through ignorance of the law.

The CHAIRMAN.—It will be necessary to recommit the Bill for that purpose, as all the clauses have been gone through.

The Hon. H. CUTHBERT proposed that the following clause be added to the Bill:—

“The Registrar-General shall cause an abstract of the provisions of this Act to be advertised as soon as possible after the passing thereof at least once a month in one newspaper published in each of the following cities, namely, London, Edinburgh, Dublin, Sydney, Adelaide, Perth, Brisbane, Wellington, and Hobart Town, during the period of twelve months next after the passing of this Act, and also twice a month during the same period in two daily newspapers published in Melbourne.”

The clause had been prepared in consequence of several honorable members having expressed the opinion that some special means should be adopted to give publicity to the provisions of the measure. (Mr. Wallace—“What will be the cost of carrying out the clause?”) The expense would, no doubt, be considerable, but it ought not to be allowed to stand in the way of a matter of so much importance as giving facilities to those persons whose interests would be affected by the measure to become acquainted with its provisions.
Sir C. SLADEN regarded the clause as an excellent one. He would point out, however, that it indirectly imposed a burden on the people, and therefore he would suggest for the consideration of the Minister of Customs whether it was not beyond the powers of the Council to insert such a clause.

Mr. CUTHBERT said he thought that the Assembly would not object to the Council inserting the clause in the Bill; at all events, he was inclined to risk the matter. He believed that the Council made an amendment in a Local Government Bill to provide for the publication of certain advertisements, and that no objection to it was raised by the Assembly.

Sir S. WILSON remarked that the Council also, on one occasion, amended a Railway Bill by substituting the broad gauge for the narrow gauge, which amendment indirectly involved increased expenditure.

The Hon. R. D. REID considered the clause was an interference with the rights and privileges of the Assembly as to financial matters, and that it would, therefore, be very injudicious for the Council to entertain it. For the same reason, he objected to the amendment which Sir Samuel Wilson intended to propose.

The Hon. J. MACBAIN moved that the following words be added to the clause:

"And shall give notice of the provisions of this Act by registered letter addressed to all persons known to the Commissioner of Titles to possess the right to dower."

Mr. CUTHBERT accepted the amendment.

The clause, as amended, was agreed to.

The Bill, having been gone through, was reported with amendments, and was afterwards recommitted.

On the motion of Sir C. SLADEN, clause 3 was amended so as to provide that the claim of a widow or married woman under the Bill might be made either by herself "or some one on her behalf."

Sir S. WILSON proposed that the following words be added to the clause:

"Provided always that, if it should be proved by sufficient evidence that any person, entitled to dower has been deprived of her rights through not having been cognizant of the law, it shall be lawful for the Government to make proper compensation to such person in such manner as may be provided by Parliament."

Mr. CUTHBERT objected to the amendment as an interference with the rights of the Legislative Assembly. It would impose the duty upon the Government of the day of making provision on the Estimates to compensate ladies for loss by being deprived of dower rights.

Sir S. WILSON appealed to the Chairman for a ruling on the point.

The CHAIRMAN.—No doubt it is a very nice point whether it is competent for the committee to make the amendment. In my opinion, the amendment as now submitted can be inserted.

Sir S. WILSON said in that case he would press the amendment. He regarded the Bill as most valuable, but there was the possibility that some few people, and those of a helpless class, might sustain injury by it. To avert that possibility, he proposed the amendment.

The Hon. J. A. WALLACE suggested that the amendment should not be pressed. It would be dangerous for legislation of the kind to be initiated in the Council. Besides, if any lady did sustain loss through the operation of the Bill, no Government would object to propose that she should have compensation. But that was quite a different thing from the Council seeking to make that provision for compensation law.

Sir S. WILSON said he would withdraw the amendment in deference to what appeared to be the feeling of the committee.

The amendment was withdrawn accordingly.

The Bill was then reported with further amendments.

The House adjourned at seventeen minutes to seven o'clock, until Thursday, June 24.

LEGISLATIVE ASSEMBLY.

Tuesday, June 22, 1880.

Personal Explanation: Mr. Dow; Political Meeting at Sandridge—Melbourne Harbour Trust—Railway Department; Spencer-street Station—Audit Act Amendment Bill—Constitution Act Alteration Bill; Second Reading: Tenth Night's Debate—Waterworks Commissioners Act Repeal Bill.

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

PETITION.

A petition was presented by Mr. Carter, from a public meeting of electors of St. Kilda, in favour of the Reform Bill.
THE CHINESE.

Mr. RAMSAY, pursuant to order of the House (dated May 27), laid on the table a return relative to the Chinese in Victoria.

POLITICAL MEETING AT SANDRIDGE.

Mr. DOW (who, to put himself in order, moved the adjournment of the House) said that he desired to make a personal explanation in reference to certain statements about himself which appeared in two of the Melbourne daily newspapers that morning. One of the papers said—

"A meeting of the electors of Sandridge was convened in the local orderly-room last night in support of the Government Reform Bill. About 2,000 persons were present, but numbers of them came from town for the purpose of disturbing the meeting. Amongst the intruders were Mr. Dow, M.L.A., &c.

In another part of the same journal, it was stated that—

"In fairness to the electors of Sandridge, it must be stated that the disgrace of the meeting does not lie at their door, but rests entirely on the outsiders who invaded the room without invitation. Amongst those who thus intruded themselves were Mr. Dow, M.L.A.; Mr. Trenwith, an unsuccessful candidate for Villiers and Heytesbury; Mr. Donald Cameron, ex-member for West Bourke; Mr. William Gaunson; and Caulfield, the 'boy politician.'"

The facts of the case, as far as he was concerned, were very simple. He resided just outside the boundaries of the electoral district of Sandridge, within ten minutes' walk of the room where the meeting was held; and after dinner he, with a friend, walked across to the meeting, just to witness the proceedings. While he was at the meeting, sitting on a gun-carriage, the Attorney-General came to him, and said—"This is your work." A minute or two before, he had observed the Attorney-General and some of the honorable gentleman's colleagues on the platform vainly endeavouring to get a hearing, but no person could say that he (Mr. Dow) interfered in the slightest degree with the proceedings. He carefully avoided making any demonstration, either on one side or the other. The meeting appeared to be a bona fide gathering of the electors of Sandridge, and the proceedings were of an orderly character until the honorable member for the district (Dr. Madden), after speaking about two minutes, said that the Reform Bill was factiously opposed by a number of members of the House who were engaged in an indecent fight for their salaries, whereupon a man in the meeting called out—"That's a lie," and then the row began. The Minister of Justice would have obtained a fair hearing if he had refrained from misrepresenting the motives of honorable members who were in favour of the Payment of Members Bill. No doubt the Government found there was a great revulsion of public feeling since the 28th of February, and their organs were anxious to put a gloss over the matter by trying to show that such meetings as the one at Sandridge were largely made up of importations from other places; but it was mean and cowardly to try and compromise him (Mr. Dow) in the eyes of his constituents in the way that had been attempted. He was prepared to say that the reporters did not know that he was present at the Sandridge meeting, and that they must have got their information from the Attorney-General.

Mr. KERFERD, who seconded the motion for adjournment, said the honorable member for Kara Kara had drawn a conclusion which he was not justified in arriving at. The honorable member had not told the House all that he (Mr. Kerferd) said to him at the Sandridge meeting. He was sitting on the platform when the interruptions were going on, and a paper was handed up to him—by whom he did not know—addressed to the reporters. He gave it to the reporters whom he did not know—addressed to the reporters. He gave it to the reporters without looking at it, and, after they read it, one of them handed it back to him. It was to this effect:—"Mr. Dow is in the midst of the meeting inciting the whole disturbance." He then went round to Mr. Dow, who was in the body of the room, and told him it was stated that he was inciting the disturbance. He did not say anything to the reporters, but got the information he had mentioned from them, and communicated it to the honorable member for Kara Kara. That was all he had to do with the matter.

Mr. GAUNSON remarked that the Attorney-General's explanations showed the extreme accuracy of some of the newspaper reports. It seemed that at the meeting in question some person, without a scintilla of authority, and utterly regardless of the truth, handed up a statement to the reporters which they greedily swallowed. Amongst other things which appeared in the Argus and Daily Telegraph reports of the proceedings was
a statement that his (Mr. Gaunson's) brother was at the meeting, whereas he was not at Sandridge at all when the meeting was held.

The motion for adjournment was put and negatived.

MELBOURNE HARBOUR TRUST.

Mr. LONGMORE asked the Premier if he would have a plan distributed, for the information of honorable members, showing the lands which had been permanently reserved for the purposes of the Melbourne Harbour Trust?

Mr. SERVICE said a plan was being prepared, and copies of it would be distributed next day.

RAILWAY DEPARTMENT.

Spencer-street Station.

Mr. STAUGHTON proposed the following motion, which appeared on the paper under the head of "unopposed":—

"That there be laid before this House a return showing the amount of expenditure under Miller's contract, for platform at Spencer-street station; if platform has since been removed; the date of completion, date of removal, and total cost connected therewith."

Mr. MOORE seconded the motion.

Mr. WOODS intimated that he intended to make some remarks on the motion.

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

AUDIT ACT AMENDMENT BILL.

The intervening orders of the day having been postponed, by leave of the House,

Mr. SERVICE moved the second reading of the Audit Act Amendment Bill. He said it was very desirable that, if possible, the measure should be passed through its remaining stages that night. Under the present law, passed in 1872, at the instance of Mr. Langton, if any contract for public works was not completed by the 30th June, the money could not be paid without being revoked. Great inconvenience had arisen from this law; the Audit Commissioners had from time to time reported against it; the Under-Treasurer had also reported against it; and he believed that every gentleman who had held the office of Treasurer was convinced of the impropriety of the law. The Bill simply provided that money voted for expenditure which was not completed by the 30th of June should be available for payment up to the end of the 31st of August; in fact, the object of the Bill was to facilitate the Treasury arrangements, and enable what had hitherto been done by evasion of the law—by paying money into trust funds—to be done strictly in accordance with the law.

Major SMITH stated that the honorable member for Geelong (Mr. Berry) was not now in his place, but he understood there was an arrangement between the Premier and the honorable member that the latter should see the Under-Treasurer, and ascertain what effect the proposed amendment of the law would have upon the balance-sheet for the current financial year. It was thought that it might apparently increase the expenditure of the year, and thus show a larger deficiency than there really was.

Mr. SERVICE remarked that he had already informed the honorable member for Geelong (Mr. Berry), on the authority of the Under-Treasurer, that the very utmost amount to which the balance at the end of the financial year would be affected, if the Bill became law, was £15,000. He understood the honorable member for Geelong, after this explanation, was satisfied to let the Bill pass.

Mr. WOODS suggested that the Bill should not be passed through all its stages in the absence of the honorable member for Geelong (Mr. Berry).

Mr. SERVICE intimated his willingness to accept the suggestion.

Mr. LONGMORE observed that by the Railway Works Construction Bill, passed the other night, and by this measure, the Government would be able to make their Estimates of Expenditure for 1880-81 £100,000, or £150,000, less than they otherwise would be.

Mr. SERVICE assured the House that the honorable member for Ripon was mistaken.

Mr. KERFERD said that at present a man who earned money from the Government up to the 29th of June must get his account adjusted and checked by the following day, or he could not obtain what was due to him until the amount was revoted in the following financial year. The whole object of the Bill was to enable money earned before the 30th of June to be paid at any time up to the 31st of August. (Mr. Longmore—"There is no objection to that.") The deficit for the current financial year would not be increased by more than £14,000 or £15,000 if the Bill became law.

Mr. GAUNSON stated that at present the Appropriation Act was exhausted—
it might be said to expire by operation of law on the 30th of June—but this measure would enable the Government to obtain Supplies for two months longer without a Supply Bill. ("No.") If that was not the case, he had no further observations to make.

The motion was agreed to.

The Bill was then read a second time, and committed—Mr. C. Young in the chair—and was afterwards reported without amendment.

**Constitution Act Alteration Bill.**

**Tenth Night's Debate.**

The debate on Mr. Service's motion for the second reading of the Constitution Act Alteration Bill (adjourned from Thursday, June 17) was resumed.

*Mr. GAUNSON.*—Mr. Speaker, I gladly take this opportunity of thanking the House and the Government for their consideration in acquiescing, on Thursday evening, in my request that I should be allowed to continue my remarks tonight; and I will endeavour—as far as the true importance of the subject and the extent of my matter will allow—to make my remarks as brief as possible. I propose, in the first place, to run through the Bill itself. The first clause of any importance is the 5th, which proposes to authorize the Governor—and that, of course, means the Ministry—to dissolve the Legislative Council as well as the Legislative Assembly, whenever a Bill has passed the Assembly in two consecutive sessions, and been rejected by the Council, with an interval of six months between those sessions, and with the provision that the dissolution shall not be allowed within six months prior to the expiration, by flowing out of time, of the existence of the Assembly. The next important clause is the 7th, which provides that if, after a double dissolution, the Bill is passed by the Assembly and again rejected by the Council, the measure may or may not be—just as the Ministry think fit—submitted to the "Two Houses." Clause 8 throws on the Governor the responsibility of deciding whether the Bill is the same Bill which has been rejected on two occasions by the Council. That is an altogether novel responsibility to be imposed on the Queen's representative. It at once makes him a party man. Whatever decision he may come to will be unsatisfactory to one party or another. Certainly he will not be in the impartial and neutral position which the Governor should occupy. I think this is the first time in our constitutional history that it has been proposed to place the Governor in such an invidious and novel position. Clause 9 gives the Governor power to summon a meeting of the "Two Houses," to alter and vary the time and place of meeting, and to terminate the sittings; and thus the Ministry keep in their own hands the power of playing ducks and drakes with the matter. Clause 11 provides that a Bill may be passed, with or without amendments, by the "Two Houses," or be rejected. This proposal, I may say, is a novel feature propounded for the first time after the present Government took office; and I shall have something to say on that point hereafter. Clauses 12, 13, and 15 deal with the functions of the "Two Houses" when they do meet. First they are to elect a President, and then they are to make rules and regulations for their guidance. It will be quite within their power to use up the whole time allotted to them in wrangling over the question who shall be their President, or what shall be the rules and regulations to guide their proceedings. Clause 16 provides that the Governor may, by message, ask the "Two Houses" to amend any measure they may have passed. That is a copy of a section of our Constitution Act; but it has been doubted whether the power is a wise one for the Governor to have under present circumstances. In fact, on one occasion, the Premier voted against the making of an amendment recommended by a former Governor on the ground that the proceeding was opposed to the principle of the British Constitution. Clause 17 saves the 60th section of the Constitution Act. Clause 18 excepts from the operation of the Bill every Appropriation Bill, and every Bill not sent from the Assembly to the Council at least 30 days before Parliament is prorogued. Clauses 19 and 20, if the Bill had been marked by good drafting, would have been transposed. Clause 19 provides that "the annual Appropriation Bill shall not contain anything which has not been previously submitted to the Assembly in the Estimates of Expenditure for the year." That is as much as to say that if a new Tariff were to be proposed, and known to be objected to by the Council, it could not be tacked to the Appropriation Bill. In other words,
the clause makes tacks absolutely impossible. The clause then goes on to say not that the Estimates may be interfered with by the Council, not that the Council may send down a message requesting that certain matters may be removed from the Estimates, but that—

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

Then clause 20 gives the Council the right, on a resolution passed by two-thirds of its members, to transmit to the Assembly a message "requesting that any specified proposed grant of money, clause, or matter appearing on the Estimates of Expenditure for the year, which in the opinion of the Council"—not the Assembly—"is not a grant of money for the ordinary service of the year may be dealt with in a separate Bill from the annual Appropriation Bill." Clause 21 provides that the Council shall not reject the annual Appropriation Bill; but, after they have exercised the power of eliminating items from the Estimates, there will be no necessity for them to reject, inasmuch as they will have had everything their own way. The 2nd part of the Bill provides for an altered constitution of the Council. There are to be 42 members representing 12 provinces, 9 members being elected by the Central Province, and 3 by each of the other 11 provinces. The rotary system of election is kept alive, but that system seems an absurdity when coupled with provision for a double dissolution. Then it is provided that every member of the Council must be "of the full age of 30 years, and a natural-born subject of Her Majesty." Here there is a rather peculiar circumstance. There are many worthy and industrious naturalized citizens of Victoria who are quite competent under our law to be members of this Assembly, but who are not competent to be members of the Legislative Council or to be Executive Councillors; and the question is whether, under the circumstances, it might not have been a wise thing to have cut clean away that most objectionable restriction which exists at the present time. Surely, if a foreign gentleman who has sworn allegiance to the Queen, and taken out letters of naturalization, is fit to be a member of the people's House, he is fit to be a member of the House which is elected by only a part of the people. It is further provided that every member of the Council must be possessed of "lands or tenements in Victoria of the annual value of £150 above all charges and encumbrances affecting the same." Why I can point to gentlemen on the Treasury bench who are not possessed of that property qualification. Though they may possess all the ability and the experience necessary for the position of Ministers of the Crown, they are not fit, according to this Bill, to sit in the Legislative Council. This is what the Bill does. What the Bill does not do is that it fails to repeal the 45th section of the Constitution Act. Presently I shall come to that, but what I desire now to say is that this Bill is repugnant to the British Constitution. Why is it repugnant to the British Constitution? Because, by the 19th clause, power is given to the Council to order this House to take out of the Estimates any of the items that may be in it, and thereby violence is done to that particular motion which the Premier and the honorable member for Warrnambool voted for on the 2nd July, 1861, that any alteration of the Appropriation Bill, at the instance either of the Council or the Governor, "is contrary to the spirit of the Constitution." We also know it is contrary to one of the written reasons which the Premier, on the 3rd December, 1878, gave in favour of the resolutions that he submitted to this House—"that they would not in any way interfere with the privilege of the Assembly to put any item it chose into the annual Appropriation Bill." We further know it is contrary to the following statement which he made in this House on the 25th September, 1879:

"We should take care to preserve to this House complete control over the raising and expenditure of money, inasmuch as the other House is not permitted to initiate a financial measure for any purpose."

In September, 1879, the honorable member wanted that control preserved; in June, 1880, he wants it taken away. In the same speech, the Premier stated further—

"Having secured that object, we should not deprive the people of any other check they desire in order to see that this House deals with the finances of the country properly."

Exactly, Mr. Speaker. Leave us the 56th section of the Constitution Act, which insists that the raising and expenditure of money shall originate in this House, and that the Council shall have the right to
reject, and all that the Premier contended for on that occasion is secured, and especially if the 45th section is also retained, because, in the event of the Upper House throwing out the Appropriation Bill, it is in the power of this House to fall back upon that section, which provides that—

"The consolidated revenue of Victoria shall be permanently charged with all the costs, charges, and expenses incident to the collection, management, and receipt thereof."

I suppose there is hardly one department of the State the whole of the charges connected with which could not be paid under this section. My impression is that under it the Ministry of the day could carry on the government of the country without consulting this House, so far as the payment of the ordinary officers of the State is concerned. The late Government proposed to repeal the section. They were following the course pursued in England, where the corresponding law has been repealed for the purpose of bringing the whole of the public revenue under the control of the Commons House of Parliament. Why is it that the present Government fail to propose the repeal of the 45th section? Perhaps I may be able to show, as I proceed with my argument, that the Government have reason for not proposing its repeal. On the point that the Bill is repugnant to the British Constitution, I have already quoted the Premier. I will now quote the Minister of Railways. In September, 1879, when the last Reform Bill of the Berry Government was before this House, Mr. Gillies said—

"I am perfectly satisfied that, so long as we adhere to the practice of the Imperial Parliament, the people of this country will not desire that we should go any further; but the Government ask us, by this Bill, to take a step very much further."

That is the exact position we are in tonight. I say that so long as we adhere to the British Constitution, so long will the people of this country justify our action; but, unfortunately, the Government ask us "to take a step very much further." I cannot consent to that. Another objection to the Bill is that it creates a second House of Commons; but, according to the despatch of the Secretary of State for the Colonies (dated 3rd May, 1879), the claims of the Council in that respect, when examined into, no one can recognise. A further objection to the Bill is that it is clearly contrary to the suggestions for the settlement of the constitutional difficulty. It goes a great deal further than an attempt to define the relations of the two Houses on
Was it that that Chamber should represent wealth? No. The object was that it should be the means of protecting the colony "against rash and hasty legislation." Sir John Pakington went on to say—

"It is the wish of Her Majesty's Government that the Council should establish the new legislation on the basis of an elective Assembly and a Legislative Council to be nominated by the Crown."

The function of a second Chamber clearly is not to represent wealth or property. A second Chamber exists, as has been well described, "to prevent the people from mistaking a momentary fancy for a deliberate desire." Indeed I may say of our Legislative Council that they are elected—

...to adopt the words used by Earl Grey with reference to the power of the Crown—

"not resolutely to resist and oppose, but judiciously to check and guide the public opinion of the colonies into proper channels." These are the true functions of a second House; and, therefore, the statement of the Premier is one altogether mistaken in principle and pernicious in practice. Another objection to the Bill is that there is no precedent for it in any civilized country. It is candidly admitted to be a new point of departure. At the Cape of Good Hope, the double dissolution is in force, but there is no joint sitting, and both Houses are elected on the same basis—a franchise of an income of £25 a year. That is a manhood suffrage basis. Show me, in this country, the man who has not £25 per year. Therefore the Government scheme is not copied from the Cape of Good Hope. Nor is it the Norwegian scheme. I say again that, admittedly, there is no precedent for this Bill in any civilized community. Indeed, the Premier is quite justified in saying—"We are chalking out for ourselves an utterly unknown path, we propose to adopt a thing utterly unknown in any other part of the British Empire"—a thing not known in any civilized community—implying that we, in this colony, are such an outrageously bad lot that no code of laws known to any country of the world is suitable to govern us; that something stronger is wanted for such an atrociously bad lot. The Premier claims for the Bill the merit that it will allay agitation—that, to use his own words, "it will not give finality in legislation but in agitation." But where is the proof of that? There was a pretty meeting at Sandridge last
night. Did that show finality in agitation? There was a pretty meeting at Richmond the other night, when the honorable member for Warrnambool went down to smooth matters. Did that show finality in agitation? As a matter of fact, this Bill will not be a settlement of a reasonable and permanent character, it will not allay agitation, but it is calculated to intensify and magnify agitation. To suppose that carrying the Bill into law will put an end to the political agitation we have suffered from so long is perfect nonsense—one of the most grievous mistakes ever made. The measure is fraught in every way with dangers to the true welfare of the colony. Has it not been most plainly shown—is it not obvious to the meanest mind—that, if the "Two Houses" had to deal with say a Bill to abolish the fee now payable for an elector's right, it would be open to them to smash up manhood suffrage by amending the measure so as to confine the right of voting to ratepayers only? At the same time, it would be simply absurd to suppose it possible for any provision of that kind to be passed by a majority of the Assembly—by honorable members who have to face their constituents at least once in three years. Another objection I have to the Bill is that it is a perfect sham. In the first place, supposing the Assembly to consent not only of the said Council and Assembly, to make laws in and for Victoria in all cases whatsoever."

But there is nothing in the Act to authorize her to make laws by and with the consent not only of the "said Council and Assembly," but also of the proposed "Two Houses." Remember the Constitution Act is an Imperial, not a Colonial, Statute. In fact, were the Bill carried by both the Assembly and the Council, it would not be worth the paper it is printed upon. Of course we could repeal the section I have just read, but we are not now asked to do so. Then look at the loose drafting of the Bill. In clauses 25 and 26 reference is made to the Council passing "this Act," but can any one imagine the Council passing an "Act"? We hear daily from the Ministerial benches—"You object to the proposed scheme, but can you suggest a better?" I say—"Yes; it is quite possible to suggest several other schemes undoubtedly better."

For my part, I have never concealed my preference for a nominee Council, as the best form of Upper House, and the most like the great British model we are bound to copy. I know arguments are offered against such a Council, but they are easily overcome, because there is really no foundation for the wild prejudice on which they are grounded. The honorable member for Emerald Hill (Mr. Lyell), the other night, quoted from a speech of mine, delivered in 1878, in order to prove that I had argued that, inasmuch as the Upper House represent taxpayers, they ought, unquestionably, to have the right of altering Money Bills, but the quotation was so far unfair that it did not show that there was underlying the whole of the argument I then put forward a strong advocacy of the principle of a truly nominee Upper Chamber. My reference to the right of an Upper House representing taxpayers to alter Money Bills was a very plain one, because I was alluding to the system in the United States, where, both Houses being elected by the great body of the taxpayers, the right to interfere in money matters could not be fairly refused to either of them. I was then, in fact, going against the

Mr. Gowanen.
principle of a second elective House, and in favour of one based upon the true nominee principle. I have informed my constituents that I am for a nominee Council, and no doubt people will one day see that the adoption of the system would be the truest and best solution of our constitutional difficulties. I may be told that the Berry Government once proposed a nominee Council, but really they did nothing of the kind. They proposed a House of 30 members to be appointed by the Crown. But what is a real nominee House, as we understand it? It is the House of Lords, which consists of hereditary peers, to the number of whom the Crown can add from time to time—a power which is regarded as a safety-valve, because it can be resorted to in great emergencies. Constitutional students may tell us that it is wrong to coerce an Upper House, but, on the other hand, we find it declared by Earl Granville that, when a second Chamber is governed by faction, to coerce it would be quite a proper proceeding. It was obvious from the beginning that the Berry nominee Council was something quite different from the English idea of a nominee Chamber; and the late Premier, seeing that, proposed to make up for the difference by making the Assembly not only supreme, which it really now is, but in theory as well as in fact despotic­ally supreme. That was why I objected to the proposition so much. We are asked—"Would you allow the Ministry of the day to nominate members of the Council?" I reply with another question, namely—"To whom is confided the power of selecting judges of the Supreme Court, whose function to administer the law is naturally far more important than that of merely legislating, of making magistrates, and of appointing officials to the public service?" It is confided to the Ministry of the day. Why? Because they are responsible to the people's House, and therefore both directly and indirectly to the people beyond. In that light an appointment by the Government is practically an appointment by the people. True it is competent for the Governor to disapprove of any appointment made by the Ministry, but in that case it is open to them to resign, and possibly a general election might take place over the question. That is the constitutional, and, of course, the right way to get over the supposed difficulty of the question by whom ought the members of a nominee Upper House to be appointed. Whenever I have advocated the creation of such a Chamber, I have expressed myself as leaning towards the adoption of the suggestion Earl Kimberley once threw out, namely, that its members should be appointed for a term of years. I would suggest five years, as a reasonable period in a young country. "But," says the Minister of Railways, "if you do that, you make members in their last year of office completely subservient to the Ministry of the day." At the first glance, that looks like a very serious objection. What, however, do the Government propose to effect by their double dissolution system? They profess to want to make an Upper Chamber strong enough to resist the people whenever they are in a passion. But would not the fear of a double dissolution, which would send Council members to their constituencies, render them as thoroughly subservient to the Government as anything that could be imagined? As a matter of fact, the objection that the members of a nominee Council would be too subservient to the Government in their last year of office is completely got over by the constitutional doctrine that for every act on the part of the Government, in the direction not only of nominating a new member of Council, but also of failing to re-appoint one whose term of office had expired, they would be responsible to the Assembly and to the country.

Sir J. O'SHANASSY.—With a majority in the Assembly, the Government could laugh at the country.

Mr. GAUNSON.—But the majority in the country would have their laugh, too, in the end. What is the object of a second Chamber? Not to protect property, or this, or that, so much as to secure fair treatment to the minority of the community by preventing the dominant majority from riding rough-shod over them. Then let us look at the fact that our elective Upper House is at the present time virtually a nominee one. How many contested elections in connexion with it have we seen during say the last three years? It is said that the people will not have a nominee House. I assert that that objection is held merely on the ground of popular prejudice. All the more reason, therefore, why we should endeavour to educate the people up to the point of approving of the change in our Constitution which is, upon the whole, the best, and the one that corresponds most closely with the English
Constitution. On the other hand, supposing the country to be so wedded to the elective system as to refuse to adopt any other, are we bound to choose the plan embodied in the Bill? Can no one suggest a better? I think I can. I say, let the term of office for members of the Upper House be six years, and their elective basis be precisely the same as that of the Assembly. Abolish every invidious class distinction of the kind the Government seek, under the present measure, to establish. As for the number of which the Upper House should consist, I would have it remain at 30; I see no necessity for increasing it to 42. Again, let the Council electorates be all single electorates; let there be no qualification for members, save fitness, in the opinion of the electors, for office; and let us have a rotary scheme under which five members would go to the country every twelve months. With such a system, I would have nothing in the shape of a double dissolution under any circumstances. The arrangement I indicate would bring the Council into such harmony with the general body of the people that a dead-lock, upon either a Money Bill or a measure of general legislation, would be utterly impossible. Holding as I do that the Bill is dangerous to the best interests of the people of the country, and that the only true way to obtain a correct settlement of the question of reform is to send it to a select committee, and thereby remove it from the arena of party politics by elevating it into its true sphere, namely, that of national politics, I may be asked why I do not move that the measure be so dealt with. Sir, my reason for not taking such a course is a very simple one. Seeing that the honorable member for Portland, who is anxious to support the Government—as I am also, although I will not go with them upon this most pernicious Bill—is not allowed by them to move an amendment of the kind, and knowing that if I were to move one I would not be strong enough to carry it, although many of those who would vote against me are practically pledged by their public conduct to support a reference to a select committee, I feel myself debarred from making any proposition of the sort. At this particular stage, I ask the Government to consider the position in which their antagonism to a proposal to send the question of constitutional reform to such a committee places them. I will shortly state the facts of the matter. On the 9th July, 1878, when the late Chief Secretary met the Parliament of that year, he put into the Governor's mouth words which declared that the Government desired that the question of constitutional reform should be "considered from a patriotic point of view by the honorable members of both Houses, irrespective of party." It is greatly to be regretted that that line of action was not adhered to. Subsequently, as we know full well, the first Berry Reform Bill was brought in, and the present Premier moved, as an amendment upon the motion for its second reading, the adoption of a resolution which concluded with the following proposition:—

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

As we are all very well aware, no good came of that proceeding. Subsequently, when we were debating the second reading of the second Berry Reform Bill, the late Mr. Orr (whose removal from amongst us we all deplore), then one of the members for Moira, moved an amendment to the effect that the measure be referred to a select committee, which was seconded by the honorable member for Emerald Hill (Mr. Lyell), and, upon a division, 23 members voted for it. Almost every member of the present Parliament who so voted—including the honorable member for Cresswick (Mr. Cooper), the honorable member for Belfast, and myself, who were among the "pairs"—is now on the Ministerial side of the House, if not actually on the Treasury bench. Why, then, the present change of front? Is there any justifiable reason for it? I can see none. The second reading debate I allude to lasted from August 27 until September 25, and from several of the speeches that were then delivered I will venture to make a few extracts. In the first place, I will quote the honorable member for Belfast, who used these memorable words:—

"For my own part, I humbly confess that, for many years—ever since my return to the colony, in 1868—I have always been favorable to such a reform of the Constitution as a whole, upon a permanent basis, as would put an end to this eternal agitation for reform, only in favour of one party and to the disadvantage of the other. . . . To attempt the amendment of the Constitution from a mere party point of view is a wrongful proceeding, and, if the present bad example be followed, the Constitution is not likely to have any permanency."
The honorable member was followed, after one speaker had intervened, by the present Attorney-General, who spoke as follows:

"A Bill to alter the Constitution should not be brought forward from a party point of view, because the Constitution belongs to the whole people."

Is not the present Bill brought forward solely from a party point of view? The honorable member for Warrnambool stated—

"The honorable member for Belfast certainly ought to be a member of any committee appointed by this House to deal with the question of constitutional reform. The honorable member for Belfast has peculiar claims to be on such a committee. I shall support the amendment proposed by the honorable member for Moira, because it goes in the right direction. ... I do not mean a committee consisting merely of members of this House proportionate to the division of parties, but a committee of men who, by their understanding, experience, and publicly recognised capacity and honesty, would be able to deal properly with the question. Let us go outside the House even if we can get such men. I venture to say that, outside the House, there are men as competent as any in it to deal with the question fairly and dispassionately—men who would forget there was a Berry party or a Service party—who would forget whether they were free-traders or protectionists, high or low, and who would argue fairly and impartially, on its merits, every suggestion coming from any party in any part of the House. If we could only obtain an impartial tribunal of that sort, we should see daylight, dark as our present surrou

After referring to certain machinery as to how a settlement could be brought about, the honorable member also said—

"That is the whole machinery I would adopt, and I have no doubt it could be worked out into a successful scheme of reform, if it were placed for the purpose in the hands of a good committee, by which I mean not men of extremes chosen from one side of the House—men pledged on the one hand to support the Council to the full, or on the other to reduce that body to a sham; but reasonable men full of a spirit of compromise and truly anxious to bring the present difficulty to a conclusion."

The honorable member for Rodney (Mr. Sharpe) made the following remarks:

"As regards the amendment of the honorable member for Moira, I am of opinion that a better or more reasonable mode of framing an amendment of the Constitution than that proposed by the honorable member cannot be suggested. If this country is ever to have an amendment of constitutional reform, it will not be by the proposition of any extreme party representing either the Council or the Assembly alone. If this House is anxious to have the question of constitutional reform settled, I think they could not do better than accept the advice of the honorable member for Warrnambool, and appoint a committee of honest, capable, and impartial men—going outside the House even for such men—who would bring up some reasonable scheme of reform. There is no reason why this should be made a party question. I think, therefore, that the amendment of the honorable member for Moira is a very reasonable one, and if the Ministry are anxious for reform they should adopt it, and let the committee which the honorable member suggests bring up a report. I should be glad to see the name of the honorable member for Belfast included in the list of the committee, because he is thoroughly conversant with this question. Why cannot we for once throw party feeling aside, and try to obtain some reasonable measure of reform such as will satisfy the public?"

The honorable member for Sandhurst (Mr. McIntyre) said, in his turn—

"It seems to me that we must of necessity adopt some such suggestion as the honorable member (Mr. Orr) has made. ... It will be remembered that Sir George Bowen himself, during last session, suggested a similar course to that which the honorable member for Moira now proposes."

Then we had the present Minister of Justice speaking in the following strain:—

"And here I would ask the House to consider whether the Government are not actually convinced of inconsistency and incompetence in dealing with the question. If so, I would ask honorable members to determine that the Bill ought to be laid aside, and, in view of the impoverished state of the country, and the demands upon us for legislation in other directions, that the question should be dealt with by the means proposed by the honorable member for Moira, or by some other method in the only proper manner in which it can be dealt with by some fair, equitable, and just compromise."

We also had that tremendous plebiscitist, the present Minister of Mines, saying—

"I sincerely trust we will endeavour to divest our minds of party feeling, and to settle the question away from party strife."

The other honorable member for Moira (Mr. Sharpe) stated—

"With regard to the amendment of my honorable colleague, I think the question of constitutional reform is more likely to be settled by the mode which he proposes than by insisting on such a Bill as that now before us."

The present Minister of Lands expressed the following opinion:—

"A fair idea of the people's opinion on any question cannot be got where party government exists."

In the course of the long speech in favour of the motion which was delivered by the honorable member for Boroondara, he expressed himself as follows:—

"I believe that if the Government adopt some such proposition as that brought forward by the honorable member for Moira, namely, to appoint a select committee to confer with a committee of the Legislative Council on the subject, and to draw up a Constitution which will be intelligible and which will work harmoniously, we
may have hopes of a peaceful solution of this difficulty. It is no easy matter to draw up a Constitution which will work well. It is a very easy matter to draw up resolutions if you aim at entirely ignoring one branch of the Legislature. If you set about the work honestly and fairly, of making a thoroughly well-balanced and workable Constitution, surely, instead of introducing to this House a more partisan measure which their wisest and most prudent followers cannot wholly approve of, it would be far better for the Government to select from among our number some of those who have had most experience, who have stood and studied this question more than other members have done, and to let them confer with some members of the other House which it is sought to affect. For surely, if we are dealing conjointly with the constitution of both Houses, the other Chamber has a right in all fairness—even if they have not, as has been urged, a distinct legal and constitutional right—to be consulted? Why then not appoint a committee, not necessarily from one side of the House or from the other, but combining within its ranks the best wisdom we can find, for the purpose of conferring azzeadly and reasonably, as reasonable men may confer with parties from whom they differ? Either would win whether or not our difficulties are irreconcilable? I am sure they are not—and, if they are not wholly irreconcilable, then, in that spirit of compromise which the wise English statesman (Burke) whom I have quoted alludes to, let them frame such a measure as will perhaps not please rabid persons of either side, but which will nevertheless be a substantial gain to this country, and will satisfy, not the rash and hastily moved passions, but the sober and deliberate judgment of what I believe the people of Victoria to be—a thinking people."

The present Chief Secretary asked us—

"Why should not the subject be dealt with by a select committee, who would approach it free from party, and in a reasonable and rational spirit? . . . I believe that a select committee like that proposed by the honorable member for Moira is far more likely to deal with the question in a fair, rational, and moderate spirit, and to settle it in the interests of the colony, than the present Ministry are likely to do."

Then the present Premier remarked—

"I think, when it was brought forward last session, the proposal was a likely and promising one. Indeed it was then, and would have been now, if I echo that "if" to-night.

"It had been brought forward by the Government, the most likely and reasonable mode of solving the difficulty."

Lastly, the present Minister of Public Works put the following view:—

"If the honorable gentleman (Mr. Berry) wants a settlement of the reform question this session, why does he not accept the amendment of the honorable member for Moira? Why does he not allow the appointment of a committee of this House to confer with a committee of the other House, by which means, I believe, a Bill could be produced that would meet the wishes of the country?"

Mr. Gaunson.

And when every member of the existing Administration save the Minister of Railways had spoken in favour of the question of reform being treated apart from party bias, and remitted to a select committee, a division was taken, and the following names appear in the division list as in favour of Mr. Orr's amendment:—Mr. Bosisto, Mr. E. H. Cameron, Mr. Carter, Mr. Fraser, Mr. Harper, Mr. McIntyre, Mr. Moore, Mr. Sharpe, Mr. A. K. Smith, Mr. R. M. Smith, Mr. C. Young, and Mr. Zox. The names of those who paired off for the amendment are Sir John O'Shannassy, Mr. Cooper, and Mr. Gaunson, and the names of the present Ministers who voted on the same side are Mr. Bent, Mr. Duffy, Mr. Francis, Mr. Gillies, Mr. Kerferd, Dr. Madden, Mr. Ramsay, and Mr. Service. I intend to now ask the Government a question, and upon the answer I receive depends whether I shall move an amendment to the present motion. If I receive no answer, I shall of course understand what that means. Are the Ministry prepared, in accordance with their declaration when in opposition, to treat the question of reform as not a party one, and to let it go to a select committee? I pause for a reply. Well, it appears from the silence that reigns on the Treasury bench that I am not to have one. Then I beg to inform you, Mr. Speaker, that, at the close of my speech, I shall move an amendment to the effect that the Bill, now being discussed under coercive threats of dissolution, is repugnant to the British Constitution, would constitute the Council a second House of Commons, is opposed to the terms of Sir Michael Hicks-Beach's despatch, is without precedent in any civilized country, would create class and invidious distinctions among ratepayers, and would be, instead of a reasonable and permanent settlement of the agitation for reform, of dangerous consequence to the true welfare of the people, and that, therefore, the House declines to consider it further.

Mr. Kerferd. — God save the Queen!

Mr. Gaunson.—Whose power in this country the Bill would practically destroy. If the Ministry were prepared now to follow the course which they themselves, in September last, asserted to be the only proper one, namely, to treat this question not as a party one, but as one of national importance, I would heartily and cordially co-operate with them, and they
would unfailingy have a majority that would carry them through. But they have chosen practically to place me in a position of antagonism; they have forced me into an attitude of political enmity on this particular question.

Mr. ZOX.—Why?

Mr. GAUNSON.—Because I want to follow the common-sense course, and the only course which will bring this question to a reasonable settlement, whereas the Ministry are simply actuated by party wishes, and are pursuing that party course which they themselves warmly and righteously denounced in September last. Having shown by the speeches of Ministers that they themselves recommended the reference of this question to a select committee, and having intimated that that is the course that I, in common with the honorable member for Belfast, the honorable member for Portland, the honorable member for Fitzroy (Mr. Tucker), the honorable member for Delatite, and other honorable members, desire should be taken, I have been compelled, in defence of my political character, in defence of my own constituents, and in defence of the people of the colony generally, to table the amendment which I have indicated in order to set forth in writing the simple grounds on which I base my strenuous opposition to this Bill. Quoting the words of the present Premier with reference to the late Ministry, I say that the Government "have refused to send this matter to a select committee," that "the reform question can be settled during the present session and without a dissolution," and that "it could be settled without any difficulty if the gentlemen on the Treasury bench were out of the way." Are we not as anxious to settle the question, and without a dissolution, now as we were in September last, when the Premier gave utterance to those words? The Government are now seeking, by any means, to drag up supporters, the latest phase of the effort being a question put, to-night, to several members—"Will you vote for the Bill if we consent to drop out the joint sitting and the clauses relating to the elimination of items from the Estimates?" Anything, in fact, to stay in office. But if the Ministry are willing to give way in this manner, why can they not adopt the common-sense course, and send the question to a select committee, where there can be considered not only what is reasonable, but what will be approved of by the other Chamber? For, if we fail to pass a Bill which will gain the approval of the Council, what must we do? We shall be driven to the necessity of appealing to the Home Government, and, in that event, we must be able to present such a Bill as will come within the lines of Sir Michael Hicks-Beach's despatch to which I have referred in my amendment. The statement of the Premier that the last Berry Reform Bill would not prevent deadlock applies with tenfold force to the present measure—objectionable as I always considered, and always shall consider, the reform proposals of the late Government. The Bill is headed "a Bill to alter the Constitution Act, and the Legislative Council Amendment Act 1868, and for other purposes"; but it would be properly described as a Bill to promote deadlock, to degrade the Legislative Assembly—the people's House—and to strengthen the Legislative Council, the spurious £10-a-year landed gentry House. That exactly describes the object of the measure. If the Government had chosen to put the simple issue of this Bill to the country, I would be contented to go to the country on such an issue, and would not fear the result. Should it happen that I personally did not come back to public life again, what would it matter? I should, at least, have the consciousness of having done my duty according to my lights; and if one goes down for the moment, in such circumstances, he will come up again when the public mind will have become better fitted, by a calmer spirit, to understand the true objections to a measure of this kind. We are threatened with a dissolution. I would ask—Have the members of the Administration the authority of the Governor for making that threat? If they have that authority, I can only say that it was one of the most grossly improper arrangements that has ever yet been come to in any constitutionally governed country between a Governor and his advisers. But if they have not such authority—and I do not believe they have, because to have given the authority would be quite foreign to the history of the gentleman who is at present the Governor of this colony—then, I say, if the Governor did not authorize the Ministry to make such a threat at public meetings and to talk over the head of Parliament, their conduct in doing so is equally a gross breach of constitutional practice, but not more so
than it would have been had they had the Governor's authority. Have the Ministry made this threat? Why, the instances in the newspaper reports are so numerous that it is absolutely impossible to follow them. The first distinct threat was made by the Minister of Railways at Horsham, and I will give it as reported in three different newspapers. According to the *Argus*, the Minister said—

"The Government had submitted to Parliament a reasonable solution of the reform difficulty. They didn't intend to leave the helm of affairs without taking care that the opinion of the country on their Bill was ascertained, if it became necessary to do so."

The *Wimmera Star* reports the Minister to have said—

"He could assure those present that the Government would not leave the helm without ascertaining the honest opinion of the electors of the colony if they could."

"If they could!" We don't understand that sort of thing. If the Ministry made the threat without authority, their conduct was equally improper, but it was a threat all the same. The threat was made in such a way as to lead honorable members to believe that they had the right to make it, and it was made for the purpose of influencing members in the discharge of their duty in this House. The *Horsham Times* reports the honorable member to have stated—

"The Government had, he contended, submitted a reasonable scheme of reform, and they did not intend to abandon it without knowing the real opinion of the people upon the subject one way or the other. He sincerely trusted that an appeal to the constituencies would not be necessary, but the Government were resolved upon the step if it were so."

What does that mean but that the Ministry had the Governor's consent cut and dried to a dissolution? The Minister of Railways added that the Government were—

"Confident that they would command the sympathies and support of all who had the real interests of the colony at heart."

Of course. "Codlin's your friend, not Short." The only people who have "the real interests of the colony at heart" are the gentlemen who are drawing, on an average, £1,500 a year each!

Mr. VALE.—They have a stake in the country while they are drawing it.

Mr. GAUNSON.—The honorable member's interjection leads me to consider for a moment the supposition that the electors for the Council have a stake in the country beyond ordinary taxpayers. The contention reminds me of a story of Robert Burns, who, being highly incensed with a statement by one of the English dukes as to a person "having a stake in the country," wrote to a friend—"I have a wife and three bairns, with the prospect of many more, and I consider that is as good a stake in the country as any English duke can possess." What a preposterous statement it is to make that, because a man does not own landed property, he has no stake in the country. Are not the general taxpayers equally concerned with those gentlemen who hold land—not that I have any objection to them—in the making of good laws for the government of the country? I come now to consider the question of the Governor granting the present Ministry a dissolution. On this subject, I shall quote some of the illustrations given by Todd in his recent work on Parliamentary Government in the British Colonies, in which he collects, very admirably, all the precedents on the point. The first case of any moment occurred in Canada, where, on Thursday, the 29th July, 1858, Mr. George Brown was commissioned by the Governor-General (Sir Edmund Head) to form a Ministry. He asked for time to consult his friends, but on the Saturday morning accepted the commission. On the Sunday night—so anxious was the Governor that there should be no misapprehension with respect to the terms on which the new Administration would take office—he sent his secretary to Mr. Brown, with a memorandum which he requested him to consider carefully and lay before his intended colleagues. That memorandum, I submit, lays down the true constitutional doctrine; and, if the Governor of this colony has departed from it, he will have to defend his conduct to the Secretary of State for the Colonies. The memorandum was to the following effect:—

"The Governor-General gives no pledge or promise, express or implied, with reference to dissolving Parliament. When advice is tendered to His Excellency on this subject, he will make up his mind, according to the circumstances then existing, and the reasons then laid before him."

On the following Monday, Mr. Brown's Ministry were sworn in, and on the same night adverse votes were given against the Administration in both Houses. They therefore applied for a dissolution, and having, at the Governor's request, submitted their reasons in writing, His Excellency proceeded to answer them, and refused the application. Dealing with
the question of what is fair for a party, His Excellency wrote—

"The question for His Excellency to decide is not 'what is advantageous or fair for a particular party,' but what, upon the whole, is the most advantageous and fair 'for the people of the province.'"

On what ground will the present Ministry here ask for a dissolution? Will it be on the ground that their Bill was before the country, and that the country approved of it? If so, they will have to show the Governor that members who were returned by the constituencies have grossly betrayed plain and specific pledges to their constituents. Can they assert that of the honorable member for Portland, Belfour, who denounced their Bill, or can they say it of the honorable member for Portland, or of myself? If they take up that ground, I will say it is false. Will it be on the ground that this new Parliament is not their Parliament, and that it would be only fair to grant them a dissolution? Then the extract I have read from Sir Edmund Head's memorandum disposes of that ground. Will it be on the ground that the Bill is in strict accord with the principles of the British Constitution? I am sure the Governor will not consider that position made out, for I have shown how widely the Bill departs from the principles of the British Constitution. Then their only ground can be that, having taken office by assuring His Excellency that they had a majority (because they practically did that), and having deceived the Governor in that respect, they wish to lead him still further astray by getting him to grant them a dissolution. Another illustration with regard to the exercise of the Governor's discretion in granting a dissolution, given by Todd, is the course taken by the Marquis of Normanby himself when Lieutenant-Governor of Nova Scotia. In 1860, His Excellency refused his Ministers a dissolution, and, in defending his conduct on that occasion to the Secretary of State for the Colonies, he said, according to Todd—

"I quite admit that when a Council is backed by a majority of the House, a Governor is bound in ordinary cases to follow their advice, and that it is chiefly by his influence and persuasion that he must endeavour to direct their conduct; but Mr. Johnston (the Premier) would place a Governor in the same position as the Queen, and the Council in the position of the Cabinet at home, forgetting entirely that the Governor is himself responsible to the Home Government, and that it is no excuse for him to say, in answer to any charge against his administration of affairs, 'I did so by the advice of my Council.' Ministers having advised a dissolution after a vote of want of confidence had passed,——

Let me point out here that if my amendment is carried, it will not be a vote of want of confidence in the Ministry. It will simply defeat their Bill, and I trust the Bill will be defeated, because it is injurious to the best interests of the people of this country.

'their advice had ceased to carry that weight which, under other circumstances, would attach to it;' and, 'in the event of the people deciding against them,' the Governor would 'have been left to answer for having refused to acknowledge the vote of the majority in a House which had only just been elected by the people, an act which I consider would have been most unconstitutional.'"

The idea of the Governor giving a promise of a dissolution to a Ministry that unconstitutionally delayed the meeting of Parliament for two months, and giving them that promise before the events arose which would justify it, is so outrageous that I cannot believe it for a moment. Again, the late Governor, Sir George Bowen, in refusing a dissolution to the Stafford Ministry in New Zealand, in 1872, dealt with the subject of frequent dissolution in a very terse and able way. He said—

"Frequent dissolutions have an obvious tendency to cause members to be regarded as mere delegates of the constituencies, and not as representatives of the country at large."

There is no doubt whatever about the correctness of that remark. Is it not a farce to suppose that we can calmly and deliberately consider a question of this kind while we have already a threat of dissolution hanging over our heads, although the House has been only six weeks in session? Indeed, the House had not been sitting a month when the first threat was made by the Minister of Railways, at Horsham. At the present moment several of the Ministers are absent from their places, stumping the country in company with the Chairman of Committees. The idea of the secondary judge of this House, while drawing his salary from the consolidated revenue, stumping the country in support of the Ministry! His conduct is similar to what yours, Mr. Speaker, would be if, while the House was in committee, you showed your impartiality by gallivanting up and down the country arguing for the Government. The last illustration I shall give with respect to the granting or refusing a dissolution occurred in the province of Quebec, no
longer ago than last year. Lieutenant-Governor Robitaille was applied to by the Ministry for a dissolution, and, in a remarkably able minute refusing the application, argued the question. He said—

"Is it in the public interest that the province should be subjected so frequently to general elections? Is it in accord with the spirit of the Constitution that Parliament should be dissolved so often? Is the renewal at each brief interval of the popular representation of a nature to ensure the stability and the good working of our political institutions? To all these questions the Lieutenant-Governor deems it his duty to answer, No. The wise authority awarded to us by the Constitution which we enjoy has decided that general elections for this province should take place every four years, and this period is not so long that it should be still further shortened without reasons of extraordinary gravity. The Prime Minister understands the deep and prolonged agitation into which a general election plunges society at large, as well as the divisions and the demoralization which follow it. Apart from these political and social considerations, there are the financial considerations."

There we have the Service Government in our grasp. How can they dissolve the House without Supplies? That is a condition precedent to a dissolution. The House has got the Government in a cleft stick, and they have no right to go about the country breathing out slaughterings in the way they have done. Such conduct is not to be tolerated in any free community. Is it to be borne that representatives practically sworn to do their duty according to their consciences are to be threatened by a Ministry which obtained office in the way this one did, with a dissolution before even members have been afforded time to fairly discuss the measure in question? For myself, I do not fear any mortal thing under the sun as far as politics are concerned. I have simply to do my duty, and not to act in such a way that, when I return to my home, a still small voice will say to me—"You have not done right." The whole object of the Ministry in stumping the country is to influence the Governor by inducing him to think that they have a majority of the people at their back. Their conduct is also a continuation of the course of action which they pursued when they unconstitutionally and improperly postponed the meeting of Parliament for two months to enable them to go up and down the country, banqueting and showing the most sweet and tender solicitude for the interests of particular electorates—especially Gippsland. I remember when the late Minister of Railways went to Lancefield, at the time of an election, with an innocent piece of paper—which some people called a railway map—what an outcry was raised. The honorable member for Mandurang (Mr. Williams), on account of that proceeding, tabled a motion that it was highly criminal for Ministers to interfere in elections, and every member of the present Government voted for it. If it was highly criminal for one Minister to do what the late Minister of Railways did, is it highly proper for the whole of the present Ministry to go about the constituencies in the way they are doing? According to the same reasoning, though it was a crime in the Berry Government to refuse to refer the reform question to a select committee, it is a virtue in the Service Government to do so. One reason why I intend to move the amendment I have indicated is that the Ministry have so skilfully, as they believe, laid their plans, that in the event of their getting a dissolution, they may, by a coup de main, bring about the destruction of those who don't think with them, and I have thought it worth while to see if I cannot checkmate them in trying to achieve that object. This amendment will enable every member of the Opposition who has already spoken to speak again, and in the meantime the public mind will be thoroughly educated to the danger of this Bill. Then, if the Government do get an unconstitutional dissolution, we will be prepared to face them on the battle field; and, I doubt not, we will inflict such a defeat upon them as will make them in the future greater respecters of the Constitution than they have been in the past. If there is a dissolution, I will ask the country to say whether, as a matter of fact, this Bill was before it at the last general election. I notice that, after the shot I put into the Ministry on Thursday night, a friend of theirs, at a meeting at St. Kilda, quoted an obscure portion of the Premier's speech at Maldon before the general election, and made out that the proposed transfer of the power of the purse to the Council was foreshadowed in it. I assert that there is not a single word in that speech to justify the statement. Moreover, in the Premier's written manifesto at the general election—which was supposed to explain his deliberate intentions—there is not a single syllable about the Upper House having the right to alter the Estimates. It is the grossest deceit on the country for the Service
Government or their friends to allege that the particular propositions in this Bill were before the people at the last general election. Since the Premier took office, he has made two very extraordinary and important additions to his previous propositions. The proposal to allow the Council power to alter the Estimates is in direct opposition to one of his written reasons for the resolutions he moved in this House on the 3rd December, 1878, namely, that they "would in no way interfere with the privilege of the Assembly to put any item it chose into the Appropriation Bill." Moreover, in the resolutions of December, 1878, he proposed that, when the "Two Houses" met, there should merely be a joint vote, and no power of amendment, and before the penal dissolution he repeated that proposition; but, according to the measure submitted to the House, the "Two Houses" will have the power of amending any Bill laid before them. Consequently I shall be justified in saying to my constituents that these propositions were never before them, and that I was not bound by this Bill. I desire now to refer to the point how this Government was formed, and, in doing so, I am well aware that it will be asserted that my sole reason for objecting to the Ministry is because I did not obtain office with them. It will be seen how true that statement is before I sit down. In the first place, office was offered me, but in such a way that, out of respect for constitutional practice, I could not accept it. (A laugh.) My statement is true, and cannot be denied. I regarded the offer as a very friendly one, emanating from pure friendship; but if it did not mean office, it meant a bribe, and I cannot suppose it meant a bribe. A portfolio without office, but with a very excellent salary, was offered me; but I said—"No, although I recognise the kindness of the offer, I cannot accept it, because the salary does not come out of the consolidated revenue, but is a donation out of the private pockets of the Ministry." Then, as I was a young man who was supposed by the Ministry to have some little influence, and to be a good man for their party in many ways, I was offered the whipship with a salary of £500 a year and payment as a member thrown in, which together would have made the position equal, peculiarly, to the Chairmanship of Committees. I would sooner break stones than be a whip in this House. I do not wish to reflect upon any gentleman who has held the position. My reason for not accepting such a position is simply this: a really good whip is a man upon whom the very life of a Ministry depends on critical occasions, and he must necessarily devote the whole of his time to public affairs. Moreover, his mouth is shut, and every one is saying that it is shut because he is paid. Under those circumstances, the position would have degraded me in my own estimation. Besides, when his Ministry is kicked out, the whip must, of course, lose his position, and what would I then have had to fall back upon? Simply genteel indigence, which would not suit me. Not that I consider the Ministerial position worth very much money; I often think that the game is not as well worth the candle as some honorable gentlemen seem to fancy. I plainly told the Premier my sentiments. I told him that I knew that on many occasions I would be bound to conscientiously oppose him, and I did not wish the public outside to say that my opposition arose from pique. Therefore I wished to be out of the arena of party politics altogether, and to be placed in the position of secondary judge in this House. That is a simple statement of the case, and, therefore, for the Ministry or any of their friends to insinuate that I am opposing this Bill because I lost office is absolutely untrue. Do they think that I am a man to be guilty of that sort of thing, who left the Ministerial side of the House, two years ago, with a promise of office, and who assisted to turn out my own brother-in-law? Having made this personal statement, I proceed to show how this Government was formed. It is said that the country is in a deplorable state, that every interest is stagnating, and that there is an absolute want of confidence everywhere, as bad if not worse than when the Berry Ministry were in power. Whose fault is that? I charge the Hon. James Service and the Hon. James Goodall Francis with being the chief authors and creators of that state of things. This is very easily shown. Some 23 Members of Parliament—a small, compact, and, comparatively speaking, able minority—on the opposition side of the House united for one object, the bringing about of the overthrow of the Berry Administration, for reasons which to them were honest and proper. This compact minority, with one or two trifling exceptions, returned to this.
House triumphant, from the general election, with at least 20 new men, some 13 of whom were never inside these walls on any previous occasion, and whom the Premier, if he had seen them walking along Collins-street, would not have recognised as Members of Parliament. Under these circumstances, the country being in a distracted state—every interest in the condition I have described—how does this able statesman, the Premier, draw his party into one united band? By systematically insulting every man with the exception of those he took into office. I refer to the honorable member for St. Kilda (Mr. Carter), the honorable member for Sandhurst (Mr. McIntyre), and other gentlemen who were entitled to be considered, because they had fought ably and laboured zealously in the public service, for, be it recollected, it is the hope of reward that makes labour sweet to all mankind. The Premier never consulted a single one of them. Why did not the honorable gentleman call the party together, and say—"There are only so many posts which can be bestowed; will you help me to decide on the conflicting claims of those who consider themselves entitled to office"? Any man left out under those circumstances would have been bound in a national spirit to accept his position properly. Did the Premier do that? Not at all. And now, the only bond of union between the party having been dissolved by the putting out of the Berry Government, let me ask who is responsible for the want of confidence we hear of in the country? The man who must have known that his conduct would lead to this state of things. The Premier "jumped" office when there was no occasion for him to do so. And let me ask, in connexion with the payment of members question, what justification had he for robbing members of this House of two months' salary? That is what his act amounted to in taking office, and then keeping this House shut up for a couple of months, while the Ministry were carerring up and down the country in special trains and coaches and four, trying to noble votes—as in the case of my esteemed friend, the member for the Wimmera (Mr. O'Callaghan). At the same time, I believe the Premier was a mere puppet in the hands of the honorable member for Warrnambool. The Premier, when at Maldon, referring to the civil servants, said—"Human beings are not to be treated as so many pieces of dead wood—to be thrown about as it suits the person who gets hold of them. They must be treated as human beings—as persons having interests to be considered, and feelings to be regarded."

Did the Premier regard the feelings of those members of this House with whom he was for the time associated? Not for a single moment. He deliberately insulted the whole of them by neglecting to take any one of them into his confidence. That leads me to consider the question which will come before the general election, assuming that we have a penal dissolution. At the last election, certain promises were made. The Premier said, at Maldon—"I affirm that it will be the duty of the new Parliament to grant relief to the farmers, the miners, and the manufacturers."

I know the Premier may say—"You won't give me an opportunity to unfold my Budget"; but it should be recollected that the Governor's speech, which is bound to foreshadow all measures of great importance that the Government propose to submit to Parliament, is wholly silent on this point. Not only is this so, but when the farmers waited on the Premier, and asked him for relief, he laughed. Then the Minister of Mines rushes up to Sandhurst, and talks of the supposed terrible alliance which is being entered into by the honorable member for Belfast and the honorable member for Geelong—a supposition based simply on the declaration made by the honorable member for Belfast in this House that he would do his best to relegate the Ministry, as soon as possible, to the cold shades of opposition. Upon that open and straightforward declaration, and a similar declaration by the honorable member for Castlemaine (Mr. Patterson), the story arose about the formation of an alliance, offensive and defensive, whereby the Education Act was to be thrown into the waste-paper basket. Said the Minister of Mines, at Sandhurst—"An alliance between Mr. Berry and Sir John O'Shanassy, who could have thought it?" But who would have thought that a leader writer of the Argus would have gone to the honorable member for Geelong to endeavour to bring about an alliance between him and the Premier? Who would have thought of an alliance between the honorable member for Dalhousie, that bright hope of the Catholic people, and the honorable member for Maldon, who has described the Catholic church as a persecuting church? Said the Premier, at Maldon—"The present law respecting public instruction must be maintained inviolate."
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But how does this agree with taking the honorable member for Dalhousie into the Cabinet, and making public instruction an open question? The honorable member for Dalhousie could not conscientiously have taken office unless the Cabinet had made public instruction an open question, and yet the honorable member for Belfast and the honorable member for Geelong are twitted with a coalition upon this very subject that does not exist. Just imagine the Minister of Lands heading a crusade upon the education question, with "No Popery" inscribed upon his manly breast; and the Minister of Justice, another gentleman of the same faith, bringing up the rear with a full-blazoned banner, inscribed in the manner affected by Orangemen—"To hell with the Pope." Yet Ministers have the supreme audacity to venture about the country talking of the Education Act being in danger. The Education Act is an open question with the Ministry. So is the question of free-trade or protection. So also is payment of members. What is not an open question with the Ministry, I would like to know? We don't know what we are following or whom we are supporting. Certainly, if it had been put to me at the general election that I was to support the present Administration, I would have absolutely refused to do so. The Melbourne Harbour Trust Bill is another open question with the Government. They pretend to be anxious that the Harbour Trust should have power to give poor people employment, and yet they allow the Bill to be in the charge of a private member, and at the utmost give only two hours per week for the discussion of the measure. I say it is a pretence which deserves to be scouted. I doubt not that poor men, with wives and children depending upon them, who are anxious for work and cannot get it, will recognise that the present Administration—mouht it as they will—are not their true friends.

Mr. GAUNSON.—These then are the questions which will be remitted to the country. The Ministry are now going about trying to buy the constituencies by references to the floating of the new loan, by receiving deputations and arranging for their reception here, there, and everywhere, with respect to the building of fresh railways and things of that kind. I say that is not a proper state of things. I would remind the young Australians, of whom I am one, that this Government tells the young men of the colony that unless they happen to be owners of land worth £10 a year, or ratepayers occupying a house worth £20 a year, although they may be fit to exercise the franchise for this House, they are not fit to exercise the franchise for the Council. I say to the young Australians, to whom I now make a specific appeal, that they are the men of the future; they must be the persons to carry out in this country responsible government on the British lines. Having this in view, I say that, until the connexion of this colony with the mother country is severed, and not till then, should this Bill be read a second time. Indeed, if we had been wisely minded on this occasion, we would not have allowed the present Ministry to bring forward such a Bill. Sir, having said that, I will point out that it is the duty of those who are opposed to the Ministry to assume the possibility of a dissolution at an early day, and organize straight away. I don't believe in the Government dragging their position through the dirt by banqueting and stumping through the country, especially when Parliament is sitting. There are times and seasons when public meetings are a great piece of our British Constitution; and I say that to seek to take away the right of the people to assemble in public meeting would be to do a grievous injury to public liberty. But we are in the position that we must organize in order not to be blotted out of existence, as the Ministry propose. I am prepared to fight them even in Ararat. I believe there will be no real difficulty in pointing out to my electors, that while I have refused—definitely, positively, and unswervingly—to accede to the request which has been made to me by a large and influential meeting of my constituents, I am firmly persuaded that, when I go to meet them face to face, and tell them the reasons which have actuated me in the course I have taken—that it is not my duty simply to pay
attention to their local wants or wishes, but that I am here as the representative of the whole country—they will do as they have done in the past, they will allow a wise and a wide latitude to a representative whom they believe is actuated by honest motives. The offers which have been made to me on one side and the other will be quite sufficient, when my constituents know them as they will, to relieve me from the charge of paltry self-seeking which some people are trying to raise at my expense. Were I to leave public life, and devote my energies to my profession, there is not one man in this House with whom I would swap income. Having said so much, I will conclude by moving, as an amendment on the question now before the chair—

"That the Reform Bill now being discussed by this House under coercive and unconstitutional threats of dissolution is repugnant to the British Constitution; it constitutes the Council a 'second' House of Commons; it is clearly opposed to the suggestions for settlement of the reform question made by the Secretary of State for the Colonies in his despatch dated 3rd May, 1879; it is without any precedent in any civilized country; it creates class and invidious distinctions amongst taxpayers; it would not be a reasonable nor a permanent settlement of, nor allay agitation for, reform; and is of dangerous consequence to the true welfare of the people—therefore this, the people's House, declines to proceed further with the consideration of such Bill."

Mr. BARR seconded the amendment.

Mr. SHIELS.—Mr. Speaker, before I proceed to make any observations on the important question now under consideration, I must ask the indulgence of the House for a few moments while I advert to something personal to myself which happened on a recent occasion. On that occasion I found the House in the position of being, as it were, breast-high against me. If I were to express my own individual predilection, it would be to debate public questions under such circumstances. But I feel that every honorable member owes something to the dignity of this House, and that it is his duty to contribute as much as he can to the elevation of the debates in Parliament; and when the late Premier, in a very kind and complimentary way, advised me, as an old to a young member, to attempt in future, when addressing the House, to throw a little less asperity into my remarks, I determined to follow that advice as far as I possibly could. The late Premier is absent from his place, and I will take the opportunity of complimenting him on the genial manner in which he has addressed the House since I have been a member of it, and the courteous way in which he listens to the observations of others. With regard to the question now before the chair, I desire to say that I feel we are engaged upon the most serious work that the Legislature of any nation can be engaged in. Proposals of a fundamental character are offered us in the Bill submitted by the Government; indeed they are of such a nature that we are, certainly to some extent, tempting the unknown. The issues depending upon the carrying or the rejection of the Bill are of the gravest importance. I regret it has been the habit with a certain set of politicians to whom I don't desire to be offensive to vilify and abuse our present Constitution. I admit at once that that Constitution has not the claims to our reverence that the Constitution of the motherland has. No great historical associations entwine around it; but when we turn over page after page of our statute-book, and see the many wise, well-considered, and liberal enactments which the Constitution has enabled us to place upon that book, and when we look abroad and see the thousand evidences of the splendid progress which this colony has made under that Constitution, it must be admitted, at all events by every reflecting and liberal mind, that it has some claims at any rate to our respect. I do not deny that the lapse of time has shown that the Constitution has imperfections and defects which it is our duty to amend. The school-boy always puts down his blots and smudges to the account of his pen, and it seems to me that many of the faults of the Constitution are due not to inherent defects in it, but to the violence, clumsiness, or impatience of those who have had to work it. Now, if the Constitution demands from the public men who have to work it qualities which they do not seem to possess, the prudent course to take is to place in their hands a Constitution which, if I may borrow a term from mechanics, will be somewhat self-regulating in its action. When the Constitution left the hands of its framers, it left them—following the image I have used—with an equilibrium established between the two Houses. Since then, the centre of gravity has gradually moved up to the Assembly end. Many changes have been made in the constitution of the Assembly; and, in consequence, the equilibrium exists no
The magnitude of the proposal may be better estimated from what I am now about to state. At present the voters for the Council as compared with the voters for the Assembly are as 1 to 7. Under this Bill, the voters for the Council as compared with the voters for the Assembly will be as 1 to 2. The great liberality of this proposal can be further estimated by a comparison with the suffrage at present existing for the House of Commons. At present, 1 in every 11 of the population of the United Kingdom has a vote for the House of Commons. Under this Bill, 1 in every 7 of our population will have a vote for the Legislative Council. Thus the Government propose to make the Legislative Council more truly representative of the people of Victoria than the House of Commons is representative of the people of the United Kingdom. I say that such a proposal will not set up the invidious class distinction which the honorable member for Ararat, both in his amendment and in his speech, has declared. Personally I would have liked the Government to have gone down to the ratepayers' roll, but I am willing to accept the handsome installation of what I want which they offer in this Bill. I have no doubt, from the liberal feelings I have heard members of the Government express, they would have gone down to the ratepayers' roll but for the very good reason that it was necessary to frame the Bill so as to make it acceptable to another place. It has been said—"Why stop at the £10 or £20 limit?" That does appear to me a very puerile objection, because no matter what you do you will have to stop somewhere, and that stoppage must necessarily exclude an important class of the community. If it were proposed to go down to the ratepayers' roll, the very obvious question would arise—"Why stop there; why exclude the poor manhood suffrage people?" And if we went down to manhood suffrage, some one would want to know—"Why exclude the ladies?" The honorable member for Ararat has asked—"Why should a man who is rated at £19 19s. be not as much entitled to the franchise as a man who is rated at £20?" The honorable member might as well ask—"Is not a young man aged 20 years and 11 months as much entitled to the franchise as a young man aged 21?" The Government were bound to stop somewhere. We are dealing with the constitution of the second
Chamber, and I believe, although the Government have not gone down to the rate-payers' roll, they will give us an Upper House of the best kind we can have, because it will embody, to use the words of a great philosopher and very practical man, "the greatest number of elements exempt from the class interests and prejudices of the majority, but having in themselves nothing offensive to democratic feeling." Now I believe this proposed enlargement of the franchise will be the means of accomplishing that which we have all heard so much about during the last 20 years. It will bring the Council into harmony with the people. It will remove the class odium which attaches to all the acts, and mars the usefulness and efficiency, of that body. I believe it will give us an Upper House that will reflect the liberal aspirations of the people, and bow to the clearly expressed wish of the country, when that wish is expressed in constitutional fashion. I believe, in fine, that the proposal will give us an Upper House that will be prepared and willing to perform the salutary part which we always expect from a second Chamber. Another great advantage which I think will flow from the proposal is that it will effectually set at rest the question, so long as we have two Chambers in the colony, whether the Upper House shall be elective or nominee. I believe that no Government, in the lifetime either of the honorable member for Ararat or myself, will come to this Assembly and propose that the Upper House shall be a nominee Chamber. The honorable member for Ararat, in arguing to-night in favour of that discarded principle, gave instances which do not tell at all. He stated that the judges are nominated, but he left out of sight the way in which the power of nomination is hedged round. A judge must be a barrister, and that barrister must be, at any rate, of seven years' standing. The honorable member quoted a most unfortunate instance when he spoke of nominations to the magistracy. Have not many of the nominations which have taken place during the last 20 years in Victoria been calculated to bring the whole honorary magistracy into contempt? For my part, I consider it would be well if a revision of the commission of the peace were to be made. It seems strange to talk of a nominee Upper House after the experience we have had. Why the neighbouring colonies are absolutely giving it up. To prate about it being an analogue to the House of Peers is simply to shut our eyes to what is passing before us—is merely to catch at the form and lose the spirit. The conditions under which a nominee Upper House may exist in a British colony are no more like the conditions under which the House of Peers in England holds its power and existence than Victoria is like the Northern Pole. The nomination of members of such a Chamber would be a party act, and the nominees would share the unpopularity of the man who appointed them, and would be his subservient tools; whereas a Peer of England, once made so by the grace of his Sovereign, has that which cannot be taken from him, and which descends to his children after him. Sir, the Bill provides for some subsidiary reforms which I believe will have an exceedingly beneficial effect. These are the shortening of the term of office of members of the Council, the curtailing of the provinces, and the contingent dissolution. I believe these provisions will be the means of awakening in members of the Council a new sense of responsibility— a sense of responsibility they never possessed before. With regard to the qualification for members of the Council, I don't think the reduction goes sufficiently far. If I have the opportunity, in committee, I shall gladly avail myself of it, if no one else takes up the matter, to propose an additional qualification to that of property— something like the qualification proposed by Sir Charles Sladen, last session, in the Council. I believe in a literary qualification being provided for. I would make any university graduate and any member of the liberal professions eligible, without reference to property qualification, to a seat in the Council. Then I would have an official qualification. I would make anyone who has been a Minister of the Crown, anyone who has been twice returned as a Member of Parliament, any one who has served the office of mayor or been a municipal councillor some time, eligible to be elected. I believe it is not wise to circumscribe unduly the choice of the electors of the Council. A qualification of some kind I believe to be necessary; but our great aim should be to remove from the Council the taint which attaches to it of being composed of wealthy men and representing wealth—a taint which, as I have said, really mars its efficiency and destroys its

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value. If the Government will listen to this suggestion as to qualification, they will simply make the Bill more liberal in its tendencies than it at present is. The second aim which the Bill has in view is to prevent a repetition of collisions between the two Houses on financial questions, and to secure the passing of measures of general legislation. It seems to me that this involves two distinct inquiries—first, How are financial dead-locks, which have proved so disastrous to the colony in the past, to be avoided in future? and, secondly—How is that very illusory thing called finality in general legislation to be accomplished? The Bill proposes to prevent the recurrence of dead-locks in two ways—by giving the Council the right, on the vote of a majority of two-thirds of the whole number of members, to object to the inclusion in the Appropriation Bill of any item which they think is not a grant of money for the ordinary service of the year, and by depriving the Council of the power, which they now have under the 56th section of the Constitution Act, of rejecting an Appropriation Bill. Whilst giving the Council a power which they do not at present possess, the Bill, on the other hand, takes from them a power which they do possess. But here crops up the irreconcilable difference between honorable members sitting on the Ministerial benches and the members of the late Government and those who support their view. I believe that all honorable members are sincerely desirous of getting rid of dead-locks, but the means proposed for getting rid of them are very different.

Mr. Berry’s scheme was—

Mr. GAUNSON.—We are not bound by Mr. Berry’s scheme. We would not have it at any price.

Mr. SHIELS.—I am glad to hear the honorable member say so, but I am sorry that some members of the late Government, and many of their supporters, continue to fly the flag of the plebiscite and the 6th clause. Mr. Berry’s cure for dead-locks was, I admit, a very efficient one. It was to hand over to the majority in this Chamber the supreme and absolute control of the public purse. The honorable member’s view of the 56th section of the Constitution Act is that the Council have no constitutional right to exercise the clear legal power which is given them by that section. His contention, and that of, I suppose, 33 members on the opposition side of the House, is that the duty of the Upper House in respect to Money Bills is only to consent to them in the same formal manner that the Governor signs warrants and Crown grants submitted to him by the Executive Council. Sir, it is too late in the day to talk of the Legislative Council not having the power to reject any Bill that comes within the terms of the 56th section of the Constitution Act, seeing that, even in the opinion of honorable members opposite, they have the legal right to do so, and that they have exercised the power over twenty times since the Constitution Act was passed, and that an honorable gentleman who took an important part in the framing of the Act has stated within the last few days that the word “reject” was put in the 56th section for the purpose of giving the Council a substantial vital power. The Government and their supporters take a different view on this subject from that held by honorable members opposite. We consider that it is wise to give the Upper House some control over the public purse. We desire that the Upper House shall continue to exercise their power under the 56th section, but that the power shall be so limited as to get the maximum of effect with the minimum of mischief. We also say it is wise that there should be some check outside the forms of this House—which are really of little practical value for the purpose—to prevent any profligate or improper expenditure of public money. The check which the Upper House now possess is a very powerful one, but it is too much like a brake that a countryman of mine once invented—a very good brake, but so powerful that, whenever it was applied, it upset the coach, and probably caused more mischief than would have resulted from letting the horses run away. That is really the case with the check which the Council possess under the 56th section of the Constitution Act. In order to make it operative, the Council must upset the political coach—they cannot exercise the check without throwing the whole of the finances of the country into indescribable confusion. Let us look at the matter in the light in which it would be regarded as affecting business men. Would it not be looked upon as madness on the part of any lodge of Oddfellows, or any board of directors, if, having a large number of accounts to consider, only one of which was disputed, they allowed the whole of them to hang over for an indefinite time,
until the disputed account was settled? Does it not also seem ridiculous that an Appropriation Bill, containing probably a thousand items, should be indefinitely shelved, and the civil servants and other public creditors remain unpaid, because there is some item in it to which just exception is taken by the Upper House? The proposal of the Government is to act like practical men—to so amend the check given to the Council by the 56th section of the Constitution Act that the items on the Estimates about which there is no dispute shall receive the sanction of law, and that the two Houses can litigate before the grand jury of the country over any item about which there is a dispute. The Government go further, and say that they want to prevent the Appropriation Bill of the year from being diverted from its natural purpose, and turned into a weapon of offence, in order to stuff down the throats of the Council some obnoxious item or Bill. The view of the honorable member for Geelong (Mr. Berry) is that the House of Commons, in England, has complete uncontrolled power over the public purse, and that, if the Legislative Assembly of this colony has not the same power under the Constitution Act, a new Statute should be framed to give it that power. To that contention, the Government reply that the House of Commons never make the Appropriation Bill a means of coercing the Upper House. Instance after instance has been given of the House of Commons putting grants of money, which they might have included in the Appropriation Bill, in separate Bills, and asking the assent of the House of Lords to them in that form. I challenge honorable members opposite to show that a single instance has occurred during the last 150 years of the House of Commons having included any item in the Appropriation Bill which they had reason to believe the House of Lords would object to. On the other hand, however, we have shown one case in which the House of Lords objected to a proposed grant of money, and the House of Commons, yielding to the objection of the Lords, placed the item in a separate Bill. Whilst I have no desire to be offensive, I must say that neither the present Legislative Assembly of Victoria, nor any Legislative Assembly that has existed in the past, or is likely to exist in the future, has the same claims that the House of Commons has to be intrusted with uncontrolled power over the public purse. To the House of Commons there is attracted all the noble ambition of the kingdom, all the liberal aspirations, all the talent, all the success. The aggregate wealth of the members of the House of Commons exceeds the wealth of the House of Peers. In that sense the Legislative Assembly is not the House of Commons of Victoria. To a Chamber constituted as the House of Commons is, animated by an intense desire to keep unstained its reputation as the noblest representative assembly the world has seen—led by chieftains who have been tried in the crucible of experience and faithful service to their Queen and country—powers may be given which it would be dangerous to intrust to any other legislative body. I can well understand the intense affection with which the English community regard the power of the purse. The House of Commons met originally for the simple purpose of taxing the community; then it began to give advice to the King and his greater barons; and from that small seed grew the mighty tree of its present privileges and powers. No wonder that we all regard with reverence the power of the purse possessed by the House of Commons. It was the power of the purse which, in the time of the imperious Tudors and of the obstinate and foolish Stuarts, enabled the House of Commons to cut down the Royal prerogatives and clear away abuses that obstructed the path of progress. Like many other things, however, the power of the purse has served its end. As it exists here, at all events, it has now become a mischievous privilege—an anachronism which does more harm than good. It is just as much an anachronism as the freedom of members from arrest, and the power of any individual member to exclude strangers from the galleries while the House is sitting. Both those privileges were really necessary at one period of the history of the House of Commons, but no one will say that they are necessary now. The honorable member for Portland, in his eloquent address against the present Bill, read a passage from one of Mr. Gladstone's speeches, and contended that it showed Mr. Gladstone was of opinion that to divide responsibility between two Chambers in matters of finance or taxation was unadvisable; but if the honorable member will carefully re-peruse the passage, he will find that Mr. Gladstone was simply dealing with the House of

Mr. Shields.
Commons under peculiar circumstances, in regard to the Paper Duties Bill, and that he had no intention to lay down a general rule that it was unadvisable for two Chambers to share the control over finance. We know that in the majority of the different states in Europe, America, and Australasia greater powers are given to the Upper House of Legislature than are proposed to be given to our Legislative Council under this Bill—certainly larger powers than the Council possess under the present Constitution Act.

Mr. GAUNSON.—Why?

Mr. SHIELS.—I believe because the people of those communities know that it is dangerous to give undivided power of any kind, either in general legislation or finance, to one body. When the honorable member for Ararat draws up a will, or a deed of trust, I am sure he always, as a wise lawyer, tells his client that it is not advisable to leave large powers in the hands of one trustee, because of the corrupting influence of undivided power.

Mr. GAUNSON.—The reason why the Upper House in the American states has considerable power in money matters is because both Chambers are elected on the same franchise.

Mr. SHIELS.—I admit that one Chamber should have a preponderating influence in matters of finance; but there is a wide difference between that and saying that one Chamber should be supreme and the other have no voice on financial questions. The preponderating influence in this country is given to the Legislative Assembly under the present Constitution, and the Assembly will still have a preponderating influence if this measure becomes law, for it will have the sole power to initiate Money Bills. In proposing that there should be some check on the absolute power of the Assembly, the Government have the assistance of the advocacy of the Age newspaper, which, in a series of able pointed articles, has admitted that it is necessary that the people should have some check on any proposed improper expenditure of public money—some power of saying “No.” The only substantial difference between the check advocated by the Age and the scheme embodied in this Bill is that one is the plebiscite and the other is the double dissolution and joint sitting. In both cases it is proposed that the people shall be the final arbiters. Both the Age and the Government are agreed that it would be highly improper, considering what men are, and what assemblies of men are—and public bodies are really less responsible than individuals—to place the uncontrolled power of the purse in the hands of this House. Had the plebiscite proposed by the late Government been confined simply to the determination of financial disputes between the two Houses, I would have regarded it with much more favour than I did. I feel that the arguments in favour of the plebiscite, as applied to money matters, are altogether wanting when the principle comes to be applied to questions of general legislation, because if there is one thing more than another which the people would take an interest in, and upon which they could express a sensible opinion, it would be the question of whether money that came out of their own pockets should be expended in this direction or in that. The honorable member for Ararat made an interjection, a moment or two ago, to the effect that the reason why the Upper House in the American states and other countries has power over finance is because in those countries the Upper House represents the people. That is to some extent true; and what does this Bill propose to do? It proposes, as I have already shown, to make our Legislative Council more representative of the people of this colony than the House of Commons is representative of the people of England. If it be true that representation and the power of taxation should go together, upon what logical ground can honorable members deny that the Council, reformed as it is proposed to reform it by this Bill, ought to have some power in matters of finance? I would point out that the measure proposes to give the Council merely a negative power—the power of checking profligate expenditure until the opinion of the people can be expressed upon it. In connexion with this subject, I desire to quote one or two passages from a speech made by the honorable member for Ararat in August, 1878. On that occasion, the honorable member said—

"I may point out, however, that while the House of Commons has some ground for asserting that it ought to have the exclusive right to deal with Money Bills, inasmuch as the House of Lords is not elected by, and does not represent taxpayers, the same argument will not apply against our Upper House, elected by 30,000 taxpayers, each having a property qualification valued at £50 a year and upwards."

If this argument applies to an Upper House returned by 30,000 taxpayers, it
will apply with greater force to one elected by 110,000 taxpayers. The honorable member went on to say—

"True those taxpayers are also represented in the Lower House, but that does not affect the point. One of my complaints against the Government proposition—and I trust they will amend the Bill—is that so long as they permit the Council to be an elective body, the same earnest solid argument which applies against the House of Lords interfering with Money Bills will not apply against our Upper House."

Mr. GAUNSON.—I advocated a nominee Upper House.

Mr. SHIELS.—The present Bill proposes that the Upper House shall continue to be an elective body, and the honorable member did not object to that when before his constituents.

Mr. GAUNSON.—Yes.

Mr. SHIELS.—The honorable member said if he had his own way he would have a nominee Upper House, but he went in for the Service Reform Bill, which includes an elective Upper House.

Mr. GAUNSON.—The honorable member is mistaken.

Mr. SHIELS.—In a speech made in December, 1878, the honorable member remarked—

"In this country both Houses are elected by and represent taxpayers, and I am prepared to go the length of insisting that the logical conclusion from this fact is that each House ought to have the right of amending Money Bills."

Mr. GAUNSON.—Therefore I don't want an elective Upper House.

Mr. SHIELS.—The honorable member further stated—

"The resolutions of the Council ask that right may be conceded them, and they say that if it is given them they are willing to be dissolved. How is that an infraction of the rights and privileges of the House, or of the rights and privileges of the people, which is the only true and proper way to put the matter?"

The honorable member for Belfast has admitted that, if we make the Council as representative as this Bill proposes, we cannot consistently deny that Chamber larger powers over taxation and finance than they at present possess; and I think I have shown that, in 1878, the honorable member for Ararat argued in the same direction. The real reason why the honorable member for Portland and the late Chief Secretary desire a nominee Upper House is that they recognise the great principle that representation and taxation should go together, and they therefore feel that they are obliged to admit that powers should be given to an elective Upper House which could be consistently denied to a nominee Chamber. What the supporters of this Bill desire is to give the taxpayers—from whom all power springs, out of whose pockets all the public moneys are taken, and to whom, in the last resort, all appeals must be made—the simple power to say "No" to any proposed improper expenditure. Last year, at the University, I came across an old book containing this very significant prayer of a Norman baron—"O Lord, I do not ask Thee for wealth; but only that Thou wilt place me for one hour within arm's reach of the man who has it." I say that if we put in the hands of a majority of this Assembly that absolute power which the honorable member for Geelong (Mr. Berry) desires they shall have—a majority perhaps only exceeding the minority by one—we shall place that majority perilously within arm's reach of the hard-earned money of the people of this country. I am not willing to give them that power, because I do not think it would be beneficial for the public interests that they should possess it.

Mr. McKEAN.—Give us the powers of the House of Commons. That is all we want.

Mr. SHIELS.—I do not think that this Assembly can consider itself the House of Commons. There are checks influencing the House of Commons which do not influence the Legislative Assembly of a young country like this, or a House of Representatives in a country like America. Honorable members opposite, in claiming for this House the powers of the House of Commons, are not fixing their eyes on what is probable in the future, or remembering what has occurred in the past. I apprehend great benefit from the indirect effect of the check which this Bill proposes to give against unjustifiable expenditure of public money. The fact of the Upper House having the power to object to an improper item on the Estimates would have a powerful influence in preventing honorable members from pressing the Government to propose corrupt or improper votes. I believe that it would also strengthen the hands of the Government to resist the importunities of honorable members. Just as many honorable members heartily wish that there was no such thing as political patronage, so any Government who desired to do fairly by the country, and to economize the public expenditure, would welcome the opportunity of being able to say to a
supporter—"If we put a sum of money on the Estimates for the purpose you suggest, the Council will object to it, and the people will say they are right." King John, looking on the pale face of Hubert, said—

"How oft the sight of means to do ill deeds makes deeds ill done!"

I believe that giving the Legislative Assembly unchecked power over the public funds would lead to ill deeds being done. In that view, I warmly advocate the sensible plan of giving the Council power to get a disputed item removed from the Estimates, and let the undisputed items receive the sanction of law. As to the portion of the Bill which is intended to attain what is called "finality of legislation," I have already said that I regard the cry about finality of legislation as a will-o'-the-wisp—as likely to be misleading—but the idea has caught hold of the mind of the people. Finality is proposed to be attained by means of the double dissolution and a joint vote. I attach much less importance to this portion of the Bill than to the other portions, and I do not regard it with anything like the same fact, to a certain extent

The cardinal aim of the measure—and this is my principal reason for supporting it—is to liberalize the Upper House. If the Upper House is liberalized as now proposed, I believe that there will be little need for a joint vote. Whilst the joint vote is perfectly in harmony with representative institutions, it does to some extent detract from the bicameral system, and contains elements which might be turned to a bad use. I believe that under the joint vote, in times of great excitement, a result would be obtainable which the present Opposition would welcome with the greatest delight, but which the Ministerialists, who do not like hasty action in legislation, would regard with extreme disfavour, namely, the complete ascendency of a majority of this Chamber. In adopting the principle of the joint vote we are, in fact, to a certain extent tempting the unknown; and the attitude of my mind towards the proposal is very much the same as it is in regard to the plebiscite. We are told—

"Domestic food is wholesome, though 'tis homely;
And foreign dainties poisonous, tho' tasteful."

That is true, I believe, of the plebiscite, and true also, though in a less degree, of the joint vote. The joint vote is a mechanical means of attaining what is called finality. When I regard the English Constitution—to which I am sincerely and most loyally attached—I fail to discover in it any mechanical means of arriving at a decision, or of overriding the decision of the House of Lords. The power of creating new peers has been spoken of as the safety-valve of the British Constitution; but I believe that is no more the safety-valve than the kidnapping or abducting of a number of the existing peers would be. The true safety-valve of the British Constitution is the forbearance, and loyalty, and patriotism of the public men who work that Constitution. The only Ministers who ever swamped the House of Lords by getting new peers created were impeached. Two of them fled the country rather than face the trial, and only the third stood his ground. The liberal House of Commons declared that the action of Ministers in advising the Crown to create twelve peers to carry the Treaty of Utrecht was not only unconstitutional, but illegal—a high crime and misdemeanor. That indictment was drawn up by the ablest whig lawyers of the day, and Lord Oxford, instead of demurring to it—denying that the act was illegal—pleaded an avoidance. His defence was drawn up by the ablest tory lawyers of the day. I therefore repeat that the power of swamping the House of Lords is no more to be regarded as the safety-valve of the British Constitution than the kidnapping or abducting of a number of peers.

Mr. GAUNSON.—The threat to create peers to carry the Reform Bill of 1832 is against you.

Mr. SHIELS.—The Lord Chancellor who is said to have advised the creation of peers for that purpose has left on record the striking statement that the threat would never have been carried into execution. Though I don't regard the joint vote with the same favour that I do the other portions of the Bill, I do see in it guarantees for sobriety of action and moderation, which I fail to see in the plebiscite. In regard to the plebiscite and joint vote, I feel something like one placed "between the devil and the deep sea." The people are imperiously demanding that there shall be some means of settling agitation—some means of carrying measures into law. If I thought that the people would be willing to go on without the joint vote, I would say, "Thank God," and drop it; but they
have set their hearts on seeing some day-
light when the two Houses come into colli-
sion, and, because they have done so, I am willing that the Bill should pass as it is—if I fail to carry an amendment which I intend to propose in committee—because I feel that it will afford some settlement of a vexed question.

Mr. McKean.—It destroys our birth-
right.

Mr. Shiels.—Sir, the rights of the Assembly are only to be valued to the extent that they secure the liberties of the people and promote good government and economic administration. To my mind, the argument that it would degrade this Chamber to abate one jot or tittle of its claim to the exclusive and sole control of the finances of the country embodies a demand which I regard as unholy. I believe that it is requisite, in the interests of the people, that this House should make some concession in order that there may be a check upon improper expenditure. As for the plebiscite, I do not regard it with much favour, for I am convinced, with the honorable member for North Gippsland (Mr. McLean), that its effect would simply be to hand over the powers of the whole Legislature to the compact minority of the electors who inhabit our cities and towns. Indeed I don't mind going so far as to say that the real issue between the Service Reform Bill and the Berry Reform Bill is that the former will give to the country districts of the colony the power which the plebiscite would take away from them. Knowing as I do something of the obstacles that at the present time stand in the way at election times of both candidates and electors in country districts, I thoroughly understand how difficult it would be under the plebiscite for a country elector to give an intelligent vote of “Yes” or “No” on a technical Bill of 400 or 500 clauses, and also what little benefit he would derive from the provision that half-a-dozen copies of every measure sent to a poll of the people should be stuck up for public use at every polling-place. I fancy I see irreverent electors pulling off leaf by leaf to light their pipes. To my thinking, the plebis-
cite would be subversive of parliamentary government, while the joint vote of the Houses would be in perfect consonance with it. Next I will deal with some of the arguments against the Bill that have been urged by the honorable member for Portland. In turning to this subject, I am reminded of a quaint proverb a Danish friend has often quoted to me—"When it rains porridge, the beggar has no spoon." The meaning is that there is no satisfying those who are constitutionally given to grumbling. No human nor even super-
human ingenuity could frame a Reform Bill to which some honorable members would not take exception.

Mr. McKean.—What can be said against the Hon. R. D. Reid’s Bill?

Mr. Shiels.—Why even its author has offered objection to some portions of it, because he has altered them. Look at how some members of the Council complain of the Service Bill that it will reduce the Upper House to a nullity, while the radical party in this Chamber declare that it will consummate the murder of manhood suffrage. Surely moderate and reasonable men can afford to smile at both statements. They cannot be both true, and both may, probably, be best de-
scribed in school-boy language as awful “whoppers.” I can understand the hon-
or able member for Portland contending that the present question should not be made a party one, but it is difficult to realize the appropriateness of an argument of that sort on the lips of the honorable member for Ararat. Surely the latter honorable member has not yet forgotten the part he took in the last Parliament, and how far he, as well as others, felt the necessity of taking party action with re-
spect to the second Berry Reform Bill. He cannot also fail to remember the posi-
tion he took up at the late general election. If he wants any reminder of it, I can give it him in the terms of the summary of the views of each honorable member which has been published by the leading journal. It begins thus:

“Gaunson, David, Ararat.—Opposition. For double dissolution, and other portions of Ser-
vie reform scheme. Opposed to plebiscite, 6th clause, and payment of members.”

Ought not that to act as a sort of stopper on the honorable member? Did he not, at Ararat, set up the Service scheme against the plebiscite and 6th clause? Since then, however, he seems to have acted on the principle that any stick is good enough to beat a dog with, and, during the present session, any stick, little or big, has served him for the pur-
purse of beating the unfortunate dogs on the Treasury bench.

Mr. Gaunson.—Why speak of Ministers on the Treasury bench as dogs?
Mr. SHIELS.—Have we not before now heard of a “pup” in the House? I must here exempt the honorable member for Belfast from any share of the blame I am now imputing. It seems to me that he has received unmerited obloquy on account of the objections he has offered to the Bill, because it has been for years clearly impossible for him to accept such a measure. In January last, he made a speech to his constituents as bitterly opposed to the reform scheme the present Premier had then laid before the country as his speech of last week was to the Bill now before this House. He expressed himself from the first as strongly against the Norwegian scheme. At the same time, I believe the honorable member loves his country as sincerely, and desires its advancement as ardently, as any honorable member on this (the Ministerial) side of the Chamber. Let us look at how the skeleton of the Bill which the present Premier placed before the country at the late elections, it was not understood among them that if they were successful the result was to be the advocacy by them of a reduction of the qualification for electors and members of the Council, the double dissolution, the joint vote, and the endowment of the Council with some power over finance?

Mr. GAUNSON.—Not all that.

Mr. SHIELS.—Perhaps the honorable member misunderstands me. Can I ascribe to him less knowledge of what was before the country at the time I speak of than was possessed by say Mr. Phillips, one of the candidates for St. Kilda, whose speech to the electors of that district, on the 18th December last, I have now before me? I find that, on that occasion, Mr. Phillips spoke as follows:—

“The main lines of the scheme which the Opposition suggest are, as I understand them, a reduction of the qualification for electors of the Council down to the £10 annual rate, by which means the members will be brought more in accord with public sentiment; a reduction of the term of office from 10 to 5 years, and a lessening of the provincial areas, so that the members of the Council may be brought into more frequent communication and contact with their constituents; and the subjecting of the Council to dissolution equally with the Assembly whenever a dissolution takes place in consequence of disagreement between the two Houses. I am not, of course, authorized to speak for the Opposition, but I desire to state that, in my opinion, a House thus constituted might very safely be accorded the power of removing from any Bill appropriating revenue any item to which they might object as not properly coming within the ordinary service of the year, and of requiring the Assembly to send up such item in a separate Bill.”

It cannot be doubted that every opposition candidate knew perfectly well what the Service scheme included. When I was before my constituents, I plainly told them that I would support the proposals that had already been made to constitute the Council, when it more largely represented the taxpayers of the community, a more effective check than formerly upon the public expenditure. I clearly expected the Service Reform Bill to be framed with that object.

Mr. LONGMORE.—With the object of giving the Council all the power? Yes, that and no other.

Mr. SHIELS.—No, only power sufficient to enable the Council to interpose delay, and so give the people a chance of saying “No” to a particular piece of expenditure they thought improper. If the present Government had not included in their Bill the whole of the programme they laid before the country, would not the honorable member for Ararat have been among the first to say to them—“You put your hand to the plough, and now you look back; you are neither fit for the kingdom of heaven nor the Treasury bench”? He would have heaped scorn and contumely upon them, and the honorable member for Ripon would have followed suit. The honorable member for Portland has advocated the reference of the Bill to a select committee, but, before he did so, he asked me for my opinion of the arrangement. I replied that while I thought it admirable in the abstract, I did not think, seeing the peculiar way in which its subject-matter had been presented to the consideration of the country, that it was really practicable. I am still of that opinion. Indeed, I believe that to simply send the Bill to the honorable members on the opposition and Ministerial back benches, or to those who occupy the opposition and Ministerial corners would afford us more satisfaction,
Constitution Act

[ASSEMBLY.] Alteration Bill.

and tend more to a solution of our difficulties, than any reference of the matter to a select committee would.

Mr. LONGMORE.—Unite them all.

Mr. SHIELDS.—I might as well expect light and darkness to commingle as that any good could possibly come from referring the Bill to a committee of the occupants of the front Ministerial and opposition benches. The honorable member for Portland made a most effective speech in support of his view, but, as I listened to him, I could not but think him richly endowed with what I may call a double nature. He seemed to have the practicalness and keen sight of the man of the world in combination with the intelligent but somewhat transcendental and ethereal nature of the political theorist whose thoughts are sometimes in the clouds. He appeared to be one of those who sometimes speak in one character, and vote and act in another. In fact, he presented himself to my mind as an interesting political conundrum—as one who was acting in political life as the sculler does in real life, namely, looking one way and rowing another. Certainly he argued against it being wise to provide machinery against dead-locks in a most peculiar fashion. He said, in effect, that dead-locks would occur whenever the Council attempted to stand in the way of corrupt or profligate votes by the Assembly. Not a bit did he seem to see the great fallacy that necessarily underlies a statement of that sort. First of all, he seemed to forget that the dead-locks of the past occurred over votes that no one can say were corrupt or profligate. Take, for instance, the Darling grant and payment of members. Will any one say those two votes were corrupt in the sense of imputing personal wrong to the honorable members who supported them? Why they were advocated by honorable members who were actuated by the most sincere and holy intentions. How can the taunt of supporting corruption be thrown against such a man as Mr. Hamilton? Why, then, should we be prevented from curing dead-locks over votes that no one could denounce as corrupt? Seriously, the honorable member for Portland also forgot his former allusion to the possibility of unchecked power on the part of the Assembly placing agues on the judicial bench. Therefore, giving his argument all its weight, what does it amount to? To this—that if you suffer from two evils, unless you can remove both at the same time, you ought not to attempt to remove either. On the same ground, if the honorable member was attacked by gout, and it could not be cured, he would not allow himself to be relieved from the toothache, from which he was also suffering. Can argument on such a basis be regarded as reasonable? Then he contended that, if the power involved in the elimination clauses was given to the Council, they would be bound to be continually exercising it—that their sense of duty would impel them to do so. But nothing is clearer to me than that the power the Council would then have would be hedged round by many clear limitations and restrictions. First of all, they would have to decide, by a two-thirds majority, that the vote on the Estimates they desired to bring in question was not one for the ordinary service of the year. Supposing them to have done that, they would next find themselves restricted by two great considerations, namely, whether asking that the vote should be eliminated from the Estimates would be a game worth the candle—whether the matter was one about which it was worth while putting the country to trouble and annoyance—and also whether they had any assurance that, if they objected to pass the vote, the country would back them up. With such drawbacks to its use, I must regard the power as one which, at the utmost, would be very rarely employed. The honorable member also argued that two Chambers possessing financial power were not necessarily a check upon each other, and he gave what I cannot but regard as a most unfortunate illustration of his meaning when he referred to the history of the Silver Currency Bill in the United States Legislature. Be it remembered that in the United States there are, constitutionally, three checks—check upon check. The Senate vetoing the Silver Currency Bill really showed not only the wisdom of making that body a check, but the efficiency of the check itself. When the second veto was given, a difference of opinion had arisen. Besides, the Bill was not the mere sponging-out-of-the-national-debt measure some people think it was. The point is that the existence of a check necessarily makes corruption more difficult. It is harder to bribe two Chambers than one. What makes cricket teams so free from charges of corruption is that every one knows that eleven men have to be
corrupted before a match can be sold. The same rule applies to politics. Division of responsibility—it is so with ordinary trustees—is a check in itself. It will doubtless be recollected that the honorable member told us that, at an early stage of his career, when his mind was young and callow, Mr. Higinbotham made an impression upon it that it had never lost. I wish to say here that there is no man in the colony I more sincerely admire than I do Mr. Higinbotham. But, in fact, the whole of the unfortunate struggle over the Tariff—cum—Appropriation Bill was precipitated by a misreading of the English Paper Duties Bill precedent. In no way can that precedent be said to justify tacking the Tariff to the Appropriation Bill of the year; nevertheless, the contrary was maintained, and results most disastrous to the country accrued. Indeed, the embers of the old quarrel are still alive. I hope the present Bill will be the means of putting them out. I believe that passing it into law would utterly remove the ground on which the struggle was carried on. The honorable member for Portland further urges that the Bill would cause dead-locks. He and other honorable members have gravely stated that after the Council had, by a two-thirds majority, asked that a particular vote should be eliminated from the Estimates, a majority of the Assembly would persevere in refusing to comply with the request—would knowingly break the statute law of the country, and proceed to pass the Appropriation Bill in its despite. Let us suppose an extreme case, namely, that the Speaker of the day, being without backbone, was willing to countenance the lawlessness of the majority in this Chamber. What would be the outcome of it? Undoubtedly the Appropriation Bill passed in defiance of the statutory request of the Council would be of no more utility in the eye of the law than a piece of waste paper. Supposing that the Council passed the Bill in the form in which the Assembly passed it, and that the Governor assented to it, the Audit Commissioners would still be bound to refuse to allow money to be paid under it. Therefore, to contend that the present Bill would cause dead-locks is simply puerile. I can hardly imagine any one sent to this Chamber arguing on this point as the honorable member for Fitzroy (Mr. Vale) has done. What would be the result of the action he considers the Assembly would probably take under the Bill? This is how Canada was situated under not dissimilar circumstances:

"There was now no power to make new laws, no means of paying those who administered the existing ones, no appropriation for the public service in any department, schools were neglected, roads unrepaird, bridges dilapidated, gaols unprovided for, temporary laws expired or expiring, and confusion and disorganization everywhere." In this country, were the Assembly to persevere in the line described by the honorable member, our benevolent asylums and hospitals would be left without the means of maintenance—without daily food, medicine, or attendance—our criminals would be discharged from custody, and the streets would be patrolled by those who had escaped from gaol. It is preposterous to suppose the people would allow a lawless band of public conspirators in this Chamber to throw the country into confusion because of a fancied grievance. It seems to me the opponents of the Bill are reduced to severe straits when they put forth arguments of that sort.

Mr. GAUNSON.—The people of Canada stood what you describe for five years.

Mr. SHIELS.—Yes, but they will never attempt to do it again. Moreover, they then showed the world how unwise, in every sense, action of the kind they took necessarily is. To my mind the course of stopping Supplies is one that should never be urged, at all events in this Assembly, because we cannot ignore the changes that have taken place since such a step formed an efficient weapon of political warfare. Then Supplies were granted to the King to enable him to carry out his own policy, whereas now they are granted not to the King but to the nation for its use and expenditure, and to enable it to carry out the policy of which it approves. I come next to another argument. An honorable member has told us that the Bill would consign manhood suffrage to the dust-bin. The mock gravity of that statement suggests nothing so much as the cry of the Eastern street vendor—"In the name of the Prophet—figs!" Let us see how manhood suffrage would be affected. At present the Council represents 30,000 ratepayers, and it can at its pleasure veto every Bill and stop every vote passed by the Assembly. Under these circumstances, we ask that the Council should represent 110,000 ratepayers, and be no longer able to reject the
Appropriation Bill. How then can any sensible man say that the operation of the present measure would be to injuriously affect manhood suffrage? Would it not be to confer upon the great bulk of the manhood of the country far greater powers than it now possesses? Why the ultra-tories of the country complain that the action of the Bill would enormously enhance the privileges manhood suffrage now enjoys. It has also been said that under the Bill the Assembly would legislate with the fear of a general dissolution before their eyes—that they would be craven to the Council. All I can say is that, if payment of members is likely to give us representatives in this Chamber of a stamp no better than that of men who would give up every principle rather than face their constituents, the country is rather unfortunately situated. My impression is, however, that a dissolution would be much more feared by the Council than by the Assembly. Dissolutions are at present something unknown to the members of the Upper House—something with respect to which they have not arrived at the point where familiarity breeds contempt. Another objection members of the Council would have to a dissolution would be the fact that their electoral districts are larger, and therefore more expensive than ours; and also that, being as a rule older men than we are, they would be even less inclined than ourselves to enter upon an election contest. I can imagine that nothing would be more annoying to them than a dissolution. Therefore the probabilities would be in favour of the Council, rather than the Assembly, becoming craven. Then we have heard it asserted that carrying the Bill would mean legislation by dissolution. That idea seems to me to involve mistaking the medicine of the Constitution for its daily food. We have to look at the fact that all dissolutions, except those that occur by effluxion of time, must necessarily be in the hands of the Ministry of the day, who are, in their turn, the creatures of the majority of the Assembly, and that no Ministry would dream of a dissolution unless they felt that their case was one of the gravest emergency, and that they had the country at their back. Again, if the argument I allude to tells against the provisions of the Bill, how much stronger does it tell against the plebiscite? Inasmuch as a dissolution under the Bill would undoubtedly entail upon every one a certain amount of suffering and loss, no Government could resort to it except under a strong sense of responsibility; but what responsibility would they feel in resorting to a plebiscite, which can scarcely be considered likely to involve any suffering or loss at all? If, as the late Premier contended in the last Parliament, the plebiscite would not be resorted to once in a century, is it not fair to assume that the infinitely more onerous dissolution and joint vote would not occur once in five centuries? The honorable member for Ararat has inveighed in the strongest terms against this Bill and this Government. I must express my extreme regret at the course which the honorable member has taken. I think—that I regret to have to say so—that the course of action he is pursuing is not likely to redound to his credit, or to advance his reputation. With his ability and industry, there was no position in this country, so far as politics are concerned, to which the honorable member—my friend and old University compère—might not aspire. I thought we in the Ministerial corner would have had his able assistance in championing the cause of good government, and that we would have had some hope of raising a patriotic Victorian party such as the honorable member has spoken of, which would simply go for the country and its good rather than for office and its sweets and emoluments. All the more, therefore, do I regret the attitude assumed by the honorable member for Ararat. The action of the honorable member reminds me of the rather equivocal blessing which Jacob bestowed, on his death-bed, on his eldest son Reuben—"Unstable as water, thou shalt not excel." I am very much afraid that the honorable member, whose speeches I admire and have read with the greatest interest, has pursued a line of action in this Assembly, during the present session at least, which is making him as "unstable as water," and that he is becoming the Reuben of Victorian politics. I desire to offer some consideration for the earnest attention of those honorable members who, being returned on the same side—in politics as myself, yet think they cannot give this Bill their support. Lest it should be thought that I am speaking in the personal interest of the present Government, let me say that to the gentlemen who now occupy the Treasury bench I owe nothing; indeed, so far as several of them are concerned, I would have been an exile from

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political life if they had had their way, because they wanted to shunt me to a district where I would not have had the slightest chance of being elected. Therefore I can speak without being open to any charge of speaking in the individual interest of the present Ministers. But I say that they represent to me, and to others returned in the late opposition interest, certain principles—the principles of moderation, just government, and reform by peaceful and constitutional means; and I ask those gentlemen who are seriously doubting how they will cast their votes in the coming division to reflect on what the refusal to read this Bill a second time will amount to. It will throw back indefinitely the settlement of a question which it is imperative in the interests of all classes of the community should be settled. It will cause again to reign, to the disaster of the colony, not only agitation and political strife, but something akin to political anarchy. I say to those gentlemen I have alluded to, if the present Government is chastising us with rods by this Reform Bill, is it not all too likely, if we reject the settlement offered, that another Government may chastise us with scorpions? Have we not heard recently of reform to be attained "by administrative action"? There is a sombre significance in those words which appears to me to be of evil omen for the interests and well-being of this community. Further, I ask those gentlemen not, by refusing to vote for the second reading of this Bill, to prevent some of us who will be ready in committee to meet their conscientious objections to some of the details of the measure, from doing so. Speaking for myself, I say this is not a time to insist on extreme proposals or on carrying everything my own way, and I shall be prepared to meet honorable members who have conscientious objections to some portions of the Bill in a fair and conciliatory spirit. Let those honorable members recall what the Adullamites of 1875, who had conscientious objections to some of the duties proposed by the Treasurer, brought about by the course of action they pursued. Their action in attempting to stave off a little ill caused a very much greater, and it was to their conduct that we really owe the "stone wall" and the three years' rule of the late Government. The honorable member for Collingwood (Mr. Langridge) frankly avowed his own belief that until this question is settled property cannot rise in value, and that its non-settlement is bringing disaster on every interest in the colony. It behoves men of all parties, then, to join in a speedy and reasonable settlement of it, and this Bill, if sent into committee, will afford a promise of giving such a settlement. When the Northern states of America had come forth victorious from the great struggle for freedom and national integrity, an eminent gentleman in Switzerland sent to the President of the American Republic an address of congratulation, in which occurred the striking words—"Unsettled questions have no pity for the repose of nations." We are learning here that the unsettled question of reform has no pity for the repose of this colony, but is gravely imperiling interests of all classes from the merchant to the day labourer. Not only that, but it is blocking the way of all practical and useful legislation. The middle of the year has been reached, and nothing has yet been done to restore the equilibrium between the national expenditure and income, to provide an adequate scheme of water supply for the arid districts of the colony so as to conserve the generous rains which are at present so much national wealth allowed to run to waste, or to solve the grave and vital question of how the public territory shall be occupied when the pastoral leases fall in. While we are wrangling, the solid and permanent interests of the country are suffering.

Mr. GAUNSON.—Therefore pitch out the Bill.

Mr. SHIELS.—It is too late for that course now. Our hands are to the plough, and we must now try and get rid of this question. I would be always willing to pay due fealty to my party and its leaders, but I think that in the present grave juncture of affairs a man can pay a nobler loyalty than mere party fidelity—loyalty to the peace and well-being of the community of which he is a citizen. I repeat for myself—and I believe I express the sentiments of other members—that, if honorable members opposite will allow this Bill to get into committee, we will meet them in a forbearing manner with regard to details of the measure that they may conscientiously consider objectionable.

Mr. GAUNSON.—You are speaking now for the Government.

Mr. SHIELS.—Certainly not. I am speaking merely as a citizen of the community actuated by a belief that until this
question is settled agitation will prevail to
the detriment of the colony. I owe the
Government nothing, but I want this
question settled on a reasonable basis.
Personally, I would even meet the

sentimental objections of honorable mem-
bers opposite to the joint vote of the two
Houses so far as to render it less offensive
to them. A gentleman who was a
member of the last Parliament, and filled
the position with credit to himself and advan-
tage to the country, suggested to me that
the joint meeting might be obviated by
each House meeting in its own chamber
and voting on a Bill, and by the votes
being then collected in a fashion that
exists in a foreign country, the Bill to be
decided on, "Aye" or "No," according to
the result. I merely give that as his
idea. I would even go so far, in com-
mittee, as to admit a less offensive check
than the elimination of items from the
Appropriation Bill. I repeat that this is
not the time to press extreme views from
either side. I believe the exhibition of
a spirit of conciliation, such as would
bring about a reasonable settlement of
the question, would meet with the
heartiest approbation of all right-thinking
men in the community who have
no personal ends to serve, but simply
desire to see a solution of the question.
But if the Bill is not met in that spirit,
and if there is no attempt at conciliation
on either side, then I say I am quite
willing to take the Bill itself as a settle-
ment of the question. It will afford a
settlement, though I believe that by con-
ciliation we could get a settlement in
which more men would join, and it is our
duty to attempt that. By acting in such
a way, I believe we would be following
the advice of John Stuart Mill, who urges
the desirability of conciliating opposition,
and of not running extreme proposals to
their farthest length; we would be acting
with just loyalty to the interests and well-
being of this community; and we would
be acting as the statesmen of England
have acted in the hour of trial in the
mother country. By following such a
course, we would be doing something in
a small way to deserve here the praise
bestowed on the advisers of Her Most
Gracious Majesty by the Poet Laureate,
when he says—

"And statesmen at her council met
Who knew the seasons when to take
Occasion by the hand, and make
The bounds of freedom wider yet

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By shaping some august decree,
Which kept her throne unshaken still
Broad-based upon her people's will
And compass'd by the inviolate sea."

Mr. Graves.—Sir, at an early stage
of this debate I intimated my desire, in
view of a dissolution—which I regard
now as almost inevitable—that my views
on the Reform Bill submitted by the Gov-
ernment should be clearly and distinctly
understood by the House and by my con-
stituents. I regretted exceedingly, when I
re-entered the House after the last general
election, to find that the Ministry would
not carry out the intention which they
clearly expressed in their utterances during
the time they were in opposition, namely,
to remit this important question of reform
to a select committee. One of the most
important speeches made in the last Par-
liament on the question was that delivered
by the honorable member for Kara Kara
on the motion for the third reading of the
second Berry Reform Bill. That honor-
able member, though he did not vote in
accordance with the sentiments he ex-
pressed on the occasion, observed—

"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 in adhering
to their present course the Government are
not treating the liberal members behind them
with fair play. . . . Don't they see that by
strengthening the opposition to them they
strengthen the rumour that they do not really
want to settle the reform question at all? . . .
Rumour says that the Government don't settle
the reform question because they don't want
to settle it. . . . 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."

Sir, it seems to me that exactly the same
position exists now that the honorable
member for Kara Kara commented on
with regard to the late Ministry. I assert
that the present Government do not wish
to settle this question upon fair and rea-
sible principles as laid down by them-
­selves when in opposition, namely, by
referring it to a select committee. Twenty-
three of the gentlemen now on the opposite
(the Ministerial) side of the House declared
in the last Parliament that the reform
question could not be settled except by an
arrangement between political parties that
the question should not be dealt with as
a party one. That view is also supported
by Sir Michael Hicks-Beach in his famous
despatch, when he says of the intervention
of the Imperial Parliament—
and after the failure of the Reform Bills of 1832, neither of the great parties which have successively governed the State are likely to repeat the experiment of bringing forward a comprehensive Bill of Reform, with the prospect of its being resisted by the adverse party. It is therefore only by the consent of different parties that we can hope that a Reform Bill will be passed, and yet the need for one is daily becoming greater. It is wanted as a safeguard against the gradual deterioration of our Constitution by successive petty changes, and to correct faults in our present system which cannot fail to become more and more felt, as it is also wanted scarcely less urgently for the purpose of removing what is likely to become a most serious obstacle to the existence of any strong and durable Administration. While the question of reform remains unsettled, every liberal Government must be placed in a false position, in which no course will be open to it not beset with difficulties and dangers. Such a Government cannot, as experience has proved, bring forward a measure of reform with any hopes of success, without finding itself divided from its usual supporters, and compelled to depend upon its opponents, at the same time bringing the seats of many of its members and adherents into jeopardy. To a conservative Administration the present state of the question must be a source of still greater embarrassment, not only from the parliamentary difficulties to which it exposes them, but from its placing their supporters under so much disadvantage in many elections, and especially in those for all considerable towns.

"For these reasons, I believe it would be equally for the interest of the nation at large, and of all political parties, to pass a Reform Bill; but that it is only by the consent of the most powerful at least of these parties having been secured beforehand, that a Bill of this kind could be submitted to Parliament with any chance of being carried. What is wanted, therefore, is that the leaders of the various parties, into which Parliament and the nation is divided, should be induced to meet to consider the subject, in a spirit of mutual forbearance, and of all political parties, to pass a Reform Bill of Reform; with any hopes of success, without finding itself divided from its usual supporters, and compelled to depend upon its opponents, at the same time bringing the seats of many of its members and adherents into jeopardy. To a conservative Administration the present state of the question must be a source of still greater embarrassment, not only from the parliamentary difficulties to which it exposes them, but from its placing their supporters under so much disadvantage in many elections, and especially in those for all considerable towns.

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This was written in 1861. In 1867, the English Reform Bill was passed by Lord
Derby's conservative Government, with the aid of the liberal majority in the House of Commons. Therefore, I think honorable members will admit that the extract is applicable to our situation. I am firmly convinced that the reform question can no more be settled in this colony by a party contest than it could be in England. But the country is deteriorating and the people are suffering on account of its non-settlement, and I believe the people will insist that their representatives shall settle it. Now what is the origin of our disputes? I will not attempt to give my own views on the subject, nor the views of any other members of the House, but will quote the opinion of disinterested men competent to form an opinion on the point. The late Governor, in a despatch to Sir Michael Hicks-Beach, dated 26th December, 1877, makes the following remarkable statement:—

"It will be remembered that my able predecessor in the government of Victoria, the late Lord Canterbury, who had enlarged by long personal experience in the Imperial Legislature, and in colonial administration, his inherited knowledge of parliamentary law and practice, devoted much time and study to the elucidation of the causes of the repeated conflicts between the Council and the Assembly in this colony. It was his decided opinion that the difficulty underlying these political struggles was simply as follows:—According to the terms and spirit of the Constitution Act, and the intention of its framers, the position and mutual relations of the Council and the Assembly respectively should be for all practical purposes, and so far as the circumstances of the case permit, analogous to those of the House of Lords and of the House of Commons. While the Assembly has claimed no more, in the opinion of Lord Canterbury, than the powers and privileges claimed by and conceded to the House of Commons, the Council has declined to be bound by the practice of the House of Lords, and asserts that it is, in the favorite phrase of several of its members, "a second House of Commons!"

There is no doubt, also, that it is to the assumption by the Council of the position of "a second House of Commons" that Sir Michael Hicks-Beach alludes, in his despatch, when he says—

"Nor can I suppose that the extreme view of the position of the Council, which it has recently, to a great extent, itself, disclaimed, can be supported by any who have sufficiently examined the subject."

I now ask the question—Does the Bill of the present Ministry remedy the defect existing in our Constitution? The answer must, undoubtedly, be—It does remedy it absolutely, but it remedies it by making this House a sham, and the Council the real House of Commons of Victoria, by giving them actually, in fact, what hitherto they have been only striving for. The contests between the two Houses have always arisen over financial matters, and the 20th clause of this Bill asks the Assembly, practically, to give up its control of the finances absolutely. Sir, I am a very humble member of this House, but I say that I would sooner never enter it again—never stand for my constituency again—than allow a single tittle of the 20th clause to be placed on the statute-book of this colony, for, as I have said, the effect of that clause would be virtually to render the Assembly a sham. It has always been held that it was the intention of the framers of our Constitution to make this House a reflex of the House of Commons, and any one who reads over the debates in connexion with the framing of the Constitution will gather the real reason of the wise provision that this House should have the control of what is commonly known as "the purse." I am not aware that any honorable member has yet addressed himself to that point, and, therefore, I will briefly do so. Honorable members are aware that the Commons of England, on the 3rd July, 1678, passed the following resolution:—

"That 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, and that it is the undoubted and sole right of the Commons to direct, limit, and appoint in such Bills the ends, purposes, conditions, limitations, and qualifications of such grants, which ought not to be changed or altered by the House of Lords."

That is what the House of Commons said, but here is what the present Government propose to us to say:—

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

If that proposal is not diametrically opposite to the position taken up by the House of Commons, I don't know what is. It has been argued that the reason why the House of Commons, and this House, should have the control of taxation and appropriation is because it represents the people generally. That certainly is a reason, but it is not the whole reason. The

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whole reason is ably laid down by Earl Grey as follows:

"The imposition of taxes and the appropriation of the revenue to the public service constitutes one of the chief duties of a Commons, as well as the source of its power. With respect to financial arrangements, it is of the utmost importance that they should act in strict concert with the Government or Ministers, or rather under their direction. Without this there can be no security or certainty in conducting the public service. The Government cannot be responsible for the former if it cannot command the grants of money it considers necessary for the public service."

That is the real reason why this House should have the control of the finances. If the Ministry in the Assembly, who are responsible to the House and so to the people, because we are the people or we are nothing, cannot command the money which, in their judgment, is required for the public service—and, mind, they are acting under the control of this House—without their demands being subject to alteration by another place, then I say there is an end of responsible government; it could not exist under such circumstances. I do not desire to go through the various points of the Bill, because, as I have said, a satisfactory measure could only be framed by a mutual understanding between both sides of the House, and by the appointment of a committee of experienced men to deal with the question. Another objectionable portion of the Bill, however, which I am pledged to a certain extent to vote against, is that providing for a joint sitting of the two Houses. Still, that proposal I do not consider of so much importance, because I think that, under the Bill, it would hardly ever be brought into operation. The proposal is, in my opinion, an unconstitutional one, calculated to degrade both the Upper House and the Assembly; but it is likely to have so little practical effect that I would not adhere to my objection to it, and would see my way to support the Government—for they are in accord with many of my views—if they would eliminate the 20th clause from their Bill. Now the *Argus*—which, I understand, is the mouth-piece of the present Government, and "bosses" them in the same way that the *Age* did the last Government—on the 24th of May last, in giving a list of members alleged to be pledged to support the Service Reform scheme, stated that—

"It is difficult to say what definite scheme of reform Mr. Graves is favorable to, as in his election speeches he only stated what he would not vote for."

If the gentleman who took the trouble to read my speeches in order to learn what I had declared against had only gone a little further, he would have seen what I had declared for. In addressing the electors of Delatite at Jamieson, in February, 1877, I gave a clear statement of the political principles I would support; I repeated the same statement at the last general election; and if I have to go to my constituents I will reiterate it once more. The statement was to the following effect, and I may quote it as representing the views I wish to present to the House:

—I am totally unconnected with and untrammelled by any pledges to either party. I shall, irrespective of party, support measures which I consider are for the prosperity and advancement of this colony, and I shall take the responsibility of my parliamentary conduct, subject to appeal at any moment to my constituents. I shall advocate, amongst other important measures—1st. A prompt alteration of our present Constitution Act which will have the effect of securing constitutional parliamentary government similar to that enjoyed in England, which time has proved to be the freest and best. I do not consider that the proposal which has been before the country for some time, put forward by the conservatives, namely, the vote of the two Houses together, known as the Norwegian principle, will effect that required reform, because a minority in the Lower House with the conservative majority in the Upper House, fairly representing their conservative electors, might thus govern the country, possibly against the clearly expressed wishes of the majority of the people; and I do not consider that the plebiscite would be desirable, because all the best authorities lay down this principle with regard to the plebiscite, with which I thoroughly agree, that plebiscite government is the precise opposite of parliamentary government; it is the judgment of persons judging in the last resort without a penalty, in lieu of persons judging in fear of a dissolution, and ever conscious that they are subject to an appeal. The plebiscite, without responsibility, would not make parliamentary government work ill; but it would prevent its working at all—it would not render it bad, but it would render it impossible. The effect of the so-called Norwegian plan of reform must reduce the Assembly to a sham, and not
the reflex opinion of the country; and under the plebiscite parliamentary government would surely die. A prompt reform is necessary, and I shall support it; but if the reform proposals of the leader of the coming Government embody either the Norwegian scheme or the plebiscite I shall oppose them. I consider that the requirements of a reform of the Constitution Act are urgent, but they will not be met by introducing proposals to change the first principles of either or both Houses. They will, however, be met by either amending or extending the franchise, and making the Council amenable to public opinion and so responsible. I shall therefore advocate—

"1. The abolition of the property qualification for members of the Council.

"2. That the Governor, under certain conditions, shall have power to dissolve it.

"3. That a reduction should be made in the extent of the present enormous provinces.

"4. That the Council's tenure of seats should be shortened from 10 to 5 years.

"5. And that all householders and ratepayers should have the franchise for the Council."

These reforms, I believe, will effect all that is necessary or desirable. If the Council is not constitutional in its action, it will, at all events, be subject to dissolution, and an immediate appeal to the great body of electors. More cannot be done. I myself have no fear of the result. I am satisfied that the people of Victoria are sound, and upon an appeal their instincts of right will predominate. As one of England's ablest writers has said—

"With a proper sense of public duty, respect for the constituted authorities and for the law, and a proper sense of right and wrong, even very defective institutions will produce fruits of good government; without these the best Constitution which the wit of man could devise would fail to prevent the worst abuses."

The political disturbances now going on are sapping the life-blood of the colony, and I can foresee that, if the people permit this longer, there is much ground for apprehending that this country may be exposed to very serious evils from its becoming impossible that any administration can be formed having sufficient strength in the House while this reform agitation remains in existence. Alterations in the Constitution Act cannot be effected by any single party organization, no matter how strong that may be, but by the mutual aid of parties, as was the case with England's last and greatest Reform Bill. If an alteration takes place without mutual consent, it will intensify the agitation so ruinous to the country. Those were the opinions I expressed before seventeen different meetings of the electors of my constituency, and I do not think it can be said that they were not sufficiently clear and definite. In accordance with those views, I opposed the plebiscite proposal of the late Government, because I considered it destructive to parliamentary government. I put my conduct in doing so before my constituents at the last general election, and they endorsed it by returning me to the House. When I repeated my views with regard to a reform of the Upper House at the last general election, the question was naturally asked me—"Is not that Mr. Service's reform scheme?" Well, I consider I can fairly support this Bill if it embodies within its lines the address of the Premier to the electors of Maldon, on the 29th of January last, and nothing more, although, as I have said, I have an objection to the joint vote of the two Houses. There is not a single word in that address of the Premier about any intention to permit the Upper House to alter the Estimates. But I did not come into the House to support the honorable member for Maldon, because, although I have a great respect for the honorable gentleman personally, I have no respect for him politically. When the electors asked me whether the proposals I advocated did not correspond with the scheme of the honorable member for Maldon, I replied—"Yes, I consider so, but I do not think that, when his goods are opened, they will prove equal to the sample," and the proposal of the 20th clause has proved the truth of my prediction. I have not entered the House in any equivocal position, or under any false pretences. The electors knew distinctly what my opinions were, and they returned me on them, as I hope they will do again. I would not desire, however, to be re-elected—indeed I would be unworthy of a seat in this House, and utterly devoid of honour—if I betrayed my constituents on a point of so much vital importance as the power of the purse; because it is exactly for that power that the other House has been fighting ever since it commenced to claim to be "a second House of Commons." There is another reason why I could not do that. Towards the close of the first session of the last Parliament, the House adopted an address to Her Majesty the Queen, prepared by a select committee of

Mr. Graves.
which I had the honour to be a member. That address contained the following passage:

"It is our confident belief that it is the gracious desire of Your Majesty that Your Majesty’s subjects in this colony should enjoy, to the same extent with Your Majesty’s subjects in the United Kingdom, the privileges of constitutional and parliamentary government on the English model, and that is our sole aim and desire.”

The honorable member for Normanby contends that we are not worthy of all this, and that the Legislative Council, when the franchise for that House is extended, should have the power to interfere in money matters. I say that cannot be allowed for the reasons I have already explained to the House. Why it would be impossible for the Ministry of the day to properly arrange the financial affairs of the country—to make adequate provision for the services of the year—if the Council had any control in money matters. Probably, if that control were allowed with a conservative Government in office, things might go on smoothly enough, but what chance would a liberal Government have? The address to the Queen also contained the following:

"This colony, on which Your Majesty was pleased, as a testimony of your royal favour, to confer Your Majesty’s own name, is subject to a system of government framed as closely as circumstances permitted on the government of Your Majesty’s United Kingdom. The framers of the Constitution stated in express terms their intention of creating a Legislature in which one Chamber should possess the legislative functions of the House of Lords, and the other Chamber 'all the rights and powers of the House of Commons.' To the Constitution framed in pursuance of this design Your Majesty, with the consent of the Lords and Commons, gave your assent, and it has been in operation for your Majesty’s own name, is subject to a system of government framed as closely as circumstances permitted on the government of Your Majesty’s United Kingdom. The framers of the Constitution stated in express terms their intention of creating a Legislature in which one Chamber should possess the legislative functions of the House of Lords, and the other Chamber 'all the rights and powers of the House of Commons.' To the Constitution framed in pursuance of this design Your Majesty, with the consent of the Lords and Commons, gave your assent, and it has been in operation for more than twenty years.”

Of the powers of the House of Commons the great power is the power of the purse. That power is vested in this Chamber, and, if we yield it to any extent, we may as well shut our doors. I will give my vote unreservedly against this Bill, on exactly the same principles that influenced me to vote against the Reform Bill of last session. I voted against that measure because I believed the plebiscite proposals and the 6th clause were thoroughly communistic, and were therefore inimical to the welfare of the country. I shall vote against this Bill because it proposes to give up the power of the purse—the sole control of finance—which this House at present possesses. If the Government will consent to remove the 20th clause from the Bill, I shall be willing to give them a reasonable and fair support. It cannot be overlooked that the 20th clause never went before the country. There was no mention of it in the manifesto which the Premier addressed to the electors of Maldon. I believe it would be better to have no reform at all than to pass such a provision; and I have no doubt that if six weeks or two months were allowed the country to understand, from their representatives, what it is proposed that this House shall give up, it would be found that the view I put forward has the general endorsement of the people.

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

WATERWORKS COMMISSIONERS ACT REPEAL BILL.

This Bill was returned from the Legislative Council, with a message intimating that they had agreed to the same with amendments. The amendments were ordered to be taken into consideration next day.

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

LEGISLATIVE ASSEMBLY.

Wednesday, June 23, 1880.


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

PETITIONS.

Petitions in favour of the Reform Bill were presented by Mr. Zox, from 1,600 electors of East Melbourne; by Mr. C. Young, from public meetings at Kyneton and Woodend; by Mr. Kerferd, from residents of Beechworth, Wodonga, Myrtleford, Harrietville, Barnawartha, "One, Two, and Three Mile,” Wodonga-shire, Chiltern-shire, the Buckland, Bright-shire, and the Eurobin and Stanley divisions of the Ovens district; and by Mr.
BENT, from 144 electors of the Traralgon division of South Gippsland. Mr. BARK presented a petition against the Bill from the Majorca Reform League.

INDUSTRIAL AND REFORMATORY SCHOOLS.

Mr. PEARSON (who, to put himself in order, moved the adjournment of the House) said he desired to call the attention of the Chief Secretary to the recently issued report on industrial and reformatory schools. He had no desire to discuss the subject from a party point of view; and, so far from wishing to attack the management of the department, he was convinced that the Minister was working in the best possible spirit. At the same time, he regretted the report had been issued, because he considered it was very much calculated to mislead the public. The document contained no allusion to the fact that a commission was appointed last year to inquire into the condition of the schools, and that the commission reported unfavorably upon them. He would like to know when the reports would be given to the public? He considered that a State document relating to the management of the industrial and reformatory schools ought to contain the whole of the information bearing on the subject. This document dealt more with the future than the past; but what was wanted was a history of the past rather than a mere statement of the circumstances attending a change of policy. The report contained no allusion to the fact that it was found necessary, after attention had been called for some years to the subject, to transfer the reformatory boys from Coburg to Ballarat; it did not mention the great reason which existed for the adoption of that course; nor did it notice the report made by him (Mr. Pearson) and Mr. Neal on the condition of the school at present. The reader would almost be disposed to imagine that a great many things for which the department took credit were originated by the department, whereas they had been forced upon it by persistent agitation. The following passage from the report was calculated to amuse:—

"The Vaucluse school is an institution provided by the liberality of the Melbourne public to train selected Protestant industrial school girls, together with girls from the community, for domestic service. It is too early in the history of this institution for me to pass an opinion as to the prospect of its success, but I feel persuaded the ladies who have it in hand will spare no effort to make it accomplish the purpose for which it has been established."

This was very sympathetic; but the report neglected to add that when the ladies who established the Vaucluse school applied to the department for 20 girls, they could only obtain 14, with regard to 6 of whom it might be said that two were Chinese, one was a negress, two were idiots, and one was silly. In fact, the report was drawn up in such a way that every fact was more or less misrepresented. He begged to ask the Chief Secretary whether he had any objection to give the public the benefit of the reports made by the commission appointed last year?

Mr. RAMSAY stated that he had not the slightest objection to have the whole of the reports spoken of by the honorable member for Castlemaine (Mr. Pearson) printed for the information of honorable members as early as possible. He might mention that it was his sincere desire that the various reports which had been made, from time to time, with reference to the Industrial Schools department should be carried out; and he had strongly impressed upon the Inspector the importance of entering heart and soul into the suggestions which had been made to him from time to time. He believed the work of the department was now going on in a manner which would be approved of even by the honorable member for Castlemaine. The boarding-out system was progressing in a most satisfactory manner; and he hoped that, before long, very few children would be left in the industrial school barracks. He was getting the children boarded out as far as possible in the agricultural districts, among the farming class, by whom the system was regarded very favorably.

THE REFORM DEBATE.

Mr. LAURENS called the attention of the Premier to the fact that, since the suggestion was made that the debate on the Constitution Act Alteration Bill should terminate the following evening, some seven hours had been occupied by the speeches of only two honorable members. Under these circumstances, it would appear almost impossible to have the reform question properly discussed by those honorable members who had not yet addressed themselves to the subject within the time now available; and he
desired to know whether the Premier was still in expectation that the division on the second reading of the Bill would be taken the following evening?

Mr. SERVICE stated that it was the intention of the Government to go to a division the following evening, and, in order that that might be done, honorable members on the Ministerial side who had not yet taken part in the debate were willing to waive their right to speak.

Mr. BERRY suggested, that, to prevent disappointment, the House should meet the following day at two o'clock p.m.

Mr. SERVICE said his engagements made it impossible for him to acquiesce in the suggestion.

Mr. VALE thought it should be distinctly understood that, no matter how late the House sat the following evening, the division would be taken before the sitting terminated.

Mr. SERVICE said he did not see how any other course could be taken after the agreement arrived at by both sides of the House. He was sorry that the speeches of some honorable members had occupied so much time, and he hoped the fact would be a warning to the honorable member for North Melbourne (Mr. Laurens).

Mr. GAUNSON observed that he did not know how any compact arrived at by the Premier and the honorable member for Geelong (Mr. Berry) for closing the debate by a certain time could be carried out if many members wished to address themselves to the question. He considered it most desirable that the country should understand that there were quite enough gentlemen in the House—he referred to honorable members sitting behind the Ministry, behind the ex-Ministry, and in the corners—to settle the reform question without any dissolution of Parliament; to form a good Government without including any members of the present or ex-Ministry in it.

RAILWAY DEPARTMENT.

Mr. JOHNSTONE stated that he desired to call attention to an inaccurate statement made by the honorable member for Sandhurst (Mr. McIntyre) in the Assembly on the 15th June. The statement was that in connexion with certain turntables at Sandhurst, fixed there by Messrs. Humble and Nicholson, some time since, needed repair, three men and only three, who thoroughly understood the work, were sent to do it.

Mr. BURROWES stated that, no doubt, his honorable colleague (Mr. McIntyre), had he been present, would have cheerfully accepted the statement now made. What his honorable colleague mentioned in the House was based on information supplied to him by local mechanics who felt aggrieved that public work at Sandhurst should be performed by men brought from Geelong.

ADMINISTRATION OF THE LAND LAW.

Mr. LONGMORE said he wished again to draw the attention of the Minister of Lands to the way in which tenders had been invited for the occupation, under a grazing licence, of the Kerriisdale run. The run had been gazetted as open for tender in one block; and, inasmuch as the licence would expire at the end of 1880, it was quite clear that Nobody but the pastoral tenants would be disposed to tender. What the Minister of Lands should have done was to cause the run to be surveyed in blocks of a reasonable size, so that men of small means, men like the selectors in the neighbourhood, would have been induced to become tenderers. If the holders of the run had been convicted of dummyism, which was a very grave crime against the country—a crime the proper punishment for which was to place the perpetrators of it on the roads—they had no right to occupy the run any longer. But it was well known that the Minister of Lands had acted very tardily in the matter; indeed, he had to be forced into the action which he had taken; and it would appear that the honorable member was now simply allowing the matter to hang over until he had the opportunity of handing the run back to the pastoral tenants, it might be, at less than half the money they had been paying. Did the Minister of Lands really intend to carry out the law, or was he only for making a sham of carrying it out?

Mr. DUFFY said the honorable member for Ripon and Hampden, who had been denounced the arch-priest of suspicion, had found fault with him before he had done anything wrong. The grazing licence system would come to an end at the close of the present year, and that
was one reason for not cutting the run into smaller blocks. What the department proposed was to throw open the run for tender. If the highest tenderer were a suitable person, he would get the run, but not otherwise. If the run were not tendered for by a suitable person or at a sufficient price, some other means would be tried of dealing with the land. No application had been made by neighbouring selectors or any other persons for the land to be put up in any other form than that advertised. He (Mr. Duffy) had merely followed the ordinary routine; and, if the honorable member for Ripon and Hampden had been in office, he would have adopted exactly the same course. (Mr. Longmore—"I deny it.") Certainly the honorable member had shown an animus in the matter.

The motion for the adjournment of the House was put and negatived.

PUBLIC INSTRUCTION.

Mr. BOWMAN asked the Minister of Public Instruction whether he intended to cause an examination in science to be held, as proposed by the late Minister, in December next?

Mr. RAMSAY said he did; but the examination would not be compulsory. Those teachers who did not choose to present themselves for examination could not possibly suffer.

FIRES IN THE GOULBURN VALLEY.

Mr. BOLTON asked the Minister of Railways what progress had been made with the inquiry in reference to the damage sustained by selectors in the Goulburn Valley from the fires which took place on the day of the opening of the railway to Shepparton?

Mr. GILLIES stated that two gentlemen were sent to the locality to inquire as to the cause of the fires and the extent of the damage, and from them he had received a full and elaborate report which he would have presented to the House before this but that he was informed that the driver of the engine on the day referred to, who was in the employ of the contractors, had made a statement with reference to the origin of the fire. He was anxious to obtain a copy of the statement, but it so happened that the person who made it was now in New South Wales. However, he hoped to be able to lay the report on the table during the following week.

LEGAL PROFESSIONS BILL.

Mr. RICHARDSON moved for leave to introduce a Bill to regulate the legal professions.

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

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

MELBOURNE HARBOUR TRUST ACT AMENDMENT BILL.

Mr. NIMMO moved that this Bill be read a second time. He observed—In proposing this motion, I desire to remark that I have very great sympathy with the views that have been expressed, at different times, by certain honorable members regarding the desirability of having a Bill passed that would effect material alterations in the constitution of the Melbourne Harbour Trust, and that I will be quite prepared to aid in undertaking that work on some future occasion. In the meantime, however, keeping in view the claims that the country has upon the attention of this House to deal, almost exclusively, with the burning question of constitutional reform, I do not feel warranted in asking the House to deal further, at present, with the trust's Act of incorporation than by simply making a few amendments that are absolutely necessary to enable the Harbour Trust to proceed in a satisfactory manner in prosecuting works that it has already commenced. The main objects of the present Bill are:—First, to validate the past acts and constitution of the trust; secondly, to enable the trust to borrow money at a cheaper rate than it can do at present; and, thirdly, to obtain such an area of land in the Fisherman's Bend as will enable the trust to improve the port of Melbourne, in accordance with Sir John Coode's plan. In reference to the validating provision of this Bill, I beg to point out that it has been rendered necessary by circumstances over which the trust had no control. The Melbourne Harbour Trust Act provided that the first election for the appointment of commissioners should take place on the 30th of March, 1877. Now the City Council of Melbourne did not appoint its representatives until the 10th of the following September, and the Footscray Council appointed its representative two days later. The Act also provides for the appointment of members to represent the respective councils on the trust by means of open voting, whereas the Williamstown
Council appointed its representative by ballot. The commissioners are of opinion that these departures from the specific and mandatory provisions of the statute render it necessary that a Bill should be passed validating the transactions of the trust from its commencement, and they have been informed by learned counsel that the Bill now before the House will meet all the requirements of the case. I have said that the second object of the Bill is to enable the trust to obtain money at a cheaper rate. By the provisions of the existing Act, the Harbour Trust Commissioners can borrow to the extent of £250,000, but in doing so they are not authorized to issue debentures, and are therefore necessarily confined for monetary accommodation to the banks in Melbourne, which, of course, involves the payment of from 6 1/4 to 7 1/2 per cent. for the money so borrowed. Now, if the commissioners were authorized to issue debentures in the United Kingdom, they could obtain the same amount of accommodation for from 4 1/4 to 5 per cent., or at the very least 2 per cent. less than they have to pay in this colony. Two per cent. upon £250,000 is equal to £5,000, and this saving, if the trust were empowered to issue debentures, could be devoted annually to the execution of permanent reproductive works. Honorable members who know the value of money will see at once that the proposal of the commissioners to amend the Act in this direction is a reasonable and advantageous one. The area of land that the trust is anxious to obtain in the Fisherman's Bend is equal to about 370 acres; but the Government are only willing to give 185 acres, or half that quantity, and I suppose the commissioners will have to be satisfied with what they can get. Fifty acres will be required for the cut proposed by Sir John Coode, and the remainder will be needed for the accommodation of the timber and coal trades of the port; for stacking other materials, such as lime, stone, and cement, for which no provision has been made on the present Melbourne wharves; and also for the formation of roads and landing platforms, where such may be required on each side of the cut. In my opinion, this land, if properly managed, might become a very profitable source of income to the Government as well as to the trust, and thus permit of the port dues being greatly reduced. As soon as the works of the trust are completed, instead of one-fifth of its income from all sources, as at present, having to be paid to the Government, every penny over and above what is required for maintenance and repairs will revert to the revenue of the colony, in terms of the 95th section of the Act of Incorporation, "to be dealt with as Parliament may direct," so that in proportion as the trust succeeds in utilizing the land, to the same proportion will the revenue of the country be ultimately benefited.

I desire to call special attention to that point, because I am aware that some honorable members are under a misapprehension as to the real position of the Harbour Trust, which they regard as a corporation that will be able to do anything it pleases with the money realized from the land it now seeks to obtain. So far from that being the case, the trust will have to hand over every penny of surplus to Parliament. Should Parliament grant the land now sought, its reclamation and the formation of roads would be among the first works the trust would address itself to. It has been estimated that the filling would cost £45,000, and road making £10,000, making in all £55,000. These improvements would raise the value of the land to such an extent that one-fifth of the revenue derived from it would amount to more than the Government are ever likely to derive from the whole area in its unclaimed state. Not only that, but the reclamation of this area will improve in value the lands abutting on it; while, as I have stated, should the income from the reclaimed land, together with the revenue from dues and charges, be greater than the Harbour Trust will require for the execution of works, the surplus will have to be placed at the disposal of Parliament. There is another important point to which I wish to direct honorable members' attention. It has been stated that the Harbour Trust should never have been given the control of the revenue it possesses—that this is public money and should have been reserved for the Government to spend. Now I do not wish to reflect for a moment on the acts of past Governments in this matter, but I assert that, prior to the establishment of the trust, more money had been spent by Government on the port and harbour of Melbourne than was received from the rates and dues levied at the port. That is an important fact.

Mr. A. T. CLARK.—It is an absolute misstatement.
Mr. NIMMO.—I am not surprised at that remark coming from the honorable member for Williamstown, but I am not in the habit of making statements which I am not prepared to prove. I repeat that, prior to the establishment of the Harbour Trust, the colony at large was losing by the management of the port of Melbourne, and I shall proceed to demonstrate the correctness of that assertion. From returns that were prepared, under the direction of Sir James McCulloch, in 1876, it appears that the income from dues levied in the port of Melbourne during the 20 years ending 19th October, 1876, amounted to £1,504,400. That amount was made up as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Package dues</td>
<td>£40,000</td>
</tr>
<tr>
<td>Tonnage dues</td>
<td>£374,300</td>
</tr>
<tr>
<td>Wharfage dues</td>
<td>1,090,100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£1,504,400</strong></td>
</tr>
</tbody>
</table>

Now the expenditure on the port during the 20 years ending 19th October, 1876, amounted to £1,597,960, and the following were the items of that expenditure:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dredging the Yarra</td>
<td>£324,440</td>
</tr>
<tr>
<td>Landing silt</td>
<td>27,401</td>
</tr>
<tr>
<td>Graving-dock</td>
<td>340,388</td>
</tr>
<tr>
<td>Patent slip</td>
<td>66,333</td>
</tr>
<tr>
<td>Wharfs and jetties, Melbourne</td>
<td>277,766</td>
</tr>
<tr>
<td>Marine yard, Williamstown</td>
<td>2,500</td>
</tr>
<tr>
<td>Buoys, beacons, and moorings</td>
<td>74,767</td>
</tr>
<tr>
<td>Light-houses and light-ships</td>
<td>103,784</td>
</tr>
<tr>
<td>Outports—Wharfs</td>
<td>183,826</td>
</tr>
<tr>
<td>Maintenance of light-houses and light-ships</td>
<td>153,732</td>
</tr>
<tr>
<td>Banks Straits lights</td>
<td>43,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£1,597,960</strong></td>
</tr>
</tbody>
</table>

Being £93,560 more than all the port dues collected during the 20 years. There is another popular error to which I wish to refer. By some means or other, a wrong impression has been made on the minds of some honorable members regarding Sir John Coode’s estimate of the cost of the works the trust is now executing. I have heard it stated that it would take three or four millions of money to complete those works. Now Sir John’s estimate is as follows:—For river improvements, £476,200; No. 1 dock (which will be the only one required for the next hundred years), £646,400; other works, £40,600; or, in all, with the river deepened to 20 feet, £1,163,200. Should the river be deepened to 25 feet, the cost will be increased £83,600, making the outside estimate £1,246,400. Moreover, those estimates include the necessary margin for contingencies and supervision. In Sir John Coode’s estimate, £646,400, is set down as the cost of No. 1 dock, but that estimate was based on the provision that the walls of the dock should be constructed of large blocks of stone. It has been found, however, from experiments made with colonial timbers, that walls can be constructed of jarrah or redgum timber which will last at least half a century. By using redgum instead of stone, the cost of the dock would be reduced to £129,280. This would leave £517,120 to be deducted from Sir John Coode’s highest estimate, making the entire cost of the works £729,280, or £20,720 less than three-quarters of a million, instead of the three or four millions some honorable members have spoken of. I can demonstrate the correctness of the figures I have given, and the House may rest satisfied that the carrying out of these works in their entirety, and in a satisfactory manner, will not cost three-fourths of a million. I am aware that objections have been raised to the proposal of the trust to deposit some of the silt raised in Hobson’s Bay in small bays in Port Phillip Bay. The trust will not require to undertake that work immediately should Parliament grant the land now asked for, because the commissioners will have to go to a very large expenditure in reclaiming the land, and they would rather employ all their machinery and men in the reclamation of the lands of West Melbourne, Sandridge, Williamstown, St. Kilda, Emerald Hill, and Richmond, than in depositing stuff in small bays outside Hobson’s Bay. Moreover, the trust is not authorized by its Act to go outside its boundaries to expend money collected in the port of Melbourne. The money collected in the port must be expended in improving the port, with regard to providing accommodation for its trade, and very fairly so. But careful calculations have been made which prove that, after all the low-lying lands in the districts I have named, have been raised to a height of one foot above the level of the highest flood mark (that of 1863), the trust will still have 4,000,000 cubic yards of stuff to dispose of. Honorable members need not, therefore, fear that the trust will do any injustice to the land by lifting silt out of one portion of the bay and depositing it in the water elsewhere. But when all the low-lying lands have been filled up, where is the trust to go in order to deposit the silt that will still remain to be raised? It must be remembered that the proposition is not to lift soil from the
land and deposit it in the sea, but simply to raise stuff that is already submerged in Hobson’s Bay, and to deposit it in the small bays on the coast of Port Phillip Bay. The trust cannot go beyond Hobson’s Bay without the authority of Parliament, and the proposition simply is to lift this silt so as to provide accommodation for very large vessels, and to redeposit it in the most convenient places. If honorable members go down the Yarra, they will see that the trust has reclaimed Greenwich Bay, and this was a bay that was never used. Again, Britannia Bay would be entered by no master of a vessel who was in his senses, and of what use is it? Yet it is ten fathoms deep, and the trust could deposit a great quantity of silt there, and still leave depth enough for boats. The objection to the trust depositing silt in the small bays is, in my opinion, a wholly groundless one, and I would point out that the practice has been adopted by a harbour trust which is considered one of the best in the world, namely, that of Glasgow. Assuming that the trust obtains permission to adopt this practice, the saving by doing so would be extremely great. Since the trust increased its plant, it is in a position to lift by dredging about 1,000,000 cubic yards per annum, and the proportion of this quantity taken from the river is equal to 300,000 cubic yards, leaving 700,000 cubic yards per annum to be taken from the bay. Now the silt dredged in the bay could be discharged in water for 2d. per yard by the use of hopper barges, whereas in the meantime the trust is paying 1s. 2d. per yard for the landing of this silt. Therefore the financial aspect of the question may be stated thus: 700,000 cubic yards at 1s. 2d. represent £40,833 6s., while 700,000 cubic yards at 2d. cost £5,833 6s.—making a difference in cost of £35,000 per annum if the trust is only allowed to deposit in the small bays the stuff for which there will be no room on the land. I have answered this objection, because I have reason to believe that it will be urged when the Bill gets into committee. When the measure reaches that stage, I will be prepared to accept any reasonable amendments. I will be quite ready to lower the franchise for the trust in the suburban districts represented to the rate-payers’ roll, as suggested by the honorable member for Stawell, but I see a difficulty in doing so in Melbourne owing to the city being divided into wards. I am with the suggestion, however, as far as its principle is concerned, and perhaps the difficulty with regard to Melbourne can be got over.

Mr. A. T. CLARK.—I beg to move the adjournment of the debate.

This proposition, not being seconded, lapsed.

Mr. LONGMORE.—Sir, I regret that a Bill of this importance should be in the hands of any private member of the House. This is a Bill which especially should be in the charge of the Government, because it deals largely with the public money and public lands. I can conceive of no sufficient reason why the Government should have permitted a measure of this kind to be introduced by a private member; there would have been just as much justification for the Act under which the Harbour Trust is established being passed through the House in that manner. The honorable member for Emerald Hill has quoted a quantity of figures with regard to the moneys expended on the port of Melbourne before the Harbour Trust was established; but I think the honorable member will see, when he includes such a work as that of the Alfred Graving-dock, which cost £235,000, in the total he has given, the comparison he seeks to draw with the present expenditure of the Harbour Trust is not a fair one. The whole sum voted by Parliament, when it controlled the expenditure, for dredging not only the port of Melbourne but the outer ports, was only about £20,000 a year. Under the Government the bed of the Yarra was lowered from a depth of 7 feet at low water—the depth of the river in the early days—to 14 feet, and a very large amount of work was done at a small cost for supervision as compared with the present system. The Harbour Trust, not content with spending their whole revenue of £80,000 a year, have actually expended more than the amount they receive from the harbour dues and wharfage rates.

Mr. LAURENS.—The net revenue of the trust, after handing over one-fifth to the Government, is £72,000.

Mr. LONGMORE.—That is nearly four times as much money as Parliament expended on the port of Melbourne. Moreover, we have had this trust contending, in a manner unprecedented in the nineteenth century, with Wright, Orr, and Co., who have made large improvements on the bank of the Yarra. The trust actually put down piles in the river, in
Melbourne Harbour Trust [ASSEMBLY.] Act Amendment Bill.

Mr. LYELL.—The land has not been given to those firms; it is only leased to them.

Mr. LONGMORE.—Just so.

Mr. LYELL.—Their leases will still be continued.

Mr. LONGMORE.—I don't believe that any of the lessees would prefer the Harbour Trust to the Government as their landlord if they had a choice in the matter.

Mr. LYELL.—I think they would.

Mr. LONGMORE.—We ought to have been consulted on the subject. This House ought to have been taken into the confidence of the Harbour Trust more than it has been, and the public ought to have had the opportunity of knowing what the trust propose to do with the property occupied by these lessees. We have no proof at the present moment that the lessees are agreeable to go under the Harbour Trust. We know nothing as to what compensation is to be made to them by the Harbour Trust. Surely, if there is an agreement between these men and the Harbour Trust, it ought to be produced before this House. We ought to know why Crown tenants are interfered with, and handed over by the Government, as their landlord, to the Harbour Trust.

Mr. LYELL.—How are they interfered with?

Mr. LONGMORE.—We don't know. That is one of the things I complain of.

Mr. LYELL.—Their leases are preserved.

Mr. LONGMORE.—How do we know that?

Mr. LYELL.—Because their leases are registered, I presume.

Mr. LONGMORE.—We want information on the matter, and we ought to have been supplied with it. Some of these lessees on the banks of the Yarra have spent many thousands of pounds in machinery, and in the excavation of docks. They have already been pushed back some distance from the river, and it is now proposed to hand them over to the trust altogether. It is a very serious thing to grant a further area of land up and down the river to the trust. There is another point, of some importance, to which I desire to refer. The original Harbour Trust Act gives the trust power to borrow £250,000, and it is now proposed to authorize them to issue debentures for that purpose, so that they will be able to obtain the money at from 1½ to 2 per
cent. cheaper than they would be able to do as a mere corporation. We know that many of the corporate bodies in the colony are borrowing money at from 5 to 6 per cent. interest, and some are paying even a higher rate, whereas the Government can borrow money at 4½ per cent. This borrowing of capital is a continual drain upon the resources of the colony, because the Government can borrow cheaper, and carry out works cheaper, and with less supervision. The honorable member for Emerald Hill (Mr. Nimmo) says that the money borrowed by the Harbour Trust, and not spent, will be returned to the consolidated revenue; but I venture to say that, if the trust exist for the next fifty years, they will not pay a shilling into the consolidated revenue. The House ought not to be led away by any specious promises made on behalf of the Harbour Trust. The Harbour Trust Act was passed in a great hurry, and after very little discussion. No sooner did it come into operation than it was found to be so imperfect that the trust could not carry on their business; in fact, they would not go to law with Messrs. Wright, Orr, and Co., lest the Supreme Court should decide that the trust had no legal existence. I think we may pass a Bill to validate the trust—that is a reasonable thing to do—but what right have we to vest additional lands in them to the extent now proposed? It is said that, if we don’t pass the Bill, we shall prevent 300 or 400 men from obtaining employment. The question of the unemployed ought not to be mixed up with the measure in that way. If the work which the Harbour Trust want to carry out is not for the benefit of the country, the fact of the trust having promised employment to a few men is no reason why we should pass the Bill into law. The Harbour Trust are not considered the best employers in the world; they have not endeared themselves to the working classes; they have tried to cut down their wages to the last cent.

Mr. JONES.—That is not true.

Mr. LONGMORE.—The Harbour Trust can give plenty of work to the unemployed if they choose to employ them in putting silt on the low-lying lands, but they will not do that, because those lands will come into the hands of the Government, who would get the full price for them if they were improved in that way. The trust want to keep the low-lying lands as they are until they can get them into their own possession.

Mr. ORKNEY.—That is not true.

Mr. LONGMORE.—The Harbour Trust has been a political body from its first inception. It was only in consequence of there being a change of Government after the Act was passed that the honorable member who has introduced this Bill obtained a seat on the trust. It was never intended by the original promoters of the trust that any protectionists should be members of it. This House ought to determine, once for all, that the Harbour Trust shall get no public land to fill up and make a profit out of, but that it shall be compelled to fill up the low-lying lands around Melbourne belonging to the Government. (Cries of “Divide.”) I think I have stated sufficient reasons why the House should pause before passing this Bill, and take care that valuable public lands are not seized upon by a semi-political body having no responsibility to Parliament. The ratepayers of Melbourne and the suburbs should, at all events, have a voice in the election of the Harbour Trust, and the trust should in some way be made responsible to this House. If the House is satisfied after some little delay—say until next Wednesday—that the Bill can be passed without injury to the public interests, it might then, perhaps, be allowed to go through all its stages in one night; but it is certainly the duty of honorable members to take care that public property is not given away to a few shipowners and ship-chandlers, or to any irresponsible body.

Mr. GAUNSON.—Sir, this is a matter of great public importance. When the Melbourne Harbour Trust was first established, the measure by which it was incorporated was introduced by the Government of the day, but the present Bill is brought forward by a private member. I think it has been fairly objected that a Bill of such importance ought to have been taken up by the Government. If they are sincerely anxious to forward the interests of the trust, they are adopting a very extraordinary way to evidence their desire. The honorable member for Emerald Hill (Mr. Nimmo) is at the mercy of the House for about an hour and a half each week, which is all the time that he can possibly get for the discussion of the measure. If the Ministry really want it to become law they ought to undertake
the responsibility of getting it dealt with, and not allow it to be left in the hands of a private member. Of course I am not casting any reflection on the honorable member for Emerald Hill. I simply wish to call the attention of the House and the public to the transparent sham as far as the Government are concerned.

Mr. LYELE.—Mr. Speaker, the honorable member for Ararat seems to forget that the lands of the Government are quite full enough with other business. In addition to the Reform Bill, there are the Budget, a new Land Act, and various other matters to occupy their attention, all of which are of more national importance than even the Harbour Trust. This Bill has been before the House for five or six weeks, and the Government have shown every desire to get it pushed through as speedily as possible consistently with the despatch of other public business. The objections of the honorable member for Ripon have no bearing on the second reading of the Bill, but the proper time to urge them is when the measure is in committee. I submit that it is only reasonable that Parliament should remedy any legal defects which there may be in the constitution of the Harbour Trust, and enlarge the jurisdiction of the trust, so as to make the lands vested in the trust effective for the purpose for which they are intended to be used. In order to carry out the scheme of Sir John Coode, it is necessary that the boundaries of the trust shall be widened below Clarendon-street, on the south side of the Yarra. It is not proposed to interfere with the existing rights of any of the leaseholders on the banks of the river during the term of their leases; and, after that, I presume that the lessees can make arrangements with the trust to continue their leases on a fair and equitable basis. All that the Harbour Trust ask is that they shall be allowed to occupy certain lands for the improvement of the port, and the benefit of the trading community and the public generally. The honorable member for Ripon talked of the commissioners dealing with public lands without responsibility as if they were going to do something with them merely for their own personal benefit, whereas they are simply trustees for the public, and the works they propose to carry out are intended to reduce the cost of imports and exports, and so benefit the whole country. To impugn in an indirect way improper motives to the Harbour Trust appears to me to be something beneath contempt. The members of the trust have as much right to claim to be actuated by honest and pure motives as any members of this House. The question to be considered is whether we shall make the trust really effective for the purpose for which it has been established or abolish it altogether. The Bill asks that the trust shall be made effective, and given power to go on with works which have been recommended by one of the best engineers in Europe. Unless the House is prepared to stultify itself, it must grant the additional powers which are asked for, subject to such modifications when the Bill is in committee as may be considered desirable. I shall be ready to assist in imposing any reasonable restrictions.

Mr. LONGMORE.—The trust are asking for a lot of additional land.

Mr. LYELE.—If the trust are going to borrow £250,000 of British capital, they must have something to show in the shape of security.

Mr. MCKEAN.—I hope that honorable members will allow the Bill to be read a second time. There are many matters in it which are objectionable, especially in connexion with the quantity of land which the Harbour Trust ask for, and the way in which vested interests will be affected; but, when the measure is in committee, we will probably be able to deal fairly and equitably with those questions. I think there is no desire on the part of the House to thwart the efforts of the trust, and that it must be admitted that the operations of such a body will be beneficial to the shipping interest and to Melbourne generally.

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

Ayes ... ... ... 54
Noes ... ... ... 4

Majority for the second reading 50

Mr. Andrew, Barr, " Mr. Graves, Harper, " Hunt, " Jones, "
The amendments made by the Legislative Council in this Bill were considered and adopted.

- CONSTITUTION ACT ALTERATION BILL.

On the order of the day for the resumption of the debate on Mr. Service's motion for the second reading of the Constitution Act Alteration Bill (adjourned from the previous evening),

Mr. FINCHAM (who, to put himself in order, moved the adjournment of the House) said he would take the present opportunity of dissenting, on behalf of himself and many honorable members near him who had as yet been unable to take part in the debate on this Bill, from the compact entered into between the Premier and the honorable member for Geelong (Mr. Berry) that the discussion should be brought to a close on Thursday evening. It was very far from his wish to offer factional opposition to any course the Government might propose, but he could not rest silent when the rights of the honorable members who had not yet spoken on the present aspect of the reform question were interfered with. They were clearly entitled to lay before the House the reasons they had for the vote they would record on the subject, and the Government would not be justified in preventing them from offering them. Practically they would be so prevented if the division was taken on the following evening, because that arrangement would not afford them time to speak. At present only 32 honorable members had taken part in the debate, and probably about 50 others desired to join in it. Perhaps, however, the wishes of every member really anxious to address the House would be met if each speaker was limited to 15 minutes. Unquestionably any honorable member ought to be able to offer, within that period, intelligent and intelligible reasons for the vote he would give.

Mr. GAUNSON seconded the motion.

He said the arrangement between the Premier and ex-Premier to bring the debate to a close on the following evening was an attempt to stifle liberty of speech. Possibly each of those honorable gentlemen looked at a dissolution as likely to put himself and his friends in a majority, and leave his opponents out in the cold, and perhaps also they both thought no one could form a Ministry but themselves; but he (Mr. Gaunson) and other honorable members did not participate in that opinion. His own idea was—"Let the Service Government put their Reform Bill in the dust-bin, and go on with the business of the country." He understood that certain honorable members, who did not believe in the Bill, had been caucusin, with the view of arranging to vote for its second reading, and afterwards tear the measure
into pieces in committee. They probably believed that taking that course would enable them to escape a dissolution. But he begged to warn them that a proceeding of that sort would be dishonest and unprincipled, and that the public would never consent to be trifled with by such deceptive conduct. Besides, it would go a long way towards justifying the Governor in granting a dissolution if the Bill were thrown out at its third reading.

Mr. BARR expressed the opinion that, if the suggestion thrown out by the honorable member for Ballarat West (Mr. Fincham)—that each honorable member’s speech should be limited to 15 minutes—was formulated into a standing order, to apply to all Bills, the House and the press would feel very much obliged.

Mr. LAURENS observed that, inasmuch as the speeches of the honorable member for Ararat and the honorable member for Normanby occupied together no less than seven hours, it would be hardly fair to restrict the honorable members who came after them to a quarter of an hour each. Certainly the suggested new rule ought not to apply to himself, considering that, while those two honorable members represented together only 946 votes, he polled between 2,000 and 3,000. (Mr. Kerford—"How long ought you to be allowed in proportion?") He thought he ought to have an hour.

Mr. FINCHAM stated that, if the Premier was uncivil enough to offer no reply to the remarks he (Mr. Fincham) had made, he and the honorable members on whose behalf he had spoken would have to protect themselves.

The motion for the adjournment of the House was put and negatived.

The debate on the Constitution Act Alteration Bill was then resumed.

Mr. HARPER.—Mr. Speaker, feeling that at the present stage of the debate every moment is of importance, I shall be as brief as possible in laying before the House on the present occasion—the first on which I have attempted to address honorable members on the subject of constitutional reform—the principles and views which will actuate me in giving the vote on the Bill I intend to record. It seems to me that the whole of the deadlocks and other constitutional difficulties which the country has experienced during the last ten or fifteen years were originally caused by the fact that our Constitution was framed at a time when our population was comparatively small, and the interests of the country comparatively limited. The consequence of that state of things is that proper checks to prevent hurried and ill-considered constitutional alterations were not imposed. I think that, if those who drafted the Constitution had foreseen the way in which the instrument they prepared would be treated, they would assuredly have embodied in it means resembling those adopted in other communities, especially the United States, in order to preserve the fundamental Statute of the country from sudden changes. There is no question either that the action taken in broadening the electoral basis of the Lower House, and so popularizing it in a direction we all approve of, but at the same time leaving the Council in its normal condition, was a mistake that lies at the root of nearly every constitutional evil we now suffer from.

Mr. LONGMORE.—The Council has been altered.

Mr. HARPER.—Only once, when the qualification for members and electors was reduced by one-half. In my opinion, the deadlocks of 1865 and 1867 were the natural result of this want of balance in our Constitution. Also, I think that even those who took part in the strife of those days will now admit that very much of the difficulties that then existed, and of the heat and angry feeling they created, was caused by the want of desire on the part of the politicians of the time to keep within the true lines of the Constitution without resorting to forcible means. But, unfortunately, forcible means were preferred. The taek that then took place, which inflamed the country to fever heat, was the first thing to cause a breach between the Houses. In the beginning that breach was slight, but it gradually widened, and at last the difference culminated in 1878, when the colony was rent from end to end by political feeling, and its best interests were sacrificed in order to establish the claim of this House to sole and entire control over matters of taxation and expenditure. No doubt, also, we have suffered in past times to a large extent from the want in our public men, and also in the electors of the colony, of the true constitutional spirit—the spirit which would have enabled us to make even a bad Constitution work well, because it would have led us to meet our difficulties with the moderation and fair play towards political opponents that characterizes
more than anything else the statesmen of the home country, and has done so much towards building up the British Constitution of which we are all so proud. Had feelings of that sort existed amongst us in the past, the introduction of the present Bill would, I am certain, have been wholly unnecessary. But what has occurred cannot be recalled. I regret, as much as any one can, the necessity for constitutional reform that staves us in the face, and in attempting to deal with the subject I am heavily burthened with a sense of my responsibilities, but I do not see how the question can be evaded. Confessfully it is one upon which a great difference of opinion exists. Indeed, of none of the constitutional schemes that have been from time to time laid before us can it be said that they are unobjecionable on all sides. Under these circumstances, I greatly sympathize with the efforts made by the Government to bring about a satisfactory settlement of affairs. I regard them as entitled to the greatest consideration from not only the politicians but the electors of the colony, because they have exerted themselves in a thorough, bona fide, and straightforward manner to gather up the fruits of the political discussions of the past ten years, and to formulate them in the shape of the Bill. It may be that they have not completely succeeded, but, on the other hand, how to bring in a measure of constitutional reform that would please everybody is to me inconceivable. In that view I regard carking at the Bill, and characterizing it as an abortion—as something that ought not to be even looked at—as a proceeding not at all calculated to facilitate a settlement of the question it is intended to embody. Let us first look at the various previous attempts that have been made to remodel our Constitution. The first was that of the Francis Government, in 1874, and we all know how it ended. The Bill failed to obtain a statutory majority for its third reading, and afterwards, ill-health having forced the honorable member for Warrnambool to retire from the Government, the question of reform was allowed to sleep. I refer to these two circumstances for two reasons, first, because the honorable gentleman has been frequently charged during the present debate with having deserted the cause of reform he formerly took in hand, and, secondly, because the accusation has principally come from the portion of the Opposition who now beseech the present Government to run away from their Bill, and leave the question of reform unsettled. In my opinion, to now leave reform unsettled would be trifling with the country, and a course which the people generally would not endorse. Next let us look at the Reform Bills of the late Government. No doubt their first Reform Bill was introduced when a majority of the House were smarting under the refusal of the Council to pass the Payment of Members Bill, and therefore the measure may be described as largely characterized by a spirit of revenge. Its effect was practically to say to the Council—"You refused to pass payment of members for us, and now you shall henceforth be deprived of all power in matters of finance, while, with respect to general legislation, every Bill you object to shall be passed over your heads if you reject it a second time." Then there was the Reform Bill of last session. It differed somewhat from its predecessor, but its underlying principle was the same. Its chief aim was to make the Upper House powerless and to refer disputed questions of general legislation to the plebiscite. Well, that Bill having failed at its third reading, the Government took it to the country.

Mr. GAUNSON.—No, that Bill was thrown overboard. The Bill they took to the country was a fresh one.

Mr. HARPER.—In essence the two proposals were the same. I know the nominee principle was dropped by the late Government when they were before the constituencies, but I believe the honorable member for Geelong (Mr. Berry) still maintains that the system ought to be included in any Reform Bill adopted by the country. What was the popular verdict upon the measure? As the honorable member for Geelong himself admits, the electors declared against it. The people, in fact, decided against the plebiscite, and in favour of two effective Houses of Legislature—Houses which would jointly manage the affairs of the country, each having its own province, and its own privileges independent of the other. These were the points that were decided by the people, and I feel that the Government Bill, with its provisions for reducing the franchise for the Upper House, for lowering the qualification for members, for reducing the size of the provinces and the tenure of office, for increasing the number of members, for dissolving the
Council along with the Assembly, for the sitting together of the two Houses, and, lastly, for the elimination of items of policy from the Appropriation Bill, to a large extent carries out the wishes of the people as expressed at the ballot-box on the 28th February. Indeed the whole of the Bill, with the exception of the elimination clauses, is framed substantially on the lines of what are known as the Reid-Munro proposals, which a large majority of honorable members now in opposition tacitly agreed upon as a basis for the settlement of the reform question.

Mr. LAURENS.—No.

Mr. HARPER.—I suppose the honorable member for North Melbourne (Mr. Laurens) admits that in November, 1878, the honorable member for Geelong (Mr. Berry) was the leader of his party. Well, at that time, the honorable member for Geelong, referring in this House to the Reid-Munro proposals, said—

“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 resolutions 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.”

A few days afterwards, speaking on the same subject, the honorable member for Geelong observed—

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

Now the honorable member for Geelong having stated, as far back as 1878, that there were not six men on his side who could refuse to adopt the Reid-Munro proposals “as a basis for a settlement of the question,” provided they were submitted with authority, and inasmuch as they are substantially submitted in the Bill before us—because the voter's qualification, whether it shall be the ratepayers' roll or a £10 rating, is a subject of detail which can be settled in committee—it is a matter for surprise that the attitude of the honorable member should be one of active hostility towards the measure. The elimination clause, I candidly admit, is the difficulty about the Bill, but I recollect the Premier stating, some thirteen months ago, that it was one of the things which ought to be included in a reform of the Constitution. I recollect the Premier, when leader of the Opposition, stating distinctly that he thought some provision ought to be made by which disputed items might be removed from the annual Appropriation Bill; and the Age newspaper, which was then a great power in the land, and was then believed in more by honorable members in opposition than it is now, about that time advocated the removal of a disputed item from the Appropriation Bill with the view to having it remitted to the country by means of the plebiscite; and I say that if it be right to remove an item from the Appropriation Bill in order that it may be submitted to the plebiscite, it is equally right to remove it with the view of ultimately submitting it to a joint sitting of the two Houses. It seems to me that the other side are, to a considerable extent, committed to this principle so far as the Age newspaper spoke for them. I say I admit the difficulty of the position, because we have been accustomed for so many years to be told that this House must be supreme in finance. I agree that this House must be supreme in finance; but there is a marked difference between being supreme and being uncontrolled.

Mr. BERRY.—What is the difference?

Mr. HARPER.—This House is supreme in finance, because it has the sole power of initiation. That is a most important power. The other House, whatever powers it may have, cannot initiate a Money Bill. I consider that is a position of supremacy for this House. But past experience has shown that, whether it be from want of proper training in our public men, or whatever the cause, powers have been exercised by this Assembly which never were exercised by the House of Commons,
It is inconceivable that, under almost any circumstances, the House of Commons would place Great Britain in such a position as the last Government placed this colony in over the Bill for the payment of members. I cannot conceive that the House of Commons, whose practice we profess to follow, would, when they found a measure likely to be unpalatable to another place, throw the whole country into confusion in order to carry their point. I repeat that supremacy in finance does not mean uncontrolled power; and I submit that, under the altered circumstances in which our constitutional arrangements would be placed by the proposals made by the Government, there is nothing inconsistent with our position, or with the independence of this House, in devising some means by which dead-locks may be avoided. They can be avoided if we remove the chance of tacks. If there is one point on which the country has more decidedly made up its mind than another, it is that there shall be no more dead-locks. The determination is wide-spread that, however much members of this House may quarrel among themselves or with another place, the field of quarrel shall be limited, as far as possible, to the item in dispute, so that the business of the country may go on unimpeded. If that be so, and if we carry out our promises to the country, we must devise some means by which dead-locks can be prevented; and I say that the proposal of the Government, in default of a better, is entitled to the consideration of this House. We are told that the proposal destroys altogether the power of this House—that it reduces this House to a sham, and makes it of no account; and that, in fact, we might as well have only one House, and that House the Council. I submit that to take such an extreme view of the case is altogether to misunderstand the position. I believe the misunderstanding is, to a large extent, brought about by the fact that honorable members fail to thoroughly appreciate the change which the relations of the two Houses will undergo if the proposals of the Government are carried. If we have a largely popularized Upper House, a House representing the great mass of the people, we will have a House amenable to public opinion, and therefore a House which may fairly be trusted not to ask that any item should be removed from the Appropriation Bill which they had not the right to ask to be removed, and for the removal of which they could not give satisfactory reasons to their constituents. Of course I feel the difficulty of putting the case so as not to make it appear that we are giving up some rights which this House ought to have; but there is no doubt in my own mind that without giving up any of our rights, without in any way sacrificing the interests of the people, we ought, in order to get rid of dead-locks, to provide for the removal from the Appropriation Bill of items of policy about which there may be dispute. Of course this proposal does not affect the ordinary service for the year. I have heard it stated that to define the service for the year would be a practical impossibility. I admit it might be so under some circumstances, but not if we have two Houses elected on the principle laid down in this Bill, and working together amicably. In that case there would be no danger of items being removed from the Appropriation Bill other than those which by common consent the country would disapprove of. We have been told by honorable members in opposition that the reduction of the franchise for the Upper House and the popularization generally of that Chamber will be to throw the whole representation of the country into the hands of the wealthy classes and utterly to destroy manhood suffrage, and that this is what the conservative party desire to accomplish. I think it was rather unfair of the honorable member for Geelong to state, as he did at a recent public meeting, that that is the object which members on this (the Ministerial) side have in view. Not only was it unfair, but the statement is altogether inaccurate. To make that statement is altogether unjustifiable, because I don't believe there is a man in this House who desires, either directly or indirectly, to do away with manhood suffrage. I fail to see how by the adoption of the Government proposal manhood suffrage is threatened in any way. It is impossible to follow the argument without seeing its hollowness—that it is intended only to tickle the ears of the masses, and make them believe that a great and serious wrong is being done them. How could the reduction of the franchise so as to admit a larger body to representation in the Upper House take away any of the rights of manhood suffrage electors? The proposal simply means that instead of the franchise for the Council being, as it is, in the hands
of a very select few — those who are wealthy — it will be placed in the hands of the great mass of the ratepayers of the country. As to the double dissolution, we have heard that objected to as if it were altogether a new proposal. We are told that it will do away with the independence of this Assembly — that it will prevent the Assembly passing anything like liberal legislation. I think no graver reflection could be made against the Assembly than that they would shrink from doing their duty — from passing measures which they believed would be for the public good — because they might possibly be forced to meet their constituents. I think that statement only requires to be mentioned to be scouted — to be put aside as one of no moment whatever. Then we are told that the Upper House will swamp the Lower House when the two sit together.

The honorable member for Castlemaine (Mr. Pearson) is reported to have said that the 42 members of the Council and 35 members of the Assembly, in that joint sitting, would be as absolute on money questions as the Assembly would have been under the 6th clause of the Berry Reform Bill. But how could such a thing be? It is absolutely impossible. Under the 6th clause of the Berry Bill, appropriations of money, when they passed this House, became available within one month. How, under any circumstances, could the whole Upper House and 35 members of the Assembly be as absolute as the Assembly in that case? Why no measure can go before the "Two Houses" until it has been passed twice by this House. It would be quite impossible for the majority in the "Two Houses" to be absolute in finance until this House had passed a measure twice, and that measure had been rejected twice by the Council. Then there was the statement of the honorable member for Collingwood (Mr. Langridge) that it would be possible, by 23 members uniting in the "Two Houses" with the 42 members of the Council, to oust a Government. But how is that possible? These statements cannot be sustained, and yet they are calculated to induce people outside who read them, without carefully examining into them, to think that some dreadful misfortune is likely to befall them if the Bill becomes law. In these arguments it is invariably assumed that the 42 members of the Upper House will vote as one man. I think the Premier, when introducing the Bill, showed that in the most excited times, when that House was more united than it will ever be again, there was in it a considerable minority. And now, by means of the popularization of the Chamber, whereby the number of electors will be increased from 30,000 to 110,000, is it not possible to believe that among the 42 representatives there will be much larger differences of opinion than prevailed during the times I have spoken of? Why the whole objection is only another proof that those who oppose the Bill do not oppose it fairly. It is incredible that on a matter about which there is great division of opinion in this House, the Council should be unanimous, or anything like unanimous. With regard to the elimination clause, I was astonished to hear honorable members speak of the proposal as one which would utterly subvert the powers of this House. Do we not know that in the neighbouring colonies of New South Wales and Tasmania, the Legislative Council has the right, not to remove an item in order that it may be debated separately, but absolutely to amend the Appropriation Bill? I am informed the same thing prevails in the Dominion of Canada. It seems to me that the argument as to subverting the powers of this House altogether fails. I feel that the proposal, though novel, is one which, in default of a better, I can very cordially support. I must say that the attitude of the Opposition with regard to this Bill is one which surprises me extremely. I find that, when in London, in February, 1879, the honorable member for Geelong wrote to the Secretary of State for the Colonies to this effect:—

"I feel it my duty to express a belief that no Ministry will be able to carry on the Queen's Government satisfactorily in Victoria if some solution to the present difficulties be not provided."

And, on the 12th ultimo, in this House, the honorable member admitted that, his reform scheme having been condemned by the country, he did not think it right to keep in office any longer. Yet now he calmly turns round and says that he has been educated during the last three years, and that he has discovered that all attempts to legislate for reform are in vain, and that the whole thing must be worked out by administration. I scarcely understand the honorable member's meaning. If I thought...
that honorable members would turn round and endeavour to work the Constitution as it ought to be worked—in the spirit of the British House of Commons and House of Lords—I, for one, would say, “By all means let the question slip, and let us try again and see whether we cannot work our Constitution amicably.” But when I find, under this seeming desire to work out the thing by administration, that the intention is to work by means of the 45th section of the Constitution Act, which gives this House the power to pay the salaries of officers in the departments which collect revenue, I begin to suspect that to listen to such advice is only to promote the prelude to that last dead-lock of which the honorable member for Ballarat West (Major Smith) spoke some time ago—that one fierce dead-lock which the honorable member seemed to indicate as likely to follow from some such proceeding as that of tacking a Reform Bill to the Appropriation Bill. Mr. Speaker, I feel that to meet the difficulty by trying to work the Constitution by administration, and to lose the present opportunity of settling the question, might have the effect of securing peace for a season. The colony is in an exhausted state, and desires, above all things, to have peace; but we would find that, when a convenient opportunity arose, members of this House would revive the question in the spirit to which the honorable member for Ballarat West referred when talking of his severe dead-lock. The honorable member for Castlemaine (Mr. Patterson) speaks of the liberal party having decided now that the only way to settle the question is by adopting the ratepayers’ roll as the Council franchise, and the plebiscite. In my opinion, to ask the House, after what has passed, to consent to entertain the plebiscite, is simply playing with the question. The plebiscite will not be accepted by the people, and, therefore it is vain to speak of it.

Mr. WILLIAMS.—What is the difference between the double dissolution and the plebiscite?

Mr. HARPER.—I have not the slightest doubt that, if the honorable member goes to his constituents, he will appreciate the difference. I may mention that there is one provision of the Bill which I disagree with. It is the provision that a Bill which goes before the “Two Houses” may be passed with or without amendments. I consider that provision ought to be modified.

I have no doubt that if the question were treated in a proper and reasonable spirit by members on both sides of the House, we would be able to get the provision amended; and other amendments might be possible. But the Government are met at the threshold by an Opposition which I maintain has turned upon itself—has turned round upon its own opinions; and therefore they are in such a position that the breaking up of their line of defence may mean the giving up of a great deal more than they ought to give up. If they had been met—as, after the recent failure of the late Government, they ought to have been met—in a reasonable spirit of compromise, and with a desire for the carrying out of opinions which honorable members have expressed over and over again in this House, I think the members of the Ministry would have felt it their duty to make some concessions. But, instead of that, they have been met by a most determined opposition. I must say that I was very much struck by the character of some of the speeches delivered by members of the Opposition. The speech of the honorable member for Fitzroy (Mr. Tucker), in particular, struck me very forcibly indeed. I find that, no less than six times in the course of that speech, the honorable member for Fitzroy stated that if the Government had limited their measure to the reduction of the franchise and of the qualification for members of the Council it would have had his support, and yet he wound up his remarks by declaring that never had a greater abortion than the Bill been placed before the House. The honorable member for Collingwood also said that if the Bill had been limited to certain provisions he would have voted for it, and yet he concluded by saying that he must oppose the measure. Now I submit that the honorable members for Fitzroy and Collingwood, feeling so strongly as they must to make these statements to the House, ought certainly to have tried to give the Government a generous and fair support in carrying the measure, and only abandon them when they found they could go with them no longer.

Mr. TUCKER.—The Government have said that they will make no amendments at all.

Mr. HARPER.—If the honorable member for Fitzroy were to vote for the second reading, he could try to get his views carried out in committee—that is the proper
time to discuss amendments—and, if he could not obtain what he wanted, it would be open to him to vote against the Bill on the third reading. As far as I can judge, the Government have only one course to pursue, and that is to stand to the principles of their Bill and take the consequences. On the other hand, I think the country will expect from those who have the interests of the country at heart, who desire to settle this long-debated question, and to allow the affairs of the colony to proceed in their wonted course, that they, notwithstanding what some of them may have said in this House, will aid the Government, as far as they can, by a generous and fair support, and by suggestions as to the best way of carrying out the principles which the Government have laid down. If they do that, they will discharge their duty to their constituents, and be able to face them—if the Ministry fail to get in this House the measure of support to which they are entitled—with the consciousness that they have done right. I don't think any member of this House has more reason to complain of another election than I have. I have had quite enough of elections during the last twelve months. At the same time, I feel I would not be worthy of my place in this House—I would not be worthy to represent any constituency—if I allowed my personal convictions and interests to run in the way of what I believe to be the good of the country. If the Ministry make up their minds that the right course is to appeal to the constituencies, I shall certainly say to them—"By all means do so; if you feel you have the country behind you, and if you design to settle the question with the approval of the country, go to the country by all means." Whatever the result may be to individuals, let the Ministry appeal to the people, from whom only they can derive power to settle this or any other great question. They must not allow themselves to be trifled with. If, after having formulated what they believe to be the only practical means of settling our political difficulties, and without any better plan being submitted, they were to palter with their own convictions, they would be false to their duty, they would bring disaster on their cause, and perish with dishonour. I ask the Ministry simply to stand to their colours—to act, as far as they can, in accordance with their principles—and, if they perish, they must perish.

Mr. Harper.
to a section of the people that are not right. For example, slavery was very profitable to the southern planter, but I would just as soon believe the sun to be the source of darkness as believe that slavery is right. So I consider that any Constitution framed or reconstructed upon any other principle than that of right must be built upon sand, and will inevitably come to grief. In my opinion, that Constitution is the most perfect in which policy is subjected to justice. It is there that I join issue with the present Reform Bill. A great deal of capital has been made with respect to the liberalizing of the Council by the extension of the franchise. One of the Ministers said, the other day, in my hearing—

"Show me the man who will dare to deprive 80,000 people of this country of the rights and privileges which we as a Cabinet want to confer upon them." That is very good as viewed from the honorable gentleman's stand-point, but I desire to tell him that he must never confound representative government of this kind with liberty. When the honorable member talks of conferring liberty on the people, I may tell him that my idea of liberty is that the people's rights are never safer than when they are in their own hands, and that they should never be surrendered to any power that is irresponsible to the people, or that is not of the people's own creation. When it is proposed to deprive the people of any portion of that liberty, I take as my motto "No surrender." Further, I say that my idea of liberalizing the Constitution is to place in every man's hands the means of progress—so to operate on the public mind and the public sentiment that society shall be elevated in every social condition. I desire briefly to refer to another point—the power of the purse. It appears to me that the conservatives in this House have reflected sadly upon the intelligence and good judgment of the people of this country by supposing that they would elect to the Assembly 44 men who would be corrupt in their conduct. I regard such a presumption as the greatest reflection that could be cast on the people. I could realize the possibility of five or six disreputable men managing to get elected, but that the electors should return a majority of men so vitiated, depraved, and guilty that they would rob the public purse is a contingency that I cannot for a moment conceive occurring. I remember the present Minister of Mines saying, in 1877, that the Assembly must hold the power of the purse at all hazards. I desire that also, and I believe that the power of the purse could be nowhere better lodged than in this Assembly, representing the whole people, and being responsible to the whole people. The honorable member for Warrnambool asked, the other night—"Is an item in the Appropriation Bill more than the whole Bill?" And I admit it is not. But it is an integral part of the Bill, and if the Council have power to eliminate one item they will have power to eliminate five. If this measure became law, I would not be astonished to see various messages coming from the other Chamber objecting to different items on the Estimates, so that the Assembly would be placed in a most humiliating position. I regard the giving of such a power to the Council as making them masters of the situation. This proposal of the Government reminds me of a story which I recollect from my boyhood. A lady had a lapdog which had a tail—as the Appropriation Bill seems always to have. The tail, in the lady's opinion, was too long in proportion to the body of the dog. She was, however, a sensitive creature, and could not brook the idea of cutting off the disproportionate piece of the tail all at once. She thought, therefore, the best way was to chop off a joint one day, another the next, and so on, until the tail came into what she considered a fair proportion to the body. I regard that illustration as exactly indicating the position the Council will hold towards the Assembly should this Bill become law. The Bill gives the Council a "nag-nag-nagging" power which would be extremely annoying and irritating to the members of this House. It may be very well to talk about moderation under such circumstances, but the only result, in my opinion, would be great botheration. Again, there have been many admonitions from the Ministerial side of the House that the country is weary of agitation, and wants peace and prosperity—wants something that will restore confidence. There is no man who loves peace more than I do, but it must not be peace at the expense of honour or right. The peace that will be advantageous to this country will be a peace of the character of a conquest in which both parties were nobly subdued, and neither was the loser. That would be a peace worth having. What
are a few years of struggle and strife compared with the future life of this country? Anything that is worth possessing always costs trouble. It is related in the biography of Wilberforce that when friends became concerned about him, and said—"For pity's sake, let the country have peace," he replied calmly—"My heart is moved with one idea, and that is the holy one of liberty; while I see one slave in thraldom, there shall be no peace in this country." Let us do what we can to settle this question with moderation, but let our moderation be consistent with dignity. I would be better satisfied to have no reform at all than the measure proposed by the Government. If there is one thing that has pained me more than another, and which I regard as dishonoring to this House, it is that young members who have fought a hard battle and spent hard-earned money to obtain a seat in the House should be threatened with a dissolution in order to move their votes. My seat in this House cost me nearly four years' struggle—and it was worth the struggle. It cost me £250 to obtain it. I never got the slightest aid from any party, and I stand here the most independent man in the Assembly. I stood as a liberal, in Ballarat, against the strongest conservative element in that town. I did not get the weight of a feather of support from the Berry Government—I question even if the honorable and gallant Major voted for me. I stand here to fight as a free-lance for what I believe to be the best interests of the colony not be confused, but that all liberty would be sacrificed if this Bill became law. Before traversing the grounds of that difference of opinion, I desire to show that the inconsistency with which honorable members are twitted is not confined to them, but extends to the newspapers. The Argus of the 28th of May last says—

"Amongst the many silly and unmeaning phrases by which the people of Victoria have allowed themselves to be deceived and played with by designing politicians, there are none that have had more weight and power than those based upon the claims of the House of Commons to very full control over the public purse. That the House of Commons has won those exclusive privileges, and, for the present at all events, intends to maintain them, does not admit of dispute.

Then why should not we have the same rights as the House of Commons? We claim to be Englishmen as much as the members of the House of Commons, and we claim as much of the powers and privileges of the House of Commons as it was possible for us to receive. I do not think that anything less than the whole of those powers and privileges will ever satisfy the people of this country, and, indeed, perhaps they may demand to have more. The Argus continues—
"But it is equally certain that had they not been acquired under different circumstances, and as means to an end, they would never have been insisted on in the nineteenth century. They are survivals of a bygone age—relics of the great struggle for English liberty wherein for many generations they played a principal part—

Then how is it that they are still insisted on and maintained?

"To them is owing, in a great measure, the overthrow of arbitrary power, and we cannot wonder that they are still held in reverence, although their utility as weapons in the cause of public freedom has long since ceased. While power rested to a very great extent with the Crown and the aristocracy, the exclusive financial rights of the Commons were worth fighting for or even dying for."

Are we not inheritors of those rights, and as much entitled to maintain them as our forefathers were? And we want to retain them simply to prevent manhood suffrage from being bound and shackled by an arbitrary power, which has been becoming stronger and stronger in this colony. I think, too, there are men in this colony who would be as likely to consider those rights "worth fighting for or even dying for" as their forefathers did in England. Those who have successfully carried on the warfare for many years are not to be deprived of the fruits of their victory by any coalition that may be brought about. There are many reasons why I cannot support this Reform Bill. The principal one is because, in my estimation, it increases largely the already too great power of property. The battle in this country has always been manhood against property. Property does not require the assistance it is now proposed to give it, because, as the magnet attracts iron, it naturally draws to it political, social, and educational power by the very fact of its wealth. The wealthy man necessarily possesses advantages above all that the poor man can ever hope to obtain, and the former does not need legislation to get power into his hands. As exponents of democracy, I think our aim should rather be to restrict the power of wealth and to prevent it from becoming greater than we can cope with. We have been fighting a good fight for many years, and it is true we have gained two great victories in manhood suffrage and vote by ballot. But see how they are neutralized by the one privilege which wealth gives of plural voting. I heard—I think from himself—that at the last general election the Premier hurried down from Mal­don in order to record two votes. Why, if manhood suffrage is the basis of our electoral system, should such a thing be permitted? In a democratic country, why should one man be able to give two votes because he is wealthier than another? I have even heard one gentleman—a late member of the Upper House—say that he could give 17 votes in different electorates. Does a power of that kind require to be bolstered up? No; on the contrary, it is necessary for us to protect ourselves against the further aggression of wealth and property. I contend that, in the same ratio that wealth and property are strengthened by this Bill, manhood suffrage is weakened by it. The proposal to increase the class who will have votes for the Upper House is simply a proposal to "divide and conquer" by alienating one large section from manhood suffrage, so that the remainder may be rendered still more powerless. Let us see how this proposal would work. The person who happens to be rated at £10 will have a vote for the Council, and, supposing him to have a vote for the Assembly, he will thus have two votes. If he possesses the qualification in two electorates, he will have four votes. In that way property will be handicapped three to one as against the man who pays only 2s. 6d. a year less rent, yet the latter, from a manhood suffrage point of view, is as good a man in all respects as his more fortunate neighbour. In fact, by this Bill the £10 a year ratepayers would be taken out of the manhood suffrage class and placed in the propertied class, receiving an additional vote to crush those below them. I desire to point out in passing that there are excellent reasons why we should still adhere to the basis of manhood suffrage in this country. It has given this colony some grand political advantages which the people at home would like to receive. There are few countries in the world that can boast of such reforms as the abolition of State aid to religion, that great incubus which still hangs over the mother country; the establishment of a free and secular system of education, by which every child in the colony can be educated up to a certain point; and the enactment of liberal land laws, the principle of which at least, if their operation were not hampered by the power of property, is that every man may settle down, and found a home for himself and his family. We have received all these things from manhood suffrage, and ought we not, therefore, to support
it by every means in our power? Again, I object to this Bill because it proposes to make the Council the judges of the public expenditure, while, at the same time, it imposes on them no responsibility. The House of Commons, in an old resolution which has been frequently quoted, insisted upon the absolute and uncontrolled right to determine the matter, manner, measure, and time of all grants to the Crown, and this Assembly has always gloried in the fact that it occupies the same position. Yet we are now asked by a side-wind to surrender that very privilege. That surrender, it is said, will be the panacea for all our evils—the cure for all our disorders. As the honorable member for Ballarat East (Mr. Russell) has said, so long as the power of the purse remains in the hands of the Assembly, and the Assembly is directly responsible to the country, the people will have such a check on the expenditure that they can direct it as they like. But pass this Bill, and the power is taken from the people through their representatives, and transferred to a place over which the people will have no control. The members of that place have always acted in the direction of their own interests, and, in fact, it is in accordance with human nature that they should do so. We know that where their own interests are involved men are apt to see through coloured glasses. I do not blame them, but I say they should not be placed in the position of having such power as is proposed to be conferred on them, especially as they will have no responsibility, because they cannot be dissolved until the quarrel has reached too late a stage for the dissolution to be of practical use. Let the people return whom they chose to the Assembly, against a united Upper House they would be almost powerless. The other House would have the power to put the screw on any liberal Ministry, because they would be able to shut out the one item of the Estimates on which, perhaps, the whole policy of the Government turned. On the other hand, with the liberal party in the Assembly on the opposition side of the House, would the Upper Chamber attempt to check the conservative Government? Certainly not. Then there is the joint sitting, at which the two conservative majorities, or the conservative minority here and the conservative majority in the Council, would be able to do more than the two Houses can do separately. Their decision would become law immediately, and would be practically irrevocable, for if a unanimous Assembly was elected to undo the work of that joint sitting, it would be powerless without the consent of the other House. In fact, we are to be tied hand and foot. Moreover, if the Assembly once gives up the power of the purse, will it ever get it back again? I should think not. I say that, if the two Houses once meet together, there will never be two Houses of Legislature in this colony again; the country will thenceforth be ruled by one House, and that the House representing property, and not manhood suffrage. Looking at the matter from another aspect, we might find a half-hearted Ministry sending up some item of the Appropriation Bill in a separate Bill, with the intention of having it thrown out. The item might involve a policy which the country wished to see carried out—say in connexion with the extension of the land tax—but when the Upper House had rejected it, the Ministry would say they could do nothing, that the law gave the Council the power they had exercised. Thus the Bill would open the way for a great deal of manipulation, and for that worst of political disorders—the want of power by the people over their own representatives. Again, I cannot see how the system of rotary retirement of the members of the Council can be worked in connexion with the proposed liability to dissolution. The Bill also fails in one vital particular, namely, that the proposed extension of the franchise is not to be brought into operation at once, so that all the members of the new Council may be elected simultaneously and start fair. Another feature which would be required to make a measure of this kind perfect would be a system of single electorates. There would be something like responsibility in the Council if a member knew that he could not have a walk-over as one of three candidates. Honorable members opposite have spoken of the advantages the Assembly would gain under this Bill. I would like to know what they are. What advantage are we to have which will counterbalance the yielding of the power of the purse? It is said we shall have finality, but I fail to see it. Under this measure, a Mining on Private Property Bill could not become law inside of two years, and then not until we had given way to the dictation of the Council, for the "Two Houses" are to have power to amend or alter a Bill,
and the joint meeting of the two Houses will really mean the absorption of this House. I cannot see that this Reform Bill will be acceptable to the country in any of its provisions. There are flying rumours that certain of the principles of the measure are to be sacrificed if honorable members will only accept the rest. How much is to be given up? Are the elimination clauses, the joint sitting, and the double dissolution to be yielded, and are we to have left only the so-called popularization of the Council on the basis of the £10 franchise? I have heard that the Government were even willing to extend the franchise for the Council to all ratepayers, and to make all sorts of modifications, but the presence of a certain honorable member was wanted in order to ratify any agreement of the kind. The prominent position which that honorable member seems to have occupied in the matter reminds me of the anecdote about an Irishman named Flaherty, who was in the great battle of Trafalgar. In after life, when at home amongst his friends, Flaherty was accustomed to tell a story to the effect that, just before the signal "England expects every man to do his duty" appeared at the mast-head of the Admiral's flag-ship, Nelson inquired with great eagerness—"Is Patrick Flaherty on board?" "Yes, your honour," replied Flaherty. "Then," said Nelson, "let the battle go on." It appears that the Government can make no concessions in regard to their Bill in the absence of a certain honorable member. I, however, don't think the Bill is likely to pass, and I devoutly hope that it will not. I shall do all I can to prevent it passing, believing that, in opposing it, I shall be performing my duty to my constituents and to the country. Those honorable members who vote for the measure will have their names written on the scroll of the colony in black letters, as men who were ready to sacrifice the best part of their birthright and of their children's inheritance.

Mr. W. Madden.—Sir, I do not propose to repeat the arguments which have been advanced over and over again, and which the House must be thoroughly tired of listening to, nor do I intend to read a single extract. It seems to me that during the last three weeks a great deal of valuable time has been wasted by honorable members on both sides of the House in showing, or attempting to show, what Ministers, ex-Ministers, and other members have thought and said in years gone by. For my part, I only want to know what Ministers now think, and what measures they have to submit for the consideration of this House; and, if those measures meet with my approval, I am prepared to give them a hearty and loyal support. The fact that dead-locks have happened in the past seems to me to be a proof that they may occur again, and therefore that an alteration of our Constitution is necessary. When before my constituents, I told them that the sort of reform required was a considerable reduction of the franchise for the Upper House, the shortening of the tenure of seats, a reduction of the size of the provinces, an increase in the number of the provinces, and both Houses to be liable to dissolution; and I added that in the event of a dead-lock arising I thought the scheme suggested by Mr. Service—the joint sitting—was the most reasonable and practical one that was before the country. The measure now under consideration contains all these principles, and therefore I am bound to give it my cordial support. At the same time, I must say that there are some details of the measure which I shall have great pleasure in assisting to alter in committee. This burning question of reform must be settled by some means, for there are other important and urgently required measures which cannot be much longer delayed. I believe that if this Parliament does not very soon show that it is capable of doing good, useful, practical work, the people will begin to think that it had better be done away with altogether, and that some other system ought to be adopted by means of which practical legislation may be more satisfactorily carried on.

Mr. Davies.—Mr. Speaker, this question has been so thoroughly thrashed out that very little interest is now taken in the debate, and but few members attend to listen to what other members have to say on the subject. I shall therefore not inflict many remarks upon the House. Nevertheless, I would not be doing justice to my constituents—to the people who sent me here—if I did not state some reasons for the vote which I intend to give on this Bill. I desire, in the first place, to call attention to what one honorable member has said in the past upon the question of constitutional reform. It is, I submit, of importance that prominent members of the House—members who
Constitution Act

occupy the position of Ministers of the Crown—should, at all events, show some amount of consistency in their public life. I wish to direct attention to the very peculiar position occupied by the Minister of Mines on the reform question. No honorable member has indulged so largely in quotations and spent so much time in endeavouring to convict others of inconsistency. The honorable gentleman has tried to prove that members who have been in this House for 20 years are guilty of inconsistencies, but he has already himself been most inconsistent, though he has only been a member of the House about three years. By the time the honorable gentleman has been in Parliament as long as some of those he has found fault with, doubtless he will have a remarkably inconsistent career to look back upon. During the debate on the first Berry Reform Bill, the honorable member said—

“If there is one point which I have felt more acutely than any other, it is the question of the privileges of this House. I am sure both my honorable colleagues and the honorable and learned member for Mandurang know that, ever since I was a comparative lad, I have taken an active part in politics. In 1865, when there was a great agitation throughout the country in consequence of the Upper House rejecting what they regarded as a tack in the shape of the Appropriation-cum-Tariff Bill, I was appointed to represent the liberals of the Sandhurst district at a great demonstration held in Melbourne, to enter a strong protest against the action of the Legislative Council. On that same platform, I met the present Chief Secretary, who, I believe, at the time was not a member of this House, and also the present Chairman of Committees. I mention this to show that, from the earliest struggles between the two Houses, I have advocated that this Assembly should have the supreme control over the finances of the country.”

The Minister of Mines is a second Timothy—he has been brought up from his childhood to understand the necessity for this Chamber having “the supreme control over the finances of the country.” The honorable gentleman went on to say, speaking of the measure before the House at that time—

“The Bill is divided into two parts, the first dealing with Money Bills, and the second with the plebiscite. Now if there is one of our privileges which we ought to guard more than another, it is our exclusive right to manage money matters. The Legislative Assembly have always claimed to have power in that regard exactly similar to those of the House of Commons.”

The honorable member then quoted an extract from a speech by John Bright, strongly insisting upon the House of Commons retaining the sole power and control over taxation and finance, and made the following remarks after reading the quotation:

“I believe that sentiment is echoed in the heart of almost every member of this Chamber. If ever we allow the privilege referred to to depart from us, we shall give up one of the greatest and most fundamental privileges the House of Commons has ever possessed.”

In another part of the same speech, the Minister of Mines, referring to one of his then colleagues in the representation of Sandhurst (Mr. Mackay), stated—

“My honorable colleague seems to think that in the case of a tack the Upper House ought to be able to call for a plebiscite in the same way as though the measure were one of general legislation, but I differ from him. Our greatest privilege is our exclusive control in financial matters, and I would not like to see it touched in the slightest way.”

I don't think stronger language than that could be used in support of the principles which we on this (the opposition) side of the House still advocate. It appears that, in 1865, the Minister of Mines was sent from Sandhurst to Melbourne in order to justify the tacking of the Tariff to the Appropriation Bill, and yet he is now ready, by means of the Bill which the present Government have introduced, to give up all the privileges which he has hitherto claimed for this House. The honorable member's speech in support of the present measure was exceedingly weak. I attribute that not to any want of ability, but simply to the awkwardness of his position. The honorable gentleman recently stated at a public meeting at Sandhurst that a tacit understanding had been arrived at between the Opposition and the honorable member for Belfast to turn out the present Ministry, and he asked his audience what was the price of the understanding. No doubt, as a high authority on such transactions, the honorable gentleman knows that they cannot take place without a price. What was the price paid for the understanding between the late Opposition and the honorable member for Belfast to oust the late Government from office? If there was none on that occasion, why should there be any now? May I ask the Minister of Mines what price he has been paid to induce him to sacrifice the principles which he recently held on the question of constitutional reform? The price he has got is a seat on the Treasury bench. But I may remind the honorable gentleman that, though he has received his price, he will also have to pay a price;
and I venture to say that the penalty will be the utter distrust of him by this House and the people of the country. That will, indeed, be a very dear price to pay. No doubt the honorable member for Portland is right in saying that our difficulties in the past have to a great extent arisen from the fact that one House represents the whole people, and the other represents only a class, or a portion of the people. If the Upper House is to be representative at all, the basis should be made as large as possible. I cannot conceive any grounds for drawing a distinction between one ratepayer and another, though I can understand a distinction being made between a ratepayer and a non-ratepayer. If the Upper House is to be representative, the franchise for its election must, at all events, come down to all ratepayers. I would have no objection to adopt the Norwegian scheme in its entirety, and thereby let both Houses be elected by the whole people; that is to say, let the people elect all the Members of Parliament, and let those members choose a certain number from themselves to form the second Chamber. That would be a far more sensible and reasonable scheme than the one proposed by the Bill.

If, however, the system of having a separate constituency for the Upper House is continued, the electoral provinces ought to be altered. The present provinces are so large that none but men of enormous wealth can contest an election for the Council. I think they ought either to be reduced in size, so that men of moderate means would be able to become candidates, or that the members of the Council should be elected by the whole colony, so that canvassing would be practically impossible, and only well-known politicians would be chosen as members of that House. Unfortunately, it appears that we are now to have a repetition of the old struggle between the two Houses. Many politicians had supposed that the contest as to financial supremacy was at an end—that the people had decided the question finally in favour of the Assembly. No arguments have been brought forward to convince me that it is possible for two Houses to work together harmoniously if both have to deal with finance. How would it be possible for a wife to make both ends meet if she had no idea of her husband’s income, or how much money she had to spend? To be able to do so, she must necessarily know how much money is placed at her disposal. It would be impossible to make both ends meet in connexion with the public finances if each House had the right to interfere with expenditure and taxation. This is so self-evident that it is unnecessary to argue the point. The long experience of the people of Great Britain, from whom we have received our Constitution, has shown them that it is absolutely necessary for their freedom and liberty that one House of Legislature should be supreme in finance. Some people say that, though it may be right that the House of Commons should have that power, it does not follow that it is right that the Legislative Assembly of Victoria should possess the same power. If the House of Commons can be trusted by the people of England with supreme control over finance, I do not see why this House should not be trusted by the people of Victoria with that power. If anything, I think it can be better trusted. This colony is in advance of the old country in several matters. The Imperial Legislature has copied many good things from us; and it is a reasonable assumption that the population of the colony contains a large proportion of the best representatives of the British race.

It is absurd to suppose that a majority of this House would at any time, in spite of the checks provided by the Constitution, take money out of the Treasury and put it into their own pockets. A case which requires to be bolstered up by the supposition that anything of the kind might occur must be very weak indeed. I would be sorry to live in a country where Members of Parliament, picked men of the country—men selected by intelligent constituencies—could turn out to be rogues. I do not believe that the people of this colony will ever send members to this House who will prove to be rogues. If the people should ever become so degraded and demoralized as to elect to this Chamber a majority of members who are rogues, they will deserve to be robbed; but, as I have already said, the supposition that anything of the kind is possible is utterly absurd. It has been asserted with a great deal of assurance that, at the late general election, the country spoke out most determinedly against the 6th clause of the Berry Reform Bill. I maintain that the country did not speak out against the principle of that clause. I represent a large mining and agricultural constituency, and from every platform on which I addressed that constituency during

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the election campaign I advocated the principle of the 6th clause; and I was returned by a majority of 500 votes over an eminent barrister who opposed the principle of that clause, and who was materially assisted by the eloquence of the honorable member for Boroondara. Moreover, my honorable colleague in the last Parliament, who altogether condemned the Berry Reform Bill, did not get half as many votes as were recorded for me. No doubt I was not elected solely because I approved of the principle of the 6th clause, but that is only a proof of the difficulty of ascertaining by means of a general election the opinion of the people on any particular question. I deny that the opinion of the people on any question can be satisfactorily ascertained by means of the proposed double dissolution. Honorable members on the Ministerial benches assert that the country has declared emphatically in favour of the present Reform Bill, and yet only 41 or 42 members are likely to vote for the second reading of the measure. On the other hand, there are 49 members in favour of payment of members, and at each general election for some years past there has been a majority returned in favour of it; yet many honorable gentlemen deny that the country is in favour of that principle. How, then, can it be said that the opinion of the country on any particular question can be properly ascertained by means of a double dissolution? If the question of constitutional reform is to be disposed of, a great change must come over the attitude in which most honorable members regard it. The subject ought to be settled altogether apart from party feeling, but party feeling has grown so strong upon it that it is very difficult to regard it in a different light. Honorable members on the opposition side of the House have been vilified as the greatest rogues the country ever saw, and it is therefore not likely they can feel very amicably disposed towards those who so abuse them, or view very charitably any measure they introduce. The gap between honorable members on the two sides of the House is widening instead of narrowing; and at the present time it seems as if no Reform Bill brought in by a party is likely to succeed. Some members have said that they are free from all party bias; but I admit that I am not. Things have been said about the Opposition calculated to prejudice them against the Government; and I must confess that some of the actions of the Ministry have caused me to be biased against them. Their action in postponing the meeting of Parliament for two months at once caused me to form an unfavorable opinion of the Government; and that unfavorable opinion has been strengthened by the Premier breaking the promise which he made with regard to the question of payment of members. After such things as these have occurred, I naturally cannot rid myself of all party feeling in judging of the measures of the present Government. In reference to the Reform Bill, I addressed a meeting of my constituents this week, and told them that I would never vote for any measure that takes away from the Assembly its privileges in connexion with finance, privileges which are the same as those that the House of Commons possesses. A unanimous vote was passed by the meeting condemning this Bill. Whenever an attempt is made to assail the privileges of the House of Commons, every statesman in that House, on whichever side he sits, is ready to maintain those privileges; but here, unfortunately, honorable members are divided, instead of being united in the determination to maintain the privileges of this Chamber. As the honorable member for Dundas has said, we have no right to trifle with the privileges which have been handed down to us. They are not ours to dispose of as we like; we are merely temporary trustees of them, and it is our duty to guard them jealously. I shall oppose this Bill and any other measure taking away the privileges of this House and its right to control the finances of the country.

After a pause, Mr. LAURENS rose and moved the adjournment of the debate.

Mr. R. CLARK remarked that it was too early to adjourn the debate.

Major SMITH suggested that the debate should be continued by some member on the Ministerial side of the House.

Mr. LAURENS intimated that he would give way to any member on the Ministerial benches.

The SPEAKER.—If the debate is now resumed by another member, the honorable member for North Melbourne (Mr. Laurens), having moved the adjournment of the debate, will be held to have spoken on the main question.

Mr. GILLIES said the Government had no desire to take any advantage of
the honorable member for North Melbourne (Mr. Laurens). As it was not yet half-past ten o'clock, he would suggest that the honorable member should address the House for about half-an-hour—in which time it was understood that he would get half through his speech—and finish his speech next day.

Mr. LAURENS.—Mr. Speaker, when I took my seat in this Parliament I was disposed to concede much and to compromise much in the matter of reform, if we could only secure a solution of the question which has agitated the colony for some years past. I came here with the intention of supporting the Service Reform Bill if it was at all in a shape in which I could consistently vote for it; and I would now heartily accord my support to it if I could do so with any degree of consistency to myself and with the duty that I owe to a very large number of my constituents. Therefore I approach the consideration of the question in no factious spirit, nor with any desire to see the present Government ousted from office, but rather, if I may use the term, in a friendly spirit. Whilst stating this much, I would be untrue to my convictions if I said that I approve of the measure as it stands. Ever since the House met I have felt a deep-rooted regret that, during the ten weeks which elapsed between the general election and the day the Parliament assembled, no less than three leading articles appeared in the *Argus* threatening a dissolution. It is not under such conditions that the House should be asked to consider a question so important to the future interests of the colony as constitutional reform. We ought to be able to discuss it in all freedom and all independence. Not only were threats of a dissolution indulged in before Parliament was called together, but since Parliament met similar threats have been uttered by the dozen both in the press and on the platform. Sir Charles Gavan Duffy and the Government of which he was Chief Secretary, in 1872, were ousted from office because he threatened to look over the heads of the members of the Assembly to the country. I very much regret that the present Premier, with all the experience of the past—and with all the failures in the past to secure a reform of the Constitution—before his eyes, has not followed the advice he gave to the last Parliament on two different occasions, namely, that the reform question ought to be referred to a select committee of this Chamber. There was a majority of 20 for the second reading of the Francis Reform Bill in 1874, but the majority dwindled down to two on the third reading. The late Ministry easily secured 50 votes for the second reading of the Reform Bill which they introduced last session, but on the third reading they only obtained 43 votes. Yet, with the failures in the past before his eyes, the present Premier comes before this Chamber with a party Bill, and expects to carry it with 44 supporters, some of whom are very dubious, and will be ready to tear the measure in pieces if it gets into committee. We are told that the reason why this Bill is pressed upon our attention is because the country has declared in favour of it, but I submit that no evidence of a tangible character, that would weigh with any rational man, has been offered to prove that the country has done anything of the sort. What the country did on the 28th February last, if it did anything at all, was to say that the Berry Ministry should go out of office. In order to show what were really the issues then placed before the country, and what position among them was occupied by the question of constitutional reform, let me draw the attention of honorable members to a little pamphlet, entitled “History of the Berry Ministry,” which was published while the elections were going on, and distributed broadcast throughout the entire community. Who sent it about I do not know, but I guess the work was done by the Registration Association. What did that pamphlet contain? I have a copy of it here, and I find among its various headings “Public Expenditure,” “The Four and a half per Cent. Loan,” “The Pearson Appointment, “Mr. Gillies and Mr. Levien,” “Wattle-bark, Stock Tax, and Red gum Duty Bills,” “Mining on Private Property Bill,” “Black Wednesday,” “I have had my Revenge,” “The Farmers,” “The New Tariff,” “The Embassy,” and so on. All these subjects and many more are dealt with, and it is only at the very end I come to the heading “The Reform Issue.” Then let me direct notice to another circumstance that may be taken to show that the feeling of the country at the general election can by no means be said to have been concentrated against the Berry Reform Bill, and for the Service Reform Bill. According to a certain account that came to us, the people who met in Collins-street, two or three days
after the 28th February, shook hands and congratulated each other upon—what? Did they say—"Thank God! we have secured the Service Reform Bill," or, "Thank God! we have got rid of the Berry lot." Undoubtedly the latter was their expression. That alone is sufficient to show how completely the question before the country was "Berry" or "No Berry." Again, was not the advice given by the Argus, for days and weeks before the election, that politicians of all classes should unite in one common cause, namely, to upset the Berry Government? At the same time, I am free to admit that, so far as the matter can be judged, the verdict of the country was against the Berry Reform Bill. Also, let me say, although I have no desire whatever to discuss that measure now, that, when I addressed my constituents—the fact is recorded in the columns of the Argus—I told them that, if I was returned to Parliament, I would vote for the 6th clause only on condition that it was rendered imperative that it should not be made use of by a bare quorum of the House, and that no vote under it should be of any virtue unless it was carried by the 44 votes it seems so difficult to secure for the present Bill. Another amendment of the clause I said I should insist upon was that no money should go, under its authority, into the pocket of any honorable member, to benefit him personally, unless, on the one hand, the Council expressly consented to the transaction, or, on the other, the vote was put to a poll of the people. It will be seen that, with these limitations, none of the evils of which we have heard so much could possibly accrue under the working of the clause. Seeing that it is now ten minutes to eleven o'clock, I beg to move, in order to keep to the arrangement I have made, that the debate be now adjourned.

Mr. GAUNSON remarked that he was by no means sure that the House had acquiesced in the arrangement that the honorable member for North Melbourne (Mr. Laurens) should deliver one-half of his speech that night, and the remaining half on the following night. He (Mr. Gauison) understood that the compact on the subject, between the honorable member and the Government, was entered into by them because they desired to introduce, before eleven o'clock, a little Bill or some sort of resolution with reference to the Daylesford railway station. Perhaps their undertaking to carry through that piece of business represented the bargain that procured them the favorable reception they obtained at Daylesford the other evening, when, in the course of their stumpimg expeditions in the country, they paid a visit to that locality. Now he wished to call pointed attention to the system adopted by the Government of going up and down the country, making or appearing to make promises here and there, and professing the kindliest and most fatherly interest in districts about which they really cared not a rap, except with respect to the votes the electors there were able to give. How strangely such conduct on their part contrasted with their condemnation, when they were sitting in opposition to the Berry Government, of the late Minister of Railways, because, at a particular juncture, he visited Lancefield with a very harmless piece of paper, said to be a railway plan, in his pocket. They appeared then to think it highly criminal for a Minister to interfere in election matters. It was also desirable to show, in view of the industrious way in which the Payment of Members Bill was "stone-walled" last week, that that disagreeable game was one which it was easy for two to play at. His object in speaking now, until after eleven o'clock, was to defeat the little plan that was to have enabled the Government to bring on a particular piece of business at a late hour.

Mr. COOPER challenged the honorable member for Ararat to produce the smallest evidence of any compact between the Government and the people of Daylesford of the kind he referred to. Surely the honorable member's sense of honour ought to prompt him to mention the grounds he had for his injurious insinuation. He must know very well that the Railway Bill in connexion with the Daylesford station was nothing new, because it was brought before the last Parliament; but the late Government were unfortunately unable to carry it through. As a matter of fact, any assertion that there was the slightest connexion between the Bill the Government wished to introduce and the vote given at Daylesford, the other evening, in favour of the Government would be untrue.

Mr. BARR observed that, in view of the way payment of members was "stone-walled" last week, Ministers could not complain of the tactics employed that evening by the honorable member for Ararat.

The motion was agreed to.
The debate was then adjourned until the following day.

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

LEGISLATIVE COUNCIL.

Thursday, June 24, 1880.

Railway Works Construction Bill—Audit Act Amendment Bill—Dower Bill.

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

RAILWAY WORKS CONSTRUCTION BILL.

The report of the committee on this Bill was taken into consideration.

The Hon. H. Cuthbert moved that the report be adopted. He said he had made inquiries as to the amount of money that remained available under the Railway Loan Account of 1878, and found that the sum to the credit of the 6th item of the 2nd schedule to the Railway Loan Act 1878, namely, that for the construction of new railways, was £251,000. This was after deducting the amount of the advances from the Treasury made under section 11 of the Act, and after providing for the existing contract for rails, which involved something like £150,000. (Mr. Simson—"Where has the rest of the loan gone?") One very large amount was expended on the purchase of the Hobson's Bay Railway, and other large sums had been absorbed in the construction of the new lines authorized by the last Railway Construction Act. (Sir S. Wilson—"For what further expenditure does this Bill provide?") Under clause 1, Parliament was asked to sanction the expenditure of £50,000 "for rolling-stock for railways the construction of which may by any Act hereafter be directed." The usual course had been to construct new lines as rapidly as possible after Parliament had sanctioned the work, and then, when they were finished, to set about furnishing them, but with respect to many of them the furnishing was not yet complete. In fact, the limit of expenditure was fixed at so low a rate that some of them were not half furnished. Now, however, it was proposed that contracts for rolling-stock for new lines should be entered into in advance, and one consequence of the arrangement would be that many of the people at present out of work would obtain employment. Clause 2 authorized an additional expenditure of £100 per mile upon the new railways constructed under the Act No. 415, which would involve an extra outlay of £14,859. Clause 3 altered the limits of expenditure with respect to a number of the lines constructed under the Act No. 475. In the first place, the limit of £5,750 per mile would be increased to £5,825 per mile, which would involve an extra outlay of £15,395; secondly, the limit of £6,400 would be increased to £6,650, which would involve an extra outlay of £29,604; and, thirdly, the limit of £6,880 would be increased to £7,000, which would involve an extra outlay of £6,025. Clause 4 authorized the expenditure of £79,000 additional upon the following lines:—"Williamstown Junction to Ballarat, Main Line (Footscray to Echuca), North-Eastern and Beechworth lines, and Melbourne and Hobson's Bay United Railway." The total expenditure under the Bill would be £194,913. Deducting from that amount the £30,000 for rolling-stock would leave £144,913 for additional works on existing lines of railway. Possibly honorable members might deem the sum a large one, but they must not forget that the Appropriation Bill of last session provided £80,000 for the same kind of works, that £47,000 or £48,000 of the amount still remained unexpended, and that the balance unspent at the end of the financial year would lapse into the Treasury. Under the plan followed last session, Parliament would have been simply called upon, in connexion with the Estimates for 1880-1, to revote the unexpended balance, but instead it was deemed desirable to include it in the £79,000 now asked for under clause 4. Indeed, owing to the unfortunate condition of the public finances at the present time, it would be impossible for the Treasurer to place anything like £50,000 on the Estimates for the extra railway works that were required. Moreover, the Minister of Railways, who had given a great deal of attention to the subject, and was acting under the advice of the Engineer-in-Chief and other responsible officers of the Railway department, considered that the proper way of obtaining the sanction of Parliament to the additional expenditure was by means of an Act. In fact, he preferred, in place of spending money in an
authorized way, to boldly ask the Legislature for authority to carry out the works that must be undertaken if the railway traffic of the country was to be profitably conducted.

The Hon. W. CAMPBELL said it disappointed him not to hear something about the construction of new lines, because he was convinced they were greatly required in the country, and that in many localities—the clay plains, for instance—they would be cheaper than roads. Ministers seemed to keep their intentions on the subject very much in the dark. Perhaps they regarded a Railway Construction Bill as a good political engine—a sort of bunch of carrots which could be held out to the electors in districts unprovided with railway accommodation, in order to keep them in a state of expectation.

The Hon. R. S. ANDERSON observed that the time to introduce a Railway Construction Bill had not yet arrived.

The Hon. R. D. REID inquired if the new rolling-stock would be made in the colony?

Mr. CUTHBERT stated that the rolling-stock referred to in clause 1 would consist of locomotives, carriages, and waggons, which would in all probability be constructed in the colony.

The Hon. R. SIMSON remarked that even on some of the new lines repairs seemed to be constantly required. For example, on the line that passed through his property there were always three or four gangs of line repairers at work. Had there been proper supervision in the first instance, such repairs could hardly be necessary for a railway on which only two trains ran per day.

The report was adopted.

The Bill was then read a third time and passed.

**AUDIT ACT AMENDMENT BILL.**

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

Mr. CUTHBERT moved that the Bill be read a second time. He said he hoped honorable members would permit the measure to pass at once through all its stages. Were the case not one of urgency he would not ask that such a course should be taken, but the House must be aware that, according to the existing law, all unexpended votes lapsed on the 30th June in each year. The object of the Bill was that, for any work done for or any services rendered to the State up to the 30th June, the Treasury should be enabled to pay at any time up to the 31st August. The case of the Police department alone would amply show the necessity that existed for this arrangement. At the end of June, £2,000 would be required for police pay, but, inasmuch as the payment could not be made until June was past, when, under the Audit Act Amendment Act of 1872, the unexpended votes for the service of the year 1879–80 would lapse, the Treasurer would be forced, if the law remained unaltered, to evade it by allowing the Chief Commissioner of Police to draw a cheque for the amount before it was actually due. Under the Bill, an end would be put to all evasion of the sort, and the June salaries would be payable up to the end of August.

The Hon. W. CAMPBELL said he would not object to the Bill passing, but he protested against measures being rushed through in one sitting.

The Hon. R. S. ANDERSON begged to assure the House that the Government were most unwilling to ask the Council to pass a Bill through all its stages in one sitting, but the present case was one of emergency; seeing how quickly the financial year would expire. In England, provision somewhat corresponding to that contained in the present measure was made by means of imprest.

The Hon. J. MACBAIN thought that, under the circumstances, the Council was bound to let the Bill pass.

The motion was agreed to.

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

**DOWER BILL.**

The amendments made in this Bill, in committee, were considered and adopted.

On the motion of the Hon. H. CUTHBERT, the Bill was read a third time and passed.

The House adjourned at twenty minutes past five o'clock, until Tuesday, June 29.

**LEGISLATIVE ASSEMBLY. Thursday, June 24, 1880.**


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

Mr. SERVICE suggested that, in view of the arrangement which had been come to for the debate on the Constitution Act Alteration Bill to terminate that evening, the putting of the questions (15 in number) which appeared on the notice-paper should be postponed until another day.

Mr. FINCHAM expressed his approval of the suggestion provided it was understood that no other business than that of reform should be taken into consideration.

Mr. SERVICE observed that the order of the day for the second reading of the Railway Construction Act Amendment Bill stood on the paper before the order for the resumption of the debate on the Reform Bill. He understood from the Minister of Railways that it was merely a formal matter; but, if there was any objection, he would not ask the House to proceed with it.

Mr. FINCHAM objected to any other business than that of reform being dealt with.

Mr. COOPER observed that the Railway Bill referred to by the Premier was a Bill prepared by the late Government. Its object was to bring the terminus of the Cardross and Daylesford Railway much nearer the town of Daylesford than was provided for by the existing law. In the interests of the many thousands of persons in the Daylesford district who were anxious that the Bill should be passed as speedily as possible, he hoped no objection would be offered to the consideration of the measure.

Mr. WHEELER also urged that the Bill in question should be proceeded with.

The SPEAKER.—If honorable members on all sides do not consent to the immediate resumption of the debate on the Reform Bill, I shall have to call on the business in the order in which it appears on the notice-paper.

Mr. GILLIES explained that the Railway Bill would not have appeared where it did on the notice-paper but for the impression that, inasmuch as it was a legacy from the late Government, it would be allowed to pass without opposition.

The notices of question and the first order of the day were postponed.

PETITIONS.

Petitions in favour of the Reform Bill were presented by Mr. SHARPE, from electors of Wangaratta; by Mr. McLEAN, from electors of Rosedale; by Mr. ANDREWS, from electors of Geelong; and by Mr. TUCKER, from electors of Fitzroy. Petitions against the Bill were presented by Mr. BILLSON, from electors of the Ovens district resident in and about Wangarling, Bright, and Freeburgh.

CONSTITUTION ACT ALTERATION BILL.

TWELFTH NIGHT'S DEBATE.

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

Mr. LAURENS.—Mr. Speaker, before continuing my remarks upon the important question now before the chair, I desire to express my gratitude for the consideration accorded to me last night by the House in allowing me to conclude this evening the remarks which I had to offer. I shall try not to abuse the favour thus shown to me. The Norwegian scheme, so-called, which was brought before Parliament by the honorable member for Warrnambool, in 1874, was very much at variance with what is called the Norwegian portion of this Bill. The Norwegian portion of this Bill. The former contained none of the conditions surrounding the meeting of the two Chambers that we find in this measure. In fact, it would have been quite an easy matter, under the provisions of the Bill of 1874, to have brought any disputed measure under the consideration of the "Two Houses." To show how jealous the Legislative Assembly of that time was with regard to the rights of this Chamber in money matters, I may mention that that Bill broke down simply because it was quite possible that by means of its provisions, under certain contingencies, the Legislative Council would have some say with regard to Money Bills. That was the cause of the strange difference between the division on the second reading and the division on the third reading of that measure. On the second reading, 48 votes were recorded in favour of the Bill; the majority being 20. On the third reading the majority was reduced to 2, simply because 10 of the members who voted for the second reading, including Mr. George Higinbotham—who certainly cannot be charged with sordid motives, with desiring to put his hand into the public purse in "a free, easy, and accessible way"—finding that, under certain conditions, the Bill would give
the Legislative Council power to interfere in money matters, voted against the third reading. Last night, I contended that the various provisions of the Bill we are now discussing were not submitted to the colony at the general election; and I pointed out the matters which were then placed before the public at any length. I now hold in my hand the published address of the Premier to the electors of Maldon. It is signed "James Service," and is dated the 29th January, 1880; and it contains the following programme on the subject of reform:

"The present Government have shown themselves utterly incapable of dealing with the question—

I expect that the same language is very applicable to the honorable gentlemen who now occupy the Treasury bench.

"Two sessions lost, three changes of front, with a fourth just at hand, testify to their incompetency. But a settlement of the vexed question is possible, nevertheless, and the Government is the only obstacle that stands in the way.

It is a matter of historical fact that that obstacle has been removed some time; but there now appears to be another obstacle of the same kind, or even greater, in the way. The manifesto proceeded—

"How can it be settled? you ask; and I answer that it can be settled both speedily and satisfactorily by the adoption of the proposals which, on behalf of the Opposition, I had the honour of submitting some fourteen months ago. You will remember those proposals; they were—

1. To accept as a basis for reform the Bill passed by the Legislative Council, which provided for—
   - Reducing the size of the provinces, and increasing their number.
   - Reducing the qualification of electors.
   - Reducing the qualification of members.
   - Reducing the tenure of office from ten years to six.

2. To provide for the dissolution of both Houses in the event of a continuing disagreement between them on any measure.

3. To provide that if, in the new Parliament, the two Houses should still disagree, the question should be settled by a joint vote of both Houses sitting together."

I submit that this last clause fairly indicates that there was to be no power of reversing or amending the verdict which presumably would have been given by the country at the election preceding the joint sitting. Then, again, there is not the slightest mention, in this manifesto, of the various schemes of reform which had been propounded, that their name was legion. Now we are told that, at the general election, the Berry Bill was thrown to the winds, and that we have no alternative but to pass the present measure, and that immediately, if we desire to see peace in the land. How are we to account for this change of front? Am I really to believe that honorable gentlemen will preach one doctrine when sitting on this (the opposition) side of the chamber, and that they have simply to cross the floor to be in a position to preach an altogether different thing? It is no answer to say that, because the Bill was submitted to the country at the general election, a select committee is not still the best means by which to mature such a measure, and by which security for its proper discussion may be attained. Nor is it an answer to say, as was said by the Minister of Justice, "What would be the use of a select committee, composed as it necessarily must be

Mr. Lawens.

Thus it would appear that a most serious innovation has been imported into the measure we are now considering, and this without any warrant or authority, so far as the Premier's official address to his constituents is concerned. Now I find that on the 28th August, 1878, the Premier—then the leader of the Opposition—submitted the following, as an amendment, on the second reading of the first Reform Bill of the Berry Administration:

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

For that amendment, six of the honorable gentleman's colleagues in the present Ministry voted. In support of the amendment, the honorable gentleman said—

"There is no possible way of contrasting, comparing, and dealing with the various schemes—and they are legion, or, at least, they are very numerous—by which the objects sought to be attained by this House and the country can be brought about except by referring the matter to a select committee. The House ought to deal with it in that way, so as to give free current to that criticism which is absolutely necessary to perfect a measure."

Instead of being allowed to exercise that free criticism, we have actually had to approach the consideration of the present Bill under threats and intimidation of all kinds. In 1878, the Premier declared, with regard to the various schemes of reform which had been propounded, that their name was legion. Now we are told that, at the general election, the Berry Bill was thrown to the winds, and that we have no alternative but to pass the present measure, and that immediately, if we desire to see peace in the land. How are we to account for this change of front? Am I really to believe that honorable gentlemen will preach one doctrine when sitting on this (the opposition) side of the chamber, and that they have simply to cross the floor to be in a position to preach an altogether different thing? It is no answer to say that, because the Bill was submitted to the country at the general election, a select committee is not still the best means by which to mature such a measure, and by which security for its proper discussion may be attained. Nor is it an answer to say, as was said by the Minister of Justice, "What would be the use of a select committee, composed as it necessarily must be
of gentlemen on the Treasury bench and gentlemen on the front opposition bench, seeing that, as each side is committed to its own scheme of reform, they could not possibly agree?" I submit there are other members besides those 12 or 18 gentlemen who, although belonging entirely to the rank and file, might possibly produce the outlines of a scheme which would be acceptable to all. I venture to assert that, if a scheme such as that hinted at by the honorable member for Fitzroy (Mr. Tucker) were formulated by a committee of some 12 members who have not been in any Ministry, it would obtain the support of 80 out of the 86 members of this House. But the Premier did not stop there. Last session, the late Mr. Orr—then member for Moira—moved, as an amendment on the motion for the second reading of the second Reform Bill of the Berry Administration—

"That the subject of the said Bill be referred to a select committee for consideration and report, with power to call for persons and papers, and to sit on days when the House does not meet; such committee to consist of Mr. Berry, Sir Bryan O'Loghlen, Bart., Mr. Lalor, Mr. Richardson, Mr. Service, Mr. Francis, Mr. Gil- lies, Mr. Lyell, and the mover."

That proposition was supported by the Premier, and was voted for by seven members of the present Ministry. The present Ministry claim on behalf of their Bill that it will liberalize the Legislative Council, that it will prevent dead-locks, that it will prevent corrupt expenditure, that it will make the people the masters both of the Council and the Assembly, that it will secure finality of discussion or legislation, and that it will carry the expressed will of the people into law. They say farther that the reform they propose is based on the lines of the British Constitution. I contend that it is neither on those lines nor on the lines of any other Constitution in the world. I say that not a single one of the claims I have mentioned can fairly be sustained. One is partially true—true only in a certain sense—and that is the claim that the Bill liberalizes the Council. That is the great trump card of the Ministry. But I have thought for a long time that if it was only by liberalizing the Council that a solution for all the political difficulties of the future would be found, the ratepayers' roll should be the basis of the franchise for that House. While on this subject, I may mention that, notwithstanding the great cry as to the way in which the Bill enfranchises the people, there are, in the town of Hotham, 1,475 ratepayers who would not have a vote at all. Then I desire to say a word about a statement made in this House by the Minister of Justice, which has been repeated out-of-doors like a cuckoo cry—namely, that every man who occupies a dwelling for which he pays 7s. 6d. per week rent would have a vote for the Legislative Council under this Bill. Now I submit that statement can be made only with an intention to deceive or in entire ignorance of the way in which tenements are rated. Any honorable member who will take the trouble to examine municipal rate-books, or consult municipal valuers, will find that a tenement which commands a rent of 10s. per week is, as a rule, valued at £20 per annum.

Mr. BENT.—That is not correct.

Mr. LAURENS.—I will refer the honorable member to section 265 of the Local Government Act.

Mr. BENT.—I say that in your own district properties are rated at 25 per cent. over the rent.

Mr. LAURENS.—The law is clear on the point. The 265th section of the Local Government Act provides that the annual valuation of a house for rateable purposes must be based on the rent which the tenement will fetch after deducting certain charges, namely, the cost of insurance and the amount necessary to keep the tenement in a state of repair to command such rent. For these charges it is customary to deduct 20 or 25 per cent. from the rent in fixing the rateable value of property; so that a tenement for which a rental of 7s. 6d. per week is paid ought not to be rated at more than £14 or £15 per annum. If rated at more than £15, the owner of the property would undoubtedly be successful if he appealed against the valuation. Another statement made by the Minister of Justice was that any one who owns a house or land worth £100 will have a vote for the Council under the Bill. Now the section of the Local Government Act to which I have already alluded states that the rateable value, if not based on the rent, must be assessed at 5 per cent. of the capital value.

Mr. BENT.—At not less than 5 per cent.

Mr. LAURENS.—Exactly so. It shows that 5 per cent. is to be the guide in assessing the annual value, and, therefore, a man must have property worth £200, and not merely £100, as stated by the Minister of
Justice, to entitle him to be an elector for the Council under the Bill. As I have already stated, if reform is to take the direction of liberalizing the Council, that liberalizing should, in my opinion, go to the extent of making the ratepayers' roll the basis of the franchise, the reduction of the qualification for members to £50, the reduction of the tenure of seats to six years, or perhaps to three years, and the division of the present electoral provinces into 30, each to return one member. This kind of liberalizing is essentially different from that which is provided for in the Bill. I would also give the Governor power to dissolve the Council; but the power that I would give in that respect is very different from what the Government propose. According to their proposal, if the Council is dissolved, the Assembly must also be dissolved, and the double dissolution can only take place under certain circumstances which may never occur. I would give the Governor power to dissolve the Council by itself, at any time that the necessities of the case appeared, in the opinion of his responsible advisers, to justify that course. One effect of dividing the colony into 30 electorates, each to return one member, instead of into twelve provinces as proposed by the Bill, would be that nine electorates would be constituted out of the Central Province, each of which might be contested with comparative ease. Honorable members will have an idea of the size of the Central Province when I tell them that it comprises a portion of the electoral districts of West Bourke, East Bourke, East Bourke Boroughs, and South Bourke; and the whole of the electoral districts of Williamstown, Footscray, North Melbourne, Carlton, Collingwood, Fitzroy, West Melbourne, East Melbourne, Richmond, Boroondara, Sandridge, Emerald Hill, and St. Kilda. The Central Province, in fact, takes in nearly seventeen of the electoral districts of the Assembly. On the smallest computation, the average cost of contesting each of those Assembly electorates is about £200; so that, to ascertain the cost of contesting the Central Province, we may multiply £200 by 17, and the amount is £3,400. Although the Bill extends the franchise for the Council to the owners of freeholds rated at £10 per annum, and to leaseholders rated at £20, it cannot be said to properly liberalize the Council, inasmuch as it greatly restricts the choice of the electors as to the men who shall represent them; in fact, it limits all the new electors to the selection of candidates whom they would not be at all likely to select if they had a wider choice. I do not speak from any personal feeling, because I happen to have sufficient property, free from all incumbrance, to qualify me as a candidate for the Council under the provisions of the measure; but if I had no other property than the house I live in, I would not be qualified. Indeed, if I had no other property than that, I would not, under this Bill, be eligible as a candidate for a seat in the Council, so that, even if the franchise were given to every ratepayer in my district, not one of them could vote for me. This is a practical illustration of how the Bill limits the choice of the electors. It is proposed to increase the number of members of the Council from 30 to 42, which is about half the number of the members of the Assembly. Why, therefore, should not the area of the provinces be limited to about double that of the electoral districts of the Assembly? Would not that be a far more common-sense arrangement than the one contemplated by the Bill? We have been told that the reform proposed by the Bill is based on the lines of the British Constitution. A more unwarranted statement could not be made. For instance, in England the Upper House is not empowered to order the Lower House to strike items off the Estimates; but that is what this Bill proposes to empower our Upper House to do. It proposes that the Council shall have power to compel the Assembly to strike items off the Estimates before they are even discussed. The House of Commons would not for a moment think of allowing the House of Lords to have any such power. It certainly is an outrageous idea to suggest that the Council shall have power to eliminate items from the Estimates before they are even considered by the Assembly, and therefore before the Council can possibly know what view the Assembly may take of the Estimates, or how they may deal with them. The Assembly may not be willing to pass the Estimates as submitted by the Government; in fact, only last session the Assembly altered the Estimates by striking off certain increases of salary. There is another thing in the Bill which is very unlike the British Constitution. In England the will of the people is expressed through
the election of members of the House of Commons, and this House has hitherto been supposed to represent the will of the people of this country; but it is now proposed that the will of the people shall be expressed in a very different way than through the election of members of this House. Recently the people of Great Britain spoke through the general election of members of the House of Commons, and the immediate consequence was a change of Government, and practically a reversal of policy. Here, also, on the 28th of February last, the people spoke through the election of members of the Legislative Assembly, and the late Government, accepting the result of the election as the verdict of the people, resigned office. Even now, when the present Ministry speak about ascertaining the will of the people by a dissolution, they do not talk of going to the constituencies of the Council, but to those of the Assembly. The Ministry call the constituencies of the Assembly the country, and hitherto that view has been generally accepted; but it is now proposed that those constituencies shall no longer be regarded as the country.

It is proposed that the wish of the country shall be ascertained by means of a double dissolution and a joint sitting; but there is nothing of the kind under the British Constitution; nor does the counterpart to such a scheme as this Bill contemplates exist in any country. The Bill does not adopt the Norwegian scheme, for in Norway all the members are elected by the same constituencies, and then the members choose a certain number from amongst themselves to form the Upper House. By that means there can be no anomaly between the two Houses—no class distinctions. Under the proposal in this Bill, however, class distinctions, which, as the honorable member for Portland pointed out, have been the great cause of our political troubles, will still be maintained. It is claimed that the Bill would put an end to dead-locks; but it would certainly not do so. I will suppose that a strong Government—a Government supported by 60 members of the Assembly—were in office when the Council sent a message requesting the Assembly to take a certain item off the Estimates. If the Ministry and their majority resented such a message, as an improper interference with the functions of responsible government, and refused to take the item off the Estimates, what would follow? The Ministry would, perhaps, resign, in which case a new Government would be formed from the remaining 26 members. The 60 would pass a vote of want of confidence in them, and there would be at once a dead-lock. On the other hand, the majority of the Assembly might refuse to take the item off the Estimates, and include it in the Appropriation Bill, and then there would also be a dead-lock. If this Bill was properly understood, there would not be a man out-of-doors who would vote for it, nor a member behind the Ministry, except those who would vote for it on party grounds. That is the honest conviction at which I have arrived after trying to ascertain what the practical effect of the measure would be. The practice is for the Government to submit to the Assembly, soon after the commencement of the session, the general Estimates for the year; at a later period they bring down Additional Estimates, and finally Supplementary Estimates. Supposing the Council to object to items on all three classes of Estimates, and that, concurrently with their objections to the Estimates, disputes arose between the two Chambers on Bills of an ordinary character, there might be at least twelve measures to submit to the people when the time arrived to go to the country. One of the objections to the plebiscite is that the people cannot be supposed to make themselves acquainted with the details of a Bill; but how could they possibly understand the details of twelve measures submitted to them at the same time? Even after an appeal to the country, and, if the whole of the 86 members of the Assembly were returned in favour of any of the measures in dispute, there would be no guarantee that the Bills would become law. The Council might again reject every one of them; and, afterwards, when the two Chambers were convened to sit together in the large hall of Parliament-house, they would not meet for the purpose of either simply passing or rejecting any of the Bills in dispute, for it is proposed that they should have power to amend or alter the measures in any way they think fit. I desire to point to another proof of the impracticability of the scheme for the purpose for which it is introduced. Supposing that the Supplementary Estimates were submitted the day before the date on which the Government intended Parliament should be prorogued—which is usually just before Christmas—and the Council objected to
some item on those Estimates, the result might be that the session would be prolonged until March or April, in order that the item might be put into a separate Bill and sent up to the Council to be dealt with in that form. For instance, the item objected to would then have to be dealt with in a separate Bill, which would necessitate Parliament being adjourned over the holidays till the 15th of the January following. A month would then probably be taken in discussing the Bill in the Assembly. This would bring the 15th February. The Bill under consideration provides that all Bills must be at least 31 days before the Council, otherwise they are exempted from the operation of the joint dissolution. Again, the measure provides that the Council shall not be dissolved within six months of the period at which the Assembly will expire by effluxion of time, so that, in the event of a dispute extending into the third session of a Parliament, and that session being prolonged until six months of the time when Parliament would expire in the ordinary course, the Council would be masters of the situation, and the matter in dispute would never go to the country at all. In any case, there would have to be a dissolution on each separate question in dispute between the two Chambers, if the people were to give a clear and intelligible vote upon it, for it would be impossible for them to decide upon twelve different measures submitted to them all jumbled together. Instead of the proposal of the Government being one that would put an end to dead-locks, I regard it as one calculated to multiply dead-locks by the dozen. The Bill runs quite counter to the principles laid down in the despatch of Sir Michael Hicks-Beach, dated May 3, 1879, in which, referring to the difference between the two Houses on the question of payment of members, he says—

"But this difficulty would not arise if the two Houses of Victoria were guided in this matter, as in others, by the practice of the Imperial Parliament; the Council following the practice of the House of Lords, and the Assembly that of the House of Commons. 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 matter, manner, measure, and time of such grants, and of framing Bills of Supply that these rights should be maintained inviolate; and 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 Bill, so the Council would refrain from any steps so injurious to the public service as the rejection of an Appropriation Bill." I would ask whether the Bill now before us proposes that the Assembly shall maintain inviolate the rights referred to by Sir Michael Hicks-Beach? Certainly not; it proposes that we should abandon those rights. The last time the Council rejected an Appropriation Bill was in 1877, and they rejected it because it contained an item for payment of members. If that item had provided for the payment of members permanently, it would have been a tack to insert it in the Appropriation Bill; but as it only provided for the payment to the end of the then current financial year, it was not a tack—it was not foreign to the purposes of the Bill. Lord Canterbury, who was the Governor of this colony during the time of the Darling grant dispute, wrote a despatch to the Secretary of State for the Colonies—a private despatch, which was never intended to be seen by the people of this colony—in which he stated—

"I trust that I shall not be regarded by Your Grace as undervaluing the status of the Legislative Council, or underrating their rights and privileges, if I say that the conclusion at which I arrived in considering the question was that if the House of Commons had occupied the position (pledged to the public and Sir Charles Darling) held by the Legislative Assembly respecting the grant, they (the House of Commons) would have claimed the right to include the grant in the general Appropriation Act, and that they would not have been induced to refrain from asserting that right by the belief that the grant would be rejected by the Upper House if proposed in a separate measure."

In another despatch, Lord Canterbury remarked—

"As regards the claims of the Legislative Council, I have never hesitated to express my opinion, so far as I could do so, that the legitimate exercise of their legal rights was defined by the practice rather than by the abstract claims, or unexercised powers, of the House of Lords; and as regards the claims of the Legislative Assembly to the control of the finances, I cannot withhold my assent from these claims, so far as they coincide with the practice of the House of Commons. These opinions, in the abstract, are not contested by my advisers, or, so far as I know, by the Legislative Assembly, but the Legislative Council do not admit that their authority is to be limited by that of the House of Lords, or that the authority of the Legislative Assembly is co-extensive with that of the House of Commons."

Sir Michael Hicks-Beach clearly shows that the Legislative Assembly and the Legislative Council in this colony occupy the same relative positions as the House

Mr. Laurens.
of Commons and the House of Lords in England; and Lord Canterbury, a high authority on constitutional questions, declares that the Assembly did not exceed its powers in the matter of the Darling grant; yet we are asked, by the Bill now before us, to throw away the powers which this House possesses in regard to finance, and to obey the mandates of the Legislative Council. (Cries of "Time.")

Mr. GILLIES.—I think the honorable member is not adhering to the arrangement made last night. It was understood that the honorable member had delivered half his speech last night.

The SPEAKER.—I think it my duty to say that an arrangement was made last night by which the honorable member for North Melbourne (Mr. Laurens) had a considerable privilege granted to him on the understanding that he had then delivered half his speech. Several members have complained to me that this understanding is not being kept, and have asked whether they will have the opportunity of taking part in the debate. I have told them that every member has an equal right to address the House on the question before the chair. I cannot prevent the honorable member for North Melbourne from continuing his remarks, but I will never again be a party to allow an honorable member who has moved the adjournment of a debate to make part of his speech one night and the remainder on the following night.

Mr. LAURENS.—I desire to read a further extract from the despatch of Lord Canterbury from which I have just quoted:

"They (the Legislative Council) have not only maintained their ground against the Lower House, but they will, in fact, although indirectly, have subjected that House to the pains and penalties of a dissolution; and I confess that I think they might, unless they claim an authority irresponsible if not supreme, yield, without loss of dignity, to the expression of public opinion at the polls, which they have successfully refused to concede to the Legislative Assembly." I may here point out that it is not merely against the Council that the Assembly have been contending in the past, but against the people, and we have Lord Canterbury's authority for saying that what the Council will not concede to the Assembly they should concede to the people. I do not wish to see the Assembly supreme, but I wish to see the constituents of the Assembly supreme when they have been consulted on any question, and that was exactly Lord Canterbury's opinion. He also said—

"Nor is the case very different with the Lower House, although they (the Legislative Assembly) do not invoke the assistance or support of the Governor in the exercise of their extreme rights. They simply defy opposition from any quarter.

"But the Legislative Assembly has some justification, in one sense of the word, in assuming this position. For, of the various authorities among which the supreme power is distributed, the Legislative Assembly is undoubtedly the strongest.

"But the Legislative Council occupies a very different position, and although it is independent of, and may occasionally, and for a time, resist the Legislative Assembly with success, and thus afford time and opportunity for the action and influence of matured and deliberate public opinion (of which, however, the majorities at the polls are constitutionally the ultimate exponents), it is, I believe, a great mistake to believe that the Legislative Council can successfully resist a Legislative Assembly, fresh from their constituencies, in passing a measure, however objectionable in itself, in favour of which those constituencies have recently expressed a decided opinion."

Thus, according to Lord Canterbury, the "majorities at the polls"—that is to say, the majorities in the constituencies of the Legislative Assembly—should be the ultimate exponents of public opinion, but under this Bill they are no longer to be so. After they have expressed their opinion, there is to be another election carried on in which about one-half of the people will take part, and the verdict of the mixed bodies is to decide on a measure. In fact, under this Bill we would be leaving the British Constitution entirely and entering on a sea of unknown depth. Again, it is said that we should pass this Bill because it will be accepted by the Council. "What is the use," it is asked, "of our passing any Reform Bill which the other Chamber will not agree to?" On that subject I would refer to Sir Michael Hicks-Beach's despatch, in which we are informed that any reasonable measure passed by the Assembly and then approved of by the constituencies will, if rejected by the Council, be taken up by the Imperial authorities and passed through the British Parliament. Thus we are no longer to be dependent on the will of the Council, and that assurance, I consider, is the chief value of the despatch. I intended to offer some further observations on the Bill—in fact, I have not got half through my notes—but, in deference to the opinion expressed by the Speaker, I will not further trespass on the time of the House. I
desire to say, however, that I was no party to preventing the Daylesford Railway Bill being proceeded with last night, as I broke off my remarks on the Reform Bill when the Minister of Railways stated that there was other business he desired to bring on.

Mr. WILLIAMS.—Sir, I cannot help feeling that we are discussing this most important question of constitutional reform under circumstances that must be painful to every member of the House. Honourable members must be aware that if they carry out their conscientious convictions either way they are likely to be visited with punishment for doing so. I regret that we should be called upon under such circumstances to calmly and deliberately discuss this question, with a view to obtaining an amicable settlement with respect to the measure now before the House. I gave notice yesterday of a motion which apparently created some excitement, but I can assure honourable members that I had reasons for doing so which, by-and-by, will appear reasonable and right. I hope honourable members will be content for the present with that explanation of my action, and allow matters to develop themselves. Now the great question which this House has been discussing for many years is—What are the powers of the Assembly and the Council respectively with regard to financial affairs? I dare say that if we asked a hundred constitutional lawyers for a definition of the items which ought legitimately to go into the Appropriation Bill, we would receive as many, if not more, different opinions than on any other question that could be submitted to them. We have ourselves hitherto failed to come to a satisfactory conclusion on the subject. The position which I took up on the reform question in the last Parliament is, I dare say, known to almost every member of the present House. I hold the opinion that if any party tries to snatch a complete party victory, the attempt, even if successful, will never eventuate in a definite settlement of this very vexed and difficult question. I regret, therefore, that, in the very cumbersome and intricate instrument which is now submitted for the settlement of dead-locks, it is sought to achieve a complete party triumph. However perfect a Constitution may be, it must be unworkable and useless unless the people have been educated up to apprehending it. In my opinion, it would be much better to have something which every one could understand than the complicated piece of machinery now presented to the House. The people of England have always jealously guarded the power of the purse, and they have had a good and sound reason for doing so. The reason they have found it necessary to guard that power has been in order to check the ambitious designs of kings who wished to conquer neighbouring nations, and so render their names illustrious in history. So, if the monarch wanted to enter on a “king’s war,” the people could say—“Your Majesty may go to war, but you must do so without the money.” It was on that account that the people of England have so watchfully guarded the power of the purse, and deprived the House of Lords of the power of initiating or amending Money Bills. We know that at one time the King, lords, and barons were the great ruling powers in England, and the Commons only held a secondary position. The people, however, saw that it was necessary to keep the financial control as absolutely as possible in their own hands in order to prevent encroachment upon their privileges and liberties, and therefore, if they had any grievances which they wished redressed, they took the course of refusing to grant Supplies until their complaints were remedied. In the same spirit the American colonies, having no representation in the English Parliament, very properly refused to pay a fraction towards carrying on the government of England until they were represented in it, and resisted and defeated the designs of George III, although the English Ministers of the time were found willing to cringe to the monarch and support him in his attempted injustice. It seems a strange fact that in the National Constitution adopted by the American states after they had secured their independence, notwithstanding they had seen the effect of a king having power to levy taxes on the people, they ignored the circumstance that the second Chamber could have any other interest than that possessed by the House of Representatives. The reason for that, however, is very clear. In America, both branches of the Legislature rest upon the same basis. They have to go to the people at the same time, and, if the members of the Upper House do anything that is contrary to the will of the people, they are justly punished at the elections. The circumstances in this colony are, of course, very different. In
the Constitution of each of the United States, without any exception, power is given to the Upper Chamber to amend and alter Money Bills. In some of the states there is no difference defined between the powers and privileges of the two Houses, while in the Constitutions of others it is specifically stated that both branches of the Legislature shall have co-ordinate powers in all legislation, and that the Upper House shall have power to originate as well as to alter or amend all Bills. In a few others, the Upper House is allowed to alter, but not to originate Money Bills. It seems strange that in a thoroughly democratic country like America an exclusive privilege, which we guard with such extreme jealousy, should have been given up without a struggle. Again, in the state of Illinois, the Constitution of which is said to be the best framed of any in the Union, the following provision appears:

"The General Assembly shall make no appropriation of money out of the Treasury in any private law. Bills making appropriations for the pay of members and officers of the General Assembly, and for the salaries of the officers of the Government, shall contain no provision on any other subject."

Under that Constitution two Appropriation Bills for the year are passed. In the one, as is provided in the extract from the Constitution which I have just read, the salaries of the civil servants are provided for alone, so that they may receive their pay without any interruption, and the other contains matter more extraneous to the ordinary service of the year, such as votes for buildings, public works, &c. I contend that if we could adopt some provision in this country by which the ordinary expenditure for the salaries of civil servants could be dealt with in the same manner, we would be able to avoid those deadlocks which have brought such calamity and suffering on the people. I say it is a shame and a disgrace that we cannot carry on the government of the country without having conflicts which entail suffering, misery, and want upon innocent people who have no control whatever over the proceedings and transactions of Parliament. Now the reason why the power of originating and amending Money Bills has never been recognised in the United States as a matter of importance is solely due to the fact that both branches of the Legislature rest upon the same electoral basis.

Mr. GAUNSON.—And the executive officers are altogether outside Parliament.

Mr. WILLIAMS.—Yes, and are appointed for fixed terms. Can we safely allow here the same power to the Upper House as is given in the American states? I say we can do so as safely here as they do it in America. Surely we can with safety adopt a system which universally prevails throughout the United States, and against which no word of complaint has been heard. In a colony like this, where almost the same circumstances exist, I think the same practice and the same parliamentary procedure might be adopted without danger to the State. But the indispensable condition to adopting that practice is that the second Chamber must rest on almost the same basis as this Assembly. I do not say it should rest on exactly the same basis—although I would not object to that personally—but I think we should reduce the franchise as low as possible. If we adopt the ratepayers' roll as the basis for elections to the other House, I think we might very well yield the power to the Upper House of eliminating objectionable items from the Estimates submitted to the Assembly. But, unless that is done, I consider that the power proposed to be given is highly dangerous. The majority of the people of this country regard it as indispensable that, if we are to depart from the rule which has hitherto been observed, the representation in the other House must be equal and just. John Stuart Mill very forcibly points out the disastrous consequences that may be expected from a Constitution under which one House only represents a class, while the other represents the whole people. He says—

"If there are two Houses, one considered to represent the people, the other to represent only a class, or not to be representative at all, I cannot think that, where democracy is the ruling power in society, the second House would have any real ability to resist even the aberrations of the first. It might be suffered to exist in deference to habit and association, but not as an effective check. If it exercised an independent will, it would be required to do so in the same general spirit as the other House; to be equally democratic with it, and to content itself with correcting the accidental oversights of the more popular branch of the Legislature, or competing with it in popular measures."

The latter portion of this extract describes the state of things which exists in America. Both Houses initiate all kinds of legislation, and as both represent the whole people the attention of the people...
is equally attracted to each, so that if the members of either Chamber act wrongly they are punished when the periodical elections take place. As to the reduction of the franchise for the Legislative Council proposed in this Bill, I have thoroughly considered the proposal of the Government; and I have come to the conclusion that, if the reduction does not go lower than is contemplated, the Council will hereafter be absolutely and entirely impregnable, and there will be no possible chance for the will of the majority of the people being carried into law. The effect of the Bill would be to place the whole control of legislation in the hands of 60,000 or 70,000 electors. There are now 30,000 electors represented in the Council, and this Bill would add about 80,000 more to that number. Now I think I am not stating what is far from the truth when I say that all the men rated at from £25 to £50 would be almost as conservative in their instincts and tendencies as the present electors are. Adding 40,000 of these to the existing 30,000 electors of the Council, there would thus be 70,000 conservative electors as against 40,000 others scattered over the various provinces. Would not the result be that in almost every case the conservative candidate would triumph over the liberal candidate, and should we not find that the Council elected under such circumstances would be as unanimous in resisting what may be regarded as the popular will as the present Upper House is? That difficulty, however, would be entirely obviated by adopting the ratepayers' roll as the basis for the Council. Parties in the Upper House would then be equalized, for there would perhaps be as many liberal electors as conservative ones. Then, when a contest between the two Houses took place, a good substantial majority of the Assembly at the joint sitting would, no doubt, secure the verdict which the country desired. The present proposition, however, would work most mischievously, especially with the proposed increase in the number of members of the Council, for this would only mean an additional number of seats to be carried by conservatives. In fact, at the joint sitting there would be 42 members of the Council almost unanimous, and the result would be that the Assembly would be unable to carry anything, while the Council would be given a prestige and an ascendancy over this Chamber which, in justice to the great body of the people, ought not to be accorded them. As to the double dissolution, I am very willing indeed that when there is a collision between the two branches of the Legislature the people should be consulted on the subject. I would point out, however, that the inconvenience will be felt to be so great by members of both Houses that, if once a dissolution takes place, it will be the means of influencing every representative in this country to resort to the plebiscite pure and simple. ("No." I say there is no distinction or difference between the double dissolution and the plebiscite, or, if there is any difference, it is against the former and in favour of the latter. Who is not acquainted with the fact that in an election personal considerations outweigh almost any other? Why there are some men in this House who could secure their election, no matter what side of politics they took up, owing to the great services they render to their constituents. How often do we hear an elector say of a member—"He is a fine fellow, and, although he is not on my side in politics, I think it would be a shame to turn him out." Thus you might have a double dissolution on a specified question, and yet the elections might not give the smallest indication of the real opinion of the people on the matter submitted to them. But I do not wish to argue for the plebiscite, because I look upon it as impossible to obtain at the present time, and I have abandoned it altogether myself. I simply wish to compare the two propositions, and to show which, in my opinion, is the more objectionable. With respect to the elimination of items from the Estimates, I hold that is a power which we could not concede to the Council, as it exists at present, nor as it would exist under this Bill. Before that power is conceded, it is an indispensable requisite that the ratepayers' roll must be adopted as the basis for the other Chamber. I suppose that this clause is proposed as a justification for the Council in its action, in 1877, in presenting an address to the Governor requesting that an amount for payment of members should not be put on the Estimates, although it was not known officially to any one that it was contemplated to put the item on the Estimates. That was the first aggressive movement in the last conflict, and it led to other disasters by indicating to the Assembly that the members of the Council were prepared to fight.

Mr. Williams.
when the Bill under which the Governor would be enabled to dissolve the joint sitting by proclamation; but others put a different construction upon it, and hold that it would enable the Governor, under the advice of his Ministers, to cut short a joint sitting at any stage. If the last interpretation is the correct one, the clause will put an enormously despotic power into the hands of the Government of the day. Napoleon himself could not have exercised a more tyrannical control. With such a power in existence, of what good could a joint sitting be? It would be futile and worthless, and soon become a subject for ridicule and contempt. Another feature of the Bill that I object to is one that I condemned when it appeared in the Reform Bills of 1878 and 1879. I allude to the considerable period of time that would have to elapse before a matter in dispute between the Houses could be submitted to the country. In my opinion, such delay would be highly dangerous. If a dispute between the Houses did not occur in the first session of a particular Parliament, it could not come up for settlement by the people until it was time for a general election. In that case, what would become of the matter disputed over? The Council's veto with respect to it would be permanent. A disputed point ought to be put to the people when they are thoroughly alive to all the issues involved in it, and the pros and cons of the matter are present to their minds, because to allow it to stand over for any considerable length of time would cause them to almost forget what the feud was about, and it would then be impossible for a rational man to expect a dissolution with respect to it to be of any good. The provision of the last Berry Reform Bill that a Bill could only be sent to the plebiscite in the session following its first introduction was almost as bad as that of the present Bill to which I am now alluding. I have said that passing the Bill would not put a stop to the agitation now going on in the country, and I am convinced that that statement is absolutely correct. I believe that, under the Bill, we would have more agitation than ever. In fact, we would have nothing short of downright revolution. If you carry a measure of reform based on party principles, which the present measure undoubtedly is, the result will necessarily be something more than any one can well foresee. How is it that
the events of the last twelve months have taught the Government so little? They have reaped the whole of the fruits of the battle the honorable members of the last Parliament who sat in the Ministerial corner mainly enabled them to win, but how much nearer are they to understanding the true position of affairs? Ought they not to have learnt from the last general election that the people of the colony will not tolerate extremes in anything, that a moderate course is the wisest one, and that no Government that does not take a moderate and conciliatory course will ever rule this country for any length of time? The electors of the colony are afraid of novel propositions, the outcome of which no man can foretell. I think that, when the Premier introduced his Bill, I ejaculated that it was more revolutionary than either of the Berry Reform Bills, and no doubt I spoke correctly. No matter whether the proposals of the present Government are or are not feasible and practicable, they are certainly more calculated to revolutionize our parliamentary procedure than any of those of their predecessors. My opinion is that our wisest plan with respect to constitutional reform is to take one step at a time. It is dangerous to leap when we may leap into the gulf.

Let us go in for a reasonable measure of reform, because, if we grasp at too much, we shall almost certainly lose everything. What was the programme announced from the Ministerial corner in the last Parliament? One thing is certain, namely, that it had very few points in common with the present proposals. We are told that the latter were submitted to the country during the last general election. Why two or three of the essential features of the Bill were not heard of until after the general election was over. When, at the last general election, the electors of Mandurang asked their former members what they proposed to substitute for the Berry Reform Bill, what did we reply? We offered in its stead to extend the Council franchise to the ratepayers' roll, which is not proposed in the Bill, and also to lower the qualification for members of the Council, and shorten their tenure of office to 5 years, both of which changes no doubt form, to a certain extent, a portion of the Government scheme. We went further—we proposed that the 6 electoral districts of the Council should be subdivided into 30; that in the event of a dispute between the Houses, there should be a double dissolution, without the delay involved in the Bill; and that at the joint sitting the question should be put without amendment or discussion. How do propositions of that sort correspond with those now laid before us? In the first place, there are the elimination clauses of the Bill. Who ever heard of them until after the general election? Certainly I did not. Also, who ever heard, before the 28th February, of the "Two Houses" having power to amend? No one that I know of. As to the proposition in the Bill to extend the Council franchise, would it not shut 70,000 ratepayers outside it? Again, does not the Bill contemplate only 12 provinces?

Mr. R. CLARK.—You had better read what the "corner" programme was; then you will be more correct.

Mr. WILLIAMS.—I have stated it correctly enough.

Mr. R. CLARK.—No.

Mr. WILLIAMS.—I assert that I have. How, under the circumstances I describe, can the Ministry claim for their Bill the support of the old Ministerial corner?

What did we draw up a programme at all for but to show our disconnexion with the programme of the party that constituted the late Opposition? Did I not, in the last Parliament, tell honorable members plainly, from this bench, that I could not support the claims of the then Opposition? For instance, did I not say that I did not believe in free-trade, or the abolition of payment of members, which they, generally speaking, went in for? Nevertheless, if a certain arrangement were consented to by the Government, I would heartily and cordially strive to keep them on the Treasury bench. At the same time, I am here to do my duty, according to my conscience, irrespective of party, or of party considerations. There are on the Treasury bench men for whom I have the greatest possible amount of esteem and regard, and with whom I have been, and still am, very friendly, and if anything I now say pains them in any way, I am sorry. I can only plead my conscientious convictions in my excuse. But, as for the Bill, I tell the Government plainly that I cannot justify it to my constituents, and that, if we are dissolved, I must run counter to it before the country, irrespective of every other consideration. Of course, the electors of Mandurang will have my fate in their hands, and, if my conduct does not meet with their approval,
I shall lose my seat; but I would rather be put out of the House a hundred times than be found there supporting a measure my conscience condemned. There is an important class of ratepayers, whom the Bill will exclude from the Council franchise, to whose case I wish to call special attention. I allude to the men living on mining leaseholds, who, because the ground is auriferous, are forbidden an opportunity of purchasing the portions of it on which their cottages stand. Generally speaking, the annual rateable value of such holdings is from £10 to £19. There are hundreds and thousands of men of this class, but every one of them will be disfranchised under the Bill, so far as the Upper House is concerned. It is shutting out men of that stamp that will, more than anything else, alter the electoral equilibrium of the country. Why should not the leaseholders I allude to be placed upon the same footing as freeholders?

Mr. R. CLARK.—It is not fair to make a point of that, because I stated, at Sandhurst, that it was arranged for—that the class alluded to would be included in the Council franchise.

Mr. WILLIAMS.—What I wish to show is that, inasmuch as the Bill does not provide for the enfranchisement of this particular class, it cannot be so carefully framed as people are asked to believe.

Mr. FRASER.—Go to the opposition benches.

Mr. A. K. SMITH.—The Bill will enfranchise 84,000 voters.

Mr. WILLIAMS.—I stand in the position I choose to stand in, and I assert that it is one independent of party. If there is a party in the House going wrong, I feel it my duty to point out the fact. Having now pretty well indicated my views on the Bill, I wish to ask the Premier one or two questions. I believe that, apart from the complicated machinery clauses of the Bill, it contains a substantial measure of reform. Indeed, I consider that some of its provisions would go a long way towards bringing both branches of the Legislature into complete harmony with each other. I assert that the extension of the Council franchise to the ratepayers' roll, the proper subdivision of the provinces, lowering the qualification for members of the Council to £50, shortening their tenure of office from 10 to 5 years, and providing for their retirement by rotation, like borough councillors, would constitute a scheme the adoption of which would, by itself, prevent dead-locks once and for ever. To say that dead-locks can be prevented by a mechanical device is a mistake. In fact, the Bill as it stands would not prevent dead-locks; it is impossible that it should do so. The Assembly is above the law; it can violate the law, and no one can check it.

Dr. MADDEN.—Who says it is above the law?

Mr. WILLIAMS.—Certainly it cannot.

Dr. MADDEN.—Certainly it cannot.

Mr. WILLIAMS.—It is certainly able to transact its own business in any way it chooses. Does the Minister of Justice mean to say that the Speaker of the Assembly can, by ruling that a particular message from the Council is according to law, enforce it against the will of the Assembly? Did not this Assembly show unmistakably, upon one occasion, that the Speaker could not control the action of the House—that he is essentially its creature and servant—and that, if he would not carry out the will of the majority of the Chamber, he would be removed from the chair to make room for a Speaker who would do, in every particular, whatever that majority directed him to do? What could prevent this branch of the Legislature from disagreeing with a resolution passed by two-thirds of the members of the Council—from telling them, if they wanted an item eliminated from the Estimates, that it was one to which they ought not to object? What could prevent us from including the item in the Appropriation Bill, or, indeed, prevent the Council in its turn from rejecting that measure? It is not now proposed to repeal the 56th clause of the Constitution Act. You cannot stop dead-locks by any machinery you may devise. Probably the machinery of the last Berry Reform Bill would effectually stop dead-locks under certain circumstances, but I doubt if it would do so under others. We shall never put an end to dead-locks until we recognise that we have another legislative body to consult besides ourselves, and show ourselves willing, upon all matters essential to the well-being of the country, to consult that body rather than throw the constitutional machinery of the colony out of gear. If we approach public questions with moderation, we shall not have dead-locks; if we have no moderation, we shall be unable to avoid them. I hope we shall
in future realize to ourselves that no Constitution, however perfect, will enable us to escape political disasters if, when we are called upon to govern ourselves under a certain instrument, we will not regard the principles laid down in it for our conduct. Moreover, virtue, intelligence, and honour are indispensable to a nation that desires to have good government. Without those requisites, the best form of government must prove ineffectual, and totally and inevitably fail. The wisdom and genius of a nation might devise the most perfect constitutional instrument, and in the hands of skilled workmen it might produce the maximum of national good, but the same thing in inexperienced and ignorant hands might work destruction and death to the best interests of the country. Our present Constitution, as far as theory is concerned, is as perfect as possible; but in practice, owing to the passion and ignorance of those who have attempted to work it, it has broken down, and now it meets with very little acceptance in the eyes of the country. A clever and wise man may make a compass, and, by its means, able sailors may traverse stormy oceans in perfect safety; but, nevertheless, in the hands of the inexperienced mariner, who was ignorant of its right adjustment and its true indications, it might lead him to wreck his vessel in the calmest seas. So it is with our Constitution. If we have wisdom enough to see its true spirit, and abide by it, we are safe; but if we take a contrary course, nothing can save our best interests from premature decay and dissolution.

Mr. FINCHAM.—Sir, before I proceed further, I wish to take exception to the statement in this morning’s Argus that I threatened yesterday to “stone-wall” the Bill. The charge is not a true one. I cannot be said to have been guilty of “stone-walling” in the past, and I have certainly no intention of factiously opposing, in that or any other way, any Bill whatever. My object, last night, was really to facilitate what the Government have in view, and I considered the Premier treated me offensively when he refused to answer the very simple question I put to him. I have, however, been informed, this evening, that the honorable member suffers from the calamity of being sometimes rather deaf. And now to the matter before us, which I do not intend to treat as many honorable members have done, by bringing down to the House barrow-loads of books, and, because they could not make speeches of their own, inflicting upon the House endless quotations from speeches of other men who are either dead or ought to be—of course I speak in a political sense. In the first place, the Government have departed from the ordinary rules of parliamentary conduct in a way that I regard as unprecedented. When did we ever hear of Ministers leaving a topic of such importance as parliamentary reform to be discussed in this Chamber by a few honorable members, while they themselves careered round the country with the ostensible and declared aim of educating the illiterate electors of the colony with respect to political subjects? I imagine they would have served the country better, and earned their “sugar” more honestly, if they had fulfilled their duties conscientiously by remaining in the House to answer the questions very many honorable members wished to put to them with regard to important points of their measure. Permit me also to say that the statements made outside the House by some of the Ministers are singularly irreconcilable with those made by their colleagues inside the House. In the first place, the Premier, the Minister of Lands, the Minister of Justice, and other members of the Government have most vehemently declared before the country that the exact scope and nature of the differences between the present measure and the last Berry Reform Bill were so completely, to all intents and purposes, explained and laid before the constituencies at the last general election that the people could not fail to see, and to express by their votes their sense of, the virtues of the one and the defects of the other. I will admit, for the sake of argument, that may possibly have been the case. I confess frankly that I consider that the Premier and his colleagues, and many of their supporters, faithfully foreshadowed the character of it at all. The two things are perfectly irreconcilable. Then it is alleged that an alliance of an unholy character has been formed between the ex-Premier and a distinguished statesman who, I believe on one occasion, did occupy the position of head of the Government.

Sir J. O’SHANASSY.—Only three times.
Mr. FINCHAM.—It is alleged further that some consideration is to be given for this unholy alliance, the consideration being an interference with the Education Act by conceding that which consideration being an interference with the.

I object to every principle of the Bill. If the slightest fear of any such catastrophe. The great mass of the community value the Education Act so much, they so fully realize the important influence which it must exercise over the destinies of the colony, that no Government or party will dare trifflie with it. With regard to the Bill before us, it appears that the head of the Government professes to have derived inspiration, in framing the measure, from the Norwegian Constitution. But there is little of the Norwegian Constitution about it. Some people say that the amended Constitution for which the Bill provides is worthy of Hottentots or Esquimaux. I am disposed to call it an aboriginal scheme, for the reason that it is so unworkable. I cannot conceive how gentlemen of ordinary intelligence could have been guilty of putting together such a mass of incongruities. Is it not the fact that every Ministerial supporter who has addressed himself to the question, with two exceptions, has pulled the Bill to pieces in such an unmistakable manner as to prove incontestably that even the most ardent adherents of the Government have not the slightest faith in the measure—that they do not believe it to be a remedy for the evils under which the colony is at present suffering? That being so, I think it would redound to the credit of the Government if they would frankly confess that the Bill, body and soul, is a mistake, and that they are willing to have all the words after “Be it enacted” struck out.

I object to every principle of the Bill. Clause 5 provides that in the event of a Bill “having been passed by the Assembly in two consecutive sessions, and having been rejected by the Council in each of such sessions, the Governor may dissolve both the Council and the Assembly at one and the same time.” I desire to call attention to the word “may.” It seems to me to have been inserted with the view of placing the Governor in the position that he “may not dissolve,” in the event of the Government for the time being thinking well to advise him to take that course; so that evil may arise in that direction, though I am inclined to think the contingency is remote, because I have sufficient confidence in the Queen’s representatives to believe that they will keep themselves above suspicion. Again, I am inclined to agree with the honorable member for Geelong (Mr. Berry) that the finality in legislation provided for by the measure will not be accomplished in three years. I believe it will not be secured under four or five years. The double dissolution I regard as a stupid arrangement. If a new Assembly has passed a measure in two consecutive sessions, and if the Council has, each time, expressed disapproval of the measure, why should the Assembly be punished, and particularly when the probabilities are that it will represent the people outside while the Council will not? With regard to the power given to the Council to excise items from the Appropriation Bill, I understood the honorable member for West Bourke (Mr. Harper) to state that the Constitutions of other Australian colonies give the Upper Chamber in each of those colonies power to amend Money Bills, but I believe the honorable member is distinctly mistaken, although I admit those Constitutions are different from ours, inasmuch as ours is the only Constitution which gives the Upper House power to reject a Money Bill. I don’t think there is another British dependency under responsible government the second Chamber of which has the right to reject an Appropriation Bill. Under these circumstances, I say the proposal that the Legislative Council shall have power to eliminate items from the Estimates is simply preposterous; it is a proposal which I am sure the country will never submit to, for the simple reason that it has always desired that, as in the old country, the sole control of the public purse should rest with the people’s representatives. I wholly disapprove of this proposal to give the Council power to eliminate items from the Estimates. If we were to assent to it, we would be guilty of surrendering to the Council the whole power that properly belongs solely to the people’s House, and of making the Council the masters of the situation to all intents and purposes. Then one of two
things would happen. Either members of this House, who would then be the mere creatures of another place, would be bound to obey their dictation, or there would be revolution. My impression is that, instead of dead-locks being cured, we would have revolution. Therefore I say that, as wise men, we ought, by every means in our power, to prevent this Bill passing into law. The Premier has complained of the defection from the ranks of Ministerial supporters of the honorable members for Belfast and Ararat and some other honorable members; but I assert that out of the mouth of the Premier himself those gentlemen can be absolved from any allegiance to the Government. The simple fact is that the Premier has broken faith with those gentlemen. On the 3rd December, 1878, the honorable gentleman, when discussing in this House a basis for the settlement of the constitutional difficulty proposed by the Legislative Council, said—

"It would in no way interfere with the privilege of the Assembly to put any item it chooses into the annual Appropriation Bill."

How can any Ministerial supporter reconcile this statement with the proposals contained in the Bill? The Premier has now the audacity—to coolly come forward and propose that the Assembly should surrender every right which, in December, 1878, he contended the House ought to retain. With regard to the so-called popularization of the Council, the Minister of Justice sought to tickle the fancies of honorable members by appealing to them in a melodramatic style. "Do you wish," said he, "to prevent the free selectors—that highly intelligent and industrious body of men—from exercising the franchise for the Legislative Council?" But the honorable gentleman overlooked the fact that the extension of the franchise would not embrace the large class alluded to by the honorable member for Mandurang (Mr. Williams) to-night. The Bill, as it stands, excludes from the proposed extension of the franchise men who occupy residence areas under miners' rights.

Mr. BENT.—It does not.

Mr. FINCHAM.—I say distinctly that it does. The omission may be unintentional, and it may be remedied; nevertheless it exists. The working miners are as numerous as and as intelligent as the selectors, and therefore are entitled to equal consideration. At the same time, if the franchise for the Legislative Council were extended to the ratepayers' roll, that would not satisfy me. If it were extended to manhood suffrage, that would not satisfy me. If it were extended so as to include the fair ladies who watch our political movements, even that would not satisfy me. I say this simply because I regard the whole Bill as a delusion. The object of the extension of the franchise is lost if no one can be elected who does not possess real property of the value of £150 per year, because by that provision the choice of the electors is limited. The Ministry, while professing to give greater freedom to the people, are robbing them of the freedom they now possess, by allowing everything that is dear to them to be surrendered to another place. In conclusion, I desire to say that the Bill does not contain one point which commends itself to my consideration, or which I believe in. I consider that one hindrance to a proper settlement of the reform question is the constant striving after places on the Treasury bench simply because of the emoluments attaching to office. Of course a salary of £1,500 or £2,000 is a great temptation to a man who in no other position in life would be able to earn one-third of the money. But I regard it as a curse to legislation. I believe that, if the emoluments of office were swept away, we would have men seeking for the position of Ministers simply for the honour and glory of the thing; we would have less wrangling in Parliament; and public business would be conducted in a way calculated to promote the best interests of the country.

Mr. BILLSON.—Sir, I don't think it right to allow the division on this question to be taken without expressing my views on the Bill which the Government have submitted for our consideration. Some honorable members state that the Bill is perfect—that it contains everything we can desire in the way of amendment of the admitted defects in our Constitution. Other honorable members contend that the Bill is a monstrous one—that it is most despotic, and not calculated to remove the difficulties under which we labour. The natural conclusion to be drawn from such conflicting opinions is that there must be something very extraordinary in the provisions of the measure. Previous to the passing of the Reform Bill of 1832, political affairs in England were in a very grave position. At that
time there were in existence a number of rotten boroughs, some returning one and some two Members of Parliament, the number of voters in each being only some half-dozen. I believe one of those rotten boroughs had only one voter, and he was the returning officer; and it is said that, when the nomination day came, he proposed himself as a fit and proper person to represent the constituency, and that he then declared himself to be duly elected; and yet, at that time, there were large cities, each having a population of nearly half a million, without any representatives in Parliament at all. The second reading of the Reform Bill of 1832, strange to say, was carried, in the first instance, in a House of 650 members by a majority of only one. Must it not strike us Australians as something extraordinary that more than 300 English gentlemen should be found to vote for a continuance of the state of things I have described? But, at that time, there were many noblemen who had seats in the House of Commons at their disposal. The Duke of Norfolk had 11; other noblemen had 7, 8, or 9; and the seats for the counties, especially the agricultural counties, were nearly all at the disposal of the large landowners. The farmers, for the most part, were tenants—it was rare for a farmer to have a freehold—and therefore they were compelled to vote as the large landed proprietors directed them. If they did not do so, they were liable to be removed from their holdings. That state of things existed until recently. In fact it prevails to a certain extent even now, among what is known as the tory party, which has never been favorable to any true measure of reform. That party always wished the Government to be carried on, as it were, by personal influence, rather than with reference to measures of public policy. Even the Government recently removed from office in England exhibited tendencies in that direction. Honorable gentlemen on the Ministerial side call themselves conservatives, but I think the title which should properly be given them is that of tories. It is as surprising as that English gentlemen should vote for the continuance of rotten boroughs to find the Premier of this colony submitting such a monstrous Bill as that now before us. I think a more despotic measure could scarcely be framed. It seems to me that it would deprive the liberal party in this Assembly for all time to come of the power to pass measures of legislation. Observe what the Bill provides for with regard to matters of appropriation. At the instance of two-thirds of the members of the Legislative Council, any item objectionable to that body would have to be removed from the Estimates, and there would never be any difficulty in getting two-thirds of the Council to make such a demand, because that body is what I may call self-nominated and self-elected. Why in the Eastern Province, in which my electorate is situate, there have not been more than one or two elections during the last twenty years. Very few persons take an interest in them. The *modus operandi* of the election is that some ten or twelve persons sign what is called the nomination paper of a particular individual, who thereupon is declared duly elected, no one caring to go to the expense of contesting the seat with him. Thus, I say, the Council is self-nominated and self-elected, and yet that body has claimed and exercised powers superior to those possessed by any monarch in the civilized world. Who ever heard of any king or queen, in modern times, vetoing measure after measure passed by large majorities of the representatives of the people? No one would imagine that any monarch would be so foolish or stupid as to refuse assent to an Appropriation Bill—the measure which provides for the cost of governing the country. All this the members of the Legislative Council have done from time to time. Notwithstanding they possess these large powers, the present Bill proposes to give them still further powers. They may reject not an Appropriation Bill but all other Bills. They may reject a Bill a first year, a second year, and a third year, and then they may be brought into this House to overwhelm the majority in that House by their vote. Why, notwithstanding the strange state of political affairs in England before the passing of the Reform Bill of 1832, such a thing was never heard of as bringing members of the House of Lords into the House of Commons to overwhelm the majority in that House by their vote. The tory party in England never ventured to make proposals as bad as those which are contained in this Bill. As to the extension of the franchise for the Legislative Council, which appears to be regarded by the Ministry as their great card, I say that if the franchise were extended so as to include
manhood suffrage voters, even with the qualification for members reduced as proposed by the Bill, the members of the Upper House would be of the same class that they are now if there were no more provinces than the Bill provides for. No man can contest one of those provinces for less than £1,500. And how is a man with no more property than will be sufficient to qualify him to raise £1,500 for the purpose of contesting an election? Therefore I say that the Bill will not have the effect of popularizing the Legislative Council. Let us go back three years. In 1877, the Legislative Council threw out a number of important measures which this Assembly had passed by large majorities. They rejected the Forts and Armaments Bill, the Gippsland Railway Completion Bill, the Mining on Private Property Bill, the Exhibitions Bill, and the Appropriation Bill. Well, the Bill before us does not make provision to prevent the recurrence of these calamities. Even if the Bill becomes law, and a liberal Ministry were in power, that liberal Ministry would be told—"We will prevent your measures passing into law." Would any reasonable man vote for a measure of this description? I cannot believe that any man would vote for it unless he had some pecuniary interest in doing so. No member who really desires to see measures passed for the good government of the country can vote for such a Bill as this. I do not understand how the honorable member for Richmond (Mr. Walker), the honorable member for St. Kilda (Mr. Harris), and others can say that they were returned to support this Bill, when, at the time they were elected, the Premier himself did not know the contents of the measure. What is the use of manhood suffrage under such a Bill? If the measure becomes law, the whole power of manhood suffrage will be taken away.

Mr. BENT.—How does the Bill take away manhood suffrage?

Mr. BILLSON.—The members of this House are elected by manhood suffrage; we may pass liberal measures by large majorities, but, under this Bill, we shall have no power to carry them into law, for, if the Council rejects them, a third tribunal is to be called into existence to decide upon them. That is how manhood suffrage is destroyed by this Bill. I consider that the Bill is calculated to greatly injure the country. If by any chance it should be carried, the very gentlemen who have introduced it will regret such an unfortunate occurrence, and the whole country will rise up in arms against the Bill. I have spoken to many supporters of the Government outside the House who have expressed great surprise at the character of the measure when I have explained it to them, and have declared that they strongly disapprove of the Assembly being put in the position in which the Bill will place them. It has been said that, if this measure is not passed, we shall have to fall back upon the last Berry Reform Bill; but that need not necessarily be the case. In my opinion, the first Berry Reform Bill embraced provisions which were quite sufficient to put an end to dead-locks, and to enable the Council to exercise its proper functions, namely, to freely criticise all measures submitted to it, and to prevent hasty legislation. Whatever alteration may be made in the qualification for electors and members of the Council, no reform of the Constitution will be satisfactory unless it maintains manhood suffrage in its integrity, and will prevent the recurrence of dead-locks.

Mr. R. M. SMITH.—Mr. Speaker, I do not intend to detain the House at any great length; indeed, my principal reason for rising at all is to correct a statement which I made during one of my recent speeches in the country, and which has given umbrage to an honorable member for whom I entertain a very high respect. I stated that I understood the honorable member for Belfast to be in favour of the views of the honorable member, I confessed that, until comparatively lately, I entertained the very ideas which I contributed to him. I certainly was disposed to think that a very much worse Constitution than the present one might be fairly and easily administered if the people who administered were only fair, honest, and competent to do so; but, unhappily, I have learned that this is no longer to be relied upon. I confess, further, that I would very much desire, if it were possible, that this question could be
discussed on other than party lines. I would be very glad, in fact, if the subject of a reform of the Constitution could be dealt with by a select committee, but that is no longer possible; and the reason why it is not possible may be easily traced. When the late Ministry were appealed to not to make their Reform Bill a party measure, but to remit it to a select committee, they had an overwhelming majority in this House, and any concession on their part would have been an act of grace. The late Government having refused the concession asked for, any such concession by the present Ministry would be regarded as an act of weakness. I further assert that the strictly party lines on which the late Premier brought in his proposition render it impossible for this House to consider the present measure on any other than party lines. Do honorable members recollect the concluding sentences of the speech in which the late Premier introduced his Bill? Did he not invite us to a crusade against a House which, he said, had robbed the people of the gold in the soil, and of the land which God had given them, and who had hounded Governor after Governor to his death? Nevertheless, the honorable member now expects that the present measure will at once surrender the views they now put forward, and not press a measure brought in on party lines. I say that, after the language used by the head of a Government who were supported by a large numerical majority, the idea of now bringing forward a measure which is not essentially a party one must be abandoned. At the same time, I repeat that I heartily regret that such is the case. An honorable member, to-night, alluded to the fact that, six years ago, I opposed the proposal for a joint sitting of the two Houses, and I don't like it now. In consenting to the present proposal for the reform of the Constitution brought forward by the honorable member for Warrnambool. I admit that I was then strongly opposed to the proposition for a joint sitting of the two Houses, and I don't like it now. In consenting to the present proposal for the reform of the Constitution, I really do so for the sake of peace and quietness. I accept it not so much because it is exactly what I myself desire as because it is the best that is possible under the circumstances. We must remember that, after all, true political wisdom is to get the best attainable, and not to insist upon having none but the best conceivable.

Looking at the matter in that light, I view this Bill as consisting of two parts, one for the popularization and greater responsibility of the Council, and the other for the cure of dead-locks. In regard to the double dissolution, everybody seems to think that it is right—that it is a desirable thing. ("No" from the Opposition.) At all events, I think that it is an eminently satisfactory proposition. As to the reduction of the franchise, which, of course, is a matter of detail, several honorable members have urged that the ratepayers' roll should be adopted. Others, like myself, think that the reduction proposed by the Bill probably goes too far. In connexion with this matter, the House would do well to bear in mind the valuable remarks made by the honorable member for Belfast, the other night, when he quoted Judge Story's work on the Constitution of the United States, in illustrating the necessity for having some difference in the constitution of the two Houses. I will take the liberty of pointing to a further passage in that work in which it is stated that it is desirable that there should be every possible distinction in the component materials of the two Houses "consistent with harmony in all proper measures, and with the genuine development of republican principles." That is the sentiment of a man who is probably entitled to higher respect than any other constitutional writer, for he deals with a Constitution framed under circumstances somewhat similar to our own. Whatever we may do in respect of the franchise for the Upper House, whether we reduce it to £20, or to £10, or adopt the ratepayers' roll, we will always be met with this difficulty, that we have not here such materials as American statesmen had for constructing an Upper House. They had a federal principle, which enabled them to construct a much more satisfactory Upper House than we can construct. However low we may reduce the franchise for the Council, we will still have only a part of the whole—only, after all, a class House based on a certain property qualification, a qualification which is more or less open to objection. For that reason, I have always thought that we might endeavour, if possible, to introduce some different elements into our Upper House. The fact, however, remains that we have really very little material to construct an Upper House, except by distinguishing by the possession of a certain amount of property; and, so
long as we have only that, we cannot construct a second Chamber so satisfactorily as we might otherwise do. Therefore, I regard the first two propositions—the rating qualification for electors of the Upper House, and the property qualification for members—as matters of detail, practically involving no principle under our present circumstances. I now come to the two principles of the Bill which have excited the greatest opposition, namely, the power of elimination which is given to the Upper House (for it is really not a power of amendment so much as a power of elimination) and the joint sitting, which is proposed as a final settlement of dead-locks. With regard to the power of elimination, surely the language used against it is some what overstrained, seeing that it is only a saving of expenditure until the country can speak, and not any addition to the expenditure. The Upper House will not be able in any sense to add to the expenditure of the country. They will not be able to give a £5 note to any man in the country. They will merely be able to save, and that only temporarily, the expenditure of certain sums of money which may appear on the Estimates. Moreover, after all, the practice of the English House of Commons, as distinctly laid down by Mr. Gladstone in what is the _vade mecum_ on the dispute between the two Houses—the debate on the Paper Duties Repeal Bill—is to concede the right of the House of Lords to refuse the inclusion of any matter of general legislation or policy in a Money Bill, and to protect their own privileges absolutely in that regard, in spite of the privileges of the House of Commons in respect to Money Bills. That is all that the Upper House in this country has ever claimed. The members of that House desire nothing more than that, whilst not interfering with the general services of the year, they should not have matters of general legislation or policy thrust upon them under the cover of the Appropriation Bill. All that they claim is the observance of the practice of the House of Commons and of the House of Lords, whose privileges, as Mr. Gladstone has pointed out, really theoretically overlap one another, but have nevertheless been conducted in unbroken harmony for upwards of 200 years. If we follow out the analogy of the House of Commons, we are bound to allow the Legislative Council the privileges of the House of Lords. What objection, then, is there to place this record on the statute-book—to say that the Upper House shall have the power of eliminating from the Appropriation Bill any item which they may consider matter of general legislation or policy? It is somewhat curious that in the pages of the _Federalist_, which is as valuable a work as any we can find in reference to this question, Mr. Alexander Hill dilates in glowing terms on the power of the purse possessed in America by the House of Representatives, which really is only the power of initiation. He says that the House of Representatives can not only refuse but that they can also propose such appointments as are necessary for the carrying on of the public services, and that they thus, in fact, possess the power of the purse. He describes this as a tremendous weapon by means of which the representatives of the people can enlarge the sphere of their activity and power until they have completely controlled, as far as they desire to do, the overgrown prerogatives of the other branches of the Legislature. This language, than which nothing can be stronger—no advocates of the extreme claims of this House or of the House of Commons have ever used stronger language—applies expressly to the power of the House of Representatives to initiate Money Bills, while granting to the Upper House the power of amendment. I say, therefore, that even if we do not, in the language used in this Bill, follow out to the exact letter the analogy of the British Constitution—which we do not do—at all events we follow out the spirit of that Constitution, by giving the Upper House the power of objecting to an item on the Estimates, if they consider it one that should not appear in the general expenditure of the year. I allow that the power is one which it would be far more desirable should be exercised by some tribunal outside the two Houses; and if the Government or honorable members could discover any means of expressing that view in the Bill clearly and unmistakably, and carrying it out by erecting some tribunal outside ourselves, by which we would all agree to be bound, I admit that would be a more satisfactory way of settling the matter, for it would undoubtedly remove the question at issue from the sphere of party politics, while I do not believe it would cause any danger to the Constitution, or to the privileges of this House. Therefore, without being

_Mr. R. M. Smith._
wedded to the particular method proposed by the Bill, I would be glad to adopt any other system possible that would create some satisfactory independent tribunal to attain the desired end. With reference to the fourth proposition—the joint sitting—I at once acknowledge that I feel great misgiving as to its complete success; but my misgiving does not in the slightest degree correspond with the opinion of honorable members opposite. I do not concur with them that the Upper House, in conjunction with a minority of the Assembly, could overwhelm any majority of this House. How could that possibly occur? Those who advance that argument are driven to assume that, while the Lower House will be divided, the Upper House will vote as one man. Is not that, to begin with, an extravagant assumption? Could such a thing ever happen with the Upper House liberalized and popularized as the Bill proposes? What great difference is there between men who are rated at £10 a year and the men who are on the general ratepaying roll of the colony? After all, the men on the ratepayers' roll form the great voting power of the country, for the manhood suffrage roll is comparatively small. What possible fundamental difference can there be between the interests of £10 ratepayers and those of ordinary ratepayers, to make the representatives of the £10 ratepayers vote as one man on a certain question, while the Lower House, representing the general body of ratepayers, is broken up and divided on the same question? Further, what likelihood is there that 42 men actuated by the ordinary principles of humanity, and brought face to face with the 86 members of the Assembly, will exercise an overpowering control? The absurd postulate that an overwhelming influence is likely to be exercised by the Upper House under such circumstances is discussed in the pages of the Federalist, where it is shown that the power of resistance of an Upper House is only equal to the resistance which, on examination, would be found to be supported in the country by patriotic and constitutional principles. The Upper House, under this Bill, will be liable for the first time to the risk of dissolution, and an opponent of the principle has pointed out that a contested election for the Council will be more costly than one for the Assembly, so that a dissolution will expose the Upper House to a much greater penalty than the Lower House. Under these circumstances, the danger, if any, will be that the Council, foreseeing that ultimately they will meet a superior force, and will have to give up the contest, will not be disposed to fight at all, or not to make such a resistance as would be consistent with the principles of the Constitution and with the desire of a large portion of the electors. Whilst recognizing this danger, I consent to the proposition for a joint sitting—which I objected to half-a-dozen years ago—because I really see nothing better, and because I feel that if it is not accepted we shall have a worse fate. After all, no man can point out anything to prevent dead-locks which apparently we will be able to obtain except bringing the two Houses together, and letting the majority decide, or bringing in the plebiscite. The honorable member for Geelong (Mr. Berry) has on more than one occasion honestly intimated that he considers the plebiscite a necessary evil. I am glad to say that it is now no longer a necessary evil when we have another proposition before us which, whatever its merits or demerits, its risks or its dangers, is, at all events, infinitely superior to the plebiscite, not only in its form but also in its nature, because it will allow greater latitude for that discussion and representative action which is the main principle of the British Constitution, instead of referring a question in dispute between the two Houses to a tribunal that cannot possibly understand the issue, and would probably decide it with a haste and fever utterly destructive of all calm judgment. I cannot understand how any honorable member who sympathizes with and advocates the views of an intelligent minority could ever desire to introduce into the Constitution that ill-omened weapon of tyranny and haste called the plebiscite, which would utterly crush an intelligent minority out of existence, and prevent their views and claims from being considered by the country with that attention which they often deserve. It is not because this Bill is a perfect measure, but because it is the very best of all the propositions laid before the Assembly up to the present time, and because it attempts to hold—and succeeds, I think, to a great extent in holding—a true balance between the opposing forces of the Constitution, that I give it my hearty support, and trust it will be carried into law. With reference to its imperfections, I will again refer to the Federalist, and quote from it some remarks made in reply
to objections against the American Constitution:

"No man would refuse to exchange brass for silver or gold simply because there was some alloy in the latter. No man would refuse to quit a shattered and tottering habitation for a safe and commodious building because the habitation he was asked to go to had not a porch to it, or because the windows would not fit, or because the rooms were not so large or so lofty as his fancy dictated."

Let us take the best scheme which presents itself under existing circumstances, and not wait until we can please our individual fancies, which will probably not be in accordance with the views of half-a-dozen other persons. Nevertheless, I agree to a great extent with what was said by the honorable member for Mandurang (Mr. Williams), in the concluding portion of his speech, that, after all, it rests mainly on the discretion and good sense of the people at large and of their representatives, not only in this House but also in the other, whether the proposed Constitution or any other can be satisfactorily worked. Whilst I have always been a consistent advocate of the views entertained by the Council in the three great disputes which have taken place between the two Houses, I am not blind to the possibilities of conflict arising from the inordinate exercise of prerogative on the part of the Upper House as well as of the Lower House. We have only to look to a neighbouring colony to see that the powers of the Upper House may be inordinately and improperly exercised; indeed I am not disposed to say that the past history of our own Legislative Council does not show instances of carelessness on their part, and want of proper consideration for the feelings and views of this House, and of the people we represent, which justify us in demanding some alteration of the Constitution. But I also say that the experience of the past proves that harmonious working between the two Chambers depends much more on the general temperament and good sense of the people than upon any Constitution we can construct. I will read a quotation from a work written by Professor Amos, which puts this matter in a clear light. It is as follows:

"It is not too much to say that the possibility of lasting existence for any political Constitution—certainly for one of the highest order—depends mainly on the capacity of the people and their actual rulers for maintaining, during a sufficiently long space of time, definite, rational, comprehensive, and stable political and moral sentiments in respect of the structure, working, growth, progress, and general aim of the Constitution."

Professor Amos also points out that it is to the existence of these conditions that a dead-lock of divergent opinions between the two Houses of Parliament in England "is of the rarest occurrence and the briefest duration," and that—

"The respective functions of both Houses are progressively marked out, through friendly agreement, without unseemly rivalry on the one hand, or treachery to the public welfare on the other."

If we are only guided by these sentiments, and follow the example—which we ought to follow—of the British Constitution and the British people, we may, I believe, administer the existing Constitution, or even a much worse one; but, at all events, we shall find in the present proposals no such change as will endanger the liberties of the people, but rather a salutary change, which will enable public opinion to be ultimately carried into effect without the disturbance, the jar, and the turmoil, and the consequent loss and disgrace, which have attended Victorian politics in the past. I speak not so much as a partisan—although, sitting on the Ministerial side of the House, I must speak to a certain extent as a partisan—but as one really desirous of seeing the question of reform satisfactorily settled. Therefore, it is not because I feel particularly enamoured of this or any change in our Constitution, but because I see nothing better in the future—and because I do see great probability of disturbance—that I ask the House to assent to this proposition. With reference to the possibility of future disturbance, I need only point to the language used by the late Premier in regard to "administrative action." The honorable member is a practised orator, and knows how to clothe his views in admirable phrases. "Administrative action" sounds exceedingly well, but when we remember what the administrative action of the honorable member and of other gentlemen has been in the past—when we remember the perpetual turmoil and strife it involved—we can only conclude that the phrase really means that the Appropriation Bill shall be used as a vehicle for assault after assault on the privileges of the Legislative Council, that we shall provoke that body to a resistance necessary to secure its very existence, and that, in fact, we shall commit ourselves to a policy of perpetual strife. I hope I am not
misrepresenting the honorable member in interpreting his phrase about administrative action to really mean working on the Upper House through the Appropriation Bill. If it does not mean that, I shall be happy to hear the honorable member explain what it does mean; but that is how it presents itself to my mind, looking at the past history of the Assembly and its proceedings in regard to the Council. I trust, therefore, that this House will pause before committing itself to a policy of conflict; for, whether it ultimately gains or loses in the conflict, the people of Victoria—whom we represent, and whose interests we ought to care for—will undoubtedly suffer, and will suffer most thoroughly and lastingly.

Mr. McKEAN.—Sir, most honorable members, and, I believe, the greater portion of the people of the colony, consider that the subject of the reform of our Constitution has been sufficiently long before the Legislature, and that it is time it was definitely settled. Reform has certainly been agitation for the last 15 years. Our quarrels, in fact, began in 1865. Previous to that time the two Houses acted in harmony. Now the Reform Bill passed in England in 1832 was the result of agitation which, commencing in the reign of George III, extended through the reign of George IV, and into that of William IV. That Reform Bill was only carried by the exercise of the prerogative of the Crown. Earl Grey advised His Majesty William IV, as a dernier ressort, to swamp the House of Lords by the creation of peers. The King created 16 peers, and then the swamping process was stopped because intimation came from the House of Lords that they would yield; and they did yield. If our Upper House acted as the House of Lords has always acted, the question of reform could be easily settled. I agree with the honorable member for Belfast that very little alteration of the Constitution is absolutely necessary. The exercise of a moderating influence by both Chambers would meet the difficulty. The first dead-lock arose by the tacking of the Tariff to the Appropriation Bill in 1865. That was settled by the Tariff being ultimately sent up to the Council as a separate measure, on the understanding that they would pass it in that form. Before that dead-lock ended, disputes arose between the two Chambers with reference to the collection of customs duties simply on the authority of a resolution of the Assembly and other matters, which eventually led to the recall of the Governor, Sir Charles Darling. The Assembly afterwards voted £20,000 for Lady Darling, and the item was placed in the Appropriation Bill, which was consequently rejected by the Council. That caused the second dead-lock, which was ended by Sir Charles Darling deciding to waive all claim to the money in order that he might be entitled to a pension from the Imperial Government. After his death, a Bill was passed by this House, and assented to by the other Chamber, granting a pension to Lady Darling. The last dead-lock was caused by the rejection of the Appropriation Bill by the Council in consequence of it containing an item for payment of members, and it was ultimately terminated by the Council agreeing to pass a separate measure providing for the payment of members to the end of the then Parliament. The powers of the House of Commons in reference to finance, and the practice of the House of Commons and the House of Lords in connexion with Money Bills, are ably and fully defined in May’s Constitutional History and Todd’s Parliamentary Government in England. The highest judicial tribunal in Great Britain—the Privy Council—has decided that this House possesses all the powers and privileges of the House of Commons; but we are asked, by the Reform Bill now before us, to give up those rights and privileges—in fact, to undo what our fathers did during the reigns of George III, George IV, and William IV, and even anterior to the time of the first of those kings. For the information of the House, I will state some facts and figures relating to the growth of the English Constitution, and showing how the powers and privileges of the House of Commons became enlarged at various times until they arrived at the point that they now are. The English Constitution, unlike that of America, was not made, but grew, and three stages in its growth are roughly distinguishable—first, the reign of Henry III, in which three points were established, namely, the Commons’ right to participate in taxation, the Commons’ right to participate in legislation, and the Commons’ right to control the application of Supplies; second, the reign of Edward III, in which, in addition to the foregoing, was established the right to inquire into public abuses, and to impeach Ministers; and,
third, the reigns of Henry IV, Henry V, and Henry VI, in which the following seven points were established:—The Commons' exclusive right in matters of taxation; the Commons' right to appropriate the Supplies; the Commons' right to make grants of Supplies conditional upon redress of grievances; the Commons' right to participate in legislation; the Commons' right to control the administration; the Commons' right to impeach public Ministers; and the Commons' rights of privilege, namely, freedom of speech in Parliament, freedom from arrest during Parliament, right of decision upon election returns. From the time of Henry VI until the present day, the House of Commons has steadfastly maintained the position which it now holds, and even within the last ten years it has taken action to more firmly establish its rights. Of course, this Assembly can only claim the rights possessed by the House of Commons in 1855, when the Victorian Constitution was established. It is worth while considering in what way we obtained our Constitution Act. A committee appointed by the single existing House of Legislature sat for a considerable time with the view of preparing an outline of a new Constitution that should be as nearly as possible on the lines of the British Constitution. The only member of that committee now in this House is the honorable member for Belfast. In the report which the committee brought up, in dealing with the necessity for two Chambers, they dwelt upon the proposal to establish a nominee Upper House, and stated that "the universal failure of the nominee element in the British colonial system," as forming no check upon extreme views, had induced them "to look for an enlightened policy essential to wise legislation in that portion of the community naturally indisposed to rash and hasty legislation." They, therefore, proposed an elective Upper House, and suggested that for its members a high freehold property qualification should be required, partly to ensure that they should hold a large stake in the country, but more especially that "it may consist of men who may reasonably be expected to possess education, intelligence, and leisure to devote to public affairs." They also recommended that the Council should be elected by "the educated, intelligent, and permanent residents of the colony," and that the members should hold office for ten years, "thereby being removed from the influence of any sudden impulse of popular feeling"; while, by the provision that the House should never be dissolved but by rotation, they said that—

"Experience would not only be secured, but, at the same time, an opportunity would be given to infuse new men and principles into the House, thereby preserving it in harmony with any change in the country."

Moreover, they added—

"To such a body they propose to intrust the legislative functions of the House of Lords."

Showing clearly that, according to the intention of the committee, the two Houses were to have respectively the functions of the House of Lords and the House of Commons. Indeed, in express words, they state their intention to confer on the Legislative Assembly "all the rights and powers of the House of Commons."

Such were the outlines of the measure which was afterwards passed through the British Parliament, and became our Constitution Act. I would like to draw the attention of honorable members to the Constitution Statute passed by the Imperial Parliament, of which our Constitution Act is a schedule. It is important to consider the provisions of this Statute, because the Houses here are the creatures of it, and are limited by it in the same way as a person is limited by a power of attorney—he cannot go beyond the power given to him, unless it is specially enlarged. Now the question is—Has power been given to us to legislate in the manner proposed in this Bill? I hold that it has not, and that the action we are now taking is ultra vires. The preamble of the Constitution Statute (18th & 19th Vict., chap. 55) recites that Her Majesty has been asked to assent to a Bill, as amended, to establish a Constitution for Victoria, and proceeds to say—

"And whereas it is not competent to Her Majesty to assent to the said reserved Bill without the authority of Parliament for that purpose," &c.

It is thus evident that Her Majesty had to go to the Houses of Parliament in England to enable her to give her assent to the Constitution Act which we now possess, and which established two Chambers of Legislature in this colony. Now we are asked to pass a Bill, not merely to amend the Constitution on the basis of two Chambers, but to create a compound Chamber—an additional House of Legislature—and that I submit we have no power to do. I contend that we are...
confined in any proposals for reform to the
basis of two Chambers, as established by
the Constitution Statute, and that it is
out of our power to go beyond them.
I have said that the framers of the
Constitution Act intended to confer on this
House the powers of the House of
Commons, and those powers are clearly defined,
as I have already said, in a well-known
work—May's Constitutional History of
England. Speaking of the control of the
Commons over Supplies and Taxes, May
says—

"One of the most ancient and valued rights of
the Commons is that of voting the money and
granting taxes to the Crown, for the public service.
From the earliest times they have made this right the means of extorting con­
cessions from the Crown and advancing the liberties of the people. They upheld it with a
bold spirit against the most arbitrary kings; and the Bill of Rights crowned their final triumph
over prerogative. They upheld it with equal
firmness against the Lords. For centuries they
had resented any 'meddling' of the other House
with matters of Supply; and in the reign of
Charles II they successfully maintained their
exclusive right to determine 'as to the matter,
the measure, and the time' of every tax imposed
upon the people."

The Commons have adhered to that right
without ever yielding one iota of it. We,
however, are now asked to give up a right which the House of Commons has always
been careful to maintain; in fact, the
Government asks this Assembly to do
worse than Esau—to sell its birthright for
something less than a mess of pottage.
May says in another portion of his work—

"The Lords have no voice in questions of ex­
penditure, save that of a formal assent to the
Appropriation Acts. They are excluded from
it by the spirit and by the forms of the Constitu­
tion. Not less exclusive has been the right of the Commons to grant taxes for meeting the
public expenditure. These rights are indeed
inseparable, and are founded on the same prin­
ciples. 'Taxation,' said Lord Chatham, 'is no part of the governing or legislative power. The
taxes are a voluntary gift and grant of the
Commons alone. In legislation the three estates
of the realm are alike concerned; but the con­
currence of the Peers and the Crown to a tax is
only necessary to clothe it with the form of a
law. The gift and grant is of the Commons
alone.'"

I desire to make one more quotation from
the same work, and, as it refers to a matter
very similar to what has caused the strifes
which have occurred in this colony, I ask
the special attention of honorable mem­
bers to it. May says—

"At length, in 1860, the Lords exercised their
power in a novel and startling form. The
Commons had resolved, among other financial
arrangements for the year, to increase the prop­
erty tax and stamp duties and to repeal the
duties on paper. The Property Tax and Stamp
Duties Bills had already received the Royal assent
when the Paper Duties Repeal Bill was received
by the Lords. It had encountered strong oppo­
sition in the Commons, where its third reading
was agreed to by the small majority of nine.
And now the Lords determined, by a majority
of 89, to postpone the second reading for
six months. Having assented to the increased
taxation of the annual Budget, they refused the
relief by which it had been accompanied. Never,
until now, had the Lords rejected a Bill for im­
posing or raising a tax, to gratify the purpose of revenue, and involving the Supplies and
Ways and Means for the service of the year.
Never had they assumed the right of reviewing
the calculations of the Commons regarding
revenue and expenditure. In principle, all pre­
vious invasions of the cherished rights of the
Commons had been trifling compared with this.
What was a mere amendment in a Money Bill
compared with its irrevocable rejection? But, on
the other hand, the legal right of the Lords to re­
ject any Bill whatever could not be disputed. Even
their constitutional right to 'negative the whole'
of a Money Bill had been admitted by the Com­
mmons themselves. Nor was this strictly, and in
technical form, a Money Bill. It neither granted
any tax to the Crown nor recited that the paper
duty was repealed in consideration of other taxes
imposed. It simply repeated the existing law
under which the duty was levied. Technically,
no privilege of the Commons, as previously
declared, had been infringed. Yet it was con­
tended, with great force, that to undertake the
off the privileges in those balances and
Ways and Means—which had never been assumed
by the Lords during two hundred years—was a
breach of constitutional usage, and a violation of
the first principles upon which the privileges of
the House are founded. If the letter of the law
was with the Lords, its spirit was clearly
with the Commons."

Using the same expression, I say that, if
the letter of the law is with the Upper
House, the spirit is clearly with this
Assembly. I admit that the Council has a
statutable right to throw out an Appropriation
Bill, but I say that it should
hesitate long, and resort to every conceivable
means of arriving at an amicable
settlement, before using so dangerous a
power. If a generous spirit had been
shown in the past by both Houses, it is
very probable that the present and many
previous discussions on the question of constitutional reform would have been
avoided. The question next arises, how
far the rights and privileges of this
Assembly, as the House of Commons of
Victoria, are likely to be affected by this
Bill. The Council at present possesses
merely the power in financial matters
conferred on it by the Constitution Act,
namely, the power to reject an Appropriation
Bill. Under this measure, however,
the other Chamber asks for much greater
powers, and asks that those increased
powers shall be fixed by a Statute which, if passed, will probably not be repealed in our life-time, or the life-time of those who follow us. It has been said that the outlines of this Bill were placed before the country at the late general election, and that, therefore, if the House rejects it the Government will be entitled to expect that the Governor will grant them a dissolution.

Mr. GAUNSON.—They say they have got a dissolution.

Mr. MCKEAN.—The Governor dare not promise a dissolution until the events have occurred which render it necessary for the Ministry to ask for one; the Governor must act constitutionally. As to the allegation that this Bill was before the country, I was somewhat amused by a remark made by the honorable member for Warrnambool, in his speech in this debate on the 15th inst. He said, according to the Age report—

"He did not hesitate to say that the honorable member for Belfast was prepared to oppose the Bill before he was aware of the contents of it, and this because he had not been consulted by the Premier. The honorable member no sooner knew of the final formation of the Cabinet than he expressed his determination to oppose their scheme of reform."

Now those words "let the cat out of the bag". They show that, by the admission of the Ministry themselves, the Bill was not before the country at the last general election, and that it is, in fact, a new measure. How could the electors, at the last general election, approve of the Bill if, after the election, the honorable member for Belfast did not know the contents of it? Yet, on a new measure, a House not four months elected is threatened with a dissolution! The Minister of Public Works declared, in North Gippsland, that a dissolution would follow the rejection of this Bill. I can only regard that statement as a threat held in terrorem over me. It was not intended for my colleague (Mr. McLean), because, unfortunately, he is within the grasp of the Government, although I am sure that he takes a more generous view of this Bill than many of those sitting around him. I am certain he will not agree to deprive this House of its privileges and to make the Legislative Council absolute master in money matters. To show the opinions I have consistently held on this question, I desire to read an extract from the printed address which I laid before the electors of North Gippsland at the last general election. I said—

"It is admitted by all parties that the Upper House must be reformed, so as to ensure the carrying out of the will of the people. I shall support such a reform as will prevent dead-locks and secure finality of legislation. I am in favour of reducing the area of the present electoral provinces so that there may be one member to each district; of a reduction of the term of office from 10 to 5 years; and of an extended franchise. I would give the Governor in Council power to dissolve either or both Houses of Parliament as necessity might require. I am opposed to plurality of votes. The Assembly should have all the powers of the House of Commons in matters of taxation and finance, but no more. I am against giving uncontrolled power over the State finances to a single House."

Those views were fully placed by me before the electors; at every meeting I was well received and applauded, and I was returned at the head of the poll. Moreover, I may mention that, since the general election, the honorable member for Dundas and I, being present at Walhalla on business, addressed a meeting there at the request of the miners—a class of the community as intelligent as any to be found in the colony. The meeting listened to our remarks with great attention, and passed a resolution condemning the present Reform Bill, and impliedly asking me as their representative not to support it. I may remark here that I feel somewhat keenly, as no doubt other honorable members do also, the resolutions adopted by country meetings directing their representatives to take a certain course. Such resolutions, I think, place the representative in a degrading position, because they lower him to the status of a delegate, and not even a delegate for the whole constituency, but for those who pass the resolution. Another objection to this Bill is that it is defective in its construction. It has been said that it can be amended in committee, but I object to accept a Bill a portion of the machinery of which has really to be manufactured anew in committee.

An Honorable Member.—Why should we not amend it in the interests of the State?

Mr. MCKEAN.—I would be willing, in the interests of the State, if the Premier will consent to strike out the bastard Norwegian scheme, and the power given to the Upper House to eliminate items from the Estimates, to look favorably on the Bill.

Mr. MIRAMS.—What would be left?
Mr. McKEAN.—A good deal would be left. I would also like to see the size of the proposed constituencies reduced. The electorate which is to include North and South Gippsland and Benambra is so enormous that I venture to say, taking into account the difficult character of the country, it could not be canvassed in two months. If the Premier will promise to make the concessions I have mentioned, I will vote for the second reading, and no doubt there are several other honorable members who will do so also. I hope the Premier will take this course, and the Bill, when it gets into committee, can then be moulded into such a form that it will be acceptable to the other Chamber. I believe honorable members generally consider it desirable that a Reform Bill should be passed, because there is a feeling throughout the colony that the non-settlement of this question is retarding business, and that when it is disposed of prosperity will return. I am inclined to think, myself, however, that the existing depression does not arise from this cause. To a great extent I think it is attributable to the press in writing unfavorably of the late Ministry. The press, or a portion of it, did everything it possibly could to checkmate the late Government. It was thought that if it was represented to the country that capitalists would not lend out their money, the public would be induced to withdraw their confidence from the Ministry, and the result was that capitalists really took fright and withheld much of their capital. Another cause of the commercial depression, I consider, is the large amount of money which the banks lent, a few years ago, for the purchase of land in Riverina. If we look at Hayter's Statistics and the Banking Record we will find that this colony is in a more prosperous state now, as regards the mere amount of money in it, than it has ever been before by several millions; and therefore the present depressed condition of affairs would not exist but for the hue and cry raised by the press against the late Ministry. It was thought when the present Ministry succeeded to office that things would improve, but after a week or two's revival they became as bad as before.

Dr. MADDEN.—That is caused by the opposition to this Bill.

Mr. McKEAN.—During the two months which the Ministry took to prepare the Bill there was no trade revival, and, during that time, the public mind should have been buoyant and hopeful with the expectation that the new Government would produce a reasonable and acceptable Reform Bill that could be carried within a reasonable time. The fact that there was no recovery in those two months shows that the continuance of depression is not caused by the opposition to this Bill. I desire now to point out that this measure is copied, to a large extent, from the Legislative Council Constitution Bill which was passed by the other Chamber in 1878. The proposals in that Bill, as given in a précis on the title page of the Bill itself, were as follows:

- "Members to be increased to 42.
- "Six to be elected in 1879 for five years.
- "Six additional in 1880 for six years.
- "All members afterwards to be elected at biennial elections for six years.
- "Members to be qualified as heretofore, and lessees of improving leases for an original term of 10 years of a yearly value of £250 over rent reserved in lease to be qualified to sit as members.
- "Qualification of electors to be extended to £50.
- "To compensate this proposed extension, freehold electors of £50 to £150 to have 2 votes; from £150 and upwards, 3 votes.
- "Leasehold electors of £50 and upwards to have 1 vote, but none below that amount.
- "Provinces same as at present."

Sir J. O'SHANASSY.—The Council have passed another Bill since that.

Mr. McKEAN.—I am aware of that; but this was the measure on which the Ministry have founded their Reform Bill. The new proposal introduced is the clause giving the Council power, by a two-thirds majority, to require the Assembly to eliminate items from the Appropriation Bill. That is a very novel proposal, and is, I believe, the creation or suggestion of the honorable member for Boroondara.

Mr. R. M. SMITH.—I knew nothing about it.

Mr. McKEAN.—At all events, I regard it as a fatal clause—sufficient to destroy the whole Bill. As I remarked before, the proposal to have only twelve provinces is very objectionable, and, moreover, these are very unequally divided. The time and expense which would be required to contest the province including Gippsland would be so great that it would be impossible for any one except a banker, squatter, or leading merchant to come forward as a candidate with any hope of success. In my opinion the "one-horse constituencies,"
formerly proposed for the Assembly by the honorable member for Warrnambool, would be a much better arrangement for the Council than twelve provinces. Why should the Central Province, for example, return nine members instead of being cut into nine separate electorates? If there are to be 42 members in the Council, why could not two of the Assembly electorates be formed into one electorate for the other House? I have myself no very great objection to the proposed increase in the number of members of the Council if the other portions of the Bill which I have referred to are eliminated. As the Bill stands, however, what would be the probable effect of it? Owing to the high property qualification which would still be required in members of the Council, the number of candidates would be limited, and 42 members would be returned representing the moneyed class, and, no doubt, like "birds of a feather," they would all flock together and stick to one another. Supposing 60 honorable members of the Assembly supported the Government of the day upon a particular question against the balance of this House and the whole of the Council, and that the matter went to the "Two Houses," what would be the result? The Upper House would be successful, but what would follow? What could the Government do? Their hands would be tied. They could not go to the country, because the country would have nothing to say to them more than it had said already, nor could they go to the Governor, because they would have nothing to ask him for, and he nothing to grant. Would not a state of things of that sort constitute the worst dead-lock possible?

Sir J. O'SHANASSY.—You would never get a unanimous Upper House.

Mr. MCKEAN.—Not on a Tax Bill? I think differently. Here let me say a word or two as to the qualification for members of Council contemplated under the Bill. Some honorable members suppose it to be the possession of a freehold of a certain value, but that is a mistake. Clause 35 describes it as follows:

"No person shall be capable of being elected a member of the Council unless he be of the full age of thirty years, and a natural-born subject of Her Majesty the Queen, nor unless he shall for one year previous to such election have been legally or equitably seized of, or entitled to, an estate of freehold in possession for his own use and benefit in lands or tenements in Victoria of the annual value of £150 above all charges and incumbrances affecting the same."

I draw particular attention to the words "legally or equitably seized," because their meaning is that a member of Council who settled his property upon his wife and retained a life interest therein would be in this position—his equitable interest would qualify him for his seat, while his holding it would enable him to snap his fingers at his creditors.

Mr. GAUNSON.—They could join together and make him insolvent.

Mr. MCKEAN.—But if they did not he could laugh at them. To pass this Bill would change the whole constitutional character of the colony, because it would endow a certain class of the ratepayers with an addition to the power they now possess, while another class would find all the rights they now exercise completely "jumped." It is amusing to hear of the stories Ministers have told the selectors throughout the colony about the right of the object of the Bill being to extend the franchise to them. No doubt the statement pleased the selectors mightily, but how far was it true? The fact is that Ministers, not being upon oath, did not tell "the truth, the whole truth, and nothing but the truth." They have done everything they could to deceive the public. With them all has been "courage de rose." They have handed wines to the people without telling them of the poison in the cup. Several honorable members have expressed a wish that the Bill should be referred to a select committee. I have no doubt that were that course taken—were the subject remitted to the consideration of a committee composed of honorable members of both Chambers—the result would be a measure consonant with the feelings and wishes of both Parliament and the country. Even a committee composed of all the members of this Chamber taken together would be able to produce an acceptable Reform Bill, which could, moreover, under the circumstances, be drawn up in three or four days, and sent to the other House within the week. We have heard repeatedly that the Legislative Council is an elective body, but how far is it really so? How many contested elections take place in connexion with seats in that Chamber? Have we not had it stated to us that since its creation there have been 118 vacancies, and that only 54 of them have been contested? That is perfectly sufficient to show us that the Council cannot be fairly regarded as a representative body. At the same time, what are
its demands? We will all doubtless admit that two Houses possessing co-equal powers with respect to finance would never agree, but the Upper House does not ask for financial powers equal to our own. It asks for powers that are actually mandatory. Supposing the Estimates for the year contained an item like one which was included in the Estimates for last year, namely:—

"To assist the town council of Hotham in covering storm-water channel, on condition that the council form a street over such channel, £2,000."

How would the representatives of the northern part of the city like to see the Council demand that that item should be eliminated from the Estimates, on the ground that it did not form part of the ordinary service of the year? Fancy how such a proceeding would humble us. I respectfully submit that to endow the Council with the power contained in the elimination clauses would never answer. It would be monstrous to give a majority in the Council, combined with a minority here, power to defeat a Government whose functions they would be unable to undertake. Unquestionably the result of such a state of things would be dead-locks more bitter and disastrous to the commercial and social interests of the colony than any we have ever known before. Then let us look at the question in the aspect of the Council demanding greater powers than are possessed by the House of Lords.

Todd, in his *Parliamentary Government in England*, defines the powers and privileges of the House of Lords as follows:—

"As an independent branch of the Legislature, they undoubtedly possess a very substantial power, which serves as a positive check upon the Lower House when it has been induced to act with unwise precipitation. But the increasing importance of the House of Commons, since the establishment of parliamentary government, has materially modified the relations between the two Chambers, and lessened the authority which theoretically appertains to the House of Lords as a co-ordinate and co-equal branch of the Imperial Legislature. Though entitled, equally with the Commons, to express their opinion upon all acts of administration, and their approval or otherwise of the general conduct or policy of the Cabinet, they are powerless, by their vote, to support or overthrow a Ministry against the will of the House of Commons. To place upon the House of Lords the weight and responsibility of controlling the Executive Government of this country would soon put the House in a position which they have never hitherto occupied, and which they could not safely maintain. . . . The province of the House of Lords appears more properly to be that of controlling, revising, and amending the projects of legislation which emanate from the House of Commons."

Powers such as those are different from the powers the Bill would give the Upper House. The Council would be distinctly able to embarrass, if not throw out, any Ministry. At all events, it could keep the affairs of the country completely at a stand-still. Again, why should it have power to inflict a penal dissolution upon this branch of the Legislature? My contention is that it should have no greater powers than those of the House of Lords, while the authority of this House with respect to Supply and Ways and Means should be supreme and absolute. It has been contended that the Commons have been silent and acquiescent on many occasions when the Lords have opposed them. But look on the other side of the question, how the Commons forced their way with respect to such matters as Catholic emancipation, the Reform Bill of 1832, the repeal of the corn laws, and the abolition of Jewish disabilities. Some honorable members think it would be well to make our Upper House nominees instead of elective, and they support their argument by reference to the circumstance that several other Australian colonies have nominee Upper Chambers; but I venture to say that the nominee principle cannot be regarded as a successful one. In both New South Wales and Queensland, attempts have been made to change the constitution of the second branch of the Legislature, in order to give it an elective character. At the same time, even an elective Upper House is not entitled to place itself on a level with the truly representative Lower House. On this point, Todd's *Parliamentary Government in the British Colonies* has the following:—

"A claim on the part of a Colonial Upper Chamber to the possession of equal rights with the Assembly to amend a Money Bill would be inconsistent with the ancient and undeniable control which is exercised by the Imperial House of Commons over all financial measures. It is, therefore, impossible to concede to an Upper Chamber the right of amending a Money Bill upon the mere authority of a local Statute when such Act admits of being construed in accordance with the well-understood laws and usages of the Imperial Parliament."

I have dwelt on the manner in which we gained our Constitution Act, so I need say no more on that head. I have no doubt that we shall have to obtain an enabling Act from the Imperial Government before
we can bring about a change in our Constitution that will be of permanent utility. Let me point out next that the proposition embodied in the Bill finds no counterpart in any Constitution in Europe or the American continent. For example, in Greece, the whole legislative power rests in a single Chamber of representatives, called the "Boulê," elected by manhood suffrage for four years, each elector being compelled to vote; in the Netherlands, the Upper House is elected by the provincial states from amongst the most highly assessed inhabitants of the various counties; in Portugal, the peers are named for life by the sovereign; and in Norway, the two Houses assemble upon occasion in a common sitting, and a final decision is given by a two-thirds majority. The *Statesman's Year Book* contains a very complete account of the Norwegian Constitution, which is somewhat complicated, and bears very little relation indeed to what we call the Norwegian system. We have heard a good deal about the power of the Governor to grant a dissolution. The subject is an important one, and inasmuch as the volume of *Todd* I just now quoted from dwells on the subject in a very exhaustive way, I will cite a few passages from the work which will probably very materially enlighten honorable members' minds on the point. I want to show that, according to the precedents there laid down, the Governor will have no right, if the present Bill does not pass its second reading, to grant a dissolution. *Todd* says—

"Whenever the popular Chamber refuses its confidence to Ministers, the question whether, in doing so, it has correctly expressed the opinion of the country, may properly be submitted to the test of a dissolution of Parliament. Nevertheless, in the words of Charles James Fox quoted by Sir Robert Peel in 1841, it is dangerous to admit of any other recognised organ of public opinion than the House of Commons. So long as Parliament may be reasonably presumed to represent the wishes of the people, it is not necessary to go beyond Parliament to ascertain them."

Mr. BENT.—Is the honorable member referring to threats of a dissolution? Certainly they cannot be laid at the door of the Government.

Mr. McKEAN.—I never said the Government had threatened a dissolution. I am only pointing out that they are aiming at one. Why, in my hearing, the Minister of Public Works told the honorable member for South Gippsland that the Government were bent on a dissolution, and he added that he was going to contest South Gippsland himself, which almost frightened the life out of the poor fellow, Mr. Mason. *Todd* proceeds to give the following example:

"We have already noted, in a former section, a remarkable case which occurred in New Brunswick in 1855, wherein the Governor, being impressed with the conviction that certain legislation in a previous session, intended to enforce prohibition of the sale of liquor, had proved injurious to the country, and was altogether in advance of the public sentiment, suggested to his Ministers the expediency of an immediate dissolution of Parliament, in order to elicit a decided expression of public opinion upon the question. Ministers demurred to this position; but the Governor called upon them either to accept responsibility for the dissolution, or to retire from office. They chose to resign; whereupon a new Administration was formed, and the Parliament dissolved. The result of the appeal to the country was to vindicate the wisdom of the Governor's action; for the new Parliament, in which the opinion of the electorate was promptly appealed to, decided that a dissolution of Parliament was necessary. We have already noted, in the preceding case. After a dissolution of Parliament in the previous year, his Ministers, who had heretofore a good working majority, found themselves considerably weakened, the Opposition being almost able to turn the scale legal method of trying controverted elections. But the attempt proved unsuccessful."

Again, with respect to another colony, the same work states as follows:

"In 1860, the Lieutenant-Governor of Nova Scotia (Lord Mulgrave) was placed in a position somewhat resembling that of Sir Edmund Head in the preceding case. After a dissolution of Parliament in the previous year, his Ministers, who had heretofore a good working majority, found themselves considerably weakened, the Opposition being almost able to turn the scale of public elections. Sir Edmund Head decided, however, that several of his opponents were disqualified, and that their seats should be vacated. He endeavored to persuade the House to unseat these gentlemen without a resort to the legal method of trying controverted elections. The attempt proved unsuccessful. Instead, the House resolved that they had no confidence in the Administration. Whereupon Ministers strongly urged upon the Governor the necessity for another dissolution of Parliament, not only on their own behalf, but also on public grounds. His Excellency carefully reviewed their arguments, dissented from their conclusions, and declined to accede to their request. He promised, however, that whenever he should be of opinion 'that a constitutional necessity for a dissolution exists,' he would not hesitate to appeal to the country; but he added, 'so long as I remain Her Majesty's representative in Nova Scotia, I shall claim to be the judge of when that time has arrived.' As it was, he deemed it to be neither expedient nor for the public convenience that a dissolution should take place so soon after a general election. Accordingly the Ministry resigned."

I will next cite a Victorian case. *Todd* says—
Second Reading. [JUNE 24.] Twelfth Night’s Debate. 737

"In May, 1872, the Legislative Assembly of Victoria having agreed to a vote expressing a want of confidence in the Administration of Mr. (afterwards Sir) C. Gavan Duffy, the Cabinet presented to the Governor (Lord Canterbury) a minute, expressing their conviction that they were bound to give effect to this vote, either by an immediate resignation of office, or by recommending a speedy dissolution of Parliament. They believed that a dissolution of Parliament, as an alternative to resignation of office, was justifiable under any one of the following circumstances:—1. When a vote of "no confidence" is carried against a Government which has not already appealed to the country. 2. When there are reasonable grounds to believe that an adverse vote against the Government does not represent the opinions and wishes of the country, and would be reversed by a new Parliament. 3. When the existing Parliament was elected under the auspices of the opponents of the Government. 4. When the majority against a Government is so small as to make it improbable that a strong Government can be formed from the Opposition. All these conditions they believed to be united in their own case,"

The passage goes on to state that the dissolution was refused, and adds—

"The Governor then sent for Mr. Francis, who succeeded in forming a new Administration, to which the confidence of Parliament was given, without the necessity for having recourse to a dissolution."

I shall mention two other cases in Todd which it is absolutely necessary for every one who wishes to understand what are a Governor's powers with relation to a dissolution to study most carefully. Both of them refer to New Zealand. The first occurred in 1872, when, on the motion of Mr. (now Sir Julius) Vogel, the Stafford Administration were defeated. It is described as follows:—

"On October 7, Governor Bowen made known his decision. After carefully reviewing the case in all its bearings, he said he was unable to acquiesce in an immediate dissolution. He believed frequent dissolutions to be objectionable on principle. "They have an obvious tendency to cause members to be regarded as mere delegates of the constituencies, and not as representatives of the country at large." The existing Parliament, elected for five years, is barely eighteen months old. No measure of urgent importance on which public opinion is divided is before the country. The Governor was not, therefore, satisfied that a dissolution would materially alter the present evenly balanced state of parties. He would prefer to try and form a new Ministry on a wider basis, which might be strong enough to carry on the Government without delay or interruption."

Accordingly the Stafford Ministry resigned, and their successors at once commanded a strong working majority in the Legislature. The last case is perhaps the most striking of all. It is briefly condensed into the following statement:

"In the same colony, in November, 1877, the Premier, Sir George Grey, requested the Governor, the Marquis of Normanby, to dissolve the House of Representatives, on account of the evenly balanced state of parties therein. The Grey Administration had taken office on October 13, previous, on the defeat of their predecessors upon a vote of want of confidence. On October 24, before the new Ministers announced their intended policy, a vote of want of confidence was submitted against them. This was negatived, on November 6, by the casting vote of the Speaker. Shortly after, a similar motion was proposed, during the debate upon which Ministers asked for a dissolution of Parliament. They based their claim to a dissolution upon the fact that at the last general election the ex-Ministry were in power, and upon their conviction that the new elections would give them a large majority of supporters. In reply, the Governor expressed his opinion that a dissolution was, at present, undesirable; principally because (1) he believed that the existing difficulties might be disposed of without recourse to a dissolution; (2) the existing difficulties might be disposed of without the necessity for having recourse to a dissolution; (3) because no great question was at issue upon which to appeal to the constituencies; (4) because he had no assurance that a dissolution would produce a working majority in favour of Ministers; and (5) because no Supply had yet been granted; and, unless the House should first vote Supplies for at least three months, the Governor could not undertake to consider the question of a dissolution."

All these points arise in the present instance; and the Governor cannot give, in Victoria, a contrary decision to what he gave in New Zealand. The last extract I have to read is as follows:—

"A month after the prorogation, Sir George Grey renewed his application to the Governor for a dissolution of Parliament. But at this time Lord Normanby was of opinion that there was a fair prospect of the Ministry being able to secure, in the next session, the support of the popular Chamber. And, as there was no definite question at issue, upon which an appeal to the country could be made, the Governor again declined to accede to this request."

These are all precedents with reference to dissolutions. I might dwell at greater length upon some of them, but it is unnecessary. If there is to be a general election, I venture to say that several honorable members on the Ministerial benches have not the ghost of a chance of getting back to them again. In drawing my remarks to a close, I ask honorable members to pause before giving their support to a measure of the kind now before us, which is destructive of representative government in this colony, a measure the framers of which will have their names handed down to posterity as those of men who betrayed their birthright.
and that of their children—of men who became political renegades and sold their country. If this Bill becomes law, what will New South Wales, South Australia, Queensland, and the other colonies think of us for having the rights and privileges of the House of Commons, and then turning round and selling them? And selling them for what? For nothing, or worse than nothing, because the £10 franchise for the Upper House which we are promised will give extra work to municipal officers; but upon that point I do not feel justified in giving a silent vote on such an important question—a question which will materially affect this country either for good or for evil. I feel as much at liberty as any honorable member to discuss the question entirely unfettered by any party ties. I think that is the only way in which the question can be discussed if we are to arrive at a satisfactory solution of the constitutional difficulty. Unlike the honorable member for Ararat and other honorable members on this (the Ministerial) side of the House, I was returned to Parliament not only without the support of the party now in power, but in opposition to one of their nominees. While I am in no way tied to party, I feel the necessity for the government of the country to be carried on in a satisfactory manner. I feel also that it is to the interest of the country that this question of reform should be settled. Therefore I am willing to afford the Ministry every opportunity to arrive at a proper solution of the question. Reform has been kept dangling before the country for many years to the neglect of necessary legislation; and the reason why it has not been satisfactorily settled is that it has been made a party question. At present we seem as far from a settlement as ever. All this time, in remote districts, farmers have been crying out for facilities, in the shape of railways, for sending their grain to market, and the dwellers in the dry regions have been crying out for a supply of water. But these things have to remain in abeyance until the question of reform is settled. I was in great hopes, at the opening of Parliament, that there was a probability of the question being settled this session, but soon after the present debate began I felt bound to communicate to several members of the Ministry the objections which I have to the Bill. Those objections apply to the elimination clauses and to the Norwegian scheme. I cannot understand how it is that the Norwegian scheme, after having been before the country and after meeting with its disapproval, should now be brought forward again. When upon the hustings, I strongly condemned the plebiscite and the proposals of the late Government. I also condemned the proposal for the joint sitting. I did not speak about the elimination clauses because I was not aware that they were before the country. But I look upon both the joint sitting proposal and the elimination clauses as unnecessary machinery in our system of government, and as a serious departure from the principles of the British Constitution. Not only do I condemn those proposals, but I condemn any mechanical means for settling the constitutional difficulty. I don't think any mechanical means we may devise will prevent dead-locks. It is all very well to say, as the honorable member for Boronundara nicely and plausibly put it, that it is unlikely that resort will be had to the elimination clauses or the joint sitting for years, yet to embody them in the Bill is to open the door to abuses. The provisions may be used as a two-edged sword; they may be used both by this House and the other House. I go a great length with the Bill. I go so far as to approve of the popularization of the Upper House by the reduction of the qualification for electors, by the reduction of the size and the increase in the number of the provinces, and by shortening the tenure of office of members. I am in favour of the reduction of the qualification for electors to the ratepayers' roll, because I see no reason why there should be a distinction between the man who pays a rate of 10s. and another who pays a rate of 2s. 6d., besides which the framing of an electoral roll for the Upper House, as provided for by the Bill, will give extra work to municipal officers; but upon that point I do
not fall out with the Bill. I think it a pity that the Government, when framing the measure, did not stop at the double dissolution. Had they done that, they would have accomplished everything they could have desired, and got everything they wanted. I think the majority of the House would have been content with a Bill of that kind. We have been told that, unless we vote for this Bill, the necessary consequence will be the bringing back of the Berry party to power; but I do not think that is a proper issue to put before us. I don't see that is any reason why we should accept a measure which does not accomplish what we desire, which will not settle the question satisfactorily. I say again, the question is one which should not be settled in the interests of party. Parties may come and parties may go, but the Constitution remains for ever. It has been suggested that honorable members who object to certain portions of the Bill should waive their objections on the second reading, and seek to carry out their views by amendments in committee; but that I think an unfair proposal to make to honorable members who are anxious to see the government carried on with some degree of stability. While the Government ask their supporters and those who are anxious to support them to give up everything, they will concede nothing whatever. Until I heard the speech of the Premier at St. Kilda, last Friday, I was in hopes that some concession would be made; and I think that in view of the position of affairs the Government might concede something. The Bill, apart from its objectionable features, contains sufficient material to make it acceptable to the House. If I could be assured that it would be amended in the direction I desire, I would be glad to vote for the second reading; but I do not want to place myself in the position that many honorable members of the late Parliament were placed in. They were accused of “ratting” because they voted for the second reading of the Reform Bill of last session, whereby the principles of the measure were affirmed, and afterwards voted against the third reading. I do not desire to be placed in that position. I think the Government might now accept the suggestions thrown out by the honorable member for Portland and some other honorable members, and either allow the Bill to be referred to a select committee or concede some of the points which have been objected to. According to the Premier, if you cannot obtain all you desire, you should be content to take what you can get; and yet the Ministry will give way on nothing. As I have said already, I do not feel justified in voting for those principles which I objected to on the hustings. I believe it is better to

"Bear those ills we have
Than fly to others that we know not of."

Mr. BOWMAN.—Sir, the honorable member for Boroondara says that the Bill before us is not perfect. I believe there is scarcely any honorable member who thinks it perfect. It is true that one honorable member; and that honorable member was once a candidate for a seat in the Upper House, has declared that he goes in for “the Bill, the whole Bill, and nothing but the Bill,” but he is the only member who has made such an avowal. The honorable member for Boroondara says he is very sorry that the Bill could not be referred to a select committee. Now to refer it to a select committee would only be consistent with a suggestion thrown out by the present Premier when the Berry Reform Bill was before Parliament. I shall be very sorry if the Bill is read a second time, because there is not one clause of the measure that I can support. I don't understand providing for a joint sitting of the two Houses unless we adopt the true Norwegian system under which the members of the two Chambers are returned on the same basis—that is to say, the constituencies return so many members, and those members elect from themselves so many to form the Upper House. I could understand a joint sitting with the two Houses constituted in that fashion; but a joint sitting with one House representing property only, and the other House representing property on the one hand and manhood suffrage on the other, would be something like bringing fire and water together. I am satisfied there would be no unanimity under such circumstances. At present the Legislative Council is representative exclusively of property, and so to a great extent it would continue even with the franchise reduced to a £10 or £20 rating. So far as my own personal feeling goes, it is in favour of both Houses being elected not by ratepayers but by taxpayers, so that every man who pays taxes should be represented in both Chambers. This would be only carrying out the well-recognised principle
that taxation and representation must go together. The honorable member who is said to "boss" the present Government—I refer to the honorable member for Warrnambool—was, 14 years ago, when I first entered Parliament, a member of a Cabinet which I had much pleasure in sitting behind and supporting, because it represented the democratic party in this country. At that time, the honorable member for Warrnambool would not allow the other Chamber to interfere with taxation. Since then the honorable member has, so to speak, turned himself inside out. I hope I shall never be guilty of such a departure from principle. I think honorable members have reason to complain of members of the Government deserting their places in this House, during the progress of this debate, in order that they might stump the country, or rather, to use the more modern phrase, do the public platform business. Not only have they done that, but they have been holding out inducements calculated to operate as a bribe to electors. The other day, the Minister of Mines was at Maryborough. The honorable gentleman visited the place with the view of ascertaining whether a public meeting could be got up in favour of the Government Bill, but, finding that a public meeting had already been held, at which the measure was unanimously condemned, he made out that the purpose of his visit was to look at a reservoir upon which he was disposed to recommend the expenditure of public money. Then the Minister of Public Works has been gallivanting through South Gippsland, holding five or six public meetings, for the purpose of ousting the present member.

Mr. BENT.—That is not true. I have not gone to a place in South Gippsland to which I was not invited by the representative of the district.

Mr. BOWMAN.—The honorable member went at all events; and he sent to the Herald a report of the proceedings at one of the meetings which was a fabrication.

Mr. BENT.—I did not send or authorize the sending of any report. Nevertheless, the report which was published is perfectly true. The honorable member for South Gippsland said he would vote for the Bill, and he also stated that he had promised moneys to the district. But I made no such promise.

Mr. BOWMAN.—The honorable member for South Gippsland is within the precincts of the chamber, and I believe that he will be here before the close of the debate and contradict the statement which the Minister of Public Works has just made.

Mr. BENT.—I guarantee he won't.

Mr. BOWMAN.—The honorable member has told me something which makes me believe that he can contradict the statement.

Mr. BENT.—Then he has told you what is not true.

Mr. BOWMAN.—I think the honorable member's word will go as far with his constituents as that of the Minister of Public Works. The Minister has been going all over the country, making promises of roads and bridges everywhere, though he knows he has not the money for the works. When I asked the Government if they intended to put a sum on the Estimates for prospecting, the reply was that they had no money for the purpose; but when the honorable member for North Gippsland (Mr. McLean) asked for a bridge they immediately promised to put a sum on the Estimates for that work. When the Government can act in that way, and when they have their own paid hirelings in the House, to what extent may not bribery and corruption go? Look at the bribe offered to the honorable member for Ararat to induce him to vote for the Bill. The Minister of Public Works offered the honorable member half his salary if he would vote for the measure.

Mr. BENT.—I was a big fool to do it.

Mr. BOWMAN.—A great deal has been said about corruption by the late Government, but in this case a Minister offered a member half his salary to buy his vote.

Mr. GAUNSON.—The honorable member for Maryborough (Mr. Bowman) is putting a complexion on the matter that it will not bear. The offer made to me I recognise as one made out of feelings of personal friendship.

Mr. BOWMAN.—I am glad to hear the honorable member for Ararat corroborate what I have said.

Mr. GAUNSON.—The Ministry know all about it. It was done in the presence of Mr. Service.

Mr. BENT.—It is not true that the offer was made in the presence of Mr. Service.

Mr. GAUNSON.—I saw the honorable member in the Treasurer's own office in the presence of Mr. Service. The honorable member said—"Mr. Service, I have
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offered Mr. Gaunson the half of my salary.” Mr. Graves came in while the conversation was proceeding, and went with Mr. Service into another room. Mr. Bent also went with them. Presently Mr. Service returned, and I said to him—“Mr. Service, the offer Mr. Bent has made to me I recognise as being actuated by the purest friendship, but what would be said of me if I accepted it? The public would say—This man has been bought to shut his mouth. This offer—a very generous one, I admit—does not come to me out of the public treasury, but is a donation from the private pocket of a Minister.” I afterwards had a conversation with my honorable friend.

Mr. BENT.—I am afraid I cannot call you my friend after this.

Mr. GAUNSON.—I afterwards had a conversation with the honorable member; and I said that if anything would incense me against the Premier it would be the circumstance that he, who did not want or did not require the salary attached to his position, sat quietly by and heard the honorable member make such an offer. I was then told that the money would not have come out of his (Mr. Bent’s) own pocket, but that every Minister would have subscribed equally.

Mr. BOWMAN.—Mr. Speaker, I hope that I may be allowed to reiterate what I have already said.

Mr. GAUNSON.—No, no; because there was no bribery about the offer.

Mr. BOWMAN.—I can only say that the Minister of Public Works would not make the offer for nothing. Gentlemen are not in the habit of giving away £800 a year for nothing. I wonder how many honorable members sitting on the Ministerial side of the House have accepted money from the association managed by the honorable member for Villiers and Heytesbury (Mr. Jones)? No one can say that there is not bribery and corruption when votes are openly bought and sold in this Chamber. After I have found the Government guilty of such corruption and attempted bribery, I will never give them a vote so long as I am in the House. Their Reform Bill, taken clause by clause, will not bear dissection. The measure was unanimously condemned by a public meeting held at Maryborough, and I shall certainly record my vote against it.

Mr. BENT.—The honorable member for Maryborough (Mr. Bowman) is about the last man in this country who should speak of bribery. I need not go back to the records of this House to show that honorable gentleman’s character.

Mr. BOWMAN.—My character is better known than yours.

Mr. BENT.—As to the alleged bribery of the honorable member for Ararat, it is well known that in the last Parliament I and the honorable member were very friendly together. The honorable member thought that he ought to have been taken into this Ministry, and a good many other persons thought so too. The honorable member mentioned on a previous evening that he obtained certain money from the committee of the late Opposition to enable him to contest Ararat, about which I do not intend to say anything. But with respect to the statement he has made to-night, I say it is utterly untrue. It is scarcely worth my while to take any notice of the remarks made by the honorable member for Maryborough as to my visit to Gippsland. I went to South Gippsland at the request of the member for the district, and I repeat that I have not gone into any part of the country except on the invitation of the member for the district. I have gone to look at public works, or places where public works were necessary; but I have not made any promises whatever. I went to Gippsland with the honorable member for Ararat. Honorable members have frequently heard him speak in this House of his poverty; and while we were in Gippsland, I said to the honorable member—“As we have been friends together and have fought together, I have had a consultation with my wife, and, if you like, you can have half my official salary.” He agreed at Gippsland to take this, but when he came to town Sir John O’Shanassy, I believe, told him he could obtain the position of Chairman of Committees of this House.

Sir J. O’SHANASSY.—I never said anything of the kind.

Mr. BENT.—Well, the honorable member for Ararat said so; and I believe honorable members well know that he was under the impression that he could obtain that position. It was in Gippsland that I made the offer to the honorable member, and not in the presence of the Premier. I never asked the honorable member to support the Government at all. The offer was made out of pure friendship. Every one in this House knows that I have no desire to bribe any honorable member.
Mr. GAUNSON.—As this is a matter which affects me personally, I must claim the indulgence of the House while I state what really was the case. What the Minister of Public Works has mentioned is quite true. He has always shown a very friendly disposition towards me, and I don’t think that I have shown any other than a friendly disposition towards him. I am very glad he is in the present Ministry. It would have been a monstrosity on the part of the Government if they had left him out. It is perfectly true that the honorable member did mention the very identical offer about half his salary on our way to Gippsland; but the honorable member is distinctly in error in saying that the offer was not again made. I went over with the honorable member to the Treasury to see Mr. Service, and, in the presence of Mr. Service (the circumstances are clearly photographed on my mind), the honorable member said—“I have offered Mr. Gaunsoll half my salary.” I remarked to the Premier—“I do not think the position of a Minister is such a very great catch.” The Premier will recollect that, while we were speaking about this specific offer, Mr. Graves came in and interrupted the conversation. The Premier, the Minister of Public Works, and Mr. Graves then retired into an adjoining room. The Premier afterwards came back, and I then said to him—“Mr. Service, I recognise the offer made by Mr. Bent as one made in the purest spirit of friendship.”

Mr. BENT.—You are mistaken.

Mr. GAUNSON.—The Minister of Public Works was not present at the time. He was in an adjoining room with Mr. Graves. Continuing the conversation with Mr. Service, I said to him—“But how can I accept the offer?”

Mr. BENT.—Your enemies are trying to find out something.

Mr. GAUNSON.—I am not going to permit the Argus or any other newspaper to defame my character. I further asked Mr. Service—“What would the people of the country say to me if I accepted the offer?” “They would simply say,” I remarked, “that my mouth was being shut.” I further stated that I could not accept the offer, because the money was not to come out of the public treasury chest, but out of the pocket of a Minister. I afterwards had a conversation with the Minister of Public Works, and pointed out to him what I considered the cold-hearted way in which the Premier had listened to the offer. I remarked that, knowing the Premier’s position, I thought he ought to have said, when he heard the offer—“We cannot allow this to be done; we will join with you.” I was then told that the Ministry would unite.

Mr. SERVICE.—By whom was the honorable member told?

Mr. GAUNSON.—I was told by the Minister of Public Works. These are the simple circumstances. I could not accept that position, however much I might like to have had a portfolio without office, which must have been given to me if I had accepted the offer. The Premier will recollect that, at the very same conversation, he said that the usual salary of the whipship was £400 a year, but that the Government thought of making it £500, which, with the £300 a year for payment of members, would make the salary attached to the position equal to that of the Chairman of Committees. I told the Premier that I had the same objection to the whipship as I had to the offer made to me by the Minister of Public Works, and that, moreover, I was opposed to payment of members. The Premier said—“I understand you are very much irritated at being left out of the Ministry,” and I replied—“Yes; I have been insulted.” I told the Premier, however, that I did not consider the position of a Minister a very fine thing after all, because a Minister must neglect his own private business, and devote his whole time to the public service. I likewise told the honorable gentleman that the objection I had already mentioned to him as applying to a Ministerial position, applied stronger to the whipship, because upon the ability of the whip, and his attention to his duties, the fate of the Ministry would depend. I said that, if I could not afford the time for a Ministerial position, I certainly could not afford the time for the whipship. There is no exaggeration of anything that occurred in my statement, though there may be a forgetfulness of some of the circumstances.

Mr. SERVICE.—Do I understand the honorable member to say he was offered a portfolio without office?

Mr. GAUNSON.—I say that the offer of half a salary must have been accompanied by a portfolio.

Mr. SERVICE.—In point of fact, it was not.
Mr. GAUNSON.—The Premier is placing himself in such a position that I will say no more about the matter.

Mr. SERVICE.—I ask the House to permit me to make a few remarks. I say that any insinuation that the honorable member for Ararat was ever offered a portfolio in this Ministry is totally without foundation—utterly without foundation. Such a thing was never spoken of. I never heard a member of the Ministry hint at such a thing. The Minister of Public Works never hinted at it to me. I will tell the House how the offer made to the honorable member for Ararat arose, or, at all events, how the Minister of Public Works told me that he made it. The honorable member for Ararat will recollect the occasion, shortly after the formation of the Ministry, when he called at my office, at my request.

Mr. GAUNSON.—On the day that the formation of the Ministry was first announced in the Argus.

Mr. SERVICE.—On that occasion I said to the honorable member—"Did you say to Mr. Bent, before the Ministry was formed, that, in the event of his being selected as a member of the Ministry, you would not stand in his way?" To that question the honorable member replied—"I did."

Mr. GAUNSON.—That statement I distinctly and specifically deny as ever having taken place in your office.

Mr. SERVICE.—The next question I put to the honorable member was this—"Was Mr. Bent justified in making that statement to me?" The honorable member said—"Certainly."

Mr. GAUNSON.—I deny that.

Mr. SERVICE.—I then put this question to the honorable member—"Was I, in the formation of the Ministry, justified in acting on that statement?" and the honorable member said—"Certainly you were."

Mr. GAUNSON.—That is not at all correct. None of your statements are correct.

Mr. SERVICE.—I state what is absolutely within my own recollection. The Minister of Public Works told me afterwards that by the honorable member for Ararat having taken up a position respecting the Ministry because he was not included in it, he (Mr. Bent) felt that he had unintentionally betrayed his colleagues into a position of difficulty with that honorable member. He also told me that, in order to placate the honorable member for Ararat, he had gone the length of offering him half his salary. The offer of a portfolio in the Ministry was never made to the honorable member with my knowledge or consent.

Mr. GAUNSON.—I must claim the indulgence of the House to reply to the statement made by the Premier.

The SPEAKER.—The honorable member for Ararat has already made a personal explanation, and the matter ought not to go any further.

Mr. GAUNSON.—I claim the right to speak again, and I will ask some honorable member to move the adjournment of the House if I am not permitted to be heard now. I well recollect the conversation which took place when I went to the Premier's office. I found the honorable member for Rodney (Mr. Fraser) there, but he left soon after, and very little, if any, of the conversation took place in his presence.

Mr. FRASER.—I heard you say, you would support the Ministry. Is that true?

Mr. GAUNSON.—Yes, I will support the Ministry, but I will not support their rotten Bill. At the interview with the Premier, I said—"You are making a gross mistake; you have taken Mr. Duffy into the Ministry simply because he is a Roman Catholic, and you want to placate the Roman Catholics." The Premier then asked me if Mr. Bent was authorized to make the statement he has referred to, and I replied—"Certainly not"; that he had never been authorized to say from me that, if he were taken into the Ministry, I would be satisfied. No such conversation as the Premier has related ever occurred. But the Premier will recollect that I told him I had met Sir John O'Shanassy in the street a few days previously, and that he had then said—"I think we have had enough of the Duffy tribe." To which I replied—"I think so, Sir John." I also told the Premier, there and then—"You have made a fatal mistake in taking in Mr. Robert Clark; you should not have touched him with a 40-foot pole." The Premier asked me what I was going to do, and I said—"Mr. Service, I am going to support you when you are right, and oppose you when you are wrong." "But," he said, "this is not party." I replied—"I have never been a party man, and I shall be in the future what I have been in the past."
Mr. SERVICE.—The statements you are making are utterly without foundation.

Mr. GAUNSON.—I leave the country to judge between the honorable member and myself, and I know on whose side the balance of truth will be considered to lie. Every member of the House knows that, if I pass my word, I am bound by it. To continue the conversation; the Premier said—"Did you not see, last session, that we could do nothing without party to turn the Berry Ministry out?" I replied—"Yes, to turn the Berry Ministry out, but nothing further." We had a long conversation; it lasted fully a quarter of an hour, and it was distinctly unpleasant to the Premier. It was about six weeks afterwards that, in the Premier’s presence, the Minister of Public Works said—"Service, I have offered Gaunson half my salary," and Mr. Graves then came into the room, as I have before described.

Mr. COOK.—Mr. Speaker, I desire to offer a few remarks on the Bill before the House, and at this late hour I shall be very brief. I lay aside all party feelings on this occasion, and wish only to be influenced by a spirit of justice and faithfulness to those who sent me here. At the last election, I characterized the proposal of the then Opposition for the extension of the franchise of the Council as simply a bait to gull the electors into a false position, by making them believe they would have more influence on the Upper House than they ever had before. I did not believe then that the proposal would have that effect, and I do not believe it now. During the many years I have been an elector for the Upper House, I have never polled a vote in the election of a member, because I never thought it worth while to do so. None of the candidates ever represented my views; if there was a contest, one candidate was just the same to me as another, and I freely expressed the opinion to my constituents that the same thing will continue in the future. Although the basis of the Council may be widened, the extensive size of the provinces will still confine the contests to the same class of men, and there will be no improvement whatever in the representation of the people in that House. As the Premier has stated that he will stake his political life on the Bill as it stands, it cannot be improved in committee, if it should reach that stage, because if it were altered it would probably be withdrawn. Indeed, I think that would be the proper course to take with regard to the Bill, even if it does pass its second reading, because when important measures are affirmed by a bare majority, in order only to save the existing Ministry, it is not usual for the Government to proceed with them. My views on the reform question are thoroughly known to my constituents, so that the few words I am now addressing to the House are not by way of justification to the electors for my action in voting against this Bill. I have already expressed the opinion that the size of the provinces under the Bill would render it perfectly futile for any of the poorer class to contest an election for the Upper House; and the consequence will be that wealthy men will be returned, who will naturally direct legislation in the interest of the class they belong to. My sympathies, on the other hand, lean as naturally to the industrious class. Although I have three times successfully fought my own battle in my constituency—I never had the assistance of a Minister, and never will have—I cannot say that I am delighted at the prospect of being sent back to my electors again. I have defeated a sufficient number of opponents to satisfy my ambition in that respect, and I would prefer peace; but the peace must be on honorable terms. We must not abandon the principles we were sent here to protect. When the Service manifesto was placed before the country, at the last general election, it contained nothing about handing over to the Legislative Council the financial powers which the House of Commons has held undisputed possession of for centuries. Fancy the House of Commons receiving a message from the Lords to take certain items out of the Appropriation Bill! The effect of this Bill would simply be to fortify the position of gentlemen in another place and render it impregnable. The honorable member for Geelong (Mr. Berry) was blamed for going outside the lines of the British Constitution because he proposed the plebiscite, yet the honorable members who condemned him have proposed a Bill which goes much further outside the lines of the British Constitution than his did. It must be said, at all events, that the Berry Government were consistent in all their proposals, for they were ever determined to keep the power of the purse in this House, and, on that account, refused to allow Money Bills to be submitted to the plebiscite. It seems to me that many
honorable members who have spoken so glowingly of the peace that will be obtained by this Bill, if it is accepted, are somewhat utopian in their ideas. As far as my judgment goes, the struggles for political advancement which have been proceeding for so many years are not likely to cease. Indeed, no Government can afford satisfaction on that subject; whatever is proposed, the cry is still for "more." Great mistrust seems to be entertained by honorable members on the Ministerial side of the House with regard to extending the political privileges of the people; but I confess I cannot see that their evil forebodings are justified by experience. Concession after concession of political power has been made to the people, and they have always made a good use of it. When the ballot was conferred on the English people, they showed their conservative instincts by returning a larger number of tory members than they had done under open voting. I think that fact is a sufficient answer to those who say we cannot trust the people with full political power. In my opinion, the people should have the utmost power compatible with representative government, though, of course, it is not necessary that they should be given that power all at once. Let them have it gradually, and I think, from the experience of the past, we need have no fear of the future. The joint meeting of the two Houses would, I consider, be very dangerous, as the Assembly, when any way evenly balanced—as, for example, with respect to this very Bill—would be entirely swamped by the other Chamber. I am totally opposed, as I have said, to the clause of the Bill empowering the Council to have items eliminated from the Appropriation Bill, and I think the argument used in favour of it—that the American Senate has a voice in money matters—comes with a very bad grace from gentlemen who have hitherto held up the American system as a shocking example to be avoided. The extension of the franchise of the Council I regard, to use the words of an honorable member with respect to another matter, as a "gilded device to cover an ulterior design." Altogether, I consider that this favorite bantling of the Ministry has been conceived in sin—sin against the rights of this Chamber and of the people—and I believe that it will be strangled in the throes of parturition.

Mr. ORKNEY.—Sir, at this late hour I desire only to express the opinion that all patriotic members of the House should cordially support the Ministry in their honest endeavour to settle this long-agitated question of reform. Whatever the defects of this Bill may be, surely it is better that it should pass than that the colony should be left any longer in that state of uncertainty and agitation which is rapidly ruining it. It seems to me that we are under some evil star. There is something pervading the public spirit of this colony that is antagonistic to its true and best interests. We have here men whose business it is to agitate, and who will not be satisfied until every particle of freedom and prosperity has been driven out of the colony—until all true men are disgusted and leave the country. I think the best thanks of the colony are due to the present Ministry for their honest endeavour to settle this question, at whatever hazard to themselves. If they have to appeal to the country, I am sure they will be backed by it, for the people have taken stock of the men who do nothing but talk and retard the business of Parliament. Those men display an amount of ingenuity which, if employed in a useful direction, would be of infinite service to the colony, but, if they persist in using it as they are now doing, it will be ruin and damnation to everybody. (Laughter.) Honorable members may laugh, but my words will come true if this nonsense is not stopped. I have travelled over every civilized part of the world, and I have never witnessed such an amount of assertiveness as I have seen in this House. In the Parliaments of England, America, or France, I have never seen such self-importance as men in this House attach to themselves and their opinions, or such a shocking and deplorable waste of the time and resources of the country. I am no theorist or talker myself, but in an earnest desire to promote the true interests of this colony I yield to no man, and I shall give my utmost support to the Ministry on this question. I desire to mention that I have in my hands a petition (which was given to me too late for presentation this afternoon), signed by 1,719 electors of West Melbourne, in favour of the Reform Bill of the Government.

Mr. REES.—I regret that I cannot see my way to support this Bill, more especially as there is great distress prevailing throughout the country for want,
as I believe, of more useful legislation than has lately taken place. I feel, however, that I would be betraying my constituents were I to give my vote for this measure. A great deal has been said about the concession of extending the franchise, but I would point out that the first Legislative Council ever elected in this colony was elected on a franchise nearly as liberal as that now proposed. At the time the first voters' roll was made up there were no local governing bodies except those of Melbourne and Geelong. Collectors were sent round, and every man with 100 acres of land—which would be equal to about £15 a year at that time—had his name placed on the roll without any solicitation on his part. The result of that franchise was that ultra-conservatives were elected to the Council. I regret, as I have said, that I cannot support this Bill, as I believe that, unless something is done soon, the country will go from bad to worse.

Mr. SERVICE.—Mr. Speaker, at this hour of the night, or rather morning, and this late period of the debate, it is not my intention to occupy the time of honorable members at any great length. In fact, I mean to confine my observations to only one or two points, rather referring to the actual position of the reform question as it stands in the House and before the country than dealing in detail with the principles of the Bill that have been so thoroughly thrashed out during the past month. The task of summing up the arguments for and against the measure is also one upon which I need not enter, because they have been so ably treated that really nothing I can say would add to the weight of what has fallen upon the subject from honorable members on both sides of the Chamber. In place of dealing with the topic in what might be called a microscopic fashion, I propose to rather consider its surroundings—to deal, for instance, in the first place with the circumstances that induced the Government to take the step of submitting to the House and the country a Reform Bill likely in their opinion to dispose of the reform question in a satisfactory way. In that aspect the consideration that presents itself first to my mind is one touching the past. Surely not one of us will ever forget the misery and distress that has prevailed throughout the whole of the community in connexion with the reform agitation during the last two and a half years. Surely there is not one of us who does not feel that our labours during that period have been of a character altogether unsatisfactory to ourselves. We must all be conscious that the time was, utterly wasted, and also that what was done in it has created feelings of irritation, which it may take many years to efface,
the existing Constitution. We have two
opposition, told us that, if the reform question is not in the future sufficient to bring about the
admission of honorable members in bers on both sides of the
adversity to an
threatens to block our way so terribly in present question, although I venture to
look for a continuance of the distress and colony is longing? But, apart altogether
member who has just resumed his seat this

...and put out don't want to disfranchise any portion of
during the last. only arise from a desire rather to

...we should consider how, even if we

...we have done during the last two or three years, not only that our
labours have been, so far as he is con-
cerned, labours in vain, but that they have
absolutely never been called for at all.

He seems to have come to the conclusion, after all we have done during the last
two or three years, not only that our
labours have been, so far as he is con-
cerned, labours in vain, but that they have
absolutely never been called for at all.
If, I properly understand the attitude
recently assumed by the honorable mem-
ber, he now tells us that the whole question of
reform ought to be dealt with in an
administrative way, which simply implies
that he will not, in future, if called upon
to control the affairs of the country in a
responsible capacity, attempt to settle
constitutional reform in, in any sense, a
legislative way. I ask honorable mem-
ers on both sides of the Chamber whether
a prospect of that sort is at all cheering—
whether it is calculated to create a feeling of
comfort in the minds of honorable
members, or to inspire the people outside
this Chamber with a degree of confidence
in the future sufficient to bring about the
restoration of prosperity for which the whole
colony is longing? But, apart altogether
from the past history of the colony or its
future prospects, supposing the Reform
Bill before us does not become law, let us
consider a point which after all is a most
material one. It is a point we should
never lose sight of in connexion with the
present question, although I venture to
say it has been almost entirely overlooked
in the discussion of the Bill from an
antagonistic point of view. It is that we
are now engaged upon, not the creation of a new Constitution, but the reform of
the existing Constitution. We have two
Legislative Houses, one of which has
admittedly not a popular basis—not any-
thing like the extended franchise it ought
to have for its own sake and that of the
people of the country. The object of the
Government at the present time is to
endeavour to widen that basis—that is to
say, to liberalize the Council and bring it
more into harmony with the great bulk
of the people. Our desire is not to widen
the distance between the Houses, although
it is charged against us that our Bill is
calculated to promote that end, but to
bring them more closely together. We
don’t want to disfranchise any portion of
the community, but to enfranchise a very
large portion of it. Yet the efforts we
are making in that direction, which will,
I venture to say, be regarded with appro-
bation in every other part of the British
Empire, have been treated and described
in this Chamber with a perversity that
can only belong to party politics—can
only arise from a desire rather to disfran-
chise than to enfranchise. When we
remember that we have to deal with a
House that is in existence, and without
whose consent we can make no change in
our Constitution, surely it is important that
we should consider how, even if we cannot
get all we desire, we can best secure a
modicum of reform—how far, by meeting
as much as we can the wishes of those
who constitute the other Chamber, we can
bring about, it may be, a more gradual
reform than some of us would be wholly
satisfied with, but, nevertheless, one that
would be progressive and in the right direction, in the hope that at an early period we would be enabled to achieve the full fruition of our desires, our solicitudes, and our aspirations. Surely if honorable members bore well in mind that we cannot take one step—one single step—in the direction of reform without the consent of the Legislative Council, they would have some consideration for the present Government or for any Government who undertake to endeavour to bring about a settlement of the reform question, by moulding a Reform Bill so that it shall meet with acceptance not only in this Chamber, but also in the other. Of course we may be told by the other Chamber to mind our own business, and that we are not called upon to interfere with theirs, but surely when we are so treated will be time enough for us to accept the position, and we can then lay our reception well to heart. On the other hand, if we were to meet the gentlemen of the other Chamber in the attitude of hostility which the honorable member for Geelong undeniably admit characterized at all events his earliest efforts at reform, I acknowledge that our attempt would be utterly hopeless, and might well be given up as a delusion and a snare. And now with respect to the nature of our suggested enfranchisement in connexion with the Upper House. I know a great many honorable members on both sides of the Chamber would prefer to adopt the ratepayers' roll. I am not now going to offer an opinion whether the ratepayers' roll is more or less desirable than the £10 franchise. I stated, when I introduced the Bill, that, as far as I was personally concerned, I was quite prepared to give the Council franchise to every owner of property in the colony. But in dealing with a question of this sort, one cannot fairly expect to secure all one wishes for. More than that, if the head of a Government managed to introduce into his Reform Bill all he and his colleagues wanted, he would still have to face the question whether he was any nearer his goal, namely, the settlement of the reform difficulty—whether he had rendered his proposals so acceptable to another place that there was a chance of their being adopted there. Then, looking at the constitution of the Legislative Council as it exists at this moment, every one will admit it to be much more liberal than it was a few years ago. Many of the gentlemen recently introduced into that House are thoroughly liberal. They have shown that in a variety of ways, and in none more extraordinary, more definite, or more emphatic than that which they followed when they sent down to this Chamber the propositions upon which they wished the reform of their Chamber to be based. No such proposals could possibly have come from the Legislative Council 20 years ago. At all events, they show that those who now constitute the Upper House of the colony are so far imbued with a spirit of liberalism that they are prepared to go a long way in order to reach a settlement of the important question now in hand. In the face of this conciliatory attitude on the part of the other branch of the Legislature, would it be right, would it be fair, would it be what we would do in our own affairs in common life, for us to say to that body—"We will have nothing to say to your proposals; you must give us everything we want, and come down to the level of the Assembly floor, or we will threaten you with violence, treat you with hostility, and leave reform unsettled for years and years to come; because we would rather ruin the prospects of the colony than consent to yield in a moderate way to any one of your views upon the subject?" Would that be a reasonable attitude for this House or the present Government to assume? I assert that in framing the Bill the Government were influenced throughout by a desire to make their measure of reform as liberal as was possible consistent with a reasonable hope that it would pass the other branch of the Legislature. I may here refer in passing to a statement made by the honorable member for Mandurang (Mr. Williams) with respect to his desire that votes for the Council should be given to a class of leaseholders holding miners' rights. I think he was made aware in the course of his speech that the Government had already had the matter under their attention, and I may add that the wished-for provision would have been included in the Bill when it was introduced but for an impression on the mind of the Minister of Mines that the measure contained it already. It was only after the Bill was tabled that my honorable colleague discovered the omission, and brought it under the notice of the Cabinet, when it was at once agreed that holders under miners' rights, who every one will admit necessarily possess an
inchoate leasehold, should be placed in the electoral position they would undoubtedly occupy but for the peculiar state of the law relating to our gold-fields. The persons I allude to are fully entitled to be treated in that way. They have made improvements, and but for a legal obstacle they would be freeholders. Were there a Mining upon Private Property Act, they would unquestionably be freeholders. So much for our direct proposals. I do not intend to touch, during the debate on the second reading of the Bill, upon matters, such as the size of the provinces, that are proper for treatment in committee. In one word, what we desire is to give the people of the colony not less control over the Legislative Council, but more control—such control as will enable them to be freely represented in the Upper House of the colony. I venture to say that the number of those whom the adoption of our scheme would place, for the first time, on the Council electoral roll, and the nature of the classes to which they belong, constitute a guarantee beyond cavil or question that the great bulk of the population would, under the Bill, find themselves reflected in a representative way in the upper branch of the Legislature. With respect to the double dissolution, I was under the impression that that was pretty generally consented to by the House. Certainly there was no strong expression of opinion against it in this Chamber before the Bill was brought in. Indeed, I regarded the principle as one that was very fairly established among ourselves, and that had this further recommendation, that it had received the imprimatur of the Home Government, inasmuch as it was included among the suggestions put forth in Sir Michael Hicks-Beach's despatch. With this remark I pass the subject by, feeling, after all, that the reference to it in the Bill is justified by the favour with which it is regarded by a large proportion of honorable members. And now I come to the point in connexion with which the greatest amount of difficulty has arisen; I mean the elimination clauses—clauses which would have the effect of absolutely preventing dead-locks in connexion with the Appropriation Bill for all time to come. One great object I had in view in connexion with them was to place on the face of the statute-book a declaratory section setting forth that in future the Legislative Council should not reject Appropriation Bills. I believe the people of the colony, and especially those who have already specially suffered from dead-locks, are extremely desirous that none should ever occur again. I am of opinion that there is abroad in the country a feeling of intense interest on behalf of reform of the Constitution embodying means to render dead-locks a thing wholly of the past, and not possible in the future. Therefore I regard the adoption of such means as essential to the composition of any scheme of reform at all likely to find popular favour. I frankly admit that the reduction of the Council electoral qualification and the double dissolution would, by themselves, go a long way towards curing the evil of dead-locks. So completely is that my view that, in my address introducing the Bill, I expressed the belief that I did not think a double dissolution would take place once in a generation, or a joint vote once in a century. Those two principles constitute the true safety-valve—the theoretical completion of the plan laid down in the Bill to prevent dead-locks for all time to come. That is the position I took up five weeks ago, and which I still hold. At the same time it is quite manifest that, whilst the reduction of the electoral qualification would inevitably tend to bring the Houses more completely into approximation one with the other, and render causes of quarrel between them less likely, it would make such a quarrel when it did arise far more intensified than before. It is quite evident that the strength which the Legislative Council would no doubt acquire by the reduction of the franchise—and I presume honorable members desire to see both branches of the Legislature strong—and the introduction into the constituencies electing that House of so large a number of ratepayers would place them upon a more assured and firm footing, if they happened to differ from this House with respect to any particular measure. Therefore, it becomes a necessity that some mode should be provided by which, in such cases, the question could be settled without bringing about a dead-lock—the very thing we are trying to do away with. These are the reasons for the introduction of the principles to which I have referred. The honorable member for Normanby, the other night, in one of the most admirable speeches I ever heard on the floor of this House, pointed out that these clauses are the medicine and not the daily food of the
Constitution—that they would be brought into use only when the Constitution got out of order. I think some honorable members have run away with an entirely mistaken notion as to the probable course that would be taken by the other branch of the Legislature if they possessed the power which we propose to give them under this Bill. It is said that, if they have the power to eliminate one item from the Estimates, they may eliminate twenty. The answer to that simply is that members of the other Chamber, the moment they attempt to put in force the machinery provided for by this Bill—the moment they send down, by a two-thirds vote, a request that an item shall be removed from the Estimates—by that one act they would direct the eyes of the whole colony upon themselves; they would place themselves on their trial before their own constituencies, and before the whole colony; and they would feel that in taking up that position, they carried, as it were, their lives in their own hands. Therefore, they would take very good care that they did not occupy the position without substantial grounds—not only substantial grounds in their own estimation, but grounds which they believed the country would endorse. I here wish to refer for a minute to a remark, which has been made again and again in this House, that the question of eliminating an item from the Appropriation Bill was not placed before the country. The statement is entirely incorrect. As a matter of fact, the country is thoroughly seized of the question. In the course of a speech which I delivered at Maldon on the 15th May, 1879—a little more than a year ago—and which was reported in the Argus newspaper the following day, I spoke to this effect:—

"There is also a proposal in dealing with the Appropriation Bill that power should be given to an absolute majority of the Legislative Council to resolve that they should have any particular item therein sent up in a separate Bill. The objection is at once made that the Council may abuse such power, and want to interfere with salaries of engineers and surveyors. But this argument will not hold water. When the Council challenges an item in the Appropriation Bill, they place themselves on a pinnacle before the country. If they take up a wrong position, their prestige is gone; therefore, that feeling alone would prevent the Council from unwisely using such power. If the item is withdrawn from the Appropriation Bill, and sent up in a separate measure, it is not necessarily lost. If the Council reject the separate Bill, they will have to give their reasons."

Mr. Service. That is pretty clear and distinct; and the question was discussed fully not only by me but by the Age newspaper, at the identical period, for weeks and weeks. In fact, during the delivery of my speech on the introduction of the Bill I quoted a passage from the Age, in which that journal asked, I believe pretty well in these words—"Who would be injured in Victoria if the Legislative Council had power to eliminate an item from the Appropriation Bill?" True the Age coupled the power with another mode of dealing with it—I mean the plebiscite; but the principle was recognised, and was argued in leader after leader, week after week, in the Age newspaper. Everybody knew that the thing had been at all events mooted. I admit that in my address to the electors of Maldon, in the middle of February, I barely referred to it. Nevertheless it was mentioned. Certainly it was fully and distinctly set forth in the speech which I delivered in March. I want to set myself right on this occasion by showing that the idea described in the speech as a matter of detail, though an important matter of detail, I found afterwards, on coming to frame our Bill, assumed larger proportions than it had assumed previously. But, as a mode of doing away with dead-locks, the proposal has been discussed in the colony for the last eighteen months in one shape or another. Now it has been said that this power is too great to give to the Council—that it is taking away the privileges of the Assembly and conferring them upon the Council. The answer to that has already been given. The Council possess a higher power now. The Council possess now the power to reject every item in the Appropriation Bill. I wish honorable members and I wish the people to recollect that fact. We are not now proposing to confer a power upon the Legislative Council for the first time—a moderate power as we call it, but still a power which might be objected to if it had had no existence heretofore; but we do propose to take away from the Legislative Council the great power which they possess of throwing out everything in the Appropriation Bill, and to limit them to particular items.

Mr. McKEAN.—Let them keep the power.

Mr. SERVICE.—I say that a Bill without these provisions would be a Bill not worth having. I know that honorable
members on this (the Ministerial) side of the House question the propriety of this particular mode of dealing with deadlocks; and I confess frankly that any machinery which would secure this particular object—

Mr. BERRY.—My very words.

Mr. SERVICE.—I know; and I thought that by using them I would betray the honorable member into an interjection. The honorable member, on one occasion, used the same words, but in a very different sense. The honorable member, in introducing his Bill, did not refer to the machinery by which one of the principles of the measure was to be worked.

Mr. BERRY.—Yes.

Mr. SERVICE.—He said that, if the machinery did not please the House, he would adopt any other machinery that would bring about the same thing. What I say is that there may be half-a-dozen ways of bringing about the very solution of the difficulty we propose, though I don’t think there are. I suggested one in my speech on the introduction of the Bill. I suggested that, in place of giving the Legislative Council power to eliminate an item from the Estimates, they should have the power to take it out of the Appropriation Bill, when it went up to them, in the same way that they have the power to amend any other Bill. That is a mode which I showed at the time would work in a most satisfactory way. If there is any other similar mode by which we can preserve to the Council a suspensive veto on financial matters until the mind of the people of the country is determined upon the subject in dispute, the Government are willing to accept it. That is the position we take up with respect to the matter. I want to impress upon the minds of honorable members that we are not establishing a new law. We are simply declaring the law as it now exists. We declare that there shall be no tack, and that there shall be no rejection. That is the very thing which some honorable members say ought to be done by means of a standing order; but every honorable member knows that would be no practical solution of the difficulty. Whenever a wrong-headed Premier, which you have not at present, got on this side of the House again, he would use the Appropriation Bill as a weapon of offence, by introducing into it things which he knows, when they are introduced, ought not to appear there. It is avowedly with the object of keeping the Council at the mercy of the Assembly, as far as finance is concerned, that this power is clung to. There is another thing I must not omit to mention. This Bill does not give the Council one iota of power to deal with Bills of Taxation or with Bills of Expenditure, except so far as the suspensive veto is concerned. This Bill does not confer on the Legislative Council power to raise one shilling of taxation; it does not confer on the Council the power to expend one sixpence. Therefore, to say that we part with the power of the purse if we confer upon the Council the privilege this Bill proposes is, to my mind, a pure absurdity. So long as the Council cannot propose the raising of one single shilling, or the expenditure of one single penny, the power of the purse rests fully with this House. We are told that the privileges of this House will be in danger if this be given up. The privileges of this House are intended to protect the privileges of the people of this country. If there are privileges belonging to this House, whether imaginary or real, which conflict with the real interests of the people, this House has no right to them. I say the mere cant—I beg pardon for using a word which may be regarded as offensive, and I will substitute the word statement—that we are doing away with an ancient privilege of the House of Commons is to be dealt with from that point of view, and that point of view alone. Is it for the interest of the people of this colony—for their political and for their moral interest—that this supposed privilege should be maintained intact by this Assembly? I say, and so does every honorable member who believes in two Houses of Legislature, that no one House should have the absolute and uncontrolled expenditure of public money. I say, further, that no honorable member who believes this can possibly object to the proposal of the present Government. There is where the line must and ought to be drawn. I desire to draw it now. The real question which divides us is not a question as to executive rights or as to dissolution; and it can hardly be the question of the united vote. The question which has divided us heretofore, and which must continue to divide us, is whether we shall have the 6th clause of the Berry Bill or not—whether we shall have the one House or the other supreme...
—whether we shall confer upon this Assembly the uncontrolled expenditure of the public money. That is the question we have to decide; and I say that every honorable member who believes with me that it is undesirable that this House should have uncontrolled supremacy with respect to expenditure ought to sink all minor differences, and agree that this great principle shall remain intact. With reference to the united vote, I stated, on the introduction of the Bill, that I regarded that as the necessary theoretical completion of the principle which we propose. So little did I regard it as a practical thing to be worked out that I stated I did not believe it would be brought into operation and worked once in a generation. It would remain as a safety-valve the same as other safety-valves, not necessarily to be used, but there for use in case of emergency. I even referred, by way of illustration, to the old power of creating peers in England. That is a safety-valve which has been in existence for generations past, and yet it has never been brought into play. With reference to the objection raised by the honorable member for Mandurang (Mr. Williams), I think the honorable member came to the consideration of the Bill somewhat prejudiced against it. He endeavored to make a great deal, and I think unnecessarily, out of the clause which provides that the united Houses may deal with a Bill submitted to them either with or without amendments. The honorable member very properly pointed out that the power might be used dangerously, but I think it must be admitted that this is a matter of detail. It does not constitute a principle of the Bill. When the proper time comes, the Government will be prepared to give their reasons for the insertion of those words in the clause. If, after hearing those reasons, the House in its wisdom should think that it would be less dangerous for the "Two Houses" not to have the power of making amendments, the Government will not insist upon the retention of the words conferring that power.

Mr. FINCHAM.—Oh !

Mr. SERVICE.—I am not to be turned aside from any explanation by forced sneers from any honorable member. I know what is required for my own self-respect, which I think I shall be able to retain. I never heard anybody hint, except the honorable member for Ballarat West (Mr. Fincham), that the power of the "Two Houses" to make amendments was a principle of the Bill. If it be a principle of the Bill, it is not a principle which I denounced at Maldon or anywhere else, or which anybody else ever enunciated. Some other remarks made by the honorable member for Mandurang I must say I was very much astonished at. The honorable member was one of a few gentlemen who joined together, at the end of last year, for the purpose of constituting what was known by the name of "The Liberal Association of Victoria," the programme of which is now before me. I read at the time the statement of the principles of that association, and I confess I felt, when the honorable member for Mandurang was speaking, that the honorable member was going against some of the principles of his own association. I am informed that the honorable member was a member of the executive council of that association, and that he was present at the drafting of the resolutions which finally constituted the programme submitted by the association to the country on the 1st January. Here is the programme:

"Parliament being about to be dissolved, the time has arrived when all who desire the welfare of Victoria should agree to sink minor differences, and unite for the purpose of securing useful, practical, and necessary legislation. It will be generally admitted that this is not the time for urging extreme views, but rather for the infusion of a spirit of mutual conciliation, so as to terminate the present crisis and restore public confidence."

The programme goes on to say—

"Every reflecting mind must be convinced that the proposals contained in the second scheme of reform submitted by the Government to the Legislative Assembly, whereby that body was to be enabled, without control, to expend the public money in any way, which the Government for the time being thought fit, and whereby the Legislative Council was to be filled from time to time by the nominees of the Ministry, are not only opposed to the principles hitherto firmly held by all true liberals, but have signally failed to meet with even a moderate amount of public approval. An elective Upper Chamber being more in consonance with democratic institutions than a nominee one, the tendency of public opinion throughout the colony is to confirm the idea that the elective system should be retained and extended, but not destroyed."

There is one other paragraph I desire to quote. It is as follows:

"A very great merit of any scheme of reform in the present critical state of the colony is the probability of its being carried into law within a reasonable period of time. To insist, therefore, upon extreme measures, however captivating
they may be, without any hope of giving them immediate effect, is but another method of prolonging indefinitely the contents that have hitherto operated so injuriously upon our national enterprise and progress. . . . Be it therefore resolved—That an organization be now formed to be called 'The Liberal Association of Victoria.' Its platform to be—1. To reform the Constitution on the basis suggested by Mr. Munro in the Legislative Assembly in 1878, by reducing the qualification of voters and members of the Legislative Council."

Mr. WILLIAMS.—It was left an open question whether we should go to the ratepayers' roll or not.

Mr. SERVICE.—That was an open question with members of the present Government until they had to act as one man. The Government came here to carry out the principles they announced to the country; but, before they do that, they have to try, as far as they can, to concede to each other in order that they may unite on some plain and definite scheme. If their differences are so great that they cannot settle them, some of the members must retire from the Ministry. That is also the case with regard to a society like the Liberal Association. I admit that some of the members of that association were in favour of the ratepayers' roll, and that others were in favour of a less reduction of the franchise; but that does not affect the fact that the manifesto issued by the association is carried out in this Bill. In addition to what I have already read, the manifesto advocated reform of the Council—

"By reducing the size of the provinces; by shortening the term for which members are elected; by dissolving the Legislative Council, as well as the Legislative Assembly, in case of serious difficulty; and by providing that, should the disagreement continue after such dissolution, both Houses meet as one, and give a final vote."

All these things are provided for in the Bill.

Mr. WILLIAMS.—The programme of the association did not propose that the Council should have power to eliminate anything from the Estimates, or that there should be any power of amendment at the joint sitting.

Mr. SERVICE.—I do not think the interjection has much force, coming from the honorable member. The honorable member voted against the 6th clause of the Berry Reform Bill.

Mr. WILLIAMS.—I wanted any Money Bill which the Council refused to pass to be referred to a plebiscite.

Mr. SERVICE.—The honorable member took up very much the same position as the Age newspaper on this matter. He went in for the plebiscite, instead of the double dissolution. The honorable member stated, on the 4th December last—

"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."

Mr. GAUNSON.—So say all of us.

Mr. SERVICE.—I am glad to find that even now we are so closely allied that we do not differ as to the necessity for having this check, but only as to the mode of the check.

Mr. WILLIAMS.—Let the Council have the power of rejecting an Appropriation Bill, and, if they do reject it, let there be a dissolution at once.

Mr. SERVICE.—I am not blaming the honorable member for the views he entertains, nor do I desire to misrepresent those views in any way. All I wish to do is to show that the honorable member is so thoroughly at one with the principles which the Government have embodied in this Bill, that it is impossible to say he is outside our lines. He admits the necessity for a check on the sole control of the public revenue by this House, and it is only on the minor point—how the thing should be done—that he differs from the proposal contained in the Bill. Looking at the position of public affairs—looking at the dangers which loom ahead—I really think that the difference between the honorable member and the Government might fairly have been set aside in the interests of the colony. Both the honorable member and the Government agree that the Council should have a suspensive veto, and a mere difference of opinion as to how the matter in dispute should be finally settled—whether by a double dissolution or by a plebiscite—is hardly sufficient justification for the honorable member to say that he will reject the whole Bill. The power to suggest the elimination of items from the Estimates is a power which the Council have actually exercised in the past. On two occasions on which dead-locks occurred, the Council succeeded in getting this House to abandon a tack.

Mr. BERRY.—On condition that they passed the matter in dispute.

Mr. SERVICE.—The same remark applies to payment of members. Did the honorable member for Geelong uphold the privileges of this House when he put an item for payment of members in the
Appropriation Bill? Was he justified in doing so by the privileges of the Assembly?

Mr. GAUNSON.—Yes, decidedly.

Mr. SERVICE.—Did the honorable member sacrifice those privileges when he took the item out of the Appropriation Bill?

Mr. BERRY.—Certainly not.

Mr. SERVICE.—If the honorable member believed that this House was entitled to put payment of members in the Appropriation Bill, why did he take the item out at the instigation of the Legislative Council? Either it was taken out for the sake of peace or for the sake of the pieces—of silver. If the insertion of the item in the Appropriation Bill was a just and rightful assertion of the privileges of this House, the subsequent withdrawal of it was a giving up of the privileges of the House.

Mr. BERRY.—How could it be, when we got all we wanted?

Mr. SERVICE.—The honorable member may have got all he wanted, but to get that he sacrificed the privileges which he claimed for the Assembly. I assert that, according to the honorable member's view of the privileges of this House, taking the item out of the Appropriation Bill at the dictation of the Council was a bartering away of the birthright of the Assembly for a mess of pottage. If, then, in the past, we have permitted the Council to suggest the elimination of an item from the Appropriation Bill after the mischief has been wrought, what objection can there be to permit the Council to suggest the elimination of an item from the Estimates before any mischief has been done? That is all the difference between the present position of the Council and the position in which it will be placed under this Bill. We propose to do that which is a reasonable, fair, and commonsense thing to do with a Council which will be based upon almost universal suffrage, namely, to allow that Council, in the interest of its constituents, to possess a suspensive veto. The mode in which we propose to enable the Council to deal with an item of expenditure is, in my opinion, the least offensive that could possibly be devised. It is proposed that the Council shall have power to request the withdrawal of an item from the Estimates before the Assembly has discussed the Estimates, and therefore before it has committed itself to the item. Consequently, it cannot be said that the Council will be interfering with a matter which the Assembly has already dealt with. One of the reasons which has induced the Government to propose this course is that it will give an opportunity for the discussion of any particular item objected to, by means of a separate Bill, in the same session that the objection is made. So far as I can see, after all the reflection and experience brought to bear upon it, the mode proposed by the Government is the most rational method of dealing with this matter which can be devised. Can any of our friends, who believe with us that there should be some control over the unchecked expenditure of public money by this House, devise a better system of check? Sir, I don't propose to detain the House much longer. I will again say that, so far as I can forecast the future, if the question of reform is not settled now, it is very difficult to discover when it will be settled. Formerly there were alternative proposals before the country, but there is no alternative scheme before the country now. I ask honorable members to weigh well what will be the future of the colony if this Bill is not carried in some shape or form. It is possible—it is quite on the cards—that there may be another dead-lock. The dangers which we have experienced in the past ought not to be forgotten because they have momentarily passed away. It is impossible, in fact, to believe otherwise than that we shall again suffer the calamities of a dead-lock unless the question of constitutional reform be settled.

Mr. BERRY.—Mr. Speaker, I shall not trouble the House with many remarks at this late hour. I don't think I would have risen at all had not the Premier put the case for the second reading of the Bill in a somewhat unfair way. The very commencement of his speech was, I think, unfair to this House and unfair to the country. The honorable gentleman put it to honorable members that we were to pass this Bill because a certain loss is accruing to the country in consequence of the question of reform not being settled; but if any one member is more to blame than another for the non-settlement of that question, it is the Premier himself. When the honorable gentleman sat on this (the opposition) side of the House, he never told us that it was necessary to settle the question on account of the great loss the country was suffering; and he
never assisted the then Government to get the matter settled. It was altogether immaterial to him how long the question lasted unless the Government of the day could be ejected. All the tactics of the honorable member were employed to prevent the settlement of the question until he could obtain office himself, and deal with the subject in the particular way which he and his friends desired. I admit not only that the question of constitutional reform ought, from its great importance, to be settled as speedily as possible, but also that, owing to one cause and another, it has "dragged its slow length along" to an extent detrimental to the best interests of the country. If we could settle it in a reasonable way to-night, no one would be more anxious to see it settled than I would. But will any honorable member say that the fact of our having endeavoured unsuccessfully for two years to attain that end is any reason why we should do harm to-night? If we cannot settle the question right—and we have been a long time trying to do so—that is no argument for settling it in a wrong direction. It is because we believe that this Bill is worse than no settlement at all that I and those who act with me have been compelled to oppose it. The Premier, after making the plausible but unfair statement to which I have already alluded, went on to remark that no good had resulted from the long discussions which have taken place on the subject of reform. I maintain that, although the question has not been settled, a great deal of good has arisen from the discussion of it. The country is now far better educated in regard to the alterations required in the Constitution than it was when the late Government brought in their first Reform Bill. The Premier says that we are not framing a new Constitution, but at all events we are trying to settle the lines on which the Constitution is based—we are defining and explaining the intentions of the framers of the Constitution, which have been matter of dispute for a quarter of a century. A definition of the powers of the two Houses in the way now proposed is, I submit, essentially a new Constitution. How can the Ministry expect to carry a scheme which shifts the centre of gravity and power, as it were, from the whole people to a section of the people? The settlement of the question of constitutional reform has been prevented, I contend, chiefly by the pertinacious obstruction of honorable members now on the Treasury bench. ("Oh!" from the Ministerial benches.) Those honorable members would not allow the question to be settled on its merits, but insisted upon dragging into the discussion of it every possible side issue. By adopting that course, aided by the commercial depression which prevailed in the country owing to two severe droughts and other circumstances, they managed at the last election to secure a doubtful victory, which has induced them to bring in the present Bill. If they had introduced a Bill of a moderate character—a measure which gave the prospect of doing some good with the certainty of not doing any harm—it might have been accepted by both sides of the House as a partial settlement of the question, pending further experience and a more favorable opportunity for effecting a thorough reform. The Ministry, however, fancy that they gained such a victory at the late election that they can not only negative the proposals of the late Government but carry the war into the enemy's camp, so to speak, and secure a complete victory for the conservative party. The Premier dwelt upon the proposed extension of the franchise for electors of the Legislative Council; but do not the honorable gentlemen and his colleagues know that the liberal party have always objected to the Council being popularized until a definition was obtained of the relative powers of the two Houses? No one who is true to the House which represents the whole people would think of increasing the strength and power of the other Chamber until he knew what the relative powers of the two Chambers were. Although the liberal party theoretically prefer a nominee Upper House as being more in accord with the model of the British Constitution, we have always admitted that we were not opposed to an elective Council and an extension of the suffrage for that Chamber if we first obtained a clear and unmistakable definition of the relative powers of the two Houses. We might even have left that in abeyance for the sake of peace, and have consented to a genuine popularization of the Council—leaving everything else to stand over in the meantime, until it could be seen if the Constitution could be worked without the necessity for any further reform—but have the Government by this Bill proposed a genuine popularization of the Council? ("Yes" from the Ministerial benches.) I say unhesitatingly that they have not.
I admit that the proposed reduction of the franchise for the Council is quite low enough if we are to maintain any reason why there should be two Chambers at all. Probably the mistake, if any, is in going too low; because, if both Houses are elected on precisely the same suffrage, why do we want two Chambers? I don't think that the theory of electing two Houses on the same suffrage can be justified. There is one proposal omitted from the Bill which, if it had been included, would have gone a great way towards popularizing the Upper House, namely, that, as soon as the measure became law, the Council should be dissolved, and a fresh Council elected on the new franchise. The Bill might also have made a greater reduction in the size of the provinces, and abolished the property qualification for members, so as to give the electors the widest possible choice in the selection of representatives. What is the good of lowering the franchise for electors if the property qualification for members is such as not to give the electors a free choice as to whom they will return to the Council to represent them? The proposal in the Bill is, in fact, a delusion and a snare. It is not intended to popularize the Upper Chamber; it is intended to keep the representation in that House in the hands of the same class of members as at present, to increase their number, and to give them increased powers. The Premier says that what he particularly desires to do is to take away from the Legislative Council the power to reject an Appropriation Bill; but what the Council have all along been ambitious to obtain is the right to amend Appropriation Bills, and the Premier proposes to give them that right, and more than that right. If the Council simply had the right to amend an Appropriation Bill, the Assembly would have to be asked to concur with any amendments they made, and might refuse to do so; but it is proposed that the Assembly shall not even have a voice as to the amendments made by the Council. The amendments are to take effect in spite even of the unanimous vote of this House against them. Such a proposition is transferring—there can be no question about it—the supreme power over finance from the Assembly to the Council. The whole tenor of the scheme proposed by the Government is, in fact, to suggest to the Council that they may reject any Bill they don't like—Money Bill or any other measure. If this Bill became law, the Council could practically reject any Budget proposals submitted by the Government of the day. The Premier says—"Let us have peace"; but he proposes that we shall have peace by surrendering all the rights which the Assembly have ever contended for in the contests between the two Houses. Those contests have arisen principally because the Council have endeavoured indirectly to affect an alteration in Money Bills, though the power of amendment is expressly denied them by the Constitution Act. It is now proposed to give them that power. The Bill absolutely concedes to the Council all that they have ever claimed in the past. As to payment of members being taken out of the Appropriation Bill, the Premier knows that it was taken out because the Council had previously agreed to pass payment of members in a separate Bill; but in the event of a dispute like that which occurred over payment of members arising hereafter, what power similar to the power exercised in the late Parliament would the Assembly be able to exercise over the Council under this Bill? The Council would be able to compel the Assembly to take any item off the Estimates, and send it up to them in a separate Bill in order that they might reject it. What means do the Government propose to enable the Assembly to carry an item so rejected? I agree with the Premier that a double dissolution and a joint sitting on an item of finance would not occur once in a generation—perhaps not once in a century. But why not? Because it would be utterly fatal for this House to think of a double dissolution over any single item. Therefore, it is a complete and absolute surrender of the rights of this House to the Legislative Council; and I do not hesitate to say that, in my opinion, no man who expects to be regarded as a liberal, no man who expects to have the confidence of the liberal section of this community, can vote for the second reading of this Bill unless there is a distinct pledge given that the clauses yielding the other House the power to eliminate items from the Appropriation Bill will be abandoned by the Government. That is the only condition on which any liberal, however anxious to settle the question, could possibly vote for the second reading of the Bill.

Mr. Berry.
original motion "That the Bill be now read a second time" (proposed to be omitted with the view to insert the words of Mr. Gaunson's amendment—see p. 658) stand part of the question.

The House divided—

Ayes ... ... ... ... 41
Noes ... ... ... ... 29

Majority against the amendment 12

The House afterwards divided on the second reading of the Bill:

Ayes.
Mr. Anderson, Mr. Lyell,
Andrews, Mr. McIntyre,
Bent, Mr. McLean,
Bosisto, Dr. Madden,
Burrowes, Mr. W. Madden,
Cameron, Orkney,
Carter, Ramsay,
R. Clark, Robertson,
Cooper, Service,
Duffy, Sharpe,
Fraser, Shiel's,
Gibb, Keys,
Gillies, Kerferd,
Harper, Levien,
Harris, Langdon,
Jones, LevieD,
Kerferd, Langdon,
Keys, Levien,
Mr. Moore, Mr. McIntyre,
Mr. Anderson, Mr. Moore,
Andrews, Mr. Young,
Bent, A. T. Smith,
Bosisto, A. K. Smith,
Burrowes, R. M. Smith,
Cameron, Sainton,
Carter, Walker,
R. Clark, Wallace,
Cooper, Wheeler,
Duffy, Zox,
Fraser, Tellers,
Gibb, Mr. Moore,
Gillies, Mr. Young,
Harper, Major Smith,
Harris, Mr. Story,
Jones, Mr. Story,
Kerferd, Tellers,
Keys, Tellers,
Langdon, Mr. Bowman,
Levien, Fincham,

Noes.
Mr. Longmore, Mr. Longmore,
Billson, Mr. McKean,
A. T. Clark, Mason,
W. M. Clark, Mason,
Cook, O'Callaghan,
Davies, Patterson,
Dow, Pearson,
Fisher, Rees,
Gardiner, Major Smith,
Gaunson, A. Young,
Grant, Mr. Story,
Graves, Tucker,
Tellers, Tucker,
Hunt, Walker,
Launridge, Walker,
Laurens, Walker,
Longmore, Walker,

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

Ayes ... ... ... ... 41
Noes ... ... ... ... 43

Majority against the Bill ... 2

The House divided on the question whether the Bill be now read a second time...—

Ayes.
Mr. Anderson,
Andrews,
Bent,
Bosisto,
Burrowes,
Cameron,
Carter,
R. Clark,
Cooper,
Duffy,
Fraser,
Gibb,
Gillies,
Harper,
Harris,
Jones,
Kerferd,
Keys,
Langdon,
Levien,
Mr. Anderson,
Andrews,
Bent,
Bosisto,
Burrowes,
Cameron,
Carter,
R. Clark,
Cooper,
Duffy,
Fraser,
Gibb,
Gillies,
Harper,
Harris,
Jones,
Kerferd,
Keys,
Langdon,
Levien,
Mr. Lyell,
McLean,
Dr. Madden,
Mr. W. Madden,
Orkney,
Ramsay,
Robertson,
Service,
Sharpe,
Shiel's,
A. K. Smith,
R. M. Smith,
Staughton,
Walker,
Wallace,
Wheeler,
C. Young,
Zox,
Tellers,
Mr. McIntyre,
Moore.

Noes.
Mr. McKean,
Berry,
Billson,
Bolton,
Bowman,
A. T. Clark,
W. M. Clark,
Cook,
Davies,
Dow,
Fisher,
Gardiner,
Gaunson,
Grant,
Graves,
Hunt,
James,
Johnstone,
Lalor,
Launridge,
Laurens,
Longmore,
Mr. McKean,
Berry,
Billson,
Bolton,
Bowman,
A. T. Clark,
W. M. Clark,
Cook,
Davies,
Dow,
Fisher,
Gardiner,
Gaunson,
Grant,
Graves,
Hunt,
James,
Johnstone,
Lalor,
Launridge,
Laurens,
Longmore,
Mr. Lyell,
McLean,
Dr. Madden,
Mr. W. Madden,
Orkney,
Ramsay,
Robertson,
Service,
Sharpe,
Shiel's,
A. K. Smith,
R. M. Smith,
Staughton,
Walker,
Wallace,
Wheeler,
C. Young,
Zox,
Tellers,
Mr. McIntyre,
Moore.

DOWER BILL.

This Bill was returned from the Legislative Council, with a message intimating that they had agreed to the same with amendments.

The amendments were ordered to be considered on Tuesday, June 29.

The House adjourned at nineteen minutes to three o'clock a.m., until Tuesday, June 29.

ASSENT TO BILLS.

The Government Gazette, of Friday, June 25, 1880, contained a proclamation that His Excellency the Governor had that day assented, in Her Majesty's name, to the following Bills:

1. Falsification of Accounts Law Amendment Bill.
2. Waterworks Commissioners Act Repeal Bill.
3. Railway Works Construction Bill.
4. Audit Act Amendment Bill.
PROROGATION OF PARLIAMENT.

The following Proclamation was issued on Saturday, June 26:—

Proclamation

By His Excellency the Most Honorable George Augustus Constantine, Marquis of Normanby, &c., &c., &c.

Whereas by The Constitution Act it is amongst other things enacted that it shall be lawful for the Governor to fix such places within Victoria and, subject to the limitation therein contained, such times for holding the first and every other Session of the Council and Assembly, and to vary and alter the same respectively in such manner as he may think fit; and also from time to time to prorogue the said Council and Assembly, and to dissolve the said Assembly, by Proclamation or otherwise, whenever, he shall deem it expedient: And whereas it is expedient to prorogue the said Council and Assembly called the Parliament of Victoria: Now therefore I, the Governor of Victoria, in exercise of the power conferred by the said Act, do by this Proclamation prorogue the said Council and Assembly called the Parliament of Victoria until Saturday the third day of July next.

Given under my Hand and the Seal of the Colony, at Melbourne, this twenty-sixth day of June, in the year of our Lord One thousand eight hundred and eighty, and in the forty-fourth year of Her Majesty's reign.

(L.S.)

Normanby.

By His Excellency's Command,

James Service.

God save the Queen!

DISSOLUTION OF PARLIAMENT.

The following Proclamation was issued on Tuesday, June 29:—

Proclamation

By His Excellency the Most Honorable George Augustus Constantine, Marquis of Normanby, &c., &c., &c.

Whereas by The Constitution Act it was amongst other things enacted that it should be lawful for the Governor to fix such places within Victoria and, subject to the limitation therein contained, such times for holding the first and every other Session of the Council and Assembly, and to vary and alter the same respectively in such manner as he might think fit; and also from time to time to prorogue the said Council and Assembly, and to dissolve the said Assembly, by Proclamation or otherwise, whenever he should deem it expedient: And whereas the said Council and Assembly, called "The Parliament of Victoria," stand prorogued until Saturday the third day of July next: And whereas it is expedient to dissolve the Legislative Assembly; Now therefore I, the Governor of Victoria, in exercise of the power in me vested in this behalf, do by this my Proclamation discharge the Honorable the Members of the Legislative Council from their meeting and attendance on Saturday the third day of July next; and I do dissolve the Legislative Assembly, which is hereby dissolved accordingly. And I do hereby declare that I have this day given order that Writs be issued in due form, and according to law, for the election of Members to be duly returned to serve in the Legislative Assembly.

Given under my Hand and the Seal of the Colony, at Melbourne, this twenty-ninth day of June, in the year of our Lord One thousand eight hundred and eighty, and in the forty-fourth year of Her Majesty's reign.

(L.S.)

Normanby.

By His Excellency's Command,

James Service.

God save the Queen!
DISSOLUTION OF PARLIAMENT.

The following Memoranda were published for general information in the Government Gazette Extraordinary, on June 29:

Mr. Service to the Governor.

Mr. Service deems it his duty to invite His Excellency's attention to the division that took place last night on the proposals of the Government for the reform of the Constitution.

This question of reform of the Constitution has been a prominent one from the earliest period of the existence of the Constitution Act, and fundamental changes were made in that Act during the first session of the first Parliament.

From that time to the year 1878, differences between the two branches of the Legislature arose, with the effect of greatly increasing public interest in the question, and various measures of reform have, from time to time, been proposed to Parliament, without procuring any satisfactory result.

In the year 1878, in consequence of a serious conflict which had recently occurred between the Legislative Assembly and the Legislative Council, this question assumed such great prominence in the public mind that a settlement of it became indispensably necessary. Accordingly Mr. Berry, who was then Premier, submitted with that object to the Legislative Assembly a measure which passed, through its several stages by large majorities, and which was received but not proceeded with by the Legislative Council.

Thereupon Mr. Berry, authorized by a majority in the Legislative Assembly, went to England with a view to obtain from the Imperial Parliament what was termed an "Enabling Act." Failing to procure such an Act, Mr. Berry returned from England and introduced in the Legislative Assembly another Reform Bill, differing in its provisions from his previous Bill, but this, upon its third reading, failed to pass in the Legislative Assembly. His Excellency was thereupon pleased to grant a dissolution of Parliament for the purpose of enabling Mr. Berry to submit that specific Bill to the country, and the result of that appeal was such that Mr. Berry felt compelled to resign without meeting Parliament.

Prior to the dissolution referred to, Mr. Service, as leader of the Opposition, submitted to the Legislative Assembly certain propositions for the reform of the Constitution, and these propositions assumed very considerable prominence during the progress of the election which followed.

Mr. Service having accepted the office of Premier, upon the retirement of Mr. Berry, embodied these propositions in a Bill, which he submitted to the Legislative Assembly, and, notwithstanding that that House had been elected under the auspices of Mr. Berry, he succeeded, on the second reading of the measure, in obtaining in its favour 41 votes as against 43. On the introduction of this Bill, its provisions were fully explained, and, by means of the public press and elaborate discussions in Parliament, the whole of the country has been made well acquainted with them, and 41 journals have declared in their favour, whilst 17 only have opposed them.

Numerous public meetings, of a very influential character, have been held throughout the colony, and have affirmed the desirability of passing the Bill into law, and have expressed the opinion that, if it should be rejected by Parliament, a dissolution ought to be accorded to Mr. Service, in order that the country might have an opportunity to give effect to its views upon the subject. Moreover, a large number of influential petitions from all portions of the country have been presented to the Legislative Assembly expressing unqualified approval of the Bill, and praying that it might pass.

Mr. Service is of opinion that his proposals are regarded by a very large majority of the people of this colony as a moderate and satisfactory settlement of this long- vexed question; and he believes that, if his Bill is now submitted to the country, a new Assembly would be returned in which a good working majority would be found in favour of the provisions of that Bill.

In addition to these considerations, it is evident that no other proposal for reform of the Constitution is likely to command so large a measure of support in the Legislative Assembly as now constituted as the Bill which was last night rejected.
It is conceded by all parties that the question of reform should be settled as early as possible, and this view was shared by the late Secretary of State for the Colonies.

So much sacrifice has been made, and so much interest has been taken, by the public throughout the country, to ensure an early settlement of this disturbing but important question, that it would be little short of a national calamity if any opportunity were now lost to promote that desirable end.

The speediest and most effectual way to attain this object would therefore appear to be to dissolve Parliament, and to submit to the country the proposals contained in the Bill so submitted to the Assembly by Mr. Service, and rejected by it.

In conclusion, Mr. Service desires to state that, in view of the recent general election, he would not feel warranted in advising His Excellency to dissolve Parliament were it not that he feels assured that that course is the only means of securing the satisfactory settlement of the question of reform.

Mr. Service therefore advises His Excellency to dissolve Parliament with a reluctance which is overcome only by the full belief that it is the most prudent course available in the interest of the country.

25th June, 1880.

JAMES SERVICE, Premier.

The Governor has carefully considered the important Memorandum handed to him by Mr. Service yesterday, in which the Government advise an immediate dissolution, and while he feels fully all the objections that may be urged, and the inconvenience that must necessarily be caused by the dissolution of a Parliament which has been so recently elected, it appears to him at the same time that it is absolutely necessary for the well-being of the colony that some solution of the question of constitutional reform should be arrived at with as little delay as possible.

With this view he did not hesitate on the advice of his late Government to grant a dissolution, in order that the Bill introduced by Mr. Berry might be submitted to the decision of the country, and it is evident that the answer to that appeal must have been quite conclusive, at any rate to the minds of the late Government, or they would not have tendered their resignation as soon as the returns were known, without even waiting for the meeting of Parliament.

The main features of the Reform Bill introduced by the present Government which has just been defeated were, at the time of the late dissolution, distinctly placed before the constituencies as the platform upon which the supporters of Mr. Service claimed their support, and it would therefore lead to the belief that the principles of the Bill are such as receive the approval of the country, nor have subsequent events tended in any way to shake that belief.

The Governor freely admits that if the same spirit of mutual moderation and forbearance, the same mutual respect and consideration, which uniformly actuates the relations between the Houses of Lords and Commons in England had been always evinced in the relations between the Council and the Assembly it is not probable that any reform would have been required, or, at any rate, the Bill having been defeated, the question might have been delayed till some more convenient time.

This, however, has not been the case; dead-locks have on several occasions taken place, strong feelings have been excited, and for the last three years constitutional reform has been the one question which has agitated the country to the exclusion of many measures which demand the attention of Parliament. Under these circumstances the Governor considers that it would be impossible to leave this question in its present state.

Did he see any prospect in the present Parliament of forming another Government which would be capable of dealing with this subject without a dissolution, he might hesitate to accept the advice tendered; but as the division itself appears to him to show that such an attempt would be hopeless, he feels bound to accept the advice tendered by Ministers.

If an appeal to the country is to be made upon the Reform Bill, it is evidently desirable that it should be made immediately, in order that the new Parliament may meet again in time to vote Supplies necessary for carrying on the service of the country, and also to devote their attention to the question of reform, and other important matters, with as little delay as possible.

26th June, 1880.

NORMANBY.
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